



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
October 24, 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, Debra Trate, Cynthia Butterworth, Danielle Cardella, Town Manager Suzanne Harvey (Not voting), Town Clerk Brandye Thorpe (not voting), Town Attorney Thomas Benavidez (Not voting).

Absent: Christy Hirshberg

- 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.

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 October 10, 2024.

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 Debra Trate.

Motion: Approval of the items on the Consent Agenda, Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.

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 [Spencer Forsberg]: Mr. Forsberg will present the Town's financials for the month of August.

Mayor Wallace advises that Mr. Forsberg was unable to attend. We will do this at a later date.

E.2 Discussion and/or Action [Building Official, Dr. Johnson]: Presentation to the Council concerning Notices of Code Violations issued over the past month.

Motion: Item E.2 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

Dr. Johnson provides the following in a presentation:

This has been a busy year for code enforcement. To date, a total of 163 cases have been opened for issues ranging from high weeds, shrubs over 4', tree cuttings, clutter in yards and carports, yard storage and tree overhanging into street. Every time we go out for our follow-up reviews, new cases are added. As always, a good 90-95% of all code enforcement cases are for high weeds. There are more cases this year because of the extended monsoon season. People are resistant to mow their properties while it is still raining, so we usually do not start to see results until the season is over. Then there are others that refuse to mow until they receive a notice, or two. At this point, there are still about 66 open cases.

Most cases are resolved with direct communication or courtesy letters. But some cases need more prodding. It seems this year more cases are progressing to NOV's than in previous years. Early in the year, before we got bogged down with monsoon season weeds, I tackled some long-standing abandoned commercial signs. All cases were resolved without issue. So far this year, a total of 9 NOV's have been issued for weeds. Two of these cases have already been resolved and closed. Work is underway on another case, so additional time has been extended for completion. Two cases are slated for Town abatement. I have been in contact with the Owner of one of the 4 remaining cases – we will see if the work will be completed.

There are an additional 29 cases that may be progressing to the level of issuing a NOV to hopefully motivate property owners to mitigate their code violations. Over the next few weeks I will be preparing the documentation necessary to proceed. Each NOV must document the violation with photos and the appropriate code reference, and state what needs to be completed to meet the requirements of the referenced codes. It also provides for an appeal process should the Owner decide to follow that path. If at the end of the timeframe given to complete the work the violations remain, the Town has the choice to extend the Owner more time to complete the work, cite the Owner, or for the Town to abate the violation. Since there are limited abatement funds, it is always preferable to work with the Owner as long as possible but there does become a time where citations are warranted. However, it is challenging to issue a citation to an out-of-town owner.

There is an additional 31 open cases that will be reviewed periodically to confirm progress is being made towards resolving the violations.

I would like to feature two extreme code enforcement cases that has spanned several years, but are examples of achievement of success with patience.

This property on Apache Street had a history of code enforcement over the years, mostly for weeds and dilapidated appearance. The original owners passed away long ago and the brother was living in the home. He did not have much in the way of income and was unable to contribute to the upkeep of the home. The home began to deteriorate all around him. Then Chief Thies and I tried on several occasion to help him get assistance to take care of himself. I know that the Lions Club helped a couple years to mow the weeds, cut the front shrubs and provide a new front door for him. When the gentlemen passed away in 2023, I had the opportunity to see the inside of the home. It was in shocking disrepair and was not considered livable. The Town cleared the property of the overgrowth and secured the openings and the roof in 2023.

For the several years since the original owners had passed away, the taxes became delinquent. An investor was paying the back taxes and finally in November 2023 she foreclosed on the home and took possession. Even she was shocked at the condition of the home and chose to just clean it out of all personal belongings and resell in an as-is condition. She did sell it to a young family early this year and they have been working to rebuild it back to an acceptable and livable home. They have pulled several building permits along the way. I just completed a gas pressure test at the home earlier this week. The husband told me that the wife is now excited about the home and is picking out colors to make it their own. The other home is located at the end of Patton Street. I think we are all aware of the condition this home and property was in for several years. After the owner passed away, the heirs were unable to manage the necessary repairs, mortgage and taxes and they let it lapse into foreclosure. Early this year, I received a call from the Mortgage Company asking if the Town had any issues with the property. Of course, I said yes and took the opportunity to outline what I expected to be completed before it would be considered acceptable for occupancy. That Mortgage Company hired a salvage company that cleared all the exterior machinery and vehicles and all interior belongings. I also requested that all dilapidated exterior buildings and porches be removed.

Late spring I gave the green light for the Mortgage Company to proceed to offer the house for sale on the HUD listing site. I have received a few calls from prospective buyers doing their due diligence on the property. There is more work that will be needed to make the property a home, but I know it will sell soon.

In case anyone is curious, I am also working on the two adjacent properties to get them cleaned up as well.

Not all code enforcement cases are as extreme as these two noted properties, but they are examples that some cases are unique and require diligence and patience to see it through to the end. Forcing a NOV is not always the best solution in these extreme cases.

E.3 Discussion and/or Action [Building Official, Dr. Johnson]: Presentation to the Council concerning proposed abatement of hazardous conditions at 200 Pima Street. The Council will be asked to approve the proposed abatement of weeds in the amount of \$2,757.50.

