

**MINUTES OF TOWN COUNCIL MEETING  
TOWN OF SNOWFLAKE  
HELD 02/14/2012**

**1. CALL TO ORDER/ROLL CALL**

Mayor Kelly Willis, Vice Mayor Jason Whiting, Bev Kay, Chris Brimhall, Lorri Davis, Larry Matyas STAFF: Paul Watson, Bob Hall, Brian Richards, Rob Emmett, Terry Cooper, Dale Call, Pat Hancock, Barbara Flake

**2. PRAYER/PLEDGE** Whiting/Poscharsky

**3. MAYOR'S PROCLAMATIONS & ANNOUNCEMENTS**

None

**4. CALL TO PUBLIC**

*A motion was made by Willis and 2<sup>nd</sup> by Davis to return to Call to the Public at 7:00 p.m Motion passed; unanimous*

**5. CONSENT AGENDA**

A. Approve Town Council meeting minutes and Floodplain Board meeting minutes dated January 24, 2011.

B. Approve Invoice from Brown & Brown Law Offices, P.C.

*A motion was made by Willis and 2<sup>nd</sup> by Davis to approve the Consent Agenda. Motion passed; unanimous*

**6. DISCUSSION/ACTION ITEMS**

A. Approve/Disapprove variance for construction of attached garage. Property is located at 45 N 2<sup>nd</sup> West, Snowflake, Arizona. Owner is Troy Flake. (Dale Call) Call said Council and Planning and Zoning Commission were notified that they could visit the site. He said P & Z met on February 7 with the new information. Call said he conceded that the estimated property line could be considered the property line. P & Z recommended to disapprove the variance with a vote of 4 to 1. Call said variances should be considered if special conditions as stated in the Town Code exist. Call said he does not feel the variance would be detrimental to the neighborhood and there are no safety issues but does not know that there are special circumstances because the property line is the same as when owner bought the property and people can live without a garage.

Bev Kay said the setback in her neighborhood appears to be 10' and they have managed. She said this garage seems too small and if approved 2' more should be given. Troy Flake gave Council a copy of a Record of Survey for his property showing that the property line is 22'3" from his home which is 2'3" more than what was estimated. Whiting asked Call why the Town has setbacks. Call said safety is the primary reason and aesthetics is secondary. He said the side setbacks are to follow fire codes. He said setbacks offer convenience dealing with utilities. Whiting asked if Call feels that the

Town will do a better job taking care of the area in front of the home than the owner will do. Call said the main objection to the variance is that there is a rule that says it can't be done. Watson said side setbacks make sense for safety reasons and neighbors don't want to be too close and front/back setbacks for safety but mostly for aesthetics.

Poscharsky said there are no problems with utilities. He said he walked the street finding that some homes are encroaching setbacks and some homes use 2<sup>nd</sup> South as a side yard. He said he does not feel that this garage will look out of place and when working with a 100' wide easement a variance can be justified for various reasons. He said this is an older home and a garage is almost a necessity now. Davis said the garage would make the street look better. Whiting asked if there is a safety issue on that street. Call said there would still be 14' between the road and the structure.

Willis said that he is concerned with setting a precedent. He asked if requests could be looked at an individual basis or if a precedent would mean everyone could do the same. Attorney Hall said there is the practical aspect— notion of fair play and to be treated rightly. He said this variance would not be so legally binding that Council could not move another direction on other property. He said Council has power with the same code to grant a variance so the issue is if going to follow the code or going to look at the road like Poscharsky did seeing the number of outbuildings on that side of the road are significant and so going to grant a variance. Willis said if Council feels it ought to give variance consideration should be given that the size of the garage would not fit a truck which would then be parked on the sidewalk. Matyas said he visited the site and noticed the old buildings encroaching the setback were pre-zoning. He asked Flake if he could drive south of his home and build a garage in the back of his home. He said he would not want to create a precedent if there is an alternative. Flake said it is possible to drive in on the south but with 30' setback in back not possible to build a garage. Call said the setback would be 3' for detached structure with minimum of 5' from home. He stated that it might be possible to fit a structure but it would not be convenient and might take more than 30% of the area. Call said if Council approves the variance they could stipulate that there be no parking on the sidewalk. Flake said it is his intent to park in the garage. Call said with the new figures Council might consider giving Flake another foot for the garage. Willis asked Flake if this is an investment or a home he will live in. Flake said he will be living in the home. Brimhall said if the variance is allowed the garage should be made an adequate size to take care of needs and increasing the size would not be encroaching on the right of way. Hall said each situation is different and the motion should articulate what justifies this variance.

***A motion was made by Poscharsky and 2<sup>nd</sup> by Kay to approve a variance request to construct a garage up to the property line on Parcel No. 202-11-060 eliminating the 20' yard setback noting the following:***

- ***Safety issue not created because of wide width of street***
- ***100' right of way allows substantial distance from street to property line***
- ***Area lends itself because of the number of buildings that currently encroach setbacks showing consistency***
- ***Two of homes on block treat west side of property as side yard***

• *No issues with utilities  
and stipulating the following:*

- *Owner can build (including overhangs) up to the property line*
- *Owner will not park on the sidewalk*

*Motion passed; unanimous*

B. Approve/Disapprove contract with HintonBurdick for Audit Services for FY 11-12. (Brian Richards)

Richards said the Town received two audit proposals for Fiscal Year 2011-12:

HintonBurdick, CPA's	\$11,875 plus single audit fee of \$1,750
Alyx Cohan, CPA P.C.	\$17,500-\$22,000 with single audit fee

Richards said he did seek a proposal from the current auditor per Council's request. He recommended accepting the proposal from HintonBurdick. He said a single audit is necessary because the amount of federal funds being spent by the Town exceeds \$500,000. Watson said HntonBurdick is a valid firm with a good proposal and already does work in this area. Willis said he feels using a new company.

*A motion was made by Matyas and 2<sup>nd</sup> by Brimhall to approve the contract with HintonBurdick for audit services for FY 11-12. Motion passed; unanimous*

C. Approve/Disapprove purchase of material for Wastewater Treatment Plant Effluent Line Project. (Terry Cooper)

The Town of Snowflake is in the process of relocating the effluent from the Wastewater Treatment Plant to Cottonwood Wash. The design is complete and necessary permitting is nearing completion. In order to discharge our effluent into Cottonwood Wash, a pipeline must be installed from the existing chlorine contact chamber within the treatment plant to Cottonwood Wash. This will consist of approximately 2,500 feet of 15" PVC sewer pipe. With the specified design requiring 6" of bedding material (below the pipe), encasement of the pipe and 12" of shading material (above the pipe), approximately 965 ton will be required to adequately protect the effluent line. Staff is nearing the construction stages of the installation of the pipe and need to purchase the bedding and shading material for the project. Staff requested bids from three material suppliers. Brimhall Sand and Rock submitted a bid of \$16.00/ ton, Perkins Cinder submitted a bid of \$20.00/ ton and Hatch Construction submitted a bid of \$12.25/ ton. Based on the bids received, staff recommends the purchase of approximately 965 tons of bedding and shading material from Hatch Construction for an amount not to exceed \$11,821.25. The estimated quantities and price reflect a 20% contingency as does the purchase price.

Cooper said the Effluent Line is gravity flow. Willis asked why the project has been delayed. Emmett said the biggest obstacle has been the ADEQ process. He said it has not been a typical line process and an amendment to the permit had to be submitted. He said all other permits are in process and the permit that allows work to begin is in place. He said an ADOT encroachment permit will be needed before the project gets to the highway.

Brimhall excused himself from this item because his brother works for Hatch Construction.

***A motion was made by Poscharsky and 2<sup>nd</sup> by Whiting to accept the bid from Hatch Construction for the purchase of approximately 965 ton of bedding and shading material for the Wastewater Treatment Plant Effluent Line Project, not to exceed \$11,821.25. Motion passed; unanimous with Brimhall excused***

D. Approve/Disapprove purchase of manholes for Wastewater Treatment Plant Effluent Line Project. (Terry Cooper)

The Town of Snowflake is in the process of relocating the effluent from the Wastewater Treatment Plant to Cottonwood Wash. The design is complete and necessary permitting is nearing completion. In order to discharge our effluent into Cottonwood Wash, a pipeline must be installed from the existing chlorine contact chamber within the treatment plant to Cottonwood Wash. This will consist of approximately 2,500 feet of 15" sewer pipe. Within that 2,500' of pipeline, seven manholes will have to be installed. Staff is nearing the construction stages of the installation of the pipe and manholes and need to purchase the manholes for the project. Bid requests were sent to Perkins Precast from Show Low, Olsen Precast of Arizona out of Phoenix and Jensen Precast out of Tucson. At the time of this writing, only two bids have been received. Perkins Precast submitted a bid of \$2,092.86 per manhole without tax; Olsen Precast submitted a bid of \$2,195.00 per manhole without tax. Both bids include delivery; however the Perkins Precast bid also includes setting and vacuum testing of those manholes. Based on the bids received, staff recommends the purchase of seven manholes from Perkins Precast that will consist of fabrication, delivery, placement and vacuum testing for a price not to exceed \$15,515.84 with tax included.

Willis asked if this added another \$26,000 to the project. Emmett said this amount is within the budget that was authorized. Cooper informed Council that the Effluent Line is about 6' deep to upwards of 13' near the Silver Creek.

***A motion was made by Matyas and 2<sup>nd</sup> by Davis to accept the bid from Perkins Precast in the amount of \$15,515.84 for the fabrication, delivery, placement and vacuum testing of seven manholes for the Wastewater Treatment Plant Effluent Line Project. Motion passed; unanimous***

E. Discussion/action regarding Town Council work sessions and retreat for 2012. (Paul Watson)

Watson said a schedule has been made for departments to meet with Council on an individual basis at a work session beginning at 5:00 p.m. before the 2<sup>nd</sup> council meeting of each month. The work sessions will be held on-site or in Council chambers. Willis said he will be gone the month of April. Watson said a change can be made for the budget to be discussed in March and Wastewater in April. Kay requested information far enough before the meeting that questions can be addressed.

Watson said that he would like to schedule a retreat for Council to discuss what they would like to accomplish this year. A retreat will be held April 3<sup>rd</sup>. There will be one Council meeting in March on the 20<sup>th</sup> because of Spring Break.

Mayor Willis called for a break-----

Call to Order at 7:00 p.m.

### **CALL TO THE PUBLIC**

Lowry Flake announced that Jack Minnett would be speaking at the Snowflake Fire Station, at 7:30 p.m., on Wednesday, February 15<sup>th</sup>, regarding the effects of electromagnetic pulse and how to prepare for those effects.

F. OPEN PUBLIC HEARING: Regarding use of CDBG funds.

***A motion was made by Willis and 2<sup>nd</sup> by Brimhall to open the Public Hearing regarding use of CDBG funds. Motion passed; unanimous***

Watson said CDBG funds are allocated on a rotation basis and it is our turn to receive the funds which have to be used following certain criteria. He said several projects meeting those criteria were identified in a previous public hearing. They are: Center Street Waterline, Handicap Access Ramp at Town Hall, Fire Sprinkler System at the Snowflake Academy. There were no comments from the public.

G. CLOSE PUBLIC HEARING

***A motion was made by Willis and 2<sup>nd</sup> by Davis to close the Public Hearing. Motion passed; unanimous***

H. Approve/Disapprove Resolution No. 12-01 Adopting Housing Relocation Assistance Plan. (Cathie McDowell)

Watson explained that this resolution needs to be passed to ensure that if there is residential displacement a project will be done to replace that housing. Watson said our projects will not affect any housing.

***A motion was made by Willis and 2<sup>nd</sup> by Whiting to adopt Resolution No. 12-01 Housing Relocation Assistance. Motion passed; unanimous***

I. Approve/Disapprove Resolution No. 12-02 Authorizing Submission of Application for FY12 State Community Development Block Grant (CDBG) Funds. (Cathie McDowell)

Watson said Council must approve this resolution applying for the funding and prioritizing the proposed projects. He said the funding has been cut and the last estimate of available funds is approximately \$186,000 with \$36,000 allotted for administration leaving \$150,000 to use on projects. He said the Center Street Waterline would take the

majority if not all of the funding. The other two projects could both be done with the total funding amount.

Cooper said the Center Street Waterline was installed using sewer line which is not built to hold pressure. He said there have been four breaks in the last year. The area with line needed to be replaced is 5<sup>th</sup> W to 7<sup>th</sup> W on Center Street with laterals on 6<sup>th</sup> W. Cooper said it would require tearing up the center of the road and it is not in this year's plan to resurface the street. He said it would take a couple of months to replace the line and add fire hydrants and service connections. Whiting asked what the cost is to fix breaks. Cooper said the cost of manpower and equipment for a couple of hours. He said the problem with giving a time estimate is that when fixing a break the line continues to split adding to the repair. He said there is one additional requirement to meet for this project to be an eligible project.

Watson said the Ramp at Town Hall would provide one main access in the front of Town Hall with no steps from the curb. He said this project and the Fire Sprinkler System at the Snowflake Academy could both be done.

Willis said fixing the water main that might have future problems is a priority. Brimhall said that no more construction on the Snowflake Academy can be done without the fire sprinklers. He said there are volunteers waiting to do projects after the fire sprinklers are in place. Watson said that the sprinklers should be in place to occupy the building. Willis asked if there will be funds to fix the waterline this fiscal year. Watson said it is not in the budget and the water fund should be charging enough to cover replacement. He said staff is preparing to come to Council with recommendations that still will not include replacement costs. Council discussed enterprise funds to cover all costs including replacement. Watson said that even a 30% increase would not cover replacement costs and there should be reserves for replacements. Watson said he feels there is a real liability with access to Town Hall and the Snowflake Academy Building should have a sprinkler system. He said that the Center Street Waterline should also be kept on the list and then look at rates to replace the line.

*A motion was made by Willis and 2<sup>nd</sup> by Matyas to approve the use of CDBG funds for projects in the following order:*

- 1. Fire Sprinkler system at the Snowflake Academy*
- 2. Handicap Access Ramp at Town Hall*
- 3. Center Street Waterline*

*Motion passed; unanimous*

*A motion was made by Willis and 2<sup>nd</sup> by Whiting to adopt Resolution No. 12-02 Authorizing submission of Application for FY2012 State Community Development Block Grant (CDBG) Funds. Motion passed; unanimous*

## **7. TOWN MANAGER'S REPORT**

None

**8. COUNCIL MEMBER'S SUMMARY OF CURRENT EVENTS**

Matyas and Davis complimented staff regarding the fixing of potholes.

Whiting thanked the Fire Department for obtaining a grant for a new fire engine.

Poscharsky wished "Happy Birthday" to Arizona.

**9. ADJOURNMENT** at 7:39 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the Town of Snowflake Council meeting held February 14, 2012. I further certify that the meeting was duly called and a quorum was present.

Dated this 17<sup>th</sup> day February 2012

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Barbara Flake, Town Clerk