

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
October 21, 2014 - 7:00 P.M.**

Mayor Bryce Hamblin called the Regular Council Meeting to order and welcomed those present. Mayor Hamblin said to let the record show that all Councilmembers except for Vice-Mayor James Nelson, Jr. and Councilor Allen Browning are present. Mayor Hamblin led the Pledge of Allegiance and John Phelps offered the invocation. Councilor Allen Browning came in right after the invocation.

COUNCIL PRESENT: Bryce Hamblin, Mayor
Byron Smith
Steve Erhart
Winslow McNeill
John O. Phelps
Allen Browning

COUNCIL ABSENT: James Nelson, Jr., Vice Mayor

STAFF PRESENT: Tami Ryall, Town Manager
Bruce Ray, Community Development/Public Works Director
Eva Wilson, Town Clerk
Katie Brady, Finance Manager
Frank Adams, Fire Chief
Mike Hogan, Police Chief
Doug Brown, Town Attorney
Marion Wiltbank, Assistant Town Clerk

ITEM #5: SUMMARY OF CURRENT EVENTS

A. MAYOR

None.

B. COUNCIL

None.

C. STAFF

Town Manager Tami Ryall welcomed the Council to stop by her office before leaving tonight to see the purchased banners for the streetlights. Public Works is currently installing the fall “Be Thankful” banners. The Town also purchased summer banners with a patriotic theme and a holiday banner with a Merry Christmas tree. The Eagar Beautification

Committee made the selection recommendations and Marion Wiltbank did a good job working with the vendor.

ITEM #6: OPEN CALL TO THE PUBLIC

Steven Heap represents a group of concerned citizen that are worried the Town of Eagar does not have the ability to provide water should there be an extended eventful emergency of any kind. Right now there are many possibilities how the electrical grid could go down for an extended period of time. Mr. Heap understands that the Town of Eagar does not have a generator that functions. If something should happen, the greatest thing that the Town of Eagar could provide for Eagar and its citizens is water. In speaking to the members of the Council there is no plan if electricity goes out and people begin to use the water in the tank. These concerned citizens request that the Town consider purchasing an emergency generator that can be run on propane, because propane is a more easily stored fuel; and that the Town prepare an emergency plan in case of an extended electrical outage on how to provide water to its citizens.

ITEM #7: PRESENTATIONS

A. PRESENTATION OF A QUILT FROM THE *LADIES OF THE SCOTT VALLEY QUILT GUILD* TO THE EAGAR FIRE DEPARTMENT AS A THANK YOU FOR THE HARD WORK AND DEDICATION OF THE SISKIYOU COUNTY CALIFORNIA FIRES IN 2014

Fire Chief Frank Adams informed Council that in the first part of August the Town of Eagar sent an engine to northern California to the July Complex that was made up of several fires and Eagar Firefighters specifically worked the Log Fire which was 3,632 acres in size in Siskiyou County. The residents brought cookies and gifts and were very generous, and the Eagar Firefighters were fortunate to receive a quilt from the Quilters Guild for their gratitude which is now hanging in the foyer. With the help of Town Manager Tami Ryall they were sent a thank you note with a picture of all Eagar Firefighters with the quilt.

B. FIRE DISTRICT OVERVIEW

Fire Chief Frank Adams presented a power point presentation on Eagar Fire District Information. Included in the Fire District Overview:

- Current Eagar Fire Department Budget is \$329,595, Springerville Fire Department is \$167,166, Eagar and Springerville Fire Department budgets combined is \$496,761; a potential Eagar Fire District would be \$529,376 at \$2.41 per hundred (average tax rate of Southern Apache County fire districts), and a Springerville and Eagar Fire District potential is \$750,596 again at \$2.41.
- Assessed property values for a fire district in 2014-2015 includes Eagar at \$21,965,812 and Springerville at \$9,179,254.
- Comparison of fire budgets in 2014-2015 with fire districts showing the Primary Property Valuation and Assessed Property Value: Concho \$150,476, Greer \$385,068, Puerco

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Valley \$460,340, Ganado \$727,176, Vernon \$571,828, Alpine \$341,649, and Nutrioso \$150,941 and possible budgets for Eagar would be \$529,376 and Springerville \$221,220.

