

**MINUTES OF MEETING AND PUBLIC HEARING OF THE  
THATCHER TOWN COUNCIL  
December 21, 2020**

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

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

Staff absent: Fire Chief Mike Payne

Visitors: Rhianon Carlton, Declan Carlton, McCoy Carlton, Archer Carlton, Zaynzlee Carlton, Nelson Daley, Grant Walker, Ruth Vining, John Howard, Heather Floyd, Valerie Michaud, Kathy Grimes

**AGENDA**

Welcome and Call Meeting to Order by Mayor Rivera. He thanked everyone for being here. He stated that we do have a quorum. He thanked the staff at the Town of Thatcher, the police, fire, border patrol, and ICE. I do want to say Thatcher residents are the ones that make Thatcher the great place to work, live, and retire. 2020 has been one heck of a year that has affected people all over the world. I would like to wish everyone a Merry Christmas.

Pledge of Allegiance led by Mayor Rivera.

**SWEARING IN OF NEWLY Elected COUNCIL:**

**ELECTION OF MAYOR AND VICE MAYOR:**

Councilman Rapier nominated Randy Bryce for Mayor and it was seconded by Councilwoman Smith. Motion carries unanimously. Councilman Rapier nominated Councilwoman Smith as Vice Mayor and was seconded by Councilman Vining. Motion carries unanimously.

**APPOINTMENT TO SEAGO EXECUTIVE BOARD:**

Mr. Brown stated that this is the executive board. There should be a member appointed and an alternate. Mayor Bryce asked Vice Mayor Smith to be on the executive board and Councilman Carlton as the alternate.

**APPOINTMENT OF GILA VALLEY CONSOLIDATED MUNICIPAL COURT  
MAGISTRATE:**

Mr. Brown explained that Mr. Rhodes is retiring. Mr. Rhodes, Mr. Clifford, and myself have discussed the magistrate position and I recommend Merri Aden. She proposes to take some of her responsibilities on as well as the magistrate position and the part time clerk Mrs. Sanchez would come on full time. Councilman Carlton asked what happens when Ms. Aden retires are, we going to go back to a part time judge or keep them full time. Mr. Brown explained that her commitment would be 10-15 years. I did consider that. Mr. Clifford mentioned that Ms. Aden has a good temperament and I think she would be a great addition. Councilwoman Howard made the motion to appoint Ms. Aden as the GVC magistrate and was seconded by Councilwoman Smith. Motion carries unanimously.

### **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 mentioned that he is representing the Daley Heights subdivision. Many of you are aware that this has been an ongoing project. I think we are finally ready to move forward. Mr. Palmer read a letter by Charles Pittman asking whether a different access for traffic going in and out of the subdivision has been discussed.

- B. To consider the matter of a Final Plat for the “Sunset Circle” Subdivision, a proposed 9-lot single-family residential subdivision located on the east side of Reay Lane, just north of the Highline Canal.
- C. To consider the matter of a proposed re-zone of parcel 104-33-037 & a portion of parcel 104-33-231 from a mixture of C-2 (Highway Commercial) and R1-43 (Single-Family Residential) to R1-10 (Single Family Residential, 10,000 square foot minimum lot size). This property is approximately 1.6 acres and is located on the west side of Allred Lane, just south of Church Street in Thatcher, AZ.
- D. To consider the matter of a proposed re-zone of parcels 104-09-155A & 104-09-156B from a mixture of C-2 (Highway Commercial) and R1-8 (Single-Family Residential) to C-2. This property is approximately 0.36 acres and is located just west of 2nd Ave and just south of US Highway 70. Valerie Michaud stood and stated that she wants to put storage units on this property.

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

Kathy Grimes stood and stated that AZ passed the recreational marijuana law. I would like to advocate strong ordinances in our valley to protect our youth. I would like to see strong advertising in place. Many other cities and towns in Arizona have already addressed this. Communities can play an active role and help limit the glorification of alcohol, tobacco, and marijuana. I would like you to keep that in mind as you move forward.

Heather Floyd from Valley Telecom mentioned that we are expanding to Thatcher. We are in the process right now of pre-signups. We are currently out to bid for a construction manager. Phase one will begin in January. Phase two is the much larger area in Thatcher and this should be ready to go by August.

Mr. Brown read a letter by Elizabeth Henley in which she explained that if Pima wants to be more than a bedroom community then they need to plan accordingly.

**PUBLIC APPEARANCES:**

- A. Christmas Lighting Contest Awards.

**CONSENT AGENDA:**

- A. Approve Minutes of the November 16, 2020 Regular Council Meeting and the November 24, 2020 Special Council Meeting.
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.

Financial Reports.

Motion was made by Councilman Carlton to approve the consent agenda and was seconded by Vice Mayor Smith. Motion carries unanimously.

**OLD BUSINESS:**

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

Mr. Brown mentioned that this has been taken care of. Councilman Rapier made the motion to approve the final plat for the Daley Heights-1 Subdivision and was seconded by Councilman Vining. Councilman Carlton addressed the letter that was read asking if there was anything that needed to be done regarding traffic. Mr. Brown stated that it is not a great increase, and we do not think it will be an issue. Motion carries unanimously.

**NEW BUSINESS:**

- A. Final Plat for the Sunset Circle Subdivision

Mr. Brown stated that this is the Wayne Layton subdivision with nine lots. Councilman Rapier asked if there were any concerns. Mr. Brown mentioned no. Councilman Rapier made the motion to approve the final

plat and was seconded by Vice Mayor Smith. Motion carries unanimously.

- E. **ORDINANCE NO. 189-2020:** 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 APPROXIMATELY 1.6 ACRES LOCATED ON THE WEST SIDE OF ALLRED LANE, SOUTH OF CHURCH STREET IN THATCHER; PARCEL 104-33-037 AND A PORTION OF 104-33-231. (CASE #Z 20-04).

Mr. Brown explained that this is an application by J.D. Householder to rezone the field north of him. They are asking for the same zoning to the Diamond Springs subdivision. Staff recommends the approval of this request. Motion was made by Councilman Rapier to approve Ordinance 189-2020 and was seconded by Councilwoman Howard. Motion carries unanimously.

- F. **ORDINANCE NO. 190-2020:** 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 APPROXIMATELY 0.346 ACRES LOCATED WEST OF 2<sup>ND</sup> AVENUE AND SOUTH OF US HIGHWAY 70 IN THATCHER; PARCEL 104-09-155A. (CASE #Z 20-05).

Mr. Brown expressed that this is what Ms. Michaud explained to us. Mr. Palmer explained that as written it would just re-zone the larger parcel. Councilman Carlton made a mention to approve Ordinance 190-2020 and was seconded by Councilwoman Howard. Motion carries unanimously.

- G. **ORDINANCE 188-2020:** AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF THATCHER, ARIZONA, AMENDING THE TOWN OF THATCHER ZONING ORDINANCE BY REPLACING SECTION 13.15, RELATING TO THE REGULATION OF MEDICAL MARIJUANA AND RECREATIONAL MARIJUANA; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; REGULATING MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING

FACILITIES; ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA AND MARIJUANA PRODUCTS; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES; ALSO, MODIFYING SECTION 7.2 AND 8.1 ESTABLISHING ALLOWABLE ZONES FOR MARIJUANA ESTABLISHMENTS.

Mr. Brown explained that the state has passed the law for recreational marijuana. What we do need to regulate the sale and the cultivation site? The League of Cities has a template which I based this ordinance on. I did not want to have one for medical and one for recreational marijuana, so I combined the two. Towns are not allowed to become more restrictive with the recreational than they are with the medical marijuana. The marijuana establishments need to be 600 feet from everything except for the R143 zone. So, it would be allowed from 1<sup>st</sup> Avenue to 20<sup>th</sup> Avenue along the highway corridor. Mayor Bryce asked if we have any restrictions on advertising. Mr. Brown stated that we do not have any on content. In this ordinance it states that all signage must be approved by the Town of Thatcher. This may need to be more specific.

