



# TOWN COUNCIL SPECIAL MEETING

Minutes

Wednesday, May 11, 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 SPECIAL 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. Shelly Reidhead 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:

Kay Dyson of Springerville gave an update on the Community Day of Service. It was a great success. They collected 70 bags of trash along the road. She thanked Shane Phillips and Dayson Merrill for spending their Saturday cleaning a yard for a disabled individual. She thanked Abe Martinez of Martinez Management for supplying breakfast for all of the volunteers.

Terry Shove of Springerville updated Council that last night they had a scholarship

dinner and \$2.8 million were given to students from 35-40 different community colleges and universities. This does not account for all scholarships as they are still processing some. Next, she reported that High School graduation will be next Wednesday, the 18th. She applauded the teachers and the school on what a great job they are doing. She next reported that they had a very exciting day at the Little Colorado Meats facility, they slaughtered their first cow. They had their USDA food safety training, and the inspection went very well. Once utilities are completed, they will be open for business.

Gabriel Candelaria addressed the Mayor and Council and announced out of 10-13 applicants Ms. Wendy Chavez will be the next postmaster.

Monica Boehning a 40-year resident of Round Valley addressed the Mayor and Council. She explained she has lived, worked, kept her mailing address, and shops all in Springerville. Her house of Worship is in Springerville as well as the 4 charitable organizations she contributes to. She pointed out that she obviously cares greatly about her friends and associates who live and run businesses in Springerville. She is here because Council plans to vote on Proposed marijuana Ordinance 2022-003 tonight. She strongly believes Mayor Hanson should recuse himself from the vote. She explained she feels Mayor Hanson has shown on more than one occasion that he has personal interests in commercial marijuana being permitted in Springerville. He signed an employment contract with White Mountain Flower LLC., while serving as the Mayor who signed their long-term lease agreement for the marijuana farm. She gave the Clerk 2 documents for the record. She further explained these 2 forms and a map showing the property where Mayor Hanson resides was listed twice by Greener Future LLC in its potential application's to the AZ Dept. of Health to obtain a license for running an Adult Use marijuana dispensary. She said her legal counsel advises that the burden of proof is upon Mayor Hanson to show that he or his immediate family members would not financially benefit from this license application nor from the passage of the marijuana ordinance. Next she reported that Last October a similar marijuana dispensary license application form was used as a logical reason for recusing Planning and Zoning Commissioner Theresa Becker from further discussion and votes on all matters related to the marijuana topic within Springerville. She supplied 2 copies of the form for the public record. Minutes from the October 12th and October 27th Planning and Zoning meetings do reflect her absence due to recusal. Ms. Becker did not vote on the proposed Ordinance 2021-002 a marijuana ordinance. Ms. Boehning said based on this evidence and precedent already set, she contends that Mayor Hanson not be allowed to vote on this similarly related ordinance tonight. Terry Candelaria a Springerville business owner addressed the Mayor and Council. Ms. Candelaria pointed out that the few people in the room do not represent the entire town. For the last four days she has been talking to locals and gathering signatures from those who support adult use marijuana in Springerville. She handed the Clerk those signatures for the record. She further explained that there are business owners and well-respected people that support this but do not come to the meetings because they are afraid of back lash. She said everyone should feel like they have the freedom

to have a voice.

Luke Gallager from Life in Christ church addressed the Mayor and Council. He said he is pleading with them to please not allow marijuana in our Town. He has a son in prison and a daughter on drugs and it all started with marijuana. He stated we do not need this in our community or alcohol. He expressed he wishes we could ban alcohol as well.

Mary Elliott of Eagar addressed the Mayor and Council. She urges them to protect the children in Round Valley. She pointed out that the County voted against recreational marijuana. Her brother's life was ruined because of marijuana. She asked them to please not allow it here.

Written public comments were read aloud by Vice-Mayor MacKenzie and a copy was given to the Councilors.

Written Comments:

I am speaking in support of the town of Springerville allowing the zoning for a recreational adult use cannabis facility to be allowed into the city limits. My name is A.J. Jacobs. I am an Arizona native, I am a registered republican and a precinct committeeman, I am a military veteran, I am a former EMT and am also a former police officer here in the State of Arizona. As a police officer I was in patrol for 9 years focusing on criminal interdiction and drug seizures, I was a member of the SWAT team, and I was also a detective in the Special Investigations Unit specializing in officer involved shootings, homicides and child crimes. In fact, I was part of the unit that investigated many crimes here in White Mountains, including the death of Officer Darrin Reed. I share this information with you to give you a glimpse of my conservative background and stances politically. I am here representing Arizona NORML and to speak on behalf of the medical marijuana patients and recreational users who reside in the Springerville area. Due to the injuries I sustained on the job as a police officer, I have had years of physical therapy, one spine surgery and have been prescribed every pharmaceutical opiate on the planet, which is the entire reason I am now a medical marijuana patient. Often vilified and seen as a gateway drug to harder drugs, many studies have proven that medical marijuana is in fact a gateway drug OUT of opiates and has debunked the gateway drug theory. I understand that right now, we are concerned with recreational usage by adults. I lay the foundation for my medical use to show that I also misunderstood cannabis previously before I needed it as an exit from opioids and pain. I believe It is logical to expect that medical patients in the Springerville area would go to their local adult use facility for their medication simply out of convenience due to the lack of medical dispensaries in the area As opposed to having to wait hours or sometimes a day or two for a delivery from either Show Low or the Phoenix valley. First of all I would like to say that we at Arizona NORML share the concerns of this body and the Springerville area residents in that we do not want children/preteens and teenagers to consume or have access to marijuana in any capacity unless it is for medicinal purposes under the supervision of their doctor. It cannot be denied that both adult use and medical marijuana are here to stay in the state of Arizona. It is also ironic that the sale of alcohol is allowed for

recreational purposes, yet not a natural plant simply because of 100 years of propaganda and misunderstanding. However, just like alcohol we believe in a well regulated market where adults are given the freedom to consume, if they wish. My fear as a former police officer is that if this body of government chooses to not allow an adult use cannabis facility in the area, the underground illicit market will explode. If we all remember the vaping crisis, unregulated marijuana concentrate cartridges were being funneled into the country from Mexico and ended up killing many people due to untested and unregulated chemicals. Also, it is not cannabis that is killing people, it is the opioid epidemic that is ravaging the White Mountains along with the rest of the country. I have conducted drug investigations in this area, and cannabis is not the issue. The Drug Enforcement Administration admits in their 2020 edition of Drugs of Abuse that no one has ever overdosed and died from the consumption of cannabis alone. By having a well regulated market which will bring in clean, laboratory tested products into the area, will not only create jobs and revenue for the area, but will also allow medical patients who need their medicine to have access to controlled products and prevent them from seeking underground illicit products which could further compromise their health. With this I urge you to please vote to allow an adult use cannabis facility and deal a blow to the illicit market and keep the revenue inside the town of Springerville while creating jobs and more prosperity for the area. I appreciate your time. Respectfully, A.J. Jacobs Secretary Arizona NORML  
ajj@arizonanorml.org

#### **4. COUNCIL, MANAGER AND STAFF REPORTS:**

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

###### **Minutes:**

No reports from the Mayor & Council.

##### **b. Manager Chris Collopy: Summary Updates & presentation(s)**

###### **Minutes:**

Manager Collopy reported that Congressman O'Halleran will be here and holding a Town Hall with Springerville Council on Monday, May 23rd at 5:30 p.m. All Council and public are welcome to share our local needs with the congressman. Next, he updated that the Arizona Corporate Commission will be at the Round Valley Auditorium on Thursday, May 26th from 4:00 p.m. to 10:00 p.m. discussing the closure of the power plants. With these two dates in mind, he told Council they need to pick a date for a budget work session. Council agreed to hold the work session on Wednesday, May 25th. Lastly, he updated that our Public Works Administrative Assistant, Stormy will be leaving the Town, her last day is tomorrow. We wish her well on her next adventure.

##### **c. Staff Reports: Summary Updates**

###### **Minutes:**

Chief of Police Dayson Merrill reported to Council. He thanked Council and Town staff for all the support to his department especially during these busy times.

For the month of April, they had 146 calls of those 64 were officer initiated, 85 were traffic, 5 accidents, and 4 felony arrests. Officer Holmes has started with the department and set to finish her FTO very soon. Next, he reported they have a great candidate for a cadet to send to the academy. That will leave the department only 1 officer shy of being fully staffed.

