

**MINUTES OF THE
SPECIAL MEETING OF THE COMMON
COUNCIL OF THE TOWN OF STAR VALLEY
Tuesday, March 31, 2020 @ 4:30 p.m.
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL (Council Members appeared telephonically):

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

• **DISCUSSION AND POSSIBLE ACTION ITEMS:**

1. Discussion and possible action to consider the state's new stay-at-home order and the Town of Star Valley decision making process on the closing of businesses and other activities as well as Town employees.

Town Manager Grier explained a special meeting has been called because things are moving fast and a new Executive Order 2020-18 (titled "Stay Home, Stay Healthy, Stay Connected") from Governor Ducey goes into effect today. Part of that Executive Order requires that non-essential businesses are closed to the public. Mr. Grier asked council if they are familiar with this new Executive Order. All council members confirmed they are. Mr. Grier added he called this special meeting to make sure everyone is on the same page or if there is direction council would like to give him. Mr. Grier reported Town Hall has been getting calls from businesses that have inquired whether or not they are able to stay in business. It is anticipated that Town Hall is going to get additional phone calls from the business community and possibly from others concerned about the business community. Council Members may also likely get some phone calls as to what this means for the Town of Star Valley.

Town Manager Grier went over the course of action he thinks the Town should take. The plan for Town Hall is to remain on the same status that all three employees are showing up to work a 40 hour work week with the doors closed to the public. One additional restriction, that would be smart to put in place, is to ask council to communicate by phone to staff. Mr. Grier disclosed he doesn't have an answer if one of the staff members is exposed to the coronavirus and has to quarantine, as to how that would be done, with such a small staff. In talking with Council Member Armington, reported Mr. Grier, the county is taking measures on staggered shifts so that they would keep a workforce. The Town does not really have that luxury with three staff members. Mr. Grier informed council that staff will communicate more frequently by memo to keep them informed.

Town Manager Grier reported that some cities and towns have closed their parks. His suggestion is that the Town should continue to keep the park open as it is getting some use. Mr. Grier stated he thinks people are social distancing at the park and it gives them a good healthy place to go outside.

Council Member Rappaport stated she thinks the Town should close the park. Mayor Coon recommended leaving the park open and that he doesn't see any problem. It's a place for people to go, stated Mayor Coon. Council Member McDaniel stated she thinks the park should be left open. Council Member Davis stated he also agrees to leave the park open and that council should discuss whether the park restrooms should be left open. If the restrooms are left open, they may need to be sanitized daily, concluded Council Member Davis. Council Member Rappaport reiterated she would like to close the Town park. Council Member Armington stated he agrees that the park should be left open but should be sanitized. Vice Mayor McKinney stated he agrees with Council Member Armington. Council Member McDaniel stated the park should be left open and the Town could put up a sign to remind people to practice social distancing.

Council Member Binney commented he believes the Executive Order states that the orders aren't allowed to be modified, and the order states parks could be open. Mayor Coon acknowledged that was Governor Ducey's order. Mayor Coon then asked Town Manager Grier to address the question of modification. Mr. Grier answered he hasn't read through it and can't give a good legal opinion on that. He does think there are cities and towns closing their parks, and some that are keeping them open. It sounds like the will of the council is to keep the park open. The Town has a cleaning crew, reported Mr. Grier, that go over twice a week and that is pretty much what we have. It would be difficult to do additional cleaning, concluded Mr. Grier. Mayor Coon stated it may be a good idea to close the restrooms during this period because that would be a good source of catching the virus. Mr. Grier stated he wasn't suggesting closing the restrooms. Council Member Rappaport asked what the bathrooms are being cleaned with. Mr. Grier answered he does not know the brand of disinfectant that is being used. Council Member Rappaport suggested using Clorox at a one to ten mix.

Council Member Davis asked the cost of having the restrooms cleaned twice a week. Finance Administrator Nutt answered it is about \$70.00 every two weeks. Council Member Davis suggested staff contact the cleaning crew to find out what they would charge to have them cleaned on a daily basis. It is an expense, but if we want to keep our park open it would provide our citizens with a level of comfort that we are sanitizing and cleaning as best as we can, concluded Council Member Davis. Council Member Rappaport stated her vote is for cleaning the restrooms daily if it is decided to keep the park open. Mr. Grier responded he is not sure if that is available. There wasn't a long line for people to clean the park restrooms, reported Mr. Grier. He can check to see if they can do it more frequently, but it may be a question of them not being available, and the Town doesn't have anybody else. Council Member Rappaport asked if the playground equipment is being cleaned. "No," responded Mr. Grier. That's a bad deal because it stays on hard surfaces forever, stated Council Member Rappaport. Mayor Coon stated it gets complicated. He understands everybody's view and agrees with making some sort of commitment to cleaning the bathrooms once a day. The motion now is whether to keep the park opened or not and he agrees with Council Member Rappaport the virus will stay on swings and so forth, but not for that long, maybe a day or two, from what he has been told. Council has to find a happy medium, acknowledged Mayor Coon.

Council Member Binney stated if the Town shuts the bathrooms down, then the Town might as well shut the entire park down. The reason being, from what he has read, soap and water is the best way to kill the virus from your hands. People need the opportunity to wash their hands with soap and water. Council Member Binney stated as far as cleaning every day, he guesses it couldn't hurt. People have to be responsible for their own health to a certain point, but they need soap and water to do that. Mayor Coon stated it's a dilemma and he doesn't really know the answer. Council needs to try to come up with a partial solution, whether to keep the park opened or close it. If we really want to be safe, commented Mayor Coon, the only answer is to shut everything down, and he doesn't think council wants to do that.

