

**MINUTES OF MEETING AND PUBLIC HEARING OF THE  
THATCHER TOWN COUNCIL  
September 18, 2012**

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

Absent: None

Staff present: Terry Hinton Manger, Heath Brown Engineer, Matt Clifford Town Attorney, Chief Shaffen Woods Police, Chief Mike Payne Fire Department, Lona Duncan Town Clerk

Visitors: Denise Payne, Brian Ellsworth, Brittany Minors, Steve Allen

**AGENDA**

Mayor Rivera welcomed everyone and called the meeting to order stating there was a quorum. Mayor Rivera said God Bless our Troops their families the Town of Thatcher and God bless the United States of America.

Pledge of Allegiance lead by Officer Brian Ellsworth

Roll Call.

**PUBLIC HEARING:**

- A. Rezoning request for 411, 421 and 471 Arena Way.

Mayor Rivera said that before the meeting started Mr. Palmer brought a letter rescinding his application.

- B. Application for Liquor License for Springbok Development.

None

**OPEN CALL TO THE PUBLIC:**

None

**PUBLIC APPEARANCES:**

None

**CONSENT AGENDA:**

Action Item

- A. Approve minutes of the August 14, 2012 Regular Council Meeting.
- B. Planning and Zoning Monthly Report.

- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

Councilman Morris made motion to approve minutes and reports. Vice Mayor Mulleneaux seconded the motion. The vote was unanimous. Motion passed

**OLD BUSINESS:**

Discussion, consideration and possible action.

- A. Planning and Zoning Code Review and Amendment process.

Terry said this was discussed at our last Council meeting and the P & Z Commission talked about it at their last minute and they agreed that it would be best to hire someone. Heath has worked on a RFP (request for proposal) and can go out to bid if that is what the Council would like. Councilman Innes asked is this for review and updating the P & Z Codes answer was yes. Terry said after it is completed then staff and Council will still review. Mayor Rivera said because of the lengthy process it might be best to hire the experts.

Councilman Innes made motion to start the process. Councilman Larson seconded the motion. The vote was unanimous Motion passed

- B. Canvas of the Votes for August 28<sup>th</sup> Council Election

Terry went over the canvas of votes. Terry said that with the total of vote Councilman Griffin will remain in and the six candidates with the highest number of vote will run again in the General Election for the remained number of Council seats.

Vice Mayor Mulleneaux made the motion to accept the Canvas of Votes. Councilman Merriman seconded the motion. The vote was unanimous Motion passed

**NEW BUSINESS:**

Discussion, consideration and possible action

- A. Decision of Rezoning Request.

Mayor Rivera stated this was rescinded at the request of the Paul & Geri Palmer.

- B. Decision on Liquor License Application.

Terry said this is a transfer of license that was at the Bonita Store which is the same license type that was at the Golf Course previously.

Councilman Morris made the motion to approve the Liquor License Application for the Golf Course. The vote was unanimous Motion passed

C. Board of Adjustment appointments.

Terry said we have tried for some time to get a separate Board of Adjustment and couldn't so Council took it back. We have some interest in this position but still not enough to make a quorum. I would suggest we use two members of the P & Z Commission, two from the Council and three that are interested in the position to form the Board of Adjustments. The terms would be Council two years, P & Z three years and the three new people would be four years. It was decided that the Council would be Ken Larson and Don Innes for a two year term, P & Z were be David Griffin and Ramon Morales two year term, and from the public Mark Vinning, Kenny Smith and Jim Sullivan for a three year term.

Vice Mayor Mulleneaux made motion to approve the appointments to the Board of Adjustment. Councilman Morris seconded the motion. The vote was unanimous Motion passed

D. Town Magistrate Appointment.

Terry said Judge Long will retire Oct 19<sup>th</sup>. We would like his replacement to be effective October 15<sup>th</sup> so the Judge can help with training. I have given you four letters of interest Rene Baca, Ned Rhodes, Wyatt Palmer and Brando Quinn. Councilman Innes ask if the Town had certain requirements and the answer was no. Terry said most of the cases will be misdemeanor, traffic, orders of protections some DUI. Vice Mayor Mulleneaux said he has worked with Mr. Rhodes for a long time and he would be my choice. Councilman Innes said he seems to have the least amount of legal training. Matt Clifford said Judge Long has been excellent he brought a lot of common sense to the bench he knew the law. Sometimes probation officers, lawyers and city judges are not as well versed in criminal law as those with the law enforcement back ground.

