

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

**Tuesday, October 17, 2023 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 Armington X, Council Member Binney X, Council Member Dueker X, Council Member Highstreet X, Council Member McDaniel X, Mayor Davis X. Council Member Highstreet attended the meeting telephonically.

- **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.

Donna Fox of 17 S. Walters Lane, #C1 in Star Valley reported there is dust being generated by the digging on the other side of Steve Coury Ford. She asked if the town could get them to put water on it.

There were no further public 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 October 3, 2023.

**B. Approval of Accounts Payable from October 1, 2023 through October 15, 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 Support for the Nation of Israel.**

Town Clerk Chapin read the Proclamation.

- **DISCUSSION ITEMS:**

1. **Second Reading and Public Hearing, discussion and possible action concerning Ordinance No. O 23-03 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, AMENDING ORDINANCE 06-02, THE ZONING MAP AND THE ZONING CODE FOR THE TOWN OF STAR VALLEY BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT ARIZONA STATE ROUTE 260, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-58-001E, FROM TR TD (TRANSITIONAL RESIDENTIAL TRAILER DISTRICT) TO C2 (COMMERCIAL TWO DISTRICT). (MOGOLLON MEADOWS REZONING).**

Town Manager/Attorney Grier instructed Town Clerk Chapin to read the ordinance aloud for the record. Town Clerk Chapin read the ordinance aloud (see attached Ordinance No. O 23-03). We are now at the second reading of the ordinance, stated Mr. Grier. The council has been provided with a copy of the ordinance and the proposed conditions. On Friday, explained Mr. Grier, he received redactions and revisions of the conditions from the Maverik attorney. On Monday, he was informed by applicant Tina Martinez, that if the Town of Star Valley didn't accept the Maverik revisions and redactions they would likely be backing out of the deal. He sent a communication to Maverick Representative Todd Meyers and asked him if that was in fact true. He has not heard back from him, reported Mr. Grier. There are some questions, concluded Mr. Grier, about where we stand on the conditions. Mayor Davis opened up the meeting for public comment.

Tina LeBlanc of 480 S. Rainbow Drive in Star Valley stated she is curious as to what Maverik has redlined. That would have a lot to do with somebody's approval or not. Questioned Tina LeBlanc – Has there been changes to the sewage system that was initially proposed? Not that he is aware of, responded Mayor Davis. Questioned Tina LeBlanc – Is it still going below ground or is it above ground? What we are strictly talking about, responded Mayor Davis, is the zoning approval. Questioned Tina LeBlanc – Will the sewage treatment be addressed at tonight's meeting at all? “No” answered Mayor Davis. Questioned Tina LeBlanc – When will we have a chance to talk about that? They will have to put in a sewer system, stated Mayor Davis. Questioned Tina LeBlanc – Will it all be underground or will some of it be above ground? Mayor Davis stated he is not sure if it's going to be above ground or underground. That information will be available at a later date, added Mayor Davis. Ivan McLaws of 305 E. Saddleback Trail in Star Valley stated most of the Knolls residents are worried about a foul stench from the sewage system. He is concerned his lifestyle would be affected. Once you do something, stated Ivan

McLaws, it's hard to undo it. He doesn't want his lifestyle to change because of possible stink. He would like to have that answered, pointed out Ivan McLaws, before the zoning change is made. Robert Evans of 157 N. Edison Way in Star Valley stated he can smell the diesel smoke from trucks idling at Circle K. If there is going to be a significant number of trucks fueling there it will create a lot of pollution. He understands there has to be progress and tax revenue is needed. There also has to be consideration, concluded Robert Evans, for the people that live here.

Dave Haggist of 216 E. Highline Drive in Star Valley stated he is in opposition to this project. Stan Ziminski of the Lamplighter in Star Valley wondered if the developer would have built his beautiful house behind a gas station. Questioned Stan Ziminski – Are they going to be able to sell the homes at \$350,000? The only affordable housing is RV parks. He has a suspicion, concluded Stan Ziminski, this is the beginning of an industrial park in this area. Pat Evans of 208 Edison Way in Star Valley stated she is respectfully asking the council to vote no on this. It would be great if it was to be developed as the developer originally said it would. She asked the council to please choose Star Valley citizens over any financial gain or outside interests. Dennis DeLong of 311 S. Lion Springs Road in Star Valley stated it is going to bring a lot more traffic in.

Kathleen VanGieson of the Lamplighter in Star Valley stated she personally believes it is a truck stop. Maricopa County limits their idling to five minutes, reported Kathleen VanGieson, and if someone is in violation of the five minute limit, they are subject to a civil penalty of \$100; a second violation is \$300. Law enforcement is allowed to issue a ticket because it is considered a traffic violation. Kathleen VanGieson stated she found a definition of a truck stop as a business that provides services to drivers and their vehicles in which a service time may extend over an hour. It has nothing to do with all of the amenities of showers, game rooms, restaurants and laundry. It has to do with the type of fuel and the delivery system that they use, like the high flow. Truck drivers like the high flow, stated Kathleen VanGieson, because it delivers 35 gallons per minute. It's the fuel and delivery system that creates and defines a truck stop. We need to accept the fact that it is a truck stop. Questioned Kathleen VanGieson – How will truck idling be monitored? How much air pollution will it cause? She does not know how Mr. Meyers can deny it is a truck stop. They built a Maverik in Utah that is almost the identical plan that they want to put here, reported Kathleen Van Gieson, and he calls it a small truck stop. He does say there is a special fueling area with a high flow delivery system and there is special parking for trucks away from passenger cars. Exactly what they want to build here, pointed out Kathleen VanGieson. She has spent a lot of time, stated Kathleen VanGieson, and has done a lot of research on this. She, along with others in attendance, have been to every single meeting and she thinks the public needs to be heard. She opposes both projects, concluded Kathleen VanGieson, they are flawed, and they have a lot of inconsistencies.

Tina Terry of 115 E. Springdale Drive in Star Valley stated she opposes the project for the reasons that Kathleen VanGieson, with her great research, has done. We have a 45 mph speed limit here. We are a pass through town for all of those people who want to go to the White Mountains. We are a state highway so we can't even have speed cameras anymore, which was a good thing. Questioned Tina Terry – Would it be possible, in conjunction with or independently of this project, to lower the speed limit and have some reinforcement? ADOT will not allow the town to do that, answered Mayor Davis. More trucks will come here, added Tina Terry, and they will speed. In her opinion this is a cluster of chaos waiting to happen. Bonnie Bahn of the Lamplighter in Star Valley stated the needs of the 300 full time residents in the park are being ignored and need to be taken into consideration. She asked the council to consider everybody in the park. Donna Fox of 17 S. Walters Lane, #C1 in Star Valley stated she is for it and she thinks it's going to bring balance. The scooter brigade from the Lamplighter will not have to cross the street to get to Circle K, they can get their soda and ice cream at Maverik. Laurie Brunson of 477 Lion Springs Road in Star Valley stated most of the people out there are against it. Questioned

Laurie Brunson – Can we do a petition? A petition can't be done, responded Mayor Davis, this is for private property, and we are talking about strictly a rezoning for Maverik. Town Manager Grier reminded Mayor Davis that the meeting is still in the public hearing portion. What is appropriate, stated Mr. Grier, is for the public to speak at this time and the council shouldn't be responding. The council will have their opportunity once the meeting is opened up for deliberation amongst the council.

