

**MINUTES OF THE REGULAR MEETING OF THE
THATCHER TOWN COUNCIL
February 24, 2020**

Councilmembers present: Mayor Rivera, Vice Mayor Allen, Councilman Rapier, Councilman Bryce, Councilwoman Smith, Councilman Welker, Councilwoman Howard

Staff present: Town Manger Heath Brown, Town Attorney Matt Clifford, Police Chief Shaffen Woods, Fire Chief Mike Payne, Deputy Clerk Michelle Mortensen, Officer Everett Cauthen, Public Works Supervisor Tommy Nicholas, Engineer Tech Gary Allred, McKay Ferrin

Staff absent: Town Engineer Tom Palmer

Visitors: Rob & Jennifer Chesley, Mitchell & Heather Goodman, John Howard, Jan Napier, Scott Bennett, Ward Weaver, Bradley & Jessica Smith, Jon & Rebecca Johnson, Kenny & M'Lee Goodman, Josh Halverson, Tanner Flake, Vance Bryce, Kathy Grimes, Kaleb Valdez, Don Riddle

AGENDA

Welcome and Call Meeting to Order by Mayor Rivera at 6:30. Mayor Rivera stated that we do have a quorum. God bless the men and women in the armed forces, our first responders, and the three young men that lost their lives last week. These young people were at a celebration and some of them didn't make it home. Hug your children and your spouses.

Pledge of Allegiance led by Vance Bryce.

PUBLIC HEARING:

- A. Zoning Change Request – Parcel #104-28-087, located at 3050 W. Spencer Lane in Thatcher. The current zoning of this parcel is a mix of R1-43 (residential, 1-acre minimum lot size) and R1-8 (residential, 8,000 sf minimum lot size). The applicant is requesting that the entire parcel be zoned R1-8 or R1-10 (residential, 10,000 sf minimum lot size).

Mitchell Goodman stood and explained, I am requesting the re-zone for the land on Spencer Lane. I contacted Mr. Riddle and asked if he would be willing to sell his property if it could be re-zoned. Right now, the land doesn't look finished and developed and so if this went through it would make it look finished. I want to make Spencer Lane a better place. I know some concerns have been made about acre lots. This will only enhance that .3 of an acre. Ashley Smith asked if you are going to stay there. Mitchell answered yes, I grew up on Spencer Lane and with little kids I would love to live there.

Kenny Goodman stood and said that we came before the Planning & Zoning board last week. There was a person in the neighborhood that stood and said that there were 13 neighbors that had signed a petition stating that they didn't want the re-zone. I would like to have some type of residence on that property rather than a shop or garage. My concern is that when the questionnaire was presented to the neighbors, I don't think they really understood the full scope of what was being proposed. I would never want Spencer Lane to be anything less than what it is now, so I would like to have you consider that. I feel that Planning & Zoning didn't want to open a can of worms. If there is something that might benefit someone, then isn't that what the Planning & Zoning board is for? Small town politics shouldn't interfere if there is something that will be beneficial. I would encourage you to take that into consideration.

Jessica Smith stated that she was the one that had the petition and I have what I presented to the neighbors. One concern is that this is our neighborhood, and this isn't the whole lot that is split. What we would like is for the whole zone to be fixed so it doesn't come up again. We all bought our homes, the location, the lot, knowing that was what it is. We feel like it would take away from the neighborhood to allow this re-zone. 8 of the 9 houses that I took this petition to in the neighborhood do not want it to be re-zoned.

Don Riddle stood and stated that I am the owner of the property in question. I have lived in that home for almost twenty years. About 12-13 years ago my daughter wanted to build a house on the property and when it was brought before the Planning & Zoning board it was turned down. It is a pretty substantial piece of property. I look at this property and my home has been built at one end of the property, leaving a large space for another home. Common sense tells me that a nice home would increase the value of the surrounding lot. A home would look a lot nicer there than a metal shop.

Bradley Smith stood and stated that we talked a lot about the history of this lot to the P&Z Board and the six members voted against this re-zone. We would ask that this zoning remain in-tact. The precedent from 2011 is relevant. The board did their duty and I ask that you go along with their recommendation. We don't want any hard feelings, and this isn't about the people, just the land. I think it's only fair knowing that everyone who bought land here knew what the lot size was and what the neighborhood was designed for.

OPEN CALL TO THE PUBLIC:

Kathy Grimes stated that she brought with her Jan Napier and John Howard, and they were with the substance abuse coalition. We are finally going to break ground for our sober living home. John stated that we started working on this about two years ago and have been working hard

with help from our community. We will have fourteen beds and a facilitator. Once they successfully complete rehab they will live there for a period that we haven't determined yet and there will be strict rules while they live there, and we have partnered with several businesses that will provide jobs for these people. Kathy added that we applied for some funding for a re-entry program and so when these people come, they will be ready to be placed back into our community. Jan Napier stated that studies have shown the longer they stay in a recovery environment the greater their chances are of not relapsing.