Fire Chief Lucas Reynolds addressed the Mayor and Council. He reported that they participated in the Chrome in the Dome event. The firefighters that were away on wildland assignments have all returned home. They are ready when the need arrives to go out again. Over the last few weeks, we have seen some red flag days. Due to the high fire danger right now, they have decided Springerville will be under level 1 restrictions until further notice. This means no burning. At this time, we plan on having 4th of July fireworks, however, if we are in level 2 restrictions, it would not be safe to have them. He next reported that we have been awarded a Northern Arizona EMS grant for an additional AED. It is his hope to eventually have one at public works, the senior center, and in all of the police cars.

## 5. CONSENT ITEMS:

### **Minutes:**

ACTION: Robert MacKenzie / Richard Davis motioned to adopt consent items 5a and 5b as presented.

DISCUSSION: None

### **Vote results:**

Ayes: 4 / Nays: 0

- a. **Consider approval of the April 20, 2022 Town Council Regular Meeting Minutes.**
- b. **Consider ratification and approval of accounts payable register from 4/09/2022 to 5/03/2022.**

## OLD BUSINESS

## 6. ORDINANCE 2022-003:

### **Minutes:**

FIRST ACTION: Robert MacKenzie/ Richard Davis motioned to enter into Executive Session at 6:31 p.m. for items 6 and 8.

Ayes: 4 Nays: 0

SECOND ACTION: Doug Henderson / Richard Davis motioned to leave Executive Session and enter back into regular session at 6:48 p.m.

Ayes: 4 Nays:0

DISCUSSION: Town Attorney Tosca Henry explained that earlier during the call to the public we heard a claim that Mayor Hanson has a conflict of interest because of an application for a marijuana license that was submitted by a third party using an address associated with the Mayor. The Town of Springerville takes these types of allegations very seriously. We did discuss this. As background, the Arizona laws

require that any public officer who has a substantial interest in any decision of the Council to make that interest known in the public records and refrain from participating in any manner on that matter. Following further investigation, a third party submitting an application for multiple properties throughout the town with no knowledge by the Mayor of the application, no consent, and no benefit to the Mayor or his relatives, these facts as presented do not propose an interest on the part of the Mayor in that application, and her recommendation to the Town is that this is not a conflict of interest under the current law.

**a. Second reading of Ordinance 2022-003:**

**Minutes:**

Mayor Hanson completed the second reading of Ordinance 2022-003 out loud.

**b. Action on Ordinance 2022-003:**

**Minutes:**

ACTION: Robert MacKenzie motioned to approve Ordinance 2022-003, adopting the amendments to Title 17 related to the regulation of recreational marijuana.

No Second

Motioned fails due to the lack of a second.

DISCUSSION: None

**7. REZONE: 105-15-0010H:**

**Minutes:**

Mayor Hanson explained that the applicant, John Avery, has withdrawn his application for rezoning. Council will not be discussing or taking action on this item.

**8. APPOINTMENT OF NEW COUNCILOR:**

**a. Executive Session:**

**b. Appointment of new Councilor:**

**Minutes:**

ACTION: Robert MacKenzie / Richard Davis motioned to appoint Don Scott to fill the Council vacancy.

Discussion: None

**Vote results:**

Ayes: 4 / Nays: 0

## **NEW BUSINESS**

**9. AWARD OF RIVER WELL REHABILITATION PROJECT:**

**Minutes:**

Councilor Richard Davis declared a conflict of interest and recused himself from this item.

ACTION: Robert MacKenzie / Doug Henderson motioned to waive the deadline requirement for the advertised bid and award the River Well Rehabilitation Project to

R. Davis Drilling LLC. for an amount not to exceed \$40,001.22 and authorize the Town Manager to execute the necessary documents.

DISCUSSION: Manager Collopy explained we hired an engineer to help with this project. Town Staff advertised the project. There was only one contractor interested in the project. They contacted the engineer for a bid packet. The engineer had forgotten to send the requesting contractor, Mr. Davis, the packet. They did send the packet on the bid opening date and the bidder did turn in his bid on the May 2nd. This late bid was late but at the fault of the contractor. We contacted Tosca and asked if we could accept the late bid, and she said Council could waive the due date only because it was not the fault of the bidder. This is what staff is requesting from Council.

**Vote results:**

Ayes: 3 / Nays: 0

**10. ADJOURNMENT:**

**Minutes:**

ACTION: Robert MacKenzie / Doug Henderson motioned to adjourn at 6:56 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](mailto:kmiller@springervilleaz.gov) to be read if their is a 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.