



# TOWN OF HUACHUCA CITY

*The Sunset City*

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## HUACHUCA CITY TOWN COUNCIL MINUTES REGULAR MEETING AT 7:00<sup>PM</sup> THURSDAY, JULY 14, 2016

- A. The Meeting was Called to Order at 7:00 p.m. and the Pledge of Allegiance was said.
- B. Roll Call

### Present:

Mayor: Ken Taylor

Mayor Pro-Tem: David A. Perry

Council Members: Johann Wallace  
Christy Hirshberg  
Donna Johnson  
Anna Gonzales  
Walter Welsch

Town Clerk/Administrator: Tammy J. Mitchell, MMC

Town Attorney: Thomas Benavidez

### Absent:

- C. Approval of Minutes from the Regular Council Meeting held on June 23, 2016, and March 24, 2016, corrected minutes.

Motion made by *Mayor Taylor* to open for discussion and/or action to approve the Minutes from the Regular Council Meeting held on June 23, 2016 and corrected minutes from March 24, 2016, seconded by *Councilmember Wallace*.

Motion made by *Mayor Taylor* to approve the minutes, seconded by *Councilmember Wallace*.

**7-0 Motion Carried**

- D. Call to the Public [3 minute limit] Agenda Items Only. (See below)
  - 1. Neil Josephson, 806 Ridgeview: Regarding Political Signs. Last council meeting I advised that political signs are out, nothing was done. These were out more than sixty days.

**E. Reports by Council Members and Officers:**

1. ***Councilmember Welsch - Library/Senior Center-*** Councilmember Welsch reported that the Senior Center is still serving meals. The Library will be wrapping up their summer reading program will wrap up next Friday. The Children are excited to see who the top readers are. Councilmember Welsch commented that due to the slower patronage and problems in the evenings and asking to open earlier, the Library will be doing a 9AM to 5PM for a six month trial. Director Norris is also discussing with the Library about combining them so the school will have more access to Library options. Back to school event sign ups are available now at the Library.
2. ***Councilmember Johann-Wallace-Planning and Zoning-*** Councilmember J Wallace reported that the P&Z had their meeting on July 6 with two items on the agenda. WLB will start working on the General Plan soon and the P&Z is revamping our sign code regulations.
3. ***Council Member Hirshberg-Parks and Recreation-***Council Member Hirshberg reported we had our Parks and Rec's Board meeting this week. That the 4<sup>th</sup> of July celebration was a success; there were no major incidents during the event. The next event is the family game night held at the Community Center on July 23<sup>rd</sup>. This event is open to all residents and starts at 6:30 pm. On Friday August 5<sup>th</sup> will be the back to school ice cream event from 6:30 pm to 8:00 pm at the Senior Center. The Town wide yard sale sign up sheets are now available at the library. The yard sale event will be held on September 17<sup>th</sup> with the library handing out addresses and map sheet. Also, the Grand Opening for the Meet and Greet House will be at 10:00 am on July 23, 2016.
4. ***Councilmember Johnson - Public Safety-***Councilmember Johnson said that the police have received flowers from caring citizens for the death of the officers. Councilmember Johnson said to be careful out there. Chief Allmon said they are finishing up with the 4<sup>th</sup> and started working on the city Christmas parade. Chief Allmon thanked the police department for all that they do.
5. ***Mayor Pro Tem Perry - Public Works-*** Councilmember Perry reported that in your packets you have the status of the sewer pond. This will go to Fort Huachuca and then to the aquifer. We still are working on some of the problems and Public Works is doing a great job on this project. Mayor Pro Tem Perry said after discussion with Clerk Mitchell that if they are cleaning up a house that they could use the landfill as long as they are citizens. Mayor Pro Tem Perry wanted to thank the council that came out to help serve food and staff that volunteered their time and also the volunteers from the Methodist Church. We ran out of food and soda. This was a great turnout from our citizens with more children than ever.
6. ***Councilmember Gonzales - Finance-*** Councilmember Gonzales thanked all the council for working hard on the budget and we have the tentative budget on the agenda tonight.
7. ***Mayor Taylor -***Mayor Taylor thanked all those who showed up and helped volunteered for the 4<sup>th</sup> of July.
8. ***Tammy Mitchell - Town Clerk's/Administrator Report-*** Clerk Mitchell has no report at this time.

