

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

**Tuesday, September 5, 2023 at 5:15 pm
4180 East Highway 260, Star Valley, AZ
(Rim View Community Church)**

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 Armington X, Council Member Binney X,
Council Member Dueker X, Council Member Highstreet X, Council Member McDaniel
X, Mayor Davis 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 Mayor opened up this portion of the meeting for public comment. There were no comments and the 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 August 15, 2023.

**B. Approval of Accounts Payable from August 16, 2023 through August 31, 2023
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 Binney.

A roll call vote was taken:

**Vice Mayor McKinney X, Council Member Armington X, Council Member Binney X,
Council Member Dueker X, Council Member Highstreet X, Council Member McDaniel
X, Mayor Davis X.**

The motion was voted on and passed 7 - 0.

- **PROCLAMATION:**

1. **Proclaiming September 10-16, 2023 as National Patriotism Week.**

Town Clerk Chapin read the Proclamation.

- **DISCUSSION ITEMS:**

1. **Discussion, public hearing and possible action regarding APPLICATION NO: RZ 23-001; Mogollon Meadows, LLC, the applicants. The location of the property is AZ State Route 260, Star Valley, AZ 85541. The Assessor's Parcel Number is 302-58-001E. The property is currently zoned Transitional Residential Trailer District ("TR TD"). The applicants would like to rezone to a greater use of Commercial Three District ("C3").**

Mayor Davis reported that the Planning and Zoning Commission recommendation to the council is to grant this zoning change with certain conditions. The council can approve, deny or approve with conditions. The council can adopt the Planning and Zoning recommended conditions in whole or in part, explained Mayor Davis, or can add additional conditions if they see appropriate. This is the second public hearing, stated Town Manager Grier, and the second opportunity for the public to address the council on this issue.

Town Manager Grier began with a PowerPoint presentation (see Town of Star Valley/Mogollon Meadows, LLC Rezoning Request) covering *WHAT IS ZONING? WHY DO WE HAVE ZONING? HOW DOES ZONING WORK? WHAT IS THE REZONING PROCESS?* As the attorney for the Town of Star Valley, stated Mr. Grier, it is his job to safeguard the zoning application procedure to make sure that the applicant and the public have their due process rights protected. Mr. Grier then explained the rezoning process from start to finish (see *WHAT IS THE REZONING PROCESS?*). The town council, added Mr. Grier, is the deciding legislative body. Mr. Grier continued on to the next slide titled *MOGOLLON MEADOWS, LLC – REZONE REQUEST* and reported that Todd Meyers with Maverik is here to address the council tonight. What the council has available to them, if they think the C3 zoning doesn't quite fit, is that they can approve the zoning request but with certain conditions. This gives them some room to maneuver and hopefully get a better fit. We have highlighted in yellow the property that is subject to the zoning change (see *PROPERTY SUBJECT TO ZONING CHANGE REQUEST*). Mr. Grier then went over the slides titled *FACTS TO CONSIDER* and *WHAT ARE CONDITIONS?* The council, added Mr. Grier, has a lot of room to maneuver with conditions if they so choose. The council is the end of the road as far as decision making here tonight. Mr. Grier read the list of conditions recommended by the Planning and Zoning Commission (see *PLANNING & ZONING COMMISSION RECOMMENDED CONDITIONS*). Mr. Grier then concluded the PowerPoint Presentation by going over the staff proposed additional conditions for the council to consider (see *STAFF ADDITIONAL RECOMMENDED CONDITIONS*).

Mayor Davis invited applicants Lee and Tina Martinez and the Maverik representative to speak about this project. Mayor Davis stated he hopes this meeting will answer a lot of questions everyone may have. The public can ask their questions, concluded Mayor Davis, when he opens the meeting up for the public. Applicant Lee Martinez stated the plan hasn't changed drastically from the beginning when he first designed it. His plans are to build a commercial entity on the frontage. That is the last frontage in Star Valley, added applicant Lee Martinez, and it definitely has value. Applicant Lee Martinez explained he plans to put in storage units that have a minimum twelve foot high wall to create a border from the 260 to stop noise and provide security. There is going to be a gate to the residential portion of the

development as well. They ran into some hurdles, reported applicant Lee Martinez, mostly with ADOT. It's been two years now since they started the process. ADOT requires that they get the zoning changed before they issue their permit to them so they can get started on construction. The council needs ADOT approval in order to issue a zoning change. They are kind of in a catch 22, pointed out applicant Lee Martinez. They are here tonight, stated applicant Lee Martinez, to get over that hurdle so that they can go back to ADOT to have them issue the permit.

The land right now, reported applicant Lee Martinez, is landlocked. There is no access to the property. The Freegards held onto Freegard Lane as their sole entrance and exit and they are not sharing that with them because they don't want commercial activity going back into their area. When they purchased the property, reported applicant Lee Martinez, they made an agreement with the Freegards to allow an additional fifty feet of green belt between their development and (the Freegard) homes so that they could continue to have the lifestyle they have had all along. They have designed two site built models that they are planning on building that will be up front on the 260. They are affordable, explained applicant Lee Martinez, as defined by the state of Arizona. In July of 2021, the Affordable Housing Act was signed into law which states that there will be special financing rates and down payment rates for people that are trying to buy an affordable home. An affordable home has to be under the purchase price of \$379,000. There is a challenge there to try and buy land and develop it, stated applicant Lee Martinez, and deliver a home for that amount of money.