Motion: Item E.3 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

Dr. Johnson gives the following information:

200 Pima Street. This is the old Morales trailer park property that we have been abating for several years now, since no heirs have been located.

Motion: The proposed abatement of weeds in the amount of \$2,757.50
Item E.3 Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.

E.4 Discussion and/or Action [Building Official, Dr. Johnson]: Presentation to the Council concerning proposed abatement of hazardous conditions at 303 E. Apache Street. The Council will be asked to approve the proposed abatement of weeds in the amount of \$ 347.50.

Motion: Item E.4 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

Dr. Johnson gives the following information:

This is the property at 303 Apache Street that we have been abating for several years now, since no heirs have claimed ownership of the property.

**Motion: The proposed abatement of weeds in the amount of \$ 347.50. Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.5 Discussion and/or Action [Mayor Wallace]: Second reading of Ordinance 2024-02 - AN ORDINANCE ADOPTING AMENDMENTS TO THE TOWN CODE, TITLE 6 "ANIMALS," CHAPTER 6.15 "RULES AND REGULATIONS," TO INCREASE THE MAXIMUM NUMBER OF ANIMALS PER HOUSEHOLD TO FIVE; ADDING PROVISIONS AGAINST ANIMAL HOARDING; AND AUTHORIZING HOUSING OF UP TO SIX CHICKENS.

Motion: Item E.5 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

**Motion: Ordinance 2024-02 . Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.6 Discussion and/or Action [Mayor Wallace]: Second reading of Ordinance 2024-03 - AN ORDINANCE AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.100 "SUPPLEMENTAL REGULATIONS," SECTION 18.100.260 "KEEPING OF LIVESTOCK AND PETS," TO REVISE ZONING REGULATIONS FOR KEEPING LIVESTOCK AND PROVIDING FOR THE KEEPING OF DOMESTIC CHICKENS.

Motion: Item E.6 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

**Motion: Ordinance 2024-03 . Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.7 Discussion and/or Action [Mayor Wallace]: Second reading of Ordinance 2024-04 - AN ORDINANCE AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.030 "PERMITTED CONDITIONAL USES", AND CHAPTER 18.10 "DEFINITIONS" TO DEFINE VACATION RENTALS AND SHORT-TERM RENTALS AND TO MAKE THEM CONDITIONAL USES.

Motion: Item E.7 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

**Motion: Ordinance 2024-04 . Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.8 Discussion and/or Action [Mayor Wallace]: Second reading of Ordinance 2024-05 - AN ORDINANCE AMENDING THE TOWN CODE TITLE 18 “ZONING,” CHAPTER 18.100 “SUPPLEMENTAL REGULATIONS,” TO ADD NEW SECTION 18.100.290 “HOOPHOUSES AND POLYHOUSES”, AND CHAPTER 18.10 “DEFINITIONS” TO DEFINE HOOPHOUSES AND POLYHOUSES AND TO ESTABLISH REGULATIONS CONCERNING THEIR CONSTRUCTION, PLACEMENT AND USE. “Hoophouse or polyhouse” means a greenhouse used exclusively for producing and storing live plants.

Motion: Item E.8 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

**Motion: Ordinance 2024-05 . Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.9 Discussion and/or Action [Mayor Wallace]: Second reading of Ordinance 2024-06 - AN ORDINANCE AMENDING THE TOWN CODE TITLE 18 “ZONING,” CHAPTER 18.135 “AMENDMENTS,” SECTION 18.135.030 “APPLICATIONS FOR AMENDMENT,” AND SECTION 18.135.060 “PROTEST AGAINST AMENDMENTS,” TO ESTABLISH REGULATIONS CONCERNING THE FILING, PROCESSING AND PROTESTING OF ZONING AMENDMENTS.

Motion: Item E.9 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

**Motion: Ordinance 2024-06 . Action: Approve, moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.10 Discussion and/or Action [Mayor Wallace]: Proclamation 2024 -18: A PROCLAMATION OF THE MAYOR, DECLARING THE MONTH OF NOVEMBER, 2024, AS “NATIVE AMERICAN HERITAGE MONTH.”

Motion: Item E.10 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

E.11 Discussion and/or Action [Mayor Wallace]: Proclamation 2024 -19: A PROCLAMATION OF THE MAYOR, DECLARING THE MONTH OF NOVEMBER, 2024, AS “MILITARY FAMILY APPRECIATION MONTH.”

Motion: Item E.11 Action: Open for Discussion and/or Action, moved by Johann Wallace, Seconded by Debra Trate.

F. Reports of Current Events by Council

Councilmember Butterworth- Food distribution is on the 18th. Boys and Girls Club event was good. MPO meeting was yesterday. SR 90 paving set to begin March 2025. The summit will be in Sierra Vista in October 2025.

Mayor Wallace- Last Tuesday, met with Jason from SSVEC just to touch base. Friday is the Hispanic Mixer. Saturday was the Boys and Girls club event, saw Saturn, was space themed. They are trying to come to Huachuca City School.

Councilmember Cardella- Went to the Boys and Girls Club event. Will be going to the Creepy Candy Crawl.

Councilmember Trate- USPP meeting is in November.

Mayor ProTem Hirshberg-

G. Adjournment

Motion: To Adjourn, **Action:** Adjourn, **Moved by** Johann Wallace, **Seconded by** Debra Trate. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on November 14, 2024.

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 October 24, 2024. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk