

SUMMARIZED MINUTES OF THE TOWN OF COLORADO CITY COUNCIL MEETING HELD MONDAY, DECEMBER 14, 2020, AT 25 SOUTH CENTRAL STREET, COLORADO CITY, ARIZONA

Meeting was called to order at 6:07 p.m. by Mayor Joseph Allred.

Roll call showed present: Mayor Joseph Allred and Councilmembers Alma Hammon, Joanne Shapley, Donald Richter, Jeffery Jessop, and newly elected Councilmembers Nathan Burnham, and Thomas Holm.

MINUTES

The minutes of the November 16, 2020 regular meeting were presented with minor corrections noted.

Motion was made by Alma Hammon to approve the corrected minutes of the November 16 regular meeting. There was a second from Nathan Burnham, and all voted in favor.

PUBLIC COMMENT/INFORMATIONAL SUMMARIES

None

MOTION FOR EXECUTIVE SESSION TO BE HELD MONDAY, JANUARY 11, 2021 AT 5:30 P.M. FOR DISCUSSION AND CONSULTATION WITH LEGAL COUNSEL FOR LEGAL ADVICE IN ACCORDANCE WITH ARS 38-431.03.

Nathan Burnham made a motion to set an executive session in advance to discuss pending or contemplated litigation, claims and demands to be held Monday, January 11, 2021, 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 Joanne Shapley and passed unanimously.

PENDING OR CONTEMPLATED LITIGATION, CLAIMS AND DEMANDS

None

COUNCIL REORGANIZATION & APPOINTMENT OF DEPARTMENT HEADS

Town Manager Vance Barlow explained that at the November 3 General Election, Joseph Allred, Nathan Burnham, and Thomas Holm were elected to the Town of Colorado City Town Council.

State statute dictates that new Council members read the open meeting law material at least one day before taking their seat. Councilmembers Burnham and Holm have met that requirement. Mayor Allred then welcomed the new members, and Magistrate Barbara Brown administered the oath of office to Joseph Allred, Thomas Holm, and Nathan Burnham.

Vance then explained that after each election the new Council needs to reorganize and choose a Mayor and Vice-Mayor.

Nathan Burnham made a motion to retain Joseph Allred as Mayor. There was a second from Alma Hammon and all voted in favor, Joseph Allred abstaining.

Jeffery Jessop then nominated Donald Richter for Vice Mayor. Donald Richter nominated Jeffery Jessop for Vice Mayor.

Mayor Allred then called for a vote in order of nomination and it was unanimous that Donald Richter be appointed as Vice Mayor with Donald Richter abstaining.

Vance said that all Department heads (with the exception of the Town Magistrate, which is a two-year appointment) serve at the will of the Council and since this is a new Council it would be a good time to appoint or reappoint Department Heads.

The current Department Heads are:

Town Manager – Vance Barlow

Town Clerk – Rosie White

Public Works Director – John T. Barlow

Building Official – Andrew J. Barlow

Town Marshall – Robbins Radley

Town Magistrate – Barbara Brown

There was a motion from Jeffery Jessop with a second from Donald Richter to retain all the Department Heads. There was unanimous approval.

There was a motion from Nathan Burnham with a second from Jeffery Jessop to retain Barbara Brown as Magistrate for a two-year term. There was unanimous approval.

DEPARTMENT REPORTS

Building Department

Building Official Andrew Barlow reported that our new software CitInspect is running smoothly with the new growth in the Town. He said there have been 20 permits issued in Colorado City since July 1. Both CDBG projects are complete, and he is working on the closeout documents.

Dispatch

Dispatch Manager Warren Darger said that he has posted for the hire of new telecommunicators for the Dispatch Center. He said they are working on getting some of the dispatchers trained in as Communications Training Officers and getting our own Public Safety Telecommunicator certified trainers to enable us to train new telecommunicators more efficiently and to make our training program as cost effective as possible. He said they are still working on implementing the Text to 9-1-1 program.

Public Works

Public Works Director John T. Barlow reported that they have been busy with various improvement projects. He said they have finished their projects in the trailer court and on Uzona Ave. He said they are working on some equipment repairs. John also said they may need to install more litter fence at the landfill to keep the trash from blowing away.

Utilities

Utilities Manager Harrison Johnson reported that Hildale City has hired a new City Manager. His name is Eric Duthie. He said the Utility Department has been working on well operations and well failures. He reported he has been in contact with the AZ Dept of Water Resources in hopes of getting some funding.

Police Department

Police Chief Robb Radley addressed the Council and said he is working on a year-end report he would like to bring to the Council. He reported they have been pleased to see some important cases closed with a conviction. He said he is working on some scheduling changes going to a ten-hour shift from a twelve-hour shift to help with overtime and budgeting. He has promoted another deputy, Officer David Wilkinson, to a supervisor position. He also noted the anticipated hiring of Renee Kinyon as another deputy was not completed.