On the far west end of the property, explained applicant Lee Martinez, they are going with an RV type product. He decided if people didn't have to haul their stuff up here, if all they had to do was come up here and have their campground already set up for them, it would probably be better for everyone and it would reduce the number of wheels on the road. What they've designed will be a nice atmosphere and it won't affect the traffic because what they are going to do is an annual payment for people that lease those RV spaces. They won't be moving them in one day and moving them out the next day. There won't be day to day traffic, stated applicant Lee Martinez, and he doesn't want that. The RV product is on a little bit smaller lot and they are going to be long term leases. It's going to change the dynamic of the rental space here in town. They are not going to have daily rates or weekly rates or any of that, added applicant Lee Martinez. While the development is under his control, stated applicant Lee Martinez, he is not going to allow any rental units at all. Once they no longer maintain the majority ownership of the premise and the homeowners establish their own governing board to handle how they are going to do things within the property, stated applicant Lee Martinez, that may change.

Applicant Lee Martinez stated he feels this product is the best use of this sight. He wants to deliver some affordable housing to the community. The state mortgage authority has 3% down and 5% down money for affordable housing. That is really a low cost to get into a home. Affordable, pointed out applicant Lee Martinez, will be the definition that the state has given to affordable housing. The residences and the storage units, reported applicant Lee Martinez, are going to be solar powered. He has purchased over 500,000 kilowatt hours of solar electricity from APS for use on the property. That will fix the rate because the price will be locked in the day they close the deal with APS. They are buying a fully self-contained sewer treatment plant that has a zero nitrogen emission. The only thing that these people will buy on a monthly basis, reported applicant Lee Martinez, is drinking water from the Town of Star Valley. The homes and RV sites, reiterated applicant Lee Martinez, are all electric. One of the good things that Maverik has done, stated applicant Lee Martinez, is that they have designed their store to try and protect the smaller cars from the larger vehicles by separating them. It is not a truck stop and it never was going to be a truck stop. He doesn't know how that started but it is wrong. Applicant Lee Martinez concluded he would answer any questions. We will hold all questions, informed Mayor Davis, until the meeting is opened up to the public.

Todd Meyers stated he is with Maverik at 185 South State Street, Salt Lake City, Utah. This store is a little bit different because the developer has done most of the work. He did receive and read a copy of the minutes. There is a little bit of confusion, stated Mr. Meyers, and he would like to hopefully clarify some items so everyone understands what Maverik is doing. The Maverik has six dispensers, reported Mr. Meyers, and twelve fueling positions out front. The back is set up for larger vehicles like commercial trucks, buses and RV's. There are four fueling positions in the rear for a total of sixteen fueling positions. They are slightly larger than Circle K at ten fueling positions and Speedway at fourteen fueling positions. Mr. Meyers stated he thinks their layout is quite a bit better. This is going to have to be built to current ADOT requirements. They are required to have deceleration lanes so vehicles can get out of the travel lane and slowdown in the deceleration lane. There was also a question about – What are extended restrooms? Mr. Meyers explained that Maverik decided that the best way to get customers is by having restrooms. This particular store is one of our big ones, it is the sixty series, it is the largest. The difference between a sixty series and a fifty or forty is not retail space – it's restrooms. The Maverick floorplan for the men's restroom has three stalls and two urinals, explained Mr. Meyers, and five stalls in the women's restroom.

The big propane tank, explained Todd Meyers with Maverik, is for heating the store. They will have the exchange of propane tanks out front but they will not be filling them on site. They will be using LED lights for the exterior lighting. Mr. Meyers stated they are happy to comply with the town's dark sky code. The canopy height for both canopies, reported Mr. Meyers, is sixteen feet. This is the exact same store that was opened in Prescott Valley. The nice thing on this one is that they put the commercial vehicles behind the store as a nice separation. The Maverik owners, reported Mr. Meyers, are focusing in on c-stores. Maverik bought an existing truck stop about three or four years ago. They remodeled the whole thing. They got rid of the truckers lounge, the showers and the laundry service – those things that you typically think of as a truck stop because that's just not who Maverik is. You can see that, pointed out Mr. Meyers, within the size that they are requesting for the rezone. They are roughly four acres – that is not a truck stop. A truck stop, explained Mr. Meyers, could be twenty acres or larger than that. There was definitely some discussion with the Planning Commission as to how to restrict Maverik from not taking over more land. More land, pointed out Mr. Meyers, is not being requested for a rezone. If they build this and five years from now they want to expand it, informed Mr. Meyers, just don't rezone more property. Mr. Meyers stated they are happy to have a deed restriction on this that they will not be a truck stop.

Todd Meyers with Maverik went through the suggested conditions and provided his responses. (A) They substantially comply with the materials provided to the town. That would be the Site Plan, explained Mr. Meyers, and they have no problem with that. (B) The development will comply with the narrative that he submitted back in June. No problem, stated Mr. Meyers. (C) No overnight parking of semi-trucks. Mr. Meyers stated he thinks they have two or three sites where they do allow it but they aren't near residential. This is near residential and they are happy to comply with that. (D) Any sign that is greater than four feet in height will comply with the towns dark sky ordinances. That is fair, stated Mr. Meyers. (E) This one changed a little bit as the Town Manager presentation showed that an eight foot high block wall is required. If you look closely at their Site Plan, pointed out Mr. Meyers, their accesses are shared and the driveway going back is shared so their property line is right on the center of that. He would hope they could maybe have a compromise on that. If it is commercial and if it is storage units the developer is planning to do landscaping along there and he thinks that looks a lot better to have that landscaping visible and closed off with a fence. Mr. Meyers stated he thinks they could address something with the rest of the development on that. (F) An eight foot easement for the water department. Yes, stated Mr. Meyers. (G) Compliance with ADOT requirements. It's the only way we're getting a

permit, stated Mr. Meyers. (H) Adequate sanitation facilities. Mr. Meyers reported their plan has been submitted to the county. (I) The building permit, explained Mr. Meyers, will not be released until they have a septic system that meets code. (J) Compliance with Town codes and (K) Compliance with fire codes. Again, pointed out Mr. Meyers, you can't get a permit unless you comply. Mr. Meyers stated he would be happy to answer any questions.

