

MINUTES OF THE
REGULAR MEETING OF THE COMMON
COUNCIL OF THE TOWN OF STAR VALLEY

Tuesday, July 19, 2011 @ 6:30 pm
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)

The Agenda for the meeting is as follows:

- CALL TO ORDER
- Prayer was offered by Pastor Jerry Green
- PLEDGE OF ALLEGIANCE
- ROLL CALL:

Mayor Rappaport X, Vice-Mayor Newland X, Council Member Hartwell X, Council Member Binney X, Council Member Coon X, Council Member Leis X, Council Member Henderson X.

- **GILA COUNTY SHERIFF'S OFFICE REPORT FOR JUNE, 2011**

The Gila County Sheriff's Office was unable to provide a representative to give the report for June, 2011 so it was postponed until the August 16, 2011 meeting.

- **CONSENT AGENDA ITEMS:**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda item, that item will be removed from the Consent Agenda and voted on separately.

A. Approval of the minutes from the Regular Council meeting held on July 5, 2011.

B. Approval of Claims Payable from July 1, 2011 through July 15, 2011.

A motion to approve consent agenda items A and B was made by Council Member Hartwell, and was seconded by Council Member Binney.

A roll call was taken:

Mayor Rappaport X, Vice-Mayor Newland X, Council Member Hartwell X, Council Member Binney X, Council Member Coon X, Council Member Leis X, Council Member Henderson X.

The motion was voted on and passed 7-0.

- **DISCUSSION ITEMS:**

1. Update on Valley Road Crossing project. Council Member Binney to give presentation.

Council Member Binney reported that the crossing has now withstood two heavy rains and there have been no problems with it. The guardrails will be installed soon. Mr. Binney stated due to poor engineering on the northeast side there is a small problem with water eroding behind the gabions, but this should be fixed with pouring of concrete. Mr. Binney stated "Basically it was a great project" and he expressed his appreciation to the Floodplain people and the Streets and Roads Commission for getting the job done, as well as to the Council for approving use of CDBG funds for the project.

2. **Discussion and possible action regarding Resolution No. R 11-09 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT CREATING A HIGHER EDUCATION SEPARATE LEGAL ENTITY, AUTHORIZING THE MAYOR TO SIGN SUCH INTERGOVERNMENTAL AGREEMENT, AND APPOINTING DIRECTORS TO SUCH HIGHER EDUCATION SEPARATE LEGAL ENTITY, AND DECLARING AN EMERGENCY. (APPROVING HIGHER EDUCATION SEPARATE LEGAL ENTITY.)**

Kenny Evans, Mayor of the Town of Payson, stated signing of the Intergovernmental Agreement will allow the process to begin. The Town of Payson approved signing of the Intergovernmental Agreement last week and appointed two people to the SLE Board of Directors. Mayor Evans said he is requesting that Star Valley do the same at this meeting. As soon as all of the documents are prepared, Mayor Evans and Mayor Rappaport will have a joint signing of the documents and the SLE will be "off and running". Mayor Evans provided copies of the "Campus Forum for the Community" booklet for the Council members.

Council Member Coon questioned the appointment of two not three members to the Board of Directors. Mayor Evans explained the Town will ultimately have three members, but to get things started each Town is selecting two members and then the four members will meet and make a recommendation to their respective Town for the remaining two members. Payson has received approximately 30 resumes of interested persons, and National Standard, the financing group, will pre-qualify those people. Mayor Evans stated Payson will not use any Council Members or immediate family members.

Mayor Rappaport pointed out that the Council has resumes from Suzanne Cummins and Ronnie McDaniel, both of whom are from Star Valley and have been vetted through the financing group.

A motion that the Council verify Resolution R 11-09 and Exhibit A attached (the Intergovernmental Agreement) was made by Council Member Leis, and was seconded by Council Member Newland.

The motion was voted on and passed 7-0.