Harold Shirley of the Lamplighter in Star Valley stated according to his calculations there are four gas stations on the 260 from the 87. He can't understand why another gas station is needed. Questioned Harold Shirley – How many trucks will be sitting at the pumps 24/7? How many people are going to want to buy a mini home or stay in an RV site when they have to sit there and look at a bunch of trucks? What comes next? How would you like to live there and have to face this stuff all of the time? Would that be an environment you want to be in? Harold Shirley urged the council to reject the zoning request and stay with TR TD. Kathryn Byrd of 3680 E. Highway 260 in Star Valley stated tiny housing is a pathway for the future for affordable housing, which is something that is a concern for a lot of people in this area looking for affordable housing. Her concern about the gas station is the amount of trash that would be seen. Questioned Kathryn Byrd – Is there something that you can do to mitigate businesses to control the trash? Can a red light be put in the proposed area to slow down the traffic? Kathryn Byrd stated she is for the progression but that she would like to see mitigation and enforcement with some of the issues. One of the things she likes about the fast fuel is that people will get through faster. She doesn't think it will draw people to the area, concluded Kathryn Byrd, but that it will accommodate the people that are currently here. Lori Hayes of 216 E. Highline Drive in Star Valley stated she is adamantly opposed to the truck stop because she believes it would be a truck stop. We don't need the congestion and the noise in our small community. It can go somewhere else where nobody is living.

Mark Freegard of 27 S. Freegard Lane in Star Valley asked if someone could explain the sign ordinance to him. There isn't a legal sign in this town. Queried Mark Freegard – You want Maverik to build a four foot high sign? If you want a bad smell, reported Mark Freegard, walk through the Lamplighter. He does it every morning. They have the original old style septic system and they have added twenty or thirty homes since they bought it without adding septic systems. Steve Saint-Germain of 284 N. Coyote Way in Star Valley stated from his location all the big trucks that are passing through are using their compression brakes. This is a small town and there are many ways to grow revenue and grow the town with low cost residential housing without bringing in a truck stop. Truck stops are off main highways. If this is turned into a truck stop, stated Steve Saint-Germain, this will become a main thoroughfare just like the I-10 down in Tucson. Everybody backs up past Diamond Steak House on Sundays. A traffic light is not going to buy you anything. We need less traffic or a way around, concluded Steve Saint-Germain, we don't need to bring more big rigs in because this will turn into a truck route. Mary Phillips of 1867 Moonlight Drive in Star Valley stated that she feels like Star Valley has invested in families. The town has done an awesome job creating a wonderful park. Creating a truck stop turns that into something else. Dave Haggist of 216 E. Highline Drive in Star Valley stated he is retired from law enforcement. With any truck stop there will be crime and the traffic issue will be magnified by this. At a truck stop, reported Dave Haggist, there will be prostitution, drug use and drug sales. All of those things are associated with those locations. If you have a lot of truckers, concluded Dave Haggist, it attracts that clientele. Bonnie Bahn of the Lamplighter in Star Valley stated she thinks it will back up traffic on both sides. Tina Terry of 115 E. Springdale Drive in Star Valley stated she sees Pete's Place and the truck stop as being married or engaged. She thinks Pete's Place is less of a problem than a truck stop. In the spirit of wanting to get rid of unsavory things, concluded Tina Terry, she thinks the truck stop fits that.

John Evans of 208 N. Edison Way in Star Valley stated he's been trying to figure out why the town would want to change the zoning to C2 and have the Maverik. He thought maybe it was for financial gain to increase the tax revenue. He looked at Star Valley financials, reported John Evans, and last year the town brought in 2.1 million dollars and spent 1.1 million dollars. There was 1 million dollars left over and there is 10 million dollars in the bank. Tax revenue isn't needed, added John Evans, the town is doing fantastic money wise. We don't need a gas station/truck stop revenue. He thought maybe it's the will of the people and they want this. The council is elected to do the will of the people and maybe that's why. John Evans stated he started checking around and he found four Star Valley citizens/voters that said that they want it. For everyone who wanted it, he found 25 who didn't want it. It wasn't the will of the people. He is not sure why the push to do this. He would like the council to consider that this is an important decision and the biggest one that he has seen in the years that he has lived here. The people at this table that are casting a vote for this, stated John Evans, this will be your legacy. When the three seats come up next year for re-election people are going to say, "Did they vote for it or not?" Did they stand up for the citizens of the town or did they sell out for outside interests? He would think as politicians, stated John Evans, they would want their legacy to be held in high regard and high favor. The issue that's going to come up at the next election and continuing elections is all going to come down to this. He thinks this is the most important issue. He is asking the council to consider the will of the people, stated John Evans, and what the people of Star Valley want and to hold true to the vision and mission statement. He concluded by strongly encouraging the council to vote no. Patricia Smith of the Lamplighter in Star Valley stated she is opposed to this. Jim Norris of 3680 E. Highway 260 in Star Valley stated he has a few questions – Is it actually a truck stop? Will it accommodate a forty foot tractor trailer rig? Will they actually be pulling in and fueling up? There were no further public comments and Mayor Davis closed the public comment portion.

Mayor Davis opened the meeting for the applicant to address the council and the public. Applicant Lee Martinez stated this has turned into an interesting debate. They applied for a zoning change after they did a lot line revision to create a space that they plan on selling. This space has not been sold yet to Maverik. Yet, stated applicant Lee Martinez, Maverik's business plan has become the focus of this meeting. The focus of this meeting was to be a land sale where the zoning on 409 feet of frontage on Highway 260 was going to be changed from TR TD to C3. We are not allowed to have C3, and we asked if we could have C2 and we were told that we couldn't do that at the time. Then, stated applicant Lee Martinez, we found out that we could have. The focus is on this truck stop and all these things that people have opinions on. He respects everyone's opinions, but the bottom line is their application was to change the zoning on that piece of property so they could sell it as a commercial piece of property. It has moved into a whole other discussion about all kinds of things. The town has a population of 2,600 reported applicant Lee Martinez, and there are forty or fifty people here. The majority of them are people from the Lamplighter and nearby who have a vested interest in whatever happens nearby. He listened to their opinions and respects their opinions. Applicant Lee Martinez stated he spent a lot of money learning the facts. He's learned the facts about why ADOT doesn't want to put stoplights here. He knows what the traffic counts are every day of the week and every month of the year because he spent over \$100,000 doing the traffic study twice to find out what those numbers are. It's erroneous to think that this business, whatever it may be, is going to affect traffic in the area. The traffic in the area is growing at such an exponential rate from Thursday afternoon to Monday morning, reported applicant Lee Martinez, that this business couldn't even make a dent in it because there are not enough vehicles to go in and out of it to change that. There are 3,500 cars a day that travel on this road Monday through Thursday. From Thursday afternoon to Monday morning there are over 17,000 vehicles a day and it's growing every day. It is projected, when this changes to two lanes all the way, to double to 35,000 vehicles. Questioned

applicant Lee Martinez – Do you think those 35,000 vehicles are going to go into this 4.39 acre parcel? That’s an interesting thought, stated applicant Lee Martinez, but it’s not accurate.

