

**MINUTES OF THE  
REGULAR MEETING OF THE COMMON  
COUNCIL OF THE TOWN OF STAR VALLEY**

**Tuesday, January 7, 2020 at 6:00 pm  
3675 East Highway 260, Star Valley, AZ  
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

- PRAYER was offered by Pastor Dave Barber of Rim View Community Church
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER

- ROLL CALL:

Vice Mayor McKinney X, Council Member Davis Absent, Council Member Armington X, Council Member Binney X, Council Member Rappaport X, Council Member McDaniel X, Mayor Coon X.

- **GILA COUNTY SHERIFF'S OFFICE REPORTS FOR NOVEMBER AND DECEMBER 2019**

Lt. Scott with the Gila County Sheriff's Office gave the reports for November (copy of report not provided) and December 2019.

- **CONSENT AGENDA ITEMS:**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda item, that item will be removed from the Consent Agenda and voted on separately.

**A. Approval of the minutes from the Regular Council Meeting held on December 17, 2019.**

**B. Approval of Claims Payable from December 16, 2019 through December 31, 2019 for the General Fund and for the Water Department.**

**A motion to approve consent agenda items A and B was made by Council Member Armington and was seconded by Council Member McDaniel.**

**A roll call vote was taken:**

**Vice Mayor McKinney X, Council Member Davis Absent, Council Member Armington X, Council Member Binney X, Council Member Rappaport X, Council Member McDaniel X, Mayor Coon X.**

**The motion was voted on and passed 6 - 0.**

- **DISCUSSION ITEMS:**

1. **Discussion and possible action regarding Council recommendation to the State Liquor Board for the issuance of a Bar-Class Series 6 Liquor License to Art G. Georgian for Pete's Place.**

Mayor Coon reported on December 13, 2019 co-owner Timothy Wild was issued a written notification of violation of Star Valley Town Code that prohibits using a business as a residence. Mayor Coon stated he believes Mr. Georgian is living there and probably still is. Mayor Coon pointed out the business address is on Mr. Georgian's Driver's License and also on the Liquor License questionnaire. Mayor Coon asked Mr. Georgian if that is true. Mr. Georgian answered there is a trailer in the back that has been used and has been there a long time and that he had no idea he was in violation. Mr. Georgian stated he will be out of there, hopefully by the first part of next week. Mayor Coon reported on December 20, 2019 a notification of a violation was issued for using a recreational vehicle as a residence. Mr. Georgian explained someone lent him their recreational vehicle. Mayor Coon reported on December 20, 2019 a violation was issued to Mr. Georgian for not having approved restroom facilities in the building, which has been going on for quite some time. Mr. Georgian responded they are under construction. Mayor Coon reported on December 17<sup>th</sup> an inspection report was delivered to Mr. Georgian stating violations began before August. That's six months ago, pointed out Mayor Coon. Mr. Georgian responded they bought in October and he wasn't here prior to that. He was made aware of the urgency and has no real knowledge of what happened prior to getting here. The restrooms will hopefully be done by the middle of next week, stated Mr. Georgian.

Mayor Coon pointed out to Mr. Georgian that he has had more than adequate time to comply and stated his concern it has taken this long without complying to these serious violations. Mayor Coon informed Mr. Georgian he has thirty days from the date of the violation to comply. Town Manager Grier pointed out that it is not that he has thirty days. Mr. Georgian has been notified of a violation in which the Town expects to be cured immediately. The thirty days is the required notice before the Town files a lawsuit. When a notification of code violation is sent out the Town expects immediate compliance, clarified Mr. Grier. Mr. Grier stated his concerns that there hasn't been compliance with several Town Codes. It is believed that Mr. Georgian and others are living in the business. He has been notified that isn't allowable pursuant to Town Code, but that continues. Mr. Grier explained that council is a recommending body and that they can recommend "for" or "against" or "take no position" regarding transfer of the liquor license. Mr. Grier reported he spoke with a representative from the Liquor Board to try and articulate parameters that would be appropriate for council to consider in their recommendation. The three things he was told was whether or not the applicant is capable, qualified and reliable. In light of the code violations that have occurred, it is hard for staff to recommend "for" a liquor license when the applicant is not following Town Code. Other things to be considered, according to the Liquor Board, is whether or not it's a needed business/liquor license in the area, and whether it's in an appropriate place.

Town Manager Grier stated it is his understanding that if council takes a position to deny, the Liquor Board will have a hearing in about five weeks that he will be attending representing the council as attorney for the Town. Mr. Grier reiterated is it up to council to determine whether or not to recommend "approval" or "denial" or to "take no position." Mr. Georgian stated he immediately moved out of the RV when the Town attorney first came to him. There is a trailer on the facility that has been in use the whole time and now he is made aware that doesn't work. Mr. Georgian stated now he has to find a residence, which isn't the easiest thing to do in this area in terms of finding a rental property. He understands he is going to do that and questioned why it does not qualify him. Mr. Georgian stated he doesn't think that is

fair. He's owned a bar before and he's run bars before and he is qualified. If it is just the issue of him not knowing about what appropriate occupancy is, he is going to cure that. He stated he has reacted quickly and diligently and the last thing he wants to do is be a thorn or create problems. Mr. Georgian stated he promises he will be out of there within the time frame. His intent is not to create a problem for the Town or the impression that he has been belligerent about this as he doesn't think he has.

