



# TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE  
HUACHUCA CITY TOWN COUNCIL  
September 12, 2024 AT 6:00 PM  
COUNCIL CHAMBERS  
500 N. GONZALES BLVD.  
HUACHUCA CITY, AZ 85616**

**A. Call to Order – Mayor**

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum

**B. Roll Call.**

**Roll Call.**

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

**Absent: Danielle Cardella**

- c. 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.*

**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: Alright, I do have a Call to the Public slip. So you have two items. We have a landfill price increase which is not on the Agenda. Then we have the waste management contract, which is so you can speak to both items now during the call of public or if you want to speak just to the landfill price increases now that's good. You could talk to the waste management contract during the Agenda item. So what do you wanna do? OK. So come on up and state your name and address for the record and just to be on the landfill price increase.

So my name's Tony Sanchez. Skyline Drive right up the road here. That's who I am. I am your manager for Waste Disposal and I'm also a homeowner resident. With that said I'm here, in place of the owner who apologizes that he was unable to attend, given the timeframe. Just to tell you a little bit about Waste Disposal. We are small family owned business. And started here in Cochise County years ago. Uh, what I'd like to talk about is we were kind of blindsided by the rate increase in the landfill. We're definitely blindsided by it. I want to say that our company greatly appreciates Huachuca City Landfill and we want to see the landfill remain a viable resource for the city. We want to see the city acquired the new equipment it desperately needs. We also understand the financial position that the city is in and can appreciate that the Council, mayor, staff are doing everything in their power to ensure the landfill remains viable. However, a 40% increase will end up hurting the landfill. Rob, the owner, is working on producing some figures for the September 26<sup>th</sup> meeting. Right. In the meantime, I want to present a few important facts. When you look at the disposal rates at Cochise County facilities, you have to understand that the rate we see is \$64 per ton represents disposal rate. We've got both landfills and transfer stations. I don't understand why Cochise County does not discount disposal rate for the landfill as they don't have any trucking costs. But this is a benefit from what you see. But what you can see if you choose to increase the landfill rate as proposed, we and other haulers will be forced to divert a lot of our waste to transfer stations. Because the cost savings that justified coming to Huachuca City landfill will no longer be there just for our company. This could reflect a minimum of 50% reduction in waste stream to the landfill here in Huachuca City and I would imagine you would see similar reductions from our competitors as well. This would negate the proposed increased rates that and potentially flattening the plans already. It will not come to anyone's surprise that price increases like this get passed on directly to customers, specifically several thousand residential customers who call Cochise County their home. These people are our friends, our families, our neighbors, even if we don't live within the city. I'd imagine there's a reason you would not significantly increase the residential rates to the residents of Huachuca City is the same reason we don't want to increase rates of our customers. A large chunk of our neighbors are on fixed incomes, including Social Security disability and cannot afford a bill increase that realizes a 40% increase in disposal costs. In closing, I do want to say that we appreciate the landfill needs to increase cost. As I mentioned, our owner plans to present some suggestions at the next meeting on the 26<sup>th</sup>. So if you choose, you would love to participate in a work session with other commercial haulers to find a compromise of rate increases that meets the city's needs and recognizes the financial constraints of our neighbors. Thank you.

### **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 22, 2024 and the Work Session held on August 29, 2024.

C.2 Consider approval of the Payment Approval Report.

**Motion:** Approval of the items on the Consent Agenda, **Action:** Open for Discussion and/or Action, **moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

**Mayor Wallace states he would like to have a discussion with Clerk Thorpe regarding how they're recording the data that goes into the minutes. He believes there was some pretty important conversation from the Work Session that probably should have been included in them. He understands it's based off of the recordings.**

**Motion:** Approval of the items on the Consent Agenda, **Action:** Approve, **moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Councilmember Ferro Abstains.

Motion passed.