Questioned Council Member Binney – Why are you going after C3 when a C2 would work? Is C2 okay for you? Mr. Meyers responded he had not read the C2 code and asked if the Town Attorney could say whether or not they are permitted in that. Applicant Lee Martinez reported they had a discussion about a year ago with Town Manager Grier regarding changing the zoning. After reviewing everything they all felt that C3 was the best fit for the need that they had moving forward. The needs, added applicant Lee Martinez, for Maverik, the storage and the RV spaces. So, concluded applicant Lee Martinez, that is what they applied for. Town Manager Grier stated he wants to correct the applicant's take on the C2. Mr. Grier stated he believes the proposed Maverik could be on the C2 property. He does not tell the applicant what zoning to apply for, added Mr. Grier, because that is the applicant's decision. Mayor Davis asked applicant Lee Martinez if he had anything further to say. Applicant Lee Martinez stated they look forward to building a quality development here and it will be something that everyone will be proud of. He feels it is the best use of the property and the best use for the community providing three very needed services. Applicant Lee Martinez stated he hopes they have the support of the council and asked if anyone had any questions. That was the conclusion of the applicant's presentation.

Mayor Davis opened the meeting up for public comment. Tula Elliott of Space 262 in Lamplighter stated to the developer that the information he provided today makes more sense than in the first meeting. She appreciates what he wants to do and she now knows it is only the four acres that are being rezoned. Questioned Tula Elliott – Do you feel the affordable houses would stay under the \$379,000? Mayor Davis reminded the public they can approach the council and ask those questions but that applicant Lee Martinez already finished his presentation. One of the things that concerns her, stated Tula Elliott, are the conditions of no overnight parking for the semi-trucks. Questioned Tula Elliott – Who is going to be responsible to monitor that? If we had any kind of issue with that, responded Mayor Davis, we would contact the Payson Police Department and have them come out. If there was a vehicle parked there illegally they would be asked to leave and ticketed if they didn't leave. Questioned Tula Elliott – Who do the residents call? If you had a problem, replied Mayor Davis, you could call Town Hall.

Helen Evans of Space 169 in Lamplighter stated they are dependent on a well. Questioned Helen Evans – What is the assurance from Maverik that there won't be leakage from their tanks in ten years that's going to contaminate their water? There is going to be a state of the art system for the sewer, responded Mayor Davis, with zero emissions. We wouldn't let that happen, added Mayor Davis, because we are definitely concerned about ground water. Lamplighter, reported Helen Evans, gets flooded when there is a lot of rain. Questioned Helen Evans – Where are they going to tunnel all that water? That would be something the engineers would address, replied Mayor Davis. Stan Ziminsky of Space 124 in Lamplighter stated he was shocked to learn of the plans. It isn't easy getting in and out of the Lamplighter now. Questioned Stan Ziminsky – Did we check with the police? Because, stated Stan Ziminsky, there are a lot of accidents out there. He suggested to everyone to take a drive in and out of Lamplighter to see what it's like now. Stan Ziminsky stated his one answer for the gas station is don't sell diesel because then you won't have to put up with the trucks.

Kathleen Van Gieson of Lamplighter stated she does support the development of the property because she feels there is definitely a need for affordable housing. Questioned Kathleen Van Gieson – Does the zoning change to C3 only apply to the Maverik parcel? Yes, answered Mayor Davis.

Questioned Kathleen Van Gieson – Are you approving the Maverik Narrative, Site Plans and other documents today along with the zoning change? Yes, responded Mayor Davis. Questioned Kathleen Van Gieson – Are you aware that Maverik may be servicing semi-trucks? “Yes,” responded Mayor Davis. Just like Circle K across the street, added Mayor Davis. Questioned Kathleen Van Gieson – Do the pumps in the rear only provide diesel fuel? As far as he knows, answered Mayor Davis, it will be gas and diesel. Questioned Kathleen Van Gieson – Will the diesel be flowing through a high flow pump system? Town Manager Grier interrupted Mayor Davis and stated he feels uncomfortable with this. The public comments have to be purely comments, explained Mr. Grier, and not addressed by members of the council. The council isn’t allowed to do a back and forth answering questions. Council can hear the public questions, concluded Mr. Grier, and then they can ask those questions to the developer if they choose.

Maverik, stated Kathleen Van Gieson of Lamplighter, is allowing semi-truck parking. Questioned Kathleen Van Gieson – Are there restrictions involved in that parking? What about the guy that wants to park during the day and take a nap? Mayor Davis stated that will be addressed. Kathleen Van Gieson stated she wants to know – Is it a truck stop? Because she believes it is a truck stop. They just said it was no truck stop, responded Mayor Davis. Questioned Kathleen Van Gieson – What is the difference between a regular gas station and a truck stop? That will be explained, replied Mayor Davis, once we get through all of the questions. Questioned Kathleen Van Gieson – How many large vehicles can they possibly put in the back when a semi-truck is fifty some feet long? What is your total vision of the whole project including both the Maverik and the Martinez plan? Have you received the final plan from Mr. Martinez with the date to move forward? At the meeting, stated Kathleen Van Gieson, Mr. Martinez said there shouldn’t be a truck stop in Town and that there isn’t one in Payson or Star Valley. But Mr. Freegard said, in contradicting Mr. Martinez, we already have a truck stop at Circle K. There are eighteen wheelers there every day and night with their motors running. Questioned Kathleen Van Gieson – Is that something we may have to deal with?

