



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
September 8, 2022 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 6:00pm

- a. Pledge of Allegiance

Mayor Wallace.

- b. Roll Call and Ascertain Quorum



Roll Call.

Present: Johann Wallace, Jeffrey Ferro, Cynthia Butterworth, Keith Settlemyer, Christy Hirshberg, Debra Trate, Jean Smelt, Attorney Thomas Benavidez (Not voting), Town Manager Suzanne Harvey (Not voting), Town Clerk Brandye Thorpe (Not voting).

- c. Invocation
Elder Thomas**

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.

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 recognizes Rodney Weichelt's call to the public slip.

Mr. Weichelt would like Council to consider a reduced rate for Mentor for Life and First Massionic to use the Community Center on Wednesdays and Saturdays. They do have insurance to cover any meetings they would hold. They would be able to adjust their schedule for any Town needs.

Mayor Wallace asks staff to check Town Code to see if this is possible and engage in conversations with Mr. Weichelt. If necessary bring it back to Council.

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 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 August 11, 2022.

C.2 Consider approval of the Payment Approval Report.

Motion: Items listed on the Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Jean Smelt.

Mayor Wallace asks Town Manager Harvey to speak on why on the Payment Approval Report, it shows invoices not being paid.

Manager Harvey advises that we are trying to be more proactive and enter invoices when they are received, that way most are approved prior to the check being cut. There will still be times where something will be on there that has already been paid and that will be because of time restraints.

Councilmember Trate states that she understands that the Finance Clerk is out sick, but there was a previous incident where she discovered something being paid to the wrong vendor, so she would like to get this prior to the meeting.

Motion: Items listed on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

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.


E. New Business Before 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 and/or Action [Suzanne Harvey]: Approval of a contract with P&M Construction Services in the amount of \$22,800.00 for dirt moving services and transportation costs.

 **Motion: Item E.1, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.**

Mayor Wallace advises that this is because our scraper is down. They are already out at the landfill, this is a posthumous type of approval because it happened between the last meeting and this one. We had to get them out there.

 **Motion: The contract with P&M Construction Services, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg.**
Motion passed unanimously.


E.2 Discussion and/or Action [Suzanne Harvey]: Approval of an extension to the Community Development Block Grant “CDBG” park project funding agreement, and update on the project’s status.

 **Motion: Item E.2, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.**

Clerk Thorpe advises that this is an extension that carries through the middle of December, and will be the final extension granted to the funding agreement. She also provides a timeline for construction provided by the contractor, which shows the electrical work that started today. It shows the completion of project on December 7.

She then shows Council a new playground set that was located that is larger than what the contractor had previously located and also certified for ages 2-12 instead of 5-12. This playground set fits the approved budget and is available for shipping and installation immediately, so it is the one we will be getting.

Mayor Wallace asks if we are taking this timeline into consideration for the Polar Express and for an electronic copy of the construction schedule.


 **Motion: The extension to the CDBG park project funding agreement, Action: Approve, Moved by Johann Wallace, Seconded by Debra Trate.**

Motion passed unanimously.

E.3 Discussion and/or Action [Mayor Wallace]: A proposal to amend the Town Code concerning councilmember stipends:

2.05.080 Expense accounts.

The council is hereby authorized to appropriate a \$300.00 per month expense allowance to be paid to the mayor of the town each month to help defer any expenses he may incur in the completion of official duties. The council is hereby further authorized to appropriate a \$150.00 per month expense allowance to be paid to each of the other councilmembers each month to help defer expenses they may incur in completion of official duties. This allowance shall be in addition to The mayor and council shall be entitled to reimbursement for any actual receipted expenditures reimbursements incurred by them which are authorized by the council and within the budget.

 **Motion:** Item E.3, **Action:** Open Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace reads and explains the proposed change, as shown in the Agenda language. He advises that instead of paying the stipends, it would be an expense account that Councilmembers would be reimbursed from. He states that with the change, it would be more accountability for what Council is actually spending on official duties. Along with this, there would be some sort of requirement for Council to provide a trip report if they are seeking reimbursement. There will also be restrictions and limitations, similar to what's in the Employee Handbook when it comes to expense reimbursements. He further states that this was brought up before the Town Hall for Businesses, but that meeting just reinforced that if we can get away from paying Council, that money in the expense account could also be used to help market the Town, to bring business into town. He can see better use for that money than just being paid out to Council every month, especially if Council is not actively doing anything every month. This would be \$14,400.00 between Mayor and Council each year.

Councilmember Ferro asks if there is a procedure of how "authorized by the council" works. Town Manager Harvey states that would be for Council to put in place. She assumes that it would be anything that Council is asked to attend, or any meetings for groups that the Councilmember is a part of.

Mayor Wallace states that he is trying not to make this overly bureaucratic. He states that if the verbiage needs to be modified to make it more clear, he's fine with that.

Manager Harvey also points out that it would be authorized when the reimbursement is authorized.

Councilmember Smelt states she is totally against it. Councilmember Trate states they both are.

Councilmember Smelt states it's not the money, she needs the W2 because it makes a big difference in her tax returns. She thinks she gives enough to this Council and she has never asked for anything back. She has been all over southern Cochise County. She also states that she has tried to get someone on Council and the first thing people ask is, "How much does it pay?". She asks, if we're such a poor city, why can't we help people by giving them \$100, it's not going to make or break this council. She reiterates that she is totally against this and wants to leave it exactly like it is.

Councilmember Trate states she agrees with Jean, she is against it. As she stated before, she thinks that cutting it in half would be acceptable. She needs to get something too because since she has student debt, if she does something for a town, she gets a credit on her student loans. When she joined this, she didn't join for the money. She has put a lot of time and effort, which is not addressed in this thing. She advises that she has got the lady from the Corporation Commission coming, she has put her personal time for Council. Went out and represented it wearing her badge at Hispanic Chamber and other Chambers and told people about this. She has put things on Facebook. She states "You're not addressing my time, which is more than \$150, to do this over the course of the months." So she disagree because you're not addressing time. She also is working on some other things which she will bring up in current events to help this Town, to get them interns for nothing thru the college. She has spoken to Suzanne about this and nobody in Town has time, so Suzanne said, "You can do it." The impression she is getting from this is that her time that she invests for this Council and to help this Town, which is why she got on Council, is worth squat because that's \$150 you can't give her for all her time. Her driving she doesn't ask for money. She meets with a lot of people. People know her. She got this out wherever she went to. She went to Willcox, Sunsites, Elfrida, all over the county and put these flyers out to let people know. She didn't ask for reimbursement, it's something she wanted to do for the people in our town and the county. And as far as what is, when you say actual receipted expenses, what you think is an expenditure or what she thinks is an expenditure, may not be something that is going to be approved. So she spends this money, and you decide that's not something she should have done. She wants clear guidance, which in the notes from the meeting when we first discussed this, she brought that up and she said she wanted something, so she asked for a copy of the town policy and it says about the town vehicle, and that we have to use a town vehicle so there is nothing in there from what she saw, to get reimbursed. She saw about the stipend and she deals with this stuff every day. She saw about the town credit card, can't purchase alcohol. It is not detailed enough and she thinks it is going to be open to interpretation and she doesn't trust people on the Council and the Town because there are times she has gone and had her meetings and said they said this is what I think it's going to be and it turns out later it doesn't happen, they misunderstood. She just doesn't trust anybody anymore because she's been told too many things and then it doesn't come true or they misspoke, or they gave their opinion and didn't research it. So, that's her thoughts, she's against it. She will vote no, she doesn't care if you like it or not. She knows we have to save the Town money, we already couldn't go to the Arizona Cities and Towns thing, which she was supposed to go to as the board of transportation thing, but since you had directed that nobody could go unless they paid for it themselves, we already didn't get to that. She thinks it should be a choice if people want to take the stipend or not. You're taking away future people's opportunity. We have saved the Town money. What's that maybe \$100,000.00 surplus? We can't give small stipends to people? She just thinks it's unacceptable and she thinks the motives were wrong. Councilmember Smelt states that she just thinks it's going to be a bigger can of worms. Councilmember Settlemeyer states that he didn't even know they got paid until he got on, so he thought it was kinda cool because it paid his water bill, so it goes right back to the city. As it reads, he doesn't spend \$150/month doing activities, driving to the park, meetings, he just can't justify using \$150 taking care of what is says he would be doing as official duties. He understands though, he has been asked by bank officials if he gets paid because this is an official thing when a dollar is transferred, to make it official. So, to be an official and to be paid

to be, if you're not, you're not you're a volunteer and you don't get the reception of a Councilmember that he would think that you should. But if this is the way that it's written, he doesn't use his money, except to pay his water bill.