As far as the truck stop is concerned, stated applicant Lee Martinez, that issue has been addressed. Maverik is owned by Flying J and Pilot, and they are the largest truck stops in the world. If they wanted to put a truck stop in here, they would have written a contract with me to put a truck stop in. Maverik came to him to put in a gas station with a QSR, reported applicant Lee Martinez, and a fueling station in the back for larger vehicles. He asked the same questions that members of the public asked. There are 300 homes in Lamplighter, and he is putting in 42 homes in almost the same amount of space. Questioned applicant Lee Martinez – Which one is overloaded? Which one is going to have congestion? Which one is going to have sewer problems? It was said at the last meeting, stated applicant Lee Martinez, that the person that he hired and has on retainer had fired him. That was not true. He is working on a system that only emits nitrogen. Nitrogen doesn’t have a smell, explained applicant Lee Martinez, unless you put a smell to it. Usually, they put a smell in gas products so that if it’s leaking, you’ll be aware of it. It’s a very expensive system and it’s been in service for 28 years, stated applicant Lee Martinez, so there is plenty of data on it. Plus, added applicant Lee Martinez, anyone can call him anytime. He is accessible 24 hours a day because he has Parkinson’s Disease, and he doesn’t sleep at night. Questioned John Evans of 208 N. Edison Way in Star Valley – Can you give us your phone number? You can get it from the staff after the meeting, answered applicant Lee Martinez. If this field is really that important to the 40 people in attendance, recommended applicant Lee Martinez, they should pool their money together and present him with an offer to buy it from him. If he saw 260 people, which is 10% of the population here, he would feel that it is probably an issue. He knows people have hard feelings about this, stated applicant Lee Martinez, and he doesn’t know what to say about it. The Maverik representative will give you some facts and figures, concluded applicant Lee Martinez, as to what Maverik will do for this town.

Matt Ryder stated he is the site developer and project manager for Maverik. He is impressed and happy to see the community come together and provide public comment, especially public comment objecting to the truck stop. Maverik’s plan is not to develop a truck stop. Their plan is to develop a 5,000 square foot convenience center/store, reported Maverik representative Matt Ryder, with a four port canopy for passenger vehicles and then a high flow commercial canopy. The meeting was interrupted by a member of the public and some commotion ensued. Maverik representative Matt Ryder continued and stated he has submitted plans that are part of the public record. There is a high flow canopy in the back, reported Maverik representative Matt Ryder, because diesel is dispensed at a higher rate. There are trucks with large capacity tanks on either side and Maverik wants to get them in and out. At most, their site plan shows one parking stall for thirty minutes max. Maverik is owned by Flying J, stated Maverik representative Matt Ryder, but they have completely divested Flying J travel centers to Pilot. It is not a truck stop; the floor plan does not have showers or restaurants; it has the standard restroom facilities that any other convenience store has. Their goal is to have trucks come in and come out as quickly as possible. They don’t want to receive complaints from the town, but if they are in violation of the thirty minutes of idling, they want to hear about it. They will have their operations manager moving trucks and getting them out of there. They are not a franchise, stated Maverik representative Matt Ryder, and they care about their reputation and their brand. They don’t plan on having trucks parked there. Prostitution and all that just doesn’t happen at their Maverik’s because they are not a truck stop. They are a gas station/convenience center, pointed out Maverik representative Matt Ryder, who does happen to cater to commercial vehicles. This location is a prime location because it’s on the highway. It’s not a traffic generator; they capture pass through trips. If the council approves the C2 zoning, concluded Maverik representative Matt Ryder, Maverik would love to develop a site here and invest in this community.

Applicant Lee Martinez stated that Maverik went through extensive changes of their site plan to move traffic flow in a certain direction to reduce the amount of noise and congestion. The Maverik can't be entered until 75 feet, so the person with the objection that there will be a line of trucks, that is not going to happen. That was designed by ADOT, and you can take it up with them. Vehicles enter the Maverik at 75 feet and they have a choice, explained applicant Lee Martinez, they either go behind the store with their large vehicle to pump fuel, or they go into the bays in front to pump fuel, or they park in front of the store. The traffic moves into the property on the west side and leaves the property on the east side. The Maverik store is more than 300 feet from any residence, stated applicant Lee Martinez, other than the ones that he is going to build. They have been asked to comply with some conditions in order to protect everyone. Some of the conditions that need to be dealt with are the business license revocation and idling for no more than 30 minutes. Applicant Lee Martinez recommended the town adopt an idling ordinance and put up signs showing the fine. Maverik can then call the police because they are not empowered to enforce an ordinance. Applicant Lee Martinez stated there are a number of ways to control the 30 minute idling time. It can be controlled by the time someone starts fueling or when they finish fueling. He is sure if everyone could work together, they could come up with a reasonable way to know when people are starting and when they should be done.

The town, stated applicant Lee Martinez, would like to have an eight foot block wall. The only problem with that is that the west side Maverik property line is the middle of the road that goes between Maverik, and the other parcel and the east side is the middle of the road between that parcel and Maverik. The south side of the property is where they are putting garages. They are going to use the back of the garage, which is a ten to twelve foot high wall, as the wall if they were granted a zero or a five foot lot line. They have taken into consideration a lot of the things the public has been talking about. From day one, stated applicant Lee Martinez, noise abatement was a big problem for him. He didn't want to have people back there who are enjoying their quality time listening to the traffic that is coming off of the road. They have spent over \$500,000 to date on studies for this property. He is familiar with the facts on this property instead of the opinions about it. This is a land sale; this is an application to this council to consider a zoning change on a piece of property so that they can sell it. They bought it, stated applicant Lee Martinez, with the understanding that this frontage would need to be changed to a commercial zoning in order to be used commercially. Maverik can discuss their sewage/septic system plans because he is not providing that for them. Their application, stressed applicant Lee Martinez, was for land sale only. Also, pointed out applicant Lee Martinez, in the conditions he does not accept that part of his real estate transaction is to monitor their business activities. Applicant Lee Martinez concluded he thinks that should be handled by the business license because that's where it belongs; it doesn't belong in a purchase agreement about a raw piece of land that's yet to be developed.