Kathleen Van Gieson reported she spoke with the Circle K manager and he said they are not considered a truck stop but they do allow semi-trucks to buy diesel fuel. They don’t have a high flow pump and they don’t have a different size nozzle like a lot of truck stops have. Circle K has some type of arrangement with the trucking companies and drivers, reported Kathleen Van Gieson, and they use a gas card. Employees never know how much fuel is used or the cost. They are allowed to park day and night with no restrictions. Circle K sells so much fuel they get as many as two to three fuel deliveries a day. The other Circle K’s, reported Kathleen Van Gieson, do not sell diesel. If they had built those million dollar homes, concluded Kathleen Van Gieson, they wouldn’t be building a gas station and storage units.

Tina LaBlanc of Space 59 on 480 S. Rainbow Drive stated she wants to know the qualifications of the people on the Planning & Zoning Commission. The reason that she is asking is because she has served on several boards and commissions in the valley and when something needed to get done they needed warm bodies and heartbeats and not qualifications. This commission just recommended to council, pointed out Tina LaBlanc, that they throw out the town approved General Plan. She wants to know what they are basing that on. One of the people voting, recalled Tina LaBlanc, said she was voting for it because it was affordable housing. Tina LaBlanc stated she understands Governor Ducey’s definition of affordable housing for the state of Arizona. That’s not affordable housing for the demographic of Star Valley. According to the town’s General Plan it says, “The Town of Star Valley’s vision is to preserve its rural lifestyle and pioneer spirit for future generations.” Questioned Tina LaBlanc – How does dueling gas stations and convenience stores rule? That is not Star Valley, stated Tina LaBlanc. We live in a food desert. She understands Maverik was in place and in negotiation with the Freegards before the property was purchased by Mr. Martinez. Maverik is the easy choice to move

forward with since they were already interested. Nobody, stated Tina LaBlanc, is disputing that the Maverik station won't be better than the Circle K. It's brand new, of course it's going to be better. The needs of the community, stated Tina LaBlanc, are better served with something like a small footprint grocery store. Questioned Tina LaBlanc – How many of our residents don't have a way to get in to get groceries? Tina LaBlanc reported she used to drive for AAA medics and she used to take people from Star Valley shopping on her off time because they couldn't access groceries. A convenience store does not make for a grocery list, concluded Tina LaBlanc.

Larry Stephenson of 840 S. Moonlight Drive stated he is not in favor or opposed to the rezoning project. He previously served on the Star Valley Planning & Zoning Commission and the Star Valley Town Council. What the council is faced with, pointed out Larry Stephenson, is quite a simple choice. The basic question is land use. Questioned Larry Stephenson – What would be the proper land use of this particular parcel? Council is being asked, stated Larry Stephenson, to change the land use from one type to another. Questioned Larry Stephenson – Is the rezoning request an appropriate use? Is that a better use than the other zoning? Is this the proper use of the land? That is the basic choice that the council faces, concluded Larry Stephenson. Marsha Crabtree of W Ranch Resort stated she has concerns about enough support for law enforcement with the increase in traffic and crime. Questioned Marsha Crabtree – Will we have sufficient law enforcement coverage? What is the timeframe for police responding to a call? Is it five minutes? Is it ten minutes? How is that going to work if they are already busy on other calls? Marsha Crabtree stated another concern of hers is day use and trucks idling for a length of time. Questioned Marsha Crabtree – Are the deceleration lanes east and west? Is ADOT responsible for road repairs?

Mike Marrow of Space 7 at 93 N. Sky Run Lane stated he is more concerned about the traffic patterns. They said this is going to be the biggest Maverik that they have ever built. The traffic in this town is crazy with the gas station that we do have. Questioned Mike Marrow – Are they going to be responsible for the deaths on this highway that will occur? Mike Marrow stated he doesn't think we need another gas station. To make this a mecca for gas stations is not the image we need here in Star Valley. Star Valley is a nice rural community, concluded Mike Marrow. Jerry Riendeau of the Lamplighter stated he is new to the area. He only sees one benefit of the Maverik and that is increased sales tax revenue. If proper drainage is applied within the building of Maverik as well as the Martinez property there shouldn't be a problem. At the last meeting, recalled Jerry Riendeau, the public recommended a strip mall. Jerry Riendeau stated he has retail experience and a strip mall would die. The ADOT report recommended many times for a traffic signal. That should be a condition on the approval of Maverik, stated Jerry Riendeau, that a traffic light be installed before the gas station is built. That would alleviate a lot of problems. Jerry Riendeau concluded that he would recommend that the right turn lane coming out of Maverick be continued on to Lamplighter.

