



**MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
MEETS
THURSDAY, APRIL 25, 2019 AT 7:00PM
HUACHUCA CITY TOWN HALL, 500 N. GONZALES BLVD,
HUACHUCA CITY,
AZ 85616**

AGENDA

A. Call to Order

Mayor

- Pledge of Allegiance
- Roll Call and Ascertain Quorum
- Invocation

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.

The meeting was called to order at 7:00pm.

Roll Call.

Present: Mayor Johann Wallace, Mayor Pro-Tem Donna Johnson, Cynthia Butterworth, Joy Banks, Christy Hirshberg, Debra Trate, Walt Welsch, Matthew Williams (Not Voting), Thomas Benavidez, Attorney (Not Voting)

The invocation was led by Pastor Booker Miles.

B. Call to the Public

Mayor

A.R.S. 38-431.01 states the 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.

Mayor Wallace calls Mr. Peet to the front and requests that he state his name and address. Mr. Peet informs Mayor Wallace that he has a hearing impairment.

Mr. Peet states that his name is Dale Peet. He resides at 2122 N. Highway 90, owns 113 Pinal. He is here to speak about three things, first on a positive note he wishes to thank the Chief and his officers for doing more recent drive arounds, meaning their windows are down and they wave and say "Hi". Regarding the water/sewer bill, he knows it was raised last month and he apologizes for not being here. He states that it has been raised almost 100 percent. He states that he knows it doesn't seem that way, his normal water bill on Pinal was \$38 and it just went up \$20 bare bones minimum it has to go up that. He states that that is almost 100 percent raising, and further states that there has to be an option for that. He does not know what it is, but he is bringing it for the council to

talk about. He states he goes back to not a lot of education but he works very hard in a mechanical way and he never thinks about numbers anymore, but to him there's, according to the City Manager, 700 plus houses here, and they raised it \$20 per account, that's \$14,000 more a month, every month. He knows we are behind from the past, we have to make that up but there's got to be a step or something. What do we do for the elderly? The ones that are on fixed budgets. Children that are on the same boat that are making \$10 an hour and struggling, now their cup is full, we're taking a \$20 ice cube and throwing it in that cup, \$20 is coming out of that. Does that mean they don't have their steak night? He doesn't know how they're going to do it but this is rough for everybody. The middle income won't notice it a lot, but Huachuca City has a lot of low income and a lot of elderly, somebody has got to speak for them. He didn't want to be that one, but he will. He's going to jump off of that, as he said \$14,000 per month making that \$28,000 every 2 months times 6 is roughly \$180,000, more than you're getting by without right now. There has to be a step. The sewer goes up depending on how much water he uses, so if he waters his yard, it's on a step program too. How is that possible? Again it is just a question to council to discuss in chambers or whatever. He has heard that there is a petition going around, he hasn't seen it, but he doesn't know what the petition would be, nobody gets up there to speak, that dealt with his last complaint regarding not having any recycling or anything. This means that people are throwing batteries away. They throw away pesticides, the stuff that goes into the dump, you already know when you take a load, you just heard we don't even think about that. He isn't sure but thinks that there are federal guidelines on that. We have to have something so that doesn't end up in the dump. Again it's a question to council, he does not have nor want the education to know that. He thinks Huachuca City is a beautiful little town and that we are making leaps and bounds. He thinks the people and the council are both doing that but if the water bills and stuff keep going up, he will be asking people to run against council members. It will not be him because he does not want the job because it is difficult and you have to listen to people like him. That's all he has to say. Another Kudos to the Chief and his officers, it makes a big difference in the crime rate.

Mayor Wallace confirms that there are no more Call to the Publics.

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 the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without the 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.

- C.1 Consider approval of the minutes of the regular Council meeting held on April 11, 2019.
- C.2 Consider approval of the minutes of the Council executive session held on April 11, 2019.
- C.3 Consider approval of the Payment Approval Report in the amount of \$171,880.25.
- C.4 Authorize the declaration as surplus property the following items, to be sold by auction or otherwise disposed of in accordance with Town Policy:
 - a. Lot of outdoor mercury lights.

Motion: Consider approval of the Consent Agenda, Action Open Item for discussion/action Moved By Mayor Wallace, Seconded by Mayor Pro-Tem Johnson

Mayor Wallace asked if there were any questions regarding the items on the Consent Agenda. Mayor Wallace informs everyone that the \$171,880.25 includes the payment to the Whetstone Fire District and that is why it is so high for the month.

Motion: Approve everything under the Consent Agenda items C.1 through C.4 Moved By Mayor Wallace, Seconded By Mayor Pro-Tem Johnson Motion Passed 7-0

D. Unfinished Business before the Council

Mayor

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 Discussion and/or Action: [Mayor Wallace]: Review of rating criteria for Town Manager's annual performance evaluation.