Mayor Wallace answers Councilmember Settlemyer by stating that getting paid does not make an official, being elected or being appointed makes you an official, when you raise your right hand makes you an official, whether you get money or not. He further states that what he heard is that they don't want the money taken away because they have personal things they want to take care of. It has nothing to do with the Town. What he heard was "I need the W2 because it looks good on my taxes," or "I need to get paid because I have student loans to deal with." He states that that is not the reason for the stipend, the stipend is for when you're going to do something in your official capacity as the Mayor or as a Councilmember. He states he can guarantee, just now he heard "I use mine to pay my water bill," and that is not what this money is for. That is the main reason why he wants to take this out from being directly paid to Council, and have it go into an expense account that we get reimbursed from. We get reimbursed from it, and if your seeking reimbursement you're going to have to provide a report saying this is why I'm asking for reimbursement, this is what I did by spending the taxpayers' money. This is what I did it for. He then addresses Councilmember Trate and says she's talking about her time and he can tell her that his time is probably worth 20 times what hers is. Councilmember Trate says she's sure it is. Mayor Wallace further states that he came on this Council, he ran for Mayor because he cared about the Town and he knows about the time thing and that's why he's doing it. Councilmember Trate states that it doesn't seem appreciative, she doing this all for next week and not has one person on this Council said, hey, how can I help you. She has asked people to help her, not one person has expressed any interest in it. When she told her family her thoughts, they told her they don't want her to run again, and that she should just give up and that no one seems to appreciate what she does. She says they're probably darn right and she has brought a lot as a Councilmember, she has brought a lot of functions to this Town and she has a list that she's going to be doing in the representative of a Councilmember, not as her business, but it seems that it doesn't matter. That's where her problem is. If she can get us free interns, and she already told the college, that we can't pay them. That will help out the staff in different departments so much. She took her time and did that, she doesn't see other people going out there and doing that. We were told that staff thinks we don't appreciate what they do for us, so she addressed that issue. She did something for every staff member of the Town, out of her personal account, not Council money, and she gave them a small token to show to them. What she is getting is that all the things she is doing to help her town, doesn't mean squat. It makes her really double think, does she really want to go out there and campaign to become another Councilmember for another four years. Just her thoughts, its her. She states she knows they don't agree and that's fine.

Mayor Wallace states that if \$150.00 is her make or break point, then it's not really about making the Town better. He thinks she's doing it because she wants everybody to look at her, because she wants everybody to thank her.

Councilmember Trate says that's not what she wants.

Mayor Pro Tem Hirshberg states that she is listening to both sides and wants to know if the Council would be, perhaps more in tune to pay a smaller stipend, say \$75.00/month to the Councilmembers, because that way they feel like they are appreciated and to get somebody, to be honest with you it's really hard getting somebody to do this. To do it for


nothing will be even harder probably. It's not like the \$150 is that much, but she thinks that showing them something. She asks if everybody would be agreeable to that, taking it down to like 50%.

Mayor Wallace states he wouldn't because the whole intent of this is to stop paying directly to Council and putting it in an expense account for us to use. That is the whole thing he's looking at. Is this the sword he's going to die on, absolutely not. He states that he will call for a vote and it will either pass or not, and if it doesn't pass, then it doesn't pass. We carry on and the stipends continue. It's just pretty disheartening that he has two members of Council who are more worried about their personal W2's and their personal expenses from what I heard, than anything else.

Councilmember Trate interjects that that wasn't everything she said.

Councilmember Settlemeyer says something unintelligible on the recording.

Mayor Wallace says that was the first thing that came out. He heard everything else too but that was the most prominent thing that he really heard.

 **Motion:** The Town Ordinance to change, to basically get rid of Town stipends and that Town Council, Mayor and Council will be entitled to reimbursement for any actual receipted expenditures incurred by them which are authorized by Council, **Action:** Amend, **Moved by** Johann Wallace, **Seconded by** Jeffrey Ferro.

Vote is performed but a roll call vote is requested. Results as follows:

 **Vote:** Motion failed (**summary:** Aye = 3, Nay = 4, Abstain = 0).

Aye: Johann Wallace, Jeffrey Ferro, Cynthia Butterworth.

Nay: Keith Settlemeyer, Christy Hirshberg, Debra Trate, Jean Smelt.

Mayor Wallace says, "Disgusting, but thanks."

E.4 Discussion and/or Action [Suzanne Harvey]: Approval of repairs to the Town's Caterpillar scraper in an amount not to exceed \$30,000.00.

 **Motion: Item E.4, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Manager Harvey advises that we did not get the quote for this until 7 o'clock last night, so we only had a ballpark figure. A lot of times when we take our broken stuff up there, they have to take it apart before they can fix it and we now have a quote for \$16,900.00, but there's also a problem with the brakes that is going to cost us more once they can diagnose it. She doesn't expect it to be \$30,000. She expects it to be around \$20,000 but when dealing with these big machines, once they get down in there, sometimes it turns out to be a lot more.


