

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF SNOWFLAKE  
HELD 09/04/2018**

**1. CALL TO ORDER/ROLL CALL** 6:57pm Present: Mayor Johnson, Kerry Ballard, Allison Perkins, Byron Lewis, Cory Johnson, Greg Brimhall; excused: Hunter Lewis; Staff: Brian Richards, Bob Hall, Katie Melser, Terry Cooper, Larry Scarber, Bobby Martin, Willie Nelson.

**2. PRAYER/PLEDGE-** Ballard/Perkins

**3. PROCLAMATIONS & RECOGNITIONS**

*Proclamation— “Navajo County Fair Days”* read by Lewis B

**4. CALL TO PUBLIC:** none

**5. CONSENT AGENDA:**

- A. Approve Council Minutes dated August 7, 2018
- B. Approve August Check Register
- C. Approve Hinton Burdick Engagement Letter for FY18 Audit
- D. Approve IGA with Navajo County Sheriff's Office for MCAT FY19

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

**6. DISCUSSION/ACTION ITEMS**

A. Report on NPC Friends and Family Disc Golf Tournament (Betsyann Wilson)

Peddle the Petrified is coming up, and she envisions the disc golf tournament becoming as big as that event. Raised about \$4k that go to scholarships for students at NPC. Plan on another tournament August 2019. Many local sponsors helped with the tournament, as well as Towns of Snowflake and Taylor.

B. Navajo County Public Safety Update

Glenn Kephart (County Manager), Brian Layton (County Finance), and Sergeant David Clouse presented for the County:

Provided a public safety update regarding Prop 419 to provide a special taxing district for a jail district tax. Talked about some tightening of the budget up to this point and the County has been able to balance the budget for FY19.

Provided information on decision to form a jail district from the financial standpoint of the County, also information about what the jail district is and how it will affect the local cities and towns. It will provide a funding source to keep a balanced budget and keep the staff and services required that help community members.

Provided information on the impact this will have on public safety.

-Ballard asked some questions to find out if positions will come back with this- the answer is that no public safety positions have been lost currently and this money will only be for public safety, so they are looking to retain, not grow.

-Lewis B- How long will the tax be in place? - 20 years; Lewis suggested showcasing the effect not having the tax would have on the I40 and drug trafficking in the area

-Johnson C- has the County looked at property taxes for unincorporated areas of the county? - Something like that would generate only a fraction of what is needed.

-This will get funding from people passing through the area as well.

-This could be reduced if the County has an economic boon, but that is unlikely to happen.

-Perkins- too much money is being wasted in the jails, how can we cut costs there? - They are doing the best they can with what they have. It becomes an issue of safety, and that is also where the programs come in to help with recidivism.

#### C. Discussion and Possible Approval of Resolution No. 2018-09 Adopting Results of Primary Election held

August 28, 2018. (Katie Melser)

Katie provided the results of the Primary election, which stands as the official canvass of the vote. She noted that all seats were elected in the Primary by a majority vote, negating the need for a General election, including the race for Mayor as the only contested race. After the General Election in November Lynn Johnson will retain his seat as Mayor, Hunter Lewis, Cory Johnson, and Greg Brimhall will retain their seats as councilmembers.

#### ***Motion by Ballard, 2<sup>nd</sup> by Lewis B, to approve Resolution No. 2018-09 Adopting Results of Primary Election held August 28, 2018. Motion passed; unanimous***

#### D. Discussion on Declaration of Restrictions of the Snowflake Country Club Properties

Brian- CCR recorded at the county since Feb 2002; rear 20 ft is the right of way of the golfers. Johnson L- when they buy a lot are they informed that the CCRs are in existence? That would be up to the seller/title company; since the town owns the golf course, we are enforcing the CCRs in this case. Bob mentioned that Councilman Brimhall will be recusing himself from the item. Also, Councilman Lewis (not present) has concerns that we don't enforce CCRs, but because it is used to describe an easement, we do enforce that. The discussion should go forward as agendaized, but the legal issue be reserved for further discussion and action.

Councilman Byron Lewis also recused himself because he owns a home on the golf course.

The Mayor would like to hear from representatives from each side of the issue.

-Angie and Mike Willis- live on the golf course (since March). Have spoken with 58 homeowners on these lots. A homeowner wouldn't know what is needed until they build/live there and would then know that they need to have an exception to the deed restriction with the right of way. Their main points of objection are liability and protection of property and persons, would like to see some changes to the agreement that addresses these points. They have collected signatures to repeal certain parts of the agreement.

-Bob- The CCR definition of the rough and right of way is enforced elsewhere, which sets precedent for the enforcement for this. It appears that the properties that were to be relieved from this were already relieved previously as suggested by the minutes from the meeting from when the agreement took place. This is a complex issue, he would suggest getting the input from everyone and then come up with solutions.

-Terry Cooper- main issue is the 20 ft right of way dedicated to golfers as rough; every lot had the restriction, in 2001 it was amended. Removal of this amendment would affect the playability of the course. Tom Black (president of the men's club) has a letter signed by the men's club. They feel the narrowed fairways would negatively impact the playability of the course, and the revenues of the course would be affected. Nets are not an issue like the fences and walls, the Willis's would be able to put a net up. The sprinklers are in the right of way, because the course is trying to grow and maintain the right of way. if the 20 ft right of way is receded who pays for the removal of the irrigation system? Who is going to redesign it?

Johnson L- The issue doesn't need to be overly complicated, but the council needs to look at all the issues.

Doug Brimhall- the original CCRs prepared in 1994, signed by his dad, and again in 2001 with the amendments. the Town doesn't have input during the development. Would like to see the stipulation that says that the approval of the subdivision is contingent on the 20 ft right of way; wants a clear easement.

The CCRs are between the developer and the homeowners, nothing to do with the Town. He really appreciates the improvements that have been made over the last 2 years at the golf course. They would like to have a discussion about moving some of these greens to make the course more playable. Today he's representing the developer.

Jamie Jeffries: has a netting and trees to protect his home, is still the recipient of 15-30 balls on his property; have not experienced damage; play extensively at other courses as well as here; if this "easement" were to be removed on each side of the golf course it would minimize the fairways and playability greatly and it would be detrimental because play would decrease. The course has received incredible improvement and it should not go any other direction.

Mayor- recommend staff to schedule an executive session; asked homeowners and developers to give clear indication about what is wanted.

#### **7. COUNCIL MEMBER REPORTS—**

*Ballard-* glad that Woody Peterson's road got paved; more CDBG money available through NACOG; Headstart in Navajo County is full; new bus run between St. Johns and Snowflake or Show Low; new census coming out March-April 2019; the Christmas Spectacular would like to have the council do a funny skit

*Perkins-* nothing

*Brimhall-* Attended the League of Cities conference, good conference

*Johnson C-* nothing

*Lewis B-* First Things First received Eddie Basha award, selected because of the proclamation sent by our mayor nominating this area;

*Johnson L-* express appreciation to staff and council

**8. MANAGER'S REPORT-** nothing

**9. ADJOURNMENT**