Administration

Town Manager Vance Barlow reported that he assisted Hildale City in the hiring of a new manager. He noted that Mr. Eric Duthie has had a lot of experience with municipalities in Arizona and the Town looks forward to working with him in our various partnerships and IGA's with Hildale. Vance said he has been working on an 457(b) plan, which is a retirement plan. He said it is time to begin working on budget issues and going through the CIP's.

Magistrate Court

Magistrate Barbara Brown addressed the Council and presented a year-end statistical report. She noted that Arizona now has a law which makes it legal for anyone over age 21 to possess 1 oz of marijuana. For anyone under age 21 there is zero tolerance. There was some discussion on this, and Magistrate Brown said it is very difficult for an officer to prove impairment although it is required.

PUBLIC HEARING: BEE'S MARKETPLACE LIQUOR LICENSE APPLICATION

Mayor Allred closed the regular meeting and opened the Public Hearing at 7:13 pm.

Town Manager Vance Barlow presented this item and said that the Town had received a notice from the Arizona Department of Liquor Licenses and Control that an application for a Series 9 liquor license had been filed on October 28, 2020 by Bee's Marketplace. The business is a new retail store located at 1045 S Central St. in Colorado City, AZ.

The required notice of hearing was posted on the premises as required by law. The Town has not received any written objections to the proposed liquor license.

Vance explained that the Town Council is required to hold a hearing on the application after 20 days of posting and within 60 days of the filing of the application at which time any member of the public may voice their support or objection to the proposed liquor license. This hearing is being held today in conjunction with the regular Town Council meeting. The location of the business is the North side of the intersection of Central Street and Highway 389. This location is well outside the minimum required distances from any schools or churches.

Vance said the Town Council will need to make a decision to recommend approval of the application, to be neutral to the application, or to recommend disapproval of the application. The Council decision is then forwarded to the State Liquor Board with supporting reasons and documentation if the Council is recommending disapproval of the application.

The State Liquor Board will hold their hearings and make a final determination of whether or not to issue the license. He explained that the actions of the Council are non-binding on the Liquor Department, and they will make their own decision.

Richard Timpson, representing Bee's Market, then addressed the Council. He said that Bee's Market is not new and has been here eight years and licensed for liquor sales for two years. He said they take the responsibility of the license seriously and want people to be safe. He explained that they already have a Series 9 license which is a license to sell spirits, beer, and wine. This license is difficult to obtain, and the application is just to change the address. Richard noted that alcohol sales are 10% of Bee's income which will bring revenue to the city.

With no other comments, Mayor Allred closed the public hearing at 7:22 pm.

CONSIDERATION AND ACTION ON BEE'S MARKETPLACE LIQUOR LICENSE APPLICATION

There was some discussion on this, and Mayor Allred voiced it as his opinion that liquor is a prolific source of wretchedness and ruins people's lives. Others stated that we should not take away the choice, but people should be responsible, and if they want it they will get it from somewhere. It was commented that even though the Liquor Board is going to decide, we show our stand by whether we choose to make it available in our community or not.

Nathan Burnham made a motion to recommend approval of the liquor license for Bee's Marketplace. There was a second from Thomas Holm.

Roll Call Vote

Alma Hammon	N
Joanne Shapley	N
Nathan Burnham	Y
Joseph Allred	N

Thomas Holm Y
Donald Richter N
Jeffery Jessop N

With a majority of “no” votes, the motion did not pass.

CONSIDER ZONING MAP AMENDMENT, PARTIAL OF PARCEL 404-20-035 FROM PARK/OPEN SPACE (POS) TO R1-8 SINGLE FAMILY RESIDENTIAL

Vance presented this item and said that Nathan Timpson has applied for a zoning map amendment for approximately 9 acres of parcel 404-20-035 from POS Park/Open Space to R1-8 Single Family Residential. He said this application was considered at the Planning Commission meeting, and after considerable discussion the Planning Commission voted to recommend to the Town Council approval of a conditional zoning amendment for the parcel in question.

The following from the Town Code §152.090 Zoning Map Amendments gives some guidelines for consideration on rezone applications.

(D) *Issues for consideration.* In determining whether to approve, approve with conditions, or deny proposed official zoning map amendments, issues for consideration shall include but not be limited to:

- (1) Consistency (or lack thereof) with the general plan, and other adopted plans;
- (2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (3) Suitability of the subject property for uses permitted by the proposed zoning district;
- (4) Suitability of the subject property for uses permitted by the existing district; and
- (5) Availability of sewer and water facilities.

(E) *Revocation or modification.* If the Town Council approves an amendment to the official zoning map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may be taken: (several options spelled out in the code).