Councilmember Smelt asks how much the equipment is even worth anymore.

Manager Harvey advises she had it appraised and it is worth about \$30,000.00.

Councilmember Smelt states that that is the same as the repairs.

Councilmember Ferro states that the problem is we can either fix what we have, buy something used but good condition which would probably be \$80-100,000.00, or we just say the heck with it and let ADEQ shut down the landfill and the Town just dries up and goes away.

Manager Harvey states that even if we wanted to buy one, we won't have it in a timely manner and we're having to pay the \$22,000 every two weeks to rent, so even though it hurts to put the money into it to fix it, she feels like there is really no choice.

 **Motion:** Approve the repairs , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.5 Discussion and/or Action [Suzanne Harvey]: Approval of repairs/replacement of the Fire Department shower in the amount of \$8,800.00.

 **Motion:** Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

 **Motion:** the repairs/replacement of the Fire Department shower in the amount of \$8,800, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.6 Discussion and/or Action [Suzanne Harvey]: Request to authorize staff to prepare an amendment to the Town Procurement Code to allow the Town Manager to contract for immediately needed repairs to Town facilities and equipment, up to \$20,000.00, without prior approval of the Council.

 **Motion:** Item E.6, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.


Mayor Wallace states that especially with the holiday months coming up, where we only have one meeting, and if something happens between meetings and she needs the ability to get something done, and then not come back to Council.

Councilmember Ferro states that in his meeting with her, this is more for services, not equipment.

Manager Harvey agrees and states it's not for purchasing an item.

Councilmember Trate asks if it is sufficient. Especially with this one for Caterpillar for \$30,000.

Mayor Wallace advises that it should be.

 **Motion:** Staff to prepare an amendment to the Town Procurement Code to allow the Town Manager too contract for immediately needed repairs to Town facilities and equipment, up to \$20,000.00, without prior approval of the Council, **Action:** Authorize, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

F. Reports of Current Events by Council

Councilmember Smelt states she did not do a lot this month because she was on vacation. She then addresses the Mayor and states that she does not like the way he talks in these meetings and she wants it on record.

Councilmember Trate reiterated that she is working on getting interns, she has already spoken to people at the career placement center at the college and they are open once a new person is in place. She attended the Hispanic mixer and they discussed the new jail and the Douglas border. Tomorrow at 10am, CoolFM is going to be coming and doing a promo with her and Steph to promote next Wednesday. He also said he would like to promote other city events so Steph will be getting with him. She had a home visit with SSVEC where they come and check your energy, and they mentioned to her that the Library should have some testers that you just plug stuff into and it tells you how efficient it is and after further discussion, our Library does not have any, but they will be bringing some to next Wednesday's event so that the residents can check them out.

Councilmember Butterworth advises she attended the Legislative Update in Sierra Vista on August 25th and it was very informative. One of the things discussed was affordable housing and if they rezone and put in housing, the Town is fiscally responsible for installing the water and sewer. She asks Manager Harvey if that is what she got from it. Manager Harvey advised that what they are looking at is if a developer put in a multi unit complex, like an apartment building, they are trying to do away with impact fees and things like this. She clarifies that this has not passed yet. Councilmember Ferro states that if it's passed, the town or city in question can't say no. Councilmember Butterworth advises there will be another meeting with the housing committee on September 19th at 1:30 in their Council Chambers. The Department of Revenue will be installing a new system. It will be \$104 million over the next several years, state share is \$61 million and cities and towns will have to pay their portion of that based on the number of revenues that are processed by the DOR. Healthy Huachuca City meeting was last night, with more discussion about the farmer's market. That will be on the next Agenda.

Councilmember Settlemeyer states he has been getting feedback on the business meeting that was held. He also went by the Veterans Wellness Park and sees some work has been done.

Councilmember Ferro also attended the Legislative Update in Sierra Vista. He advises it was informative and shocking, some of the stuff that was proposed.

Mayor Pro Tem Hirshberg advises that people were very interested in that business meeting and she is kind of hoping we do it again and get even more people coming.

Mayor Wallace states that people have commented that they read the article in the paper about the business meeting. There is another Hispanic Mixer next week on the 16th. Someone is coming from the Governor's office due to Hispanic Heritage Month. He will go and receive a proclamation on the Town's behalf. Good Morning Sierra Vista is on the 13th and he will give an update on the Town.

G. Adjournment

Motion: 6:54pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on September 22, 2022.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
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 September 8, 2022. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk