

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD JANUARY 21, 2010 AT 7:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 7:01 p.m. Roll call was taken as follows:

<u>ROLL CALL:</u>	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
Mayor Luke Smith	<u>X</u>	_____	Stephanie Irwin	<u>X</u>	_____
Vice Mayor Rich Crockett	<u>X</u>	_____	Kim Webb	_____	<u>X</u>
Woody Biscoe	<u>X</u>	_____	Leslee Wessel	<u>X</u>	_____
Norris Dodd	<u>X</u>	_____			

STAFF PRESENT:

Kelly Udall, Town Manager; Rosemary Rosales, Town Attorney; Lu Anne Frost, Town Clerk; Mary French-Jones, Grant Coordinator; Paul Esparza, Community Development Director; and Sherwood Eldredge, Chief of Police.

ITEM NO. 2, PLEDGE OF ALLEGIANCE AND INVOCATION:

The Pledge of Allegiance was said, followed with an invocation by Vice Mayor Crockett.

ITEM NO. 3, CALL TO THE PUBLIC:

Mayor Smith explained the rules for Call to the Public.

There was no public participation at this time.

ITEM NO. 4, CONSENT AGENDA:

The consent agenda consisted of the Minutes of the Work Session, Executive Session and Regular Meeting of January 7, 2010; Resolution No. 10-1097 Adopting a Memorandum of Understanding between the Town of Pinetop-Lakeside and the Arizona Community Foundation regarding participation in the VISTA Volunteer Program; and the Arizona Water Protection Fund Grant Payment Request for the Billy Creek Restoration Project.

VICE MAYOR CROCKETT MOVED THE COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 5, MAYOR'S PROCLAMATION OF FEBRUARY 2010 AS "SCOUT MONTH" IN THE TOWN OF PINETOP-LAKESIDE, ARIZONA:

Mayor Smith proclaimed February 2010 as "Scout Month" in Pinetop-Lakeside and encouraged interested citizens to participate as they can.

ITEM NO. 6, MAYOR'S SPOTLIGHT ON BUSINESS – RED DEVIL PIZZA RESTAURANT:

This item was removed from the agenda and will be placed on the February 4, 2010 Town Council Agenda.

ITEM NO. 7, PRESENTATION ON THE CAPITOL CHRISTMAS TREE PROJECT BY JULIA PATRICK FROM PATRICK MEDIA GROUP AND A REPRESENTATIVE FROM THE U.S. FOREST SERVICE:

This item was removed from the agenda and will be placed on the February 4, 2010 Town Council Agenda.

ITEM NO. 8, RESOLUTION NO. 10-1098 AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FY 2010 STATE COMMUNITY DEVELOPMENT BLOCK GRANT REGIONAL ACCOUNT PROJECT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG REGIONAL ACCOUNT PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION:

Mary French-Jones stated it is difficult to make these decisions. She said there are four projects under consideration. She stated the number one priority for the Senior Center is the floor in the dining hall.

Nelson French, Director of White Mountain Catholic Charities, stated they have had a 40% increase in need since the first of the year, and said they are working with homeless prevention program monies right now. He said they have a couple of volunteers, but said they need someone to be trained in taking inputs; as they are stretched beyond their limits. He said they need an administrator to handle these labor-intensive duties. Councilwoman Irwin asked how many people are currently being served. Mr. French stated they have assisted approximately 550 families for the year. Councilwoman Wessel asked what happens to a homeless person in the community. Mr. French said the homeless program is through Salvation Army; however they only take families. He said there is a homeless program and home in Holbrook; and said they would rather put them into a house than a motel room for a couple of nights. He said the homeless prevention program provides assistance for anyone in need.

Jude Steinmetz, President of the Pinetop-Lakeside Senior Center, stated she is here to answer any questions. Councilman Dodd stated, in terms of prioritizing the two Senior Center projects, the dining hall floor is number one. Ms. Steinmetz stated the floor is a safety issue. Councilman Dodd asked about the need of the other project. She stated NACOG and the County may help them replace the oldest appliances (stove and steam table), which are the most important items they need, but said this could be put on the bottom of the list. She stated she is more concerned with the safety issues associated with the floor. Councilwoman Wessel asked how many senior citizens they serve. Ms. Steinmetz stated 10-15 persons per day for lunch in the winter and more in the summer. Councilwoman Wessel asked if they offer other programs besides lunch. Ms. Steinmetz stated they have blood pressure clinics, an exercise class; and said they also do taxes on Tuesdays for seniors.