#### **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.

**Mayor Wallace: So before I actually open the agenda item, so the way this works, public comment would be taken at the beginning of the agenda item after we open it for discussion and after staff talked about it and you'll be able to go ahead and chime in. OK, alright.**

**E.1 Discussion and/or Action [Suzanne Harvey]: Acceptance of the rate increase proposed by Waste Management for the Town's trash services.**

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

Manager Harvey: Mayor and council, this is the annual increase and they actually delayed it by 6 months for us and it should have been done earlier in the year that they gave us a six month grace period with no increase. It is based on the WST CPI, the annual. Rate is found but done by the nationally and it's 5.4% and you can see it adds \$0.76 to the weekly refuse the only and you have it in front of you can see all the different rates. The only thing that's new on here is the overage charges so. There there is an overage charge of \$5.00 for residential. And Brandye, can you pull up the photo that shows what that looks like? This is because it's additional cost to them if they have to get out of the trucks. Through this essentially, if it's at a 45° angle, at that point it's overage. If it's less than a 45°, it is not. So the other thing to point out about that overage charge is they will give an opportunity. They give 3 strikes before they charge it. So a person has to have overfilled their container three times before they are charged. And then the overcharge fee for commercial is more because those are different type of container and it's more difficult for the trucks and the stuff will fall out and can fall on the truck and actually damage it and cause more problems for them. I mean, you can imagine if it's a dumpster and it dumps out, they have to take a lot of time to put that trash up and. That last photo is showing what an overage looks like and that's because the bags will fall out when the truck is lifting it and then they've got to pick the trash up. They have software to execute those. They do have software that they measure the angle, but if they do an overcharge, they submit a photo to show us why there was an overage and their trucks do automatically take a picture. Councilmember Ferro: So it's taken automatically, not based on the driver? Manager Harvey: Exactly. Yeah. So I think it's it's getting past that, you know, interpretation, you know, what drivers thought of what an over should be. A photo is taken automatically and it goes back to management. Yeah, it's on and they don't even do it. It does it automatically. I would like to point out that when we did our own trash we also charged overage charges and because when they overfill it takes more time. Mayor Wallace: Anything else? Manager Harvey: No Sir, I would ask that you would approve for me to move forward, I have to post these rate changes. It will be posted for 60 days and then I'll come back to you for approval.

Mayor Wallace allows Tony Sanchez to address Council again.

Mr. Sanchez: We wanted to address something specifically about Waste Management contract and we understand that it's been resigned and all that's been taken care of, but we were really disappointed that the trash contract did not go out for bid for those that may be unfamiliar with the last time they went for bid was 2018. We lost the bid to Waste Management by a very small amount. Obviously our desires are to win a contract with the city. The city has an obligation on behalf of all of us, neighbors, family and friends to find the best provider at the best rate before you, there's increased proposed rates by Waste Management. We did didn't know anything about it. Based on what mayor claimed to our owner this morning, it sounds like there was an opportunity for substantial savings to the city after pricing, although pricing has gone up for nearly everything, everywhere. We totally understand that. We've only raised our rates for our customers twice in 12 years. So Waste Management is an \$83 billion multinational public company based in Houston, TX and reportedly reports state brag about their pricing programs, the price increases. Don't let the city become a victim. Waste Management

answers only to their shareholders and have a duty to increase pricing at every opportunity. However, a small company in Cochise County as we are, we answer only for our customers. We would appreciate the opportunity to bid on the contract and provide the saving with potentially substantial cost. And what I would ask of you is, you know, what do we have to lose next time it's up to bid if we can, you know, bid on it rather than just renewing the contract. Councilmember Trate: Question, are there a lot of people who over fill their containers? Manager Harvey: No, ma'am. Or at least Waste Management has not communicated that that's a huge problem, but it has happened. We have more trouble with the commercial trash to tell you the truth than the residential as far as local billing does. Mayor Wallace: How long is the current contract for? Manager Harvey: I would have to look that up. Does anybody else remember? I think that it's a three-year contract, but I'm not positive. I'd have to look that up. So the other thing I wanted to mention with regards to the overfilling there, we can look at some other things to help mitigate that. For instance, during the beginning of the summer or the end of the summer, maybe we can look at doing some pick up. So a lot of times the over filling ends up being things like brush, right. So maybe we can say we're gonna do one free pick up per quarter and we can go pick up some of that stuff for folks to kind of mitigate overfilling them. Mayor Wallace: That's a different topic discussion. So with the current contract we have and the rate increase is 46 or 47 cents. Manager Harvey: It is actually 76 cents, \$14.86, that's the can itself and then there's the \$2.00 charge for administrative costs for the town that's on there.

