

SUMMARIZED MINUTES OF THE TOWN OF COLORADO CITY COUNCIL MEETING HELD MONDAY, NOVEMBER 16, 2020, AT 25 SOUTH CENTRAL STREET, COLORADO CITY, ARIZONA

Meeting was called to order at 6:00 p.m. by Mayor Joseph Allred.

Roll call showed present: Mayor Joseph Allred and Council Members Alma Hammon, Ralph Johnson, Joanne Shapley, Donald Richter, and Jeffery Jessop. Anthus Barlow asked to be excused.

MINUTES

The minutes of the October 19, 2020 regular meeting were presented with minor corrections noted.

Motion was made by Alma Hammon to approve the corrected minutes of the October 19 regular meeting. There was a second from Ralph Johnson, and all voted in favor.

PUBLIC COMMENT/INFORMATIONAL SUMMARIES

None

MOTION FOR EXECUTIVE SESSION TO BE HELD MONDAY, DECEMBER 14, 2020, AT 5:30 P.M. FOR DISCUSSION AND CONSULTATION WITH LEGAL COUNSEL FOR LEGAL ADVICE IN ACCORDANCE WITH ARS 38-431.03.

Joanne Shapley made a motion to set an executive session in advance to discuss pending or contemplated litigation, claims and demands to be held Monday, December 14, 2020, at 5:30 p.m. MST in Accordance with ARS 38-431.03(A)(3)(4) for discussion and consultation with legal counsel for legal advice and/or for negotiations. The motion was seconded by Alma Hammon and passed unanimously.

PENDING OR CONTEMPLATED LITIGATION, CLAIMS AND DEMANDS

None

OFFICER SWEARING

Chief Robb Radley reported that we have two deputies who have completed their certification with AZ POST and are ready to be sworn in. Deputy David Wilkinson comes to us with 25 years of experience in law enforcement, the last years spent in Price, UT. Deputy Dustin Shear comes fresh from the Academy. He is originally from Oregon but has relocated to southern Utah. Both officers addressed the Council and expressed that it has been a pleasure to be with the Department, and they look forward to serving the community. Mayor Allred then administered the oath of office to each of them.

DEPARTMENT REPORTS

Police Department

Police Chief Robb Radley addressed the Council and said as we have continued our DUI training, our officers are more equipped to handle DUI cases, and this has resulted in a significant increase in DUI cases. We are nearly 100% certified as a department in DUI investigations. He also noted that the officers have begun issuing a citation for every animal that is released from impound. He is hoping that this will help people be more responsible for their animals and reduce the animal complaints. The Council said they would like to schedule a meet and greet with the officers sometime.

Public Works

Public Works Director John T. Barlow reported that now the busy summer season is past, and many of the crew are taking some needed vacation time. The crew is working on beautification of the streets in mowing the planter strips, fixing buckling sidewalks, and fixing street signs. They will be prepping some roads for work next spring. He said the screen plant is a high maintenance item, but it produces a good product.

John said it is business as usual at the Landfill. They have finally got the new garbage truck up and running. The factory installed a whole new computer program in the truck, and it is running well.

Utilities

In the absence of Utilities Manager Harrison Johnson, Weston Barlow reported that they had a water board meeting and they had opted to replace well #22. He noted that with the colder weather gas sales have increased. There was some discussion on the water usage from Maxwell Canyon and some individuals who are filling large tanks, which makes it hard for people to fill their small jugs while the faucets are being used. The Department is considering restricting any commercial filling of tanks. It was noted that while this is an inconvenience, the actual cost of the water taken in a large tank is only a few dollars, and so far they feel that it has not been worth worrying about. There was some discussion on amending the Personnel Policy Manual regarding Drug Testing requirements due to a finding during the Gas Audit which noted that the Operations manual and Personnel Policy may not be stringent enough. The Council requested that staff work on some proposed wording changes.

Administration

Town Manager Vance Barlow reported that we are continuing the financial audit process with field work being done in Utilities and the Landfill. He has attended several virtual trainings relating to budget and planning & zoning and has spent a lot of time meeting with citizens and department heads. The time is approaching when we must begin thinking of next year's budget and begin working through the CIP's. Due to COVID 19 issues as well as the 2020 Census results, there is a lot of uncertainty as to how this will affect the Town's funding.

Vance noted that the newly elected officials training is scheduled for December 1-3 with a session at 10:00 a.m. and one at 1:00 p.m. for 1½ hours each. It will be conducted virtually this year, and if any of the Council members would like to attend, they can let the staff know and we will follow

through on registrations. Participation will require access to the internet, which we can accommodate at the Town Office if needed.

Vance said he has spent a lot of time with people on zoning and land development issues and concepts. The Planning Commission and staff are continuing a detailed review of the Land Division Ordinance and will be working on some clarifications and updates as well as looking for potential conflicts with the Zoning Ordinance.

He also attended a zoom meeting with attorneys from Hildale, AMRRP and the Town on liability concerns regarding the Utility IGA. The consensus was that once the Utility IGA is refined it will serve as a template for the other IGAs, and the process should go faster. The plan is to have all of the IGAs between Hildale & Colorado City reviewed and updated by early next year. It is looking very promising for the Town to be admitted back into AMRRP for municipal insurance.

