

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

Mayor Smith called the Regular Meeting to order at 7:00 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>	<u> </u>	Stephanie Irwin	<u>X</u>	<u> </u>
Vice Mayor Rich Crockett	<u>X</u>	<u> </u>	Kim Webb	<u> </u>	<u>X</u>
Woody Biscoe	<u>X</u>	<u> </u>	Leslee Wessel	<u>X</u>	<u> </u>
Norris Dodd	<u>X</u>	<u> </u>			

STAFF PRESENT:

Kelly Udall, Town Manager; Rosemary Rosales, Town Attorney; Lu Anne Frost, Town Clerk; Woody Eldredge, Chief of Police; and Tom Thomas, Public Facilities Director.

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.

Debe Campbell stated she is here to deliver some facts on Proposition 203, Medical Marijuana. She stated once the proposition is voted in the Council has 120 days to have any zoning in place. She stated, no matter how they feel about medical marijuana, the initiative is flawed. She stated all Arizona sheriffs, county attorneys and both gubernatorial candidates are against this legislation. She stated they designed this proposition to prey on voters' sympathy for the terminally ill. She stated they wrote the proposition to decriminalize marijuana in Arizona. She said it creates legal barriers for law enforcement, prosecutors, courts, state licensing entities, schools, property owners, and employers. She stated it decreases the perceived harm and social disapproval, which leads to an increase in drug use. She provided statistics for drug use among Navajo County youth. She stated the proposition lowers the perception of risk for smoking marijuana. She stated the American Medical Association, National Multiple Sclerosis Society, American Glaucoma Society, American Academy of Ophthalmology, and American Cancer Society have rejected marijuana as medicine. She said the FDA has approved Marinol, a prescription medicine containing synthetic THC, and said Marijuana remains a Schedule 1 Federally Controlled substance, and said neither the FDA or Institute of Medicine have found medicinal value. She stated a medical marijuana cardholder could be a qualifying patient, designated caregiver, or a non-profit medical marijuana dispensary agent. She said cardholders become a protected class under the law so property owners, schools, and employers could not discriminate against them solely because of their cardholder status. She stated it would be illegal to refuse to hire, discipline, or terminate any employee, based solely on the status as a medical marijuana cardholder, or solely on a marijuana-positive drug test. She stated the initiative, as written, allows doctors to issue a written certificate, not a prescription, that a patient is likely to

receive therapeutic or palliative benefit from marijuana use. She stated a qualifying patient has cancer, glaucoma, HIV, Hepatitis C, Chron's Disease, Alzheimer's, Amyotrophic Lateral Sclerosis, or a chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: wasting syndrome, severe and chronic pain, severe nausea, seizures, severe and persistent muscle spasms, or any other medical condition or treatment. She noted 96% of the current cardholders are 17 to 35 years of age with chronic pain, and said 2 to 4% suffer from debilitating conditions. She stated a designated caregiver is a person who assists the patient with marijuana use. She said they must be 21, not convicted of a violent felony, and can be a caregiver to five qualifying patients. She stated they would be exempt from prosecution in handling and delivery, and said they can charge for services. She said doctors are required to conduct a full patient exam and medical history, but said it does not have to be in person. She said individuals under the age of 18 would require certification from two physicians and the parent/guardian, and said parents control administration. She stated research indicates marijuana use severely hampers a child's learning ability and brain development. She stated the allowable amount of marijuana would be five usable ounces over a 28-day period. She stated probationers, who are not currently allowed any substance use, including alcohol, would be allowed to use medical marijuana. She said the initiative does not authorize possessing or engaging in the medical use of marijuana on a school bus, on school grounds, on any form of public transportation, in a correctional facility, or in any public place. She stated there is no parallel to DUI alcohol and DUI medical marijuana. She stated cardholders, including school bus drivers and commercial drivers, would be allowed to drive with the marijuana metabolites in their system, contrary to current state law. She stated licensed medical marijuana facilities would be limited to a 1 to 10 ratio of licensed pharmacies, and said they may get one in Navajo County. She stated as a non-profit, the dispensary sales are not taxable, and said a non-profit medical marijuana dispensary: acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and materials. She stated there are no limits on where the marijuana could be acquired from or grown, and said there is no restriction on the amount of marijuana a dispensary could grow. She stated a patient who resides more than 25 miles from a medical marijuana facility may grow up to 12 plants of their own or a caregiver can grow 60. She stated a registered medical marijuana dispensary is not subject to prosecution, search, or inspection, except by the Department of Health Services, and with advance notice. She said dispensaries and cultivation sites are permitted in residential neighborhoods, next to drug treatment centers, less than two blocks from any school and adjacent to any daycare center, library, park, or any other place where children congregate. She stated dispensary and cultivation sites in other states have become magnets for criminal activity, including drug trafficking, money laundering, assaults, burglaries, armed robberies, gang activity, home invasions and murders. She stated she was just providing the highlights and encouraged the Council to read the proposition.

Eric Kramer stated there is a citizen's initiative on Woodland Lake Park. He said it would build on the work the Task Force and others have done. He said the initiative provides a sales tax of .04%, or four cents on a \$10 purchase. He said the tax would begin in June of 2013, after the state's 1% tax has sunset. He said the 100-acres of the Walnut Creek Node across from Safeway would be allowed to be developed as a Town center, and said the Town would have a big role in that development. He said they have had volunteers working throughout the community during the summer. He said there are 2,400 registered voters in the Town of Pinetop-Lakeside, and said they were able to gather signatures from 1/3 of the registered voters, which equates to approximately 780 signatures. He thanked the Town Council for the work they have done on

this issue; and said they have full confidence the Council would be able to administer this initiative once enacted by the voters in March.

ITEM NO. 4, CONSENT AGENDA:

The consent agenda consisted of Minutes of the Executive Session and Special Meeting of September 30, 2010; the Minutes of the Work Session and Regular Meeting of October 7, 2010; and the Check Register for September 2010.

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

ITEM NO. 5, SPOTLIGHT ON BUSINESS – MAMA BEAR'S RESTAURANT:

Mayor Smith recognized Jineane Ross of Mama Bear's Restaurant for contributions made to the Blue Ridge School District and the Community of Pinetop-Lakeside; and presented Ms. Ross with a plaque. Ms. Ross stated these are hard times, but said they have to keep giving and helping people, and stated it is not just Mama Bear's. She said she sees other restaurants doing the same; and said, although they have had to cut back on some things due to the poor economy, this is very important. She stated Mama Bear's is in its 9th year, and said she appreciates everyone coming in and helping. She stated her appreciation for the shop local campaign. Councilmember Dodd thanked Ms. Ross for all she has done in the community, and for the support of the White Mountain Wildlife and Nature Center.

ITEM NO. 6, MAYOR'S PROCLAMATION OF WHITE MOUNTAIN ROTARY CLUB WORLD POLIO DAY:

Mayor Smith proclaimed October 24, 2010 as White Mountain Rotary Club World Polio Day in the Town of Pinetop-Lakeside, and invited all citizens to support Rotary's goal for a polio-free world, making it only the second disease, after smallpox, to be eradicated forever. Ryan Reinhold thanked the Council for supporting this proclamation.

ITEM NO. 7, MAYOR'S PROCLAMATION OF ARIZONA CITIES AND TOWNS WEEK:

Mayor Smith proclaimed the week of October 25-29, 2010 as Arizona Cities and Towns Week in Pinetop-Lakeside.

ITEM NO. 8, MAYOR'S PROCLAMATION OF RED RIBBON WEEK:

Rob Jarvey stated they are very proud of the Young Marines. He said the red ribbons denote a week of remembrance of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, and former Marine, who was murdered in the line of duty, and who gave his life to stop illegal drug use. He stated the Young Marines is a youth organization that follows the Marine Corps guidelines, and said that is why this is so important for the Young Marines and the community. He pointed out the statue of the Minute Man, and stated the Young Marines received this award for their support of the National Guard while they were deployed. He also presented an accommodation award for what they have done in their community and for their assistance with

the Vietnam Traveling Wall in Payson. He stated this is the fourth highest service honor any Young Marine unit could achieve, and said this is the first unit in Arizona to earn this award. He stated they need adult staff to assist them to become better Young Marines, and said they meet on Mondays at the teen center in Show Low.

Mayor Smith proclaimed October 24-30, 2010 as Red Ribbon Week in the Town of Pinetop-Lakeside, and urged all citizens to join in this special observance.

ITEM NO. 9, RESOLUTION NO. 10-1153 IN SUPPORT OF A FOUR-YEAR DEGREE GRANTING INSTITUTION OF HIGHER EDUCATION:

Kelly Udall stated this resolution is in support of a four-year degree opportunity concept. He said the resolution points out some of the advantages of having a four-year institution in this community.