Sandra Cunningham of 171 N. Dealers Choice Road stated she is concerned about the trucks going up the hill. They live on top of the hill and the trucks now drive her nuts. She can just imagine what a truck stop on this side of the road will do. With all the traffic, stated Sandra Cunningham, they can't get out of their driveway half of the time. This is going to cause more traffic, concluded Sandra Cunningham. Mark Freegard of 27 S. Freegard Lane stated he doesn't see how this gas station is going to increase traffic. He would like council to approve it. Jo Thomas of Space 7 at 141 W. Haught Road questioned how the overnight parking will be policed. She has truckers in her family and she knows that a lot of truckers sleep during the day because it's easier to drive at night. Questioned Jo Thomas – If we can't police Circle K how are we going to police this place who has spaces for it in the back? Will there be a turn lane coming back to Payson? Jo Thomas stated she thinks the new shiny gas station is going to

get all the business because it's going to be cleaner and have the nicer bathrooms. Questioned Jo Thomas – Who is going to hold Maverik responsible for cleanliness?

John Rittenour stated he is a business investor and is new to the area. He thinks everyone has a genuine concern and they are looking out for what's best. He took some time to meet with Lee and Tina Martinez. John Rittenour stated he thinks integrity is really important. We are talking about change; change is difficult and growth is difficult. Sustainability, pointed out John Rittenour, is imperative. In order to gaze into the future and have some sustainability you have to have people with integrity. He thinks everyone here wants the best and their voices are important. John Rittenour stated he believes in the integrity of the people that are investing and really looking out for what's best for the future with a vision and with a consciousness that says Star Valley is going to be a little bit better because of what we've done. He would like to endorse Tina and Lee Martinez because he took the time to meet them and look into their past. Their projects are great. They are very compassionate people and they are also responsible business people, concluded John Rittenour.

An unknown member of the public from Lamplighter stated he was unfortunately not at the first meeting. He questioned how the noise from the truck stop is going to be mitigated. They moved here sixteen years ago because they liked the quiet and they liked the town. They wouldn't like it to change that much. He doesn't have a problem with the gas station, stated the unknown member of the public, but he does have a problem with how they are going to keep the noise down. Bill Cunningham of 171 N. Dealers Choice Road stated he is not against change but he is just not sure the change that is coming is the right change. No matter how you cut it there is going to be some housing and there will be increased traffic. His main concern is the noise that will happen and the increased traffic. He can't support the change, concluded Bill Cunningham. Libbie Meta of 218 S. Rainbow Drive stated she is not opposed to change. Questioned Libbie Meta – What are we doing to consider pedestrian safety? That is one of the only stretches in town, pointed out Libbie Meta, which has a sidewalk. Questioned Libbie Meta – If there is a lane with semi-trucks coming through what are we doing to make sure the people that walk/run there are all safe? Right now it feels safer on that side, stated Libbie Meta, because there is less traffic. Patty Ihle of 304 E. Cedar Mill Road stated when she moved here eighteen years ago that land was vacant with a for sale sign on it. She heard it was going to be a nice gas station with tiny homes. Questioned Janelle Wood of 83 N. Sidewinder Trail – Is anything going to eventually be done as far as traffic lights or anything? Because, pointed out Janelle Wood, those of us on Cornerstone can't exit our property at any point during the weekends. If you are going to approve it, concluded Janelle Wood, approve it for C2 because C3 will let them go full bore on this. There were no further public comments and Mayor Davis closed the public comment portion of the meeting.

Mayor Davis opened the meeting for council member discussion. The council, explained Mayor Davis, will be able to ask any questions to applicant Lee Martinez or the Maverik representative. Council Member McDaniel stated she is not opposed to the gas station and she thinks it will mediate the traffic congestion. The traffic is already here. Council Member McDaniel stated she's lived here her whole life and the traffic is crazy on weekends. She believes that with the conditions recommended by the Planning & Zoning the noise and the light barriers would prevent disturbance in neighboring properties. Council Member McDaniel stated she believes that it would be proper use because it would alleviate the congestion and make the extremely busy highway a little bit safer. She spoke with Planning & Zoning in Payson and the county, reported Council Member McDaniel, and eight of the nine gas stations in Payson are C2. She would be okay with voting yes for a C2 because she is not comfortable with the C3. The Maverik representative, pointed out Council Member McDaniel, did say they would be happy to have deed restrictions to assure that it is not going to be a truck stop. Questioned Council Member McDaniel – Will there be high flow pumps? Yes, responded Todd Meyers with Maverik. Questioned Council

Member McDaniel – Will there be a daytime restriction on the amount of time someone is allowed to park at the gas station? He’s never seen that before, answered Todd Meyers. Asked Todd Meyers – What are you thinking there? Some of the concern, stated Council Member McDaniel, was trucks parking there to nap all day with trucks idling. Asked Todd Meyers – So they will have a limited time? Yes, responded Council Member McDaniel. Questioned Council Member McDaniel – Is there something like that, that would be in place? If you are looking at the site plan, answered Todd Meyers, you will see the commercial lanes are in the rear. Most of their commercial customers, explained Todd Meyers, are going to pull into that commercial lane; they are going to fill up; they are going to run in the store and grab their drink or their burrito; and then they are going to leave. It’s about a twenty minute process. There are two actual parking stalls for larger vehicles, reported Todd Meyers. Queried Council Member McDaniel – In those parking stalls will they be allowed to idle their trucks all day? That was some of the concern that she heard, stated Council Member McDaniel. They could do several things, answered Todd Meyers. They could put up a sign stating there is no overnight parking or they could limit the parking. Todd Meyers stated he would definitely support a town ordinance that limited how long they could be parked there. As long as you did that with other businesses too, so it’s consistent across the board, he is very much in support of that. Council Member McDaniel concluded she is in favor of the C2 but not the C3.

