

**MINUTES OF MEETING AND PUBLIC HEARING OF THE
THATCHER TOWN COUNCIL
May 8, 2012**

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

Staff Present: Terry Hinton Manager, Heath Brown Engineer, Attorney Matt Clifford, Chief Mark Stevens, Chief Mike Payne, Lona Duncan Town Clerk

Absent: Councilman Morris

Visitors: Ken Strobeck, Tom Belshe, Scott Powell, Joy Martin, John Dixon, Matt Peterson, Raymond Lonser, Steph Robinson

AGENDA

Welcome and Call Meeting to Order. Mayor Rivera said God bless our Troops, God bless their families, God bless Town of Thatcher and God bless America. Mayor Rivera said on behalf of the Council, Staff, Citizen of Thatcher I would like to thank Dudley Welker for the years of service to the Town of Thatcher and would like to welcome Matt Clifford as the new Town Attorney.

Pledge of Allegiance lead by Ken Strobeck

Roll Call.

PUBLIC HEARING:

OPEN CALL TO THE PUBLIC:

Joy Martin introduced herself to the Council saying she is going to run for one of the vacancies on the Town Council. I would like to introduce myself my husband is Tad Martin my father in law is Dennis Martin we have been back in Thatcher for two years. I think the town has done a great job especially financially. It is also a great place to raise a family and I have four young children. I believe I can bring a lot to the Council and the Community, as a set of fresh eye, new ideas and outsider ideas. After High School I back packed through Africa for one year and saw the best and the worst of what cities have. I worked as an office manager and then went to nursing school and I work as a nurse in the recovery room at Mt Graham Hospital right now. I just completed my bachelor's degree in nursing. I feel like I have a lot to offer the community and I hope to get you know you better. Mayor Rivera thanked her for coming.

PUBLIC APPEARANCES:

- A. League of Cities and Towns update – Ken Strobeck/Tom Belshe

Ken Strobeck thanked Council for letting them come down, introduced himself as Executive Director of the League of Cities and Towns and introduced Tom Belshe as the Deputy Director. We were asked to talk about how Council's work, conflicts of interest, executive session, public records. At the league we often say the way you do things is just as important as the things you do. As a Public Official you are not allowed to talk to the quorum of the Council outside of a meeting. You are not the owners of the town but the community is the owner so you need to conduct business in the open. In the State of Arizona we have the Council- Manger forum where the Council is elected to make

decisions and set policy and then Council hire a manger and staff to implement that policy. That way you have a separation of power. Council cannot direct staff that is the job of the Manager and the Manger is not allowed to make policy that creates the check and balance system. I want to say again the State Law requires adhering to the Open Meeting Law. They have one basic principal and that is all the business of the government must be conducted in the full view of the public. You also need to make sure your email, face book, twitter etc. does not express you position on a subject to a quorum of council that would be a violation. Tom Belshe stood and said he was going to talk about executive session and conflict of interest. The executive session is meant to handle delicate information in a way that won't put innocent people at risk. There are seven things you can discuss one being personnel, confidentially, legal advise, pending litigations, negotiations with a firm or union, international or interstate negotiations, purchase, sell, or lease of real property. The League has just finished updating our publication with all the new laws in the last three to four years, about notices, ordinances, resolutions and new posting requirement. Conflict of interest is not a bad thing the problem comes in where Council doesn't understand when there is a conflict and they don't remove themselves from the discussion. This is good time to talk with your attorney about what property you have your occupation where you work so he can advise you. Once you have determined it is a conflict you should remove your self from the room because body language is just as much a part of deliberation as anything you might say. Just state the conflict and remove yourself from the room. Mayor Rivera thanked them for coming and for the information.

B. School Summer Library Proposal – Matt Peterson

Matt Peterson stood and said he is the principal of grades 3 through 8. I have been working with Principal Allred who is over the K through 2nd grades. We see a need for having a summer reading program we are working on getting some grants but we are coming to the city asking for 1000 dollars that would cover the staff who will run the program. We would use the elementary library but bring books from the primary and middle school. It will be open Tuesday through Thursday from 10:00am to 12:00am it will be about a six week period. There will be story time on Wednesday at 11:00 with different activities, also a book contest with prizes. We would appreciate any help you can give. Councilman Innes said the thought this is a good thing. Mayor Rivera said this put it on the agenda for next month.

