

**MINUTES OF MEETING AND PUBLIC HEARING OF THE
THATCHER TOWN COUNCIL
September 17, 2013**

Present: Mayor Bob Rivera, Vice Mayor Bill Mulleneaux, Councilmember Wayne Griffin, Don Innes, Ken Larson, Aaron Allen, Joy Martin

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

Visitors: Justin Echols, Dustin Welker, William Phillips, Ruben Gutierrez, Porter Johnson, Joseph Johnson, Noah Norton David Bell, Barbara Stailey, Ward Weaver

AGENDA

Mayor Rivera welcomed everyone and called the meeting to order stating there was a quorum at 7:00pm. Mayor Rivera said God Bless our Troops, God Bless their families, God Bless Thatcher and God Bless United States of America. Mayor asked the Boys Scouts to stand and introduce themselves and state was merit badge they were working on. Noah Norton stood and said they were working on Citizenship in the Community, Porter Johnson, Joseph Johnson, William Phillips, Ruben Gutierrez, Dustin Welker leader and Justin Echols leader.

Pledge of Allegiance lead by Chief Shaffen Woods

Roll Call.

OPEN CALL TO THE PUBLIC:

None.

PUBLIC APPEARANCES:

None

CONSENT AGENDA:

Action Item

- A. Approve minutes of the August 13, 2013 Regular Council Meeting.
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

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

OLD BUSINESS:

Discussion, consideration and possible action,

- A. **ORDINANCE NO. 169-2013: AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF THATCHER, ARIZONA; REPEALING THE EXISTING TITLE XV,**

CHAPTER 152 SUBDIVISIONS, OF THE THATCHER TOWN CODE IN ITS ENTIRETY AND ADOPTING BY REFERENCE, PURSUANT TO A.R.S. 9-802, THE JUNE 2013 DRAFT OF CHAPTER 152 – ENTITLED “TOWN OF THATCHER SUBDIVISION ORDINANCE”.

Terry said this was in last month agenda. The Planning & Zoning approved it we have be going over it for several month. Heath and I will answer questions if you have any.

Councilman Griffin made motion to approve the Ordinance No. 169-2013 with three amendments made by the P & Z Commission.

1. Chapter number 153 to Chapter 152
2. Add Small Subdivision Standards to Section 4:16
3. Add definition of Small Subdivision to the glossary.

Vice Mayor Mulleneaux seconded the motion. The vote was unanimous Motion passed

- B. ORDINANCE NO. 170-2013:** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF THATCHER, ARIZONA; REPEALING THE EXISTING TITLE XV, CHAPTER 153 ZONING, OF THE THATCHER TOWN CODE IN ITS ENTIRETY AND ADOPTING BY REFERENCE, PURSUANT TO A.R.S. 9-802, THE JUNE 2013 DRAFT OF CHAPTER 153 – ENTITLED “TOWN OF THATCHER ZONING ORDINANCE”.

Terry said this is much like the first one some changes made the P & Z Commission again voted to approve. Councilwomen Martin said she had concerns. I feel the property rights are being taken away. I think the code in itself is pretty good but the C 2 Zoning I think in the future this will cause problems. Terry asked what problems. Councilwomen said the people bought this property knowing they could do certain things and now they have to rezone and there is no guarantee this will happen, they feel they haven't been properly noticed of this change. Mayor Rivera said the Town will help with the rezoning of multiple use permits. Councilman Griffin said I did some research Safford, Queen Creek, Oro Valley, Show Low does not allow residents in a commercial area so it is pretty consistent. I think there is a concern we need to address, if there is a pending transaction would it be effected and if so would we say give them a 6 month window until finished. Terry I believe if anything is expended or started then they go with the prior right so it would not affect them. Councilman Griffin also said consensus is out there right now if it is commercial or resident you stay with in that zone especially with the state requirement under the Growing Smarter you have to be more uniform with the code so that is why a lot of people had to go in and make changes. Councilman Allen said I share the some of the same concerns as Councilwomen Martin but don't know how to fix it. Councilman Griffin suggested the rezoning fee be waived for a period of six months to help with the process.

Vice Mayor Mulleneaux made motion to approve Ordinance 170-2013 with the amendment to allow six month with no fee for rezoning. Councilman Griffin said the other amendments made by P & Z Commission.