Town Manager Grier responded that Mr. Georgian did not comply immediately. It was not until the third contact did Mr. Georgian move out of the RV. That is not immediate compliance, stated Mr. Grier. We believe there is probably residence, not only in the trailer, and that is not allowable by Town Code. That hasn't been lived in for probably twenty five years or more. Mr. Georgian commented that is not true. Mr. Grier responded the business owner immediately behind him would argue against the assumption that there has been somebody living in that trailer for the past twenty five years. Even if it had "grandfathered" rights, which it doesn't, because it wasn't a conforming use at any time, because it wasn't compliant with Gila County. Mr. Grier explained a "grandfathered" right is something that has a conforming use at one time then later becomes non-conforming with code. That was never conforming, and the Town adopted Gila County codes. The Town has never allowed a residence to be on the commercial property. This is an example of the frustration that staff has had in dealing with the owner is that we hear the same sort of story that just doesn't hold water. Mr. Grier stated his patience has worn thin. It is money spent by the taxpayer to have the Town attorney write the letter. These violations still continue on and are still in place.

Mayor Coon asked Mr. Georgian when he took ownership of the business. Mr. Georgian replied the middle of October. Mayor Coon stated Mr. Georgian has had from October to comply. Mr. Georgian explained he moved the RV to the trailer park and stayed there for almost a month and a half. It was broken into and he wanted to make sure the trailer was livable. It was and he decided to move in there because he is there almost all of the time working. He runs it all by himself and does all the cleaning and everything on his own. Mr. Georgian stated he was told by the previous owner that it was "grandfathered." Mayor Coon stated he understands it is not easy to start a business, but to be fair, that is not the Town's problem. Mayor Coon asked when construction was started on the bathroom. Mr. Georgian answered he didn't start the process and that it was the previous owner that did. Mayor Coon stated the bathroom problem was there when he bought the place, in fact way before that, so that is not a new issue at all. Mr. Georgian stated he hired contractors and he will get it done or he risks being sued or shut down and he doesn't want that. Mayor Coon replied the Town is not here to shut businesses down but to make sure Town codes are complied with. Mayor Coon stated Mr. Georgian has had plenty of time to get the place in order and he doesn't see any compliance and is hearing only excuses about not having the money and not being able to find a place to live. These are the business owner's issues, not the Town's. We try to be as lenient as we can, but there's a limit to what the Town can do, stated Mayor Coon. Otherwise everyone is going to have excuses for not complying. Mr. Georgian responded he will comply within the time frame. The bathrooms are under construction and will be completed in a week and a half.

Mayor Coon asked Mr. Georgian if he is still living on the property. Mr. Georgian answered he is living in a trailer behind the property and that he knows he needs to get out. Council Member Binney stated this is a non-compliance issue and added that past performance dictates future performance. Council Member Binney questioned if another liquor license is needed in this Town. The answer is "No" stated Council Member Binney. The Town already has two compliant places and he thinks that's more than enough. Mayor Coon responded in all fairness it's not up to council to decide how many the Town needs. The goal here is to make sure that anybody that applies for any license complies with the Town codes. Council Member Binney asked what the qualifications were from the Liquor Board. Town

Manager Grier answered that was one of the factors to be considered. It is somewhat unclear if that was a factor to be considered in a transfer or a new liquor license. The Liquor Board has the jurisdiction to make the decision and council is a recommending board, reiterated Mr. Grier. The motion that Council articulates tonight will be argued by him at the hearing that will take place in about five weeks.

Council Member Rappaport asked when the interim license expires. Mr. Georgian answered he thinks it is March. Council Member Rappaport asked if he is open for business now. "Yes," answered Mr. Georgian. Council Member Rappaport stated she has a problem with that with the toilet facilities because then it becomes a health problem. Council Member Rappaport asked if any of these have been complied with. Mr. Georgian questioned if they weren't a violation prior to him purchasing. The plan from the beginning was that they didn't want outside bathrooms and he understands they shouldn't be that way. Mayor Coon stated Mr. Georgian has been given notification on violations of the three issues. Mr. Georgian responded the violation he got on the bathrooms was just two to three weeks ago and he immediately took actions to expedite that. Mr. Grier responded that the porta-johns outside are a building code violation. Building Code Chapter Twenty Seven requires that you have toilets that work inside. The Town may decide to close doors if that violation isn't cured in the next week to week and a half.

