

**MINUTES OF THE REGULAR MEETING OF THE  
THATCHER TOWN COUNCIL  
October 19, 2020**

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

Councilmembers absent: Councilwoman Smith

Staff present: Town Manager Heath Brown, Town Attorney Matt Clifford, Town Engineer Tom Palmer, Police Chief Shaffen Woods, Fire Chief Mike Payne, Deputy Clerk Michelle Mortensen

Visitors: David & Allison Bryce, Candy Morgan, Babette Daley, Brielle Bryce, Lori Rhinehart, Kim Smith, Nelson Daley, Grant Walker, Elizabeth Henley, Ben Allred, Lisa Allred, Pradeep Karna, Duane Moulton, Gajendra Shrestra

**AGENDA**

Welcome and Call Meeting to Order by Mayor Rivera at 6:32. He stated God bless our men and women in the armed forces, our first responders, police, fire, EMT's, ICE, border patrol and those protecting our country. He stated that we do have a quorum.

Pledge of Allegiance led by Heath Brown.

**PUBLIC HEARING:**

- A. To consider the matter of a Final Plat for the "Daley Heights-1" Subdivision, a proposed 60-lot single-family residential subdivision located South of Daley Estates.

Nelson Daley stood and stated that my family grew up building in Daley Estates and we would like to continue doing that. This project has been a long time coming. This plat was first approved back in 2006. Quite a few changes have happened in every direction. I would like to have our council Grant Walker address the issues in the letter that Heath wrote. Mr. Walker stood and stated that I am the attorney working with the developer to satisfy the requirements to get final plat approval. We have succeeded in getting a commitment to serve letter from the City of Safford regarding the water. The City of Safford has the facility to serve for Daley Heights-1. We are asking for conditional approval of the final plat with some items to be finished up from Town staff. We have been waiting for some info from the County to the drainage report and to get the flood plain map revised. The water line easements have been drafted and approved by the City of Safford and we have hired Bowman Consulting to take the map and produce the meets and bounds legal description.

We submitted a development agreement to the Town of Thatcher and have received comments from the Town Engineer and accepted all the comments and will continue to work with the Town to finalize that. Part of the agreement will include a requirement for the developer to submit an assurity bond to the Town, that once issued the water lines, the streets, and the drainage will be completed and if the developer fails then the bond will provide the Town with the money to complete the projects. Nickel Contracting is the contractor that the developer has chosen. We need at least a conditional approval of the final plat before we can sign the construction contract and then the assurity bond would be forthcoming. Councilman Rapiere asked if we are that close why would not you just come back in November once you have addressed all the issues. Mr. Walker stated that we are anxious to move forward as soon as possible and planning and zoning approved this.

- B. To consider the matter of a Preliminary Plat for the "Cotton Valley Farms" Subdivision, a proposed 13-lot single-family residential subdivision located on Reay Lane, just north of the Highline Canal.

Ben Allred stood and stated that we are asking for an approval for two different subdivisions on Reay Lane. I have my engineers here if you have any questions for them.

- C. To consider the matter of a Preliminary Plat for the "Copper Valley Farms" Subdivision, a proposed 15-lot single-family residential subdivision located on Reay Lane, just north of the Highline Canal.

No discussion

#### **OPEN CALL TO THE PUBLIC:**

Elizabeth Henley stood and wanted to make a statement asking the Town Council that if there are any future budget or considerations that it be brought forth to a public hearing so the public can speak more thoroughly to the choices that are going to be coming down the pipe.

#### **PUBLIC APPEARANCES:**

None

#### **AGENDA:**

- A. Approve minutes of the September 21, 2020 Regular Council Meeting and the October 5, 2020 Council Work Session
- B. Planning and Zoning Monthly Report.

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

Motion was made by Councilman Rapier and was seconded by Councilwoman Howard to approve the consent agenda. Motion carries unanimously.

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

- A. Final Plat for the Daley Heights-1 Subdivision

Mayor Rivera asked staff what their comments were. Mr. Palmer stated that when I started this was on my desk for submittal. It has been in the Town's court maybe three months and the developers for approximately 24 months. As far as the outstanding items, they are not huge. There are some drainage issues, but the design is almost there. Mr. Brown stated that conceptually this is a good project with some amazing views. We want to make sure that this is right. I would like to make one clarification on the financial assurance. We have a hard requirement that before infrastructure starts that the project is financially assured so that if the project is not completed then we collect the money and are able to complete the project. This is not actually required until right before construction is started. We require a letter of credit showing that there is money in the works. We could approve this conditionally, but it is a little messy with the items hanging out there. Vice Mayor Allen asked if they need a conditional approval to get a contractor up and running, is that normal? Mr. Brown answered yes, the contractor would want a conditional approval of the plat. Vice Mayor Allen stated so a shovel of dirt cannot be turned until the final is recorded. Mr. Brown answered, that is correct. Councilman Bryce asked if we conditionally approve it then it would come back next month. Mr. Brown answered no, it would not come back to council. Mr. Walker stood and stated that the letter of credit is not free. We would request that the developer not have to provide an expensive letter of credit and then turn around and get an assurity bond.

