



## TAYLOR TOWN COUNCIL REGULAR MEETING MINUTES

Thursday July 7, 2022 7:00 pm

Town Hall  
425 Papermill Road  
Taylor, Arizona

<b>Mayor</b> David Smith <b>Vice-Mayor</b> Jason Brubaker <b>Council Members</b> Bill Baldwin Sherry Cosper Dustin Hancock Kris Neff Shawn Palmer
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**CALL TO ORDER:** Mayor Smith called the meeting to order at 7:00pm  
**COUNCIL PRESENT:** Mayor David Smith, Vice Mayor Jason Brubaker (zoom), and Council Members Bill Baldwin, Kris Neff, Sherry Cosper, Dustin Hancock, and Shawn Palmer  
**STAFF PRESENT:** Gus Lundberg, Allen Davis, Sara Ramsay, and Geri Judd  
**VISITORS:** See list  
**PLEDGE OF ALLEGIANCE:** Led by Councilman Hancock  
**INVOCATION:** Offered by Councilman Palmer

**CALL TO THE PUBLIC:** ReNae Rowles asked about the public notice that went out stating conforming vs non-conforming. Allen said the General Plan had the description approved by the voters; and everything is contested.

### CONSENT AGENDA

- A. Approve meeting minutes of June 2, 2022
- B. Approve June 2022 Check Register
- C. Ratify CDBG Grant Agreement

**Motion by Councilwoman Cosper to approve the consent agenda as presented; seconded by Councilman Palmer; motion carried 7-0 with Mayor Smith, Vice Mayor Brubaker, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor.**

### DISCUSSION/ACTION ITEMS

**1. Public Hearing followed by Consideration and Action Regarding a Zone Change Request for Parcel 205-18-041C at HWY77 & W. Shumway Road from AG-2 to Commercial**

Allen said a request has been submitted to rezone a parcel on HWY 77 from AG-2 to Commercial, the property is non-conforming being used as commercial with AG-2 overlay; research has shown that Mr. Buckpitt has prior to and after the annexation of Shumway, as well as past Council minutes, been utilizing the property for business use; Allen stated there is a list of approved businesses in the zone. Allen said there are some violations with the tire shop and issues would need to be resolved, and the P&Z Commission recommends approving the zone change request.

Mayor Smith opened he public hearing

Julianne Powers said she lives next to Mr. Buckpitts' property; the community of Shumway does not want commercial property, it will decrease property values; bring added traffic, crime, and odors into the area. She referenced another property in town that was denied commercial zoning in a residential area. Mrs. Powers said she has an allergy to latex and rubber, and feels commercial use is being pushed upon them.

Wayne Bentley said the Shumway Ruins and burial grounds are a maximum of 100 yards the Buckpitt property; the landowner needs to make sure the property meets town code prior to occupancy; if approved for commercial zoning they will violate the town codes; needed ADOT improvements, and ruins make it not usable.

Robin Owens said those in positions of power are to protect the residents; the town did not enforce AG-2 codes when the tire shop opened; if the ground water is contaminated the town could be held accountable; passing a zone change from AG-2 to commercial could impact the area on a larger scale; urging Council to deny the approval.

Kim Gillispie said Don Shumway (P&Z Commissioner) made good points on Tuesday night and she doesn't want someone telling her what to do with her property; she has had water wash away her land due to neighbors damaging the land around her; invited anyone to come see her property and the water damage done; improvements need to be made to move the water away from her property.

Dave Lewis said the 2025 General Plan details the responsibilities of the Town and State Statute; No. 5 on Vision Statement is protecting existing residential neighborhoods from alteration; the goal of residential is to improve residential neighborhoods; policies regarding developing property for commercial use; need to demonstrate more need for commercial land; this all falls on the P&Z Committee, Town Manager, and Council. Wants Council to vote no.

ReNae Rowles said Tuesday the question was asked what violations are on the property; she said the zoning seems to be spot zoning; commercial developments should provide conveniently located commercial areas; there are drainage concerns; not in an area that is designated commercial land; high speeds; no turn lanes; no alternate points of entry; town code prohibits spot zoning.

Jessica Powers said she was going to the greenhouse and saw the back door of the tire shop open; after doing chores, she saw a man near the garage, she recognized him as an employee of the tire shop, he appeared to have just woken up; the man left the building and was picked up by a car. Jessica pointed out Daniel Dodd as the man she saw.

Dr. Jarod Byers moved here from the valley in November 2021; asked the intention of Mr. Buckpitt to open a business knowing it is against town code; bylaws were referenced concerning residential areas being used for commercial purposes; is the intention of the town to grant access to avoid asking for forgiveness; feels Mr. Buckpitt shows a vagrant contempt for laws; asks why was a business put up without going through proper procedures?

Megan Bowman is in support of the change and growth is going to happen; no one should tell someone what to do with their property; the tire shop benefits, and ADEQ has done inspections, there have been no violations; no odor noticed by her; feels personal dislike is an issue; Mr. Buckpitt owns the property, and he has done everything to bring it into code; could have one way traffic options.

Heather Myers said their family moved here because the valley is so pretty; the tire shop is an eyesore; what is the intention of Council if other AG-2 parcels are to be rezoned; commercial would be better in the heart of town; asks Council take aesthetics into consideration.

David Lucas said Mr. Buckpitt claims to have a business license; the license has the Powers' residential address; there are home businesses with residential addresses this does not make them zoned commercial; he referenced the zoning map and says property has always been listed and taxes paid on AG-2 property; never been commercial zoning on the property; town code 18.65 protects Shumway.

James Powers said he resides next to the tire shop for the past 10 years; traffic studies with turn lanes, reduced speed lanes; traffic has been an issue with traffic going to the tire shop; no commercial approve or variance previously; was told grandfather use was for area up to garage; referenced General Plan needs to prove "need" for commercial.

Colleen Buck said she runs sheep on the creek; the vision statement says town is vigorously into prosperous future; vision is about zoning; doesn't make sense how business is being run; applicant is for AG land her purpose if for food; why Mr. Buckpitt using AG land for something other than intended; where is the order from the town; asking town council to do what the vision statement says and to listen.

David Batty said the business is out of code; he reviewed town codes such as zoning, set-backs, right-of-way, industrial zoning, said tire shops are listed as industrial, no bathrooms, fencing, screening, outdoor storage, parking,

surfacing, non-conforming grandfather use; and permits and occupancies. Mr. Batty asked if Mr. Buckpitt says he cannot afford to do anything how can he improve?

Emery Rowels said conditions in the area are prone to flash flooding; properties are zoned for agriculture; roads are barely wide enough for 2 cars to pass; the community is a neighborhood for homes and families; the environment is unsuited for the proposed zoning.

Daniel Dodd works at the tire shop he said rubber is everywhere on vehicles, shoes, an allergy to rubber is absurd in his opinion; said they are trying to run a successful business and help the community.

Wendy Lewis said she apologizes for what was said on social media; there not room on the highway to build anything to help, it is very dangerous; today she was almost rear-ended attempting to turn just past the tire shop; many accidents in the area, with traffic going too fast; it would take millions of dollars for ADOT to fix the issue, which won't happen.

Sam Carlson said he is a nurse who has taken care of patients with allergic reactions; moved here to live in clean air with clean water; there is a smell from tires that is a carcinogen; worries that tires left out will be leached into the ground water; feels Don provides a valuable service and asks that it be done the right way with the shop moved into town; health and safety is more important than a commercial area with no safety measures in place.

Frankie Peterson said Mr. Buckpitt had previously asked her to sign a commercial approval for the County, she refused and the commercial zone was not given by the County; she did not want to be annexed into Taylor; there are issues with water; doesn't want area destroyed with commercial; dangerous turning in the area with the traffic and no room for businesses; there is no room to widen the road to add another lane.

Kenneth Warn Sr. said he is a veteran and understand what others have said today, he is a career phycologist; Mr. Warn said Council has a difficult decision to make; the Constitutional right for someone to do as they wish on their land; the applicant has previously been told it was okay on the property and take into consideration that someone's livelihood and business could be taken away.

Genie Buckpitt read a letter (see attached) regarding their concerns; she said highway frontage should always be commercial and is currently in place on HWY 77 to Schoens Dam; property was zoned commercial prior to 1999; the Mayor at the time came and asked them about annexing; zoning was reversed because the Buckpitts' were not notified of the meeting; traffic can be routed to road near the cemetery and lower the speed limit; tire business does not increase traffic; referencing pictures presented to Council with tires and machinery in yards; denies accusation of wanting to create an industrial area on the property.

Tana Eggleston said several years ago she bought property and was turned down by zoning because utility lines are getting overuse and would be a huge expense; another issue was wanting to separate home and barn and was told no by the town; why was the Buckpitt property had home and garage separated and is against town code.

William Buckpitt said he is sorry for all the contention; Leroy Palmer came to him at his previous business in Shumway asking if he wanted his property annexed and made commercial; the shop was grandfathered as a commercial business; was given permission to put tire shop in and willing to make compliant; said speed limit in Shumway should be lower.

Cher Lewis boards Buckpitts' property, in her opinion the purpose of planning and zoning is to control how things are done; feels shop will affect land value; having rights to your own land does affect other people; what happens when the tire shop moves and the land is commercial, what kind of commercial could come in?