CONSENT AGENDA:

Action Item

- A. Approve minutes of the April 10, 2012 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 reports and minutes. Councilman Innes seconded the motion. The vote was unanimous. Motion passed

OLD BUSINESS:

Discussion, consideration and possible action

A. 2010/2011 Audit – Scott Powell

Scott Powell said some of the issue with other cities and towns are in the last 2 years a number have borrowed from their Hurf money to run their general fund. The State statute says Hurf money is to be used on highway used streets only, so now they have to negotiate repayment plans. You have never done that and have always accounted for your Hurf funds separately. Your total state shared revenue was down about 150 thousand dollars from last year. Another issue we are finding is that on February 1, 2013 if your population is 2500 or more you have to have your financial information on the internet so cities and towns are developing a web site to meet this requirement. Your web site already has your monthly financials and minutes. There is one sentence that says the data base has to be searchable we are not sure what that means. Terry said there is a committee being formed to work with the state to see if they can put together a searchable data base where all the cities can send their information and the public will have access. Terry said that Thatcher is a member of the committee but we have not met yet. Scott said as usual we conducted your audit with the regular standards we look at invoice, payroll records, confirmations from other organizations, deposits, bank account and everything came out quite well. You have paid down some debt on the Gada loan, I believe it was for the fire truck. Your cash balance increased by 790 thousand dollar which was due largely to the insurance settlement you collected and your expenditures were less than your revenues. Those are all good signs and we don't see that every where. If you look from year to year your cash increase is 4 % to 5 % in almost every category. Your financial system is sound. Mayor Rivera thanked Mr. Powell for the information.

Councilman Innes made motion to accept the 2010/2011 audit. Councilman Larson seconded the motion. The vote was unanimous. Motion passed

B. JD's Grill House Patio extension.

Terry said you have three pages with a drawing showing the added patio on east side of JD Gill he has been working with Mike Payne. He has to get an approval from the State Liquor Board and they are asking for that to come from the Town Council. Mr. Dixon stood and said he has a Class 12 Liquor License which is for a restaurant which means I have to do 40% of sells in food. Just to give you an update we decided to add the patio and I have to do this extension in order to take alcohol out onto the patio. We are closing at 10:00 pm on week days and 12 pm on weekends, we have had 73% of our sells in food and a quarter in alcohol. I would ask Council to approve the extension.

Councilman Innes made motion to approve the patio extension. Councilman Larson seconded the motion. The vote was unanimous. Motion passed

NEW BUSINESS: Discussion, consideration and possible action

A. Town Attorney appointment.

Terry said with the retirement of Mr. Welker we have been working with Mr. Clifford by enrolling him in the League of Cities and Towns attorney conferences. He has been the Towns prosecuting attorney for the last five year. I would recommend the Council appoint him as the Town Attorney. Chief Stevens said the Police Department has been very pleased with his prosecutions.

Vice Mayor Mulleneaux made motion to approve appointment of Matt Clifford as Town Attorney. Councilman Merriman seconded the motion. The vote was unanimous. Motion passed

B. Town Fire Chief reappointment.

Terry said been a couple of months back the Fire Department had their elections. It would be proper for Council to reappoint Mike Payne as the Fire Chief.

Councilman Innes made motion to reappoint Mike Payne as Fire Chief. Vice Mayor Mulleneaux seconded the motion. The vote was unanimous. Motion passed

C. Planning & Zoning Commission Appointments.

Terry said there are two openings on the Planning & Zoning Commission and two individual express and interest in those positions. There was a Planning and Zoning meeting held but there was not a quorum, however those that were present were in favor of both. Those people are Eddy Carlton who teaches school in Safford and lives in Daley Estates the other is Bret Whitmer a farmer who lives in Diamond Springs subdivision. There is about 2 years remaining on this appointment after which they can ask for reappointment. Terry said staff agrees with Planning & Zoning.

Councilman Larson made motion to accept Eddy Carlton and Bret Whitmer to the P&Z Commission. Councilman Griffin seconded the motion. The vote was unanimous. Motions passed

D. **RESOLUTION NO. 602-2012:** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, AUTHORIZING THE MAYOR AND MANAGER TO EXECUTE FOR AND ON BEHALF OF THE TOWN OF THATCHER, ARIZONA, AN IGA WITH GRAHAM COUNTY TO PROVIDE FOR ELECTION SERVICES.

Terry said this is the IGA standard contract we have every election year. They do a great job for us staff would recommend we enter into this IGA again.

Councilman Innes made motion to approve Resolution No 602-2012. Vice Mayor Mulleneaux seconded the motion. The vote was unanimous Motion passed

EXECUTIVE SESSION: Pursuant to A.R.S. Section 38-431.02 (A)(1)(7) the Council may go into Executive Session to discuss personnel matters and to consult with the Town Attorney for legal advise.

Vice Mayor Mulleneaux made motion to go into executive session with Terry Hinton and Matt Clifford attending as will as Council. Vote was unanimous time 9:05pm

A. Decision on Executive Session.

None

INFORMATIONAL ITEMS:

A. Town Manager's Report:

Terry said the school project is almost complete we have some stairs to pour a drive way and some fencing. We are still working on the splash pad, right now working on bid spec for the equipment. Heath and I have been trying to decide what to do with the water treatment system. There are three options one putting water into storm drain, irrigate the grass but will only be able to use a quarter of the water and the third is a treatment system just like a swimming pool. The third is the most expensive option up front but it should pay for itself in the amount of water we have to use. The electricians are relocating the electric and we have a crew working on the retaining wall. Our streets crew is working on sewer line and road patching. Councilman Larson asked when it would be completed, answer was probably next year.

Terry said the Police quarterly meeting went well. Terry asked Council to mark your calendar for June 5th at 7:00 pm there will be a joint work session with Council and P&Z to review the consultant work on our Planning and Zoning Ordinances. That would be the time for you to bring up any issues that you feel are important. She will take that information and make a final draft which will be presented at the July Council meeting. The Town Code is being reviewed but will be about 4 of 5 months before that is ready. Terry said next week Tuesday through Friday I will be out of town to a ICMA Leadership training in Gettysburg, Pa. Mayor Rivera also said he would like to have a committee with Chief Payne, Chief Stevens, Heath Brown, Lona Duncan he also appointed Councilman Merriman and Councilman Griffin. I would like to meet next month about the tribute monument for present and past fire fighter, police officers and city workers.

B. Fire Department Report.

Chief Payne said on June 2nd we will be training by burning another house. We have invited Safford and Pima to be involved. The person wanted it burned so another house can be built they are responsible for clean up. We have a number of wet downs for the school kids next week. We participated in the Dump the Drugs at Home Depot and this week-end we have a Safety Day at Bealls. Chief Payne said we now have hand held's for all our fire trucks and appreciate your help and support.

C. Police Department Report.

Chief Stevens said we had Officer West at Dump the Drugs day and there were 95 pounds of pills and syrups collected, the following Tuesday DEA came and picked it up. We had our Arizona Post audit last week and passed, everyone had approved hours of training. We sent Officer Whisman to Pine Top for Interview and Interrogation school. We participated in the warrant round up that DPS sponsored I believe there were 6 to 8 in the Town of Thatcher that were arrested and total overall of about 41. There were about 50 police officers in town and no one got hurt. We have had interviews for the replacement of Officer McClain. We had five people interviewed and we have narrowed it down to two, we are working on background information we should be able to make an offer of employment by first of next week. Terry advised me that there was some question as to why my truck is not marked. As the Chief of Police I feel it is necessary to have at least one unmarked car that can be used for cohort activities. The officers use my vehicle frequently for this reason. My truck does have grill lights and a siren. Chief Griffin from City of Safford is not marked or Sheriff Allred's and under Sheriff McCormick is not marked and I checked with the Town of Coolidge and theirs is not marked. Mayor Rivera said when it was discussed we thought there were other vehicles that could be

used. Chief Stevens said you can but if you have a takedown the car will need the lights, which those vehicles do not have. Mayor Rivera also asked why a truck and not a car. Chief Stevens said it was the cheapest thing to buy at the time. Mayor Rivera thanks Chief for his information. Terry said that the traffic light is going and he has heard a lot of positive comments.

COMMITTEE REPORTS:

- A. Safe House- Mayor Rivera said we had a meeting last month but it was just a business meeting so nothing to report.
- B. Chamber of Commerce – Councilman Merriman said they had a meeting at the Manor House the Indian Tribe Chairman Terry Rambler was there said they were trying to negotiate to make gambling in Arizona the same as Vegas, the dogs the horse the gambling tables etc. They have a bill going through the House for this. He also said the Hospital should be finished in 2014 needing to employ 300 people. He talked about building another dam for water storage. Carrie Welch from another insurance group is located in the old Family Practice building they are helping people with money issue that need health care. We have about three or four ribbon cuttings this month.
- C. SEAGO – Mayor Rivera said the Admin Councilman meet last Friday. We will have ours on May 18th and I would ask that Councilman Merriman attend for me.
- D. Boys and Girls Club - Councilman Larson said he would take that committee.

ADJOURNMENT

Councilman Larson made motion to adjourn meeting. Councilman Innes seconded the motion. Meeting adjourned at 10:05 p.m.

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 8th day of May, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Lona Duncan, Town Clerk