



City of Apache Junction, Arizona

Meeting Minutes Special Meeting of the Apache Junction City Council

Meeting location:

City Council Chambers
at City Hall
300 E Superstition Blvd
Apache Junction, AZ
85119

www.ajcity.net
Ph: (480) 982-8002

Wednesday, June 17, 2020

7:00 PM

City Council Chambers

CALL TO ORDER

Mayor Serdy called the special meeting to order at 7:00 p.m.

Vice Mayor Wilson gave the invocation and Councilmember Rizzi led the meeting attendees in the Pledge of Allegiance.

ROLL CALL

Present 7 - Mayor Serdy
 Vice Mayor Wilson
 Councilmember Barker
 Councilmember Evans
 Councilmember Rizzi
 Councilmember Schroeder
 Councilmember Struble

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Thomas Kelly, Chief of Police
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager

CALL TO THE PUBLIC

Mayor Serdy explained how call to the public works.

Terry Kridler, 489 N. Gold in Apache Junction, explained what perception means. She listed five examples of other businesses (Mongolian Grill, Cobbs, The Handlebar, Philly's, and The Hitching Post) in the community and explained how she perceives the city has treated them.

George Schroeder, 2444 W. Virginia Street in Apache Junction, stated that there are odd differences in how businesses are treated. He has reported other businesses violating codes and nothing has been done. He believes City Attorney Joel Stern has done nothing wrong and is only doing his job.

Forest Moriarty, 9138 E. Encanta Street in Mesa, explained that his family moved to Apache Junction 30 years ago and has moved in and out of Apache Junction ever since. He says

Apache Junction needs to get back to what makes it great. He said the perception of this situation is bad and no one wants to be apart of it.

John White, 2610 164th Street in Washington, does not have anything else to add at this point.

John Litten, 651 S. Canfield in Mesa, would like to see someone explain the city's code regarding noise. He stated that the perception is not good and it will show its head during the next election. He said that the council is not only doing this to Mo and Tina but to thousands of their patrons. He appreciates the chance to speak and hopes his comments register with some.

Mehmood Mohiuddin, 2304 N. Cortez Road in Apache Junction, would like to know if he also gets a chance to speak his history since the city posted their side. He does not agree with it. He said he is fine with being convicted but he is going to appeal it and fight until he dies.

Colleen Shipman, 1615 W. Mockingbird Street in Apache Junction, states that the timeline posted by the city skips time. She insinuated that the mayor and two councilmembers held a meeting and let Mo know that the charges would be dropped. She says that the city has a horrible reputation.

Denise Mouslen, 2094 W. Windsong Street in Apache Junction, stated that she is a former employee of the city and she has personally seen discrimination while on the job. She wishes she would have filed a lawsuit because she was treated so poorly by the city and her boss.

John Hetzel, 8910 W. Quail Trail in Queen Creek, says that he brings the bulls up to the bull riding every week. He says he does it for the kids and every year they send several of these kids to national rodeos. He says if the rodeos run long then they do turn off the sound. He stated that Mo has spent a ton of money rebuilding the sound system and they run fundraisers to help several different people in need.

Bruce Butler, 1670 E. Cody Street in Apache Junction, stated that he is really surprised as he hears music coming from Philly's at his home and he hears noises from the museum and ghost town and no one is bothered by those. He hopes this is not a racist situation.

Bonnie Goldsbury, 2320 N. Apache Trail in Apache Junction, operates her small business 500 feet from the Hitching Post. She listed towns that host bull riding. She says she left a 35 year old career to relocate to Apache Junction and the reports of noise and dust are enhanced or fabricated. She thanked the council for their thankless job and asked them to do a better job and make better decisions for small business owners.

Kelly Townsend, P.O. Box 3004 in Gilbert, states that she has made it very clear on her feelings of what has happened to Mo and the Hitching Post. She wants to be proud of her district and she is embarrassed right now. She wants to see equal application of the law in Apache Junction and asked if anyone has made this personal and if so then set it down and do what is right.

Jacqueline Parker, 8847 E. Jacaranda Circle in Mesa, stated she is an attorney and described the lack of enforcement in this situation. She repeated parts of the city code and said the city's code on noise ordinance is very vague and makes it hard to enforce. She said the solution to

this is that the city needs to improve their code and to require accountability.

Ellen Pierson, 141 W. Hunter Street in Mesa, stated she is here to support Mo. Her desire is to move to Apache Junction. She finds the timeline to be ridiculous and says Mo has done a lot for the community.

Brek Pinkerton SW A317, 2290 E. Junction Street in Apache Junction, said he is a native and has lost a couple nieces and nephews over the years to drugs. He said Apache Junction has a lot of cool attractions, including the bull riding and it is another thing that could help kids stay away from drugs.

Mayor Serdy requested a 5 minute break.

Brittany Schnabel, 1312 W. 18th in Apache Junction, stated that outside of Mo that residents love the Hitching Post. Her daughter loves rodeos and bull riding now due to the Hitching Post and that she is going to get married at the Hitching Post. She asked council to consider what is being brought up to them tonight.

Scott Burns, 3240 E. Emerald Circle in Mesa, stated he has lived in the east valley for 30 years. He is in a motorcycle club and knows how it is to be harassed. His motorcycle club has used the Hitching Post numerous times for fundraising events and asks council to reconsider.

Robert Masch, 1755 S. Sombrero in Apache Junction, says he feels for what Mo is going through as his business has gone through this on and off for the last 8 years. He said that the council has to get control of their staff and doesn't want to see Mo lose his business.

Teri Brinkley, 382 W. McKellips Road in Apache Junction, loves Apache Junction other than the prejudice she has seen lately. She explained events that Mo hosts at the Hitching Post and how they are good for kids.

Debra Hurley, 2208 W. Baseline in Apache Junction, stated she remembers when the Hitching Post opened and enjoys the atmosphere. She says that council has helped Mo but there is always something else and that people come to Apache Junction for the country music and because it does not cost to get in.

AGENDA ITEMS

20-291

Discussion on state and local public nuisance laws on noise and light pollution, compliance from commercial and residential properties, penalties and legal processes. Representatives from Pinal County may be called upon to comment in addition to city staff.

Mayor Serdy explained that this is the first time he has seen the timeline and does not know who created it. Mr. Serdy would like a solution to anonymous complaints and would also like to see a decibel level created.

Councilmember Barker thanked everyone for attending the meeting. She said that the city has no control over someone picking up their phone to complain and cannot do anything on what Pinal County Court has decided. She reiterated that the city has no control over their decision. She thinks the Hitching Post is a wonderful place and that Mo is a marvelous part of this

community and that the city has no plans to knock down the Hitching Post or put him out of business or take his land.

Councilmember Schroeder asked how these charges got sent to the county.

Councilmember Evans asked for the county prosecutor to speak.

The Pinal County Prosecutor responded that this was a conflict case due to complaints from Apache Junction Police Department and because City Attorney Joel Stern was specifically named in a lawsuit by Mr. Mohiuddin. He stated that he personally read all of the reports and watched all videos and determined that it was more than sufficient evidence to charge Mr. Mohiuddin with 15 counts of creating and maintaining a public nuisance. He reminded council that the 5 surrounding neighbors have lived there long before the Hitching Post started bull riding. He explained details of the case and that it was heard over 3 days with multiple witnesses.

Mayor Serdy explained that council cannot discuss things that were discussed in executive session.

The Pinal County Prosecutor reminded council that he was responsible for prosecuting this case and would not have dismissed the case if anyone, including Joel Stern, would have requested him to.

Councilmember Rizzi stated that she respects Mr. Mohiuddin and she is worried that this will impact all small businesses in this town. She is concerned that there is no standard decibel reading and that the city allows anonymous complaints.

Vice Mayor Wilson stated that the Pinal County Sheriff's Office has agreed to respond to future noise complaint calls at the Hitching Post.

The Pinal County Prosecutor stated that his case is closed and that any future charges can be handled by the city. He stated that the judge found Mr. Mohiuddin guilty and issued a fine and probation. He reiterated that he has worked with the neighbors for two years and the neighbors of the Hitching Post are good people and there is not one inkling of racism in them.

Councilmember Rizzi asked if residents could be charged like this due to anonymous complaints. The Pinal County Prosecutor said there is a difference between a private nuisance and a public nuisance and that these were not anonymous complaints.

Councilmember Schroeder asked if the judge threw out the videos. Prosecutor responded no, he absolutely did not throw them out as Mr. Mohiuddin has falsely claimed.

Mayor Serdy stated that he received an email from a former councilmember today and read that e-mail out loud.

Chief Thomas Kelly stated that he has spoke with Sheriff Lamb on the possibility of Pinal County Sheriff's Office handling noise complaints only at the Hitching Post and that there has been no formal agreement put in place yet.

Vice Mayor Wilson stated that it is important to remove the city from these complaints at the Hitching Post which is why he has asked the county to step in.

Chief Thomas Kelly stated that there has been no issue with the Apache Junction Police Department responding to calls at the Hitching Post. They file the charges but it is ultimately up to the judge to find the defendant guilty or not but his office will respond or not respond, however council requests.

Councilmember Evans stated that Apache Junction Police Department has not done anything wrong and neither has the city. She reminded council that there are victims in this case and does not see the point of having the sheriff's office intervene when they already have so much land to cover and they do not know city codes like our police department does. She reiterated that the calls were not anonymous and everyone knows who made the calls. Ms. Evans appreciates the enthusiasm for bull riding and appreciates the efforts of Vice Mayor Wilson but does not think it is a solution.

Councilmember Rizzi reminded council that they are the ones who approved the bull riding.

Councilmember Schroeder read some of the complaints that came in to the police department and finds it more of a coordinated effort rather than a victim situation.

City Attorney Joel Stern stated that the noise ordinance will be brought back on direction to staff in August and encouraged council to change the ordinance if that is what they want.

Vice Mayor Wilson reiterated that he wants to get the city out of the equation in having a neutral party, the sheriff's office, respond to noise complaint calls at the Hitching Post.

Mayor Serdy hopes that council can rectify this going forward and protect small businesses.

ADJOURNMENT

Mayor Serdy adjourned the meeting at 9:10 pm.

ACCEPTED THIS _____ DAY OF _____, 2020, BY THE MAYOR
AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2020.

JEFF SERDY
Mayor

ATTEST:

JENNIFER PEÑA
City Clerk

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

JENNIFER PEÑA
City Clerk