Vice Mayor Mulleneaux made motion to appoint Ned Rhodes as Town Magistrate on Oct 15, 2012. Councilman Merriman seconded the motion. The vote was unanimous. Motion passed

E. 4 Way Stop Sign installations at 2<sup>nd</sup> St. & Stadium and 2<sup>nd</sup> St. & 8<sup>th</sup> Ave.

Terry said there was an accident at the intersection of 2nd Street and Stadium Ave. So there is a concern as to making it a four way stop. Terry

said he was not sure if the four way stop would have prevented the accident. Brittany Minor stood and told Council it was her son that was in the accident. We just moved there a month ago and I have seen multiple times where there could have been accidents at that intersection. I would like to see a four way stop. There are a lot of kids that cross that intersection they are not always paying attention and sometimes neither are the cars. Mayor Rivera asked about 2<sup>nd</sup> Street and 8<sup>th</sup> Ave. Terry said it is just for discussion it is the next street over. Terry said the real danger is going to be when it is first put in people will not be used to stopping. Terry said of course we will put the caution signs and paint the road so that people will watch. Mayor Rivera said it is an education time for the parents to teach their children to stop and look before crossing. Vice Mayor Mulleneaux said I think we could just change 2<sup>nd</sup> Street and Stadium and give staff permission to change 2<sup>nd</sup> Street and 8<sup>th</sup> Ave if they see the need later on. Mayor Rivera asked Chief Woods if there had been a stop sign would it have prevented Mrs. Minor's son from being hit. Chief Woods said from our investigation we did not feel like a stop sign would have contributed or not based on the location of where he was hit. Vice Mayor Mulleneaux asked the Chief what his recommendation would be. Chief Woods said I do not have a strong opinion either way I think if we can do anything to make a safer intersection we should.

Vice Mayor Mulleneaux made motion to approve four way stop on 2<sup>nd</sup> Street and Stadium and when staff decides it is necessary to change 2<sup>nd</sup> Street & 8<sup>th</sup> Ave. Councilman Larson seconded the motion. The vote was unanimous. Motion passed

- F. Resolution 609-2012. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, ARIZONA EXPRESSING ITS SUPPORT FOR THE PLANNED COPPER MINE IN THE ROSEMONT CANYON AREA OF SOUTHEASTERN ARIZONA.

Mayor Rivera said he received a call from former Mayor George Scott of Benson asking the Town of Thatcher to support this economic development.

Councilman Morris made motion to approve Resolution 609-2012. Councilman Innes seconded the motion. The vote was unanimous. Motion passed

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

Mayor asked to go into Executive Session and for Terry Hinton, Matt Clifford, Lona Duncan and Council to be included.

Councilman Innes made motion to go into Executive Session with a seconded from

Vice Mayor Mulleneaux. Vote unanimous time 8:16pm

A. Decision on Executive Session.

Mayor Rivera asked Steve Allen if he had anything to ask Council and he just wondered what the conclusion was. Mayor Rivera said the conclusion is that the offer we had agreed to before of \$385,000.00 still stands. Steve Allen said that can't happen. Mayor Rivera said if that is not agreeable we will move on with the process of the lawyers taking care of the law suite.

**INFORMATIONAL ITEMS:**

A. Town Manager's Report:

Terry said the crew is working on the Reay Lane Park getting the cover over the play ground area completed. They should be finished the end of this week but if not for sure next week. We had a gentleman come down and witch the ball park area to see if there was water. The gentleman said he had a strong pull he thought there was. I am going to have Cuerto Drilling come down and see what he thinks right now he is thinking there isn't water there. Terry said he would like to publicly thank Delbert Householder for giving the right a way so we could cover the 8<sup>th</sup> Street ditch. I have received many positive comments from the public. Councilman Innes asked are we going to refurbish the ball park when the splash park is completed. Terry said every year we try to fix and upgrade something. We are looking at fences, dug outs, water lines to each ball field, bathrooms, etc. Mayor Rivera said this needs to be brought up at a work session. Mayor Rivera asked if we have heard of any sell from owners of Cota Town Houses. Terry said no. Terry also said that we are spraying for mosquitoes at night and putting the pelts in the waste water treatment plant.

B. Fire Department Report.

Chief Payne showed Council the new manual for Fire Fighter 1 & 2 it is also the same manual we use at the fire department for weekly training. We are still working on the Flag Pole in front of the fire station in honor of Jerry Robinson. The department has decided they would like to do it themselves, so we have Van Green and a couple of others who work with metal making that pole. We had 13 attend the State Fire School. During the year we are going to let them report and train on what they learned. We think the Neighborhood Night Out was a success we did some extrication's and demo's on fire extinguishers. Chief Payne said they are still working on the review of the house burn. The Captain and training officer from Tucson Fire Department will not have it finished until the 29<sup>th</sup> then I will report to you. For your information Rue Mattice has resigned as Assigned Chief and I will be appointing someone probably next week. We

have a couple of openings on the department. Mayor Rivera thanked the Chief and the Fire Department for all they do.

C. Police Department Report.

Chief Woods introduced Brian Ellsworth as the new Officer. He came from DOC as a detective and he has also worked with the Pima Police Department. I received good feedback from the County Attorney on interviews he did. He is an experienced officer and glad he is working with us. I was gone to a Chief conference when they had Neighborhood Night Out but I understand it was very successful and I would like to thank all the people who helped make it possible we appreciate their efforts. Since last month we have had more training one being the Law Update, today our Officers but one received training called Blow 100. Az Post came down to present it. It is a new nationwide education program to remind officers to wear their vest, seat belts, speeding those are the main kind of things that cause death in the line of duty. It was very good training. I would like to express my appreciation to Sergeant Mulleneaux and Officer Whisman. The Sheriff's department called them out across the river to help. The gentleman was suicidal and Sergeant Mulleneaux was able to use the 40 millimeter and shut off some rounds of OC powder which discharged an irritant bringing him out of the house then he deployed an impact round which took the fight right out of him. It was very effective and no one was hurt, this was the first time anyone was able to use it. Officer West is learning investigations with Officer Curtis he has been very helpful because they picked up three very time consuming cases over the week. Mayor Rivera asked him to thank the department.

**COMMITTEE REPORTS:**

- A. Safe House- Mayor Rivera said their meeting will be next month but they are always looking for donations of any kind.
- B. Chamber of Commerce- Councilman Merriman said the meeting will be tomorrow and it will be about getting ready for Salsa Fest.
- C. SEAGO- Mayor Rivera said there will be meeting October 26th in Benson. Mayor Rivera said they do have a new building and have awarded it to a contractor for remodeling.
- D. Boys and Girls Club. Councilman Larson reported some of the things they teach the kids it is pretty amazing. It cost six to seven thousand a month to keep it running. Mike Gaines is stepping down as the director and Aimee Staten will take his place. The Salsa walk is coming up to help make money for them. There is also going to be drawings that will be donated to the Boys and Girls Club. Councilman Larson stated they just need donations to help keep it going. They

have applied for the 501C but have not received it yet. Terry said that is what they need so they can apply through the Foundation for the money the Town donates. Councilman Larson said we need to keep them in mind it is a good thing for the community.

**ADJOURNMENT**

Councilman Morris made the motion to adjourn meeting with a second from Councilman Larson. Meeting adjourned at 8:46 pm

**ATTEST:**

**APPROVED:**

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Lona Duncan, Town Clerk

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Bill Mulleneaux, Vice 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 18th day of September, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

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Lona Duncan, Town Clerk