

**MINUTES OF MEETING OF THE
THATCHER TOWN COUNCIL
August 9, 2011**

Present: Mayor Bob Rivera, Vice Mayor Bill Mulleneaux, Councilman Wayne Clifford, Eric Merriman, Charles Morris, Ken Larson, Don Innes

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

Visitors: Brady Bryce, Pat Rowan, Aaron Allen, Judge Chris Long, Aimee Staten, Brent Morris, Barbara Stailey, Floy Chick, Raul Portillo

AGENDA

Mayor Rivera welcomed everyone and called the meeting to order at 7:00pm state there was a quorum. Mayor said God bless our Troops God Bless their families and God Bless American please keep the troops that lost their lives this past week when their helicopter was shots down in your prayers.

Pledge of Allegiance - Councilman Charles Morris

Roll Call.

OPEN CALL TO THE PUBLIC:

Brady Bryce stood and voiced his concern of the Council minutes of May about the 12th Street community. At my variance meeting I was told that the Council was going to start with me to enforce the city codes and laws. I believe this promise was broken mainly by Mayor Rivera, Vice Mayor Mulleneaux and Councilman Larson. I thank Councilman Griffin for voting no on the 12th Street building permits. Mayor Rivera you told me that I knew the risk of splitting my property, that I would have to pay for sidewalks and curbs even through you let Mike Nelson build six homes without paving, sidewalks or curbing. Vice Mayor Mulleneaux and Councilman Larson had words of council for me that night and from the sounds of things those words were forgotten by the time I walked out of here. This Council had its chance to go through with their promise by voting no on 12th Street. According to the County there were between three and five homes when it was annexed into the city. The people knew what they were getting into. Engineer Heath Brown you said you did not know where to draw the line it should have been drawn as soon as they were annexed into the city. You had no problem telling me you had drawn the line and it cost me \$150.00 to be told that. They get trash pickup in front of their home without upgrades to their road or proper street width. I have noticed Danica Lane, Cold Comfort, and other surrounding streets don't get their trash picked up in front of their homes. Why is 12th Street so important to this Council that you will bend over backwards to give this group of home everything for almost nothing. I am tried of certain individuals getting around the rules and others having to go by the code book. I would like Council to know it is not over for me and I promise I will do everything to remind this Council and the people of this Town of the Town Codes. You can make every excuse for your action but everyone here tonight knows right and wrong and in my opinion this was wrong.

PUBLIC APPEARANCES:

- A. Boys and Girls Club – Lori Armstrong

Lori Armstrong stood and introduced herself as the Executive Director the Gila Valley Boys and Girls Club soon to be at the end of this week the Boys and Girls Club of the Gila Valley. The separation of the Boys and Girls Club from the City of Safford will be effective on the 12th of this month. I am here to inform the Town of Thatcher that we are going to do our best to go forward and we will need community support on all aspects of this. This is a community club and should have always been a community club. I am giving an invitation for one of you to join our board we want representation from all the community in the Gila Valley. We are an educational, recreational after school youth program. We have had multiple kids from Thatcher and Pima area during the school year. We offer a tutoring program for kids up to college age, home work help and computers. We have a number of educational programs which I won't go over. I mainly came to ask if one of you would be on the board of directors to help with ideas for fund raisers and to help plan our future.