Vance recommended approval on the condition that if the project is not started in a year that the zoning revert back to open space.

Thomas Timpson then addressed the Council and read his presentation explaining their ideas for the project. He said it would not be for mobile homes.

There was some discussion, and it was expressed that there was a need for this kind of development in the community.

Motion was made by Alma Hammon with a second from Nathan Burnham to adopt Ordinance 2020-05 amending the zoning map to the Town of Colorado City.

Roll Call Vote:

Alma Hammon	Y
Joanne Shapley	Y
Nathan Burnham	Y
Joseph Allred	N
Thomas Holm	Y
Donald Richter	Y
Jeffery Jessop	Y

With a majority of “yes” votes, the motion passed.

CONSIDER ZONING MAP AMENDMENT PARCELS 404-51-019 & 404-51-020 FROM INDUSTRIAL PARK DISTRICT (IP) TO REGIONAL COMMERCIAL DISTRICT (C-3)

Vance presented this and said that Gary Tooke has applied for a zoning map amendment for parcels 404-51-019 & 404-51-020 from Industrial Park District (IP) to Regional Commercial District (C-3).

This is the area of the Colorado City Industrial Park located between Maple Avenue and SR 389 South of Uzona Avenue. (Industrial lots 24 & 26).

Vance said Mr. Tooke’s concept for the development of an RV Park, C-Store and drive-in have been reviewed by the Council in prior meetings and this is the next step in the development. Lot 27 is already zoned C-3. There will be some lot line adjustments coming up in the future to facilitate the development.

Vance noted that the Planning Commission has considered this request and unanimously recommended approval, as it was felt that the highway frontage would be better used as commercial than industrial. He also said that the Town would like to see more “clean” development along the highway corridor.

There was a motion from Donald Richter with a second from Alma Hammon to adopt Ordinance 2020-06 amending the zoning map to the Town of Colorado City. There was unanimous approval.

CONSIDER APPOINTMENT OR REAPPOINTMENT OF UTILITY BOARD MEMBER

Vance reported that the term of Ralph Johnson Sr. on the Utility Board expires on December 31, 2020, and the IGA allows the members to continue serving after the term has expired until the position is filled. Ralph Johnson Sr. has expressed his willingness to continue serving on the Utility Board if the Council so desires.

It was expressed that Ralph brings years of experience to the Board, and they would like him to continue.

Motion was made by Jeffery Jessop to reappoint Ralph Johnson Sr. to the Utility Board for a three-year term ending December 31, 2023. It was seconded by Nathan Burnham, and all voted approval.

CONSIDER CHANGES TO TRANSACTION PRIVILEGE TAX (TPT) RATE FOR RESTAURANTS AND BARS (BUSINESS CODE 011)

Vance reported that at the October 19, 2020 Town Council meeting, the Town Council directed staff to review the TPT rate for Restaurants and bring a summary and recommendation for action to the Council. He said that the process for reducing a tax rate is not very clear; however, as it is modifying the options in the model tax code, which has to be adopted by ordinance, it is safe to presume that any modification to options would also have to be done by ordinance.

There was some discussion, and it was noted that our rate is high compared to surrounding communities. It was pointed out that if the tax rate is modified, the effective date will be 60 days from final adoption.

Motion was made by Nathan Burnham with a second from Joanne Shapley to read Ordinance 2021-01, with a TPT rate of 3.5%, as a first reading in the adoption process. All voted in favor.

Town Clerk Rosie White then read Ordinance 2021-01.

POLICY UPDATE FOR POLICY 22 DISCIPLINE

Town Clerk Rosie White presented this item and said that because the Personnel Policy is subject to the interpretation of many, we are working to fine tune it and reduce or mitigate confusion. Over the last couple months, we have reviewed Policy 22 Discipline. There was some ambiguity as to the extent a Department Head can impose suspensions and who should be involved or notified concerning a disciplinary action, as well as some recommended changes for clarification. It was explained that this is an effort to define the communication process that must be taken between the department heads and their supervisor before any disciplinary action is taken.

There was considerable discussion on this and whether or not a department head should have the right to immediate action if an issue comes up. It was explained that there is a difference between private and public employees, and that difference is due process, or the required procedure to explain the steps taken and reasons why in an effort to protect the Town against any complaints or litigation.

There was a motion from Jeffery Jessop with a second from Nathan Burnham to approve the recommended updates to the Town of Colorado City Personnel Policy 22 Discipline. There was unanimous approval.

BUDGET REPORT AND ORDER TO PAY DUE CLAIMS

The Council reviewed the budget report and a detailed report of the due claims. We are at 42% of the fiscal year.


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.

Meeting adjourned at 9:08 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 14th day of December 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of January 2021.


Town Clerk