Questioned Council Member Dueker – For the truck parking itself, how many trucks can fit in the back? This comes back to idling, added Council Member Dueker, and sleeping in the sleeper. Council Member Dueker reported he has seen some gas stations that have thirty minute maximum parking. Questioned Council Member Dueker – Could you promise us that you’d do something like that even if we don’t enforce it at all other businesses in Star Valley? Instead of doing an ordinance, would you be willing to take that on yourself? They have no parking signs installed all over the place because it messes up their circulation. Questioned Council Member Dueker – What kind of sewage treatment plant are you putting in for Maverik? There is a septic system, responded Todd Meyers, and it has all been submitted. Questioned Council Member Dueker – It’s not the same system that applicant Lee Martinez is using? It is similar, answered Todd Meyers. Council Member Dueker stated the gas station has some obvious benefits but he has an issue with commercial all the way down the 260. He would like to propose to look at a C2 for the gas station and compromise and move the gas station down to the west side of the property. Save the trees, the windmill and the stock tank and do affordable homes back in there. It’s kind of a compromise, pointed out Council Member Dueker. Maverik gets to build a gas station, stated Council Member Dueker, and this really doesn’t change the foot-print it just slides it over. It will have a huge buffer from Lamplighter. Council Member Dueker reported he has had a lot of people tell him they would really like a small grocery store. He would be in favor of the gas station, stated Council Member Dueker, with a compromise. He doesn’t know why it has to be in the middle of the property. We can compromise on this and make it work for everybody, concluded Council Member Dueker.

Council Member Armington stated the traffic is here and we are not going to change that. The folks in the valley want to enjoy our country. We can’t stop them and apparently we can’t even control ADOT to control them. He too would like to see the speed limit changed and see a stop light put in. We have asked ADOT repeatedly, reported Council Member Armington, to look into this. He challenged ADOT one night to walk across the road with him and nobody offered to step up to the plate. The traffic is here, stated Council Member Armington, and this store is not going to increase the traffic. He thinks it will split the traffic up and relieve the tension that Circe K is getting. He heard a comment of “sell only gas.” Questioned Council Member Armington – What about us cowboys that have diesel pick-ups? What about the little old lady that has a Volkswagen Jetta that takes diesel? We are all going to need fuel, stated Council Member Armington. Those big trucks need fuel to continue on down the road. We’ve got to share the land. It’s the best use of the land for the people, concluded Council Member Armington.

Council Member Binney stated he is for Maverik but he is not for C3 because of a comment applicant Lee Martinez made during the last meeting. Applicant Lee Martinez was asked a question, reported Council Member Binney, and he answered he is intending to rezone all of the parcels to C3. He doesn't need C3 for the rest of the property, stated Council Member Binney, and he doesn't need C3 for the gas station. Queried Council Member Binney – Would you be happy with C2? His understanding, responded Todd Meyers, is they needed C3 because that's what would be a permitted use. Yes, added Todd Meyers, if it's a permitted use in C2. Council Member Binney replied C2 is permissible for a gas station and it has to be approved directly by the Town Manager. Questioned Council Member Binney – What is your feeling on it? Town Manager Grier responded that the application was for a C3. He has looked at C2 and he doesn't see a reason what he is seeing proposed wouldn't work under C2 as well. The glitch in that, explained Mr. Grier, is we are here on a C3 zoning so C2 cannot be approved. It will require the developer to reapply for C2. He thinks it is a zoning that would work, reiterated Mr. Grier, for what he has seen proposed. It would have to go back through the procedure of notification to the public, going through Planning & Zoning and all the other procedures, concluded Mr. Grier. Council Member Binney stated the reason he is for Maverik is that he thinks it would take half the load off of Circle K. He does believe Circle K does a poor job in cleanliness. The Maverik he saw, reported Council Member Binney, was clean to him. Council Member Binney stated he thinks the idling problem is a main issue and he's not a fan of increasing the trucks in this town. He is afraid to turn all that property into C3. He would vote for C2, advocated Council Member Binney, because it gives the town a little more control.

Vice Mayor McKinney stated he knows that the housing development is going to be solar powered. Questioned Vice Mayor McKinney – Will the gas station participate in that or will it be conventional electrical hook-ups? Conventional, responded Todd Meyers with Maverik. Council Member Binney stated if it's opened up to C3 it's much easier to force C3 on the other pieces of property and that is not needed. The developer is going to put in small houses and an RV park. The developer bought it as TR TD, and stated Council Member Binney, he thinks it should stay TR TD. Council Member Binney stated he is willing to compromise for Maverik because he thinks it's a good idea. As far as any strip malls or grocery stores, this town wouldn't be able to support them. As far as a food desert, we are three miles from Payson and there are three grocery stores there. There is also a bus, added Council Member Binney, that runs all the time.

