

**NOTICE OF MEETING AND PUBLIC HEARING OF THE
THATCHER TOWN COUNCIL
March 22, 2021**

Councilmembers present: Mayor Bryce, Vice Mayor Smith, Councilman Rapier, Councilwoman Howard, Councilman Carlton, Councilman Vining, Councilman Welker

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, Engineer Tech Gary Allred

Visitors: Vance Bryce, Phil Cook, Ted Prina, Debbie Chavez, Kim Prentice, John Howard, Sandra Lee, Mr. Lee, Margo Henrie, Megan Robbins

AGENDA

Welcome and Call Meeting to Order by Mayor Bryce at 6:30. He stated that this is a public hearing and town council meeting for the Town of Thatcher.

Pledge of Allegiance led by Vice Mayor Smith.

PUBLIC HEARING

- A. To consider the matter of a temporary use permit at 3425 W. 4th Street in Thatcher (Assessor Parcel # 104-09-197). The request is to allow for a travel trailer to be temporarily used as a residence on the property to house caregivers for the resident of the house (Mr. Moody, who is the applicant's brother).

Sandra Lee stated that my brother has cancer, and we need help with caregiving. Dr. Moliario stated that Mr. Moody will need round the clock assistance. Your assistance is much appreciated.

Debbie Chavez stated that I am the neighbor and there has been a travel trailer there for over a year with different people in and out all the time. The people who have been in the trailer have not been caregivers. Kim Prentice stated that I live next door as well and we have dealt with this issue for years. There are people coming and going all hours of the night.

Mr. Lee stood and stated that we have worked with the police on taking care of drugs. This is a feud between neighbors. We need the help and the people there are willing to help.

OPEN CALL TO THE PUBLIC:

Walter Rickter stood from Southwest Gas and I came to answer any questions that you might have.

CONSENT AGENDA:

- A. Approve minutes of the May 18, 2020 Regular Council Meeting
- B. Planning and Zoning Monthly Report.
- C. Police Monthly Report.
- D. Approval of Invoices.
- E. Financial Reports.

Motion was made by Councilwoman Howard and was seconded by Vice Mayor Smith. Motion carries unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

- A. Temporary Use Permit at 3425 W. 4th Street

Mr. Brown stated that Mr. Palmer knows more about the application so I will let him give the summary. Mr. Palmer explained that we got a split decision from the planning and zoning commission on this permit. In the code it states that the code approval shall be approved based on the applicant's ability to demonstrate that the proposed use is a temporary use and shall not be detrimental to the health, safety, or general welfare to the person's living in the vicinity or to the adjacent property, to the neighborhood, or to the public in general; the proposed use conforms with conditions, requirements, or standards required by this ordinance; and there are multiple other items. My opinion is that I do not feel that the applicant has demonstrated that any of those would not happen. Councilman Rapier asked if the current travel trailer is there. Mr. Palmer stated it is. Until the applicant demonstrates that there is not a detrimental effect, such as being hooked to the town sewer, etc., then I have a hard time with it.

Mr. Brown stated that it reads that this situation is allowed with a use permit, but it only mentions parents and children, it does not state other caregivers. This is beyond what the code is saying is allowed. Vice Mayor Smith asked so can we even pass this with the code? Mr. Brown stated that if you want to follow the code, then no. The vote by the planning and zoning board was four members were for this and two were against. Councilman Carlton asked Chief Woods if there have been calls there and he answered yes, there have been several calls over the years. Mayor Bryce stated I do not know what the trailer is for. If there is room in the house, then they could be in the home. Councilman Rapier stated that in the P&Z minutes it was stated that in the words of Mrs. Lee, Mr. Moody did not want the caregivers in the house, I want them out in the trailer. Councilman Welker, stated that this is a tough situation, but we do have our code and it is in place for a

reason. We need to interpret why its reads that way. I think we need to follow our policy. If it is driven for kids and parents then if we make the exception once, then will we have to make it again. Motion was made by Councilman Rapier to deny the motion for a temporary use permit. Councilman Carlton seconded the motion. Motion carries unanimously.

B. Planning & Zoning Appointment to replace Member Justin Layton

Mr. Brown explained that Justin Layton has asked to be replaced on the planning and zoning commission. There is a list of interested applicants Dan Turley, Machael Layton, Patrick Huish, and Adam Bingham. Patrick Huish has the intent to locate here but is not here until July. Motion was made by Councilman Rapier to nominate Machael Layton to the planning and zoning commission. Motion was seconded by Councilman Welker.

C. Board of Adjustment Appointment to replace Member Jim Sullivan & to Establish Term Terminations

Mr. Brown stated that Mr. Sullivan due to health issues has asked to step down from the board of adjustments. We have two councilmembers, two planning and zoning members, and then three at large members on the board of adjustments. Mr. Brown explained that the council acted as board of adjustments for many years. There was a problem finding enough volunteers so that is how we landed where we are. Councilwoman Howard stated that I think anytime you can get some different blood in there is advantageous. Motion was made by Councilman Carlton to appoint Dan Turley to serve on the board of adjustments and was seconded by Councilwoman Howard. Motion carries unanimously.

Mr. Brown stated that we should establish terms for the members. This is our proposed terms. Motion was made by Councilman Rapier to accept the term limitations as recommended by staff. Motion was seconded by Vice Mayor Smith. Motion carries unanimously.

