



TOWN COUNCIL REGULAR MEETING

Minutes

Wednesday, April 20, 2022 at 6:00 pm

**Springerville Town Council Chambers - 418 E. Main St.
Springerville, AZ 85938**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Town Council and to the general public that the Council will hold a meeting open to the public at the Springerville Town Hall, 418 East Main Street, Springerville, Arizona. The Town Council reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

TOWN COUNCIL MEETING: 6:00 P.M.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE:

Minutes:

Mayor Hanson called the meeting to order at 6:00 p.m. Councilor Doug Henderson led the pledge of allegiance.

2. ROLL CALL:

Minutes:

The Town Clerk completed a roll call. Councilor Douglas Henderson - Present, Vice Mayor Robert MacKenzie - Present, Mayor Phil Hanson - Present, Councilor Richard Davis - Present A quorum is present.

3. PUBLIC PARTICIPATION:

Minutes:

Mike Campbell addressed the Mayor and Council. He said he was unable to attend last month's meeting but wanted to thank Council for their donation to the Chrome in the Dome event. He welcomed the Mayor to attend the event and present the Mayor's award. The event will be held Saturday, April 30th. He explained to the Council that the funds from this nonprofit event go towards the school and scholarships. The event brought 178 entries last year, they expect a similar turnout this year. He then

commented on agenda item 12. He does not feel the Smoke Shop should be able to get a permit until the Town has updated the code.

Becki Christensen the executive director of the Springerville Eagar Chamber of Commerce addressed the Mayor and Council. She reminded Council that they designated the Chamber as the Destination Marketing Organization for the Arizona Office of Tourism. She explained some projects that the Chamber has been working on to advertise for the Town. We will be in the Arizona Drive Guide, Phoenix Travel Guide, as well as the Arizona Highways as the "Other Arizona". There will be billboards for Springerville/ Eagar going up in Yuma and Phoenix. This should increase our tourism. She briefed Council on the upcoming Buses by the Lake event at Lyman Lake. Most people just show up and don't register. But they already have 50 registered buses. Of the 50 already registered only 1 is local. Most of the entries that she has talked to have never been to this part of Arizona. She next updated on the Rib BBQ event and how it contributes to the Towns. She reminded them that there is a special raffle at this event where competitors bring in their receipts from shopping local to get entered. The youth business plan contest is done. The winner will be starting their business this summer with the help of the Chamber.

Brian Carpenter with the Community Center addressed the Mayor and Council. He updated on their trip to the Renaissance Festival. They plan to attend events in May, June, and July. Last month the center provided 251 transports. They are steady with home-delivered meals. Wednesdays have become the most popular day at the center with the salad bar. They had a great turnout for their St. Patrick's Day meal and Easter celebration. The youth council had teens bring Easter baskets to the center and play Bingo with them, the seniors really enjoyed it.

Jeff Barbe addressed the Mayor and Council. He said he recently had to call emergency services for a family member. The response of the Police and Fire departments was tremendous. He wanted to thank them for their quick response time and let them know they are appreciated.

Kay Dyson of Springerville addressed the Mayor and Council. She invited them as well as the public to the Community Day of Service on May 7th. They will be meeting at the park behind Town Hall at 8 am. Breakfast will be provided by McDonald's. Shane Phillips the animal control officer is coordinating the event. If you are in need of some help or know someone who is please reach out to Shane. His number is on the flyer. This event is biannual, in spring and fall.

Shannon Latham with the Apache County Youth Council addressed the Mayor and Council. She said the teens were happy to volunteer at the Senior Center and she's proud of them. This was with the Legacy Leadership Club, they provided 50 baskets to the seniors. She also commented on the proposed marijuana ordinance. She briefed Council on a recent violent case in St. Johns that involved a man on marijuana trying to get off of opioids. He tried to kill his mother, and his family said it was a horrible reaction to the marijuana. There are citizens looking for legal Council to get a better understanding of this Ordinance if passed. She asked Council to be patient and table this item while we get more information. She feels that because we do not have a

dispensary we are in a grey area of the law. She reminded them that once they pass the law they can't go back. She asked they do not allow any special permits or special exceptions to what we already have. She mentioned El Rio theatre is a great place for kids to go and she is concerned with a dispensary near it and a preschool and church. There are little to no restrictions on advertisements.

Slade Morgan the Superintendent of the schools addressed the Mayor and Council. He said it is only about 4 weeks until graduation. He is here to speak on the demographics of the students. About 44% of students in the district come from a unique household including single parents or students living with grandparents. He explained the research and link between substance abuse and these students. The less of those substances in the community the better off we will be. There have been some issues with vaporizers making their way into the school, some with marijuana. These are only sold to adults but students get them. The student's safety is his main concern. He understands that they will get it somewhere if they want it but he does not want to make it easier for them to get.

Written public comments were read aloud by the Town Clerk and a copy was given to the Councilors.

Written Comments:

My name is Jacque Fisher. My husband William Fisher and I have owned and operated J&J Signs and Designs for the last 25 years. We have participated in Springerville Fire Dept. and the Chamber over the years. I feel we have been an asset to the community. We have struggled over the years off and on but we always pay our way. This winter we contracted the Corona Virus and didn't work for the month of January. We fell behind on our bills and are just now catching up. I received a notice that we were behind on our \$28 water bill and was on the list for shut off. So I went down and paid it. On our next bill there was a \$5 late fee. that's fine, we were late. But there was a \$50 disconnect fee! We were not disconnected and I feel that this is not right. To be charged for a disconnect that did not happen is wrong! I feel this is so harmful to the community when so many family's and business's are struggling to keep up with there bills! I understand disconnect fees if it does come to that. But I payed my bill and was not shut off! So this fee should not apply. Respectfully Jacque and William Fisher

My name is Wade Finch, my wife and I own the RV Park under construction at 247 West Main St. Springerville Arizona where there will be guests who will reside in this park. We were out of town during this scheduled meeting and sorry we could not attend. We are a family owned business. We were both raised in this valley and we raised our children in these communities. We love this valley and the people and families we associate and share family values with. We wish to express our strongest request possible that you NOT ALLOW this marijuana dispensary to open adjacent to this RV Park and in these communities. We trust that you will consider the long term effects of this type of recreational business in our area.

Sincerely; Wade Finch

4. COUNCIL, MANAGER AND STAFF REPORTS:

a. Mayor & Council Reports: Summary Updates on committee meetings.

Minutes:

Mayor Hanson reported on a meeting he and Manager Collopy attended with Senator Sinema in Show Low. They voiced the needs of our community. Senator Sinema discussed her work to craft and pass the Bipartisan Infrastructure Law and its implementation.

b. Manager Christopher Collopy: Summary Updates & presentation(s)

Minutes:

Manager Collopy reported we have started advertisements for a new public works director. He met with Senator Sinema in Show Low and Congressman O'Halleron in Holbrook regarding the power plant closures and the need for broadband. He reported the Risk Retention Pool tested our internet security and found that we are doing very well. Next, he reported that the ANCMA meeting will be postponed until July. Manager Collopy let Council know that Eagar has leased the irrigation water this year and has paid for it. He and Mischa met with TEP, Eagar, St. Johns, and Apache County to see how they can help each other when the power plants close.

c. Staff Reports: Summary Updates

Minutes:

Fire Chief Lucas Reynolds reported that Council has their quarterly statistics in their packets. Springerville Fire has sent a type 6 engine to the wildfire near Flagstaff, if we can all keep them in our thoughts and prayers. He reported they are bringing the cadet program back. They hosted the North Eastern Fire Chiefs meeting. He updated on the 100 club grant, there is no grant match and they will cover up to \$9,000 for turnouts. He recently summited for a Gila grant for new radios. He went over the calendar of events for the department through the end of the year.