Motion: Open item D.1 for discussion/action, Action Open item for discussion. Motioned by Mayor Wallace, Seconded by Councilmember Hirshberg

Mayor Wallace asks Manager Williams if he got any feedback from the Councilmembers. He states that he has not.

Mayor Wallace asks Councilmembers if they have any question/concerns or modifications to it.

Councilmember Welsch states that he knows the usefulness of this type of thing, and this is designed to be used when you are trying to weed out 300,000 people, military and that type of thing. When it's this small of a group, evaluating a single individual it basically classifies as a rubber stamp, either pass or fail. He states that one of the things he has seen done with this type of evaluation is if you choose anything on the low side or anything on the high side, you have to put down a reason, under each one. That's what he is used to. That is the way this is structured. It is not easily accomplished. He states that you need to set criteria, such as if you do a one or a two you have to write a reason whereas if you write a three or four you don't have to write a reason and if you give them a five you have to give a reason. Or something like that so that it can be a useful tool. As of the last meeting, someone said boy this looks easy and some of you said "yeah", so that indicated to him that three people down that way had already approved this and he just found that strange.

Mayor Wallace addresses his concerns suggesting that he look at the forms because there are different sections and there is one that reads comment area, where you can quantify your statement if you wish and if you don't then you don't. The comments that he made about it being easy were because it's not supposed to be a difficult form to fill out. It is an evaluation, the same that Seago uses to evaluate the Executive Director. He reiterates that he did not create this, he just assumed it and made use of it for the evaluation for Manager Williams.

Mayor Pro-Tem Johnson states that she does not believe she said it was easy, rather that she said she's already done it because that's what is was in the packet for. She also states that Councilmember Welsch is not used to it because this is not Pennsylvania, it is Huachuca City and everything from back there to here is so different so of

course he wouldn't find this back there or any other place. She states that this a small town and that Councilmember Welsch has said that himself. She states that it is personal.

Councilmember Trate states that she believes it's a good form. She also is from Pennsylvania and she worked in Philly and this was similar, not this identical format, but when she had to get reviewed by companies she worked for it was a similar format. It was like did you obtain these goals for functions of the position and it's yeah they did or they didn't and you can write your reason whether they did or they didn't. It's just a matter of what everyone else is saying, it's just a matter of getting used to it. Things are changing and we have to kind of go with the flow. She thinks that it is all encompassing, it is covering everything that should be covered.

Mayor Wallace asks Mr. Benavidez if he has any problems with the form. He states that he does not have any legal issues with it at all.

Mayor Wallace asks for any other council comments.

Councilmember states that the purpose of an evaluation is to let the employee know what they are doing well in and where they need to improve, to give positive feedback and support as far as to correct what needs to be corrected. She states that this gives a basic guideline to interact with the staff member in her opinion.

Motion: Approve the form as is for use of Manager Williams' evaluation that will be occurring in May. **Motioned by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson.** Motion passed 6-1. Opposed by Councilmember Welsch.

Mayor Wallace gives direction to council that forms should be filled out and put in an envelope in his box. Councilmember asks him to repeat. He does. He also states that he will consolidate all the responses and asks that they are done by next Friday, May 3rd, 2019.

E. New Business before the Council

Mayor

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.

E.1 Discussion only [Mayor Wallace]: Presentation of the Yard of the Month winners for May 2019, in coordination with the Friends of Huachuca City.

Motion: Open Item E.1 for discussion. **Action:** Open Item for discussion. **Moved by Mayor Wallace , Seconded by Mayor Pro-Tem Johnson .**

Mayor Wallace states that the yard of the month is something that is done by the Friends of Huachuca City, they have all gone around looking at yards and they make a selection and pick a winner and the winners get certificates and coupons. He thanks Barbara Henry for taking care of her yard stating that the town appreciates it and it makes

Doc Johnson's job easier as well. He calls for James Madison and Adam Hall as well, Mr. Hall is present and he is thanked as well.

E.2 Discussion and/or Action [Manager Williams]: Monthly Budget Update Report to be presented by Spencer Forsberg of Haymore and Forsberg, C.P.A.

Motion: Open Item E.2 for Discussion and/or Action Action: Open item for Discussion Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson.

Mayor Wallace calls upon Mr. Forsberg. Mr. Forsberg greets council and Mayor and states that they will be discussing financials through the month of March 2019, which is three fourths of the way through the fiscal year. He states that there are some highlights he would like to discuss. General Fund for the month of March, we just about break even, showing a loss of about \$2,000.00. There was about \$40,000.00 come in for auction proceeds which really helped the month for revenue. Some expenses that came in that were out of the norm were a bill for the Audit that has been taking place, a lease or loan was paid off for the animal shelter vehicle for \$19,180.00. Those couple of expenses that are out of the norm created the \$2,530.00 loss for the month of March. He states that year to date, or 75% of the way through the fiscal year, we are operating with \$100,000.00 loss, which he states is a drastic improvement from the prior years. He further states that we have been able to cut down on expenses and find some revenue through selling some equipment and different ways, so it has been a big improvement this year. He states he thinks Manager Williams and Ms. Ha have done a good job of narrowing down some of these things that could be cut out.

