

**MINUTES OF MEETING OF THE
THATCHER TOWN COUNCIL
November 9, 2010**

Present: Mayor Rivera, Vice Mayor Mulleneaux, Councilman Morris, Eric Merriman, Donald Innes, Ken Larson, Wayne Griffin

Staff Present: Terry Hinton Manager, Dudley Welker Attorney, Heath Brown Engineer, Chief Mark Stevens Police, Chief Mike Payne Fire Department, Lona Duncan Town Clerk

Visitors: Alan Perkins, Dustin Welker

AGENDA

Mayor Rivera welcomed everyone stating there was a quorum. Mayor Rivera said God Bless our Troops God Bless their families and God Bless America. I would like to ask all in the room to take a moment of silence in honor of our veterans, for those who have gone to their rest place, for those now fighting for our country, and also the present veterans that are alive.

Mayor Rivera asked the Boy Scouts to stand and introduce themselves. Alan Perkins (leader) said they were Troop 1534 here to get the Citizenship in the Nation merit badge, Trevor Christensen, Tate Wright and Dustin Welker (leader).

Pledge of Allegiance lead by Vice Mayor Bill Mulleneaux

Roll Call.

OPEN CALL TO THE PUBLIC:

None

PUBLIC APPEARANCES:

None

CONSENT AGENDA: Action Item

- A. Approve minutes of the October 19, 2010 Regular Council Meeting.
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

Councilman Merriman made motion to approve minutes and reports. Councilman Innes seconded the motion. The vote was unanimous Motion passed

OLD BUSINESS: Discussion, consideration and possible action

NEW BUSINESS: Discussion, consideration and possible action

A. Arizona Office of Economic Recovery IGA Approval.

Terry said this is the grant we talked about last council meeting saw it on the internet and applied. We asked for fifty thousand for two police cars and they awarded us one car. This is to allow the Mayor to sign the IGA agreement. We will receive enough money to pay for the Expedition and the equipment. We are very happy to get the Grant.

Councilman Morris made motion to give approval for the Mayor to sign the IGA Arizona Office of Economic Recovery. Councilman Griffin seconded the motion. The vote was unanimous. Motion passed

B. **RESOLUTION NO. 576-2010:** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, AUTHORIZING THE TOWN TO AMEND AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR A TRAFFIC SIGNAL, LIGHTING AND MAINTENANCE AT REAY LANE AND HIGHWAY 70.

Terry said this is amendment one to the agreement you have already approved to install the traffic signal at Reay Lane and Highway 70. They have added ten thousand to budget for a right a way acquisition. There is 846 square feet that is mostly in the sidewalks that is not officially part of the town or the street we need to obtain it from the owner of the service station on the corner. We were working out the price with him and ADOT said we had to get the land appraised along with a number of other items so I just turned it over to ADOT. So our half of the cost will be five thousand and ADOT will pay the other five.

Vice Mayor Mulleneaux made motion to approve Resolution No. 576-210. Councilman Larson seconded the motion. The vote was unanimous. Motion passed

C. **RESOLUTION NO. 577-2010:** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, DEDICATING FOR STREET AND RIGHT OF WAY THE REAL PROPERTY DESCRIBED BELOW.

Terry said this is what we talked about last week about when we bought the park land, we own out to the section line, or the middle of Reay Lane. We had to get a deed and a bill of sale which we did, so this Resolution is to dedicate Reay Lane from us to us. Attorney Welker said when the town was laid out Elizabeth Layton dedicated the streets but she only owned to the section line. So the east half of Reay Lane was a valid street but not the west half. There was a tradition back then that you made section lines into streets so that is what happened here, the west side technically still belongs to those that live along the street. For ADOT to protect themselves we have to dedicate it to our self because we can't sell it to ourselves. Terry said this should remove the last hurdle we have. Councilman Larson asked when ADOT would start the project. Terry said right after the first of the year they will go to bid.

Councilman Morris made motion to approve Resolution No. 577-2010. Councilman Innes seconded the motion. The vote was unanimous Motion passed

D. Canvas of the Vote for November 2, 2010 General Election.

Terry said you have the official canvas of the Town of Thatcher General Election for November 2, 2010. Terry read the number of register voters to be 2588, ballots cast were 1489 percentage of voter turnout 57%, ballots rejected 0, ballots questioned 0. This was an election to put in two Councilmembers number of votes cast Donald Innes 649, Bill Mulleneaux 663, Pat Rowan 596, Aaron Allen 601, 4 write in votes, 30 over votes and 435 under votes. Terry said elected in this election was Donald Innes and Bill Mulleneaux. Terry said all three of the newly elected Councilmember's will be sworn in during the December meeting and at that time we select the Mayor and Vice Mayor.

Councilman Larson made motion to approve the Official Canvas of Vote. Councilman Griffin seconded the motion. The vote was unanimous. Motion passed.

INFORMATIONAL ITEMS:

A. Town Manager's Report:

Terry reported that the Bealls store has their sign up showing their name and the building is looking nice. Chief Payne said next Monday they will start working on the inside they have someone that has done it nationally so it should go pretty fast.

Heath had a meeting today with the contactor that was awarded the solar panel projects. We are getting ready to pour a concrete pad where the control panels go. The first of year we will see something going in out there.

We haven't reviewed our personnel policy since 2003. I started a review of that policy and have a draft finished that I will have Mark, Heath and Lona review and make changes then I will bring that draft to Council for your review of the new handbook. Most of the changes that were recommended are the language for at will employment and a disclaimer saying it is not an employment contract most of changes fall from page 1 through 10. I have basically just updated it and I am going to try and find an attorney to review and give comments. This will happen in the next two months.

I also wanted to remind everyone of the changes for the next three Council meetings December 21, January 10, and February 15. Mayor Rivera asked if the Christmas Luncheon was December 14th at 12:00 answer was yes but the time may be different but you will receive a notice.

Just a short update on the law suit against Lexon Insurance for the performance bond of the town houses on the hill. The Judge denied the summary judgment. I believe and Rudy Parga also said if it hadn't been for the finance company that tagged on the back end of our performance bond it would be over by now. Rudy did set in on the hearing of the summary judgment. I have now separated ourselves from the finance company and Rudy Parga is going to represent us. The Judge set the trial date for I believe February 19th. I still expect to settle it before that time. We have talked about the engineers estimate and the work that needs to be done up there. At one time the water and sewer were all in. The water was inspected and passed but the sewer when it was tested did not pass, so in order to fix it they had to take the water out. The sewer has been put back in

but all the water has not and they both need to be tested. The curbs and streets need to go in and part of the estimate was for sidewalks and off street improvements on Stadium Ave and Reay Lane. My thought on a way to settle, is to offer to forgo the sidewalks at the time when they start building again they will be torn up anyway. We can require the developer to have the sidewalks in before a certificate of occupancy is given. I have asked for our attorney fees to be paid back but it probably won't happen the other thing we might give up is the off street improvements because this has changed and we really don't need them the way they were designed. We would rather get our walking path in and then tie it all together on Reay Lane then on Stadium if we turn the area below the cemetery into a park that will remove one of the streets we had to deal with anyway. So I am saying what they have to put in is the water, sewer, streets, curbs and retaining walls. Attorney Welker said he thought he should say something in behalf of the Judge. A grant of a motion for a summary judgment is always appealable and a denial is never appealable. If he had granted the motion for summary judgment the insurance company could have immediately filed for an appeal and keep this tied up for two more years and it may never get to trial so in a sense he may have done you a favor.

Terry said we still don't know if the medical marijuana will pass but we need to pass some zoning laws in order for the sites where they place a medical marijuana clinic or dispensers are where we want them. The League has some papers to look at and I will try to have something together for the December meeting. Terry said Bob has had some meetings and I have had manager meeting where it has come up, this year we expect a very consecrated effort by the legislators to raid our revenues. The State revenues make up around 25% of our budget that is a significant amount of revenue. If they take this revenue and we will lose the revenue sharing of Wal-Mart next year's budget will be a little harder. The point to this is we need to be more proactive this year with our legislators. We should all plan on if the League sends you something saying you need to contact someone you need to contact them. A lot of times we don't do that but this year we need to make sure that is done. Mayor Rivera said they need to know what it means to our town to have 25% of revenue taken away so if we are asked we need to be able to tell them what will happen whether it is letting a person go or services cut or increase in fee or rates. Vice Mayor Mulleneaux said he had talked to an EAC Board member and they are also concerned about their money select and equalization. EAC is the only college that receives equalization from the State. If they cut that out they will be hurting. Terry said if we choose not to use our fund balance then we may have to cut pay or services or medical. Terry said we just need to be proactive. Mayor Rivera said even if they take a quarter of our revenue it will affect us. Terry said you are right it will have an impact on us.

One other item that you need to be aware of we have a citizen who has three residences on Dry Gulch Road who has 15 or 20 vehicles and trailers he runs a perpetual yard sell out of his house. He keeps all the vehicles registered, licensed and insured so that meets one of the criteria for a junk vehicle. He parks them on the street then every two to three days he drives then brings them back again so they are not setting longer than 72 hours. We have in our Town Code a statue about nuisances so I have asked Dudley to look at that and draft a letter and force him to abate the problem. Attorney Welker said he drove out there today and they were on both sides of road he had about five or six vehicles you almost

could not get through and I noticed that one of the parts of the nuisance code is about being able to see and safely avoid hitting someone and you can't, it is that bad. Vice Mayor asked does he buy and sell stuff. Terry said yes but he doesn't sell the vehicles. Mayor Rivera asked if the neighbors have complained, answer was yes. Mayor Mulleneaux said can we pass an ordinance that would limit the number of vehicles that can be parked at a residency. Terry said I think we can do that because the Planning and Zoning says you have to provide two off street parking spaces per resident, so he will have to move his vehicles because off street parking is public parking for visitors only. We are going to try that first. Attorney Welker read Town Code section 11-1-7A a public nonsense to Council. Mayor Rivera asked the status of Springbok. Terry said he has not heard from them I just heard they made a statement to Safford Council that they were going to put a development just outside the Thatcher city limits in the County because regulations were easier. Then they would ask us to annex it. I don't think that will happen. I don't think the County will work with them and we don't have to annex. It goes up for auction in December they say they are doing this to restructure their debt. Vice Mayor Mulleneaux said he talked to Art Sanders and he said they owe three and a half million and when it goes to auction they were hoping to buy it for one million. Terry said I still have my doubts that anything will happen.

B. Fire Department Report.

Chief Payne said the fire crew is out at the training center tonight doing some things with propane and the ladder truck. We have the potluck in December besides that not much is going on. Mayor Rivera asked if everyone was trained on the truck. Chief said we have about five or six. Terry said that is an ongoing thing to get all trained.

C. Police Department Report.

Chief Stevens said we are doing good as Terry said we are getting the new car and we received a 56 thousand dollar grant from Stone Garden. We have put in for some radios and equipment and they gave us two more night vision which we don't need. Officer Curtis is trying to negotiate to get radios. We have a six thousand dollar grant for overtime DUI and a twenty four hundred dollar grant for equipment we are going to upgrade the software on the AIMS unit. We are also doing some remodeling in the old squad room.

COMMITTEE REPORTS:

Safe House - Vice Mayor Mulleneaux said they have not contacted me about when the next meeting is. Councilman Griffin said he saw her today and she thought it would be in December.

Chamber of Commerce- Councilman Merriman said they meeting is changed to next week and it will be held at the Hospital. I think they are going to have their meeting on the 3rd week on Tuesday from now on.

SEAGO- Mayor Rivera said the meeting was in Duncan this time. They had a business meeting but they also gave a presentation on buying the building. Seago is the only Cog that owns its own building in Arizona now. The vote was 15 yes and 5 no to buy the building. They are going to take the money from their fund balance their reserves in the

amount of 330 thousand dollars. I voted no to the purchase. Councilman Innes asked why they wanted to move. Mayor Rivera that the building they are in is upstairs and there isn't an elevator so it is not ADA compliance for wheelchairs. They bought a building that is on the west side of Bisbee closer to the County Complex buildings. This building has been used as a church at one time and right now an engineering firm has it. There is more land and a lot of pluses. There was a time about five years ago when the City Council of Bisbee decided they wanted to use the upstairs and kick Seago out which didn't happen so they were afraid that some Council might come years down the road and do the same thing. It will take them about five months before they get to move into new building.

Arizona Foundation - Councilman Larson reported they were reviewing online the requests and we will get together this month to decide. We think by the end of the year Arizona Foundation will have approved our request to become an affiliate of the foundation.

Library Committee- Councilman Morris said they will have a meeting December 8th.

ADJOURNMENT

Councilman Innes made motion to adjourn meeting. Vice Mayor Mulleneaux seconded the motion. Vote was unanimous and meeting adjourned at 8:10pm

ATTEST:

APPROVED:

Lona Duncan, Town Clerk

Robert Rivera, Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular/special meeting of the Town Council of the Town of Thatcher held on the 9th day of November, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Lona Duncan, Town Clerk