Councilman Rapier stated that we have discussed for several years an entertainment district. Would we be able to make this possible? Mr. Brown explained that we would need to define an area, but yes it could be done. Vice Mayor Smith asked do we want a facility in our town? Mr. Brown mentioned that there is going to be sales tax generated from this. Do we want to benefit from this? Councilwoman Howard stated that there is quite a cost that is coming to the Town. Councilman Rapier stated that it might be a good idea for our police to see what is going on and who is there. Chief Woods mentioned that we are going to have a higher number of DUI's and a higher number of accidents. Mayor Bryce asked if we know if they will designate the sales tax to our Town or if it will be divvied up. Mr. Brown explained that the 2% would come to us like every other product. Chief Woods stated that we are going to have issues whether we have a building here or not.

Councilwoman Howard made a motion to approve Ordinance 188-2020. Councilman Rapier made a motion to table Ordinance 188-2020, to come up with a resolution that council is comfortable with. Motion to table was seconded by Councilman Carlton. Motion carries unanimously.

- H. Intergovernmental agreement between the City of Safford, the Town of Pima, and the Town of Thatcher for Joint Municipal Court Services.

Mr. Brown explained that there are zero changes to this IGA. The only thing that has been changed is the dates. Motion was made by

Councilman Carlton and was seconded by Vice Mayor Smith to approve the IGA between City of Safford, the Town of Pima, and the Town of Thatcher. Motion carries unanimously.

- I. Amendment to the Advancement of Funds Contract for Parker-Davis Project Generation Facilities, Bureau of Reclamation's Contract, Western Area Power Administration's (WAPA) Contract

Mr. Brown stated that we buy electricity from WAPA and they have switched from funds in an escrow account to funds in a United States treasury trust account. They want all the entities to follow what they are doing. The effects to us are the same. Councilman Rapier made the motion to approve the amendment to the Advancement of Funds Contract for Parker-Davis Generation Facilities, Bureau of Reclamation's Contract, Western Area Power Contract, and it was seconded by Vice Mayor Smith. Motion carries unanimously.

- J. Town Council Meeting Dates for Jan. & Feb. 2021. Holiday Schedule for Town Hall and Employees.

- K. Mr. Brown explained that we have changed the Jan and Feb meeting the last few years. Council was fine with changing the dates. Motion was made by Councilman Rapier to allow Town Hall to be closed the week after Christmas through New Year's. Motion was seconded by Vice Mayor Smith. Motion carries unanimously.

#### **INFORMATIONAL ITEMS:**

- A. Town Manager's Report
- Public Works Projects – Recreation Complex, Paving Project

The recreation complex continues to go well. They have been pouring sidewalks throughout. The streets crew has been helping read meters because we have given Reo so much work to do. We nearly completed our paving project which looks good. They just have some striping to finish up. Mr. Palmer explained that we will paint the crosswalk, and everything is wired and ready to go.

- Financial Summary

We had another great month with our financials.

- Platt Property

I got another phone call from the Platt's. Their family is going to be putting the land up for sale. He implied that they would come down a little on the prices, but I do not know what that is. If we are interested, I suggest we get an appraisal. It is in the county but is very desirable for the Town. Councilman Rapier stated that I would

like to see us get an appraisal.

- B. Fire Department Report
  - Calendar / Events
  - Calls / Activity
  
- C. Police Department Report
  - Department Updates

Chief Woods mentioned that we revised our use of force policy to comply so that we can receive funds for federal money. Detective Curtis will be retiring January 9. We hired Luke Arbizo who retired from Safford PD. Officer Ellsworth turned in his resignation today.

- D. Council Reports

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

None

### **ADJOURNMENT**

Motion was made by Councilman Carlton to adjourn council meeting at 8:13 and was seconded by Vice Mayor Smith. Motion carries unanimously.

APPROVED:

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Michelle Mortensen, Deputy Clerk

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Randy Bryce, 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 21<sup>st</sup> day of December. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
Michelle Mortensen, Deputy Clerk