Enterprise Funds on page 22 of report, starting with the water fund, with the budget being the same as it has been for prior months we are operating at a loss on Enterprise Funds. For example on the Water Fund there was a revenue of \$12,900.00 for the month of March. Expenses came in at \$36,800.00, so that's a loss of almost \$24,000.00 for just the month of March. Year to date on Water Fund we are operating at \$116,000.00 loss.

Page 24 is the Sewer Fund, with a recognized revenue of \$9,468.00 and expenses of \$24,922.00, loss of \$15,453.00. Year to date loss on Sewer Fund is at \$60,300.00.

Garbage Fund, page 26, we saw revenue of \$11,100.00 and expenses of \$20,482 but last month we didn't have the Invoice from the subcontractor and this month both Invoices hit so that's why there is \$20,461.00 in expenses otherwise we would have been operating at a profit.

Landfill Fund, page 28, operated at a \$46,000.00 profit for the month. He states that is a nice change. A big part of that was some equipment being both bought and sold during the month and saw almost a \$30,000.00 shift. We bought equipment for \$90,000.00, but sold equipment for \$120,000.00. He states that is a good end to be on. He states that those are the big highlights through March 2019 and he will be happy to address any questions.

Councilmember Welsch states that we have been leasing a scraper and cat and he is curious where it is on the Landfill Fund. He is informed that that should be under Capital Expenditures on the Landfill. Councilmember Welsch states he is just curious to see what it costs us to rent those for three months or so. Councilmembers and others try to locate where it is. Mr. Forsberg states Capital Lease for the GMM earning is 705, he would have to go pull the description of that. Manager Williams states that is the cat payment, it's the 6...

Mr. Forsberg states that it is \$6,764.00. Manager Williams says that's paying for the equipment 100%. Councilmember Welsch says he is talking about fiscal and Manager Williams says they are trying to find it. Councilmember Welsch says he just looked down the list and didn't see it. Manager Williams asks for a second. Councilmember Welsch says he knows they use some strange names for categories and that's why he is asking. Manager Williams says bear with them. Manager Williams tells Councilmember Welsch that it is under line item 16. That's Equipment Maintenance \$5540.16, you'll see the monthly expenditure for this month for \$15,724.00

and we're showing 2 separate bills here, one for \$5859 and one for \$2835, so again it falls under 610 that is Equipment Maintenance line item.

Mayor Wallace asks why we are tagging it under Equipment Maintenance. He states he understands why we have it because we need it but it should still be under Capital Lease. Manager Williams states that the only thing that can be put under Capital Lease is the payment on the equipment that we actually have. He also states that for the next budget year we can add a line item if they want.

Mayor Wallace states that they can discuss that during the budget meeting. Manager Williams agrees, Councilmember Welsch suggests they just add a line for rented equipment. Manager Williams states they can do that too, either way.

Mayor Wallace says at least we know where we are now. Councilmember Welsch says he thought we paid \$80,000.00 for the old scraper (the one that got dumped) to be fixed out of the General Fund. Manager Williams states that was not \$80,000.00 it was about \$47,000.00. Mayor Wallace clarifies that it is not \$4,700.00 but \$47,000.00 and Manager Williams confirms. Manager Williams states that that was last budget year and it will not be seen on this budget of course. Councilmember Welsch thanks him. Councilmember Welsch states that in selling the scraper, if that came from the General Fund then that money should go back into the General Fund, not the Landfill Fund. He is just asking if it is going where it belongs. Mayor Wallace states that that goes back to the last budget cycle and was it taken out of the General Fund or was it billed to the Landfill Fund and Councilmember states he believes it was taken from the General Fund because that's part of the reason they took money out of the savings, at least that's how he remembers it. Manager Williams states they will take that into account.

Mayor Wallace asks for any other questions from council. Mayor Wallace clarifies with Mr. Forsberg that we lost \$34,000.00 on water and \$16,000.00 on sewer. Mr. Forsberg corrects the water amount to \$24,000.00. Councilmember Tate wants to make sure that is just for the month of March. She reiterates that for the month of March, we lost \$24,000.00 in water, we had that many more expenditures than we brought in. She asks again for clarification of what sewer was and Mayor Wallace and Mr. Forsberg state that it was \$15,000.00 loss just for the month of March.

Mayor Wallace verifies some notes he took, such as the \$19,180.00 to pay off the ACO truck, and the audit bill being due. Manager Williams reminds them that the Senior Center roof was on this month as well. Mayor Wallace sums up that we are running at around \$100,000.00 loss with 75% of the fiscal year done which is better than the \$500,000 to \$700,000.00 that we are used to.

Mayor Wallace once again asks if there are any other questions. He thanks Mr. Forsberg.

E.3 Discussion and/or Action [Mayor Wallace]: Town Council formal action to censure Councilmember Walter Welsch under the Town's Code of Conduct for Elected Officials for his unprofessional public statements about the Library Director, Town Manager and other Councilmembers.

Motion: Open E.3 for Discussion and/or Action Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson

Mayor Wallace states that if they look in their packets they can see the definition of what a censure is. He gives them a second to read it. For the identification of the public he reads: a censure is a formal action of the City Council, reprimanding one of its own members for specified conduct generally in violation of the law or of city policy where the violation of policy is considered to be a serious offence. Censure should not follow an occasional error in judgement which occurs in good faith and is unintentional. Censure carries no fine or suspension of the rights of the member as an elected official but a censure is a punitive action that serves as a punishment for wrongdoing.

Mayor Wallace asks for questions from council.

Motion: Censure Councilmember Welsch. Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson. Motion passed 6-0 Councilmember Welsch did not vote.

E.4 Discussion and/or Action:[Councilmember Welsch]: To review The Town Manager's actions of encouraged councilmembers to question department heads and supervisors without reminding councilmembers to follow the procedure set forth in the Code of Ethics for Elected Officials facilitating the violation of said procedure.

Motion: Open E.4 for Discussion and/or Action Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson

Mayor Wallace opens the floor for Councilmember Welsch.

Councilmember Welsch states that they were basically told to talk to people and that the Code of Ethics says that any discussions of that type have to be cleared through the Manager. He asks if it was cleared and states that he didn't do it because he didn't consider it clear. Legally it is permitted through law, he doesn't have a problem with that. He has a problem that it is being superseded by something in the Code of Ethics that was ignored. He further states that that was ignored in writing.

Mayor Wallace states that Manager Williams sent out an e-mail to all council members based on the Mayor's direction. He further clarifies that this is not something that Manager Williams did on his own, and that after speaking with the City Attorney and clearing it with him, he asked Manager Williams to send out an e-mail to all the council directing them that they could go ahead and talk to the Department Heads. By his acknowledgement and sending that e-mail, he is authorizing that discussion so if you send an email saying "if you want, you can go talk to them" it doesn't require them to go back and ask if you can go talk to them. So by his e-mail, out to council saying if you want to go talk to Department Heads about this particular issue you are more than welcome to do it, he gave that authorization so the council doesn't have to go back and ask again. Mayor Wallace further states that he does not see that there is any issue with the e-mail that was sent.

Councilmember Johnson states that she must be dumb because she did go to Manager Williams to ask if the e-mail meant that she could go talk to them. She asks Manager Williams to confirm this, which he does. She states that she got from the e-mail that they had the right to go talk to them.

Mayor Wallace asks if any other members of the council feel that Manager Williams violated the Code of Conduct by sending the e-mail. Negative responses are heard.

Mayor Wallace asks if Councilmember Welsch has anything to add. No response. Mayor Wallace states no action to be taken on item E.4.

No motion on item, item dies.

E.5 Discussion and/or Action:[Councilmember Trate]: First Reading of Ordinance 2019-11, AN ORDINANCE OF THE MAOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 "ANMINISTRATION AND PERSONNEL," CHAPTER 2.35 "OFFICERS," SECTION 2.35.015 "TOWN MANAGER," TO ALLOW THE TOWN MANAGER TO SELECT HIS OR HER DESIGNEE IN THE TOWN

MANAGER'S ABSENCE AND TO ALLOW THE TOWN COUNCIL TO SELECT A DESIGNEE DUE TO THE TOWN MANAGER'S INCAPACITY OR SEPARATION; AND TO REQUIRE COUNCILMEMBERS TO GO THROUGH THE TOWN MANAGER TO CONSULT WITH TOWN EMPLOYEES REGARDING TOWN BUSINESS.

Motion: Open Item E.5 for Discussion and/or Action **Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson**

Mayor Wallace states that this is just the first reading of the ordinance, they will not be voting on it. No action can really be taken on it tonight. He then hands the discussion over to Councilmember Trate.

Councilmember Trate states that she wrote this up originally because she was just concerned that in the past, to her understanding, the Town Clerk would be in charge of the City if something were to happen to the Town Manager. She states she has never been familiar with that type of setup in other government organizations she worked for so she wants there to maybe be more qualified people, not being negative against the Town Clerk, whomever that may be, but in her experience either the Finance Director or the Public Works, she believes it was in the city she worked for, who they put in charge because they had more knowledge of what was going on in the operations of the city. She also states that sometimes there were also co-managers so that it wasn't so much for one person. That is where this came from.