Don Echinaw said he was in business for 40 years and is trying to provide people who don't have enough money and affordable option to purchase used tires; has had environmental people there; has been trying to fix problems and is concerned about traffic as well.

Wendy Lewis asked if the town could help move the tire shop to a better location. Mayor Smith said that would open a can of worms; Councilman Palmer said turn that around and ask the community to do the same thing. Ms. Lewis said the tire shop needs to be shut down, it is not in code, and causing a traffic problem; she is asking the town to do the right thing. Councilman Neff asked Don where the shop was prior, Don replied out of his mom's place in Shumway. Councilwoman Cosper asked if it was out of a building; Don replied in a shop.

**Motion by Councilman Baldwin to adjourn into Executive Session and invited the Town Manager, Planning & Zoning Administrator, Police Chief, and Town Clerk to attend; seconded by Councilman Palmer; motion carried 7-0 with Mayor Smith, Vice Mayor Brubaker, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor. 8:27pm**

**Council reconvened the Regular Session at 9:07pm**

Councilman Palmer said he wants everyone to understand; this is a serious situation and everyone is trusting Council to make the right decision; Councilman Palmer is not for the zone change because Hwy 77 is dangerous and has many accidents; putting a reason for people to come to an abrupt stop is wrong in an area with a 65mph zone; everyone is entitled to rights; suggested un-annexing from the town; in reference to toxicity, been in tire business for a long time and the tires don't dissolve into water system; smells are non-toxic; Council makes decision based on, do we need it, can we afford it, and is it best for the people.

Gus said the application is for a zone change and a motion either to approve or deny; if a motion is made to approve, then because twenty percent of property owners signed a petition, then a three-fourth vote of the Council would need to be made, requiring 5 votes in favor to approve the zone change.

**Motion by Councilman Palmer to deny the zone change request for Parcel 205-18-041C at HWY77 & W. Shumway Road from AG-2 to Commercial; seconded by Councilman Neff; motion carried 7-0 with Mayor Smith, Vice Mayor Brubaker, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor.**

**2. Public Hearing followed by Consideration and Action Regarding a Zone Change Request for Parcel 205-10-010D (conforming use, no change needed) and 205-10-016 from R-1 to Planned Area Development**

Allen said Mr. Holland has requested a zone change for a PAD and conditional use for a mobile home park; apartments will be behind the existing apartments near the Airport and a mobile home park will be adjacent to the Airport property; the P&Z commission recommended approval with a stipulation that mobile homes are not over 20 years old.

Councilman Neff said he is concerned about the age of the mobile homes and how they hold up at 20 years old.

Mr. Holland said apartments can be put next to apartments; current zone for R-1 submitted plat and plan to put roads in; rock and sand found in hill with clay at bottom; proposes to have a laundry and storage on the hill; creating a detention basin to detain water and release it slow to avoid flooding; 150 feet separation between roads not crossing each other; trying to avoid zig-zag through traffic; providing adequate sewer capacity; working with engineering to be sure in compliance; multiple accesses into area.

Councilman Hancock asked why singlewides and not doublewides; Mr. Holland said singlewides can only go in parks; and not all will be singlewides some will be doublewides.

Councilman Palmer asked about a privacy fence; Mr. Holland said there is a fence requirement; some privacy will be from the storage units and the rest fenced.

Mayor Smith opened the public hearing, receiving no public comment the hearing was closed.

**Motion by Councilman Baldwin to approve the zone change request for parcel 205-10-016 from R-1 to PAD with stipulation that mobiles not be older than 20 years of age; seconded by Councilwoman Cosper motion**

**carried 7-0 with Mayor Smith, Vice Mayor Brubaker, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor.**

Vice Mayor Brubaker left the meeting.

**3. Discussion and Action Regarding Proposal to Share Cost of Additional Tractor Purchase for Rodeo Grounds**

Gus said the Rodeo Committee has requested an additional tractor and asked the town pay half of the \$25,000.

Councilman Palmer said why not take the funds from the million dollars. Councilmen Baldwin and Neff agreed.

Councilman Hancock said the need is for a better tractor and the current one for a back-up.

**Motion by Councilman Palmer to approve \$35,000 be utilized out of the million dollars toward a tractor; seconded by Councilman Baldwin motion carried 5-1 with Mayor Smith, and Council Members Palmer, Cosper, Baldwin, and Neff voting in favor. Councilman Hancock voted against.**

**4. Discussion and Action Regarding Purchase of Additional Bleacher Seating for Rodeo Arena**

Councilman Palmer requested Item #4 be moved to #3

Gus said at the May work session there was talk of the million-dollars allocated from the State for the rodeo grounds; Gus has looked into a master plan, there have been some drawings with 3 options proposed; discussion of shifting ballfields; the number one priority of the Rodeo committee is to get bleachers installed, the committee wanted to spend all funds on the bleachers which would have used \$900,000 of the funds, Gus spoke with the company that did the drawing; if the bleachers are going to happen the Church ballfield would be removed; if any fields are taken out and relocated they would only be taken out, if another field is in the works; Gus said the bleachers would take a lot of space; there is not a suitable location to relocate the field at this time; some concerns with the layout; ordering material at the peak of prices, before a solution for the ballfield is met; spectators sitting by contestants would be difficult to get to the concession stand.

Councilman Neff asked if there is a time stipulation for the million dollars, Gus said, no.

Councilman Palmer said seating 1,500 people on the other side, and walking around horses is a huge problem, needing to go to concessions, restrooms, and leave is a no go, and the field needs to stay; seats could be added to existing and go steeper and stay under budget; add bleachers to where the old existing ones are.

Mayor Smith asked what would happen with the NE corner; Councilman Palmer said adding a bridge would be an answer. Gus said before proceeding with bleachers on the NW side there needs to be a serious ballfield discussion.

Councilman Neff suggested working on the East side, at this time. Councilman Palmer said there is need for two more ballfields. Councilman Baldwin said nobody likes playing at the Centennial field.

Gus said he spoke with Dan Mills years ago; at that time the Town of Snowflake said they couldn't maintain or make improvements on property they didn't own; the Church has taken over maintenance; Gus spoke with Alan DeWitt and Scott McNeil about options of having the fields turned over to the town, Gus didn't get a clear answer.

Councilman Baldwin asked how many seats are being proposed at the NW end; Gus said approximately 2,000; the previous cost was using a valley contractor for concrete and raising the ground up; Gus said Desert Recreation is \$470,000 and Norcon \$553,000 and could provide bleachers with a 14" rise which is steeper; Gus said Norcon could possibly provide a quote for adding onto the existing bleacher and going higher.

Councilman Palmer said the steeper set would be best on both; Councilman Hancock said steeper would be better and get a better view.

Gus said in speaking with the Fire Chief access and communication with the ambulance would be better to get them on the East side of the announcer booth.

Councilman Hancock said they only got one quote but spoke with several companies and none will connect to existing, and it would be costly to engineer. Gus said the others he spoke with will not attach; they will build behind them.

Councilman Baldwin said the SE portion needs to be addressed too. Councilman Palmer said Gus could explore more figures. Gus said commit to material order for the NE section and after the 24<sup>th</sup> start clearing out the area; commit to lock in the price giving time for the groundwork and slab pour to get an accurate measurement. Gus asked if Council prefers a steeper rise if possible.

Councilman Hancock said the Rodeo Committee bid was for everything and using contractors to do the work.

Mayor Smith asked Gus to check on the SE corner and NE corner; Gus said the NE corner is doable, but the SE corner will take some time. Gus asked does Council only want the steeper slope and a dollar amount.

**Motion by Mayor Smith to authorize Gus to obtain quotes and proceed with bleachers; seconded by Councilman Palmer motion carried 6-0 with Mayor Smith, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor.**

**5. Discussion and Action Regarding Approval of the Fiscal Year 2023 Tentative Budget**

Gus said the town needs to adopt the tentative budget by the 3<sup>rd</sup> Monday in July. The 2022 budget was thirteen million; the proposed 2023 budget is \$20,133,944 the increase is for recreation center and other anticipated grants; the sales tax increase was effective April 1<sup>st</sup> and will have an impact on revenue; there are no significant increases to department budgets; some expansion of emergency services and community pool; the parks budget is up due to the million dollars for rodeo park; special revenue includes capital improvement funds; some grant money from Airport Loop Road; sewer budget has some capacity for expansion.

**Motion by Mayor Smith to approve the Fiscal Year 2023 Tentative Budget for \$20,133,944; seconded by Councilman Hancock; motion carried 6-0 with Mayor Smith, and Council Members Palmer, Cosper, Baldwin, Hancock, and Neff voting in favor.**

**6. Summary of Current Events:**

A. Mayor

B. Council Members

Councilman Neff said there are things to discuss about next July 4<sup>th</sup>

Councilman Hancock said Rodeo went well, no major complaints

C. Town Manager

Race was well attended

**7. Adjournment:** There being no further business the meeting was adjourned 10:45pm

***Certification of Minutes:***

I hereby certify that the foregoing minutes are a true and correct copy of the Taylor Town Council meeting held on the 7th day of July 2022. I further certify that the meeting was duly called to order and that a quorum was present.

Dated this 12th day of July 2022

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Geri Judd-Town Clerk