

**MINUTES OF PUBLIC HEARING & TOWN COUNCIL MEETING  
TOWN OF SNOWFLAKE  
HELD 10/25/2016**

**1. CALL TO ORDER/ROLL CALL** at 7:00 pm

Mayor Tom Poscharsky, Vice Mayor Kerry Ballard, Lynn Johnson, Stuart Hensley, Byron Lewis, Cory Johnson, Terril Kay STAFF: Brian Richards, Bob Hall, Barbara Flake, Cathie McDowell, Dale Call

**2. PRAYER/PLEDGE** Johnson C/Lewis

**3. PROCLAMATIONS & RECOGNITIONS**

*“Red Ribbon Week” Support for Drug-Free Environment*

Mayor Poscharsky recognized “Red Ribbon Week” Support for Drug-Free Environment with a Proclamation for the week of October 24-28, 2016. He stated that in recognition of National Red Ribbon Week, the Governor’s Office of Youth, Faith and Family will host “Hidden in Plain Sight”—a mock teen bedroom set up in the Historic Capitol Museum. The purpose of the room is to better educate parents on teen drug use and learn how to prevent or intervene early with their own child. The teen bedroom will remain open for registered participants to tour through October 28<sup>th</sup>. The bedroom will be hosted by individuals such as Secretary of State Michelle Reagan, Maricopa County Attorney Bill Montgomery, Director of Department of Economic Security Tim Jeffries, along with prevention specialists and other state officials.

Hunter Lewis, candidate for the Office of Mayor, was recognized.

**4. CALL TO PUBLIC**

Cindy Schreiber, Senior Citizens Center, said Thanksgiving dinner will be served on November 17<sup>th</sup>. She invited Council to participate by serving the meal starting at 11 a.m. She said it is possible meals will be served twice that day.

**5. CONSENT AGENDA**

A. Approve Council minutes dated October 11, 2016.

*Motion by Ballard, 2<sup>nd</sup> by Johnson C, to approve the Consent Agenda. Motion passed; unanimous*

**6. DISCUSSION/ACTION ITEMS**

A. OPEN PUBLIC HEARING: Regarding Use of FY2016 CDBG Funds.

*Motion by Johnson C, 2<sup>nd</sup> by Kay, to open the public hearing. Motion passed; unanimous*

Cathie McDowell said she first submitted the splash pad and it was denied. She said a new public hearing was held 6 weeks ago where ideas were heard and they are included in the resolution for prioritizing. She stated the improvements to the pool was also turned down last week because of the Department of Housing Services redirection of spending funds. She said this public hearing is an opportunity for the public to say what they want to see done with the funds. Poscharsky read

the projects being considered: waterline renovation on 19<sup>th</sup> South, road improvements to Brown Road, mold and asbestos remediation at Snowflake Pool (denied), or ADA improvements at public facilities (Frederickson Park stands, Police Department entry ramp, bathrooms at pool, etc.).

B. CLOSE PUBLIC HEARING: Regarding Use of FY2016 CDBG Funds.

***Motion by Ballard, 2<sup>nd</sup> by Johnson C, to close the public hearing. Motion passed; unanimous***

C. Consideration and Possible Approval of Resolution No. 2016-15 Authorizing Submission of Application for FY16 CDBG Funds. (Cathie McDowell)

Ballard stated that it would be a good idea to address the area between the Cemetery and the road which is dirt and mud to make it accessible to the handicapped and elderly. He said making it so the handicapped could drive in closer to the graves would be good. Richards stated that the water line improvements on 19<sup>th</sup> South addresses an area of 20 plus homes where the Town maintains the water line but does not collect the revenues. He said the Town could run water from the ballfields and then loop back. He said this would be a source of revenue. McDowell said the area would have to meet low to moderate income levels. She believes it could meet the level of \$36,600 for a family income. In answer to Kay's question, Richards stated his choice would be street improvement for Rodeo Road. In answer to Hensley's question, Richards stated that the waterline could be done for \$200,000. Richards stated that all the projects would be helpful to the Town. McDowell said only one project can be selected and added that all the ADA improvements are one project. Johnson L asked which project affects the most people for the money. Johnson C asked if any of the projects would be done by the Town without this money. Richards said the roads budget is low, the Cemetery is a good idea, and the Town has wanted to do the ADA project at the Police Department. Hensley said the road by the ballfields is ridiculous. Kay said improving that road would offer an opportunity to grow the area. Johnson L said \$200,000 would pave only a small area. The safety and accessibility of the Police Department was discussed. Kay stated he is for the road. Poscharsky said that if the waterline were done the Town would get revenue from 20 plus homes. Richards said the road and ADA improvements would be equally beneficial to the Town.

***Motion by Ballard, 2<sup>nd</sup> by Lewis, to approve Resolution No. 2016-15 Authorizing application for FY 2016 CDBG funding to be used with following priority—ADA improvements at public facilities, Road improvements (Brown Road and/or Rodeo Road), Water line renovation on 19<sup>th</sup> South. Motion passed; unanimous***

D. Consideration and Possible Approval of Amendment of Special Use Permit Issued to Our Lady of the Snow Catholic Church—Swap Meet. (Dale Call)

Call stated that a request is being made to amend the special use permit with Our Lady of the Snow Catholic Church. He said the request is to remove the OLS Community Center from the special use permit and change the administrator and manager of the swap meet to Belle McCauley. Poscharsky said the swap meet has very good attendance from the surrounding areas and is a benefit to the community.

*Motion by Kay, 2<sup>nd</sup> by Johnson L, to amend the Special Use Permit issued to Our Lady of the Snow Catholic Church to operate a Swap Meet on church property. Motion passed; unanimous*

**E. EXECUTIVE SESSION: LEGAL ADVICE - ARS § 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - ARS § 38-431.03(A)(4)**

1. Pending or Contemplated Litigation

Mayor Poscharsky stated that this item was put on the agenda in an abundance of caution. Attorney Bob Hall stated that there was no need for an Executive Session.

F. Consideration and Possible Action Regarding Pending or Contemplated Litigation. No Executive Session was held.

**7. COUNCIL MEMBER REPORTS**

Kay said he is still interested in a 5-year contract regarding the golf course. He said there is a need for a committee to discuss the golf course. He said a fishing derby should be held at the ponds at the golf course rather than just drain them. He said it would be a great community event and would let people come and see the course.

Lewis said it is National Breast Cancer Month. He invited everyone to wear pink at least once during the month.

Poscharsky gave an update regarding the Lowry Flake legal action. He said a motion to dismiss was filed Sept 26<sup>th</sup>. Kory Langhofer, Attorney for Lowry Flake, et al, filed a motion for a restraining order. Poscharsky gave an update regarding the legal action by Kory Langhofer on behalf of Kenneth Krieger for public records. He said the Town has submitted the last of the requested information and believes they have complied with all of the public records requests related to this matter. He said outside counsel Tim Casey feels this will be sorted out within a month. Poscharsky gave an update regarding the investigation by the Attorney General in response to complaint filed by Representative Boyer under Senate Bill 1487. He said the response by the Attorney General was that the Town is not in violation under the 5 counts in the complaint but may have violated the law regarding fees in the business license agreement. He said the Town agreed to remove those sections and amendments were submitted to both agreements. Poscharsky said a complaint was also filed with the Open Meeting Law Division of the Attorney General's Office and that investigation is ongoing. He said outside counsel, Tim Casey, is waiting for a response from the Attorney General.

Poscharsky announced the new manager of the Senior Center is Chris Wall.

Johnson L said it is important to continue with a golf committee and a 5-year plan. He said he had a request to hold a golf tournament. He commended the police officers that were on the track Monday night trying to get healthy. He said he attended the American Legion meeting and was told they are in need of a wood stove and are looking for individuals to help winterize the building. Johnson L recommended it could be an Eagle Scout Project. He said the Legion does not have much of a budget and he feels it is our responsibility to take care of veterans. (Contact for American Legion: Randall Welch)

Ballard said he has heard good comments regarding the golf course. He commended Terry Cooper. He said there are streetlights out in Town and asked the staff to check and see which ones are not working. He said he will be attending the NACOG meeting this week. He reminded Council of the Tree Planting Ceremony on Friday at 11 a.m. He announced that a community prayer is held the first Sunday of every month and it will be held November 6<sup>th</sup> at 5 p.m. at Pioneer Park.

Poscharsky announced that the next Council meeting will be held November 15<sup>th</sup> when Council will canvass the election and the new Mayor and Council will be seated.

#### **8. MANAGER REPORT**

Richards recognized the veterans and their service. He said the Town has a stove to donate. He said the auditors were here last week. He said the Verizon tower work will be done by Thanksgiving.

#### **9. ADJOURNMENT** at 7:50 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the Town of Snowflake Council meeting held October 25, 2016. I further certify that the meeting was duly called and a quorum was present.

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Barbara Flake, Town Clerk