**F. Unfinished Business: Discussion and/or Action [Mayor Taylor]: Implementation and timeline for adopting new and increased sales [transaction privilege] taxes.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Wallace*.

Clerk Mitchell stated the TPT has changed and there is a link for that on our website. Also the liquor tax comes out of the luxury tax. We are continuing to find out what all taxes we collect, and are trying to get a break down. Attorney Benavidez said he thinks the state regulates all of these taxes. Mayor Taylor said for instance is there a tax that we don't have that we could have. Councilmember Welsch asked who is responsible if someone is not paying taxes. Attorney Benavidez said the state and county have IGA with municipalities and they collect your tax and would be responsible for the taxes.

**Motion** made by *Mayor Taylor* to continue this on the next agenda, **seconded** by *J. Wallace*.

**7-0 Motion Carried**

G. **New Business:**

1. **Discussion and/or Action [Mayor Taylor]: Recognizing William and Abigail Hart for their dedication and perseverance in raising money for the Huachuca City Animal Shelter.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Hirshberg*. Mayor Taylor read the certificate and is very proud of these two children who took it upon themselves to collect donations for the Animal Shelter.

2. **Discussion and/or Action [Mayor Taylor]: Approval of the Tentative Budget for fiscal years 2016/17. Discussion and action may include all Town anticipated revenues and expenses.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Gonzales*.

**Motion** made by *Mayor Taylor* to approve the Tentative Budget for fiscal years 2016-17, **seconded** by *Councilmember Gonzales*.

*Councilmember Hirshberg: Approved*

*Councilmember Welsch – Approved*

*Councilmember Gonzales – Approved*

*Councilmember Wallace – Approved*

*Councilmember Johnson- Not Approved*

*Mayor Pro Tem Perry – Approved*

*Mayor Taylor – Approved*

**6-1 Motion Carried**

3. **Discussion and/or Action [Councilmember Welsch]: Questions concerning contract performance by previous accounting services provider, MG Patience, CPA. Pursuant to A.R.S. 38-431.03(A) (3) & (4), the Council might wish to meet in executive [closed] session for legal advice from the Town Attorney.**

**Motion** made by *Councilmember Welsch* to enter into executive session for discussion, **seconded** by *Councilmember Johnson* at 7:42 pm.

**7-0 Motion Carried**

**Motion** made by *Mayor Taylor* to enter into public session, **seconded** by *Councilmember Hirshberg* at 7:51 pm.

**7-0 Motion Carried**

Motion made by *Mayor Taylor* to have the attorney clarify the matter, seconded by *Councilmember Wallace*. Attorney Benavidez stated there is no substantial evidence of any wrong doing.

Motion made by *Councilmember Welsch* to accept the attorney's advice and close the matter, seconded by *Mayor Taylor*.

7-0 Motion Carried

4. **Discussion and/or Action (Town Clerk/Administrator): Accepted into the ACMA and would like to attend the Training held on the 20, 21, 22, 2016.**

Motion made by *Mayor Taylor* to open for discussion and/or action, seconded by *Councilmember Johnson*.

Motion made by *Mayor Taylor* to approve Mrs. Mitchell's acceptance into the ACMA and allow her to attend the Training next week, seconded by *Councilmember Johnson*.

7-0 Motion Carried

RESOLUTION 2016-16

5. **Discussion and/or Action [Mayor Taylor]: Resolution 2016-16, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO A MODIFICATION OF ITS INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF REVENUE FOR ADMINISTRATION AND COLLECTION OF THE TOWN'S SALES [TRANSACTION PRIVILEGE AND EXCISE] TAXES.**

Motion made by *Mayor Taylor* to open for discussion and/or action, seconded by *Councilmember Johnson*.

Mayor Taylor said this is an agreement that we update with the state from time to time.

Motion made by *Mayor Taylor* to adopt the Resolution 2016-16, seconded by *Councilmember Wallace*.

7-0 Motion Carried

The Council took a break from 8:13 to 8:24 pm.

6. **Discussion and/or Action [Mayor Taylor]: On the acquisition of a fire truck. This might include discussion and action concerning the means of acquiring the truck, such as purchase, lease, etc., as well as the methods of payment/financing.**

Motion made by *Mayor Taylor* to open for discussion and/or action, seconded by *Councilmember Hirshberg*.

Chief Allmon spoke with the council about purchasing a Fire Truck. Chief Allmon explained that this truck this would help with the ISO. With this truck we could get on the State Contract. Fire Chief Allmon said it will take 180 days for build time. We would get it about Mayor of 2017. I have saved money on the budget for the down payment and the financing would be anywhere from 6 to 12 years.

Motion made by *Mayor Taylor* to allow the Fire Chief to enter into contract for a new truck, seconded by *Councilmember Johnson*.

7-0 Motion Carried

7. **Discussion and / or Action (Mayor Taylor): Dismissing rumors: including, but not limited to, merger or disbanding of our policing services AND merger or disbanding of our fire and emergency services. To make clear that changes to anything specifically addressed in the Town’s codified ordinances MUST first be addressed by the Council.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Johnson*.

Mayor Taylor said he would like to squash these rumors going around. One is about the fire department leaving this is not true. We are walking on things but nothing behind the scenes. Councilmember Johnson said she gets asked a lot of questions. There is a lot of talk that is just rumors and people seem to like them. Councilmember Johnson said that Chief Thies is in Whetstone every morning; well he is taking classes through the internet and working out. People are asking me why he is out there, that is why. Mayor Taylor said to the public if you have question please ask us.

8. **Discussion and / or Action (Town Attorney): Clarification statement of the Town’s first and foremost position to adhere to Arizona State law concerning placement of political / campaign signs.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Johnson*. Attorney Benavidez explained some of the federal and state laws that came down. These do not include private property; it is 60 days prior to the election.

9. **Discussion and / or Action (Town Attorney): Executive Session, pursuant to A.R.S. 38-431.03 (A)(3) & (4), for legal advice from the Town’s attorney regarding handling complaints, past, present and future, brought against the Town, and to address the status of any open complaints, and how the Council should address concerns. Recent complaints are an open meeting law concern arising from the Council’s June 9<sup>th</sup> meeting, and Mr. Richard Miller’s complaints about the Police Department and most Town officials. It is possible that the Council will provide direction to its attorney on this agenda item.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Councilmember Johnson*.

**7-0 Motion Carried**

**Motion** made by *Mayor Taylor* to enter executive session, **seconded** by *Councilmember Wallace* at 8:41 pm.

**7-0 Motion Carried**

**Motion** made by *Mayor Taylor* to enter back into regular session, **seconded** by *Councilmember Hirshberg* 9:04 pm.

**7-0 Motion Carried**

**ORDINANCE 2016-19**

10. **Discussion and/or Action [Building Inspector]: Ordinance read by Title Only: First Reading of Ordinance No. 2016-19, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY AMENDING THE TOWN CODE, BY DELETING TITLE 12, “TRAILERS AND MOBILE HOMES,” IN ITS ENTIRETY, AND BY ADDING NEW CHAPTER 5.30 “LICENSE FOR MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE**

**PARKS” TO TITLE 5 “BUSINESS LICENSES AND REGULATIONS,”  
CONCERNING LICENSING REQUIREMENTS FOR  
MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS.  
Motion made by Mayor Taylor to open for discussion and/or action, seconded  
by Councilmember Wallace.**

**H. Payment Approval Report in the amount of \$74,956.71**

Motion made by Mayor Taylor to open for discussion and/or action, seconded by Councilmember Johnson.

Motion made by Mayor Taylor to approve the payment of \$74,956.71, seconded by Councilmember Hirshberg.

7-0 Motion Carried

**I. Call to the Public: [3 min. limit] ARS38-431-01 Public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.**

None

**J. Discussion and/or Action [Town Clerk]: Items to be placed on the next agenda.**

1. Discussion and/or Action [Mayor Taylor]: Dump for free during a month for town clean up.
2. Discussion and/or Action [Mayor Taylor]: Town’s future concerns regarding Camp Naco.

**K. Adjournment:**

Motion made by Mayor Taylor to adjourn, seconded by Councilmember Johnson  
Adjourned at p.m.

7-0 motion Carried

Approved by Mayor Taylor on July 28, 2016

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Mayor, Kenneth Taylor

Attest: \_\_\_\_\_  
Town Clerk Tammy J. Mitchell, MMC

Seal:

**Certification**

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Town of Huachuca City held on July 14, 2016. I further certify that the meeting was duly called, and a quorum was present.

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Tammy J. Mitchell, MMC, Town Clerk/Administrator