

MINUTES OF TOWN COUNCIL MEETING

TOWN OF SNOWFLAKE

HELD 07/07/2020

1. **CALL TO ORDER/ROLL CALL 7:00 pm**, Bob Flake, Lynn Johnson, Byron Lewis, Greg Brimhall, Kerry Ballard, Allison Perkins, excused Cory Johnson; Staff: Brian Richards, Katie Melser, Ella McAdams, Chief Martin, Chief Nelson

Motion by Flake, 2nd by Lewis, to approve moving Item 2 Council Member Reports to its normal location after Item 8 (now item 7) Discussion/Action Items. Motion passed; unanimous with Johnson C absent

2. **PRAYER/PLEDGE** Johnson L, Flake
3. **PROCLAMATIONS AND RECOGNITIONS** none
4. **PUBLIC HEARING**

A. OPEN PUBLIC HEARING

Motion by Ballard, 2nd by Flake, to Open the Public Hearing. Motion passed; unanimous with Johnson C absent

- B. FINAL BUDGET FY 2020-21 –
no discussion from the public

- C. DEVELOPMENT AGREEMENT SNOWFLAKE ACE HARDWARE LLC –
no discussion from the public

D. CLOSE PUBLIC HEARING

Motion by Lewis, 2nd by Brimhall, to Close the Public Hearing. Motion passed; unanimous with Johnson C absent

5. **CALL TO PUBLIC:**

Michael Lackey: He's a volunteer with the STPD. There are police needs in the community, please look at hiring more officers to cover all hours of the day and call volume.

Mayor Johnson appreciates his comments and all that the PD does for the community.

6. **CONSENT AGENDA:**

- A. COUNCIL MINUTES DATED JUNE 2, 2020
- B. JUNE CHECK REGISTER
- C. PURCHASE MATERIALS FOR 7TH SOUTH WATER LINE EXTENSION
- D. WASTE DISPOSAL SERVICES
- E. FISCAL YEAR END FINANCIAL REPORT
- F. AZ CARES GRANT FUNDS AND CONDITIONS

Motion by Ballard, 2nd by Perkins, to approve the Consent Agenda. Motion passed; unanimous with Johnson C absent

7. **DISCUSSION/ACTION ITEMS**

- A. CONSIDERATION OF 1ST READING OF ORDINANCE 2020-03, REZONE OF PARCEL NUMBER 202-09-024B FROM LIGHT INDUSTRIAL TO GENERAL COMMERCIAL

Scott Allen presented the item to the council.

Motion by Brimhall, 2nd by Flake, to approve 1st Reading of Ordinance 2020-03, rezone of parcel number 202-09-024B from LI to GC, by title only. Motion passed; unanimous with Johnson C absent

Lewis read by title only

- B. CONSIDERATION OF SPECIAL USE PERMIT FOR PARCEL NUMBER 202-31-018B, REQUEST BY GARRY BIGLER TO CONSTRUCT A SECOND RESIDENCE

Scott Allen presented the item to the council.

Garry Bigler- would like to take care of his brother but also have their own space and privacy.

Motion by Ballard, 2nd by Perkins to approve Special Use Permit to construct a second residence on parcel number 202-31-018B. Motion passed; unanimous with Johnson C absent

C. CONSIDERATION OF SPECIAL USE PERMIT FOR PARCEL NUMBER 202-07-034 TO REMODEL AN EXISTING STRUCTURE INTO A SECOND RESIDENCE/GUEST QUARTERS

Scott Allen presented the item to the council. Because it is in the flood plain, he obtained a flood plain use permit as well.

Lewis- P&Z did vote on it? Brian- the motion was for use by immediate family only.

Terry Wengert addressed the council- he provided plans for one guest house, 3 bedrooms for one guest house. He also showed pictures that show the tree cover for the guest house. It should not change the nature of the building. This is for a guest house in an existing building. Plan on using this as an opportunity to bring business partners from out of town for business or for family use. Not an application to change zoning. No desire to build multifamily apartments or rental complex. He does not own the property behind his property, but it is his nephew's property where they would like to build a home and the lower portion of the property will be retained as a horse pasture. He would also be opposed to a zone change, but that is not what his intent is. He started this project without a permit because it is an existing structure and did not think it was needed. He has since applied for his building permit and special use permit. It does meet the criteria for a special use permit. Does it fit the criteria? That is what this is about.

Lewis- This would be single family or immediate family residence, no air bnb? No additional apartments, no multifamily rental?

Wengert- All correct; glad to make any agreement to help heal the situation.

Todd Reidhead- Were told 15 years ago that the zoning would not change from single family dwelling. Metal industrial building built by previous neighbor when told it was to be a smaller wooden barn. Terry told him that it was his intention to build an apartment to help compensate for the large investment. He is not a full time resident. Others in town that are residents have these types of buildings, but they live on the property. Whether he knew or not that a permit was required, his construction guy should have known it. The story has changed several times, but at the end of the day, no matter what you call it, it is still an apartment. Mr. Wengert's information to him was that it was to be a rental to compensate his mortgage. Why do we even have laws and ordinances if all we have to do is come apply for a special use permit? Does not want an apartment rented right outside his wall. Everyone has investment in their properties.

Lewis- do you think that the story changed because he became aware of the feelings of his neighbors?

Reidhead- if he is telling the truth and things go like he says, he would be glad to know that. But he has been fooled on this same building in the past and he is very cautious.

Johnson L- can Mr. Wengert have this sort of building?

Brian- several things are allowed with a special use permit in a residential area.

Johnson L- we place zoning to restrict what can be done and where

Perkins- what rights does Mr. Wengert have for his own property?

Reidhead- it is not zoned for apartments, that is what he does not want. He does not think it is right that the Wengert's can come and go as they please and have rental property where people are coming and going.

Perkins- neighbors were riled up thinking this was for multi-family apartments; this is not for that. There are 4 other properties within a quarter mile that have buildings like this. Whether someone is living in the same house as others or on a separate building, it is still more traffic.

Johnson- inasmuch as Mr. Wengert has agreed that he will comply with conditions on the special use permit, would that be an acceptable compromise? It has been an evolution, but he has remediated his wrong doings and has agreed to comply with the conditions.

Reidhead- family is different than renters that come and go, whoever and whenever

Johnson- we have to follow the law for what is allowed under the special use permit.

Lewis- has put himself in his (Mr. Reidhead's) position for the last several days; he asked Mr. Wengert those questions on the record so it is official. With new staff in town, he believes Scott will pay special attention to this property.

Flake- how would or could the town enforce the conditions of the permit?

Brian- town does not have the resources to go around and police these things, we would rely on the neighbors to monitor. The town would treat them as honest individuals we would have to cross the bridge when we get there if it got worse.

David Mills- known him since about 2004; he is an honest man. It was talked about putting in an apartment there, but things have evolved, and he has decided that it is not a good idea to move forward with a rental because of the opposition. He does what he says he is going to do.

Julie McCray- she was excited when she knew that Terry Wengert bought the property. She works with him and has seen him show high integrity. She does not know about the conversation that is talked about, but he would admit to wrongdoing. He will beautify the area and keep it clean and beautiful.

Reid Stinnett- Planning and Zoning commissioner; he would have been a dissenting vote for this item if he were at the meeting. Found out that this was non-permitted. This started off under a different pretense. Really rubs him the wrong way now that he finds out that this is being changed again. Seemingly we cannot control this, we need to find a way to get these types of things under control. If there is a condition put on this special use permit and it was not met at some point, and hearing that it would be hard to enforce that, it is important to note that. He voices his opposition to this.

Johnson- is Mr. Wengert meeting all aspects of the town code? Personal feelings set aside, is Mr. Wengert complying with everything in the town code?

Stinnett- based on all that has been said, he would agree that he is

Johnson- if the code is being met, if he is doing everything that he is supposed to do, even if it started out differently, if he is complying with the town code we need to move forward with the conditions.

Lewis- said they would approve it based off the condition for it to be for family, not a rental.

Johnson- Mr. Wengert are you willing to comply with the conditions?

Wengert- Yes. Can we define a caretaker? He does not feel like an outsider. He would be buried here if he died tomorrow. He is willing to do what it takes to have this special use permit.

