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### OUR MISSION

*City of Holbrook Government exists to provide ethical and responsible local government.*

### AGENDA

Regular City Council Meeting  
6:00 p.m. September 26, 2019

Pursuant to ARS 38-431.02, notice is hereby given to the Holbrook City Council, and to the General public that a meeting, which is open to the public, will be held on above-mentioned date, in the City Council Chambers, at 465 First Avenue, Holbrook, Arizona. Members of the City Council may choose to participate in this meeting telephonically. The City Council may adjourn into executive session, which will not be open to the public, to discuss certain matters in accordance with ARS 38-431.03. Electronic versions of this agenda can be found at [www.ci.holbrook.az.us](http://www.ci.holbrook.az.us).

The items on the following agenda are for discussion or consideration and possible action:

- 1) CALL TO ORDER:
- 2) ROLL CALL:
- 3) PLEDGE OF ALLEGIANCE/INVOCATION:
- 4) CALL TO THE AUDIENCE FOR ITEMS ON THE AGENDA:  
The City Council welcomes public comment at this time only for items listed on this Agenda.  
There is a five-minute time limit per citizen.
- 5) CONSENT AGENDA: **Tab 1**
  - A. August 13, 2019 Minutes.
  - B. Fair/Festival License application by Arizona Sake for an event to be held on October 5, 2019 at 100 E. Arizona Street.
- 6) SUMMARY OF CURRENT EVENTS:  
Mayor:  
Council Members:  
City Manager:
- 7) NEW BUSINESS: **Tab 2**
  - A. Public Hearing: To hear an appeal by Chia Min Chang and Dmitry Krupitsky of a Planning and Zoning denial on August 22, 2019 to allow a duplex to be located at 207 Anita Drive.
- 8) CALL TO THE AUDIENCE FOR ITEMS NOT ON THE AGENDA:

The City Council welcomes public comment for items not listed on this Agenda. There is a three-minute time limit per citizen.

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during the Council meeting. During this time, any member of the public may come forward and address the City Council on any issue within the jurisdiction of the Council. Public Comment time is reserved for citizen comments regarding non-agendized items. Speakers are limited to 3 minutes per speaker to address the Council during "Public Comment" time. Members of the City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H), action taken as a result of public comment will be limited to directing City staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Items on the agenda will not be heard or discussed in Call to the Public. Video or audio tapes or other overhead visual aids are not allowed during these public appearances. All speakers should begin their remarks by stating their name and address for the record.

9) **SUBMISSION OF WRITTEN PETITION FOR ITEMS NOT ON THE AGENDA:**

Requests to have an item discussed on the Agenda should be presented on the "Request & Petition of citizens to City of Holbrook Council" form during the Submission of Written Petition to the Council at a regular meeting. Once this form is submitted, the Council will consider the petition and a response will be given within 31 days per the Holbrook City Charter Article II, Section 2.18.

10) **ADJOURNMENT:**

Posted the 20<sup>th</sup> day of September 2019.

  
Cher Reyes, CMC, CPM, City Clerk

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. Speaker's visual aids or recorded tapes are not allowed. Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the meeting. Individual members of the public body may respond to criticism made by those who have addressed the public body.

1  
2  
3                   MINUTES OF THE REGULAR MEETING OF THE  
4                   HOLBROOK CITY COUNCIL HELD ON SEPTEMBER 26, 2019  
5

6 CALL TO ORDER:

7  
8 Mayor Young called the meeting to order at 6:00 p.m.

9 ROLL CALL:

10 Mayor Merrill Young, Councilmembers Tim Dixon, Adam Marsh, Francie Payne, Mike  
11 Nilsson and Mark Jackson. Councilmember Earl Kester was absent and excused as he  
12 was at a car show.

13 PLEDGE OF ALLEGIANCE/INVOCATION:

14 The pledge was led by Mayor Young and the invocation was given by Councilmember  
15 Mike Nilsson.

16 CITY STAFF:

17 City Manager Ted Soltis and City Clerk Cher Reyes.

18 PUBLIC ANNOUNCEMENTS AND PRESENTATIONS:

19 CONSENT AGENDA:

20 Councilmember Dixon made a motion to approve the consent agenda, the minutes of  
21 the regular meeting held on August 13, 2019 and a Fair/Festival License application by  
22 Arizona Sake for October 5, 2019. Vice-Mayor Payne seconded. The motion carried  
23 with the following vote, Councilmember Dixon, "aye", Councilmember Jackson "aye",  
24 Councilmember Kester "aye", Councilmember Marsh "aye", Councilmember Nilsson,  
25 "aye", Vice-Mayor Payne "aye" and Mayor Young, "aye"

26 SUMMARY OF CURRENT EVENTS:

1 MAYOR:

2 Mayor Young reported that he and Manager Soltis had attended the League of Cities  
3 and Towns conference and it was very informative.

4 Mayor Young reported that on August 27 he and Manager Soltis met with several other  
5 cities and Senators Allen and Bowers in Phoenix regarding water adjudication.

6 Mayor Young reported that the Fair Board had done a wonderful job on this years fair  
7 and that it was superb.

8 Mayor Young reported that Gwen Leopald had passed away at 102. Ms. Leopald is the  
9 former owner of the Pow Wow.

10 COUNCILMEMBERS:

11 Councilmember Marsh congratulated the winners of the Rodeo and 4H events at the  
12 Fair.

13 MANAGER:

14 • The Mayor and I attended the League Conference in Tucson. It was very informative and  
15 beneficial. I attended several sessions on water rights. The mayor attended a PSPRS (Public  
16 Safety Personnel Retirement System) session. We also have ideas for improving our City  
17 display. Like promoting our partnership with the Petrified Forest. We have a great  
18 partnership with the cities and towns of Navajo and Apache counties.

19  
20 • I attended the annual Labor Day barbeque fundraiser at the Jeffers Ranch. Great food and  
21 for a good cause. Benefits went to clothe-a-child and other programs.

22  
23 • We have formed a partnership with Navajo County IT department to provide the City  
24 with technical support. Partnering with the County will save money. Thank you, Navajo  
25 County.

26  
27 • You may have noticed there has been a delay adding parking in-front of the Sheriff's  
28 office on Buffalo. We are working with the County to ensuring the new sidewalk meets  
29 ADA standards.

30

1 • The demolition process has started on the Magnusson. The owners have hired a  
2 demolition contractor. They completed the applicable demolition paperwork. They are  
3 working on additional paperwork. The actual demolition will begin in early October.  
4

5 • We are working with the owner of the Star Inn.  
6

7 • The Mayor and I attended a meeting at the Capital. Representatives from the Little  
8 Colorado River Coalition met with Speaker of the House Rusty Bowers and Senator Sylvia  
9 Allen. The coalition expressed the importance of a partnership between the state and  
10 municipalities, farmers, ranchers, and rural Arizonians to protect our water rights. Litigation  
11 has been ongoing for over 40 years. Uncertainty over the outcome of this litigation is  
12 harmful. Businesses considering moving to Arizona need to know that the water supply is  
13 stable. Ongoing litigation adds uncertainty. The Speaker and Senator Allen support our  
14 efforts.”  
15

16 • We will be utilizing our Facebook page to disseminate information.  
17

18 • We have officially received a grant from Gila River Indian Community in the amount of  
19 \$112,982 to purchase three new vehicles for the Police Department. Thank you to the Gila  
20 River Indian Community and to the Police Department for the successful grant.  
21

22 • My wife and I assisted at the ticket booth for the County Fair. We had a lot of fun. It was  
23 a great fair. We are fortunate to have it in our community. Thank you to all who volunteer  
24 their time to make the fair a success.  
25

26 • ADEQ (Arizona Department of Environmental Quality) inspected our transfer station.  
27 They review whether proper notification was filed and facility operations. No deficiencies  
28 were noted. Thank you to staff for a job well done.  
29

30 • Finally, you probably read about the pond project in the newspaper. Up to this point all  
31 work has been volunteer and will continue to be for some time. That means it is difficult to  
32 put a timeframe on the various stages. The next important part of the project is to obtain soil  
33 core samples. Hopefully this will happen within the next 30 days. A meeting, with the  
34 various individuals involved in the project, will be scheduled once the coring is completed  
35 and analyzed. The type of soil has important implications for the future of this project. In the  
36 meantime, we are gathering information on available funding sources and maintenance costs.  
37

### 38 NEW BUSINESS:

39 A. Mayor Young opened the public hearing at 6:16 p.m. Ashley DeBoard, Attorney for  
40 Dmitri Kupritsky and Chia Min Chang addressed the Council stating that several  
41 documents had been given to the Council which consists of photos of the property. Ms.

1 DeBoard stated that her clients purchased the property in 2013 in hopes to fix it up and  
2 someday retire in Holbrook. Ms. DeBoard stated that the structure is an L-shaped  
3 residence which is a 3 bedroom 2 bathroom residence in the front and the back  
4 structure is separated by a wall and the past owner Christopher Matt purchased it as a  
5 foreclosure property in 2002 and at that time the back unit existed. Ms. DeBoard stated  
6 that her clients have put almost \$80,000 in repairs into the structure to-date. Ms.  
7 DeBoard stated that it is beautiful now and that they used all local contractors and  
8 electricians to complete the work. Ms. DeBoard stated that Mr. Krupitsky had  
9 approached the City for a second address and it was at that time they discovered that a  
10 Conditional Use Permit (CUP) was needed. Ms. DeBoard stated that a Planning and  
11 Zoning meeting was held on August 22, 2019. Ms. DeBoard stated that unfortunately  
12 Ms. Chang and Mr. Krupitsky did not receive notice of the meeting so they did not  
13 attend. Ms. DeBoard stated at the meeting 2 of the neighbors had voiced concerns  
14 regarding the CUP for items such as inadequate parking and whether or not there had  
15 been a building permit issued. Ms. DeBoard stated that both of these neighbors have  
16 revoked their original concerns in writing. Ms. DeBoard stated that the Planning and  
17 Zoning Commission was concerned with the fact that the CUP was filed by Dmitri  
18 Krupitsky and the property owner was listed as Chia Min Chang and the Commission  
19 was unsure of the relationship. Ms. DeBoard stated that Mr. Krupitsky is the spouse of  
20 Ms. Chang. Ms. DeBoard stated that she would like to address the concerns of the  
21 neighbors: that the property was not properly zoned for duplex-Ms. DeBoard stated  
22 that it is properly zoned as long as a CUP is obtained which Mr. Krupitsky applied for,  
23 no Building permit obtained-Ms. DeBoard stated that they did not believe a building

1 permit was required for this property but if that is incorrect they will happily apply for  
2 one- and insufficient parking. Ms. DeBoard stated that there are three parking spaces  
3 onsite. Ms. DeBoard continued stating that ARS Title 5 Section 467 allows for a safe  
4 harbor for subsequent owners for work done on a structure before they owned property  
5 stating that they are not responsible for subsequent owners not obtaining a building  
6 permit. Ms. DeBoard asked that the condition on the CUP be removed if the Council  
7 does approve it, the condition being if the property transfers to another person the CUP  
8 is null and void. Planning and Zoning Commission Chairman Mike Sample spoke to the  
9 Council stated that the property owners within 300 foot had been noticed of the CUP  
10 application and the meeting was held on August 22, 2019. Mr. Sample stated that  
11 discussion was held regarding the structure and that building permits were brought up  
12 but the Commission let the property owners know that was not within their jurisdiction.  
13 Mr. Sample stated that after hearing from the neighbors and not knowing what the  
14 relationship was for Mr. Krupitsky on the application the permit was denied.  
15 Councilmember Dixon asked what sections of the zoning code apply to this matter. City  
16 Clerk Reyes responded Chapter 6 Section 1-5(C.4.). Councilmember Dixon asked that  
17 a CUP be explained. Chairman Sample stated that if you have a property and you want  
18 to put something into that zoning that is not allowed you need to apply for a CUP. City  
19 Clerk Reyes explained further stating that all zones have Principal Permitted Uses and  
20 then uses that are allowed by CUP. City Clerk Reyes stated that if it is not a Principal  
21 Use and a CUP allows for it then a permit needs to be requested. Vice-Mayor Payne  
22 asked if the CUP could be allowed without the condition. Chairman Sample stated that  
23 he believes that this is acceptable. City Clerk Reyes stated that after a period of time

1 this would be a grandfathered unit. Councilmember Marsh asked if Ms. Chang is the  
2 only listed owner on the deed. Chairman Sample stated yes and that the Commission  
3 did not know that there was a relationship and the denial was based mainly on the  
4 neighbors protesting the CUP. Councilmember Dixon asked if any of the  
5 Commissioners looked at the property before the meeting. Chairman Sample stated  
6 that he had. Councilmember Jackson stated that he is pleased that Zoning is looking  
7 into stuff and making sure everything is kosher beforehand and he thanked the  
8 Commission for that. Chairman Sample stated that the Commission also likes to put  
9 conditions on the permit that the property be maintained and kept free from weeds and  
10 debris but as this permit was denied those conditions were not listed. Councilmember  
11 Dixon asked City Clerk Reyes if a building permit was required. Ms. Reyes responded  
12 that from what she could determine had been done to the structure no permit was  
13 required except for a gas and electric inspection which she was sure were done. Ms.  
14 Reyes stated that when these inspections were done that is when it should've been  
15 caught that the structure was turned into a duplex. Mayor Young asked Ms. DeBoard to  
16 step back up to the podium for further questions. Councilmember Dixon asked when  
17 Mr. Krupitsky came to City to ask for a permit. Councilmember Dixon asked if anything  
18 they have done up to this point a permit would have been required. City Clerk Reyes  
19 replied on a gas and electric inspection. City Clerk Reyes researched records and  
20 stated that the inspections were done on June 20, 2019. Councilmember Dixon stated  
21 that a comment was made that they wanted to leave Hawaii and retire in Holbrook and  
22 usually that works the other way around. Ms. DeBoard stated that the community of  
23 Holbrook is very friendly and the cost of living in Hawaii is very expensive. Mayor



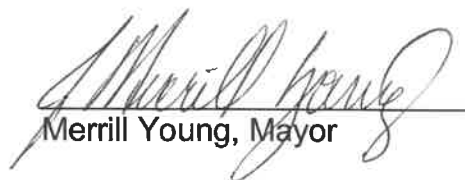
1 Young commented that there are guidelines within planning and zoning and he would  
2 really like to see Citizens follow the procedures. Councilmember Nilsson made a  
3 motion to approve the Conditional Use Permit and that the CUP will continue along with  
4 change in ownership. Councilmember Dixon seconded. Vice-Mayor Payne asked that  
5 as stipulation be put on the permit that the property be maintained. Mayor Young stated  
6 that is in code already. Councilmember Marsh stated that housing was an issue that the  
7 Council has discussed and if they can assist in getting better housing in Holbrook they  
8 should do so. Councilmember Jackson asked if they have a property manager. Ms.  
9 Chang stated they did. Councilmember Dixon stated that he believes Mr. Krupsitsky  
10 attempted in good faith to get the permits required. The Mayor called for the question  
11 and the motion carried with the following votes: Councilmember Dixon "aye",  
12 Councilmember Jackson "aye", Councilmember Marsh, "aye, Councilmember Nilsson,  
13 "aye", Vice-Mayor Payne, "aye" and Mayor Young, "aye".

14 CALL TO THE AUDIENCE FOR ITEMS NOT ON THE AGENDA:

15 ADJOURNMENT:

16 There being no further business to come before the Council at this time Councilmember  
17 Marsh made a motion to adjourn and Vice-Mayor Payne seconded. The meeting was  
18 unanimously adjourned at 7:03 p.m.

19  
20  
21



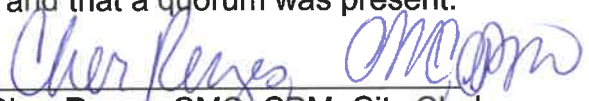
Merrill Young, Mayor

22

23 I hereby certify that the foregoing minutes are a true and correct copy of the minutes of  
24 the regular meeting of the Holbrook City Council held on September 26, 2019. I further

1 certify that the meeting was duly called and held and that a quorum was present.

2  
3  
4

  
Cher Reyes, CMC, CPM, City Clerk