

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
November 13, 2007
7:00 P.M.**

Mayor Gloria Eagar called the meeting to order and welcomed those present. Mayor Gloria Eagar said to let the record show that all Council members are present. Mayor Gloria Eagar led the Pledge of Allegiance and Elwin Browning offered the invocation.

COUNCIL PRESENT: Gloria Eagar, Mayor
 Vicente Ordonez
 Byron Smith
 Kim Holaway
 Gary Finch
 James Nelson
 Sue Chacon

STAFF PRESENT: Bill Greenwood, Town Manager
 Bruce Ray, Director of Community Development
 Elwin Browning, Public Works Director
 Ladonna Tafoya, Events, Recreation and Tourism
 Howard Carlson, Fire Dept. Chief
 Mike Hogan, Chief of Police
 Doug Brown, Town Counsel
 Marion Wiltbank, Assistant Clerk

ITEM #5: REPORTS

A. MAYOR

Mayor Gloria Eagar said that she had attended a Meth Coalition meeting. Citizens need to be more supportive of those who have to deal with this issue.

B. COUNCIL

Councilor Byron Smith had attended on October 24, 2007, a statewide reconnaissance study that is being done. Councilor Smith attended the Springerville-Eagar Regional Chamber of Commerce (SERCC) meeting this morning, the Chamber is doing well and he is very pleased with them. Councilor Smith also attended the first meeting of the Arizona Workforce Committee Board.

Councilor Kim Holaway said she had attended the Utilities Board meeting today. The next meeting will be January 7, 2008. Councilor Holaway attended a Natural Resources group meeting in Show Low. She reported that Arizona Town Hall meets twice a year and she had brought back two books: one on growth and development and the other was from the meeting held last spring regarding health care in Arizona.

C. STAFF

Fire Department Chief Howard Carlson said that his crews are getting ready for the light parade and putting up the gazebo in the serenity park. Last month was reported to be busy.

Chief of Police Mike Hogan said that they have two new civilian volunteer patrolmen (CVP); their names are Ron Fonk and Al Lafella. In total the Police Department has five CVP's: Bob Bowers, Roger Curtis, Sandy Curtis, Ron Fonk and Al Lafella. Two employees are on the town's stop smoking program. Officer Williams is going to have surgery and Lieutenant Frazier's wife is having surgery, so they will be gone for a while.

Ladonna Tafoya, Events, Recreation and Tourism Director said that the employee Christmas Party is a potluck. It will be held on Wednesday, December 12th from 6:00 – 8:00 p.m. We will decorate cookies and have other things for the kids to do.

Santa will be at Town Hall on December 15th from 2:00 p.m.-5:00 p.m. she will be working on various projects in the month of December:

- A coloring contest for the school kids
- A couple to take pictures with Santa.
- Christmas Angle Tree program
- Parks/Recreation meeting December 5th
- Tucson Electric Power (TEP) changing the lights
- Meet with Rick on grants
- Meet with Show Low Parks/Rec Director; looking at a grant for programs to do together
- Special Olympics this next year

Only a couple of people showed up at this last Parks/Rec meeting but we decided to send out an annual newsletter. Mayor Gloria Eagar told her to put in the town newsletter a call for volunteers.

Community Development Director Bruce Ray said an amendment for the General Plan will be having a Public Hearing on Thursday, December 13, 2007 and it is open to the public. In January he will need new commissioners for the Planning and Zoning Board. So he would like the Council to make suggestions for new commissioners.

Town Manager Bill Greenwood said on Tuesday, December 4th from 10:00 a.m. to 1:00 p.m. there will be a 3rd annual Governor and Mayors Summit in Phoenix. Participation is limited to mayors or an elected official designated by the mayor. The discussion will focus on legislative priorities, Arizona's economic development, and the impact of growth, transportation, and land use in local communities.

The meetings that Mr. Greenwood went to last week dealt with several topics on Biomass Energy and he will write up a report for the next meeting. Mr. Greenwood told Council that at the Halloween event at Bashas` that a 1000 hotdogs were made and everything was well received. Commended staff on the great job they did. Fire Department Chief Howard Carlson thanked everyone for their help and gave special appreciation to Mr. Greenwood and his wife Shelly for all their help that night. Mayor

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Gloria Eagar appreciated that the road was blocked off from traffic, for the safety of all the tricker-treaters. Ladonna Tafoya reported that 401 people went through the Haunted Pool.

ITEM #6: OPEN CALL TO THE PUBLIC

Citizen Everett Slade said that there were a couple of things he is not sure of:

- The deductible was never met and it was and over the amount, the way it was done it was set up to fail.
- The act of God explanation, house setting in a depression- if he needs to have a survey just tell him and he will have it done.
- No employees were interviewed to his knowledge and there were a ½ dozen that were there.