Community Development Director Mischa Larisch reported on this month's activities including issuing two building permits, implementing more with the IWORQ software, reviewed plans, reviewing the Tumbling T plat, discussing parliamentary procedures with Planning and Zoning, continuous efforts for a GIS platform, met with state representatives, applied for a grant for the Winema bridge, and started a request for qualifications for an engineer.

5. PUBLIC HEARING:

Minutes:

FIRST ACTION: Robert MacKenzie / Richard Davis motioned to enter into a public hearing at 6:35 p.m. for items 5a, 5b, and 5c.

FIRST VOTE: 4 Ayes 0 Nays

SECOND ACTION: Robert MacKenzie / Richard Davis motioned to close the public hearing and enter back into regular session at 7:05 p.m.

a. NOTICE OF INTENT FEE SCHEDULE

Minutes:

No comments were made by the public or the Mayor and Council.

b. ORDINANCE 2022-003

Minutes:

Mary Elliott a resident of Eagar for the past 24 years addressed the Mayor and Council regarding the proposed ordinance. She is very concerned with this ordinance. She drives a school bus here. On her route, she has students from Eagar and Springerville. In the past, she had a student on her route that had an interaction with marijuana on his record. She feels if we bring it into the community this will continue to happen to students. She said a prayer for Council. She gave her personal history of her brother who started using marijuana and is now using meth and heroin. Marijuana in our community also concerns her with crimes including burglary, breaking and entering, and traffic violations. She reminded them that it is still federally illegal. As a CDL driver that can not use marijuana she is worried about other CDL drivers. She would like the item tabled and for them to do additional research.

Luke Gallagher with the life in fellowship church. He stated we have seen enough people against this. He said his story is simple, he has a son that has done prison time due to drug abuse. His son started with marijuana, and it escalated from there. He feels the small towns in Arizona that do not want this should band together and sue the state. He wants Council to consider how this will affect crime, people moving to our town, the children, and safety. He gave an example of a person who had a negative reaction to marijuana use.

Monica Boehning a 40-year resident of Round Valley addressed the Mayor and Council regarding the proposed ordinance. She explained she understands that this ordinance only applies to C-1 general commercial zones, to add an adult recreational use marijuana dispensary. The existing Town Code for general agricultural and industrial zones will remain in place strictly for medical marijuana only. She thanked Council for proposing only one dispensary to be in town. However, if amended as currently presented she feels the Town Code will still lack the following concerns: Clarity for the reader to which department is being referenced in the proposed ordinance as she does not see the word department in the general definitions. She asked if they are referring to a Town Department, County Department, or a State Department? She asked how a Town Code enforcement office to ensure that a marijuana dispensary is compliant with the applicable rules of an unnamed department? Her next concern with the proposed ordinance was the requirement to use a certified land surveyor for setback distance measurements when the distance is close to what is specified in the Town Code. She feels this could prevent disputes between the

Town, permit applicants, and surrounding landowners. Her next concern was regarding environmental restrictions to protect air, soil, ground, and surface waters from depletion and or contamination by waste or product disposal or other operations. Disclosure of permit applicants' past marijuana business permits or license violations in other locales. She feels the Town's conditional use permit application process may not capture these protections adequately. The current administration may catch some, but his future successor may not. She feels it is best to add them to the ordinance now so that they can't be missed.

Mike Campbell a resident of the community addressed the Mayor and Council regarding the ordinance. His main concern is that there is no definition of residentially zoned properties. He lives in a unique area that is bordering County property. In the event, it is eventually annexed he is worried that a dispensary could go near him. His property is zoned agricultural residential, so would that apply? He feels the ordinance should cover all residentially zoned properties and have that in the definition.