Perkins- if he complies with the language of the code, we should not need to pick and choose conditions

Brimhall- the town needs to educate builders and contractors on the requirements

Motion by Lewis, 2nd by Perkins to approve the Special Use Permit and make it a conditional permit with the following conditions: 1- that it will be a single family, for either immediate family or in compliance with town code, 2- that there will be no additional apartments built, 3- no multi-family rentals to be put on that property other than the one stipulated in the Special Use Permit, 4- the lower pasture to remain a pasture, 5- that the unit will not be used as an Airbnb. Motion passed; unanimous with Johnson C absent

D. CONSIDERATION OF VARIANCE REQUEST BY GENE HALL TO ENCROACH PROPERTY SETBACKS ON LOTS WITHIN FRONTIER ESTATES AND FRONTIER ESTATES II SUBDIVISIONS

Scott Allen presented the item to the council.

Perkins- can you expound? is it because the homes are bigger?

Scott- yes, some of the bigger houses would be shifted and encroach on the setbacks.

Brian- he has an architectural review committee and he would like to allow for some encroachment for homes.

David Mills- representing Gene Hall. Would like to get this and not have to approach the town council for each new build. Would like to get approval to work with Mr. Allen on a case by case basis instead of coming to council each time if the need arises on specific lots.

Motion by Ballard, 2nd by Flake to approve variance request by Gene Hall to encroach property setbacks on lots located within Frontier Estates and Frontier Estates II subdivisions. Motion passed; unanimous with Johnson C absent

E. CONSIDERATION OF RESOLUTION 2020-09 FINAL BUDGET FOR FY 2020-21

Motion by Brimhall, 2nd by Lewis to approve Resolution 2020-09 Final Budget for FY 2020-21. Motion passed; unanimous with Johnson C absent

F. CONSIDERATION OF PURCHASING DODGE 3500 TRUCK

Brian presented the item to the council. We did not get quotes from anyone besides AZ Dodge to be able

to support a local business.

Motion by Perkins, 2nd by Flake to approve purchase of Dodge 3500 for the Public Works Department. Motion passed; unanimous with Johnson C absent

- G. CONSIDERATION OF PURCHASING K9 VEHICLE FOR POLICE DEPARTMENT
Chief Martin presented the item to the council. Current K9 vehicle gets used far more than their other vehicles. Has this grant funding opportunity with MCAT and RICO. This will be ready to go in service when they get it. The total cost to the town for this would be 4,948 after other funding of \$45000.

Motion by Johnson L, 2nd by Lewis to approve purchase of 2020 Chevy Tahoe for use as K9 vehicle in the amount of \$49,948.00. Motion passed; unanimous with Johnson C absent

- H. CONSIDERATION OF DEVELOPMENT AGREEMENT WITH SNOWFLAKE ACE HARDWARE, LLC

Brian presented the item to the council. Last year we did an agreement with AZ Motors. They are making a significant improvement that will increase revenue. This is another way we show that we are willing to work to get business in town.

Motion by Johnson L, 2nd by Ballard to approve Development Agreement with Snowflake Ace Hardware. Motion passed; unanimous with Johnson C absent

8. COUNCIL MEMBER REPORTS –

Brimhall- respect both families tonight, the Wengert's and Reidhead's, hope it all works out; been working with the high school kids and have people ask about using the range at later hours, so is there is a way we can look at that?

Lewis- The golf course is being highly mentioned, even as far away as Gallup. Shout out to Katie making sure that we have items on time and organized. Grateful for Fire and PD.

Ballard- In our 21st year of Tree City, we have a tree management program and other things that qualify us for this. Trump store opened this week, across from Maverik. Last Saturday the only place in the whole state to have a parade was Eagar, AZ.

Perkins- Been thinking how she has enjoyed her position on council. She appreciates the other council members. They really do put everyone's best interest into decisions, time and thought and prayer goes into the decisions. Love the Main Street decorations. Love the Police Department and glad to live here with other patriots.

Flake- 4th meeting, it has been a tough week putting time and thought into the controversy tonight. Hope that we can move forward and heal even after a tough decision. His neighbor Jason called him about masks being required from Navajo County and he is concerned about it.

Johnson- be safe, wash your hands

9. MANAGER'S REPORT

Publicity pamphlet out in the mail, hopefully everyone will see it. We also have 3 council members on the ballot, Kerry Ballard, Bob Flake, and Byron Lewis, along with Allison Perkins as an official Write-In candidate.

10. ADJOURNMENT 8:26 pm