- Impact to residents on an average house in 2012 valued at \$166,734, estimated additional property tax at \$401.82 at \$2.41, real estate property taxes paid for housing units with mortgages in 2012 at \$747 with a new property tax bill totaling \$1,148.82.
- Listed pros and cons: Pros – Increased fire department budget; all citizens pay according to property value; more full time fire fighters; Town would be able to fund other projects or cut costs. Cons – Eagar residents have it good compared to all the other cities and towns with fire districts; residents would pay more for services already provided; fire district would not be “Eagar Fire Department.”, and Town would lose control of the fire department and the extra things the department provides for the Town.
- Things to consider: Volunteer firefighters are getting harder to find and keep; the volunteers have family commitments or might be out of town; employers don’t want the volunteer to leave work to fight a fire.

As citizens of Eagar we all pay a Fire District Assistance tax but do not benefit from it; it goes to the other area fire districts. For Eagar’s budget, savings to form a fire district would be about \$18,000 a year and over ten years it would save the Town over \$4 million dollars. If the Town assessed a property tax, the rate wouldn’t have to be as high as \$2.41 and could be something more reasonable. Fire Chief Adams feels the best route would be to assess a property tax within the Town so the Town continues to have control of the fire protection. The residents are getting a bargain right now because they have no out of pocket costs other than the sales tax that they pay when they shop here. With a fire district, property owners will pay \$400 plus more a year in additional property tax.

Councilor Byron Smith asked how many full-time firemen would a district need and would there still be a need for volunteers. Chief Adams replied that we would always need volunteers because the budget would not be significant to be without volunteers. Greer has a fire fighter on shift 24/7. Vernon has two or three fire fighters on shift 24/7. Council asked how many fire fighters it took to operate an engine. Chief Adams said minimum standards generally accepted are three fire fighters but preferably four. Councilor John Phelps asked if there has been a consensus or anything formed on how our Town feels about a fire district – why would anybody ever want to get behind getting a property tax when they are satisfied with what they have. Mayor Hamblin explained that as part of the Council / Staff Retreat ways to save money was a directive and this presentation was the product of a study on the cost savings of a fire district versus a town fire department. Mayor Hamblin stated that Council is not advocating a property tax or that we do any of these things; it was only a study in cost savings. Other departments are also looking at ways to save the Town money within their departments.

C. UPDATE ON ENVIRONMENTAL AND REGULATORY ISSUES IMPACTING THE AREA

Apache County Natural Resource Coordinator Doyel Shamley provided Council a handout on the Environmental Protection Agency and the Corps of Engineers – Waters of the US (WOUS) Hearing that was held in Milwaukie and stated that the comment deadline had been

extended to November 14, 2014. Mr. Shamley suggests that the Town of Eagar engage this proposal due to the importance of water, with our agricultural users as well as the recreational purposes, cattle and all livestock, and non consumptive users. The greatest portion of the tax base within the county relies on the above activities and an unencumbered flow of water. Under the definitions of the WOUS, even maintaining a drainage culvert would require an EPA 404 permit. There is commentary making the rounds of the western states signed by Utah, New Mexico, Montana, Idaho, and Wyoming, Soil and Water Conservation Districts, Natural Resource Conservation Districts and others. A bill is written and has been on the floor of Congress and didn't get through all the voting phases and committee hearings before the recess. Riders to the bill have been submitted to put this issue to a halt.

In regards to endangered species up listings the Yellow Billed Cuckoo will take over 290,467 acres in Arizona. The New Mexico Jumping Mouse will take over 193 miles with expectations of its river bank habitat to be fenced off. At a meeting in Phoenix last month of the Arizona Cattle Growers and Livestock Associations and some water user groups, the U.S. Forest Service Regional Foresters assured them there was no fencing being proposed. Yet the next day a RFP in the Arizona Republic newspaper advertised the Forest Service looking for contractors to install fencing to fence off the rivers. At the commentary Apache County was able to show that the analysis was not correct for the Yellow Billed Cuckoo in Apache County and hence it was not listed in Apache County. Apache County was able to reduce the New Mexico Jumping Mouse habitat area to 60,000 acre's and are still working on that. County commentary also reduced the Garter snake habitat area by 90% and the Jaguar habitat is reaching really far north and the County is doing its best to help the White Mountain and San Carlos Apaches with that designated habitat area.

Fuel reduction treatment areas were approved in the State School Trust Lands that are land locked in the 26 Bar Ranch areas and on the south side of Eagar. State Forestry will be applying treatment for the reduction in fuel loads and tree density.