Members of the public interrupted with questions. Mayor Davis reminded the public that the public comment section was closed. The council, stated Mayor Davis, is just talking about the rezoning of a piece of property for Maverik. The mayor then opened the meeting up for council discussion. Before we get into discussion, stated Council Member McDaniel, she would like to hear what the town attorney advises in regard to their proposed redline changes. Town Manager/Attorney Grier stated he thinks he gets further away from understanding what the application was intended to be after hearing Mr. Martinez. What he understands that Mr. Martinez is saying is that the application is for the sale of land at C2 and does not include a stipulation of the Maverik. Questioned Mr. Grier – Is that correct? Because, added Mr. Grier, that is what he heard him saying tonight. From the beginning, responded applicant Lee Martinez, you and I have had discussions regarding who is buying the property. For a while it was confidential but then it became known that the Maverik was going to buy it. At the same time, stated applicant Lee Martinez, he went through the lot line revision process. He then applied for the C3 zoning,

and he is now applying for the C2 zoning. It seems that in the process of all this stuff, stated applicant Lee Martinez, half of what Maverik should be doing is being put into what he's doing. The Maverik application for the use of the property is going on my application to change to the C2. Procedurally, responded Mr. Grier, this ordinance doesn't seem to be anything like what you're telling me you were seeking because this ordinance is completely fashioned around the Maverik. Number one, strict adherence to the Maverik narrative, stated Mr. Grier, and number two, strict adherence to the site plan that was submitted. We've had three or four hearings now. We've talked about Maverik being in the proposed business for hours and hours. If that is what you intend, stated Mr. Grier, then he thinks Mr. Martinez should withdraw his application tonight because this ordinance isn't anything like that. This ordinance is all about and requires only Maverik to be able to be a business at that location, concluded Mr. Grier, if the council chooses to approve the zoning change.

He spoke with his attorney, answered applicant Lee Martinez, and he has avoided bringing his attorney into these meetings because he doesn't want to set that type of precedent. They have been willing to share the information on Maverik, stated applicant Lee Martinez, because they know that they are the end user, and it would streamline the process. By providing more and more information on what Maverik is doing they felt that it would make their application for a business license simpler because the town would understand Maverik's business model. They have provided Maverik's site plans and their narrative and all of the things they have been requested to provide. Maverik has stated that they have redlined the conditions, reported applicant Lee Martinez, as any business would in the negotiation process. They redlined it a week ago; it changed after that. It was re-submitted, they looked at it and they made some comments to him this evening. Maverik told him, reported applicant Lee Martinez, they were willing to negotiate and accept certain conditions that they had redlined. As far as the redlines and the application that is in front of the council, concluded applicant Lee Martinez, that's the one we have been working on and what we want to finish up tonight.

Town Manager/Attorney Grier responded that he is far from understanding and that he thinks Mr. Martinez is saying that his application is for land sale only. Questioned Mr. Grier – Why are we discussing redline revisions and redactions from Maverik? And why haven't we heard that in the last two months that we have been procedurally going through this process? The reason for that is because when we started doing this, responded applicant Lee Martinez, it was an application for a land sale. They hadn't even finished their negotiations with Maverik to get the sale done. Things have modified, changed and mutated on this deal so far that now we have thirteen or fourteen conditions for the C2 approval that have to be line item approved and accepted by everyone involved. That didn't start off that way, concluded applicant Lee Martinez, things have changed. He still doesn't understand how the council can even consider this ordinance tonight, responded Mr. Grier, because Mr. Martinez is saying his application is for a land sale only and this ordinance is nothing like that. In talking with his attorney, answered applicant Lee Martinez, he has to be very careful because Maverik hasn't closed on the property yet and it may cause a future legal problem for him or for them. His attorney gave him the advice that this is a land sale, and he needs to remind people that's why they are here. Mr. Grier pointed out to the council that this is not a land sale only ordinance. "Right" stated applicant Lee Martinez.

Mayor Davis asked the Maverik representative if he would like to take this line item by line item or if he would like to discuss specific items. Maverik representative Matt Ryder responded he is okay with proceeding line item by line item. Council Member Binney asked Town Manager/Attorney Grier what the redlines mean for the town. Mr. Grier stated he is still not sure he understands why they are looking at the redlines when there seems to be a misunderstanding with what the ordinance that is in front of the council is all about, which stipulates that Maverik is going to be the business that is going to be there. Procedurally all of the meetings have been about that. What he is hearing from the applicant is that

this is just for land sale only. If Maverik declines, stated Council Member Binney, it disappears. Questioned Council Member Binney – Does that change it? Mr. Grier stated he's still not sure how to go forward when they are so far apart with what this ordinance is and what the applicant is saying he is applying for. Applicant Tina Martinez responded that this is a land sale. They are selling to Maverik and that is what the plan is. If Maverik doesn't move forward with the purchase, they can't have a piece of property that's locked in with these conditions. In the ordinance it states that if the zoning does not go, concluded applicant Tina Martinez, then that is better and that is what they need because they can't be locked into those conditions.

Before he came to the meeting, reported applicant Lee Martinez, he spent 45 minutes on the phone with Maverik going through each line item. There are only two conditions they feel strongly about. They feel the truck idling should be an ordinance by law. They don't want to put their employees in a dangerous position that should be handled by an officer of the law. Town Manager/Attorney Grier stated what he's hearing is that Maverik doesn't want to enforce or have any violation to their business license if there are trucks idling over there. Instead, they want the town to pass an ordinance so that the town has the policy authority to enforce the 30 minute restriction. Questioned Mr. Grier – Is that right? “Partially that is right” responded applicant Lee Martinez. They want every business that services trucks to have the same ordinance applied to them, stated applicant Lee Martinez, so everyone is on a level playing field. Questioned Mr. Grier – Is that a deal breaker for Maverik? It's not a deal breaker, responded applicant Lee Martinez, but it's a negotiation they would like to have discussed. If we are going to do that, explained Mr. Grier, we will need to put the brakes on what we are doing here because we would have to go forward first with that ordinance for it to be effective to Maverik. We can't approve this ordinance and their business license and then have an ordinance that is more restricting put on them because the courts don't like statutes that are applied retroactively. If that is going to be Maverik's position we will need to stop discussion, concluded Mr. Grier, put this on hold and start over on a new statute. Questioned Applicant Lee Martinez – Can the ordinance be done with the understanding that everyone involved agrees? “No” responded Mr. Grier. That would not be his advice to the council. They can live with that, concluded applicant Lee Martinez.