At 6:55 pm Mayor Allred recessed the regular Town Council meeting and convened as the Board of Adjustment for the Town of Colorado City

1. PUBLIC HEARING VARIANCE REQUEST FOR BLACK CLOUD VAPE, LLC

Town Manager Vance Barlow stated that on September 10th, 2020 the Town received a request for updating the business license for Black Cloud Vape, LLC to a new location in Lot #32 of the Colorado City Industrial Park. Planning & Zoning was unable to approve the license as it conflicts with the current zoning in that area.

Black Cloud Vape, LLC is requesting a variance from the current zoning while they pursue the necessary zoning amendments to allow them to operate in that location. The area is currently zoned Industrial and the zoning would need be changed to Regional Commercial; there is also a text amendment that would need to be made or a variance granted for as long as Black Cloud Vape operates in the location. The text currently prohibits vape shops on the Highway 389 corridor.

Jason Black addressed the Council, and Mayor Allred extended to him the time he needed to make his presentation. Jason said they started selling vape as a healthy alternative to smoking. He explained at length the makeup of vape and the healthier aspects of it. He said studies show there are no long-term effects of vaping, although because vape products are relatively new, there are not really any long-term studies. He said they feel it is an advantage to move away from the center of town where the park, the mini mall, and other businesses are located which seem to bring in the foot traffic and the minors. This new location is one where you must drive in order to get there, and it will draw much of its business from the highway. He said they wanted to work with the City, but had a hard time getting hold of anyone at the office. He explained that his staff had referenced an older preliminary map that was still on the Town's website and had assumed the zoning was good based on that map.

The Council asked about CBD, and with the legalization of marijuana, if they will begin selling it also. Jason replied that they do sell CBD, but with marijuana there are a lot of rules and he does not expect to at this time.

There was considerable discussion held, and the Council expressed their concern about the use of tobacco and drugs and the example that is being set before the young people and children. It was

commented that even children are using these substances, and it is a statewide problem in the schools. They said it is hard to see this type of thing brought into our community. Jason replied that there are many substances that can be beneficial or misused. He said they are doing well and bringing sales revenue to the Town. He said they want to keep their business location in Arizona because Utah is much more regulated, and they will work to come into compliance.

Marion Barlow addressed the Council and said that the building Black Cloud Vape is leasing is his, and he wants to improve the roadway and possibly build two or three more retail shops to rent right off the highway. The Council explained that many city ordinances do not consider a vape shop to be in the same category as regular retail business. Marion replied that he felt that Black Cloud had done a good job and should be granted the variance.

Paul Barlow addressed the Council and expressed his feeling that we need to grow and adjust and allow the changes and not hold back the future. He said he is leasing land in the same area and is considering doing some building there, possibly a health food store. He also said he feels Black Cloud Vape has done a good job in trying to meet the requirements and should be granted the variance.

The Council expressed that there are many different ideas and opinions, but many people feel that a vape shop is complimentary to more adult oriented businesses, and asked the question, "Is that the image we want to portray right along the highway?"

The question was asked by the Council, what is the appropriate location for a vape shop. Staff replied that the courts have held that you can't zone "out", but you can regulate and restrict where a use is allowed. A vape shop is allowed in regional commercial zoning, which is the zone the business was located in originally.

Nolan Barlow addressed the Council and stated that since they have moved to the new location there have been far fewer minors coming in.

With no more comment, the Public Hearing was closed, and the Board considered item #2.

2. CONSIDER ZONING VARIANCE REQUEST FOR BLACK CLOUD VAPE, LLC

Town Manager Vance Barlow presented a request from Black Cloud Vape to change the zoning from prohibition in the Industrial Park zoning, with the expectation that they will be coming back to the Council to request a re-zoning to Regional Commercial, and also a variance in item 2, Prohibited Uses.

After reviewing this application and meeting with the business owners, staff does not oppose the variance or the follow up amendments to the zoning map and text, as it is a better location and more removed from the elementary school and parks that are located in the center of Town and therefore discourages foot traffic and makes it more difficult for underage persons to attempt to enter the premises.

Jason Black addressed the Council again, and said they are not here to be contentious, and would like to focus more on gift shop and health items and not so much on vape products.

Motion was made by Joseph Allred with a second from Joanne Shapley to deny the variance request. All members voted in the affirmative.

At 7:50 pm the Board of Adjustment meeting was closed and the regular Town Council meeting reopened.

RATIFY BINDING OF POLICE LIABILITY INSURANCE WITH PGU

Vance reported that the police liability insurance renewal had to be completed by November 3, 2020 and the Town received the renewal options from Lockton on October 22, 2020. The existing carrier had a slight 5% increase in premium, but it still appears to be the best option. Staff has bound the insurance and it is presented here for Council ratification.

There was a motion from Jeffery Jessop with a second from Donald Richter to ratify binding of police liability insurance with PGU. Approval was unanimous.