3. **Discussion and possible action regarding the appointment of three members to serve on the Board of Directors of the Rim Country Educational Alliance Separate Legal Entity.**

A motion that Ronnie O. McDaniel and Suzanne Cummins be appointed as members of the Board of Directors of the Rim Country Educational Alliance Separate Legal Entity, on behalf of the Town of Star Valley, was made by Council Member Leis, and was seconded by Council Member Binney.

The motion was voted on and passed 7-0.

4. **Discussion and possible action to direct Town Attorney to draft ordinance restricting Council Members from serving on Town Commissions, and also reducing the size of the Commissions.**

Mayor Rappaport stated he had spoken with mayors from other towns concerning this issue, and the majority of towns in the state do not allow members of the town council to serve on commissions. The reason is to avoid conflict of interest. Mayor Rappaport also stated he would like to see the size of commissions reduced from 7 members to 5 members. The reduced number would be more in line with the number of people that actively participate in the community.

Council Member Binney stated he can see the argument for both ways. He is in agreement with reducing the size of the commissions, especially if they impose the restriction of no council members on commissions. Mr. Binney would prefer not to have a fixed number, but rather 3 to 7, to allow some flexibility.

Council Member Coon agreed that dual membership opens the door to conflict of interest, and stated the current ordinance is "a little bit open for that to happen". Mr. Coon also pointed out that the ordinance is created for not just now but also for the future. Mr. Coon expressed his opinion that 5 members is a good idea; and that it is often difficult to find 7 members to serve. Council Member Hartwell raised the issue of also having alternates, which increases the number of people needed to serve. Mr. Coon stated he never has been "comfortable" with having council members serve on commissions due to the potential for conflict of interest.

Council Member Henderson stated she was "fine" with this suggestion; and stated she has not seen any abuse to date, but realizes the potential is there.

Council Members Newland and Hartwell stated they both thought it was a good idea.

Council Member Leis stated he believes this action would "limit the opportunity of Star Valley people to be involved in their city government by restricting the numbers" and also reduced numbers limit the amount of interaction. Mr. Leis stated he would "not want to give up a position on the Water and Sewer Commission", and gave an account of how this Commission functions. Mr. Leis expressed his opinion that "we are going backwards rather than forward". Mr. Leis also raised the issue of an individual serving on more than one commission and if that too should be restricted. Mr. Leis also raised the issue of if the number on the commissions is reduced to 5, how do you determine who can no longer serve on the commissions currently with more than 7 members. Council Member Hartwell suggested that this be done as it is in the employment realm – last hired is the first one to be let go.

Council Member Coon asked Town Attorney Grier if the ordinance could be changed to read "5 or 7", or does it have to be a specific number. Town Attorney Grier stated he does not think this will be a difficult change and stated the change may be as simple as changing the word "shall" to "may" in the existing ordinance. Mr. Grier also pointed out that the current code has no provisions for the Water and Sewer Commission or the Floodwater Task Force. There is language in the existing code for the other existing commissions.

Gary Rolf, resident of Star Valley, stated he has served on 9 different commissions in his career and never served on one where council members served on the commission until serving on Star Valley's Floodwater Task Force. His experience on the Floodwater Task Force has revealed to him how productive it can be in some cases. Floodwater having Council Member Binney as its chairperson has greatly benefited from his experience and knowledge. Mr. Rolf also stated if the Council sets a hard number of members for the commissions then they still need a quorum for that number. It was Mr. Rolf's suggestion they consider picking a minimum and using language such as "5 or more as needed". Mr. Rolf also stated he thinks it is a problem to have more than one council member on a commission.

A motion to direct the Town Attorney to draft an ordinance restricting Council Members from serving on Town Commissions, and also reducing the size of the Commissions to a minimum of 5, was made by Council Member Coon, and was seconded by Council Member Hartwell.

The motion was voted on and passed 6-0, with Council Member Leis opposing.

- 5. Discussion and possible action to award bid for the fire hydrant project, and authorize the Town Manager to enter into the Professional Services Agreement with Tetra Tech, Inc.**

Council Member Leis stated \$32,000 of the CDBG grant was awarded for the Town to conduct a fire hydrant overlay study for the Town. Tetra Tech, Inc. was selected as the engineering contractor, and has submitted a bid in the amount of \$32,000. Mr. Leis stated that once this study is done it could also be used for domestic water service.