After asking to be put on the agenda for tonight and not being on it, he told Council he would be on it in December.

Councilor Gary Finch recognized a Boy Scout in the audience- Dallin Haws who is working on his Communication Merit Badge.

ITEM #7: CONSENT AGENDA

APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETINGS HELD OCTOBER 2007

APPROVAL OF CHECKS WRITTEN FROM 21159, 21727, 21838-21839, 21853-22155 SEPTEMBER 2007, BANK TRANSMITTALS 1-16 SEPTEMBER 2007, COMMUNITY FIRST CREDIT CARD PURCHASES SEPTEMBER 2007

Councilor Sue Chacon motioned to approve the consent agenda. Seconded by Councilor Vicente Ordonez, all were in favor; the motioned carried. 7-0

ITEM #8: UNFINISHED BUSINESS

A. SPRINGERVILLE-EAGAR REGIONAL CHAMBER OF COMMERCE REPORT FROM EXECUTIVE DIRECTOR JENNIFER PROCHNOW

Chamber Director Jennifer Prochnow told Council of an Arizona Chamber Executives Committee that meets once a year. Last year the subject was on Human Resources law and she has a manual if anyone would be interested in borrowing it. This month was busy with:

- Mixer at Mountain Oasis Spa and Wakeup Round Valley - 14 people came will do the mixer and wakeup every other month.
- Received software that lets businesses know that they were referred.
- Website updating is out for request for bids from someone local. Team grant matches funds that are used.
- Not as many people are requesting information packets from this area right now.
- New members – Pinetop Motors & PowerSports, SCF Arizona.
- (Workman's Compensation) and Life in Christ Fellowship.

- Next month they will be Spotlighting An Apple a Day.
- Veterans Day parade – more people participating – something to build on.
- Electric Lights parade.
- Chrome in the Dome will be in June again.
- Ribbon cutting on November 15, 2007 for Lee's Cleaning Service at 10:00 a.m. and Nana's Jewelry at 10:30 a.m.

B. DISCUSSION AND CONSIDERATION OF TOWN MISSION STATEMENT

Councilor Byron Smith said it covers everything the committee had discussed a mission statement needed. It is all-inclusive for everyone in the Town. The Mission Plan committee needs more input help with the Town's mission statement. The next committee meeting is December 3, 2007. The committee will combine suggestions from Council/Staff and bring back a semi-completed mission statement to the Council meeting on December 4, 2007.

**C. DISCUSSION, CONSIDERATION AND SECOND READING OF ORDINANCE 2007-07
ADDING TITLE 18, CHAPTER 18.86.060 BUILDING DESIGN GUIDELINES**

Bruce Ray, Director of Community Development, said that it did not have specific criteria – if you get too involved it would put you in violation of Proposition 207- keep it general. These are suggestions only for commercial buildings.

Councilor Kim Holaway motioned to approve Ordinance 2007-07 adding Title 18, Chapter 18.86.060 Building Design Guidelines. Seconded by Councilor Sue Chacon, all were in favor; the motion carried. 7-0

D. DISCUSSION AND CONSIDERATION OF PURCHASE OR LEASE OF THE KENNEDY WELL

Town Manager Bill Greenwood said this is what Council approved in the term packet. Town Attorney Doug Brown will point out concerns. Doug Brown said they finally withdrew the subordination clause. But doesn't like the Town having to pay \$1000 dollars each time they have to talk to their Attorneys. The Town owns the property after the first 20 years but continue to pay payments. The rent tax –if paid, the money comes back to the Town, Mr. Kennedy is paying property tax. The Town can't store or put anything on the property with out his permission. Mr. Kennedy cannot tell us what to do with the well house or well. Mr. Brown said the Town would have to get his permission to sublease.

Town Attorney Doug Brown said this is an as is transaction-no warranties. The Town can cancel the agreement if it is under minimum gallons per minute or cancel if it doesn't meet ADEQ quality for domestic use. If the Town pumps from the well once a year, the Town will not lose the well, otherwise it could be lost if not pumped at least once every year. Quite Agreement means to make it so we enjoy the purpose of the lease – they can't interfere with our use of the well.

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E. EXECUTIVE SESSION AS ALLOWED BY A.R.S. § 38-431.03.7 DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY – KENNEDY WELL

Town Attorney Doug Brown said to do both executive sessions together, later in meeting (after Item #9 F).

No action at this time.

