

**MINUTES OF THE REGULAR MEETING OF THE HONORABLE TOWN
COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD
ON THURSDAY, FEBRUARY 17, 2022 IN THE TOWN COUNCIL
CHAMBERS LOCATED AT 325 W. WHITE MOUNTAIN BOULEVARD,
LAKESIDE, AZ 85929**

➤ **Call to Order**

Mayor Irwin called the meeting to order at 6:00 p.m.

➤ **Roll Call**

The following Council Members were present:

Name	Position
Stephanie Irwin	Mayor
Jerry Smith	Vice Mayor
Lynn Krigbaum	Council Member
Jim Snitzer	Council Member
Paul Watson	Council Member
Sterling Beus	Council Member

Also Present:

Name	Position
Keith Johnson	Town Manager
Kevin Rodolph	Assistant Town Manager/Finance Director
Jill Akins	Town Clerk
Kristi Salskov	Deputy Town Clerk
Dan Barnes	Police Chief
Matt Patterson	Public Works Director
Jeremiah Loyd	Community Development Director
Chelsea Haas	Animal Control / Code Enforcement

➤ **Pledge of Allegiance and Invocation**

Mayor Irwin led the Pledge of Allegiance to the Flag.

Tony Alba delivered the Invocation.

B. Call to the Public

Mayor Irwin called for public comments.

James Brimhall offered the following comments: *“Good evening, Mayor and Vice Mayor. I would like to thank you for the time you spend serving our community. I know much of your time and effort is not visible to the public and you do great work that goes un-noticed. I have much respect for the town employees and for those that volunteer to support our town and citizens. Over the past year, five Town Council meetings have been canceled and a handful of meetings were short in duration. As a citizen I ask, why are these meetings being canceled or only have a short agenda? It is frustrating when meetings are canceled or adjourned early when there are so many things that need to be discussed regarding major issues and opportunities. I ask the Council to have a list of items that they find to be important that can be added as possible agenda topics. Some conversations will be hard and different opinions will be shown, but there are so many topics that need to be discussed and addressed. I would like to hear the Council discuss the economic development plan, how is the town preparing and reacting to climate change, plans for our protection within our town limits, ideas to invite families to live in our town and not just cater to tourists, reduction of workers in a workforce, reducing the brain drain on our most talented youths, lessons learned from the Council RV park, lessons learned from the paradise and campfires in California. We can even look at our General Plan. How are we meeting these goals? What conversations need to occur? I understand our community and assignments. I understand you have retreats. I understand some of these questions are large and evolve. If the town has had these or any other type of discussion, where are the notes? Where can citizens find these conversations? All I can easily find are documents from 2015. We are citizens and businesses that want to be more engaged, but a topic that impacts them has yet to be on an agenda. Where can they openly provide their opinion? Please re-think before adjourning early when there is so much that needs to be discussed. I ask you not to take offense, but I love this area and I want the best for our community, Thank You.”*

C. Consent Agenda

Mayor Irwin announced consideration of the Consent Agenda and explained that all items listed would be acted upon by a single vote of the Council, unless a

member of the Council asked that specific items be removed from the Consent Agenda, discussed, and voted upon separately.

Vice Mayor Smith moved for passage of the Consent Agenda. Council member Beus seconded the motion and by show of hands the following vote was recorded:

	AYES	NAYS	ABSTAIN
Mayor Irwin	X		
Vice Mayor Smith	X		
Council Member Krigbaum	X		
Council Member Snitzer	X		
Council Member Watson	X		
Council Member Beus	X		

Mayor Irwin then declared that all consent agenda items in these minutes were approved, passed, and adopted with a 6-0 vote.

C.1 Consider approval of the Minutes of the Town Council Meeting held on February 3, 2022.

By a unanimous vote under the Consent Agenda, Town Council approved the minutes of the Town Council Meeting held on February 3, 2022.

C.2 Consider approval of a Special Event Liquor License from the Rotary Club of the White Mountains for the White Mountains Chili Cook-off at Mountain Meadow on May 21, 2022.