B. Red Lamp – Raul Portillo

Floy Chick stood and said we were here because we can't get answers from your electric company. The first issue is the green boxes we did not give permission before they were installed. We have an easement stating they can come on the property to maintain equipment you can't put anything you want. The second is we have been charged \$25.92 which includes sewer and trash for empty spaces we feel there is no reason to charge when service is not being used. I am in constant contact with Jan and she is aware of what spaces are rented and when they are vacant. The electric company has red tagged two of our meters and the owner has requested the reason for red tagging be put in writing instead we received the letter referring us to the 2005 guidelines. The reason we wanted it in writing was to know what steps to take to correct the problem. The incorrect reading of units has been an on going issue example unit has a swamp cooler and received a bill for 291 dollars there was only 300 watts difference between when it was read and three weeks later. On Aug 2nd I saw Brent taking pictures of meters in the park when I ask him why he was taking picture he informed me that Mr. Hinton had sent him out. He then said our meters were not up to code. Another thing is there is not a number to call for after hour emergency since we could not reach anyone we had to run extension cords. Mayor Rivera said I have taken a ride through your property which I understand is private property I saw wires exposed one didn't have a cover it is your responsibility and the Town's for safety for anyone in the court. Floy said we didn't know what you wanted but we do know because Brent told us. They were trying to get us to go under ground but we need the shut off's. Mayor Rivera said on the easement part there are areas that we can not even service utility poles because things are in the way. Mr. Portillo said I would like to work with you but I would like it in writing. Terry said you have it in writing all you have to do if follow the National Electric Code 2005 and it tells you what you have to do that is your responsibility. Mayor Rivera said there are a lot of options but the Nation Electrical Code 2005 has articles that cover trailer parks. I questioned some of the RV Parks around town and with the exception of Lexington Pines they use master meters that is an option that we could do. Mr. Portillo said he did not want to do that because there is a lot of loss to my tenants' I like the way you bill the tenants. Mayor said we are red tagging because we see a danger there. Mr. Portillo said this letter I received is the first time I was aware of the problem the former owner may have known but I did not. The estimate for the underground work of two hundred thousand dollars with this economy is too much. It is not required by law I am not doing it. If the town put green boxes in without talking to me then I don't have to pay for them. Mayor Rivera said I

think the agreement with the prior owner was if he needed work we would do it and he would pay for some of the investment. Mr. Portillo said that is why I want it in writing that way no one has any doubts. Again one of the problems is the sewer and garbage charges when there is no electric usage there should not be a fee. Mayor Rivera said there is another thing I wanted to bring up there is a panel with 8 to 9 meters with a pad lock. The reason for the lock is there is a meter turned upside down running backwards so you are not paying for the electricity. Mr. Portillo said he would fix the meters that are a safety issue but you can't red tag the whole park. Councilman Innes asked when he could set down with staff and go over this. Mr. Portillo said he had to go back to California and when he returned they would. Terry said the green boxes were put in because that is the only way we could get power to you and we did that at our expense. Councilman Innes said from what I understand this is private property and there are two options one being continue with the city providing meters and helping you so you don't have to get involved in the administration part. The second is we provide master meters and it becomes your responsibility. So if we are going to continue with private meters then you have to make sure they are all safe. Mr. Portillo agreed I would like to work with you but I cannot do the underground. Mayor Rivera asked Mr. Portillo to get with staff.

CONSENT AGENDA:

Action Item

- A. Approve minutes of the July 12, 2011 Regular Council Meeting.
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

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

OLD BUSINESS:

- A. Thatcher Baseball Park possible naming.

Terry said that no one is present tonight but last month Hunter Winsor came and asked if the Thatcher ball park should be named after his grandfather Herb Windsor.

Mayor Rivera asked Terry to check and see what they were thinking as far as the name would be. Councilman Griffin asked who would get the signage and Terry said probably us.

Councilman Morris made motion to approve the naming of Ball Park after Herb Windsor. Councilman Merriman. Vote was unanimous Motion passed

- B. \$2.00 Additional surcharge for Town Fines – Judge Long

Judge Long stood and said last month the question was brought up about the legality of adding additional charges. I asked Josh Halverson to research it and he found in Title 22 section 404 and E that statute gives the town the authority to assess court

fees. The fees have to be use for related court programs or court services. Some Courts are assessing the fee on the number of counts not just the ticket that would be up to the Council as to how to charge. I also brought a copy of Graham County Ordinance they charge 20.00 per count on the cases that go before the JP Courts. I am only looking for a cushion to provide service for jury trial or for Rule11 investigation which the law says if a person can not stand trial they are to be examined by a psychiatric and a psychologist that can be expensive. Terry asked if it could be used for indigent attorneys and Judge Long said that is a service. I will have to take to the AOC any decision the Council makes their review before it goes into effect. So there is no rush at this time. The next change in the bond card will not be until January. If the Town would like to review and make any suggestion we have some time. Councilman Morris asked if the two dollars per ticket was enough, Judge said that is a start. Terry said Council will need to decide if that is per count or ticket. Terry said I will get with the Judge and see what we will need and then in November bring it back for your vote. Mayor Rivera asked Terry to do the research and bring it back.

