

**TOWN OF PATAGONIA
REGULAR COUNCIL MEETING MINUTES
AUGUST 24, 2011
7:00 P.M.**

1. CALL TO ORDER : The meeting was called to order by Mayor Isakson at 7:04
Present: Mayor Isakson, Council members Quiroga, Gilbert and McKay
Vice Mayor Wood arrived at :12 during discussion of Item 7
Absent: None
Staff Present: Town Manager Teel, Deputy Town Clerk Van Nest

2. PLEDGE OF ALLEGIANCE: Mayor Isakson led the recitation of the Pledge of Allegiance.

3. CORRECTION AND/OR APPROVAL OF MINUTES OF:

(A) REGULAR COUNCIL MEETING, JULY 27, 2011 – 7:00 PM

Mr. Teel apologized and pointed out that he had made an error in the agenda, it should have provided for correction and or approval of the minutes of the meeting of August 10, not July 27. Action was deferred until the next meeting. .

PLEASE NOTE: THE MAYOR AND COUNCIL MAY ELECT TO TAKE ITEM(S) OUT OF ORDER

4. CALL TO THE PUBLIC A.R.S. §38-431.01(H): AT THIS TIME, ANY MEMBER OF THE PUBLIC IS ALLOWED TO ADDRESS THE TOWN COUNCIL, SUBJECT TO REASONABLE TIME AND MANNER OF RESTRICTIONS. PURSUANT TO THE ARIZONA OPEN MEETING LAW, AT THE CONCLUSION OF THE CALL TO THE PUBLIC, INDIVIDUAL MEMBERS OF THE COUNCIL MAY RESPOND TO CRITICISM MADE BY THOSE WHO HAVE ADDRESSED THE COUNCIL, MAY ASK STAFF TO REVIEW THE MATTER, OR MAY ASK THE MATTER BE PLACED ON A FUTURE AGENDA.

Diane Balanoff spoke regarding her husbands termination by former Marshall Dobbertin.

OLD BUSINESS

5. MAYOR'S REPORT ON CURRENT EVENTS. AT THIS TIME THE MAYOR MAY WISH TO CALL UPON THE COUNCIL OR STAFF FOR CURRENT EVENT REPORTS.

Mayor Isakson reported on the successful conclusion of the Dobbertin hearings and read the conclusion of Judge Druke's opinion as follows:

"In sum, the Council had cause to terminate Dobbertin as Town Marshall either because he was unfit or unable "to perform the duty imposed upon him," *Farish*, 18 Ariz. at 302, 158 P. at 847, or because, as Dobbertin put it in his letter to Council on October 19, 2006, he was "not doing what [he] was supposed to be doing." The undersigned hearing officer thus recommends that the Council affirm its decision to terminate Dobbertin as Town Marshal

And, to the extent that the hearing on March 9, 2011, served as a name-clearing hearing to protect Dobbertin's liberty interest, Dobbertin had the burden of proof to refute the Council's charges against him. *See Donato v. Plainview-Old Bethpage Central Sch. Dist.*, 98 F. Supp. 316,320 (E.D.N.Y. 1997). Based on the foregoing Findings, Rulings, and Conclusion, Dobbertin failed to refute those charges and clear his name."

Mayor Isakson also stated that he believed that at the present time the responsibility for decisions regarding police vehicles and take home cars rested with the Manager and the Marshal and asked if any member of council disagreed, in which case it would be placed on the agenda for the next meetings There was no disagreement.

NEW BUSINESS

6. DISCUSSION AND POSSIBLE ACTION ON TO AUTHORIZE THE TOWN MANAGER TO MAKE AN APPLICATION FOR MUNICIPAL WATERSHED STATUS WITH THE CORONADO NATIONAL FOREST. MAYOR ISAKSON.

Mr. Teel indicated that he had just completed a draft letter which was in their meeting packets and asked that everyone review the draft and give him their comments.

MOTION: Council member Quiroga moved to authorize the Town Manager to make an application for municipal watershed status with the Coronado National Forest.

SECOND; Council member McKay.

VOTE: The motion PASSED with the Council Members voting as follows:

AYES: Mayor Isakson, Vice Mayor Wood, Council Members Quiroga, Gilbert and McKay.

NAYS; None

ABSTAINERS: None

ABSENT: None

7. REPORT BY MONITOR CONSTRUCTION ON THE STATUS OF PATAGONIA POWER, A POWER GENERATING PROJECT, MAYOR ISAKSON.

Deborah Fain and Jim Rowley presented their report and recommendations, a copy of which is attached.

8. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND FOR APPROVAL A SPECIAL EVENTS LIQUOR LICENSE FOR THE ANNUAL "PIE AUCTION" AT THE PATAGONIA COMMUNITY GARDEN TO BE HELD ON SEPTEMBER 24, 2011. MAYOR ISAKSON.

This item was rescheduled to the following meeting due to the fact that the applicant had not submitted the complete paperwork.

9. DISCUSSION AND POSSIBLE ACTION TO GRANT RED MOUNTAIN FOODS OWNERS BARRY MUEHE AND ANNIE SAGER A VARIANCE FROM THE SETBACK REQUIREMENTS OF CHAPTER 7- BUILDING, SECTION 7-1-6 REGULATIONS, PARAGRAPH A OF THE TOWN CODE TO BUILD A PLATFORM AND INSTALL A WALK IN REFRIGERATOR WITHIN TWO AND A HALF FEET OF THE PROPERTY LINE ON THE EAST SIDE OF THEIR NEW STORE LOCATED AT 347 MCKEOWN AVE. MAYOR ISAKSON.

MOTION: Vice Mayor Wood moved to GRANT RED MOUNTAIN FOODS OWNERS BARRY MUEHE ANDANNIESAGER A VARIANCE FROM THE SETBACK REQUIREMENTS OF CHAPTER 7- BUILDING, SECTION 7-1-6 REGULATIONS, PARAGRAPH A OF THE TOWN CODE TO BUILD A PLATFORM AND INSTALL A WALK IN REFRIGERATOR WITHIN TWO AND A HALF FEET OF THE PROPERTY LINE ON THE EAST SIDE OF THEIR NEW STORE LOCATED AT 347 MCKEOWN AVE. MAYOR ISAKSON.

SECOND; Council member Gilbert

VOTE: The motion PASSED with the Council Members voting as follows:

AYES: Vice Mayor Wood, Council Members Quiroga, Gilbert and McKay.

NAYS; None

ABSTAINERS: Mayor Isakson recused himself from the action.

ABSENT: None

10. APPROVAL OF ACCOUNTS PAYABLE.

MOTION: Council member Gilbert moved to approve the Accounts Payable as presented.

SECOND; Vice Mayor Wood

VOTE: The motion PASSED with the Council Members voting as follows:

AYES: Mayor Isakson, Vice Mayor Wood, Council Members Quiroga, Gilbert and McKay.

NAYS; None

ABSTAINERS: None

ABSENT: None

11. FUTURE AGENDA ITEMS: AT THIS TIME THE COUNCIL MAY BRING FORTH TOPICS FOR FUTURE AGENDAS, AND IF PREVIOUSLY REJECTED BY THE MAYOR, THE COUNCIL MAY VOTE ON CODE

WHETHER TO PLACE THAT ITEM ON A FUTURE AGENDA PURSUANT TO SECTION 2-5-5 OF THE CODE OF THE TOWN OF PATAGONIA, ARIZONA. THE COUNCIL MAY NOT DISCUSS, DELIBERATE OR TAKE ANY ACTION ON THE SUBSTANCE OF THE TOPICS OTHER THAN TO VOTE TO INCLUDE THEM ON A FUTURE AGENDA. A.R.S. § 38-431.02(H).

12. ADJOURN.

MOTION: Council member McKay moved to adjourn the meeting.

SECOND: Council member Gilbert

VOTE: The motion PASSED with the Council Members voting as follows:

AYES: Mayor Isakson, Vice Mayor Wood, Council Members Quiroga, Gilbert and McKay.

NAYS: None

ABSTAINERS: None

ABSENT: None

The meeting was adjourned at 7:37 p.m.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Regular Council Meeting held on August 24, 2011 at 7:00 p.m. I further certify that the meeting was duly called, held, and that a quorum was present.

Dated this _____ day of _____, 2011.

Attest: Town Manager

Approved: Mayor