

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
October 4, 2022 – 6:00 P.M.**

Mayor Bryce Hamblin called the Regular meeting to order and welcomed those present. Mayor Hamblin requested that the record show all Councilmembers are present except for Councilman Reece Hadlock. Mayor Bryce Hamblin led the Pledge of Allegiance and Councilwoman Debra Seeley offered the invocation.

COUNCIL PRESENT: Bryce Hamblin
 Steve Erhart
 Debra Seeley
 Marsha Tucker
 John Phelps
 Randy Nicoll

COUNCIL ABSENT: Reece Hadlock

ITEM #5: SUMMARY OF CURRENT EVENTS

Mayor Hamblin reported that if you turn down Butler Street you will see fresh piles of dirt and on Monday the trenches for the conduit for the future fiber will start getting trenched. Most of the contracts are signed for the fiber grant that project should be starting soon. They have six months to a year to do all the trunks, and three years to have them added to every home. If you live within the town of Eagar or Springerville limits you will have fiber optic to the home. There will be a website that we will get shared on our website in the next couple of weeks, once they get that rolling you will be able to get on that site and see what the progress is.

ITEM #6: OPEN CALL TO THE PUBLIC

Mike Nuttall stated thank you for your donation and that for the Rib Throw Down there was 43 teams registered and 40 showed up. We sold out of 600 racks of ribs in record time, and we hold a special raffle and ask the teams to bring us back a receipt of anything they purchased while they are in town, we put them in the drawing for a prize and this year was a pizza oven just in that 24-hour period they contributed \$11,479.47 back into the community. We have given back \$6,300 back into charities already this year those charities are the Joe McCarthy foundation, ATV Jamboree, Darrin Reed first responder scholarship fund, Court Appointed Special Advocates, and High School Cheer, also a local with medical expenses. Thank you for all your support.

Terry Shove stated that Homecoming is this week and that the parade will be on Thursday and the football will be playing Window Rock. Family Coalition of Family Values will be doing a community cleanup day. There will be a canned food drive and asking everyone to donate more canned proteins instead of fruits and vegetables. Reason for the Season will be in December for those wanting to attend.

Dani Hommel stated that the Harvest Carnival is coming up and we will be doing old fashioned games. April 1st, 2023 will be having a Rat Rod car show in the Honey Shack parking lot. Planning a balloon festival and will be meeting with Eagar and Springerville to talk about some potential properties to host the event.

Joseph Jarvis stated good evening council members. Councilwoman Seeley thank you for picking up leaves along Main St. and Councilwoman Seeley and Tucker thank you for putting decorations out along Main Street I really appreciate it. Council I appreciate your diligence service on behalf of our community appreciate your objective is not to spend money I encourage you to explore ways to reduce your operational expenses and continue to spend money on containing your assets like you are doing tonight with the roofs. Four years ago, the overall plan for the park was adopted I would love to get a copy of the diagram and the explanation of the plan that the council approved and the date that was approved. One thing I have a question on is when was the policy about which and how much of the towns easements and right of ways on private property will be maintained as a citizen, I have observed your limited resources being used in inconsistent ways along the right of ways. I have observed one more than one occasion purchases authorized by the Town Council contrary to your purchasing policy as policy makers if your policy isn't working, I would encourage you to modify your policy to fit your needs. I have looked into the Town Code, and it seems to me that Title 5 chapter 2, Title 8 chapter 4 and 8 don't appear to be enforced as policy makers if it doesn't work for you then I encourage you to look at that and modify. It also seems that 2.16.50B seems to conflict with what 2.12.50 states as reflected in Town Code and other official documents the Town of Eagar is a council manager form of government. As a citizen I have observed on more than one occasion a form of government that is closer to strong mayor form a strong mayor is a great form of government but that is not the form of government that you have stated you are using. This is further supported by the selection of the mayor as the interim manager which was adopted and approved by the whole council which that is your choice to make. I encourage you to follow the laws and procedures you have adopted. I encourage you to take the steps to modify them again I offer my services as support in your objectives, and I would request an opportunity to discuss this further with the Town Council as an Agenda item or a work session. Thank you!

ITEM #7: CONSENT AGENDA

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

Vice-mayor Steve Erhart made a motion to approve the consent agenda. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

ITEM #8: NEW BUSINESS

A. DISCUSSION AND POSSIBLE ACTION TO PUT STOP SIGNS, POTENTIAL CROSSWALK, AND NO PARKING SIGNS AT BUTLER STREET AND 2ND AND EAGAR STREET AND 2ND AND OTHER POSSIBLE CONCERNS IN THAT AREA

Chief Bevington reported that the Butler Street and 2nd Street area there is a lot of congestion from traffic and speeders. Recommending to place stop signs back at that intersection of Butler Street and 2nd Street and no parking signs.

Councilor Debra Seeley made a motion to install stop signs, crosswalks and no parking signs on Buter Street and 2nd Street and Eagar Street and 2nd Street. Councilor Marsha Tucker seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

B. DISCUSSION AND POSSIBLE ACTION TO APPROVE REZONING FOR PERMIT RZ2022-01

COUNCILOR RANDY NICOLL RECUSED HIMSELF

Britney Reynolds that Arizona Log and Lumber is wanting to expand their business the property is currently agriculture but surrounding property is industrial.

Vice-mayor Steve Erhart made a motion to approve the rezoning for permit RZ2022-01. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 5-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps

C. DISCUSSION AND POSSIBLE ACTION TO APPROVE REZONING FOR PERMIT RZ2022-02

Mrs. Reynolds stated this is a housekeeping item. The property owners are wanting to build a house, but it is currently commercial, and all the surrounding properties are residential.