NEW BUSINESS: Discussion, consideration and possible action

A. Redistricting for State Legislative and Congressional Districts – Discussion.

Terry there is still not a lot of information out there. I have given you a map that has a Congressional district that seems to be gaining momentum as far as people liking it. That puts Graham in with Greenlee, Pinal and Gila Counties. The other map is the Legislative District which will make a new district, right now we have eight and there will be nine. The redistricting was taken out of the hands of the Legislators and in the hand of a community that is appointed by the Govern and consent of the Senate they will make the decision. Once these districts are completed they have to be submitted to the Federal Government. So these are just proposals and they have given no time frame for it to be competed. I think the County will start some public meeting.

B. **RESOLUTION NO. 596-2011:** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA APPOINTING CHRIS C. LONG AS TOWN MAGISTRATE.

Terry said I would like to table this until I get more information from the insurance pool to see if we pass this the Judge is still covered by the Town bond and not required to get his own.

Councilman Innes made motion to table the Resolution for more clarification. Councilman Griffin seconded the motion. The vote was unanimous. Motion passed

EXECUTIVE SESSION: Pursuant to A.R.S. Section 38-431.03 (A)(1)(3)(7) the Council may go into Executive Session to discuss or consideration of employment, evaluation assignment or appointment, to give advise on negotiations and for legal advise from the Town Attorney.

Mayor Rivera asked to go into executive session with Terry Hinton staying. Vice Mayor Mulleneaux made motion to go into executive with a second from Councilman Innes. The vote was unanimous Motion passed at 8:25pm

A. Decision on Executive Session.

Vice Mayor Mulleneaux made motion to sell computer to Terry Hinton for \$100.00. Councilman Innes seconded the motion. The vote was unanimous. Motion passed

INFORMATIONAL ITEMS:

A. Town Manager's Report:

Terry the first day of school today and the improvements middle school seemed to work every will except for the swarm of bees. The traffic flow works better the Chief was there and had an officer there. Next week we start in front of middle school gym the sidewalks and curbing and the parking lot by the side of the gym. The EAC Town Houses all the lines both water and sewer are done they are beginning the testing process. The new lines have already passed they are now working on the old it will be about two or three weeks to complete. Heath and I are meeting with the engineers for the next phrase of leveling, grading and the retaining wall on the north side. The bird watching building is complete ready to be used. Also information about Thatcher Night at Chase field with the Diamond Backs. There is a form at Town Hall where they can sign up and get a discount on the tickets. The game is Aug 27th the deadline to sign up is August 19th. Councilman Griffin said the web page looks good. Terry said we have been working on it so if you see anything that needs to be changed let us know.

B. Fire Department Report.

Chief Payne said we added three new members Morgan Broderick, Brice Evans and Ryan Allen we still have one opening which will make 35. We have fifteen signed up for fire school in September. The Firefighter class 1 & 2 has about 19 signed up and I believe three will be ours. I called on the base stations for the radios so we should be getting them soon.

C. Police Department Report.

Chief Stevens said National Night Out went well we sold 3018 ticket so we figured about 750 to 800 people. All had a good time and enjoyed the helicopter ride. We did not get the Resource Officer grant from the school this year. Terry said we would still keep our presence there and maybe do some classes. Councilman Griffin thanked the Police Department for the tariff control for the 24th of July celebration.

COMMITTEE REPORTS:

A. Safe House- None

B. Chamber of Commerce- Councilman Merriman said today Brian Murray from Lincoln Group saying AT&T and Mobil T are looking at combining if they do it will make a better phone system 3G, 4G to 6G. Supervisor Drew John reported that another million dollars was taken from the County to help with the State. We went after the meeting to see Jake Flake and Ken Bennett. Ken reported on the budget and Jake told us about where the Federal is headed with more deceit.

- C. SEAGO- Mayor Rivera said there will be a meeting in October
- D. Library Committee- Councilman Morris said lat month there were working on getting an initiative program as a citizen group. There will be a meeting tomorrow night.

Mayor Rivera asked Terry to put the Centennial Committee under the Committee Reports for next month.

ADJOURNMENT:

Councilman Morris made motion to adjourn meeting. Councilman Merriman seconded the motion. Motion passed meeting adjourned Time 9:30pm

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 August, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Lona Duncan, Town Clerk