Mr. Grier stated he is troubled with having a new owner coming in and blaming the old owner. It is the responsibility of not only the new owner to understand what they are buying into, but the disclosure on the part of the previous owner, Mr. Soldevere. Mr. Grier reported it was an ongoing problem for months with Mr. Soldevere that started with him getting a report that bathrooms were being constructed without a building permit. Mr. Soldevere refused to allow an inspection. At this business there hasn't been compliance since sometime in the summer. A business is required to have workable bathrooms and Pete's Place does not. Town Code requires that you cannot live on premises unless it's an upstairs. That violation is ongoing and continues to be. Mr. Grier stated he thinks the Town should have immediate compliance when there is contact with a business owner and the Town is not getting that.

Mayor Coon asked Mr. Georgian if he can comply with all three within a week and a half. Mr. Georgian stated he was told if he wouldn't comply, he would be shut down, so he really doesn't have any choice. Mr. Georgian stated he intends to take responsibility and he intends to fix this and that he mistakenly assumed he had plenty of time. Mr. Georgian stated he is only asking for the time the Town said he had to fix the issues. Mayor Coon questioned how long the liquor license can be used on the old license. Town Manager Grier responded that is two separate issues. If Mr. Georgian doesn't comply, he will be shut down. That date will happen from the notice from the building inspector. That will be the day that Star Valley will take measures to shut down the business if the bathrooms aren't workable. Mr. Grier pointed out that is separate from the recommendation that council has tonight. However, without compliance, how can a recommendation be made for transfer of the liquor license. If there is a recommendation to deny the owner would have the opportunity to cure the issues in a five week time frame.

Mayor Coon asked about approval pending Mr. Georgian getting this done in a week and a half. Mr. Grier answered he recommends for council to deny. Mr. Georgian asked if there is any way to withhold that and give him one and a half weeks to cure and comply. His intent is to comply, stated Mr. Georgian, and not to stall. Mayor Coon stated it's not right for council to approve something based on a promise. Mr. Georgian responded he is asking for council not to approve it but not to disapprove it and give him a week and a half. Mayor Coon stated technically he should not have been allowed to open the place up while being out of compliance. Mayor Coon explained council is in a position tonight to deny, approve or make no commitment. Mr. Georgian again asked council not to deny or approve and to give him an opportunity to prove to them he will do what he said he will do. Council Member Armington asked if this can be revisited at the next council meeting to give him his week and a half to comply. "No,"

answered Mr. Grier. This hearing has been posted and the decision needs to be made tonight. Council Member McDaniel asked if the vote is to disapprove, and after that time the violations are remedied, that can be presented before the Liquor Board for them to make the final decision. Mr. Grier answered the final decision is the Liquor Board and the Town is the recommending body. It would be the owner's opportunity to argue that he has remedied the concerns that he heard at the council meeting. Mayor Coon stated he can't go along with approving when Mr. Georgian hasn't done the things he's supposed to do. Council Member Rappaport stated she would like to make a motion to call the question. Mr. Grier responded he doesn't know what Council Member Rappaport would be calling the question for. Council Member Rappaport answered to approve or not approve. Mr. Grier stated if council is done deliberating any of the council members can make a motion at this point.

**A motion to deny based on non-compliance was made by Council Member Binney and was seconded by Council Member Rappaport.**

Council Member McKinney stated he would like to go on record in support of Council Member Binney's motion. A decision needs to be made tonight and that would be the correct decision for council to make.

**A roll call vote was taken:**

**Vice Mayor McKinney Yes, Council Member Davis Absent, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.**

**The motion was voted on and passed 6 – 0.**

- **COMMENTS FROM THE PUBLIC**

During this portion of the meeting, members of the public may address the Town Council on items that are not on the printed agenda. Any remarks shall be addressed to the Council as a whole and not to any individual member. Speakers are limited to three (3) minutes per person unless additional time is granted by the Mayor. The Council may not discuss or act upon matters raised during public comments.

The Mayor opened this portion of the meeting up for public comments.

Bill Rappaport of 699 E. Highline Dr. in Star Valley applauded the council for what was done tonight and added that nobody wants that place here. It's been an eyesore from the very get-go and it's very close to the church. That was a big issue. Council did the right thing.

There were no further comments and the Mayor closed this portion of the meeting.

- **ADJOURNMENT**

**A motion to adjourn the meeting was made by Council Member McDaniel and was seconded by Council Member Armington.**

**The motion was voted on and passed 6 – 0.**

**APPROVED:**

\_\_\_\_\_  
**Gary Coon, Mayor**

**Date:** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Edie Chapin, Town Clerk**

**CERTIFICATION:**

**I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Star Valley held on the 7<sup>th</sup> day of January 2020. I further certify that the meeting was duly called and held, and that a quorum was present.**

**Dated this 9<sup>th</sup> day of January 2020.**

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**Edie Chapin, Town Clerk**