Council Member Highstreet asked for clarification. This parcel of property is up to vote for C3 but it has a condition that it can only be used by Maverik. Queried Council Member Highstreet – Is that correct? If that is the condition that council chooses to put upon it, answered Town Manager Grier, that's correct. Absent that condition, added Mr. Grier, then no. As it's proposed, stated Council Member Highstreet, the proposition is that we elect to move the property type to a C3 with a condition that limits that only Maverik can build there. As far as he sees it, stated Council Member Highstreet, the C3 with this condition already dictates what can go in on that parcel. Questioned Council Member Highstreet – Is he correct in that assessment? For purposes of this development and the Maverik gas station, responded Mr. Grier, it could go forward with either the C3 or the C2. You can do the same thing with it with different conditions. With the C2 there is one difference, pointed out Mr. Grier, it would require a Use Permit. Administratively, explained Mr. Grier, he would approve the Use Permit with the C2 use. Zoning is all about the proper use of the land. It's about harmonious use and non-conflicting use. The nuance with it is not so much what Maverik could do or not do but whether or not it's going to have an effect on the surrounding property. If the developer comes back and wants to rezone the parcels around the Maverik as something more than TR TD, concluded Mr. Grier, the council can refuse the zoning change request. As long as the conditions are in place with the C3, stated Council Member Highstreet, he does not have any issue with that. With the conditions that have been proposed by the Planning & Zoning

Commission, which he puts a lot of weight on because it seems like they know what they are doing, he does not see any problem with the way it is written as is. The developer bought this property and he is doing the responsible thing in trying to meet a community need and trying to accommodate as many people as he possibly can, stated Council Member Highstreet, with the understanding that not everyone is going to be happy. There is no perfect answer. Personally, stated Council Member Highstreet, he is not a fan of trailer parks and he would like to not see more if he had anything to do with it. His opinion on tonight's issue is simple – he is for the C3 with the conditions that have been proposed by the Planning & Zoning Commission, concluded Council Member Highstreet.

Council Member Binney stated he is a firm believer that people should be able to do what they want with their property. But the people living next door have an expectation of where they bought their property and the zoning around it. Council Member Binney stated he wishes the developer would have bought the property “contingent of” because they have a lot of money involved in this. He doesn't want to see them or anyone else get hurt. C2 gives the town more control in the future. Council Member Binney stated he will vote no on C3 even though he knows it adds time and a little bit more expense. The town has already lost \$10,000 in this deal, reported Council Member Binney. We offered to hold off on putting in the street lights because it would cost the developer more money. After a certain amount of time we lost the rights for that permit so now we would have to start all over. Council Member Binney stated he doesn't think the town has asked for that much. Voting for C3, concluded Council Member Binney, will be a big mistake politically.

Mayor Davis stated he would like to ask applicant Lee Martinez a question. Questioned Mayor Davis – How would going back through the process of changing this from a C3 to a C2 affect him? From what he understood from what Town Manager Grier said, replied applicant Lee Martinez, the Town Manager could handle it administratively under a C2. He doesn't think there would be any time. Queried Applicant Lee Martinez – Is that correct? Town Manager Grier responded it still has to be changed to C2. For that use with the C2 it would have to be approved by the council. We would have to start the process over, added Mayor Davis. It is not something that he can sign off on, explained Mr. Grier. So we are talking another ninety days, stated applicant Lee Martinez. Council Member Binney asked if the council could just vote for C2 right now because it is a downgrade. No, replied Mr. Grier. First of all, stated applicant Lee Martinez, he was not planning to change out the other parcels if they were able to be built out under the TR TD. That was never clearly defined to him so he didn't know what they were going to do with those. Other than the storage, stated applicant Lee Martinez, the other two sides of the property are residential in nature. The only reason that they went C3 with Maverik is because that is what they wanted. He does not know why they are here today discussing this, pointed out applicant Lee Martinez, when it could have been discussed months ago and handled at that time. It wasn't brought up as an issue with the Planning & Zoning Commission and now it's an issue. Questioned applicant Lee Martinez – What's the next issue? When he reapplies, what's going to happen then? He has to decide where the best place is to invest his money, stated applicant Lee Martinez, as much as the Town has to protect their community. It's a tough decision for him and he knows that Maverik is interested in being here.

Mayor Davis stated he wanted to go over a few questions that were answered. The question was asked about high flow and the answer to that question was there will be high flow pumps. It was also discussed that it will not be a truck stop. Mayor Davis stated he does not believe it is going to change the traffic patterns of vehicles coming through Star Valley. We are going to have this issue out here until 2027, reported Mayor Davis, because ADOT will have Lion Springs opened up by 2027. We will then have a divided highway coming out of Payson going all the way down to Lion Springs and tying into the divided highway at the end. There was a question, stated Mayor Davis, about the members of the Planning & Zoning Commission. The town submits a notice to the newspaper asking for volunteers

interested in sitting on the Planning & Zoning Commission, explained Mayor Davis. The volunteers are interviewed and council picks the best qualified people to make decisions. The Town of Star Valley has a contract with the Payson Police Department for law enforcement services, reported Mayor Davis, and their response time is within minutes. Town Manager Grier stated he wanted to clear up an answer Mayor Davis provided that was not quite right. We contract with the Payson Police Department for the criminal side of enforcement, pointed out Mr. Grier, and not the zoning side of enforcement. Our hands would be a bit tied, stated Mr. Grier. It would be Maverik that would have to do the policing and not the Town of Star Valley. Staff is not at Town Hall after 5:00 p.m., concluded Mr. Grier, and the town does not have anyone with a badge to handle that. We could also create town ordinances if we need to, stated Mayor Davis.

Mayor Davis moved on to the concern of the day use of trucks idling. The way the Maverik plan is set up at the back, stated Mayor Davis, there are really not a lot of places that trucks could park. It would probably take twenty to thirty minutes at the most to fuel up, get a drink or food and then leave. There is going to be a deceleration lane coming in and an acceleration lane going out, stated Mayor Davis, for traffic safety. There were concerns brought up about noise. The plans show, pointed out Mayor Davis, there is going to be 200 feet from the Lamplighter fence into the property. Questioned Mayor Davis – Is that correct? The storage facility is between Lamplighter and the residential, explained applicant Lee Martinez. The storage is only 220 feet deep and 220 feet wide. One lady, stated Mayor Davis, asked about pedestrian safety. He doesn't think it will be that difficult for pedestrians because there will be entrances and exits into and out of the parking lot. Pedestrians, concluded Mayor Davis, will have plenty of time to stop to make sure they don't walk in front of traffic. They are putting in a new sidewalk too, added applicant Lee Martinez.