By a unanimous vote under the Consent Agenda, Town Council approved the Special Event Liquor License from the Rotary Club of the White Mountains for the White Mountains Chili Cook-off at Mountain Meadow on May 21, 2022.

D. Business Before the Council

Mayor Irwin announced that Public Comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by Staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

D.1 Recognition of Public Servant Awards for Law Enforcement, Firefighter and Emergency Medical Technician of the Year

John Beeler presented the following awards:

1. State Trooper Seth Stephens – Arizona Department of Public Safety
2. Officer Jonathan Crow – Pinetop-Lakeside Police Department
3. Deputy Nathan Ostertag – Navajo County Sheriff's Office
4. Detention Deputy Natalie Johnson – Navajo County Sheriff's Office
5. Manny Cooley Jr. – Emergency Medical Technician – Pinetop Fire Department
6. Mario Dopazo – Firefighter – Pinetop Fire Department

D.2 Black History Month Proclamation.

Mayor Irwin read the proclamation.

D.3 Public Hearing and Consider Ordinance No.22-445 and Resolution No. 22-1607 amending Town Code, Title 5, Chapter 5.12, Special Event Permits.

Director Jeremiah Loyd explained that vendors have been organizing special events within the Town which are a draw to the area and bring additional dollars to our community. The requirement for a Special Event Permit is mandated by Title 5 Chapter 5.12. Currently the timeframe is limited to 10 days and no more than 4 times per year. This presents some challenges to the coordination for vendors and the permitting requirements, which also entail a single vendor permit being obtained. Special event promoters are circumventing the 4 times per year maximum requirement by submitting the same event under another applicant. It may not be in the best interest of the town to limit these events. It also does not create a level playing field for all events. For instance, if an event is only on the weekends a Special Event Permit costs \$100 for two weekends, as opposed to if you hold a continuous event for the 10 days it still costs \$100. One way of rectifying this is to charge on a per day basis for the Special Event Permit such as \$10 per day. Then perhaps look at changing the limit requirements from 4 max to 40 days max. That way a promoter could list the days of the events and pay for up to 40 days, or \$400 dollars, not necessarily consecutive dates. Essentially, the fees collected would remain unchanged. It would ease the requirements of the

permitting process. Staff recommends that the Council adopt amended Town code Title 5, Chapter 5.12, Special Event Permits.

Councilor Snitzer asked Community Director Loyd if he knew approximately how many of these permits the town takes in annually. Director Loyd explained that he did not have a count at this time.

Councilor Watson inquired about the revenue the Special Events bring in. Director Loyd answered that he does not have that information.

Vice Mayor Smith commented that the town went through this a few years back and one of the considerations he hopes the town and staff makes is what our current business owners think of these events. Vice Mayor Smith feels that this hurts the local business owners and that he would like to see a little more input from our local businesses.

Community Development Director Loyd addressed the concern of Vice Mayor Smith by sharing another side of Special Events. Director Loyd explained that when people, such as tourists, come to our community they see our local businesses, they see a farmers' market or craft fair, and they have a good time and they want to come back.

Councilor Beus explained that he could see both sides of the argument, Councilor Beus states that he met with staff and investigated the revenue these events bring in. He also spoke with business owners and knows how important sales are to their success.

Councilor Snitzer acknowledged his concern for the towns brick and mortar business owners and that the special event vendors are not here to promote the Town.

Councilor Krigbaum inquired on what other cities and town's do when it comes to street fairs.

Town Manager Keith Johnson stated that neighboring City of Show Low, has a farmers market every Saturday in the summer which is supported by the Main Street Association. Town Manager Johnson explained that it is his understanding that Pinetop-Lakeside has more requirements for obtaining a permit, such as inquiring whether a vendor has a current State TPT License. Additionally, it was explained that Pinetop-Lakeside is a tourist-based town and that there is a possibility that one of these vendors could become a brick-and-mortar business.

Councilor Watson added that from an economic standpoint, approximately 90% of relocations start with a visit, whether it is for a second home or expand and/or relocate their business. Tourism is a major part of our economy and without it we would be in dire straits. Councilor Watson stated that he does not want to make any decisions that would discourage a visitor from coming to visit Pinetop-Lakeside and from a personal standpoint he is not ready to take any action on this. Mayor Irwin shared that a vendor had approached staff with this concept of change. While she agrees with comments made during this meeting, she feels there are changes that can be made to make it helpful to an entity such as a farmers' market that is held once a week as opposed to an artisan craft type fair that are held far more often.