Councilor Debra Seeley made a motion to approve the rezoning for permit RZ2022-02. Councilor Marsha Tucker seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

D. DISCUSSION AND POSSIBLE ACTION TO APPROVE BID FOR 29 GAUGE METAL ROOF FOR TOWN HALL TO MOUNTAIN METAL IN THE AMOUNT OF \$252,325

Mayor Hamblin stated that the Town Hall roof has several leaks and is needing replaced. Mountain Metal came in with the lowest bid at \$252,325.

Councilor Debra Seeley made a motion to approve 29-gauge metal roof for Town Hall in the amount of \$252,325. Councilor Marsha Tucker seconded; all were in favor, motion carried unanimously. 5-1

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps

Nays: Randy Nicoll

E. DISCUSSION AND POSSIBLE ACTION TO APPROVE BID FOR METAL SIDING AT THE RACQUETBALL COURT TO MOUNTAIN METAL IN THE AMOUNT OF \$99,500

Mayor Hamblin stated that we are wanting to remove all the siding and replace it with metal. Currently the building has a green roof so needing to pick colors that will look good currently and with an updated roof later. The bid came in the lowest by Mountain Metal in the amount of \$99,500.

Vice-mayor Steve Erhart made a motion to approve the bid for the metal siding at the Racquetball Court to Mountain Metal in the amount of \$99,500. Councilor Marsha Tucker seconded; all were in favor, motion carried. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

F. DISCUSSION AND POSSIBLE ACTION TO APPROVE TO GO OUT TO BID FOR CAMERAS AND DOOR SYSTEMS FOR TOWN HALL, POLICE DEPARTMENT, FIRE DEPARTMENT, RACQUETBALL COURT, AND RAMSEY PARK

Jessica Vaughan reported to council that the current camera and door system at all the facilities was very dated. The current door system cannot be accessed anymore and worried if it goes down that we won't be able to get it back up. With all the vandalism at the park and Racquetball court the cameras need to be updated also along with an updated door system. I have talked with a few companies about options for cameras and door systems that can be used via phone or badge.

Councilor Randy Nicoll made a motion to approve to go out to bid for cameras and door system for Town Hall, Police Department, Racquetball Court, and Ramsey Park. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

G. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 2022-12 TO DESIGNATE A PURCHASING AGENT FOR FLEET AND EQUIPMENT ON AUCTION PLATFORMS

Brett Rigg stated that in the Town Code there isn't an area allowing the town to be able to purchase through auctions. I reached out to the League of Arizona Cities and Towns and they recommended to do a resolution designating a purchasing agent on auction platforms.

Vice-mayor Steve Erhart made a motion to approve Resolution 2022-12 to designate a purchasing agent for fleet and equipment on auction platforms. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker

John Phelps
Randy Nicoll

H. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A MINI EXCAVATOR THROUGH SOURCEWELL CONTRACT IN THE AMOUNT OF \$103,000 AND OR PURCHASE MINI EXCAVATOR THROUGH AN AUCTION

Adam Craig reported that right now two out of three of the Towns backhoes are down. A mini excavator is more versatile than a backhoe and the Empire quote for a 305 with long arms and an 18-inch bucket, with bells and whistles, and warranty came in at 102,935.85.

Mayor Hamblin asked how deep we are needing it to go? Mr. Craig responded 12 feet with long stick.

Mayor Hamblin stated that he is wanting to get equipment phased out but wanting to make sure we are getting good deals whether new or through auction.

Councilor Debra Seeley made a motion to approve the purchase of a mini excavator through Sourcewell contract in the amount of \$103,000 and or purchase mini excavator through an auction. Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

I. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIRE CHIEF CONTRACT BETWEEN THE TOWN OF EAGAR AND LEVI PENROD

Mayor Hamblin introduced Levi Penrod as the new Eagar Fire Chief. Stated he is currently working on a contract for medical direction and getting the Fire Department cleaned up and already making good changes.

Levi Penrod stated that he worked for Tucson fire for 16 years and is currently working with Timber Mesa and now Eagar.

Vice-mayor Steve Erhart made a motion to approve the Fire Chief contract between the Town of Eagar and Levi Penrod. Councilor Debra Seeley seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker

John Phelps
Randy Nicoll

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 POSITION
- 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

Vice-mayor Steve Erhart made a motion to go into Executive Session [at 6:53p.m.] Councilor Randy Nicoll seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

RECONVENE INTO REGULAR SESSION

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

Vote: Ayes: Bryce Hamblin
Steve Erhart

Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

Items taken out of order by Mayor Hamblin

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

Vice-mayor Steve Erhart made a motion for the mayor to negotiate a contract with Richard Davis and Kelly Baca and their DBA's with the negotiated items and bid items they presented for a 5 year term. Councilor Debra seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Bryce Hamblin
Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps
Randy Nicoll

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

MAYOR HAMBLIN RECUSED HIMSELF

Vice-mayor Steve Erhart made a motion to hire Bryce Hamblin as the Town Manager effective upon his resignation as Mayor. Councilor Marsha Tucker seconded; all were in favor, motion carried unanimously. 5-0

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

Mayor Hamblin then resigned as the Mayor of Eagar.

ITEM #12: ADJOURNMENT

Vice-mayor Steve Erhart made a motion to adjourn the meeting [at 7:55p.m.] Councilor Marsha Tucker seconded; all were in favor, motion carried unanimously. 5-0

Vote: Ayes: Steve Erhart
Debra Seeley
Marsha Tucker
John Phelps

Randy Nicoll

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 Special Council Meeting and Work Session of the Town of Eagar, Arizona held on October 4, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Jessica Vaughan, Town Clerk/Event Coordinator