Some upcoming Legislative proposals include fuel-tax offset program for timber harvesting to be equivalent across the spectrum of fuel-taxes; prescribed fire liability; and local government subject matter expertise and special jurisdiction

ITEM #8: CONSENT AGENDA

- A. APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETING HELD SEPTEMBER 2014
- B. APPROVAL OF AUGUST 2014 NATIONAL BANK OF ARIZONA TRANSMITTALS, CHECKS WRITTEN, PAYROLL DIRECT DEPOSIT VOUCHERS, AND CREDIT CARD PURCHASES

Councilor Steve Erhart moved to approve the Consent Agenda. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 6-0

ITEM #9: UNFINISHED BUSINESS

A. DISCUSSION AND CONSIDERATION OF AUGUST 2014 FINANCIAL REPORT AND SALES TAX REPORT

Finance Manager Katie Brady stated that this report takes us two months into our fiscal year and everything is going good. There are a couple of different parts that seem a little heavy and that is because July is the month that we pay our huge debt payments. The few departments that look extremely out of balance are because the largest spending they have for the year has already passed such as the Wildland Fire line item.

The Town's State Shared Revenue State Sales Tax is moving well. City Sales Taxes are 1% over the prior fiscal year, which is still better than under. The Town's State Shared Revenues are 4.8% over the prior fiscal year and HURF Revenues are over 11.2% the prior fiscal year.

ITEM# 10: NEW BUSINESS

A. DISCUSSION AND FIRST READING OF ORDINANCE 2014-03 TO APPROVE THE ANNEXATION OF 104-25-044 AND 044A INTO THE TOWN OF EAGAR TOWN LIMITS WHICH ARE CONTIGUOUS TO THE EXISTING TOWN LIMITS OF THE TOWN OF EAGAR

Community Development/Public Works Director Bruce Ray stated that Wayne Reidhead and Doug Brown requested annexation for properties 104-25-044 and 044A into the town boundaries. The purpose of this annexation request is so they won't have to pay the County water rates. A Public Hearing was held on September 2, 2014, at which time no opposition was heard. Mr. Brown and Mr. Reidhead both signed the annexation petition and this is the first reading for the annexation ordinance.

Town Attorney Doug Brown stated for the record that he is declaring a conflict of interest on this matter as he owns one of the properties to be annexed. Town Manager Ryall stated that the Town has procured the services of an outside attorney to review the matter.

B. DISCUSSION AND CONSIDERATION TO ENTER INTO A MEMORANDUM OF AGREEMENT AND UNDERSTANDING WITH ARIZONA PUBLIC SAFETY PROCUREMENT PROGRAM ALLOWING THE EAGAR POLICE DEPARTMENT TO OBTAIN EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY UNDER THE FEDERAL 1033 PROGRAM

Police Chief Mike Hogan stated the Federal 1033 Excess Property Program excluding the tanks, bazookas, and etc. that some agencies are using, is an option to obtain equipment that the military has no use for. The police department would be interested in receiving useful items such as ballistic vests, night-vision equipment, binoculars/spotting scopes, surveillance equipment, storage containers, or used vehicles. There is an accounting process for the police department to keep track of the equipment and when the equipment is

no longer used or needed the military may want it back or the department adheres to the agreement's disposal procedure. There is a \$250 annual fee to help pay for the administration of the program.

Councilor John Phelps wants to know who keeps the police department in check not to abuse the program or procure unreasonable items; Council wants somebody to be held accountable for what's purchased or bought. Chief Hogan said that the department would not be interested in any firearms due to the strict guidelines to procure those.

Councilor Steve Erhart asked if this was for operative equipment only or does the program include inoperative equipment that could be used as a decorative piece for a VFW or American Legion. Chief Hogan said the program is for operative equipment that is no longer used by the military and is being stored. Chief does not know if it has been militarily decommissioned.

Councilor Steve Erhart moved to enter into a memorandum of agreement and understanding with Arizona Public Safety Procurement Program allowing the Eagar Police Department to obtain excess Department of Defense Personal Property under the Federal 1033 Program. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 6-0

C. DISCUSSION AND CONSIDERATION OF RESOLUTION 2014-13 AMENDING THE TOWN'S PUBLIC RECORDS POLICY

Town Manager Ryall directed the Council's attention to the new handouts. The town currently has a Public Records Policy that requires any request for a public record to be reviewed by the town attorney first. As a matter of practical force it is not how we really have been interpreting it and it is not an easy process to manage it that way. If you were to look at the diverse records request that we get, a very small fraction of them are controversial or anything of a public interest thing.