Council Member Coon questioned the bidding process utilized by the Town. Town Manager Grier explained that the instant grant money is through the Arizona Department of Housing and the Town had to meet their bidding requirements, which the Town did.

A motion that the Council award the bid for the fire hydrant project to Tetra Tech, Inc., and authorize the Town Manager to enter into the Professional Services Agreement with Tetra Tech, Inc. was made by Council Member Binney, and was seconded by Council Member Henderson. The motion was voted on and passed 6-0, with Council Member Coon opposing.

6. Discussion and possible action regarding the approval of an aquifer study for the Town of Star Valley, including review of the RFQ prepared by Fluid Solutions and acceptance of all or portions thereof.

Council Member Leis stated the Council previously asked the Water and Sewer Commission to immediately provide an RFQ for doing an aquifer study. This was done and the proposed RFQ was submitted to the Council. No decision has yet been made by the Council, and the Water and Sewer Commission needs direction on how to proceed, including how much of the aquifer study the Council wants done. Mr. Leis stated the cost of the study was estimated at \$88,000 by Fluid Solutions, and this price might be lowered if several aspects of the proposal were eliminated. One of the recommendations of Fluid Solutions was upgrading the current equipment, as well as hiring an independent company to do the monitoring. The decision of how to proceed is now up to the Council. Mr. Leis further pointed out that the money for this study was not included in the Water and Sewer Commission's budget.

Council Member Binney expressed his concern if the Council approves this discussion item then it also approves items 7, 8 and 9. Mr. Binney stated he is in favor of monitoring the wells for quantity and for hiring an independent company to do the monitoring (preferably on an annual basis). However, he does not believe the quality of the water is an issue as that is the homeowner's responsibility. Mr. Binney also stated he is against spending \$88,000 on the proposed RFQ. Council Member Leis stated the Council could vote not to do item 6, but then can address 7, 8 and 9 as individual items.

Council Member Coon questioned whether or not the Water and Sewer Commission hadn't already cut back on some of the items contained in the proposed RFQ. Council Member Leis stated the Commission gave the "full package" to the Council, but that it can be reduced somewhat, he just is not certain to what degree, but estimates approximately \$11,000. Town Manager Grier agreed that this was correct and was contingent on requiring the number of personal appearance required by Fluid Solutions. Council Member Coon expressed his opinion that the Commission received a "Cadillac of a proposal" and that it incorporates a lot of unnecessary things. Mr. Coon stated he is of the opinion that the previous arrangement with LFR provided what they needed.

Council Member Hartwell asking if they had decided they don't need the aquifer study done. Council Member Coon responded the study needs to be done, but that it should be restrictive and along the lines of what LFR and Tetra Tech previously proposed.

Wayne Van Horn, resident of Star Valley, commented he had personally asked for the Council to state its parameters for the Water and Sewer Committee to work with, and was told that the Water and Sewer Commission was "to use its best judgment". Mr. Van Horn stated the proposed RFQ is the Commission's best judgment of what to provide to the Council to make its decision as to what it wants done.

Bill Davis, resident of Star Valley, stated he is hearing a "lot of second guessing about what should be done". Mr. Davis pointed out the Commission hired an expert to give them an idea of how to go about doing what the Council wanted done. Mr. Davis pointed out the expert gave them the list of what needs to be done and if the Council wants to eliminate certain items he would like the reasoning behind that decision. Council Binney responded that the price tag of \$88,000 is high and would imperil other Town projects, and that what the Town previously had was adequate.

Chris Benjamin, resident of Star Valley, questioned if the water quantity test isn't the same test for which the Town paid \$50,000 to LFR to perform. If so, then the Town already has the results. Mr. Benjamin suggested the Town continue its current monitoring program and everyone would be happy. Mayor Rappaport agreed that everything was working fine.

