

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
July 7, 2009 – 7:00 P.M.**

Mayor Kim Holaway called the regular council meeting to order and welcomed those present. Mayor Holaway reported that all council members are present. Mayor Holaway led the Pledge of Allegiance and Gary Finch offered the invocation.

COUNCIL PRESENT: Kim Holaway, Mayor
 James Nelson, Jr., Vice Mayor
 Byron Smith
 Gary Finch
 Guy Phelps
 Steve Erhart
 Melissa Webb

STAFF PRESENT: Bill Greenwood, Town Manager
 Bruce Ray, Community Development Director
 Katie Wood, Finance Administrator
 Mike Hogan, Chief of Police
 Howard Carlson, Fire Chief
 Elwin Browning, Public Works Administrator
 Doug Brown, Town Attorney
 Eva Wilson, Town Clerk

ITEM #5: SUMMARY OF CURRENT EVENTS

A. MAYOR

Mayor Kim Holaway reported that herself and Vice-Mayor James Nelson, Jr. were in the 4th of July Parade, escorting the two 2008 Miss Eagar's. Mayor Holaway reported that there was a very large presence at the parade this year, and that the fireworks were spectacular.

Mayor Holaway attended a Homeland Security meeting on June 29th in Holbrook and she brought back available grant money information. She also attended the Wellness Coalition meeting; the Wellness Coalition encourages healthy activities in the community.

Mayor Holaway reported that the Round Valley Library would hold an Open House on July 10th from 1:00 – 4:00 p.m.

The 25th Annual Eagar Daze will be held on Saturday, August 1, 2009. Chris Isaacs is the event coordinator for the Dutch Oven Cook Off and he is looking for council members to act as judges. Mayor, Holaway, Vice-Mayor Nelson, and Councilor Byron Smith volunteered, (and possibly Councilor Finch).

B. COUNCIL

Vice-Mayor James Nelson, Jr. reported that there would be a “Keep It Clean” community event to be held on July 18th. This will give the community a chance to interact with the various emergency services in the community, and to have a “clean” event that encourages citizens to not use harmful substances.

Councilor Gary Finch reported that the Sheriff’s Posse had one of their most successful 4th of July rodeos. Councilor Finch passed on the Posse’s appreciation to the Town for their support and for the preparations that were made to have a successful event. Vice-Mayor Nelson also passed along his appreciation.

Councilor Guy Phelps reported that the Pitch In – Clean Up Committee spoke with Main Street residents about maintaining their Main Street easement, and that for the months of June, July, and August they would receive a small discount on their water bills to maintain the easement. Property owners were very receptive to the project.

C. STAFF

On July 2nd Town Manager Bill Greenwood met with HDR, the contractor tied to the American Recovery and Reinvestment Act (ARRA), regarding the paving project on Main Street and South Mountain Avenue. The issue was discussed and HDR will have a proposed estimate prepared in about two weeks. Mr. Greenwood also attended the Arizona Game and Fish public meeting.

Fire Chief Howard Carlson reported that the fire department served approximately 930 pancake breakfasts for the 4th of July. They calculated a \$3500 profit.

ITEM #6: OPEN CALL TO THE PUBLIC

Doyel Shamley invited all to the premier release of *The Fourth World – When Humanity Murders God*, on July 11, 2009 at 7:00 p.m. at the Eagar Town Hall. This is a DVD release of the Little Bear Archeological Dig at the X Diamond Ranch on the South Fork. The filmmaker, still photographer, and producer will be in attendance to answer any questions.

ITEM #7: UNFINISHED BUSINESS

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

Ms. Prochnow reported that there were 75-80 4th of July Parade entries. She thanked Chief Mike Hogan for the help she had received with the parade staging from the Civilian Volunteer Patrol.

Ms. Prochnow reported that the Chamber received over 875 visitors in June, and that there were 47,000 website visits in June. The next Mixer will be held at the hospital and will be

hosted by Majik 101 Radio at 7:00 a.m. The rest of Ms. Prochnow's report is in the Council's packets.

B. DISCUSSION AND CONSIDERATION OF CINDER PIT AGREEMENT WITH LARRY COFFELT AND KELLY BACA

Councilor Steve Erhart had a conflict of interest with this item and he excused himself from the discussion and consideration.

Vice-Mayor James Nelson moved to approve the Cinder Pit Agreement with Larry Coffelt and Kelly Baca with the proposed amendments, and granting the Mayor authority to sign this agreement tonight. Councilor Gary Finch seconded; all those voting were in favor, motion carried unanimously. 6-0

C. DISCUSSION AND CONSIDERATION OF ANY ACTION TO BE TAKEN ON LEGISLATIVE ISSUES

None.

ITEM #8: NEW BUSINESS

A. APACHE COUNTY SHERIFF'S OFFICE SUMMARY FROM SHERIFF JOSEPH DEDMAN

Sheriff Dedman reported that he has kept Brannon Eagar as his Chief Deputy and that he is keeping his campaign promised to install integrity back to the sheriff's office. He will be cross certifying his deputies with the federal government. He has developed a five-year plan for the sheriff's department, as requested by the citizens. His office has conducted several liquor sales sting operations, and is addressing the alcohol "bootlegging" that is taking place on the Navajo Nation. His department is in need of another deputy position to be filled. He is also applying to the federal government for a regional helicopter. The Drug Task Force continues to work the county.