After receiving some feedback and in preparation for discussion, Ms Ryall started a red line policy draft that proposes an alternative to what is in the Council's packet. This proposes that instead of the Town Attorney or the Manager reviewing every initial request, the request will go to the Clerk or her designee to gather the material and then shift the review by the manager and / or attorney before the request is distributed ensuring completeness and redaction criteria is met. Records that would be reviewed by the town manager and / or attorney would be requests for personnel records of any past or current employee; any request that is related to Council's decision making; policy documents; a perspective legal issue if it's not a legal issue already; anything related to customer information to ensure the Town is not divulging private information that could put our customers at a disadvantage; and contracts or bid documents.

Mayor liked the criteria list that Ms Ryall has provided and the prospect of reviewing a records request before it is disseminated as being more efficient than when the request comes in. Mayor Hamblin submits a lot of public records requests and when he gets something that isn't what he asked for it makes him nervous and makes him think somebody is hiding

something. It does not make sense, economically or efficiency, for routine records requests to be held up during a review by the town attorney when staff understands the process of redaction and routine records request processes. As in the police department, often a records request is from a defendant wanting to get a jump start on their case by requesting a copy of the report. They don't want to be told the Town has to send it to the attorney first.

Town Attorney Doug Brown informed Council that say if staff receives a request that doesn't fit the listed criteria and they are a little uncomfortable with it, they have always been really good to contact him for opinion before it is sent out. Mr. Brown doesn't see the need to review routine public records requests.

Councilor Phelps said that public courtesy goes a long ways. Ms Ryall said that they also wanted to be efficient.

Councilor Steve Erhart moved to approve Resolution 2014-13 amending the Town's Public Records Policy as presented. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 6-0

D. DISCUSSION AND CONSIDERATION TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE ALPINE FIRE DISTRICT

E. DISCUSSION AND CONSIDERATION TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE GREER FIRE DISTRICT

Fire Chief Frank Adams informed Council that he has discussed the need for a formal mutual aid agreement between the Eagar Fire Department and the two fire districts of Greer and Alpine with Chief Wade and Chief Noth. Both Chiefs indicated that it would be beneficial to have the working relationship formalized in a mutual aid agreement similar to what Eagar has with Nutrioso Fire District. It is Chief Adams recommendation to enter into a mutual aid agreement between Eagar Fire Department and the fire districts of Alpine and Greer.

Councilor Allen Browning moved to enter into a Mutual Aid Agreement with the Alpine Fire District and a Mutual Aid Agreement with the Greer Fire District. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 6-0

F. DISCUSSION AND CONSIDERATION OF RESOLUTION 2014-14 AMENDING HOUSING REHABILITATION GUIDELINES

Community Development/Public Works Director Bruce Ray informed Council that during the publication process it was discovered that any home in the 100-year floodplain will not qualify for the emergency housing rehab program. It would cost too much to bring a home up to FEMA standards and that would have to be done before the emergency repairs. This is a housekeeping item changing the guidelines to include "or 100-year FEMA floodplains." Mr. Ray recommends that Resolution 2014-14 be approved so that we may go forward with expending the CDBG funds.

Councilor Allen Browning moved to approve Resolution 2014-14 amending Housing Rehabilitation Guidelines. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously. 6-0

ITEM #11: SIGNING OF DOCUMENTS

Necessary signatures were obtained for the Minutes of September 2014, the August Financial page, Memorandum of Agreement and Understanding with Arizona Public Safety Procurement Program for the Federal 1033 Program, Resolutions 2014-13 and 2014-14, and the Mutual Aid Agreements with Alpine and Greer.

ITEM #12: ADJOURNMENT

Councilor Allen Browning moved to adjourn the meeting (at 8:06 p.m.) Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 6-0

Attest: _____

Mayor: _____

Vice-Mayor: _____

Council: _____

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes is a true and correct copy of the minutes of the Regular Council Meeting of the Town of Eagar, Arizona held on October 21, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Marion Wiltbank, Assistant Town Clerk