D. Thatcher/Graham County Utilities GAS FRANCHISE AGREEMENT

Mr. Brown stated that this has been a very back and forth issue. We have tried to get clear direction on how to handle this from legal authority. As of this morning we have received new information from the League of Cities and Towns and Mr. Clifford. Mr. Clifford mentioned that we cannot grant a franchise agreement without a special election. If we did that, it would put us in direct violation. Staff would recommend that we not approve the agreement. The next matter would be how we handle the election. Southwest Gas has offered to help us with this election. We need the franchise tax, and I am not sure how much we should involve Southwest Gas in the election. Mayor Bryce asked what the time frame for the election is. Mr. Brown stated that I talked to Sean Lewis and he thinks that a special election would be best, it would give us a better chance to get this passed. Councilman Rapier asked if we do not do anything then we lose the tax.

Mr. Brown stated that yes, we would be responsible for the costs. One thing that we could look into is are there other ways for us to get compensated from Southwest Gas. When Cable One was on our poles, then we charged them franchise fees to be on our poles. I do not know if that is possible. Councilman Rapier asked Mr. Richter why you would be interested in helping with the election. Mr. Richter explained that we like to do this as a partnership with the Town. The laws governing this are very strict. The reason that we work with cities and towns to come up with a decision that is best for both of us is so that we can be neighborly. It is Southwest's opinion that we would be in violation if we did not have the special election.

Mr. Brown mentioned that today Tom Belshe told him that multiple agencies have had complaints with Southwest Gas. Mayor Bryce asked Mr. Brown if he had any additional concerns. Mr. Brown explained that Southwest Gas did call the League's attorney when they found out that this was on the agenda tonight. This concerns me but I do not know enough about it. Councilman Rapier stated that I would like to get some feedback from some other cities and towns to verify what Mr. Belshe said. Mr. Brown stated we would not be able to take this to a vote until Southwest Gas takes over. Mayor Bryce stated that we are hesitant because change is hard. We hope that we can build a good relationship and be good stewards.

E. Arizona Community Foundation – Presentation by Ted Prina

Mr. Prina stated that I am chair of the local community foundation of the Gila Valley. In the next fiscal year, you will have been supporting us for 20 years. We can see that you have helped serve the community with the money you have contributed. We have lots of different endowments set up for different entities in the community. Our grant process opens in April. The review process is open. We have a lot of other things we do. During COVID we did weekly grants to local non-profits where we gave out about \$75,000.

F. Platt Property Appraisal

Mr. Brown explained that we received the appraisal on the Platt property, and it was for \$173,000. The Platt's first choice is to sell it to us because they like what we are doing with the area. The appraisal is less than what the Platt's told us the last time. It is a great piece of property right next to our parks. It does have a metal building and a manufactured home on it. We could recycle the metal building. It is a lot of money but would be nice to have. Councilman Rapier stated that I am in favor of purchasing land if it is beneficial to us. I would be interested in offering \$180,000 if we have double that in our general fund at the end of the year. Councilwoman Smith mentioned that there is not a lot of parking there. Mayor Bryce stated that one of the intents when we first looked at it was that it was perfect for a little league field. It is 3.3 acres. Mr. Brown stated that I will let Mr. Platt know that there is some interest.

INFORMATIONAL ITEMS:

A. Town Manager's Report

- Public Works Projects – Recreation Complex, Welcome to Thatcher Signs

Mr. Brown mentioned that we are back working here, and we decided that we are going to group the exercise equipment together on the west side in the park area. Since we are there doing pad work and retainer work then we will pour the concrete for the pickleball courts. Mr. Cook let us know that pickleball courts running north to south. We had planned on putting three running east to west but will now do the two. The Welcome to Thatcher signs are in and we have gotten lots of compliments on them. Rob Merrill will have the landscaping and lighting done on those in about two weeks.

- Cemetery Trees and Cemetery Committee

At the cemetery we have planted about 100 trees now. We are holding off on the west side because we have a wall going in and on the east side needs some fill work before we can plant the rest. We are going to hold off on doing anymore until we get our cemetery committee together. We have posted this online and in the courier.

- Financial Summary

This last February was our lowest of this year. February is usually the lowest month, so there is nothing to be concerned about.

- Meter Reader Position Filled

We filled the position of meter reader. April Henry will work around 40 hours a month which will free up our guys a little.

B. Fire Department Report

- Calendar / Events

Chief Payne mentioned that I talked about needing some support from the County and Supervisor Howard has stepped up to help us and done some positive things.

- Calls / Activity

Down by the Thatcher Bridge they have been making fire breaks.

C. Police Department Report

- Department Updates

Chief Woods stated that tomorrow we will be picking up our patrol car that we ordered back in November. Nick Orr will start on Wednesday so we will be back to full staff.

D. Council Reports

None

FUTURE AGENDA ITEMS & POTENTIAL QUORUM'S

None

ADJOURNMENT

Motion was made by Vice Mayor Smith and seconded by Councilman Carlton at 8:05 to adjourn council meeting. Motion carries unanimously.

APPROVED:

Michelle Mortensen, Deputy Clerk

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 22nd day of March. I further certify that the meeting was duly called and held and that a quorum was present.

Michelle Mortensen, Deputy Clerk