We are talking about a C3 zoning for this tonight, pointed out Mayor Davis. Mayor Davis stated he will accept a motion. Vice Mayor McKinney stated he has some concern trying to justify a C3 as opposed to a C2. He is sensitive to that and he is also sensitive to applicant Lee Martinez who has spent years and a small fortune getting to this point. Vice Mayor McKinney stated he is reluctant to force the developer into a situation where he has to begin the process again and wonders if they can't find a way of threading the needle. The objection to the C3, as he understands, is that it is too high a level which in the future may allow a use of the property of which we don't approve. Questioned Vice Mayor McKinney – What if we put a condition on this approval that the C3 will be vacated if Maverik chooses to sell the property? Council Member McDaniel responded that is not a risk she is willing to take with that area. She also does not want to inconvenience the developer. She loves the plan they presented but her priority is the security and the people of Star Valley. Council Member McDaniel stated she believes the best way to do that is C2 because it offers more security. She will only vote for C2, concluded Council Member McDaniel.

Council Member Dueker stated that applicant Lee Martinez bought the property with the TR TD zoning and he's asking for a C3. The council has to debate whether we do C3 or C2. Council Member Dueker stated he agrees with C2 and it is something that he can support. He think it gives the town some safety on it. He is not really happy about the rest of the development, concluded Council Member Dueker, but he can't talk about that tonight because we are talking about the gas station and not the surrounding development. Council Member Binney stated he thinks they have to be really careful on this. A mistake was made with giving an exception to Mr. Armstrong to move his pawn shop to his house. His grandson is now running a wood business on the property and is causing a lot of trouble with the neighbors. He does not want to see the same thing happen again. He thinks the town has more control with C2. He won't vote for C3, concluded Council Member Binney. Mayor Davis stated he will accept a motion.

A motion to approve the use of this property as C3 with the conditions as defined by the Planning and Zoning Commission was made by Council Member Armington and was seconded by Council Member Highstreet.

Mayor Davis stated we have a motion and a second. Council Member Binney asked if some exclusions could be added right now. Yes they can, replied Mayor Davis. Council Member Binney stated he would like to add at least a six foot block wall. Questioned Council Member Binney – Are you planning to operate all night? 24/7 responded Todd Meyers with Maverik. Council Member Binney stated he doesn't think that is fair to Lamplighter. As he said before, stated Council Member Binney, he is in favor of C2. He thinks the block wall is needed to provide a good sound barrier. He would like to see the revert clause added, stated Council Member Binney, because he thinks it will go through tonight. The town needs as much protection as it can get. Along with that, added Council Member Binney, he would like to add that if Maverik backs out the C3 is gone. Mayor Davis asked Council Member Armington if he would like to amend his motion. He doesn't know where to begin on that, replied Council Member Armington. Council Member Armington stated he heard the gentleman from Maverik describe that the wall wouldn't be needed and he heard applicant Lee Martinez say that the wall would not be needed as far as a sound barrier because he's building twelve foot tall buildings. The gas station is going to be there before the storage goes up, commented Council Member Dueker. You've got to give time for Rome to get built, replied Council Member Armington. Council Member Armington stated he doesn't think it needs to be amended for a fence because it won't be needed. His motion as it stands, stated Council Member Armington, and there is a second on the floor. We have a motion and a second stated Mayor Davis. The mayor then asked for a roll call vote.

Vice Mayor McKinney No, Council Member Armington Yes, Council Member Binney No, Council Member Dueker No, Council Member Highstreet Yes, Council Member McDaniel No, Mayor Davis Yes.

The motion was voted on and was denied 3 - 4.

Todd Meyers with Maverik stated he was wondering if a vote could be taken on the C2. He was a city planner in other states for over a decade and he could always approve a zone that was more restrictive than the one that was advertised. You can't go the other direction, explained Todd Meyers. Where a C2 is more restrictive, stated Todd Meyers, he believes the council can vote on that. Obviously, the Town Attorney and their attorneys would have to look into this tomorrow. If it is true that you could not have a more restrictive zone, stated Todd Meyers, then this approval wouldn't be valid. If it is allowed in the State of Arizona, then the rezone would be done. It sounds like everybody is in support of the C2, concluded Todd Meyers. Town Manager Grier stated he still stands on the opinion that it has to go through the process to rezone to C2. He could be wrong on it because that is not a legal opinion he was asked. Mr. Grier stated he is uncomfortable to agree with that legal analysis. He does not really know how you approve the less restrictive zoning but he can talk to other attorneys to find out. His position tonight is he stands by that it has to go back through procedurally. Questioned Council Member McDaniel – If we do take a vote on the C2 and it wasn't allowed does it just not count? Should we do it in case we are allowed to? That's a tough one, answered Mr. Grier. Council Member Dueker asked if the Town Manager can be given two weeks to research this legally. One thing we could do, replied Mr. Grier, the council could table this to a date certain. Council Member Highstreet stated it can't be tabled because the council has already voted against it. That concluded the meeting.

• **ADJOURNMENT**

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

The motion passed 7 – 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 5th day of September 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 7th day of September 2023.

Edie Chapin, Town Clerk