The next thing is the wall, stated applicant Lee Martinez. He would like to have the council consider the ten to twelve foot high wall from the building that he is putting in on the south side to be used for noise abatement. They will have to figure out what they are going to do on the east and west side because the property line runs through the middle of the street. Town Manager/Attorney Grier pointed out that he is not taking a position for or against the zoning change and he is speaking to the council as their attorney. The conditions contain a requirement for an eight foot block wall that would be adjacent to any of the residential, stated Mr. Grier, which would be the sides and south. In addition to that special condition, Maverik would still have to adhere to any of the provisions in the code itself. The problem is our code also requires a suitable sound barrier on both of the sides. What he's hearing from the applicant, stated Mr. Grier, is that because of the design they can't do that. If this ordinance is approved tonight and then the applicant comes to him and says that he needs approval to not have the wall, that is required in the code, he doesn't know how he does that legally. He can't do it by means of a variance because it is self-inflicted. He doesn't know how to solve that problem, concluded Mr. Grier. Applicant Lee Martinez stated that C2 requires a six foot wall. They, not Maverik, are willing to put in the east and west six foot walls at a reasonable depth to allow for landscaping and everything else. That solves the problem if you accept the fact that the storage unit building he is putting in on the south side of the Maverik property will suffice. They have to have those block walls on the east and west side, concluded applicant Lee Martinez, because they are putting in a security gate to the back of the property.

Questioned Council Member Dueker – The entrance is going to be for the property on the south side through Maverik? “No” responded Applicant Lee Martinez, it is through the shared access roads. Questioned Council Member Dueker – There is a road coming in off the highway that goes from either side of Maverik? There is a road on the east side of Maverik that’s an in and out and there’s a road on the west side of Maverik that’s an in and out with a left turn lane. What about going into the property on the south side, questioned Council Member Dueker – Which one of those is going to access that? The entrance is on the west side, answered applicant Lee Martinez, and the east side will be the exit. Emergency vehicles, stated Council Member Dueker, always want to have two accesses to a piece of property. Questioned Council Member Dueker – Where are the storage units going? Along the south side of the Maverik property responded Applicant Lee Martinez. The last time he saw drawings, stated Council Member Dueker, there were houses back there. There are houses, answered applicant Lee Martinez, but they are 35 feet away from the storage building. There is a road between the houses and the storage building and there always has been. Council Member Dueker stated he has been confused over the last several months because everything changes so much. The town council, pointed out Council Member Dueker, needs to look out for the best use of this land for town. The gas station, stated Council Member Dueker, will cater to people moving through the area. If the homes are coming in just under \$350,000 that is not affordable housing for the area. He doubts the storage units will be utilized by the people of Star Valley just because most of them have acreage. The other one that really gets him, stated Council Member Dueker, is the RV park for trailers. He doesn’t personally know anybody that’s going to buy a 28 foot travel trailer so they can park there on the weekends. That, pointed out Council Member Dueker, doesn’t address the needs of the people of Star Valley either. If we go back to the original concept of truly affordable homes, stated Council Member Dueker, he would be totally in favor of it. In an October 2021 issue of the Payson Roundup, reported Council Member Dueker, there was an article that stated the land was purchased for affordable mini homes and a coffee shop. It’s morphed into a large gas station, storage units and a travel trailer destination. The land use is being utilized by everyone outside of Star Valley, concluded Council Member Dueker, rather than people inside Star Valley.

He purchased the property from the Freegards, stated Applicant Lee Martinez, and they had already entered into a contract with Maverik. His original purchase always had the Maverik site carved out. The Maverik site moved from the west to the center because that is what they wanted. As far as any other changes to the property, stated applicant Lee Martinez, there are constant changes to the property. He is losing a little over an acre and a half to put the wall in on the east side. He is only putting in 42 homes, reported applicant Lee Martinez, originally it was 135 homes. When he found out that he could build a stick built home on a slab for about \$123,000, stated applicant Lee Martinez, he thought that was a better value for the citizens. In July of 2021, reported applicant Lee Martinez, the house passed a bill for affordable housing. All the parameters and definition of affordable housing is in that document. The basic idea, explained applicant Lee Martinez, is that a family larger than four really isn’t set up for this type of program. It’s for the small, first time home buyers. The one thing they won’t finance on affordable homes, concluded applicant Lee Martinez, are RV’s that aren’t set on a permanent foundation.

The council needs to look at everything, pointed out Council Member Dueker, because the information changes a lot. Council Member Dueker stated he has requested information on the sewer system several times. He would like to be able to look at the system and read about the system. At the last meeting, pointed out Council Member Dueker, he was told that after two to three days he’d have a landscape plot map. Not what he wanted, stated Council Member Dueker, which was an elevation. Questioned Council Member Dueker – Did you get that Mr. Grier? We provided to council everything that has been provided to us, answered Town Manager/Attorney Grier. Applicant Lee Martinez stated they sent the landscape plan that was provided by Maverik to the town. They had done renderings for

you. That's a sign rendering, stated Council Member Dueker, that's not showing sidewalk location. He constantly hears trust us; it's going to be wonderful. He sees a lot of gravel and not a lot of greenery. We have people that walk dogs and that's why everybody is hung up on the meadow, stated Council Member Dueker, because it's a beautiful place to walk. He would like to have more time to discuss things, concluded Council Member Dueker, so he knows exactly what the town is getting because things are constantly changing. Maverik representative Matt Ryder stated they would have to follow the Star Valley landscape code. Questioned Council Member Dueker – Do we have a landscape code for Star Valley on a commercial piece of property? “I don't know” answered Town Manager/Attorney Grier. It sounds to me like we need to just wait and come up with our codes for idling vehicles and landscaping. We need to make sure that what is going to be built is something that the people of Star Valley are really behind and they want. Keep in mind, pointed out Mayor Davis, we are working on just the zoning. Council Member Dueker concluded he thinks there might be little bit more work to do on this so that everyone is comfortable going forward.

We need to go through the conditions in order, recommended Mayor Davis, to solve these problems right now. Council Member McDaniel asked if a condition could be added to approve a landscaping plan. Council Member Dueker responded he does not know. Town Manager/Attorney Grier asked the council how they would like him to proceed. Start with condition (A), responded Mayor Davis. There were no issues with conditions (A) and (B) as read. Condition (C) is where we start to get into proposed revisions and redactions, stated Mr. Grier. It reads “Overnight semi-truck parking will not be allowed. Semi-truck parking and idling is limited to no more than thirty minutes.” Maverik, reported Mr. Grier, has both redacted and revised what the proposed (C) was. They are fine with this, stated applicant Lee Martinez. We are not, responded Mr. Grier. They are fine with (C) the way the town worded it, pointed out applicant Lee Martinez. Mr. Grier read condition (C) in full: “Overnight semi-truck parking will not be allowed. Semi-truck parking and idling is limited to no more than thirty minutes. Any violation of this condition will result in revocation of Maverik's Town of Star Valley business license. A thirty day notice to cure letter will be sent to the property owner. If the violation is not cured within thirty days civil litigation will be filed. If the property is found in violation after the hearing the business license shall be revoked.” They are fine with that, stated applicant Lee Martinez. Mr. Grier asked Maverik if they understand that. We understand that, answered Maverik representative Matt Ryder.

Town Manager/Attorney Grier read Condition (D): The Maverik signage is limited to a monument sign not to exceed four feet in height. A two foot landscaped dirt berm may be allowed upon approval of the Town of Star Valley. Signage must comply with all sign regulation and dark sky regulations pursuant to the Town of Star Valley code. Mr. Grier stated he believes the proposed Maverik revision would effectively mean that the sign could be twenty feet high. The town's proposed condition was limiting that to a four foot monument sign. That is what Mr. Martinez wanted, reported Mr. Grier. There was some discussion about a two foot dirt berm at the last meeting, stated Mr. Grier. That seemed to be something he thought would be acceptable to the council. Questioned Council Member Dueker – At this point we can't make changes to this? “You can make some changes to it” answered Mr. Grier. The first question is – Where does Maverik and the applicant stand? Applicant Lee Martinez stated that Maverik would like to see the same guidelines that everybody else operates under in Star Valley. His position, stated applicant Lee Martinez, he wants low profile monument signs only. In an effort to negotiate this and make it a working deal, Maverik sent a number of sign photos to be considered. Questioned Council Member Binney – Would you be happy with a six foot sign? “No” replied Maverik representative Matt Ryder, he'd be happy to be allowed the same rights as everyone else in town. He would be happy with following Section 103.7 of the code. Mr. Grier stated he is challenging the idea that Maverik should have

the same rules as Circle K. Circle K was not a zoning change and Circle K didn't have the conflict issues. Fair enough, responded Maverik representative Matt Ryder. Preferably we scratch it all together and we don't have that condition. His interpretation of Star Valley code, concluded Maverik representative Matt Ryder, is that the maximum height in any zone is twenty feet. The condition has the effect of limiting that, stated Mr. Grier, so you wouldn't have a twenty foot sign. This didn't catch his attention to the end, explained Mr. Grier, because he was being told by Mr. Martinez that he was going to dig his heels in and it would only be a four foot monument sign. Maverik was making a pitch to have something bigger, but Mr. Martinez said he wasn't going to budge on that. The council, pointed out Mr. Grier, has the ability to change these conditions.

This is the last stretch of road that we have any say in, stated Council Member Dueker, and that is why he is so adamant about a landscape elevation that he can look at. If nothing else, we need to make sure that when people drive through Star Valley they can say this is a beautiful little town. This field is the photo on the town's website, stated applicant Lee Martinez. Council Member Dueker stated we need to realize that this is new territory. Questioned Council Member Dueker – Is the legacy for the council going to be an industrial drive through town or does it look like we still have some rural heritage? When they submit a set of building plans to be approved, stated applicant Lee Martinez, the landscape plan is part of it.. At that time they will have it together with a specific list of plants and everything that is needed in order for the council to make a decision. If we don't put it in here, responded Council Member Dueker, we have no power over it. Questioned Applicant Lee Martinez – How can we do that when we haven't made that decision yet? We help you make your decision by guiding you, answered Council Member Dueker. That is not guiding when you mandate, stated applicant Lee Martinez. It is when you're a town, stated Council Member Dueker, and you're trying to protect the image of the town. Make it uniform for everyone, stated applicant Lee Martinez. As far as the other side of the highway having taller signs, stated Council Member McDaniel, she understands they want equality. Those signs were built so long ago. Questioned Council Member McDaniel – If we have the opportunity to do it better now for the future of the town, shouldn't we do it better and make it look nicer? In order to come to common ground, stated applicant Lee Martinez, Maverik showed him a design of an eight foot high by six foot wide sign with a stone base that he felt was acceptable. It allows them enough space to put the name of the business and gas prices.

Questioned Applicant Tina Martinez – Out of the signs that you have seen, do any of them look acceptable to you? A four foot sign, added applicant Tina Martinez, is obviously not going to work. Maverik representative Matt Ryder stated that their product for the development is very visually appealing and that they would not do anything that is less than extraordinary. Page three of the sign plan, pointed out Maverik representative Matt Ryder, there is a sixteen foot tall monument sign. It has a rock face around the bottom at six feet and then ten feet above that allows for the logo and signage display. They always produce signs based off of what the code is. There are multiple options, pointed out Maverik representative Matt Ryder, but ideally they want the freedom to go twenty feet as allowed by current code. Maverik wants to be a positive contribution. Applicant Lee Martinez stated he has the authority from Maverik to negotiate and close this issue. Council Member Binney stated the council should be able to stipulate a six foot sign. He also thinks the town should amend its sign codes. In Payson, reported Council Member Binney, all the new signs are that size and smaller. Mayor Davis questioned what monument sign Mr. Martinez is in agreement with. It is ART 6.0, answered Council Member McDaniel, which is six feet on top of two feet. Council Member Dueker stated he thinks it needs to be changed to read "landscape plan to be allowed upon approval of the Town of Star Valley." And, added Council Member Dueker, get rid of the two foot berm. That is an eight foot sign in total, pointed out Town Manager/Attorney Grier. Questioned Council Member McDaniel – Is ART 6.0 specific only to this exact

sign? “Yes” answered Maverik representative Matt Ryder. Questioned Council Member Dueker – How many signs are going to be placed on the highway? “He believes just two” answered Maverik representative Matt Ryder. Questioned Council Member Dueker – How far back from the road? From the edge of the asphalt to the closest point on the sign, answered Maverik representative, is thirty feet. They would also like an additional sign (he referred to ART 3.0) for the eastern most access to help the commercial customers navigate the right entrance to use so they can circulate through the site in one fluid motion. Questioned Council Member McDaniel – Is there a way to do the rock face on the ART 3.0 too so it can look nicer? “Potentially” answered Maverik Representative Matt Ryder. It would definitely make it look consistent, stated Mayor Davis.