Tanner Flake stood and said that he has lived in this valley for about twenty years. My family lives on the north side of College Avenue and when I pull up to the highway I can see down the highway to the left, but sometimes there are cars parked along the highway in front of Gila Outdoor which makes it hard to see. For the safety of the community, I think we need to look at the safety issues here. I have pulled up to the highway before, not being able to see very well and have almost got hit on more than one occasion. Vice Mayor Allen asked if this was an ADOT issue or us. Mr. Brown stated that we could look into it, but anything we do must be approved through ADOT, but we can look at the sight distance and see if that is an issue.

PUBLIC APPEARANCES:

None

CONSENT AGENDA:

- A. Approve minutes of the January 27, 2020 Regular Council Meeting.
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

Motion: Approve, Moved by Councilwoman Smith, Seconded by Councilman Rapier to approve the consent agenda. Motion carries unanimously.

OLD BUSINESS: A. ORDINANCE NO. 185-2020: AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF THATCHER, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF THATCHER, ARIZONA PURSUANT ARTICLE 3, SECTION 3.3 REZONING REQUESTS AND ZONING TEXT AMENDMENTS, OF THE TOWN OF THATCHER ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR 0.35 ACRES LOCATED AT 3050 W. SPENCER LANE IN THATCHER, WEST PORTION OF PARCEL #104-28-087 FROM "R1-43" TO "R1-8". (CASE #Z 20-01).

Councilman Rapier stated that a lot has been brought to our attention regarding expectations and that is a legitimate concern on both sides. I think that when Mr. Riddle bought that lot, he could have had an expectation of splitting his lot at some point. At the same time, the lots are significantly large, and I don't want to discount what those who live on Spencer Lane are bringing to our attention. We have heard what is going to happen if we do and if we don't. Our job is to look at this request and if it is reasonable. We do not like to do spot zoning. I believe that because this request is half R1-43 and half R1-8, this isn't a spot zone, it is looking to correct an issue. Does it fit the neighborhood? You could make the argument that it does not. But if you look around the neighborhood, then it does. There are lots the same size around Spencer Lane which makes it reasonable to assume that it won't detract from the neighborhood by making this change. The General Plan calls for this area to be zoned between one and five lots per acre. I feel that this meets every portion of what is being requested. I am in favor of the zone request.

Mayor Rivera stated that I was here when the last request came to change this zoning and at that time, Planning and Zoning voted 5-0 to leave it as is. This council very seldom goes against the recommendation of the Board. It was a hard decision at that time.

Councilman Bryce asked what zone the request was made for. Mr. Brown explained that I wrote it up as R1-8. It doesn't create a new zone; it just changes a boundary. Councilman Bryce stated that one of the points that is being missed is that the lot size is important. It's street frontage, house frontage, and how it looks. I also think it is important that when you change something you come into constraints. If we make a change it should be for a drastic reason and not just a reasonable request. I don't feel like it needs to happen. Aesthetics of the neighborhood is important.

Councilwoman Smith mentioned that if it was my neighborhood, I wouldn't have a problem with it, but I have spoken with almost everyone in the neighborhood and they don't want it. I feel like we need to listen to them.

Councilman Rapier asked why we aren't worried about what the landowner wants. To rely on the Town Council to protect your interest is a dangerous precedent. We seem to have very little interest in what the landowner wants. Not that we should discount the neighbors. You already have lot sizes on the other side of Spencer Lane that match what they are wanting to do, so that already exists in this neighborhood. Councilman Bryce stated that there is a precedence. When there is a zoning change, we ask the neighbors around them and inform them of what is going on. It is important what neighbors want. Councilman Rapier said we have a lot that is half R1-8 and half R1-43 and it doesn't even meet R1-43. They are asking to do that, and I have a hard time understanding how that is unreasonable. Councilman Welker agreed. This lot is zoned incorrectly and doesn't meet the specifications for R1-43. I would vote yes for the re-zone.

Councilwoman Howard stated that in the R1-43 this district is set apart for families with an aggregation lifestyle. Everyone that owns property here bought their property because of the aesthetics and the size of the lot. The R1-8 is to promote urban single residence development with affordable housing opportunities. Both zones contradict each other. There are things that you aren't going to be able to control how your neighbor paints their house, who your neighbor is, who rents their house, which makes it tough in that respect. When you look at the lot and those around it, it doesn't make sense to me aesthetically. A house would much nicer than a steel building, but this is tough.