CONSIDER ONE AZ OPIOID MOU

Vance explained that the Town has received information from the League of Arizona Cities & Towns on a proposed opioid settlement that will affect the State, Counties and municipalities of the State. At this time we do not know how much of the funds will trickle down because the final distribution to the Town would be a product of the final settlement between the defendant entities and the State and will be under negotiation with Mohave County and the other municipalities in the County. The funding will likely be distributed in proportion to cases of overdose in each area. Vance said he has discussed this with the Town's legal counsel, and they recommend that the Town accept and join the MOU.

Motion was made by Ralph Johnson with a second from Mayor Allred to approve signing the One AZ Opioid Memorandum of Understanding. All voted in favor.

RATIFY FINANCING OF VEHICLES WITH WESTERN EQUIPMENT FINANCE

Vance presented and stated that during the budget adoption process the Council approved purchasing three new vehicles to be used in Administration, Community Development and Public Works. Due to delays caused by C-19 it took some time to get pricing and place the order for the vehicles. Three ½-ton pickups were received by the Town in early November with financing provided by Western Equipment Financing.

The financing is approved for \$149,010 with three years of quarterly payments.

Alma Hammon made a motion to ratify the financing of three vehicles with Western Equipment Financing. Ralph Johnson seconded it, and all voted approval.

CONSIDER POSTING FOR EMERGENCY TELECOMMUNICATORS

Emergency Dispatch Supervisor Warren Darger explained that it has been over 2 years since any new emergency communications dispatchers have been hired and trained. Since that time, one has quit, and several other part time employees have expressed intent to move on when we have more people trained in. Qualified employees are needed to maintain a pool to assist with the emergency dispatching and the situation is such that it is becoming increasingly difficult to cover all the shifts.

Warren requested permission to advertise and hire up to four emergency communications dispatchers. The job involves answering emergency 911 calls and other telephone communications, providing pre-arrival instructions, and dispatching police, fire & EMS. Emergency Dispatchers are expected to become NCIC certified and to perform other duties as directed.

It takes 6 months to a year to train a new dispatcher to the level that they can work independently, and it is recommended that we move this process along as quickly as possible. The proposed hires would be either full or part-time, to be determined at time of hire. The Town will pay for the classes and their hours during training.

Motion was made by Donald Richter with a second from Jeffery Jessop to approve advertising for and the hiring of up to four emergency dispatchers, with hiring time, committee, and details to be worked out by staff. All voted approval.

CONSIDER 457(B) PLAN BROKER OPTIONS

Vance presented and explained that as part of the budgeting process, the Town Council has approved a contribution to employee retirement accounts. The accounts have not been established yet and the staff have got a couple of options for brokers to help develop the plan documents and administer the plan.

In reviewing the options, it appears that the best option has come from Mr. Kevin McAtamney of Empower Retirement. With a \$4,500 annual maintenance fee and a fee of \$45 per participant, this amount is less than the other proposals that were received. Mr. McAtamney has been very responsive to questions, etc. and appears to be very knowledgeable as his focus is 457 plans.

Once the agreement is in place, we would begin working on the specific plan documents which would have to be approved by the Town Council prior to implementation. We anticipate the plan will be ready to receive contributions in early January 2021.

There was considerable discussion, and it was explained that this is similar to a 401K in that each employee can choose to contribute and can choose the amount.

There was a motion from Jeffery Jessop with a second from Alma Hammon to approve entering into an agreement with Mr. Kevin McAtamney of Empower Retirement to establish and service a 457(b) plan for the Town of Colorado City. Approval was unanimous.

BUDGET REPORT AND ORDER TO PAY DUE CLAIMS

The Council reviewed the budget report and a detailed report of the due claims.

The question of restaurant tax and the fact that it is somewhat higher than that of many communities was brought up. It was noted that the staff was in the processing of researching the

information and would be bringing a summary and proposal to the Council at the December meeting.

The ratifying of the actions of the Utility Board meeting was brought up, and the question was asked, “Why did the Town Council previously ratify the actions of the Utility Board, but have not done that for several months?” Mayor Allred posed the question that if the Utility Board has something for us to act on, shouldn’t it be a line item, especially items such as policy changes. There was considerable discussion, and Mayor Allred suggested that Vance make the determination each month on whether an item should be on the Town Council agenda as a specific line item or not. Vance recommended that we gather the minutes of all the Boards and Commissions- Landfill, Airport, and Utilities, to be reviewed by the Council in the Town Council packet. He said he would take this question to legal counsel and see if there is a reason why we should ratify the Utility Board actions.

Motion was made by Joanne Shapley to pay the due claims as they become due and as funds become available. It was seconded by Alma Hammon, and all voted in favor.


Mayor Allred commented that today’s meeting is the last for Councilmember Ralph Johnson and thanked him for his time and service. Uncle Ralph said he was first elected in 2011 and has served two full terms. He said it has been a pleasure to serve.

Meeting adjourned at 9:09 p.m.

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 Colorado City held on the 16th Day of November 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of December 2020.


Toni White
Town Clerk