B. DISCUSSION AND FIRST READING OF ORDINANCE 2009-04 AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PARCEL 104-13-001 AND 104-22-003A FROM AR-20 TO C-2 AS REQUESTED BY DONNA TRAPHAGAN AND THE WHITING FAMILY TRUST – SOUTHWEST CORNER OF BURK AND CENTRAL

An application has been made for a zoning district change for the Parcels 104-13-001 and 104-22-003A from AR 20 to C2. The proposed change meets the land uses in the General Plan and Land Use Map, and meets the minimum requirements for a zoning amendment as set fourth in the Town Code. Notification of the Hearing was published in the newspaper, the property was posted, and all notifications were made as required. The Planning and Zoning Commission held a public hearing on June 18, 2009; there was no public present to oppose the zoning change. The Planning and Zoning Commission unanimously voted to send a recommendation to the Town Council for approval and adoption of the amendment.

C. DISCUSSION AND CONSIDERATION OF THE TOWN MANAGER'S EVALUATION FORMAT

The Council was in agreement that they wanted the Town Manager's evaluation format to have a more measurable means to determine the quality of normal duties, and a format that takes the subjectivity out of the accomplishments, without micromanaging. The Council asked Mr. Greenwood to prepare a measurable form of his job duties. The Council will evaluate Mr. Greenwood at an executive session on August 18, 2009.

D. DISCUSSION AND CONSIDERATION OF CREATING AN AD HOC RACQUETBALL FACILITY COMMITTEE

The racquetball courts will most likely be completed by the end of this month. There is a need to have a committee to determine a fee structure, rules, and other logistics for its use. It was recommended that two council members, one staff member, and several citizens make up this committee. Vice-Mayor James Nelson, and Councilor Melissa Webb volunteered; they also asked Chief Carlson to participate.

E. DISCUSSION AND CONSIDERATION OF A SCHEDULE AND ITINERARY FOR THE 2009 COUNCIL/MANAGER RETREAT

It was recommended that the Council/Manager Retreat be held on September 22, 2009.

F. DISCUSSION REGARDING A REQUEST BY A CITIZEN TO PROPOSE A TOWN ORDINANCE TO REGULATE CELL PHONE USE WHILE DRIVING

There was a Bill in this legislative session that would prohibit using a cell phone while driving, however the Bill failed by one vote. Chief Mike Hogan reported that there have not been any reported accidents that have been caused by cell phone use while driving, and if it was a measurable problem he may recommend such an ordinance. However at this time he does not see this issue as a problem in our community, and he stated that there are other laws on the books that can be cited if an accident were to occur due to inattention to driving.

It was stated that the Navajo Nation has prohibited use of a cell phone while driving and Vice-Mayor Nelson would like to review that law, as well as see what other communities are doing. Councilor Guy Phelps asked that the police department educate the public whenever it can in regards to the dangers of cell phone use while driving. Mayor Holaway recommended that an article be written on the subject for the town's newsletter.

G. DISCUSSION AND CONSIDERATION TO APPLY FOR A FIRE SYSTEM GRANT FOR CONSTRUCTION OF A NEW FIRE STATION ON THE SOUTHEAST CORNER OF BUTLER AND 3RD AVENUE

The grant Chief Carlson wants to apply for is in the amount of \$1,434,500 without matching funds. The Town will perform some in-kind labor. The grant application is due July 9, 2009.

Vice-Mayor Nelson was adamant that if the project is approved, that the Town follow the bidding process for several structural options. Chief Carlson said that he would lean towards a metal structure. Councilor Steve Erhart believes that the property that Chief Carlson wants to use for a fire station was purchased under the premise that it was to be used for recreational purposes only.

Councilor Melissa Webb moved to allow Chief Carlson to apply for a fire system grant for construction of a new fire station on the southeast corner of Butler and 3rd Avenue. Councilor Byron Smith seconded; six were in favor, Councilor Steve Erhart was opposed, motion carried. 6-1

H. DISCUSSION AND FIRST READING OF ORDINANCE 2009-03 REVISING TOWN CODE SECTION 13 – PUBLIC SERVICES AS RECOMMENDED BY THE EAGAR UTILITIES BOARD

There were several changes that the Utilities Board recommended mostly because several water use formulas in Section 13 of the Town Code are obsolete. Several fee changes will be recommended at the next council meeting in resolution form.

I. REVIEW AND DISCUSSION OF THE INDEPENDENT AUDIT FINDINGS

The majority of findings listed in the audit were due to a new accounting principal procedure that Ms. Wood was not familiar with when she was assigned to her position. However, the majority of the findings and recommendations have been addressed and corrected to date; many of the findings have been resolved so that the Town will not have the same findings or recommendations in the future.

Ms. Wood has also acquired the Asset Keeper Tool that will assist her in tracking the depreciation from the working budget, which was not available for her last year. The audit showed a huge depreciation because of the large amount of infrastructure development in the last several years.

J. DISCUSSION AND CONSIDERATION TO APPROVE THE FISCAL YEAR 2009-10 TENTATIVE BUDGET

Ms. Wood stated that the budget before the Council has not changed since the last discussion regarding the 2009-10 budget.

Councilor Steve Erhart moved to approve the fiscal year 2009-10 Tentative Budget. Vice-Mayor James Nelson seconded; all were in favor, motion carried unanimously. 7-0

ITEM #9: SIGNING OF DOCUMENTS

Mayor Holaway will sign the Cinder Pit agreement as soon as the revisions have been made.

Regular Council Session
July 7, 2009

ITEM #10: ADJOURNMENT

Vice-Mayor James Nelson moved to adjourn regular session at 9:13 p.m. Councilor Gary Finch seconded; all were in favor, meeting adjourned.

Attest: _____

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 July 7, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Eva M. Wilson, Town Clerk