Motion: Approve, Moved by Councilman Rapier, Seconded by Councilman Welker to approve the rezoning requests and zoning text amendments to the zoning ordinance by changing the zoning district classification for 0.35 acres located at 3050 W. Spencer Lane in Thatcher, west portion of parcel #104-28-087 from "R1-43" to "R1-8". Councilman Rapier voted yea, Vice Mayor Allen voted nay, Councilwoman Smith voted nay, Councilman Welker voted yea, Councilman Bryce voted nay, Mayor Rivera voted nay, Councilwoman Howard voted nay. Motion fails.

NEW BUSINESS:

A. 11th Street Dedication - Acceptance of Infrastructure

Mr. Brown explained that we had a street where three houses were built. They wanted to build houses on the other side of the street, so they improved the street to our standards, so they want to dedicate the street for right of way and maintenance. Mr. Palmer and I inspected the street and it meets our standards. Mayor Rivera asked what staff recommends. Mr. Brown stated that we recommend accepting the street. Vice Mayor Allen asked if there are any other improvements that are outstanding. Mr. Brown explained that there is not. Councilman Bryce asked about rainwater and drainage. Mr. Brown explained that they need to maintain the water on their lots. There is some water running out to Reay Lane, but this isn't going to change that.

Motion: Approve, Moved by Councilman Rapier, Seconded by Councilwoman Smith to accept the infrastructure for 11th Street. Motion carries unanimously.

B. Town Council Work Session Date

Mr. Brown stated that it is time to set up a work session to discuss the preliminary budget. We could do it the week before or meet before our next council meeting. Meeting will be held March 30.

C. **RESOLUTION NO. 684-2020:** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF THATCHER, GRAHAM COUNTY, ARIZONA, PERTAINING TO THE SUBMISSION OF PROJECTS FOR CONSIDERATION IN ARIZONA'S 2021 HIGHWAY SAFETY PLAN.

Chief Woods stated that this is the grant that allows us to apply for grant money every year.

Motion: Approve, Moved by Councilwoman Howard, Seconded by Councilwoman Smith to approve Resolution No. 684-2020. Motion carries unanimously.

INFORMATIONAL ITEMS:

A. Town Manager's Report

- Public Works Projects – Recreation Complex, Church Street, Sewer Plant Burn

Mr. Brown stated that it has been a quiet February. The water mains and stub ups in the soccer fields are in. They need to put sprinklers around the sloped areas. We will start on the mechanical room soon. Church Street is going well. The roundabout should be open Thursday evening. Mayor Rivera asked if there will be another layer of asphalt on Church Street. Mr. Brown explained yes that the asphalt needs to sit about a month and then we will stripe. Councilwoman Smith asked what is going in the middle of the roundabout. Mr. Brown stated that we are looking for a bronze eagle to put in the center there and are going to ask Jaelynne Palmer to come up with a design.

- Re-Zone Application for March – Property off Reay Lane
Mr. Brown explained that we have another rezone coming up in March. This property is off Reay Lane just below the hill and is split into three. Ben Allred wants to do a small subdivision there and it is currently zoned commercial so they will want it zoned single family R1-10.
- Census Status – Funding
Mr. Brown mentioned that we are spending some money on the census that we didn't budget for. I can bring a resolution forward to the council instead of letting an account go negative. It is a small enough amount that we could just pull it from other places. Councilwoman Howard asked if you could put some figures together so that we can see where we can pull from and then we can have that documented in the minutes. Mr. Brown stated that I don't want it to be spent on something that it shouldn't be.
- Brent Morris Retirement – 2/27
Thursday is Brent Morris' last day and we are going to have a luncheon on Thursday at noon for him and Arnold Lopez.

B. Fire Department Report

- Training - House Burn

Chief Payne stated that we have been given another house to burn which is a mobile home. It will give us 10-12 training sessions. It really is an asset to us.

- Election Results

We had our department elections at the end of January. I am Chief again. Steve Curtis is the assistant Chief, Josh Curtis captain, Ryan Allen captain, Jay Larson captain, Ryan Curtis captain, Larry Kerrigan secretary.

Mayor Rivera stated please thank our volunteers.

C. Police Department Report

- PD Training

Chief Woods stated that we sent five officers to Phoenix for a patrol tactics class .

- Alice Training

Tomorrow I have a kickoff meeting on the ALICE training. Once that has been completed then we will have some onsite training.

Councilwoman Howard asked if there was any additional funding coming in and Chief Woods stated that Mr. Petersen at the school had mentioned that there was more money allotted for resource officers so we will see what happens. Mayor Rivera stated please thank our officers.

D. Council Reports

None

FUTURE AGENDA ITEMS & POTENTIAL QUORUM'S

None

ADJOURNMENT

Motion: Action: Adjourn, Moved by Councilwoman Smith, Seconded by Vice Mayor Allen to adjourn council meeting at 8:12.