Mayor Irwin called for the public hearing to allow comments on this matter.

Carla Bowen offered the following comments *"I feel like this is groundhogs' day because I have been dealing with this for 15-20 years and it is the same old stuff. I don't think many of you have had businesses where you have had to lay awake at night looking at the ceiling and wondering where you're going to come up with ten thousand dollars to pay your property tax or where you are going to get the money to pay your employees. It has been rough this last two years. Small businesses are now in a position that they can't even hire help, they can't get people to work. There are a few things I want to be sure to cover here, I made some notes. First, I want to show you what 40 days a year looks like."* Mrs. Bowen held up a calendar of 3-day weekends marked to show 40 days for the months of June, July and August marked off. *"That's every single weekend. Every weekend has a 3-day of something. So, your brick-and-mortar businesses are paying sales tax and contributing to this community. The tent vendors come in and correct me if I am wrong Jeremiah, the promoter comes in and has one license, correct?"*

Director Loyd responded yes, one Special Event permit and then the individual vendors get their own permits.

Mrs. Bowen continued "according to the rules it says they have to turn in their liability insurance, and it is not happening, I go to work on the weekend, and they are parked in my parking, I had a big dually truck with a 20-foot trailer parked in my parking lot so they could go to the craft thing. These are not farmers markets; they are sales of crafts. In many cases they are selling the same thing that they sell at the Burly Bear, but they cut it 50% off because they have no overhead. When Kent Brooksby was Finance director, I was able to get some figures and those figures were \$1700.00 in sales tax from tent vendors and from brick and mortars is

was \$1,700.00.00. Now if you go back and check now, I guarantee you those figures have not changed that much, except that the brick and mortars are paying more. Everything is on the backs of your small business owners. You allow all of these people to come in for 40 days in the summer and pretty soon, you will have more vacant buildings because these guys can't handle it. Now, one more thing, when I drive down Penrod to go to my house and there is an activity there, I can't get down Penrod. I tried to get my golfcart down Spruce to come in the back way and I could hardly get my golfcart through there. Now, Chief Morgan they have had some instances where they have received calls from the craft fair, and they could not get in. It ended up being a false call, but the guys were walking around there wondering where to go. Now, let me tell you one more thing, you guys know the Cibicue fire? The Cibicue fire burned 9 square miles in 3 hours, Pinetop-Lakeside covers 6 square miles. We have anticipated that for us to be evacuated on a busy weekend, it would take 17 hours to evacuate. This is a catastrophe. it is a safety issue, and it is a small business issue."

Community Development Director Loyd addressed Mrs. Bowen's comment regarding insurance for vendors by reading Chapter 5.12 Section 5.12.030 B. 15, All special event applicants/event organizers will be required to provide a certificate of insurance, specifically stating the dates of the special event, for commercial general liability naming the Town of Pinetop-Lakeside as an additional insured. This means only the special event vendor must have the proof of insurance not each single vendor at the event.

Trent Penrod offered the following comments *"I have never spoken at any of these things because I don't ever want to get upset more than I have to, but we just keep going around on this stuff. I have been here 22 years at my current business and 3 years prior to that with another business. I have had a brick-and-mortar retail business here in Pinetop-Lakeside for a total of 25 years. Cut and dry, tent vendors come in and they steal money from the community, there is no way around it, there is no way to fathom that. You can say what you want, they are paying their tax, but it is not happening, maybe 50% of their sales, but if someone gives them a \$100.00 bill, that is going right in their pocket. No one has seen a dime of that, guaranteed. And four hundred dollars? that's a joke. I can pay my employees that, actually it is more than that, with minimum wage going up and four employees I am paying up to \$600.00 a day in the summer, when I am fully staffed. Right now, we are down to nothing. My wife and myself are running it and we are closed two days a week, same as all of the restaurants. Restaurants don't even have enough help to keep up. You guys talk about bringing people in, guess what, the people are here, if you haven't seen traffic, I don't think we need to bring them, they know they want to be*