ITEM #9: NEW BUSINESS

A. DISCUSSION AND CONSIDERATION OF RESOLUTION 2007-31, DECLARING ORDINANCE 2007-07 A PUBLIC RECORD AND THAT THIS DOCUMENT IS FILED WITH THE TOWN CLERK

Councilor Byron Smith motioned to accept the Resolution 2007-31, declaring Ordinance 2007-07 a public record and that this document is filed with the Town Clerk. Seconded by Councilor Kim Holaway, all were in favor; the motion carried. 7-0

B. ANNOUNCEMENT, DISCUSSION AND CONSIDERATION OF RESOLUTION 2007-32 SPRING 2008 CALL OF ELECTION

Councilor Vicente Ordonez motioned to approve Resolution 2007-32, Spring 2008 Call of Election. Seconded by Councilor Sue Chacon, all were in favor; the motion carried. 7-0

C. DISCUSSION AND CONSIDERATION OF RESOLUTION 2007-30; GOVERNORS OFFICE OF HIGHWAY SAFETY - SUBMISSION OF PROJECTS IN ARIZONA'S 2008 HIGHWAY SAFETY PLAN, DUI DETAIL FUNDING

Councilor Vicente Ordonez motioned to approve Resolution 2007-30, Governors Office of Highway Safety – submission of projects in Arizona's 2008 Highway Safety plan, DUI detail funding, with Police Chief Mike Hogan as the signer on papers pertaining to the funding. Seconded by Councilor Kim Holaway, all were in favor and the motion carried. 7-0

D. DISCUSSION AND CONSIDERATION OF A LEASE AGREEMENT BETWEEN THE TOWN OF EAGAR AND VERIZON WIRELESS FOR THE PLACEMENT OF A CELL TOWER ON CEMETERY HILL

Community Development Administrator Bruce Ray said that this tower will take care of dead spots, for example around Burk Street between 2nd and 4th streets and other places in Town. Town Attorney Doug Brown has reviewed the agreement and it meets code location for Towers. Mr. Brown said it was the exact same agreement that he has at his ranch. They can't sublet what else goes on tower and they put it in this one too. Mr. Ray had requested that the sublet part be put in the agreement. Councilor Kim Holaway said that we are in this agreement for 20 years and Mr. Brown told her every five years they can get out of it.

Councilor Sue Chacon motioned to approve the lease agreement between the Town of Eagar and Verizon Wireless for the placement of a cell tower on Cemetery Hill and Town Manager Bill Greenwood to sign the agreement. Seconded by Councilor Vicente Ordonez, all were in favor and the motion carried. 7-0

E. DISCUSSION AND CONSIDERATION OF A LEASE AGREEMENT BETWEEN THE TOWN OF EAGAR AND A.S.P. PALLETS INC. FOR THE LEASING OF PROPERTY AT THE EAGAR INDUSTRIAL PARK

Town Manager Bill Greenwood said what Terry Reidhead couldn't use of the wood (small diameter or crooked) the pallet company could use. The pallet company would ship the lumber to Phoenix were they have a plant to put it together. Councilor Kim Holaway said she appreciated Town Manager Bill Greenwood facilitating this agreement, as this was one of the holes that Dr. Lay Gibson reported on the economics of the Stewardship Plan. Councilor Vicente Ordonez asked how many jobs the pallet plant would have. Mr. Greenwood said not a lot, maybe around 10 jobs.

Councilor James Nelson motioned to approve the lease agreement between the Town of Eagar and A.S.P. Pallets Inc. for the leasing of property at the Eagar Industrial Park. Seconded by Councilor Byron Smith, all were in favor and the motion carried. 7-0

E. DISCUSSION OR CONSULATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION

Councilor Vicente Ordonez motioned for council to adjourn into Executive Session. Seconded by Councilor Kim Holaway, all were in favor and the motioned carried. 7-0

Councilor Vicente Ordonez moved to reconvene into regular session at 10:15p.m. Councilor Gary Finch seconded and all were in favor; the motion carried. 7-0

No further action was necessary from the executive session.

ITEM #10: SIGNING OF DOCUMENTS

Ordinance 2007-07, Resolutions 2007-30, 2007-31, 2007-32, lease agreement with Verizon and lease agreement with A.S.P. Pallets Inc.

ITEM #11: ADJOURNMENT

Councilor Vicente Ordonez motioned for council to adjourn at 10:30 p.m. Seconded by Councilor Gary Finch and all were in favor; the motion carried.

Attest: _____

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Mayor: _____

Vice-Mayor: _____

Council: _____

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are true and correct copy of the minutes of the Regular session of the Town of Eagar, Arizona held on November 13, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Marion Wiltbank, Assistant Town Clerk