

**MINUTES OF TOWN COUNCIL WORK SESSION
TOWN OF SNOWFLAKE
HELD 11/04/2025**

- 1. CALL TO ORDER/ROLL CALL at 5:07 PM; Present: Byron Lewis, Mark Sheen, Reid Stinnett, Travis Kay, Cory Johnson, Joseph Bjornn, Greg Brimhall, Katie Melser Brian Richards, Mike Rogers, Gary Fenstermaker, Bruce Meyer, Robert Wingo, Rodney States**

- 2. PRAYER/PLEDGE Sheen/Melser**

- 3. DISCUSSION ITEMS**

Mayor Lewis gave recognition to Robert Wingo since he is moving on to another assignment. His successor is from the office of Pierce Coleman, Rodney States.

A. Discussion of Appendix J of the 2018 IBC code.

This was tabled at our last council meeting. Brian turned the time to the attorney to introduce the issue. Staff has had concerns about how to manage this portion of code and permit requirements. Appendix J authorizes the town to require a permit for grading. This is standard across towns in Arizona. The purpose is to ensure that if there is construction, the foundation will be safe, and to protect adjacent properties. The town currently has no way to address these issues.

Sheen- what legal recourse do neighbors have if water shed from increased flow and damage? Wingo: A lawsuit would be appropriate.

Wingo- the damage that may occur without these provisions in place is a reason to have this; it is a way for the town to ensure that those situations don't come about to begin with. Many municipalities have much stricter code, while Appendix J is really just a basic code. The requirements for the permit are minimal. He gave more information on the basic nature of the proposed code.

Lewis- what is the town's liability if we don't pass this? Wingo: There wouldn't be liability, *per se*, but as the town grows and there is more development it will routinely run into issues of drainage and erosion control if there is nothing in place. There could still be claims made against the town, but there is no legal obligation to pass this.

Wingo- this could be amended down the road if needed; provisions could be added. If it is not in your code, there is not much the town can do.

Kay- I don't want to impede someone just doing work in their yard

Wingo- never seen this applied to landscaping, driveways, grubbing; it is for substantial projects that are generally new construction over a large area

Kay- don't want to put a major burden on homeowners

Stinnett- wouldn't the building department determine what kind of permitting is needed?

Wingo- some of the confusion is coming from the changes in state law; the at risk grading that is included in this, is because of the state law that requires the at-risk grading permit Kay- want to avoid a different interpretation 5 years down the road

Sheen- what is the project size that would be allowed without permitting? Wingo- if we adopt it tonight, we can adopt it with amendments Lewis- this basic code assumes everyone will follow

Meyer- the problem is that we aren't managing floodplain and we need people to be

responsible, neighbor to neighbor. We're trying to facilitate growth without wildcat development and problems for neighbors. Kay- what is the language of the rainfall law?

Wingo- diverting water off of property creates liability for those who change the natural course; the nature of the appendix would require some action to prevent water diversion. Brian- we work on managing the floodplain

Sheen- adding a permitting process is a good step for our town, but we need to have a project size requirement, either acreage or volume of dirt. Some language that says, "or changing inlet/outlet of water flow on property"

Gary F- even grubbing, blading a perimeter road around a property that changes the water flow.

Sheen- we need to have something that shows the reasonable expectation to not change the water flow; it is hard to define the limitations in a reasonable way that the public understands

Lewis- people with good intentions will follow the rules; people that want to skirt the rules will still try to skirt the rules

Wingo- read the provisions and exceptions

Sheen- back to thinking we pass the ordinance as is, and follow the exceptions and provisions and enforce everything else

Brian- until we have an established fee schedule, the permit will be no cost

B. Discussion of amendments to the Town code regarding HB 2447.

Wingo- effective January 1, 2025; the requirements used to say "may" but it now says "shall" and must be administratively reviewed, and approved or denied by staff, not council. These are administrative things that follow requirements on a check list. If it is compliant, it must be approved.

Sheen- how do you feel about that Brian?

Brian- we can do it with our staff

Wingo- removed and changed items in the code to bring the town into compliance with HB 2447

C. Discussion of the lease of Town owned property at 119 N. Main St.; "Heritage Park".

Brian- the parcel that Streets would like to use that includes the bathrooms would be easiest managed in a lease. Streets recently expanded to have patio service and this will help them, as well as help us by having someone take care of the bathrooms.

Wingo- the consideration would be that they have to clean it, care for it, carry insurance on it; we can write into the license agreement, that if it gets vandalized, they have to repair it, and other similar provisions.

Sheen- maintenance of the building and insurance

Brian- what if we split the parcel and sell off the portion with the park and bathrooms?

Sheen- we should make the lease term short, since it's the first time

Wingo- we can make this a month to month so if there are issues it is easy to get out of it Brian is going to speak with the owner of Streets to come up with an agreement to bring to the council.

4. ADJOURNMENT at 6:15