Ms. French-Jones stated the equipment purchase for the Senior Center is not a viable project for the State Special Projects application. Kelly Udall asked if both projects are competitive, and asked which project is the most competitive to qualify for State Special Project funding. Ms. French-Jones stated there is an established measure of competitiveness because they both meet the low to moderate income status at the National and State level. She stated both the Senior Center and White Mountain Catholic Charities have good relationships with NACOG. She said when they are competing with a community that has 82% low to moderate income, it reduces the competitive edge. Mr. Udall stated the allocation would be \$264,568, and said if the Council decides to follow through with the Town's project, the grant administration budget would be \$47,622. He asked if the allocation comes to the Town and the budget changes down the road that does not get funded through SSP, could they later decide to reduce the scope of work of the sidewalk project. Ms. French-Jones stated she thought they could reduce the scope of work, but could not change the scope of work once submitted. She added it has to meet standards associated with Federal funding. Councilman Dodd asked if the project could be enriched with development impact fees. Mr. Udall stated he did not believe the parameters of impact fees would be allowed. He asked if they could fund some projects with both the regional account and SSP and if they receive funding for both, could they allocate the funds differently. Ms. French-Jones stated the projects have to be prioritized and announced. Mr. Udall asked if they could submit all three projects under the regional account and also apply through SSP for the other two projects that qualify. Ms. French-Jones said she believed they would require more clarity. Councilman Dodd asked if projects submitted under the regional account are guaranteed to be funded. Ms. French-Jones stated as long as they qualify. Councilwoman Wessel asked if the \$264,568 is for the regional projects. Ms. French-Jones confirmed and stated submissions could run up to \$300,000. Councilwoman Wessel stated her concern is that if they do not use it, it would be returned. She said they need to determine what benefits are needed the most, and said they need to set funds aside for administrative funds. She stated the improvements to Jackson Lane serve the entire community, and said CDBG funds are the sole source of revenue for projects of this nature. Ms. French-Jones confirmed that a match is not needed through this type of funding. Councilwoman Wessel asked about in-kind matches. Ms. French-Jones confirmed this would include her time, as well as other staff members' time. Councilman Dodd asked if they could reduce the kitchen improvements for the Senior Center and the Jackson Lane project. Councilwoman Wessel said the dining hall floor is the priority, and said two projects could be funded through SSP. Vice Mayor Crockett said the SSP projects are not guaranteed to be funded. He asked if they reduced the linear feet for the Jackson Lane project, would that free up funds for the other projects. Mr. Udall said he does not have exact numbers and said it could free up some monies, but said they could try to pick it up in another year. Ms. French-Jones said the project needs to be a "stand-alone" project and be completed by the end of the grant cycle. She explained the sidewalk needs to make sense and not just stop at a certain number of feet.

Councilwoman Wessel said under the SSP, she would like the Senior Center renovation as priority number one and the Catholic Charities project as number two. She added under the regional application; she would like the Town's project as number one, Catholic Charities as number two, and the Senior Center renovation as number three. Councilman Dodd said he prioritized \$180,000 to the Town's project, \$30,000 to the Senior Center kitchen improvements, \$14,568 to White Mountain Catholic Charities, and \$40,000 to the Senior Center floor renovation. Ms. French-Jones stated if the Senior Center has to prioritize equipment, it would include the steam table and cook stove. Councilman Dodd said he would like to re-figure the priorities with \$200,000 towards the Town's project, \$10,000 to the Senior Center kitchen

equipment, \$14,568 towards the White Mountain Catholic Charities, and \$40,000 for the Senior Center renovation. Mary French-Jones said there has been a request from the Senior Center to drop the kitchen equipment request.