Bill Davis said the Commission had determined that the LFR report did provide the information necessary, but Council Member Hartwell said they needed more information. Now he is hearing the Council say the LFR report does provide the information. As a member of the Water and Sewer Commission he would like an answer as to what the Council wants the Commission to do. Council Member Hartwell stated that for a period of time no data was available and the Council was told to get a true picture it would be necessary to "start from scratch", and that was what the Commission was requested to do.

A motion that the Council authorize an aquifer study, with parameters of the study previously performed by LFR and the same criteria, for quantity of water and monitoring of wells, was made by Council Member Binney, and was seconded by Council Member Coon.

The motion was voted on and passed 6-0, with Vice-Mayor Newland opposing the motion.

7. Discussion and possible action to authorize the Water and Sewer Commission to proceed and initiate well monitoring to determine the "quality" of the water in Star Valley.

No motion was made on this discussion item.

8. Discussion and possible action to authorize the Water and Sewer Commission to proceed and initiate well monitoring to determine the "quantity" of the water in Star Valley and to provide data for the aquifer study.

Council Member Coon agreed that the monitoring for quantity needs to be continued. Council Member Leis explained that this discussion item refers to hiring an independent company to do the monitoring rather than the Water and Sewer Commission, and the projected cost is \$2,000. Council Member Hartwell agreed that a professional company should do the monitoring.

Wayne Van Horn questioned if the Council wants to relocate some of the data loggers to get a better picture of what is really happening with the water in Star Valley. It was decided to put this on a future agenda for determination.

A motion that the Council authorize the Water and Sewer Commission to proceed and initiate well monitoring to determine the "quantity" of the water in Star Valley and to provide data was made by Council Member Coon, and was seconded by Council Member Henderson.

The motion was voted on and passed 7-0.

9. Discussion and possible action to authorize the Water and Sewer Commission to purchase 13 well loggers (for well monitoring purpose) for the total sum of approximately \$26,000.00, plus installation and surveying cost of approximately \$8,000.00.

Council Member Leis stated the current data loggers will suffice for current use. Council Member Binney stated upgrading could be made at the time of replacement of any data logger that goes bad. No motion was made on this discussion item.

• COMMENTS FROM THE PUBLIC:

During this portion of the meeting, members of the public may address the Town Council on items that are not on the printed agenda. Any remarks shall be addressed to the Council as a whole and not to any individual member. Speakers are limited to three (3) minutes per person unless additional time is granted by the Mayor. The Council may not discuss or act upon matters raised during public comments.

Shirley Dye, a resident of Payson, stated she has become very interested in the Gila County Redistricting Committee and became involved in the State Redistricting Committee. Ms. Dye provided to the Council members a "Proposal to the Arizona Independent Redistricting Commission regarding Legislative District 5". Ms. Dye explained that Legislative District 5 is approximately 21,000 people short of the required number of people for a new district. Ms. Dye pointed out that District 5 consists of the southern parts of Navajo and Apache Counties, and all of Greeley, Graham and Gila Counties. Camp Verde, which has a population of approximately 21,000 people, but it is currently in Legislative District 1. Ms. Dye stated there are several redistricting plans being proposed, and gave details of several plans. Ms. Dye stated "rural Arizona needs to keep up its ability to vote in legislators that will represent all of us." Ms. Dye stated the "Proposal" sets forth why Camp Verde should be included in Legislative District 5, and further pointed out the similarities of Camp Verde with the counties of Legislative District 5. Ms. Dye stated there is a "Call to Action", contained in the "Proposal", and urged the Council members to contact the members of the State Redistricting Commission and hear support for the plan which leaves District 5 basically as it is currently structured, but incorporates Camp Verde.

• ADJOURNMENT

A motion to adjourn the meeting was made by Council Member Hartwell, and was seconded by Council Member Henderson. The motion was voted on and passed 7-0.

APPROVED:

William S. Rappaport, Mayor

Date: _____

ATTEST:

Lois V. Johnson, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Star Valley held on the 19th day of July, 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of July, 2011.

Lois V. Johnson, Town Clerk