Bob Butler thanked the Council for the opportunity to discuss this item. He said, since they last met in September, there has been ongoing dialog with Northern Arizona University and the University of Arizona. He stated NAU has provided additional details about their programming at Yavapai College in Prescott Valley, and would provide the information to anyone requesting it. He stated they are also considering some private school prospects in the event the state universities are unable to perform. He said they have looked at Grand Canyon University in Phoenix, St. Johns University in Santa Fe, New Mexico, and BYU in Provo, Utah. He said, since meeting with the Pinetop-Lakeside Council, they have had the opportunity to preview the concept with Show Low, Snowflake, Taylor, and the Navajo County Board of Supervisors. He said they also plan to visit Eagar and Springerville. He said this is not an easy process, and said he started this project a year ago.

Mark Vest stated he is the Vice President for Learning and Student Services of Northland Pioneer College. He stated, on Tuesday, the NPC District Governing Board drafted a resolution on the question of bachelor's degree opportunities in the service area including the White Mountains. He said the District Governing Board considered three options. He said one of the options is the idea of bringing in a separate four-year degree granting institution. He said the second option would be to promote legislation at the state level to allow community colleges to grant 4-year degrees. He said the third option would be to continue a process to increase tight articulation agreements between local community colleges and the state universities, especially as state universities move more of their bachelor's degree systems online, and allow community college students to stay in their local area to complete the last 2 years of their bachelor's degree online. He said the District Governing Board feels, at this time, the most cost effective way to approach the question of bachelor's degree availability for students in Navajo and Apache Counties, is to continue exploring articulation agreements and drafting those articulation agreements between the community college system in the state and either state or private institutions. He stated they are currently involved in both, and said the District Governing Board said numerous times that their primary focus is what is feasible today, based on the economy and the state budget.

Mayor Smith stated he appreciates the efforts that have been put forth, and said the partnership with NPC is important. He said they should support the community college district's vision for the short-term, and said he thinks NPC would be taking the leading role. He said he is concerned

with the wording "in the near future," and said it is problematic. Councilmember Wessel stated they could change the language to read, "supporting such a venture as feasibly possible for the future." Councilmember Dodd stated "by all means at its disposal," and said he thinks they have some means. He said they have supported this concept in the Strategic Management Plan, and said this discussion is at the forefront of some of the discussions about the Walnut Creek Node and the Town potentially acquiring Forest Service land where some kind of a higher education and job work force training center could be integrated. He said he thinks they have some tangible things they might be able to pursue in the near future. Mayor Smith stated if anything is going to happen, it would be through NPC. Vice Mayor Crockett asked how long NPC has been working on a 4-year degree program. Mr. Vest stated NPC has not pursued 4-year degree programs, as they have watched Eastern Arizona College try it and fail. He said the discussion at the County level is if this should be a primary effort by the county lobbyists, and said he is not sure where the County stands on making it a focus of their legislative agenda. Mayor Smith asked if the community colleges coordinate lobbying efforts. Mr. Vest stated there is a statewide president's council who share lobbyists, and said a number of the rural community colleges have banded together and have lobbyists that represent the interests of community colleges. He stated offering a 4-year degree program is not simply an issue of money for a community colleges. He said there is a significant change in accreditation that would be required, and said that could be a fairly slow and difficult process. Vice Mayor Crockett stated it would probably be harder for a community college to become a 4-year accredited college as opposed to asking one of the state universities to expand and open a 4-year university in a rural community. Mr. Vest stated he believes the challenges would be different. Mr. Butler stated their challenge was to present this concept to the communities, ascertain their commitment, and then to partner with NPC to provide the lower division credits that could be transferred to a 4-year institution to finish the bachelor's degree.

COUNCILMEMBER WESSEL MOVED TO ADOPT RESOLUTION NO. 10-1153 IN SUPPORT OF A FOUR-YEAR DEGREE GRANTING INSTITUTION OF HIGHER EDUCATION BY ADDING "WITH THE LOCAL COMMUNITY COLLEGE" AND "SUPPORTING SUCH A VENTURE AS IS FEASIBLE FOR THE FUTURE BY ALL MEANS AT ITS DISPOSAL." COUNCILMEMBER IRWIN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 10, ORDINANCE NO. 10-344 ADOPTING TOWN CODE CHAPTER 8.16, "FIREWORKS" BY ADDING REGULATIONS FOR THE USE OF FIREWORKS:

Chief Eldredge stated this is the same ordinance they brought before the Council earlier, with some changes the fire districts requested. He stated there was some concern by the fire districts that they were going to be responsible for the enforcement of people setting off fireworks. He stated they reworded the enforcement section to indicate the police department, Town Attorney, or fire department fire marshal could issue civil citations. He said the police department and Town Attorney are the only ones who could issue criminal citations. He said the other request was for the Town to be a part of the permitting process for commercial fireworks, and said there is a joint permitting process that allows review of the permit and recommendations to approve or decline. He said it also gives both the police department and fire districts the authority to pull any permit if the fire restrictions are high. He stated they left the liability expense for the emergency response at the quarter million-dollar mark.

COUNCILMEMBER DODD MOVED TO APPROVE ORDINANCE NO. 10-344 ADOPTING TOWN CODE CHAPTER 8.16, "FIREWORKS" BY ADDING REGULATIONS FOR THE USE OF FIREWORKS. VICE MAYOR CROCKETT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 11, RESOLUTION NO. 10-1150 RESCINDING RESOLUTION NO. 10-1141 WHICH APPROVED AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND THE LAKESIDE FIRE DISTRICT; AND ADOPTING A NEW INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND THE LAKESIDE FIRE DISTRICT FOR DISPATCHING SERVICES:

Chief Eldredge stated the Council approved the agreement prior to the Lakeside Fire District passing it. He said it went to their attorney who made some changes. He stated the changes are not substantive, but said there was a change to the statutes cited. He stated there were negotiations between the Town Attorney and the Fire District Attorney regarding educational responsibilities, which he said resulted in added definitions.

COUNCILMEMBER WESSEL MOVED TO ADOPT RESOLUTION NO. 10-1150 RESCINDING RESOLUTION NO. 10-1141 WHICH APPROVED AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND THE LAKESIDE FIRE DISTRICT; AND ADOPTING A NEW INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND THE LAKESIDE FIRE DISTRICT FOR DISPATCHING SERVICES. COUNCILMEMBER DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 12, RESOLUTION NO. 10-1151 AUTHORIZING THE MAYOR TO ENTER INTO A GRANT-IN-AID AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE TOWN OF PINETOP-LAKESIDE FOR FUNDING UNDER ARIZONA PROPOSITION 202:

Chief Eldredge stated this is an exciting opportunity. He stated they received \$413,163 in grants, and said this is one of them. He stated Mary French-Jones and Rhetta Rogozinski did an exceptional job in preparing this grant. He stated there were over 250 applications, and said the Town received \$28,000. He said the purpose of the Grant-In-Aid agreement is to ensure the money would be spent as indicated. He stated this would place an 800-megahertz transmitter on the tower to allow better communication with the mobile data computer.

VICE MAYOR CROCKETT MOVED TO ADOPT RESOLUTION NO. 10-1151 AUTHORIZING THE MAYOR TO ENTER INTO A GRANT-IN-AID AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE TOWN OF PINETOP-LAKESIDE FOR FUNDING UNDER ARIZONA PROPOSITION 202. COUNCILMEMBER IRWIN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 13, RESOLUTION NO. 10-1152 ADOPTING A SNOW AND ICE REMOVAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND V MOUNTAIN CONSTRUCTION, INC.:

Tom Thomas stated they initially put this bid out in July. He stated they advertised it in the newspaper, and placed it on the Town's website as required. He said no bids were submitted; and said they re-bid the project in September. He said, in September they utilized the bid list compiled by Town, and mailed out the bid notices to the contractors. He said they received one bid from V Mountain Construction. He referred the Council to the bid schedule on page 62, and explained the bid was based on the hourly and unit cost. Vice Mayor Crockett asked if it would be the same process as last year by using staff first and the contractor last. Mr. Thomas stated this contract is in the event the Town has the available funds and the need would dictate that. He said they would like to keep the snow plowing in-house to keep the costs down.

VICE MAYOR CROCKETT MOVED TO ADOPT RESOLUTION NO. 10-1152 ADOPTING A SNOW AND ICE REMOVAL AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND V MOUNTAIN CONSTRUCTION, INC. COUNCILMEMBER WESSEL SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 14, CURRENT EVENTS BY TOWN MANAGER:

Mr. Udall presented this item during the work session.

ITEM NO. 15, PERSONNEL ISSUE. QUARTERLY PERFORMANCE EVALUATION OF L. KELLY UDALL, TOWN MANAGER. PURSUANT TO A.R.S. SECTION 38-431.03 (A)(1) THE COUNCIL WILL ENTER INTO EXECUTIVE SESSION TO DISCUSS THIS ITEM:

Vice Mayor Crockett excused himself from this item due to a conflict of interest.

COUNCILMEMBER DODD MOVED TO ENTER INTO EXECUTIVE SESSION AT 8:21 PM. COUNCILMEMBER IRWIN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

Mayor Smith reconvened the regular meeting at 9:01 p.m.

The Regular meeting adjourned at 9:02 p.m.

Dated this 26th day of October 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 October 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of October 2010.

/s/ Lu Anne Frost, Town Clerk