

**MINUTES OF TOWN COUNCIL MEETING
TOWN OF SNOWFLAKE
HELD 01/06/2026**

- 1. CALL TO ORDER/ROLL CALL 7:00 PM Present: Byron Lewis, Greg Brimhall, Reid Stinnett, Travis Kay, Mark Sheen, Cory Johnson; absent: Joe Bjornn; Staff Present: Brian Richards, Katie Melser, Ella McAdams, Bruce Meyer, Chief Martin, Chief Nelson, Jeff Greer**
- 2. PRAYER/PLEDGE** Larry Scarber/Sheen
- 3. PROCLAMATIONS AND RECOGNITIONS**
- 4. CALL TO PUBLIC**

Faith Trembly- Director of the Senior Center address the council expressing gratitude for continued support, especially during the Thanksgiving and Christmas lunches. Honored to be a part of the Snowflake community. Every contribution has an impact.

Mark Keiser- came to discuss Snowflake Heights Blvd, just passed the cattle guard. In the last 10 years he has helped maintain the road. He can't keep up with the maintenance, there is just too much traffic. Need help to take care of the maintenance. Maybe put in stop signs because of speed. Maybe do a study to see what is going on out there.

Mayor Lewis requested staff to look into the issue.

5. CONSENT AGENDA

All items listed below are considered routine. The Consent Agenda is considered a single item and may be approved

by a single motion. Any single item removed from the Consent Agenda at the request of the Council may be considered as a separate item.

A Council Minutes Dated December 2, 2025

B December Check Register

C Resolution No. 2026-02 - A Resolution of the Mayor and Council of the Town of Snowflake, Arizona, Approving the Intergovernmental Agreement between the Town of Snowflake and Navajo County for Court Collection and Criminal Justice

Motion by Johnson, 2nd by Stinnett to approve the Consent Agenda. Motion passed; unanimous with Bjornn absent

6. PUBLIC HEARING

Motion by Lewis, 2nd by Sheen to open the public hearing. Motion passed; unanimous with Bjornn absent

A Consideration of Resolution 2026-01 for the increase in water and wastewater fees over the next five years.

Dan Jackson of Willdan gave a presentation of the study and recommendation for a 5-year rate plan. He noted that nobody ever likes to increase rates, including cities, towns, and citizens. The average increase is 5-6% every year, and they will triple in the next 15 years. Everything is subject to cost increases due to the nature of business. It costs the town millions of dollars to build and

maintain a water system; it wears out overtime and requires investment into the system to keep the service acceptable to the community. Rate increases are a direct investment into the future of the community. Are our rates disproportionate, no. It is a testament to good financial management because there is no long-term debt to burden future users. People use water in very consistent manners over time, and this helps with predicting costs over time. He went over the two options, Status Quo vs Conservation. Both rate plans will get the same amount of revenue, it is revenue neutral.

Kay- appreciate the work that was put into this, and this gives us the outcome we were looking for
Lewis- say we adopt a 5-year plan and decide two years later and change to the other scenario, can we do that? Yes, council always has that option.

Lewis- does this take into consideration that we are in drought? Where it is now is with drought conditions continuing.

Scott Gold- as a past president of 3 public water utilities, he understands the value of this. If you don't invest back into the system it will not work. This is important.

Mark Keiser- don't disagree with this, but a separate rate for the elderly would be a good idea so that they can afford

Sheen- would like to go with the Status Quo scenario

Stinnett- any rate increase is going to discourage additional water use, and Status Quo will make it a more gradual increase for all users

Johnson- we have a lot of green grass and worried that people will

Motion by Stinnett, 2nd by Brimhall to close the public hearing. Motion passed; unanimous with Bjornn absent

Motion by Sheen, 2nd by Johnson to approve Resolution 2026-01, and select scenario 1 for the increase in water and wastewater fees over the next five years.. Motion passed; unanimous with Bjornn absent

7. DISCUSSION/ACTION ITEMS

A Consideration and possible approval of request from Good Word Productions for the use of the Snowflake Rodeo Grounds and arena from June 5, 2026 - July 30, 2026.

Lewis- since there is no representation, should we table this?

Johnson- it is fun to have an event like this; the Flake family uses this arena for their rodeo but there are other arenas in town.

Brimhall- I think if we have to wait for another month, it might put their timeline behind.

Motion by Lewis, 2nd by Johnson to approve the request from Good Word Production for the use of the rodeo grounds. Motion passed; 5-0 with Stinnett, Kay, Lewis, Johnson, and Brimhall voting yes, Sheen abstaining, and Bjornn absent

B

Consider a Variance request pertaining to Town Code Section **10-4-3-D-5 and 10-6-3-B-1**. Derek Flake is proposing a rental unit/accessory dwelling unit in an existing structure. The current structure doesn't meet the minimum setback requirements for a dwelling unit as required by Town Code 10-6-3-1 and the existing structure is more than 60% of the size of the primary structure which is in opposition to Town Code 10-4-3-D-5. The address is 119 E

9th South St, Snowflake, AZ 85937. The parcel is zoned Residential 10KSQFT (R-10). APN 202-15-030B.