**Motion:** Accept the rate increase proposed by Waste Management for the Town's trash services , **Action:** Approve, moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

**E.2 Discussion and/or Action [Jim Halterman]:** Approval of the purchase of a road grader in an amount not to exceed \$60,000.00.

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

Mayor Wallace: Do you already have one you're looking at? Or is this just one of those approvals so that when you find one you can go ahead and get it?

Jim Halterman: I have found one where we bought the front end loader. If it is good we want to go ahead and get it but this is so we can get it when we find one.

Manager Harvey: This is already planned for in the budget as well.

**Motion:** Approve the purchase of a road grader in an amount not to exceed \$60,000.00 in total including taxes, freight, shipping, everything, **Action:** Approve, moved by Johann Wallace, Seconded by Christy Hirshberg.

Motion passed unanimously.

**E.3 Discussion and/or Action [Chief Berry]:** Review of Chapter 6 of the Town Code pertaining to Animals, including, but not limited to, the maximum number of animals allowed per household, and registration of animals.

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

**Chief Berry goes over the following information that was presented in slides:**

**Other Municipalities Code Categories:**

**Animal Hoarding**

**Nuisance Animals**

**Unlawful Keeping of Animals**

**Cruelty and Neglect**

**Animal hoarding**

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**City of Phoenix, Chandler, Sahuarita, and Mirana have similar wording:**

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**No person shall own, possess, keep, harbor, or maintain a number of animals in a quantity and under circumstances (health and welfare)**

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**Sahurita listed a 10 or more animals as hoarding**

**Animal Cruelty and Neglect**

**Oro Valley, Benson, Sierra Vista, and State of Arizona:**

**Just have cruelty and neglect provisions**

**Nuisance Animals**

**Benson:**

**No person Shall Maintain a dog, or any other animal or group of animals, in such a manner as to deprive others of the enjoyment of their lives or property due to noise, barking, inflicting damage, or injury by jumping upon, biting, or scratching, pollution of vegetation or air, including the owner's premises, or by permitting nauseous or foul odors offensive to another person's senses or constituting an actual or potential health hazard**

**Nuisance Animals**

**Sierra Vista**

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**Maintenance of nuisance animals unlawful. It is unlawful for any person to maintain an animal in such a manner that it constitutes a public nuisance**

**Any animal that unreasonably annoys humans or substantially interferes with the rights of citizens, other than their owner, to the enjoyment of life or property**

**Public nuisance animals shall mean and include, but not limited to, any animal that:**

**Damages the property of anyone other than the owner**

**Molests, intimidates, or injures pedestrians or passerby**

**Chases vehicles**

**Makes excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance**



or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored

Defecates on any public property or on any private property that is not owned by the owner of the animal. It shall not be a violation of this section if the animal owner removes the defecation in a prompt and sanitary manner.

Roams at large, travels or wanders over or through on the property of another without the permission from the owner of that property

### **Unlawful Animals**

**Willcox:** It is unlawful for a person to keep, harbor, or maintain more than four dogs within the city.

### **Cats**

#### **Tombstone**

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All dogs and cats kept, harbored or maintained in the city must be licensed and registered if over four (4) months of age.

### **Fowl**

Will be added to the town code in accordance with the new state law and limited to the minimum number allowed (6).