Kay Dyson a Springerville resident addressed the Council regarding the proposed Ordinance. She stated that we have heard about this for the past two years, she said this is not about marijuana for her, this is about the health, safety, and welfare of the valley. She asked Council to make their judgement on that and to ask themselves what does the majority want. She asked Council to follow the laws, do not pick and choose who has to follow them but stick to the codes and follow through on processes. They have now lost the chance to not allow it.

c. REZONE OF PARCEL 105-15-010H from AR-20 AGRICULTURAL RESIDENTIAL TO C-1 COMMERCIAL

Minutes:

Kay Wilkins, a resident of Becker Lake Road addressed the Mayor and Council regarding the rezone of parcel 105-15-010H. She voiced her opposition to the proposed rezoning. She informed that there is no commercial property on Becker Lake Rd, it is a residential neighborhood. Many that live there bought there because it is a well-maintained residential neighborhood. She also voiced concerns about dust because the northern portion of Becker Lake Rd. is gravel. If there is commercial use on that end of Becker Lake Road she feels that the road will need to be paved. There is no Town water or wastewater in that area either. She voiced concerns with commercial-sized septic systems and possible troublesome outcomes of drilling more water wells in that area, especially in areas town water is not available. She understands the intent of the applicant, but once a zoning change has passed he won't be limited to what he can use the property for. She feels that we have plenty of existing commercially zoned properties. This one has a gravel road, no town water, no town sewer, and would negatively affect the neighborhood.

Kay Dyson of Springerville addressed the Mayor and Council regarding the rezone of parcel 105-15-010H. She feels we have plenty of RV parks in Springerville, if Mr. Avery would like to develop perhaps he should look at what we need. She suggested a swimming pool or living her for a summer and seeing the need. She feels we need affordable housing and cleaning up the RV parks we already have.

Patrick McKenna a 32-year-long resident of Becker Lake Road addressed the Mayor and Council. He has concerns about the rezoning due to the traffic it will bring to a residential area. Over the past 3 months, the traffic has increased especially with speeders. On the south, they are proposing storage sheds for the RV park and he thinks it will be an eye sore.

John Avery of Springerville and the applicant of this rezone requested this item be tabled.

Becki Christenson with the Chamber of Commerce let Council know she is advertising that we have RV parks and in the RV guide.

Kerry Nedrow addressed the Mayor and Council to voice his opposition to the rezone. He said they need to review the general plan. This will have a map of the 10-year plan including zoning. In that area commercial zoned property is along the highway, the general plan does not show commercial along Becker Lake Rd.

Written public comments were read aloud by the Town Clerk and a copy was given to the Councilors.

Written Comments:

Submitted by Troy Burk. I am opposed to parcel #105-15-013D being rezoned or having changes made in ordinances to become a marijuana establishment/dispensary. Town ordinance already states that that type of business can not be within 200 feet of residential zoned property. My adjoining property is zoned AR-20 and I do not want my property status changed or compromised. Thank you. Troy Burk

Submitted by Jodi and Charlie Charvoz. Charlie and I purchased the house at 129 S Becker Lake Road in October of 2021. We were attracted to the property because of the quietness of the neighborhood, the lack of dense traffic and the pastoral beauty of the agricultural setting. It has come to our attention that Mr. Avery is submitting a request for rezoning from residential/agricultural to commercial for his parcel that connects to Becker Lake Road in order to expand is RV park which would include some permanent mobile homes. Based on a review of the town meeting minutes of March 8, 2022 we are very concerned about the potential impact of rezoning this property. Specifically the increase in people density from the potential quantity of RV sites (500!), and consequently the increase in traffic on Becker Lake Road. All other properties on Becker Lake Road are zoned residential/agricultural We are also concerned about Avery's parcel not having a connection to the town sewer and water and the impact of adding an additional commercial septic system and a significant increase in

water usage. Please do not approve this rezoning. There are enough commercial sites on Highway 60. We do not want them crossing over into the quiet residential streets of Springerville. Thank you. Sincerely, Jodi and Charlie
CHARVOZ S Becker Lake Road Springerville
Submitted by Theresa and Henri Yost. We agree that no new change to the existing classification of use is the best for our neighborhood. Sincerely, The Yost Family

6. CONSENT ITEMS:

Minutes:

ACTION: Robert MacKenzie / Richard Davis motioned to approve consent items 6a, 6b, and 6c as presented.

DISCUSSION: None

Vote results:

Ayes: 4 / Nays: 0

- a. **Consider approval of the March 9, 2022 Town Council Special Meeting minutes.**
- b. **Consider ratification and approval of accounts payable register from 3/02/2022-4/14/2022.**
- c. **Consider ratification of the WIFA grant acceptance and approval of the amounts authorized by Manager Collopy.**

7. SPRINGERVILLE RIB THROWDOWN:

- a. **Presentation, update, and Sponsorship request from Mike Nuttall with Better World Barbeque.**

Minutes:

Mike Nuttall with better world barbeque addressed the Mayor and Council. He gave a brief of last year's turnout for the Springerville rib throw down. They had 43 teams attend, this year they are hoping to have 50. They once again partnered with the Cpl. Joe McCarthy foundation to put on this event. They are asking for a cash donation or sponsorship. They are doing sponsorship tiers this year. Last year they had over 100 items for the raffle. Unfortunately this year they had to increase entry fees from \$25 to \$100. They will be having the Kids Q again, however, they will be competing by age group and will have score sheets similar to the rib judging. They plan to have a Mayor's trophy as well. Proceeds from last year benefited the White Mountain Historical society, Apache County ATV Club, Eagar Fire Department, Corporal Joe McCarthy Foundation, Darrin Reed Foundation, and two families dealing with medical issues. They will be attending the Show Low contest on May 7th to advertise for the Springerville event. They will also be at the aviation expo, and the Chrome in the Dome event.

- b. **Possible direction to staff as a result of the Presentation and Sponsorship Request.**

Minutes:

DIRECTION: Council directed staff to be a Beef sponsor, in the amount of \$1,000 to be paid from the Mayor and Councils budget. This amount is separate from the funds requested from the Tourism Tax Fund.

OLD BUSINESS

8. REZONE: 105-15-0010H

Minutes:

Mayor Hanson recused himself from this item as a conflict of interest.

ACTION: Doug Henderson / Richard Davis motioned to table this item.

DISCUSSION: None

Vote results:

Ayes: 3 / Nays: 0

NEW BUSINESS

9. EXECUTIVE SESSION:

Minutes:

FIRST ACTION: Doug Henderson / Richard Davis motioned to enter into executive session for items 9a, 9b, 9c, 9d, and 9e at 7:14 p.m.

FIRST VOTE: 4 ayes 0 nays

SECOND ACTION: Robert MacKenzie / Richard Davis motioned to leave the executive session and enter back into the regular session at 7:49 p.m.

SECOND VOTE: 4 ayes 0 nays

a. Ordinance 2022-003

b. 809 W. Airport Rd.

c. Appointment of Councilor

d. Conditional Use Permit Appeal - Springerville Smoke LLC

e. Claims against the town by White Mountains Flower

10. FIRST READING OF ORDINANCE 2022-003:

Minutes:

FIRST READING: Mayor Hanson completed the first reading of Ordinance 2022-003.

DISCUSSION: None

11. TOURISM TAX FUNDS:

a. Springerville Rib Throwdown Funding Request

Minutes:

ACTION: Robert Mackenzie / Doug Henderson motioned to approve the Tourism Tax funds in the amount of \$500 for the rib throw down event.

Discussion: None

Vote results:

Ayes: 4 / Nays: 0

b. Buses By the Lake Funding Request

Minutes:

ACTION: Doug Henderson / Richard Davis motioned to approve the Tourism Tax funds in the amount of \$500 for the buses by the lake event.

DISCUSSION: Council discussed this event and agreed it will be good for our community.

Vote results:

Ayes: 4 / Nays: 0

c. Committee Authorization Amount

Minutes:

ACTION: Robert MacKenzie / Richard Davis approve the authorization amount for the Tourism Tax Committee from \$500 to \$750.

DISCUSSION: It was explained that with inflation people are asking for more money, and the committee would like to be able to make a higher recommendation amount. Council will still have the final say.

12. CONDITIONAL USE PERMIT APPEAL:

Minutes:

ACTION: Richard Davis / Robert MacKenzie motioned to uphold the action of the Planning and Zoning Commission regarding the Conditional Use Permit for Springerville Smoke LLC.

DISCUSSION: None

Vote results:

Ayes: 4 / Nays: 0

13. APPOINTMENT OF NEW COUNCILOR:

Minutes:

ACTION: Robert MacKenzie / Richard Davis motioned to accept the resignation of Shelly Reidhead.

Council directed staff to re-advertise for the Council vacancy.

Vote results:

Ayes: 4 / Nays: 0

14. RESOLUTION 2022-R004:

Minutes:

ACTION: Robert MaKenzie/ Richard Davis motioned to adopt Resolution 2022-R004, adopting the new fees associated with training provided by the Fire Department and Police impounds.

Mayor Hanson read the resolution out loud.

DISCUSSION: None

Vote results:

Ayes: 4 / Nays: 0

15. RESOLUTION 2022-R005:

Minutes:

ACTION: Richard Davis / Robert MacKenzie motioned to adopt Resolution 2022-R005, abandoning a portion of the right of way located on the 300 block of E Apache Street for the amount of \$1.00 to Judy Kruk.

DISCUSSION: None

Mayor Hanson read the Resolution out loud.

Vote results:

Ayes: 4 / Nays: 0

16. AIRPORT FENCING GRANT AND PROJECT:

a. Discussion and possible acceptance of grant from ADOT for the fencing project at the Springerville Airport.

Minutes:

ACTION: Robert MacKenzie / Doug Henderson motioned to accept a grant from ADOT in an amount not to exceed \$400,000 for the use of fencing at the Springerville Airport.

DISCUSSION: Bowen Udall asked to address the Mayor and Council. Mayor Hanson agreed. Bowen explained he looked over the proposed plans and phase two map and it appears they are going to be fencing him off of his private property. He asked the Town to look into the ownership of a section of land within the proposal. He next voiced concerns regarding the type of material they will be using to make the fence and if they will be using razor wire or barbed wire. He does not currently live on the property he owns next to the airport but does have plans to build a home there. He next commented on if they will be able to access the airport runway from his private property. Manager Collopy replied the Town will look into it and be in contact with Mr. Udall.

Vote results:

Ayes: 4 / Nays: 0

b. Discussion and possible ratification of contract with Kimley-Horn to design and serve as project administration for the airport fence.

Minutes:

ACTION: Robert MacKenzie / Richard Davis motioned to ratify the presented contract with Kimley-Horn to design and serve as the project administration for the airport fence project in the amount of \$68,808.

DISCUSSION: None

Vote results:

Ayes: 4 / Nays: 0

17. SIGN AGREEMENT WITH LCBHC:

Minutes:

ACTION: Robert MacKenzie / Doug Henderson motioned to approve the proposed agreement between the Town of Springerville and the Little Colorado Behavioral Health Center.

DISCUSSION: Mayor Hanson explained what sign this was.

Vote results:

Ayes: 4 / Nays: 0

18. PROCLAMATION OF FAIR HOUSING:

Minutes:

Mayor Hanson declared April to be Fair Housing Month. Vice-Mayor MacKenzie read the proclamation out loud.

19. PROCLAMATION OF TREE CITY /ARBOR DAY:

Minutes:

Mayor Hanson declared April 29, 2022 to be Arbor Day in the Town of Springerville. Mayor Hanson read the proclamation out loud.

20. ADJOURNMENT:

Minutes:

ACTION: Robert MacKenzie / Richard Davis motioned to adjourn at 8:09 p.m.

DISCUSSION: None

Vote results:

Ayes: 4 / Nays: 0

Members of the public who only want to provide written comments can express their comments by emailing the Town Clerk at kmiller@springervilleaz.gov to be read during the call to the public. All comments must be submitted by 5:00 p.m. on the day of the meeting.

Americans with Disabilities Act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk at (928) 333-2656 ext. 224 forty-eight (48) hours prior to the meeting to arrange necessary accommodations.