here. It is a great place to be. They are going to come regardless. They are here for the beauty of the mountains and to get away from all of that craziness and the heat. We really don't have to cater to them and snuff out all of the small businesses so that they can go walk through a farmers' market, and sometimes that is a joke to. A farmers' market, that means, we've got some produce from local farmers, fine, but even that is crossing the line a little bit when we have Eddies Country Store and Safeway that support us in the winter. Where are all of the other vendors in the winter? Never here. You haven't pulled any permits; you're not going to pull any permits until May because nobody wants to be here until May. We are dead in the water until mid-April. It is a no brainer, if people come up here, and they are going to come. I don't know if you guys are blind, but I've seen the traffic increase every year in the summer. You cannot make a left turn, period. Family comes up, they have a budget, everyone has a budget. You come up with \$300.00 to spend, you go hit the craft fairs, that money is not going to local small businesses. That is all I have to say."

Rob Hephner offered the following comments *"Mayor, Vice Mayor, and Council and staff, I just want to give some input when it comes to these small vendors, I've lived in seven different communities and have been with six different Chambers of Commerce and this is always the one topic that people get up in arms about. There is a balance that must be done. One, if you look at small vendors and you look at charities in the area and the events that they run. The small little craft fairs, you must have code enforcement on them. Probably the most aggressive I have ever seen was the City of Scottsdale. When it come to an event there, like bike week, they have a code enforcement person there to make sure that they have their forms and everything. You are always going to have people that try not to pay their fair share. This is how brick and mortars start sometimes. They put up their tents and see if they can sell and deliver on products and if they can they sometimes turn into a regular business."*

There being no further comments, Mayor Irwin declared the public hearing closed.

No action taken for item D.3

D.4 Public Hearing and Consider Ordinance No. 22-446 and Resolution No. 22-1608 amending Title 10 Vehicle and Traffic by adding Chapter 10.02 General Parking Regulations.

Director Loyd stated that staff advises that we approve the amendment to Title 10 by adding Chapter 10.02 General Parking Regulations for improving the free flow

of traffic and the ability of the Town to enforce parking violations. There are many instances where Code Enforcement responds to parking issues, and we have limited authority within the current regulations of the Town Code. Issues occur when vehicles are left blocking or impeding traffic. There was limited scope and no authority under the current Title 10 Vehicles and Traffic. The Ordinance would allow us to have greater scope and authority to prevent parking issues like continuously parked vehicles over 48 hours and in the case of private property if a complaint is filed the vehicle could be removed within 72 hours. The fine is not too excessive, but the perpetrator would also be required to pay for towing.

Mayor Irwin stated that she understands the parking on private property but asked Director Loyd what it would mean if someone parked on a public street and left their vehicle. Director Loyd read section 10.02.030 Continuous parking, it is unlawful for any person to park any vehicle, whether in usable condition or not, or for an owner to permit his vehicle to be parked upon any sidewalk in the Town. Mayor Irwin inquired if this would ban street parking. Director Loyd said they can not park in the street for over 48 hours or if it impedes traffic. Mayor Irwin asked if this would be complaint based or if they would do a warning with a sticker on the window.

Code Enforcement Officer Chelsea Haas addressed the Council and said she would be doing a sticker-based warning first and, with this new chapter, it would allow her to take action and allow her to patrol a little more heavily. As an example, when a Grand Estate sale is happening in a subdivision like Woodland Hills and the streets are blocked to the point she wouldn't be able to get an emergency vehicle through, the Town does not currently have anything that regulates that.

Vice Mayor Smith shared that he is happy that this is coming to the Council and feels it has been needed for some time. For example, in Woodland Hills it has been an issue and has been difficult to enforce without a Town Ordinance to back it up. Vice Mayor Smith asked where the proposed 20 ft. width would be measured from. Director Loyd responded that it is the width of the paved asphalt.

Public Works Director Patterson added that during storms only 2 hours is allowed, or they can be towed for plowing purposes.

Mayor Irwin added that this is not just during storms but that it is for specific dates November 1st to April 1st.

Councilor Beus stated that it is his understanding that if a vehicle is leaving less than 20 ft., then that vehicle can be towed immediately upon complaint. Director Loyd confirmed.

Councilor Watson explained that in the Woodland Hills subdivision there is road parking daily, whether it be an estate sale, a family party, or simply someone with a normal size driveway, and not enough parking that it forces family members to park in the street. Councilor Watson does not feel it is enforceable to ticket or tow all of the cars in this situation.

Director Loyd responded that the main concern is for emergency vehicles to have enough room to get by in the case of an emergency.

After much discussion between Council and staff regarding the width of our various Town streets and what is needed for emergency vehicles and citizens to drive safely through Town, all agreed that 15 ft. would be appropriate and that 20 ft., as is worded, is not needed.

Councilmember Watson moved to adopt Ordinance No. 22-446 and Resolution No. 22-1608 amending Title 10 Vehicles and Traffic by adding Chapter 10.02 General Parking Regulations and by changing Section 10.02.010 changing from 20 ft. to 15 ft. Councilmember Beus seconded the motion and by show of hands the following vote was recorded:

	AYES	NAYS	ABSTAIN
Mayor Irwin	X		
Vice Mayor Smith	X		
Council Member Krigbaum	X		
Council Member Snitzer	X		
Council Member Watson	X		
Council Member Beus	X		

Mayor Irwin then declared Ordinance No. 22-446 and Resolution No. 22-1608 approved, passed, and adopted with a 6-0 vote.

D.5 Consider Appointment to fill the Town Council vacancy.

Mayor Irwin said that the Council would interview each of the candidates one at a time with the same set of questions for each of the candidates.

Mayor Irwin announced that four applications for the Town Council vacancy were received from the following:

1. Timothy Kendzlic
2. Taler Heisler
3. Vincent Cattolica
4. Dennis Hughes

Mayor Irwin stated that applicant Timothy Kendzlic had withdrawn his application for the Council vacancy

Mayor and Council conducted the interviews of applicants Taber Heisler, Vincent Cattolica and Dennis Hughes.

Mayor Irwin thanked all the candidates and encouraged the candidates to look at other opportunities to become involved in the community if not selected for this vacancy.

Councilmember Snitzer moved to appoint Dennis Hughes as Councilmember with a term to extend through November 2022. Councilmember Watson seconded the motion and by a show of hands the following vote was recorded.

	AYES	NAYS	ABSTAIN
Mayor Irwin		X	
Vice Mayor Smith		X	
Council Member Krigbaum		X	
Council Member Snitzer	X		
Council Member Watson	X		
Council Member Beus		X	

Mayor Irwin declared the vote failed with a 2-4 vote.

Vice Mayor Smith moved to appoint Taber Heisler as Councilmember with a term to extend through November 2022. Councilmember Krigbaum seconded the motion and by show of hands the following vote was recorded:

	AYES	NAYS	ABSTAIN
Mayor Irwin	X		
Vice Mayor Smith	X		

Council Member Krigbaum	X		
Council Member Snitzer	X		
Council Member Watson	X		
Council Member Beus	X		

Mayor Irwin then declared Taber Heisler to fill the Town Council vacancy with a term to extend through November 2022.

Judge David Widmaier administered the loyalty oath to Taber Heisler, who will serve as Councilmember with a term to extend through November 2022.

At approximately 8:00 p.m. Taber Heisler joined the Town Council and participated in the following agenda items.

D.6 Town Council Committee Assignments

Council Discussed and accepted Committee Assignments

D.7 Reports from Council Committee Liaisons and Town Manager

Councilor Snitzer asked if the reports could be held off until the next meeting due to the late hour.

E. Adjournment

There being no further business at this time, the regular meeting was adjourned at approximately 8:05 p.m.



ATTEST:

Kristi Salskov
 Kristi Salskov
 Deputy Town Clerk


Stephanie Irwin

 Stephanie Irwin
 Mayor

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 Town of Pinetop-Lakeside, Arizona, held on the 17th day of February 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of February 2022.


Kristi Salskov
Deputy Town Clerk