Mayor Wallace reiterates that they are not voting or making any actions. This is just a first reading. He asks that they take a read and if they have any questions or concerns, to please get them back to Manager Williams if there is anything that they want changed. He asks that those modifications get to Manager Williams before the next meeting so that they can be incorporated. He asks that they not wait until the next meeting to bring up their concerns or questions.

Mayor Wallace asks Manager Williams that if anyone brings forth any changes, that an updated copy be sent to the council. Manager Williams agrees.

E.6 Discussion and/or action:[Mayor Wallace]: First Reading of Ordinance 2019-12, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE, TITLE 9, "PUBLIC PEACE MORALS AND WELFARE," CHAPTER 9.30 "JUNKED MOTOR VEHICLES," SECTION 9.30.010 AND SECTION 9.30.020, TO REVISE THE DEFINITION OF "INOPERABLE VEHICLE" AND PROHIBIT CERTAIN STORAGE OF INOPERABLE VEHICLES ON PRIVATE PROPERTY; AND ADDING SECTION 9.30.060 PROVIDING CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS.

Motion: Open Item E.6 for Discussion and/or Action. **Moved by Mayor Wallace, Seconded by Councilmember Hirshberg**

Mayor Wallace clarifies that again this is just a first reading and asks Manager Williams and Chief Thies who is going to speak about this. Manager Williams states that he will go first and then the Chief will speak.

Manager Williams states that these updates for junk cars ordinance, inoperable cars ordinance have two major changes, the first of which is that in the current town code for a car to be considered junk or not junk it has to have current registration. They added that now for it to not be considered junk it has to have current registration and insurance. He states that a lot of cities do this, it is very common for them to require that they carry both

current registration and insurance if the vehicle is on your property. The other half is to make it fees versus a crime, and he states that Chief Thies can explain that better than he can. He further states that currently it is a crime in code now, which he has Chief Thies confirm. He says they made this so that now for the first and second citation it would be a civil fee and the third time would be a crime. He asks that Chief Thies explain that more.

Chief Thies explains that in an effort to streamline the city code, where everything was a platform misdemeanor punishable by arrests, fines, probation and other things, they are switching it to where most of them will be civil, it will be a \$50.00 fine for the first offence, for the second time, same offence is \$100.00 fine. If by chance you get to a third offence, someone who really doesn't care, then they will get arrested. This gives the citizens an opportunity at the lowest possible punitive law enforcement. A member of the public attempts to ask a question and Mayor Wallace informs them that they can't have that interaction. He apologizes.

Manager Williams makes a correction to what Chief Thies has said, wherein the first offence would actually be a fine of \$150.00 and the second offence would be a fine of \$300.00. Chief Thies says that the reason that that one is higher is that it should serve as a deterrent. He states that when you look back at the last few decades, and ask how did we get that way, we are not going to get that way again. What we are going to do is remind people that if you don't care there are consequences. We can't go back to where we have been. It is time to move forward, it's a deterrent.

Mayor Pro-Tem asks if that means that all of those vehicles sitting in peoples yards and on the street and in the back yard and all that better be licensed and insured. Chief Thies confirms this. Chief Thies states that some are not going to agree with it and that's ok, he supports this change.

Manager Williams states that they did have multiple departments look over this to make sure it would involve all three of them.

Councilmember Banks wishes to let the public know that there are papers that can be filled out if they wish to speak and they will be allowed to speak during the call to the public. Mayor Wallace corrects her to state that this is just done before the beginning of the meeting, and cannot be done during. He also states that he was going to ask Chief Thies to get the gentleman's question so they can get him an answer.

Councilmember Trate asks what the time frame is regarding how much time between when the first citation is given and when the second is given and then again how long until the third. Chief Thies states that that is a good question and that when he issues a citation for a civil you get a court date, civil means you don't have to go to court, but it is an option and a right. That's about 30 days. So you have 30 days to correct the violation. If after 30 days you haven't and you move on to a hearing, you can receive on the 31st day or after that court date, the second civil violation. He again states that this is a deterrent, it should impact. A reasonable person will move their vehicles. If they can't then we can help find the resources, but we have to start cleaning up the town as a whole and not just small pockets. You can see it's happening every day, we need to take that next step and make sure that a year from now, the opportunity to get back to where we were will not exist. It is not punishment, he cannot stress that enough. We are going to change their minds as a community, the citizens and to move forward. If it can't be on the roadway, find a better place for it. That's what we're trying to do.

Mayor Wallace states that he doesn't know how this will work, that previously it had been talked about regarding people who have a vehicle in their yard that they are working on for an extended period of time, as far as the insurance and registration if someone is working on a car in their driveway, they might not have it registered and insured. He just wants to make sure that we have something that will allow people to work on their cars in situations like that. Mayor Wallace states that he will dig into it and work on that. Chief Thies states that there is the reasonableness of the law. For instance if the vehicle has been sitting there untouched for five years and all

of a sudden when an officer shows up you want to work on it, it's too late. If it's been there a week and you need a little money and a little time, that's different.

Mayor Wallace asks Chief Thies if the gentleman in the audience had a call to the public, and Chief Thies states that he did. Mayor Wallace calls the man forward and asks him to provide his name and address. The gentleman identifies himself as Steve Folstitch of 307 Dragoon. He states that he has been here for about three months, came from Tucson. He states that he hates Tucson, he likes small towns. He says that the town seems pretty fair to him. He says he got the new water and sewer bill which bothers him a little bit, but what he noticed is that there are a lot of retirees in this town and he sees a lot of people on fixed incomes too and he is just highlighting what Mr. Dale Peet said. Mayor Wallace interrupts stating that he thought that the call to the public was going to be about the vehicles, and Mr. Folstitch says that he's going to get to that too. Mayor Wallace allows him to continue. Mr. Folstitch states that he restores cars, not as a business but as a hobby. He states that he does not have a lot of cars, and he currently has one that he is restoring and he doesn't believe in putting it in his driveway and putting all the parts out for everyone to see. He can understand that and he puts it in the backyard and works on it whenever he can, continuously to get it going and running and going down the road and registered and insured and all that, and then starting another project. It is a hobby. He says he sees a ton of junk cars, trucks, busses, fire trucks. It's horrible and they have been sitting here for what he would say is decades. He says he doesn't know why they are still there, he doesn't understand that but, as the officer just explained, if it's being worked on ok, but if it's been there for decades what are you going to do? He says that he has noticed, as Mr. Peet described, officers driving by and it's a great deterrent for crimes. That is all he wants to say.

Mayor Pro-Tem Johnson thanks him.

Mayor Wallace reiterates that this is the first reading, asks for questions or comments from council.

Councilmember asks how that relates to other towns, if they have similar codes. Manager Williams states that the insurance clause was based on Cottonwood's. Also, if the vehicle is in your garage or somewhere that it can't be seen then there would not be a problem, and also, there has to be a complaint about the car, they won't just be going around picking out cars. There has to be someone to complain. Councilmember just wants to make sure it is being based off something that has been established, which she was sure it had been but she figured for the record it should be clear.

Mayor Wallace states that the biggest thing for him is that he wants to make sure that, as Councilmember Welsch brought up a few years ago, that a lot of times people will have something they are working on and when they are working on it they are not going to carry registration or insurance because they are working on it. It might not have a bumper or a rear panel on it to put a license plate. He just wants to look at it and make sure there is a clause in there that allows people to maintain their hobby. Chief Thies states that there is codes that apply to that, open storage, it allows for people to fence it off so you can't see it, put it in a garage, there is applications for it. Leaving it in the front yard, disassembled for two to three years is pushing the boundaries. Mayor Wallace agrees with that statement.

Mayor Wallace asks for any other questions from council.

E.7 Discussion and/or Action [Manager Williams]: Council approval of Phase One Environmental Inspection Expense for Dusk till Dawn Property.

Motion: Open item E.7 for Discussion and/or action Moved by Mayor Wallace, Seconded by Councilmember Hirshberg

Mayor Wallace opens the floor for Manager Williams. Manager Williams reminds the council about a recent discussion on the acquisition of the Dusk till Dawn Property. One of the things that must be done before that happens is a Phase One Environments Inspection for the property. This is something you do when purchasing commercial property. You have a Phase One done so you know what you are purchasing. There was a question about this property because apparently there was a gas station there back in the 1950's. This Phase One study will assess the property and make sure there are no fuel tanks still in the ground, no environmental concerns we need to be aware of. Doc did obtain 3 quotes for Manager Williams. The first quote is from Enviro Assessment and it is for \$2,200.00. The second quote is from Harris Environmental and is for \$2,799.00. The third is from EEC Engineering and Environmental Control for \$2,962.00. He recommends the first company at \$2,200.00. Manager Williams asks Doc to come up and tell the council what all a Phase One entails.

Doc states that there are three phases that you can do due diligence on when you buy a piece of property. A Phase One starts the process off with an environmental research firm who will come and inspect the property inside and out. They will do the back research and find if there was an old gas station there and if so they would check to make sure the tanks had been properly removed. They check the title of the property and research that to make sure there are no environmental leans, if they find anything suspicious in the interior or exterior of the property they will state in their report that it needs to be taken to a Phase Two which would be testing, taking samples and running tests on those. It is a standard process in the purchase of commercial property and is becoming extremely popular in residential. It is something you always do on your due diligence when purchasing a piece of property that is commercial. Doc and Manager Williams discuss a 4th bid, which Manager Williams states was not included because it was not in yet when he did the packets. Doc states that the bid was for \$150.00 more than the lowest bid which made it \$2,350.00. Lowest bid is Enviro Assessments, based out of Idaho with operations in Arizona. He states where each of the companies that provided quotes operates. He also lists the bidders in order from least to greatest.