### **Current Town Code**

All residents of the town will be limited to a maximum of four animals per household, which can be any combination of dogs or cats. This limitation will exclude animals which bear offspring, but such offspring must either be given away, sold or turned into the animal shelter when old enough to thrive on their own.

All dogs and cats kept, harbored or maintained in the town must be licensed and registered if over four months of age.

### **Staff Recommendations**

Code stays the same, only adds chickens in accordance with state law.

Adopt hoarding code similar to: No person shall own, possess, keep, harbor, or maintain a number of animals in a quantity and under circumstances injurious to the health or welfare of any animal or person.

Adopt similar wording like Benson: No person Shall Maintain a dog, or any other animal or group of animals, in such a manner as to deprive others of the enjoyment of their lives or property due to noise, barking, inflicting damage, or injury by jumping upon, biting, or scratching, pollution of vegetation or air, including the owner's premises, or by permitting nauseous or foul odors offensive to another person's senses or constituting an actual or potential health hazard

Mayor Wallace likes both the Benson wording and the hoarding provision. Councilmember Ferro agrees that both the Benson wording and the hoarding provision are good. Mayor Wallace would like to use both of those and not put a limit. If they are able to provide for 8, 9 or

10 animals and maintain them and are able to care for them then ok cool. Why put in a number. No more than 10, for example. Councilmember Ferro states it's just an arbitrary number. Mayor Wallace agrees. He likes the hoarding part, he likes Benson's and with those two combined it's not necessary to set a limit. Mayor ProTem Hirshberg states that the keywords are if they are able to maintain them because there are people out there with 3 animals, they are vaccinated, registered and the owners do everything they should and there are people with 15 animals that don't do any of that. That becomes a problem. There is disease and all kinds of stuff from that. Councilmember Butterworth believes there should still be a limit set on the number of animals because some people are kind hearted and slowly get more and more and then can't take care of them. The size of the yards in town should also be considered. None of the yards are very big and if you put 15 dogs in one yard it's a major problem. Limiting them to 4 makes it easier for animal control to gain access to determine if there's hoarding going on, if the animals are being cared for. I'm thinking more of the animals and the health and welfare of the animals. Councilmember Cardella asks if we don't set a limit, how the Police Department will enforce this. Will it be only complaint based? Chief Berry advises that it would be only complaint based. They would have to collect whatever evidence they could and get a Judge to sign off on a warrant if they believed there were violations. Councilmember Cardella states that that means it would be at the discretion of a Judge if it could be pursued or not then. Councilmember Trate expresses her concerns with not having a limit and how it's possible you would never know from the outside how bad the conditions are inside. Councilmember Ferro states that he is hearing a lot of how it's easier but easier isn't always right. It's not the Town's job to hold their hand, it's not our problem how they afford to care for their pets. He would like us to adopt the hoarding code, the wording from Benson and he's not convinced that cats should be registered but he won't fight about that.

**Motion:** Adopt the hoarding wording and the Benson language and remove the limit on number of animals but continue to require cats to be registered, **Action:** Adopt, moved by Johann Wallace, Seconded by Jeffrey Ferro.  
**Motion failed 4-2**

**Motion:** Adopt the hoarding wording and the Benson language and update the limit of cats and dogs to 5 and continue to require cats to be registered, **Action:** Adopt, moved by Johann Wallace, Seconded by Christy Hirshberg.  
**Motion Passed 4-2**

**E.4 Discussion and/or Action [Dr. Jim Johnson]:** Review of Chapter 18 of the Town Code pertaining to residential fence heights.

**Motion:** Item E.4, **Action:** Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Christy Hirshberg.

**Mayor Wallace:** Quick summary, so we're not gonna cover all of chapter 18 we are on the topic of fence heights right now. It's like 6 foot in the back and side yards limited 4 foot in front in front of your home and some allowances for an 8 foot fences. So there was some discussion last week of, you know, allowing 8 foot in the back and sides, but keeping them uniform.



**Doctor Johnson:** In April 2023 the Council approved changes to fence construction, but heights were not changed at that time as it is a zoning provision. Changes to zoning requires a public input process and public hearing prior to Council approval. Since I am working on changes to other provisions of the zoning code, I wanted to revisit the subject of fence heights. At present, current RESIDENTIAL fence heights are:

Rear yard – maximum height to be 6’ for rear and side parcel lines, not to extend past the front side corners of the house. (ONE AREA OF CONTRADICTION IN TOWN CODE IS A MENTION OF 8’ HEIGHT). I believe this is an error, as all other mentions are 6’.

Front Yard – maximum height to be 4’ along the front and side lot line to the front corner of the house, to include fences, walls and hedges.

**THERE WAS A DISCUSSION OF RAISING THE PORTION OF THE REAR YARD WALL THAT ABUTS A COMMERCIAL PROPERTY TO 8’ DURING OUR 2023 REVISIONS TO THE FENCE CONSTRUCTION. THE COUNCIL AT THAT TIME HAD AGREED TO THIS REVISION. DOES THE COUNCIL WANT TO REVISIT THIS REAR YARD HEIGHT?**

At present, current COMMERCIAL fence heights are:

Maximum height to be 8’ around storage yards

Can be increased to 10’ for temporary or construction yards

**Motion:** Keeping front fence height at 4 feet, **Action:** Approve, moved by Johann Wallace, Seconded by Christy Hirshberg.  
**Motion Passed 5-1**

**E.5 Discussion and/or Action [Jim Halterman]:** Approval to extend the rental of a Caterpillar 623 Scraper for the landfill.

**Motion:** Item E.5, **Action:** Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Christy Hirshberg.

**Jim Halterman:** We need to extend the rental because there were more issues found with our scraper that need to be repaired before we can use it.

**Mayor Wallace:** What is the estimated timeframe for these repairs?

**Jim Halterman:** It should be done within a week, but just in case we want the extension for a month. We can return it early if we don’t need it and not be charged for the entire time.

**Motion:** Approve extending the rental for another month, **Action:** Approve, moved by Johann Wallace, Seconded by Christy Hirshberg.  
**Motion passed unanimously.**

**E.6 Discussion and/or Action [Mayor Wallace]:** Approval of the purchase of Microsoft Office Applications, Security Software, and Device management tools, not to exceed 35k per year; replacing the existing annual subscription while providing enhanced features, greater security for our endpoints and mobile devices as well as additional productivity tools for Town staff.

**Motion:** Item E.6, **Action:** Open for Discussion and/or Action, **moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace advises that this has better security and features than what we currently use.

**Motion: Approval of the purchase of Microsoft Office Applications, Security Software, and Device management tools, not to exceed 35k per year , Action: Approve, moved by Johann Wallace, Seconded by Christy Hirshberg.**

**Motion Passed unanimously**

## **F. Reports of Current Events by Council**

**Councilmember Butterworth-** Food Distribution tomorrow. The Community Garden was on KGUN 9 news.

**Mayor Wallace-** Movies in the park soon. Tuesday went to Good Morning Sierra Vista at Cochise College and spoke about the Community Garden. Upcoming holidays. Many Arpa projects ongoing. May have a work session about the landfill rate increase for big haulers due to Waste Disposal's complaint.

**Councilmember Ferro-** No report

**Councilmember Cardella-** No report

**Councilmember Trate-**

**Mayor Pro Tem Hirshberg-** Hispanic Chamber mixer on the 20<sup>th</sup>. Lions Club will have commodities.

## **G. Adjournment**

**Motion:** To Adjourn, **Action:** Adjourn, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

Approved by Mayor Johann R. Wallace on September 26, 2024.

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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 12, 2024. I further certify that the meeting was duly called and a quorum was present.

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Ms. Brandye Thorpe,  
Town Clerk