Councilman Welker asked so planning and zoning approved this unanimously, I am surprised. Mr. Palmer stated that it was conditional on the items being met. Vice Mayor Allen said I see the moving parts, but do not see any risk. If they check off the boxes, there is not any obligation on our part to let them proceed. Councilman Welker asked what the risk is to us. If we cannot get the bonding through in time, are we left fighting to get it paid for. Mayor Rivera stated what is staff's recommendation. Councilwoman Howard stated that we see six-line items and do not know what the depth is, what concerns there are. Mr. Brown stated that he thinks

we should table it. Councilman Bryce stated that I am with Vice Mayor Allen if they meet all the requirements, then it does not hurt us to approve it. Motion was made by Vice Mayor Allen for a conditional approval of the Daley Heights-1 Subdivision. Motion was seconded by Councilman Bryce. Motion was not approved. Councilman Welker, Councilman Rapier, Mayor Rivera, and Councilwoman Smith voted nay. Motion was made by Councilman Rapier to table this approval of a conditional final plat for the Daley Heights-1 subdivision until the November meeting until the outstanding issues have been addressed, and was seconded by Councilman Welker. Motion carries unanimously.

B. Preliminary Plat for the Cotton Valley Farms Subdivision

Mr. Brown explained that there are two subdivisions because of the number of homes and what the road requirements are. They are under the 15 lots or less so that they can follow the small subdivision guidelines. Councilman Rapier asked what the small subdivision guidelines are. Mr. Brown explained that it would have ribbon curbs and sidewalks. Mr. Palmer mentioned that this provides for plenty of retention per the code. Councilman Bryce asked about lighting. Mr. Palmer stated that the code says that every subdivision must have streetlights. Lighting will come when they do the final plat. Councilman Bryce said it looks like they have sidewalk around the subdivision. Mr. Palmer stated that sidewalk on one side is required. The engineer stood and stated that sidewalk would be on both sides of the street. Councilman Bryce asked what the restriction was on the lots that are not part of the subdivision. What is the risk? Mr. Brown stated that piece of land can be split into three lots. The ultimate plan is that you would not know that it is not part of the subdivision. There is not a big risk. Motion was made by Councilman Rapier to approve the preliminary plat to approve the Cotton Valley Farms Subdivision and seconded by Vice Mayor Allen. Motion carries unanimously.

C. Preliminary Plat for the Copper Valley Farms Subdivision

Motion was made by Councilwoman Howard and seconded by Vice Mayor Allen to approve the preliminary plat for the Copper Valley Farms Subdivision. Motion carries unanimously.

D. City of Phoenix IGA for ICAC Task Force Police Grant

Chief Woods stated that City of Phoenix Police Department provides a financial resource for internet crimes against children. By us being a part of the task force, it provides us with training and the resources to help us. Councilman Bryce asked if staff has any issue with an IGA. Mr. Brown stated that other town's in the state are approving it. Councilman Bryce made the motion to approve the City of Phoenix IGA for ICAC Task Force Police Grant and was seconded by Councilwoman Howard. Motion carries unanimously.

E. Town of Pima Sales Tax Sharing

Mr. Brown explained that this is the item that was presented by Mayor Fletcher at our work session. Mayor Rivera stated that they asked for 2% of our sales tax. I would suggest that we table this until they have more information. Mr. Clifford mentioned that we could do this through an IGA. Mr. Brown explained that we would be promoting shop local by sharing the taxes. Vice Mayor Allen stated that what I read from the minutes is that Pima would not reach out to our businesses to try to get them to move. There is evidence that there have been offers made to a certain business to get them to move, so I do not believe they are acting in good faith. Councilman Bryce asked what the 2% is. Mr. Brown mentioned that it would be 2% of what we get from sales tax and franchise tax. Mayor Rivera stated that we could give them less than what they ask for. Motion was made by Councilman Rapier to table this item until the November meeting and seconded by Councilman Bryce. Motion carries 5-1. Vice Mayor Allen voted nay.

### **INFORMATIONAL ITEMS:**

#### **A. Town Manager's Report**

- Public Works Projects – Recreation Complex, Cota Park, Porter Lane Sidewalk

We have put in a few planters for trees and we have been working on the railing that goes above the mechanical building. We have been replacing the playground equipment at Cota Park and it turned out nice. We are going to be putting in a sidewalk ramp at Porter Lane for pedestrian access across 1<sup>st</sup> Street.

- Financial Summary

We definitely came back to earth but are still in the black. Sewer and sanitation were both in the black and our electric is negative for the month, but it fluctuates depending on when we purchase power.

- Census Status

The census is now over. I do not have a final number for Thatcher yet.

#### **B. Fire Department Report**

- Calendar / Events

Chief Payne mentioned that we have burned a house down which was good training. We appreciate the Layton's for donating that to us. We also had a two-day extrication training that was put on by an extrication specialist. When we bought the equipment, they agreed to come do a demonstration, so Safford, Pima, and Ft. Thomas came to do the training with us. We also did our annual open house and had a good turnout. The VFW has a vendor fair coming up that we are going to be involved in. This next month we will be doing some propane training.

- Calls / Activity

Mayor Rivera stated please thank our volunteers.

- C. Police Department Report
- Department Updates  
Chief Woods stated that AZ Post came in and did some training for us.
  - AZ Post Audit  
Mayor Rivera mentioned please thank our officers. We appreciate them and are grateful for them.

D. Council Reports

Councilwoman Howard mentioned that the gas was sold to Southwest Gas.

**FUTURE AGENDA ITEMS & POTENTIAL QUORUM'S**

None

**ADJOURNMENT**

Motion was made by Councilwoman Howard and seconded by Vice Mayor Allen at 7:54. Motion carries unanimously.

APPROVED:

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Michelle Mortensen, Deputy Clerk

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Bob Rivera, Mayor

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Thatcher held on this 19th day of October. I further certify that the meeting was duly called and held and that a quorum was present.

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Michelle Mortensen, Deputy Clerk