Whatever council does (to leave things open) there's going to be a certain element of danger involved and that's what council is going to have to live with. Mayor Coon advocated the restrooms should be left open with the idea of cleaning them as much as possible. Whether the Town can find somebody that can do it might be a challenge, concluded Mayor Coon. Town Manager Grier disclosed he is doubtful the Town is going to get the restrooms cleaned more than twice a week.

A motion to keep the park open, to continue to clean the park restrooms twice a week and to have Town staff put a sign on the restroom doors advising people to wash their hands and their children's hands after use was made by Council Member Davis and was seconded by Council Member Binney.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Davis Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport No, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 6 –1.

Town Manager Grier reported the more difficult issue facing the Town is closures of essential and non-essential businesses. If you read through the Executive Order, it may be difficult to determine what an essential business is and what a non-essential business is. It is rather broad in definition of essential businesses and most of our businesses in Town fall under that category. We may or may not have businesses that do not fall under the essential business category. Mr. Grier suggested for council to go forward in this fashion. If Town Hall gets inquiries from business owners or others, our response is for them to research the Governor's Executive Order 2020-18 to determine whether or not it's appropriate for their business to stay open or not. That should be where our answer begins and ends to businesses, stated Mr. Grier. It is going to be difficult for the Town, and this is where the Executive Order is a bit ambiguous under enforcement, whether or not the Town has a duty to do a legal analysis for each of the different businesses that are out there. It may also be difficult for the Town to enforce. Reported Mr. Grier, one of the enforcement mechanisms is a class one misdemeanor. That has to be cited by Gila County Sheriff's Office, then it would have to be prosecuted and it would have to be proven beyond a reasonable doubt because that's the criminal citation. It would also have to be able to make its way into the courts, and right now the courts are continuing a lot of cases with their concern about exposure to the coronavirus. There are difficulties in enforcement, stated Mr. Grier, and a bit of an ambiguous line drawn in the Executive Order on who enforces and who makes a legal determination of whether or not the business is an essential business or a non-essential business.

Town Manager Grier disclosed it's a difficult decision for a Town to close businesses. He fully supports the closure of bars and restaurants that was put in place with the previous order and remains in place. Now it becomes a bit more tenuous and ambiguous as to essential and non-essential businesses. His position would be, if the Town gets inquiries, to direct the inquiries to research the Governor's Executive Order to make the determination of whether or not their business falls into that category. We have to be careful, of course, because we can't defy the Governor's Order, added Mr. Grier. At the same time, it is a bit ambiguous as to the role that a government (political subdivision) takes in the analysis and enforcement. Council Member Rappaport stated the Town Manager is right on the money because the Town has no means of enforcement. Mayor Coon stated he agrees. It seems that every business that he looks at in Star Valley, he can see some reason for it to be kept open. Mayor Coon referred to 2A of the 2020-18 Executive Order that states "to conduct or participate in essential activities." Mayor Coon stated he thinks Governor Ducey was pretty vague on that, on purpose. Governor Ducey doesn't want to shut businesses down and neither do I, disclosed Mayor Coon. The way to handle this is just to leave it alone and let the businesses stay open, concluded Mayor Coon.

Council Member Rappaport stated the businesses need to take responsibility and the Town needs to refer them to Executive Order 2020-18. The businesses know the Town doesn't have a police force, and why would the Town hit someone with a misdemeanor if nothing happens. Council Member Binney stated he believes somewhere in the paperwork it states the first time they serve notice it will just be a warning. If people stay open and someone wants to enforce it, they get a warning first, then they can make their decision again. Mayor Coon stated he agrees. Council Member Rappaport stated that could work. Town Manager Grier cautioned about starting to go down the road that the Town is going to give a warning and he doesn't think council wants to do that. Mr. Grier pointed out his suggestion was that the Town recommend that businesses research the Executive Order to determine whether or not it is appropriate for their business to continue.

Mr. Grier asked council if they are all comfortable being on that page. Mayor Coon asked if a motion is necessary. Mr. Grier responded that a motion isn't necessary and that he would like to have a consensus, so he knows that what is being done at Town Hall is in fact the direction council wants to go. Mayor Coon stated he thinks all the businesses he is aware of are essential and need to stay open. Council Member Davis stated he agrees with the advice of the Town Manager. Council Member Binney stated he agrees with the Town Manager to refer businesses to 2020-18 and they make the decision. He would not go as far as to say all businesses are essential, concluded Council Member Binney. Vice Mayor McKinney stated he agrees with Council Member Binney. Council Member McDaniel stated she agrees. Council Member Rappaport stated she agrees with it too, but if some virus raises its head in Town then council is going to have to look at it again. Council Member Armington stated he agrees with everything the Town Manager just said. Town Manager Grier disclosed Council Member Rappaport is right, and council may have to look at this again. We all know this is a situation that seems to change by the hour and one that is difficult to anticipate. We have to react to and try to stay ahead of the curve as well. Mr. Grier informed council another meeting will need to be held for selection of an engineer for the CDBG project.

- **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.

There was no public in attendance and the Mayor closed this portion of the meeting.

- **ADJOURNMENT**

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

The motion was voted on and passed 7 – 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 special meeting of the Town Council of the Town of Star Valley held on the 31st day of March 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of April 2020.

Edie Chapin, Town Clerk