

## LEGAL ACTION

### AMENDED

### PUBLIC NOTICE

PINETOP-LAKESIDE TOWN COUNCIL MEETS

THURSDAY, FEBRUARY 2, 2023 – 6:00 P.M.

TOWN COUNCIL CHAMBERS

325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE AZ 85929

*SOME MEMBERS OF COUNCIL MAY PARTICIPATE TELEPHONICALLY*

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#### AGENDA

A. **Call to Order** *Meeting convened at 6:00 p.m.*

*Mayor*

- Roll Call and Ascertain Quorum *All present*
- Pledge of Allegiance *Led by Mayor Irwin*
- Invocation *Offered by Pastor Diane White*

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. **Call to the Public**

*Mayor*

This is a business meeting of the Town Council. The Town values and welcomes public input. Please address the Council as a whole and not individual Council Members. Do not address staff or members of the audience. Council action on items brought up in Call to the Public is limited by the Open Meeting Law. The Council may direct staff to study the matter and reschedule for further consideration at a later date. Items on the agenda will not be heard or discussed in Call to the Public. Individuals are limited to three (3) minutes. *No comments offered.*

C. **Consent Agenda**

*Mayor*

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of Town Council requests that an item or items be removed for discussion. Council Member may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence. *Approved.*

C.1 Consider approval of the Minutes of the Town Council Work *Town Clerk*  
Session held on January 17, 2023. *Approved.*

C.2 Consider approval of the Minutes of the Town Council Regular *Town Clerk*  
Meeting held on January 19, 2023. *Approved.*

C.3 Consider approval of the Town Check Register for the period of *Finance Director*  
December 1 through 31, 2022. *Approved.*

**D. Business Before the Council**

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 Presentation of Public Servant Awards and the Patriot Pen Award from VFW Post 2364. *Presentation of awards.* **VFW Post 2364  
George Baum  
John Beeler**

**Law Enforcement**

- o Detective Ricky Bunch, Pinetop-Lakeside Police Department
- o Deputy Sheriff Jordan Smith, Navajo County Sheriff’s Office
- o Detention Deputy Sheriff Shaun Hayes, Navajo County Sheriff’s Office

**Fire Fighter / Emergency Medical Technician**

- o Grayson Hiremath, Pinetop Fire District
- o Keith Plympton, Pinetop Fire District

**Patriot Pen Award**

- o Audrey Woods

- D.2 **Public Hearing** and consider the approval of Resolution No. 23-1655 and Ordinance No. 23-457 amending Title 9 Public Peace, Morals and Welfare, by adding Chapter 9.20 Weapons. *Public Hearing, no comments were offered. Resolution No. 23-1655 and Ordinance No. 23-457 approved.* **Chief of Police  
Dan Barnes**

- D.3 **Public Hearing** and consider repealing Ordinance No. 14-384 and replacing it with Resolution No. 23-1657 and Ordinance No. 23-458 updating Title 15 Chapter 15.12 FLOODPLAIN REGULATIONS. *Public Hearing, no comments offered. Resolution No. 23-1657 and Ordinance No. 23-458 approved.* **Community  
Development  
Director Loyd**

- D.4 Pursuant to A.R.S. 38-431.03(A)(3) and (A)(4) the Council may vote to enter into Executive Session: *Motion approved to enter into Executive Session. Entered Executive Session at approximately 6:45 p.m. and reconvened to the Open Meeting at approximately 7:25 p.m.* **Mayor Irwin**

- A. Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session for the following purpose:
- 3. Discussion or consultation for legal advice with and to give direction to the attorney or attorneys of the public body.
  - 4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigations.

- **Discussion, Legal Advice and Direction regarding a lawsuit: Personal Injury Claim filed against the Town. Discussion, Legal Advice and Direction.**

D.5

Mayor Irwin

Pursuant to A.R.S. 38-431.03 (A)(3) and (A)(4)the Council may vote to enter into Executive Session: **Motion approved to enter into Executive Session. Entered Executive Session at approximately 7:30 p.m. and reconvened to the Open Meeting at approximately 8:20 p.m.**

- A. Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session for the following purpose:
3. Discussion or consultation for legal advice with and to give direction to the attorney or attorneys of the public body.
  4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigations

- **Discussion and direction regarding the referendum election. Discussion and Direction with Town Attorney.**
- **Council may reconvene to open meeting to take action on item D.5. Council reconvened into Open Meeting to take action on item D.5. Motion to rescind Resolution 23-1651, the call of election, approved.**

E.

Mayor Irwin

**Adjournment Meeting adjourned at approximately 8:30 p.m.**

**Legal Action** Posted on February 3, 2023 at 12:00 p.m. at the following locations:

Kristi Salskov  
Town Clerk

**Town Hall**  
325 W. White Mountain Blvd.  
Lakeside, AZ 85929

**Town Website**  
<https://pinetoplakesideaz.gov>

Meeting can be viewed at [https://www.youtube.com/channel/UCN53WdzuQen\\_exXNbatODIw](https://www.youtube.com/channel/UCN53WdzuQen_exXNbatODIw).

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to Council Members, with the exception of material relating to possible executive session, are available for public inspection at the Town Clerk’s Office, 325 W. White Mountain Boulevard, Lakeside, AZ 85929, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at <https://pinetoplakesideaz.gov>