Town Manager/Attorney Grier moved forward and read condition (E): There shall be an eight foot high block wall, opaque wall, fence or approved landscape screen adjacent to any residential district if applicant does not develop juxtaposed properties in accordance with the site plan submitted. Mr. Grier stated he was thinking about rewording that because he feels it’s a bit awkward. The proposed change by the Maverik attorney was “applicant shall install.” He has a problem with that, pointed out Mr. Grier, because that then puts the burden to applicant Lee Martinez to do that. If the burden is on the applicant with the condition and if it doesn’t happen, stated Mr. Grier, he has already sold the property. There then wouldn’t be a regulatory path available to the town to revoke Maverik’s business license and there would be no avenue to enforce it. Mr. Grier confided he worries about that wording. The other thing he thinks is a bit unclear is that Mr. Martinez would like to use the storage units as a sound barrier. That sounds perfectly reasonable to him, but questioned Mr. Grier – What is the timing on that? Is the Maverik able or not able to open until that is in place? There needs to be consideration on the east side and west side with the fencing, stated Mr. Grier, because you can’t have less than what your sign code stipulates. Those are some of the provisions in condition (E), stated Mr. Grier, that need to be considered.

Applicant Lee Martinez stated that they would like to ask for a variance of the normal set-back on the properties to either a zero lot line or a five foot set-back to allow them to put up the wall for the storage units. Those walls will be the first thing that will be done. We can get those permits for the block wall and for that wall for the back of the storage units before they even get the plans approved. The concerns with us not paying for it or not installing it, stated applicant Lee Martinez, as the town attorney you can figure out wording that will protect the town and that will be comfortable for him. Town Manager/Attorney Grier stated he is comfortable with the wording that was in place before the Maverik attorney changed it. Maybe you would have to post a bond, recommended Town Manager/Attorney Grier. He could hold it in escrow, responded applicant Lee Martinez. Mr. Grier stated he thinks that becomes difficult in the regulatory sense. Questioned applicant Lee Martinez – What if we held a specific amount of money in escrow? That might be a possibility, responded Mr. Grier. He’s just trying to find the solution, concluded applicant Lee Martinez.

The problem he has, stated Council Member Dueker, is we are talking about depending on storage units being built on a piece of property that is off of Maverik’s property. If plans change, then we end up with no barrier between that and the property on the south. He just agreed to put money in escrow to take care of those three walls, stated applicant Lee Martinez. We need that wall in on the east side for sure, stated Council Member Dueker, so that Lamplighter is happy. They don’t have the choice of not having the wall, pointed out Town Manager/Attorney Grier. What he is hearing from the council and the public is that the sound barrier is one of the most important things to them. Council Member McDaniel stated she likes the way it is worded because it offers the most protection for the people surrounding this property. Otherwise, it risks some of the security that they are hoping they get if the council approves this. Council Member Binney stated he believes it should be an eight foot wall because the diesel trucks sit higher. Questioned applicant Lee Martinez – Can we agree that we will work on the design to

incorporate the sidewalks and the curbs and everything else in a spatially acceptable way? Questioned Council Member Dueker – What happens if a design comes in and we don't agree with it? Where are we left then? Things just change so much, stated Council Member Dueker, and he would like the council to have control of this.

Mayor Davis asked Mr. Grier what kind of wording he would like to have on that. Some of the things Mr. Martinez said could be fixed by a variance, pointed out Town Manager/Attorney Grier, can't be fixed by a variance. A variance is only a tool available if some hardship with a property exists, stated Mr. Grier, but not one that is self-inflicted. The council is trying to ensure that before Maverik opens their doors there is a sound/visual barrier in place. That was the intent of the drafting of that condition. The important timing is that Maverik does not open without a sound barrier in place. His concern, stated Mr. Grier, was the change to putting the burden on the applicant and how the town would enforce that. Applicant Lee Martinez stated he thought the issue was solved with him offering up the value of the fence into an escrow account at closing and ninety days to put it up. Much discussion ensued with numerous people talking at the same time. Questioned Council Member Dueker – Can you build a wall that would support a storage unit roof to become the back wall of the storage unit when it is built? “Yes” responded applicant Lee Martinez. Mr. Grier stated he doesn't dislike the idea of the escrow account. Questioned Mr. Grier – Are you saying you're going to build the wall within ninety days and you're going to put the money in an escrow account that would be equal to or exceed the amount of money that would be needed by the town to build that wall? Questioned Council Member Dueker – Shouldn't the wall be up before Maverik opens? That is what they are saying, answered Vice Mayor McKinney. Mr. Martinez is saying within ninety days of closing, stated Mr. Grier. The proposed language is that Mr. Martinez will put money into an escrow account, that is equal to or exceeds the cost of building the wall, within ninety days.

They can't have any solid walls the first seventy five feet of entering the property, pointed out applicant Lee Martinez, because the deceleration lane has to be visible. Questioned Council Member McDaniel – Do you recommend that we change (E) or that we leave it? Mr. Grier answered he likes the idea of the applicant having to put money into an escrow account that is equal to or exceeds the cost of the wall. The town would then be able to use that money to build the wall if something happened. That seems like a path to go down to ensure there is a sound barrier. An eight foot wall, added Council Member Binney. Questioned Council Member McDaniel – The wall would be up within ninety days? Within ninety days of close answered Mr. Grier. Questioned Mr. Grier – Is that what you are saying Mr. Martinez? Ninety days after closing, responded applicant Lee Martinez. There was some discussion on the wording of the condition. Council Member Dueker suggested it needs to be an eight by eight by sixteen block wall. There are choices on what kind of wall is going up, stated Council Member Dueker, and we need to spell out what kind of wall we want there. An eight by sixteen is like a house block that can be used in block construction and it blocks noise and it is there forever. He thinks it should be up to them a little bit, stated Council Member Binney, because they are going to have to maintain it. The eight by eight by sixteen is very labor intensive. They need some latitude to do it correctly, concluded Council Member Binney. They will present their idea to the council, stated applicant Lee Martinez, and if it's not acceptable it can be discussed. Questioned Council Member Dueker – Does that need to be written in here? “Yes” answered Mr. Grier. It's a little bit of a problem if you vote for the ordinance tonight and we are still working things out. The council can table this and work it out at the next meeting. Let's get it put in tonight, stated Mayor Davis. You don't want to have a condition that is so ambiguous that you are working things out before you have the wording, stated Mr. Grier, or before you vote on it. The council needs to know what they are voting on. Questioned Council Member Binney – What type of wall do you want to build? Eight inch (garbled speech) wall, answered applicant Lee Martinez. Questioned Council

Member Binney – Eight, eight, sixteenths? “Yes” answered applicant Lee Martinez. Questioned Council Member Dueker – So it is a traditional block wall like you would see in home construction for a house wall? “Correct” responded Council Member Binney. Questioned Council Member McDaniel – It is called an eight by sixteen block wall? Eight by eight by sixteen answered Council Member Binney. That concluded the discussion on condition (E).

