

**MINUTES  
EAGAR TOWN COUNCIL  
REGULAR MEETING  
22 W. 2<sup>nd</sup> St., Eagar, AZ  
November 1, 2022 – 6:00 P.M.**

Mayor Steve Erhart called the Regular meeting to order and welcomed those present. Mayor Erhart requested that the record show all Councilmembers are present. Mayor Steve Erhart led the Pledge of Allegiance and Councilman Reece Hadlock offered the invocation.

COUNCIL PRESENT:        Steve Erhart  
                                 Marsha Tucker  
                                 Debra Seeley  
                                 John Phelps  
                                 Randy Nicoll  
                                 Reece Hadlock

COUNCIL ABSENT:

**ITEM #5: SUMMARY OF CURRENT EVENTS**

Manager Hamblin reported that if you look just out the council chamber doors there are paint samples on both sides of the door if everyone would vote which color, they like best so that Town Hall can be repainted.

Town Clerk Jessica Vaughan reported to council that Halloween-ie will be on Saturday, October 29<sup>th</sup> at Ramsey Park.

Mayor Steve Erhart stated due to recent misinformation regarding the town I want to take the opportunity to clarify a few things a timeline of recent events involving the Town Manager and Mayor positions. On August 1<sup>st</sup>, 2022, Matt Mears resigned from the Town Manager position and on August 16<sup>th</sup>, 2022, Bryce Hamblin was appointed as the Interim Town Manager. On August 23<sup>rd</sup>, 2022 the Town advertised for the vacant Manager position it was advertised on the Towns website and published in the newspaper on August 23<sup>rd</sup>, 2022, and August 30<sup>th</sup>, 2022. The Town received 11 applications for the manager position one of which was for any position. Three councilmembers expressed interest in serving on an interview board and reviewed the applications. On October 4<sup>th</sup>, 2022, council considered the recommendations of the interview board and decided that the best qualified candidate and most responsible course would be to continue with Bryce Hamblin as the Manager this was all done according to town code and Attorney General opinion 183-50 applicants may be discussed in executive session and according to Arizona Statute potential applicants don't have the right to be notified of the discussion of their employment application. The right to be present at these discussions in executive session applies only to public officers, appointees, or employees not potential applicants. Later in the evening of October 4<sup>th</sup>, 2022, Town Council accepted the resignation of Bryce Hamblin as Mayor and appointed him as Town Manager effective upon that resignation and that was all done in an open public meeting.

## **ITEM #6: OPEN CALL TO THE PUBLIC**

Terry Shove stated that the Round Valley Elks are in the first round of finals, little league basketball will be starting and will be coordinating with St. Johns again. Enjoyed seeing the scarecrow contest and all the talented people in our area.

Henry Leaver stated he is the vice-chair for the libertarian party. They are focused on Marijuana and that the Town of Springerville will be having a meeting next week to discuss this topic and is interested in seeing information in Eagar's policy on marijuana dispensaries and licenses. We are a party that defends business freedom.

## **ITEM #7: CONSENT AGENDA**

- A. APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETING(S) HELD OCTOBER 2022
- B. APPROVAL OF OCTOBER 2022 NATIONAL BANK OF ARIZONA TRANSMITTALS, CHECKS WRITTEN, PAYROLL DIRECT DEPOSIT VOUCHERS, AND CREDIT CARD PURCHASES
- C. ACCEPTANCE OF OCTOBER 2022 FINANCIAL REPORT AND SALES TAX REPORT

Councilman Reece Hadlock made a motion to approve the consent agenda. Councilwoman Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

## **ITEM #8: NEW BUSINESS**

- A. DISCUSSION AND POSSIBLE ACTION TO FILL VACANT COUNCIL SEAT BY APPOINTMENT - MAYOR STEVE ERHART RECUSED HIMSELF

Town Attorney Brett Rigg stated that pursuant to town code the council shall, as soon as possible after any vacancy that may occur for whatever reason, fill the vacancy by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline, otherwise the appointment is for the unexpired term. With Bryce stepping down as mayor there is a vacancy.

Mrs. Vaughan stated that the vacancy posting closed on October 25<sup>th</sup>, 2022 and the only applicant received was Steve Erhart.

Councilor Marsha Tucker made a motion to nominate Steve Erhart to fill the Council vacancy until the next election. Councilor Reece Hadlock seconded; all were in favor, motion carried unanimously. 5-0

Vote: Ayes:

Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**B. DISCUSSION AND POSSIBLE ACTION TO APPOINT A MAYOR UNTIL THE NEXT REGULAR SCHEDULED ELECTION IN 2024 EFFECTIVE JANUARY 3RD, 2023**

Mr. Rigg stated that now that the vacant council seat has been filled this item is to vote in a mayor.

Councilor Marsha Tucker made a motion to appoint Steve Erhart as Mayor effective January 3, 2023. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart

Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**C. DISCUSSION AND POSSIBLE ACTION TO APPOINT A VICE-MAYOR EFFECTIVE IMMEDIATELY UNTIL THE END OF THEIR TERM**

Mayor Steve Erhart made a motion to appoint Marsha Tucker as Vice-mayor immediately until the end of her term. Councilor Reece Hadlock seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart

Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**D. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 457B PLAN OFFERED THROUGH ARIZONA STATE RETIREMENT**

Chancy Nutt, Finance Director stated that there is a proposal in the packet for a supplemental retirement plan. It is provided through the Arizona State Retirement System it is a pre or post tax deferred retirement fund. This would allow the town to match a portion of the employees contribution specific numbers are provided in your packet. Match would be up to 5% dollar for dollar match of employees salary as well as \$.50 up to 10% of an employees salary. Benefits include that employees can take the retirement at the age of 59, and can move it to another pre or post tax program without penalties.

Councilman John Phelps asked if every employee could use this program? Ms. Nutt responded that every full-time employee can be in the program.

Ms. Nutt stated that budget impact is \$125,000 that is if every employee with current salaries participated.

Manager Hamblin stated that Chancy has built a program with Human Resources so that employees can sit down and look at how it will affect there checks and retirements.

Mayor Erhart stated Item E also is apart of this and asked Mrs. Vaughan to discuss that item.

Mrs. Vaughan stated that when talking to Arizona State Retirement that a resolution is needed to be able to enroll into the program along with enrollment forms.

Councilor Reece Hadlock made a motion to approve the 457B Plan offered through Arizona State Retirement and Resolution 2022-13 457B Plan. Councilor Randy Nicoll seconded; all were in favor, motion carried. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**E. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 457B PLAN  
OFFERED THROUGH ARIZONA STATE RETIREMENT**

D & E Combined motion

**F. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CANCELLATION OF  
THE MAIN STREET MILL AND OVERLAY PROJECT**

Britney Reynolds, Community Development Director stated as you are all aware we have several projects going that are costing more than we originally planned. The infrastructure under South Main Street was not completed before this funding came about originally, we thought we could get it done with funds but it is over running the budget. I don't think it would be beneficial to mill and overlay that section just to come back and tear it up to upgrade the water and sewer

system. Northern Arizona Council of Governments (NACOG) and Arizona Department of Transportation (ADOT) assured me this will not affect potential future funding opportunities. Budget that was approved was about \$700,000 and with increases it puts it closer to \$2.4 million to complete entire project.

Councilor Debra Seeley made a motion to approve the cancellation of the Main Street mill and overlay project. Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**G. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CHANGE ORDER FOR SOUTH BUTLER STREET PROJECT NOT TO EXCEED \$100,000**

Mrs. Reynolds stated that we went through the plans there were some driveways missing, had to make some areas more accessible, and wrong size culverts because of miscommunication.

Manager Hamblin stated that Britney and Adam have been looking over the 80% plans for days and we have been walking Butler multiple times with the plans and want to clarify that the culverts were a miscommunication between the engineer and the surveyor not the Town of Eagar. We will be doing some of the project ourselves like sign setting and the slurry over the culverts and that should save some money. There will be 13 crossings for fiber that has already been started.

Councilor Randy Nicoll made a motion to approve a change order for South Butler Street project not to exceed \$100,000. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**H. DISCUSSION AND POSSIBLE ACTION TO APPROVE TO GO OUT FOR REQUEST FOR QUALIFICATIONS FOR WELL DRILLING SERVICES**

Wes Whiting, Water/Sewer Supervisor stated that we are wanting to go out for solicitation for well drillers. From an operator's standpoint there are certain times a year the wells run 24/7 and we are barely keeping up. The maintenance, rehabilitation, and hopefully drilling new wells are a

high priority. What this does is take a proactive step in looking for qualified contractors and individuals to take care of us. What we're looking for is availability for the contractor and parts and knowledge of our aquifer, our system, and reputation.

Councilman Phelps asked if we are looking for local drillers or are there higher standards that we have to look for? Mr. Whiting replied local would be ideal but looking for qualified.

Councilor Debra Seeley made a motion to approve to go out for Request for Qualifications for Well Drilling Services. Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

I. DISCUSSION AND POSSIBLE ACTION TO APPROVE MEDICAL DIRECTION CONTRACT AND HIPPA BUSINESS ASSOCIATE AGREEMENT BETWEEN SUMMIT HEALTHCARE ASSOCIATION AND EAGAR FIRE DEPARTMENT

Levi Penrod, Fire Chief reported that Eagar fire has never had medical direction and cannot perform any type of medical. Perfect example there was a cardiac arrest today luckily White Mountain Ambulance and Eagar fire showed up at the same time and we were able to help. We were staffed with three people a paramedic, EMT, and one first responder and if the ambulance wouldn't have been there we would of had to just stand there because of no medical direction. We want to go with Doctor Jason Johnson he provides medical direction for Timer Mesa, Greer, and White Mountain Ambulance. We will start the BLS contract until we can get an LS contract which is the first step so we can start getting medical supplies ordered and running medical calls. He charges \$50.00 a year for medic and \$25.00 per EMT currently that would be \$200.00 a year.

Councilman Nicoll asked if there is a medical director at our local hospital? Chief Penrod stated he is not sure, but he is familiar with doctor Johnson and with a new doctor the rules could change he would like everything to be a smooth transition no matter where they are working.

Councilor Reece Hadlock made a motion to approve to Medical Direction Contract and HIPPA Business Associates agreement between Summit Healthcare and Eagar Fire Department. Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**Added J. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE TOWN OF EAGAR EMPLOYEES TO OPT INTO AIR MED CARE NETWORK AS PART OF THEIR OPTIONAL BENEFITS**

Mrs. Vaughan reported to council that the rep for this company stopped by last week and said that the rates would be increasing by 30% the first of January. Full time and part time employees can opt into this program once they do their price is set for however many years they choose.

Vice-mayor Tucker asked if this is company flies out of our hospital? Mrs. Vaughan stated that is correct and that Guardian just renewed their contract for another 3 to 5 years but that it doesn't cover Native.

Manager Hamblin stated it comes out of the employees check the town does pay into any of it.

Councilman Phelps asked what does this cover? Mrs. Vaughan stated there is unlimited non emergent and two emergent flights allowed per year.

Councilor Randy Nicoll made a motion to approve the Town of Eagar employees to opt into Air Med Care Network as part of their optional benefits. Councilor John Phelps seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**ITEM #9: EXECUTIVE SESSION**

- A. EXECUTIVE SESSION AS ALLOWED BY A.R.S. § 38-431.03.A1 DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING. THE PUBLIC BODY SHALL PROVIDE THE OFFICER, APPOINTEE OR EMPLOYEE WITH WRITTEN NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER THE DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING – TOWN MANAGER CONTRACT

**B. EXECUTIVE SESSION AS ALLOWED BY A.R.S § 38-431.03.A4 DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION- POSSIBLE LEASE AGREEMENT BETWEEN THE TOWN OF EAGAR AND RICHARD DAVIS WITH DBA RICHARD DAVIS BACKHOE AND KELLY BACA WITH DBA WHITE MOUNTAIN CINDERS PARTNERSHIP**

Councilor Debra Seeley made a motion to go into Executive Session [at 6:44 p.m.] Councilor Reece Hadlock seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**RECONVENE INTO REGULAR SESSION**

Councilor Randy Nicoll made a motion to go reconvene back into Regular Meeting [at 7:53p.m.] Councilor Reece Hadlock seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**C. DISCUSSION OR POSSIBLE ACTION OF ANY ACTION DEEMED NECESSARY FROM THE EXECUTIVE SESSION- ITEM A**

Councilor Reece Hadlock made a motion to approve the Town Manager Contract. Vice-mayor Marsha Tucker seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock



**D. DISCUSSION OR POSSIBLE ACTION OF ANY ACTION DEEMED NECESSARY  
FROM THE EXECUTIVE SESSION- ITEM B**

Councilor Randy Nicoll made a motion to approve the lease agreement between the Town of Eagar and Richard Davis with DBA Richard Davis Backhoe and Kelly Baca with DBA White Mountain Cinders partnership. Vice-mayor Marsha Tucker seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

**ITEM #12: ADJOURNMENT**

Reece Hadlock made a motion to adjourn the meeting [at 7:17p.m.] Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Steve Erhart  
Marsha Tucker  
Debra Seeley  
John Phelps  
Randy Nicoll  
Reece Hadlock

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 November 1, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
Jessica Vaughan, Town Clerk/Event Coordinator