Mr. Udall stated they are not considering the grant administration fee, which is an additional amount. Ms. French-Jones said they could capture 18% under the regional request and said they are offering in-kind personnel to manage the SSP grant. Vice Mayor Crockett asked if the administrative costs could be included if the kitchen equipment amount was reduced. Mr. Udall confirmed the Town can get \$47,622 towards Ms. French-Jones time, but said this would reduce the grant funding amount towards any projects. He suggested they disregard the in-kind costs. Councilwoman Wessel said they should be considering the Senior Center renovation, Catholic Charities request, and the Jackson Lane project to include re-capture of the administrative costs. Vice Mayor Crockett said the time spent could be less than 18%. Mr. Udall suggested they use the 18% figure for administrative costs. Councilwoman Wessel asked what the 18% would be used for. Ms. French-Jones said it would cover her time, as well as other staff members' time. Mayor Smith said he was uncomfortable having the Jackson Lane project go forward without asking for the full amount to insure it gets completed. Councilman Dodd asked if there are other grant sources under the Lakeside Village Redevelopment District. Ms. French-Jones stated hypothetical dollars cannot be matched with a grant, and said there is nothing in place at this time. Mr. Udall suggested they consider the Jackson Lane project as priority one, the Senior Center renovation as number two, and to include grant administration costs. He added that the White Mountain Catholic Charities amount could be requested under SSP as it is for one year. Mayor Smith stated he felt this was a viable option.

COUNCILWOMAN WESSEL MOVED THE COUNCIL APPROVE RESOLUTION NO. 10-1098 AND AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE STATE OF ARIZONA, DEPARTMENT OF HOUSING FOR FY 2010 CDBG REGIONAL ACCOUNT PROJECT FUNDS, AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION AND CONTRACT OR GRANT DOCUMENTS FOR RECEIPT AND USE OF THESE FUNDS FOR THE FOLLOWING: JACKSON LANE SIDEWALK PROJECT, PINETOP-LAKESIDE SENIOR CITIZENS, INC. DINING ROOM FLOOR RENOVATION AND FIRE ALARM SYSTEM, AND GRANT ADMINISTRATION. VICE MAYOR CROCKETT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 9, RESOLUTION NO. 10-1099 AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FY 2010 STATE COMMUNITY DEVELOPMENT BLOCK GRANT STATE SPECIAL PROJECT FUNDS, CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG SPECIAL PROJECTS PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION:

COUNCILMAN DODD MOVED THE COUNCIL APPROVE RESOLUTION NO. 10-1099 AND AUTHORIZE SUBMISSION OF AN APPLICATION TO THE STATE OF ARIZONA, DEPARTMENT OF HOUSING FOR FY 2010 CDBG STATE SPECIAL PROJECT FUNDS, AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION AND CONTRACT OR GRANT DOCUMENTS FOR RECEIPT AND USE OF THESE

FUNDS FOR THE WHITE MOUNTAIN CATHOLIC CHARITIES PROGRAM. VICE MAYOR CROCKETT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 10, RESOLUTION 10-1100 COMMITTING LOCAL IN-KIND FUNDS AS LEVERAGE FOR FY 2010 COMMUNITY DEVELOPMENT BLOCK GRANT STATE SPECIAL PROJECT APPLICATION:

Ms. French-Jones stated this is for the in-kind amount for White Mountain Catholic Charities.

COUNCILWOMAN WESSEL MOVED THE COUNCIL APPROVE RESOLUTION NO. 10-1100 TO COMMIT THE AMOUNT OF \$2,995 FOR LOCAL IN-KIND FUNDS AS LEVERAGE FOR THE FY 2010 CDBG STATE SPECIAL PROJECT PROGRAM. VICE MAYOR CROCKETT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 11, BOARD OF ADJUSTMENT CONSIDERATION OF A VARIANCE REQUEST TO ALLOW A GAZEBO THAT HAS BEEN CONSTRUCTED TO REMAIN WITHIN ONE FOOT OF THE HOUSE DUE TO THE IRREGULAR SHAPE OF THE PROPERTY LOCATED AT 1885 E. ELK LANE, APN 311-47-098G, CURRENTLY ZONED R-LOW. THE APPLICANTS ARE ROBERT AND DEBRA ERLER:

Paul Esparza stated this variance is for a structure that has already been built. He said there is a photograph and a site plan in the packet. He stated the property is located in an R-Low zoning district, which requires a 15-foot distance between buildings. He said the gazebo is considered a building, and said it has a rear yard setback of at least 2 feet. He explained the variance request is for distance between buildings. He said there was no permit issued for this building. He said the lot is an irregular shape with a sloped lot having special circumstances. He said the Pinetop Fire Department has no concern with the location of the gazebo. He stated the Community Development Department received several telephone calls and one e-mail in opposition. Mayor Smith asked if the phone calls expressed the same type of concern as the e-mail. Mr. Esparza confirmed they did. Councilman Dodd asked if this project would require a building permit. Mr. Esparza stated it would. Councilman Biscoe asked if there would be an issue if the top was taken off and it was just a porch. Mr. Esparza stated the roof is what defines the structure. Councilwoman Wessel asked if the carport on the other side of the residence would have been allowed. Mr. Esparza stated they should have obtained a building permit for the carport. Councilwoman Wessel asked if they do not grant the variance, would they have to remove the structure. Mr. Esparza stated that would be an option. Mayor Smith asked how many carports and patios within the Town limits are built without permits. Mr. Esparza stated those probably exist, but said he did not have a count. Councilman Biscoe asked if there are any problems with the curb appeal. Mr. Esparza stated it is very presentable. Councilman Dodd stated there may be similar projects that do not extend into the setbacks. Mr. Esparza clarified the setback is not the issue, but said it is about the distance between structures. Councilwoman Irwin stated it does not affect the neighbors.

COUNCILMAN DODD MOVED TO ADJOURN THE REGULAR MEETING AT 8:17 P.M. AND CONVENE THE BOARD OF ADJUSTMENT. COUNCILMAN BISCOE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

George Barrera of Barrera Construction stated the owners could not make it due to the weather. He said the property is shaped like a blimp and said if they allowed for 30 feet on the back and 30 feet on the front, it would only leave about 40 feet to build on. He said they built the gazebo over the existing patio and did not dig a footing. He said he was dumb for not coming to the Town sooner and said he did not realize the variances were so large on the parcel.

Councilman Dodd stated the contractor should realize the process is to obtain the permit first, before the structure is built, even though the property was a challenge. Councilwoman Wessel suggested a strongly worded letter be sent to the property owners about permits and other requirements. Mayor Smith asked if there are any fines or penalties for building without a permit, and asked if the applicant would pay the permit fees retroactively. Mr. Esparza stated he is not aware of any penalties. Rosemary Rosales stated she believed there may be some general penalties that go along with not following the building code.

COUNCILWOMAN IRWIN MOVED THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUEST TO ALLOW THE GAZEBO TO REMAIN WITHIN ONE FOOT OF THE HOUSE DUE TO THE IRREGULAR SHAPE OF THE PROPERTY LOCATED AT 1885 E. ELK LANE, APN 311-47-098G. COUNCILMAN BISCOE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

COUNCILWOMAN WESSEL MOVED TO ADJOURN THE BOARD OF ADJUSTMENT. COUNCILMAN BISCOE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

MAYOR SMITH RECONVENED THE REGULAR MEETING AT 8:24 P.M.

ITEM NO. 12, RESOLUTION NO. 10-1101 APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF PUBLIC SAFETY AND THE PINETOP-LAKESIDE POLICE DEPARTMENT FOR THE CONTINUED IMPLEMENTATION OF A JOINT DUI ENFORCEMENT PROGRAM:

Chief Eldredge stated this is a two-pronged resolution which includes continued participation in the White Mountain DUI Task Force to pay for overtime, and the amount of \$10,000 going towards DUI enforcement activities in the Town of Pinetop-Lakeside.

VICE MAYOR CROCKETT MOVED THE COUNCIL APPROVE RESOLUTION NO. 10-1101 APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF PUBLIC SAFETY AND THE PINETOP-LAKESIDE POLICE DEPARTMENT FOR THE CONTINUED IMPLEMENTATION OF A JOINT DUI ENFORCEMENT PROGRAM. COUNCILMAN BISCOE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 13, CURRENT EVENTS BY TOWN MANAGER:

This item was presented during the Work Session.

The regular meeting was adjourned at 8:27 p.m.

Dated this 28th day of January 2010.

PINETOP-LAKESIDE TOWN COUNCIL

/s/ Lu Anne Frost, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Pinetop-Lakeside, Arizona, held on the 21st day of January 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of January 2010.

/s/ Lu Anne Frost, Town Clerk