1. Chapter number 154 to Chapter 153.
- 2 Addition of the new Zoning Map into the PDF version, the online web version, and the bound editions of the Zoning Ordinance (labeled “official Zoning Map” dated June 2013).
3. Change “R-3” density from 10 du/ac to 12 du/ac.
4. Change “R-4” density from 18 du/ac to 24du/ac/
5. Acknowledgment Page, change the name of the P & Z Chairman to Mike Ajeman.

Councilman Innes seconded the motion. The vote was 5 ayes votes, Rivera, Mulleneaux, Griffin, Larson & Innes. 2 nays votes Martin & Allen. Ordinance passed

C. Town Council Meeting Date.

Terry said this was talked about before it would be easier for staff if we changed to the 3rd of Monday of each month. Councilman Griffin asked for the reason, Terry said conflicts, travel, and meetings. Mayor Rivera said there are no school activity and no holidays on the third Mondays. Councilman Innes said there may be some conflicts due to his work Councilman Griffin said he preferred Tuesday. The rest of Council said either day would be fine. Councilwomen Martin suggested trying it for six months. The next Council meeting will be Oct 21st for 6 months.

9. **NEW BUSINESS:** Discussion, consideration and possible action

A. Bid Award – Park Bathroom

Terry said they have a recap sheet showing low bid and all add alternates. Councilwomen asked for the time frame. Heath said 3 months to 4 months after they do theirs then we start our work. Terry said we recommend the low bid with add alternates from Building Excellence of 172,350.00.

Councilman Innes made motion to approve the low bid from Building Excellence of 172,350.00. Councilwomen Martin seconded the motion. The vote was unanimous. Motion passed

B. Bid Award – 2014 Paving Projects

Terry said we received 2 bids for the overlays for 1st street (Porter Lane to Reay Lane) the 12th Street Improvement District, Valley View Drive and the intersection at Stadium and Ball Park. The low bid was CKC Construction of \$447,080 the alternative A was for rubberized asphalt. Councilwomen asked the time frame. Terry said we hope to start the first of October and finish the last of November.

Vice Mayor Mulleneaux made motion to accept low bid from CKC of \$447,080.00. Councilman Larson seconded the motion. The vote was unanimous.

C. On Line Banking Options

Terry told Council about the fee's for online payments, E Statements, phone payments, over the counter credit card payments and the sure pay. The Coop has the sure pay and telephone payment and Safford has the online. Councilwomen Martin said I think the sure pay is a good thing. Councilman Innes asked what staff thought. Terry said the sure pay for sure and possibly the over the counter payments. Councilman Innes suggested maybe the ATM machine out in front. Councilman Allen said he uses a system that has a card reader that works off of my phone or IPAD it is called square and there are no fees to owner but the cost to the customer is if they are present it is less than 2 % if I have to type it in it is 2.75% , is that something we can use? Terry said we can look into that. It was decided to also look into the ATM machine and start right now working on getting the sure pay set up.

Councilwomen Martin made motion to accept sure pay and look into credit card and ATM

machine. Councilman Innes seconded the motion. The vote was unanimous.

- D. **RESOLUTION NO. 615-2013:** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, AUTHORIZING EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO ITS POWER SALES CONTRACT WITH THE ARIZONA POWER AUTHORITY AND RATIFYING AND CONFIRMING THE ORIGINAL RESOLUTION AUTHORIZING EXECUTION OF THE ORIGINAL POWER SALES CONTRACT.

Terry said on the Hoover Dam years back decide to put visitor center and that the power customer should pay for it. This adds a large cost to our power rates generated by the Hoover Dam. We are trying to refinance the debt is at 7 or 8 percentage and if refinanced it would save from 55 and 70 million dollars on the power rate. There are also some things called Air Vents that were financed at the time. This will allow the Arizona Power Authority to participate in the refinance along with California and Nevada. Since we are part of the Arizona Power Authority we have to give our permission to refinance. I would also ask that you pass it by giving permission to the Mayor to make any minor modifications if needed. Matt has looked it over and agrees with document.

Vice Mayor Mulleneaux made motion to approve Resolution No 615-2013 giving permission to the Mayor to resign if modification needs to be made. Councilman Innes seconded the motion. The vote was unanimous Resolution passed

INFORMATIONAL ITEMS:

- A. Town Manager's Report:

Terry said we are working on Valley View with curbs and sidewalks looking at three weeks to complete. There is some dirt work that needs to be done on 12th Street and Valley View in order to be ready the paving. Today Heath received a letter from the Fed's approving the utilities underground on Church Street. The final word however is if we can get that money from SEAGO. There are three options we pay for all of it, or SEAGO pays for all of it, or SEAGO might pay for half of it by relocating the poles. The walking path is progressing they are going to go out to bid by December. Just to let you know that we are in the process of trying to schedule a Town Hall meeting for Mayor Smith from Mesa he is the President of the US Conference of Mayors. The theme of the Town Hall Meeting will be protecting agriculture it should be sometime in November. We think that the Tractor Supply will open Oct 5th. Mayor Rivera asked about the annexation. Heath we have all the paper work ready to go and we will schedule a public meeting it takes about three month to complete the process. Councilman Griffin said we need to recognize Judy and Lori for all the work they did for the Neighborhood Night Out and their committee is getting smaller each year. Mayor Rivera asked to explore getting flag poles in park. Terry said we can work on getting electricity out there because the flag need to have a light. Terry said we are working on the weeds and Gary is checking and writing letters to those who need to clean. Rob is also fogging the mosquitos at night, we are also checking the sewer ponds.

- B. Fire Department Report.

Chief Payne said tonight each of the 15 guys that went to fire school are reporting on what they learned. Then we will plan drills from that. We were at the Neighborhood Night Out.

EAC bon fire and the Home Coming Parade where some of the Council rode on the truck we were there at their football game at half time. Last week we had seven 2nd grade class tour the fire station. There will be natural gas training on October 1st with the different gas companies. Fire Prevention Week is the first week in October and on the 8th we will have an open house at 6:00pm. On Oct 22nd we will be doing a pre plan over at the Tractor Supply building so all the men know what is there in case of a fire. On Nov 5th we will hold our Annual Seak Fry at 7:00 pm Tuesday this is for all Firemen, Police Officers and Council / husband and wives. Mayor Rivera asked about the house burning training. Chief Payne it went well just as planned. We had a good turn out Pima had five men Safford didn't come and we had about 23 guys. It is good for us to do that.

C. Police Department Report.

Chief Woods said we will be hosting on September 24th training from DPS on motor cycle gangs. Then on Oct 4th the FBI EOD and DPS EOD which is basically the bomb squad will train on explosive device awareness so we will be able to identify home made bombs and how to deal with them. I submitted a grant to United Way of Graham County for defibrillators for AD which should be in the amount of 15000.00 wanting to put one in each patrol car. A couple of months ago we had a film crew here about the Mary Ann Holmes cold case she was killed in 1995. We have been partnered with DPS since 1995 on this case it has not been solved due to a lack of forensic testing that needed to be done, that we couldn't afford to do or DPS just couldn't do. I received an email from the Chief's Association asking for any cold cases saying this filming crew would pay for addition resources if they could film the show. They accepted our case and provided resources we would not have gotten done. We submitted 60 plus items of evidence to a private lab for DNA analysis, they provide us with a Detective who assisted us, a Prosecuting Attorney, and a CSI detective from Las Vegas. We still have some finger printing that we are waiting to receive. We conducted 57 interviews in that short period of time they were here a lot of work has been done. Their show and our case will be airing Oct 8th on TNT National TV it is call Cold Justice .This was very positive for our officers and the city but more importantly the detectives and officers who over the years have worked the case. The reason we did the show was to help solve this case and we got a huge amount of information and it did not cost the tax papers money. We did not want this case to stay a cold case. Matt Clifford said hands down this is one of the most horrific crimes in the State of Arizona I believe it was a tribute to Mary Ann Holmes and her children that they have not been forgotten and that we are doing everything possible to bring justice to the person who did this.

COMMITTEE REPORTS:

- A. Safe House- Councilwomen Martin said the meeting was today. Over the last few months they have been very busy only had a few bunks available. We elected new officers to the board, George Lemon Mayor of Pima is chairman, I am the Vice Chair and Drew John is the Sec/Treas. This Saturday they will have a carnival in the Basha's parking lot from 3:00 to 6:00 for a fund raiser. They will have free activities for the family like jumping castle, face painting, pop corn and selling food and selling raffle tickets it should be fun, so everyone come. Next week on September 25th the National Day of Remembrance for murder victims will be at our Thatcher Park at 5:30 hoping to be able to set off balloons a good events for families that have been effected by this.
- B. Chamber of Commerce- Councilman Innes had nothing to report
- C. SEAGO- Mayor Rivera had noting to report.

ADJOURNMENT

Councilwomen Martin made the motion to adjourn the meeting with a second from Councilman Innes. The meeting adjourned at 8: 40pm

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 17th day of September, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Lona Duncan, Town Clerk