Mayor Pro-Tem states that when this was all going on she was not under the Impression that we would have to pay for additional stuff. So now she is thinking twice because now we have to pay for more stuff and are we going to have to pay for even more stuff before this is over with.

Mayor Wallace states that this was something that was discussed as something that would need to be done and other Councilmembers confirm this. Mayor Wallace states that this isn't new, and again other Councilmembers agree. Mayor Pro-Tem Johnson says ok. She states that she wasn't aware that this would be happening and Mayor Wallace again says that this is not a new development. Mayor Wallace asks for any other questions.

Councilmember Welsch asks if all the companies are recognized by ADEQ, Doc states that he knows that EEC is and Terracom is but he did not ask each of them individually. He offers to ask if the council would like. Councilmember Welsch states it would be kind of dumb of them to use a company that doesn't have a certification. Mayor Wallace agrees. City Attorney Benavidez asks Doc if they need to be certified since they are just doing research and Doc states that they are all not just environmental researchers but environmental scientists. Doc states that he can not say for sure that they are all qualified by ADEQ but if Councilmember Welsch would like he can contact them and get that information. Councilmember Welsch believes it would be appropriate considering everything else that has been happening with that property to this point we shouldn't take anything for granted. Doc will contact them at the first part of the week.

Councilmember thinks that if they are going to make a motion, it should be that they go with the lowest bidder pending verification of their ADEQ certification. Mayor Wallace states that they can make a motion to proceed pending the ADEQ verification. Mayor Wallace states he had a question, he noticed that Enviro Assessments were

the only ones who provided a breakdown by the hour and he wants to know the chance of getting hit with additional fees and it costing more than \$2,200.00. Doc states that if you look through the contracts you will see that each one of them do have additional fees, the bid is based on Phase One and the items included into that. If we decide that we want additional services they will cost more. If something minor is found and a Phase Two is not necessarily need they can do a little more research. Mayor Wallace just wanted to clarify that. He also asks to clarify that TerraCon was the name of the 4th bidder. Doc states that TerraCon is one of the nation's largest geotechnical environmental engineering firms. They have offices in all 50 states. They specialize in material testing and roadwork and concrete testing. They have their own lab. EEC's office in Tucson specializes in environmental work, that's all they do. Doc states that normally what is done is they go with the lowest bidder and if something happens, they bump to the next lowest.

Mayor Wallace asks for any other questions from council.

Motion: Approve Phase One Environmental Inspection on the Dusk till Dawn property using the lowest bidder Enviro Assessments followed by the next lowest bidder TerraCon depending on ADEQ certification Moved by Mayor Wallace Seconded by Councilmember Hirshberg Motion passed 7-0

E.8 Discussion and/or Action [Mayor Wallace]: First Reading of Ordinance 2019-13, AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 1 "VEHICLES, TRAFFIC AND PARKS," CHAPTER 10.20 "ABANDONED VEHICLES," SECTIONS 10.20.030 AND 10.20.090, TO REMOVE THE FEE AMOUNTS FROM THE TOWN CODE AND TO ALLOW THE TOWN COUNCIL TO ESTABLISH AND AMEND A FEE SCHEDULE BY RESOLUTION.

Motion: Open Item E.8 for Discussion and/or Action Moved by Mayor Wallace Seconded by Councilmember Hirshberg

Mayor Wallace requests that Manager Williams or Chief Thies explain this. Chief Thies states that he was asked at a staff meeting to look into possible funding opportunities and by reviewing the town code, he observed that the daily impound fee, by state is \$15.00 a day, by Town Code it is \$35.00 a day. This will resolve it. Though we have not been charging \$35.00 a day, we need City Code to reflect state law, as well as the \$150.00 administrative fee which is accurate in the Town Code. This changes Town Code to reflect that whatever the state says we can charge, that is what the fee is. This makes it so that we don't have to keep going back and updating and changing the fees every time the state does. Mayor Wallace sums it up as when the Chief was going through Town Code, he discovered it says the storage fee on impounds is \$35.00 and by law we can only charge \$15.00 so this fixes that. Manager Williams clarifies that item E.8 is the ordinance that Chief Thies just explained, which will become law on June 9th, 2019 if passed by council. This makes it so it takes the fees out of code and refers to ARS. It will be a month before it goes into law. E.9 is a resolution that will be effective as soon as it is adopted by council, it adopts the fee schedule, however it includes the fees the state charges and the one already in our code and because they are not going up, it doesn't trigger the 60 day process. He just wanted to explain why they were adopting an ordinance that doesn't go into effect for a month but a resolution that goes into effect tonight if adopted. Mayor Wallace asks for any other questions from council and reiterates that tonight is first reading.

E.9 Discussion and/or Action [Mayor Wallace]: Council approval of Resolution 2019-15, A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, ESTABLISHING A SCHEDULE OF FEES FOR IMPOUNDED AND STORED VEHICLES.

Motion: Open Item E.9 for Discussion and/or Action Moved by Mayor Wallace, Seconded by Councilmember Hirshberg.

Motion: Approve Resolution 2019-15 Moved by Mayor Wallace, Seconded by Councilmember Hirshberg. Motion passed 7-0

Mayor Wallace recognizes a request for a break from Councilmember Welsch.

Motion: Take a 10 minute break Motioned by Mayor Wallace, Seconded by Councilmember Hirshberg Motion passed 7-0

Break began 7:56pm.

Break ended 8:07pm.

E.10 Discussion and/or Action [Director Harvey] Council Decision Request to establish a funding program to raise funds to provide the summer 2019 Summer Splash Program.

Motion: Open item E.10 for Discussion and/or Action Moved by Mayor Wallace, Seconded by Councilmember Butterworth

Mayor Wallace turns the floor over to Director Harvey. Director Harvey explained the financial difficulties of funding the summer splash program. Possible funding options. The fee is \$70 for In district, \$110 for out of district. Summer Splash 18' was financed by the 4H program, 4H funding is unavailable this year. Funding options included employees from workforce development, GoFundMe, business donations/sponsorships. Director Harvey feels that roughly \$3500 will be raised as revenue from admissions.

Director Harvey requested Council permission to prepare a donation letter for local businesses.

The Town Attorney advised us we can't lend the Town name to a company for a business, however a business can sponsor a Town event, league, or program. Councilmember Hirshberg asked if Lions Club could sponsor the event.

Councilmember Welsch discussed the importance of separation on business sponsorships. Mayor Wallace asked about financial carryover from budget year to the next.

Motion: Approval for staff to prepare a donation letter and use GoFundMe to raise funds for Summer Splash 2019. Moved by Mayor Wallace, Seconded by Councilmember Hirshberg.

Mayor Wallace, Councilmember Hirshberg, Councilmember Banks and Mayor Pro-Tem Johnson asked if there July stipend could be donated towards Summer Splash expenses.

E.11 Discussion and/or Action [Mayor Wallace]: Council staff direction to streamline the Town Clerk interview/hire process.

Motion to open Item E.11 for discussion. Moved by Mayor Wallace, Seconded by Mayor Pro-Tem Johnson.

Mayor Wallace requested staff establish an interview panel of department heads to streamline the interview process for clerk. Councilmember Welsch asked if the Town Manager could also serve as Town Clerk as he has been here for over a year. The Town Attorney also advised the Town must legally have a Town Clerk. The Mayor said no respect to Mr. Williams, but he feels that he can't handle both jobs (Manager and Clerk).

Motion to direct staff to streamline candidate process. **Moved by Mayor Wallace, Seconded by Councilmember Butterworth. Opposed by Councilmember Welsch.**

E.12 Discussion and/or Action [Manager Williams]: Council decision to allow the sale of the 2018 Chevrolet Silverado VIN# 1GC2CUEG6JZ154545 for \$26,000. This decision will revise a previous Council decision from October 11, 2018 which approved the sale of said vehicle for \$28,085.50.

Motion to open Item E.12 for discussion. **Moved by Mayor Wallace, Seconded by Councilmember Hirshberg.**

The Town Manager explained how the truck has since been paid off, and that the payoff amount included the dog body for the truck, which by itself was \$10,000. The Town will be keeping the dog body, and the Town Manager requested reserve sell price be reduced to \$26,000.

Motion to approve the sale of 2018 Chevrolet Silverado for \$26,000. **Moved by Mayor Wallace, Seconded by Councilmember Butterworth.**

F. Town Manager Report

The Town Manager reviewed the Manager report that was included in the Council packet. The Town Manager also said the Town would no longer have \$45,500 in annual financing/insurance by completing the sale of the 2018 KME truck to Whetstone Fire. Councilmember Banks discussed Sentinel Landscapes and SVMPO.

G. Reports of Current Events by Council

H. Items to be placed on future agendas

Chief Thies asked for an agenda item for a final decision the animal shelter.

I. Adjournment

Motion to adjourn. **Moved by Mayor Wallace. Seconded by Councilmember Hirshberg. 7-0 vote.**

Approved by Mayor Wallace on May 09, 2019

Attest:


John Wallace, Mayor

Matthew Williams, Interim Town Clerk

Seal:



Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on April 25, 2019. I further certify that the meeting was duly called and a quorum was present.

A handwritten signature in blue ink, appearing to read "Matthew Williams", written over a horizontal line.

Matthew Williams, Interim Town Clerk