Town Manager/Attorney Grier moved on to Condition (F) which is the eight foot public utility easement dedicated to the Town of Star Valley. When he looked at the plan, stated applicant Lee Martinez, it looked like the six inch water line was coming off of the 260. He thought the water line was going to be going east/west. The town has a water line that comes down the hill, answered Mr. Grier, and dead ends at the fire hydrant. He guesses it would come west/east. It was what the water department operator, Dean Shaffer, thought that he needed. Questioned Applicant Lee Martinez – What size pipe is going to be put in there? The water department operator would be better to answer that, responded Mr. Grier. We haven’t been able to say what size pipe until we know what the need is going to be. Questioned applicant Lee Martinez – Is this water main just for this parcel or is it going to extend through his parcel and to the next parcel? There are no plans at this point, answered Mr. Grier, for it to connect anywhere else. Mayor Davis then confirmed that everyone is okay with condition (F).

Mayor Davis read conditions (G) (H) and (I). There were no issues with those conditions. Questioned Council Member Dueker – Will Gila County enforce any kind of sanitation issues? “They have jurisdiction” answered Town Manager/Attorney Grier. Mayor Davis then read conditions (J) (K) and (L). There were no issues with those conditions. Mayor Davis read condition (M). Council Member Dueker stated he would like to strike overnight to prohibit daytime idling. You can’t be there for more than thirty minutes, pointed out Mayor Davis. Questioned applicant Lee Martinez – Are you going to prepare that for Maverik to sign? The Maverik attorney can prepare the deed restriction, answered Mr. Grier. Maverik Representative Todd Meyers said Maverik would be willing to sign a deed restriction, reported Mr. Grier, and have it recorded. Condition (M) is important to leave as it is currently written, stated Council Member McDaniel, because those are the concerns they heard from most everybody at all of the meetings. Maverik doesn’t object to this condition, stated Maverik representative Matt Ryder. It goes hand in hand with what he promised the public today and that is that Maverik is not a truck stop. Maverik does not object to condition (M) as written, concluded Maverik representative Matt Ryder.

It has to be clear, pointed out Town Manager/Attorney Grier, that Maverik is the one that has to police the excessive idling. It’s not going to be the town and it’s not going to be the town enforcement officer. Maverik Representative Matt Ryder stated he understands that and Maverik understands that. To aid in Maverik’s enforcement of that, he would like to create signs that say, “no idling longer than thirty minutes.” They have one stall on their proposed concept plan for thirty minute parking. Maverik representative Matt Ryder stated he wants to make sure that condition (D) doesn’t limit his operations team the ability to have some signs to help them with enforcement on the property. Council Member Dueker stated he is still adamant that the Town of Star Valley is able to approve a landscape plan. That is something we need to stick to, to make sure there is a nice, big sidewalk and maybe some shade trees. It is one of those things you give the Town of Star Valley, added Council Member Dueker, for us letting you develop the property. Council Member Binney stated there are a lot of restrictions to trees. We will work through that, responded Council Member Dueker, when we work through a landscape program. Condition (N), explained Mr. Grier, speaks to the amount of time this zoning approval is in place. It is saying that if the property isn’t developed within five years then it reverts back to TR TD. He suggests that the council change that to a shorter period of three years so there isn’t vacant land. It doesn’t sound like that is going to be a problem with Maverik. Council Member Dueker can then address what he wants to address in a separate condition, concluded Mr. Grier.

The landscape plan is just a part of the entire plan for Maverik, stated applicant Lee Martinez. Council Member Dueker stated that he heard from Mr. Martinez that whatever Maverik was going to put in was going to run the entire length. That is why it is so critical that we have control because it's going to take up the rest of the 260 frontage. He sees people enjoying themselves walking their dogs down that sidewalk. We need to give the people of Star Valley a little something, concluded Council Member Dueker, rather than having it all industrial looking. You have control over the entire set of plans, responded applicant Lee Martinez. Maverik representative Matt Ryder stated there is a landscape plan that includes trees and shrubs surrounding their onsite detention pond. The plan does not show any grass because it's cheaper for them to do rock mulch. Council Member Dueker stated he would like to add condition (O) to read: A landscape plan will be okayed by the Town of Star Valley for the entire length of the property. Questioned Council Member Dueker to Council Member McDaniel – What kind of verbiage have you written up for that? A landscaping plan must be reviewed and approved by council, answered Council Member McDaniel. That would only apply to the Maverik section, pointed out Council Member McDaniel, because that's what this ordinance is about. We have reviewed all of the stipulations, stated Mayor Davis, and added (O) for the landscaping. Questioned Council Member Binney – Are we protected enough that this is not going to come back to bite us? His role as the attorney, answered Town Manager/Attorney Grier, is to shepherd the procedural part of this and to stay neutral. Staff has spent a lot of time in putting this together hoping that it does protect the town legally. We are required by statute, informed Mr. Grier, to involve and inform the public so they can have their say of what is a very important decision. When the council doesn't make a good decision, concluded Mr. Grier, it haunts the town for many years. The conditions are important, stated Council Member McDaniel, because that is what is going to protect the rights of the people surrounding it. Mayor Davis asked for a motion.

A motion to approve the zoning change to C2 as it is laid out in Ordinance No. O 23-03 with the following changes to Condition (D) Maverik signage is limited to a monument style sign not to exceed eight feet. The monument sign to be ART 6.0 and ART 3.0 with rock face; Condition (E) There shall be an eight foot high eight by eight by sixteen concrete block wall adjacent to any residential district area. Mr. Martinez will put money equal or exceeding the cost of the wall into an escrow account before closing and build the wall within ninety days of closing; Condition (N) If any conditions in this Section 3 cannot be met or the applicant has not received an approved building permit for the property within three years of the approval date of the zoning change then the rezoning may revert to the original TR TD designation pending council action; with the addition of Condition (O) A landscaping plan must be reviewed and approved by the council was made by Council Member McDaniel and was seconded by Council Member Armington.

A roll call vote was taken:

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

The motion was voted on and passed 5 - 1.

- 2. Discussion and possible action to adopt Resolution No. R 23-12 – A Resolution of the Mayor and Town Council of the Town of Star Valley adopting a supplemental Salary Deferral Plan (“SSDP”) established by the Arizona State Retirement System (“ASRS”) for the officers and employees of the political subdivision who are eligible for participation in the SSDP.**

Town Manager Grier explained that this resolution relates to the ASRS 457 plan that the council approved for the employees and that a resolution is needed to put that in place.

A motion to adopt Resolution No. R 23-12 authorizing the adoption of a Supplemental Salary Deferral Plan for eligible officers and employees was made by Council Member McDaniel and was seconded by Council Member Armington.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Dueker Yes, Council Member Highstreet Absent, Council Member McDaniel Yes, Mayor Davis Yes.

The motion was voted on and passed 6 - 0.

- **ADJOURNMENT**

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

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 17th day of October 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of October 2023.

Edie Chapin, Town Clerk