

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

**Tuesday, February 15, 2022 at 5:15 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 X, Council Member Armington X,
Council Member Binney X, Council Member Rappaport X, Council Member McDaniel X.

- **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 Vice Mayor opened up this portion of the meeting for public comment. There were no comments and the Vice Mayor closed the public comment portion.

- **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 February 1, 2022.

B. Approval of Claims Payable from February 1, 2022 through February 15, 2022 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 Davis.

A roll call vote was taken:

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

The motion was voted on and passed 6 - 0.

- **DISCUSSION ITEMS:**

- 1. Discussion and possible action to donate to the Gary Hardt Memorial Rodeo.**

Town Manager Grier pointed to the information provided to council in their books. Council Member Armington asked if it could be done in one shot to get it done and out of the way. Mr. Grier confirmed it could be done that way. Council Member Rappaport asked if they are going to have the spring rodeo. “Yes,” answered Vice Mayor McKinney. There was no further discussion.

A motion to approve a contribution for \$2,750.00 for both the spring and August rodeos was made by Council Member Armington and was seconded by Council Member Davis.

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 Yes, Council Member McDaniel Yes.

The motion was voted on and passed 6 - 0.

- 2. Update council on new cost estimates regarding the water project that will replace the existing water line under Highway 260. Grier/Nutt.**

Town Manager Grier reminded council this project proposed to bore under Highway 260 to replace the existing four inch water line with an eight inch water line. Mr. Grier reported a more definitive cost in the amount of \$209,000 has been received – an additional \$84,000 from the previous estimate. A sizable amount, added Mr. Grier, that needed to come back in front of council for their consideration and whether or not they still want to do the project. Council Member Binney stated it will only get more expensive. It will be good for the Town and he says go for the \$209,000. Council Member Davis stated he agrees with Council Member Binney. The Town needs to go ahead and do it. We have the funds to do it and it’s not going to get any cheaper. Mr. Grier added staff feels this is a very important project for the Town to connect the north and south side of the Highway. Staff recommendation is to go forward with the project. This is not a frivolous expenditure and is a very sound improvement to the water company, concluded Mr. Grier

Council Member Rappaport commented she thinks it’s needed. Queried Council Member Rappaport – Are we approaching an end to all these water projects? Town Manager Grier answered the Town will continue to have good water department expenditures. Maybe the Town will also look at what it can do for fire protection. Queried Mr. Grier – Could we not spend another dime on the water company and get by for the next twenty or thirty years? We probably could, responded Mr. Grier. If we want to look at a water system that perhaps has merit for fire protection as well, explained Mr. Grier, then we look at projects like additional water tanks at the Knolls so fire flow can be sustained longer. The Town could decide not to spend any more money on the water company and we could supply reliable water to customers for decades. We could also spend money on the water company and improve the reliability. Council Member Rappaport commented there is another water problem and that is sewage. She’s wondering if the Town could start addressing that a little bit. Mr. Grier answered that is a whole different subject that has been looked at with past councils with a very big price tag. Mr. Grier reported he thinks it was seventy million twelve years ago. Mr. Grier informed there is a sewer study on file from Tetra Tech. Council Member Rappaport advocated getting a little government help on sewage.

A motion to authorize the Town Manager to begin the water line replacement project under State Highway 260 at an estimated cost of \$209,000.00 was made by Council Member McDaniel and was seconded by Council Member Davis.

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 Yes, Council Member McDaniel Yes.

The motion was voted on and passed 6 - 0.

3. Discussion and possible action to appoint and fill the vacancy of mayor.

Vice Mayor McKinney stated there are a couple of things that council needs to understand. The statute, explained Vice Mayor McKinney, says that the council “shall” fill a vacancy that may occur by appointment until the next regularly scheduled council election. It is clear that council needs to appoint someone, otherwise council will be violating A.R.S. 9-235 because the plain language makes appointments mandatory. Additionally, explained Vice Mayor McKinney, A.R.S. 16-230 (B) states that persons appointed to fill the vacancy “shall” remain in office until the person elected takes the oath of office. We are required to fill the vacancy and we have a time constraint so we must do this tonight. Vice Mayor McKinney reported that Mayor Coon was elected in 2020 for a four year term, which means there is more than two years remaining on the term. The mayor seat, explained Vice Mayor McKinney, would be placed on the ballot at the 2022 regular election in August. The seat would be for a two year term, the years remaining on the mayor’s term from the date of the 2022 election until the end of the term in 2024. There is an additional oddity, added Vice Mayor McKinney, if someone from council would like to run, that person cannot nominate or vote for themselves.

Queried Council Member Armington – Do we have any takers from the outside world? We didn’t advertise this, did we? “No,” responded Town Manager Grier. Mr. Grier stated his legal analysis is a bit different than what he told council last time. Mr. Grier explained that he told council if they do not appoint then it goes to a Special Election. Staff looked into whether or not we could do a Special Election – the Gila County Elections Department said we could not. Staff started to research the oddity of what our Town Code said and not being able to take it to a Special Election. Mr. Grier reported he contacted the general counsel with the Arizona League of Cities and Towns and discovered our Town Code was outdated as the state statutes were changed in 2011. State statutes take precedence over Town Codes, explained Mr. Grier, unless you are a Charter city. The state statutes apply to this and it is clear according to A.R.S. 9-235 that council “shall” appoint. Council, acknowledged Mr. Grier, may or may not have a challenge in appointing. Maybe it’s a little bit tougher because a person can’t nominate or vote for themselves. There are different options if council is not able to appoint, concluded Mr. Grier.

Vice Mayor McKinney asked for nominations. Mr. Grier advised to first find out who is interested. Vice Mayor McKinney and Council Member Davis acknowledged their interest. Council Member McDaniel asked if a majority vote is four out of the typical seven or three out of the remaining five. Mr. Grier responded he doesn’t really know the answer to that and thinks it will have to be what council decides they want to say is a majority. He supposes it would be clear that a nominee with four votes would be mayor. Mr. Grier added he doesn’t know if a second is required as it doesn’t outline that. Vice Mayor McKinney asked if anyone has a nomination to make.

A motion to nominate Bobby Davis was made by Council Member Rappaport. A motion to nominate Andy McKinney was made by Council Member Armington. There were no further nominations.

Vice Mayor McKinney suggested to vote in the order nominated and asked all those in favor of Council Member Davis to please indicate by raising their hand. Vice Mayor McKinney reminded Council Member Davis that he can’t vote for himself.

A hand raise vote in favor of Council Member Davis was taken:

Vice Mayor McKinney X, Council Member Davis Can't vote for himself, Council Member Armington X, Council Member Binney Raised hand, Council Member Rappaport Raised hand and Council Member McDaniel Raised hand.

The motion was voted on and passed 3 - 2.

Vice Mayor McKinney proclaimed Council Member Davis as the new mayor. He congratulated him and handed him the gavel. Newly appointed Mayor Davis stated he is honored to have been appointed by the council and appreciates their support. He will dedicate himself to being a good representative for the Town of Star Valley. Council Member Armington asked if a Vice Mayor will need to be appointed. Town Manager Grier answered Andy McKinney remains Vice Mayor. An opening for a council seat has been created and the filling of the vacant seat will be at the next regularly scheduled meeting, concluded Mr. Grier.

• **ADJOURNMENT**

A motion to adjourn the meeting was made by Mayor Davis.

The motion was voted on and passed 6 – 0.

APPROVED:

Bobby Davis, 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 15th day of February 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 17th day of February 2022.

Edie Chapin, Town Clerk