Brian- appropriate for Derek Flake to present what he wants to do, and also have Bruce Meyer give the recommendation from planning and zoning.

Derek Flake- provided information for fire egress and layout for safety.

Bruce- the situation is that the variance needs to be granted to see if there are any other problems with the building; there are many challenges for this property that may stop progress, but passing the variance will allow us to find out those challenges. P&Z feel it is wise to approve the variance because if it cannot be done to code, the project will be shut down.

Derek- we can either make it better and up to code, or the building will still just be there. Whatever new utility needs to be run, it will be on it's own.

Stinnett- do you know how old?

Derek- do not know how old this building is, the home was built in the 70's and the building was built sometime after that.

Stinnett- what would be the access? How do they get to it and where do they park?

Derek- plenty of room for parking on the property for both houses

Barry Austin- this needs to be talked about- the west side of the property was owned by Kerry Ballard, the Van Darren's live to the east of the property, and Barry Austin lives to the south of the property, all long time property owners and are not going anywhere. Earned the right to say they are 100% against the request and do not want it in their neighborhood. We don't want spot zoning in the neighborhood.

The shed was built in the early 2000's. It was not built up to code, and without a permit. Didn't want to stir the pot, so they let it go. If he knew the misery it would cause over the years, he would've thrown a fit then. Had to move his block wall in 2 feet because of the overhang on the building encroaching on his property. There is plenty of multi-family residence property in Snowflake where people can make a dollar; but not here. It is .38 acres of property. If there is a fire there, Barry's house is going to go down with it. Another individual has died in that shed. The previous owners were hoarders. The shed needs to be torn down. Barry and his dad planted the tree that is over the shed when he was 10 years old. If the tree comes down, nobody in the shed will survive. When the property was purchased, the shed was filled to the brim with garbage. Between the shed and the wall of the other property is full of dead cottonwood and weeds. They will hear everything that will go on in that shed. Adamantly opposed to this.

Clay and Linda Van Deren- been next to this property for too long, it has been great to have his family grow up there. Barry expressed everything. This shed is not just an error. Survey stakes were pulled up at a previous time. The commission recommended approval, encouraging you to ignore your own building codes. Illegal structures are attached to the property, not the owner, so we have to continue to live with. It has not and never will meet building codes. It is very strange that Derek is a member of the commission and presented the item. The commission has justified this by using HB2740, but it doesn't apply to small communities like Snowflake. It is still an illegal structure. The town should not use a variance request to rectify failures. This building should be demolished. When it rains there is flooding and mold. No attempt by the current owner to improve it.

Sheen- was Derek Flake there during discussion and voting. He sat in the audience and still continued with the discussion to answer questions. He did not participate in the vote. Clay believes it was an absolute conflict of interest.

Sheen- does turning an accessory dwelling into a residence, require an adjustment to the zoning of the parcel. Brian- no; so this wouldn't be spot zoning.

Sheen- fire safety; this dwelling looks like it meets fire safety requirements according to Captain Krieter from the Fire Department.

Kay- there is a lot of emotion here; we need to remove emotion and look at similar situations and understand the codes and fire restrictions; that doesn't negate that this falls within multiple parameters that this falls within the town. It's an existing structure and will continue to be. Unfortunately, it wasn't permitted. The mention of drainage is unfortunate, but it exists all over town. Trying to diffuse the emotion.

Sheen- we have a choice right now to double down on mistakes of the past, or we can allow it to be rectified as much as possible since it is already of existence, even if it should never have come into existence.

Barry- are there other properties like this? There are auxiliary buildings that are within the setbacks. He will be reclaiming his two feet on the other side of his wall.

Brian- reminded the council of the conditions for a variance to be approved

Brimhall- the setbacks are there to protect the neighbors; having that right there without the 30 ft. setback; doesn't see how it will benefit the general public.

Sheen- don't think it meets C, but it meets D because of the need for affordable housing.

The council had a discussion about the merits of whether it should be approved or not.

Van Deren- Brendon Rogers (attorney) was very concerned that this would concern a public nuisance.

Keiser- he is a general contractor, once a new electrical meter is installed, it can become a subdivided. No matter what, don't put a new meter on it, make them run the utilities from the original residence.

Lewis- let's keep this on the topic of the variance

Austin- he doesn't know where he's going to bring in any of the utilities; they will not be allowed to use the private easement where utilities are available.

Lewis- not convinced it meets C

Sheen- there is no need for this to be a residence and would not meet C

Kay- does this improve the property? It will improve the property value, it increases neighboring property values,

Brimhall- if they new this was going to turn into a casita, Barry would have stopped the building in the first place.

Lewis- nobody will want to see if it is viable before the variance is granted

Brimhall- it seems like it should be investigated before the variance is granted

Stinnett- would there be windows or doors to the south or east? As it exists, it doesn't meet fire code. If Barry moved his fence to where it legally can be, there will be no egress.

Citizen- When you want to put a fence up on your property, it becomes common. There needs to be more investigation from all parties. If you allow the variance, you'll be in more controversy down the road.

Kay- if we go by the feeling that we can't align with all 3 of these; but none of those had anybody in opposition; but we should not vote based on emotion of someone coming in opposed to the variance.

Sheen- there are occasions where we didn't have people that felt encumbered. It is somewhere between the two. This was never legal in the first place. I feel like if we have a new owner that can and should be able to bring it up to usable condition, we should want that, but not beyond that. Don't think that this needs to be a residence for Derek to enjoy his property. It is a good idea to have properties like this, but the catch is that it is not necessary to approve the variance for the enjoyment of the property.

Johnson- a lot of the variances are small amounts over the set back, not on the property line.

Lewis- When someone is doing an impactful change in the neighborhood, they talk to the neighborhood. Perhaps, if you're improving the property and then ask for a variance you may have more good will from your neighbors. Does not believe it meets C or D.

Motion by Lewis to not grant the variance Sheen, because it does not meet the requirements of C and D.

Motion by Lewis, 2nd by Sheen to not grant the variance, because it does not meet the requirements of C and D in the code. Motion passed; 4-1 with Stinnett, Sheen, Lewis, and Brimhall voting yes, Johnson voting no, Kay abstaining, and Bjornn absent

C

Consider a Variance request pertaining to Town Code Section **10-6-3-B-1**. Jolene Victor is proposing a rental unit/accessory dwelling unit in an existing structure. The current structure doesn't meet the minimum setback requirements for a dwelling unit as required by Town Code 10-6-3-1. The address is 1763 W Sandtrap Ln, Snowflake, AZ 85937. The parcel is zoned Residential 10KSQFT (R-10). APN 202-53-009.

What is the setback against? It is currently an empty lot.

Bruce- the setback needs to be 15 feet, but this is at 10 feet.

Kay- what is the measurement to the property line?

Sheen- what makes this different from the previous property?

Bruce- walk through the requirements

Brimhall- was all of this permitted previously? Yes, there are no illegal structures

Kay- how does this meet C and D when it didn't on the previous

Lewis- there is nobody opposed to it for D; so the neighborhood isn't opposed

Stinnett- this was a permitted structure

Kay- trying to understand for clarity

Sheen- how does allowing for this variance necessary to the enjoyment the property owner

Greer- this is exactly what we're looking for as a town; because it works and I voted for it

Applicant- would be able to use the space and able to work without having to work in her home, but in a space that is available.

Johnson- the other building is a piece of junk, it needs to be torn down, even though he voted that Derek should have property rights; this doesn't need to be torn down.

Johnson, lewis, approved

D Consideration of Final Plat of Sundance Springs Community Unit 1 - Phase 2C

Jeff Greer is here as representative; all improvements are private. Recommend approval.

Jeff- everything is in, all infrastructure is done

Motion by Sheen, 2nd by Johnson to approve the final plat of Sundance Springs Community Unit 1 – Phase 2C. Motion passed; unanimous with Bjornn absent

E Consideration of establishing a committee for the 250-year celebration of the United States.

Committee members will be finalized later.

Motion by Sheen, 2nd by Kay to approve the establishment of a committee for the 250-year celebration with the mayor as the chairperson. Motion passed; unanimous with Bjornn absent

8. COUNCIL MEMBER REPORTS

Lewis- shout out to Cory and Rikki for the work on the Giving Machines; thank council for helping serve at the senior center; the support from the community on the 12 Days of Christmas, the library did a great job, the decorations were the best ever.

Brimhall- really enjoyed this Christmas season, the Giving Machine was great; the lights down Main Street were amazing

Johnson- on behalf of the Giving Machine, thank you to the council and the police especially for help with shutting down the street

Sheen- echo congratulations for the Giving Machine

Kay- greatest things we can do as people is serve others, love to see the love; girls volleyball club has been practicing and it is exciting to see the commitment that kids in this community have

Stinnett- ditto to everything already said, this is the most incredible community he has every lived in; shout out to the giving machine for the donations given to the senior center; go to the senior center, go to their thrift store, use their amenities; there is a blood drive coming up a week from today from 9-5 at OLS Catholic Church

9. MANAGER'S REPORT

It was a great debate tonight for some of the items

10. ADJOURNMENT 9:18