



**MINUTES OF THE  
HUACHUCA CITY TOWN COUNCIL  
MEETING HELD  
THURSDAY, JANUARY 10, 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 7:02 p.m. The Pledge of Allegiance was led by Mayor Wallace. Roll was called.

**Present:** Johann Wallace, Donna Johnson, Joy Banks, Cynthia Butterworth, Christy Hirshberg, Walt Welsch,

**Also present:** Matthew Williams, Jennifer Fuller, Thomas Benavidez, Attorney, Chief Jim Thies, Dr. Jim Johnson, Jim Halterman and Suzanne Harvey.

The invocation was offered by Elder James Thomas.

**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.*

There were no public comments offered at this time.

**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 Work Session held on December 13, 2018.
- C.2 Consider approval of the minutes of the Regular Council meeting held December 13, 2018.
- C.3 Consider approval of the Invoice Payment Approval Report in the amount of \$ 128,303.23
- C.4 Consider acceptance of letter from HCSC Management, LLC advising their intent to cease operations of the Huachuca City Senior Center.
- C.5 Authorize the declaration as surplus property the following item(s), to be sold by auction or otherwise disposed of in accordance with Town Policy:
  - a. 2005 Ford F250 Pickup VIN/1FTSW20555EB73070
  - b. 2002 GMC/Heil Garbage Truck VIN/1GDP7C1C12J502321
  - c. 1996 Dodge Dump Truck VIN/1B6MC3652TS692711
  - d. 1994 White/GMC Garbage Truck VIN/4V2DAFMDXRN680047
  - e. 323 300 gallon garbage cans
  - f. 186 95 gallon garbage cans

**Motion:** Consider Approval of Consent Agenda, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Councilor Welsch advised C.4 should read 'letters'.

**Motion:** Consent agenda, Action: Approve, Moved by Johann Wallace, Seconded by Donna Johnson. Motion passed unanimously.

As there were Resolutions that needed to be adopted prior to Ordinances being enacted, Mayor Wallace addressed New Business, Items E.2, E.3 and E.4. These Resolutions were adopted under one motion.

- E.2 Discussion and/or Action [Dr. Jim Johnson]: Consider adoption of Resolution 2019-01, A RESOLUTION OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD OF THE TOWN THAT CERTAIN DOCUMENT KNOWN AS "2018 SIGN REGULATIONS."
- E.3 Discussion and/or Action [Dr. Jim Johnson]: Consider adoption of Resolution 2019-02, A RESOLUTION OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD OF THE TOWN THAT CERTAIN DOCUMENT KNOWN AS "2018 MANUFACTURED HOME PARKS REGULATIONS."

- E.4 Discussion and/or Action {Dr. Jim Johnson}: Consider adoption of Resolution 2019-03, A RESOLUTION OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD OF THE TOWN THAT CERTAIN DOCUMENT KNOWN AS "2018 RECREATIONAL VEHICLE PARKS REGULATIONS."

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

There was neither discussion nor questions by Council on these items.

**Motion:** Adopt Resolutions 2019-01, 2019-02 and 2019-03, **Moved by Johann Wallace, Seconded by Donna Johnson.**

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.*

- D.1 Discussion and/or Action [Dr. Jim Johnson] Second required reading and Adoption of Ordinance 2019-01, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.10 "DEFINITIONS" AND CHAPTER 18.100 "SUPPLEMENTAL REGULATIONS," SECTION 18.100.210 "HOME OCCUPATIONS" TO CLARIFY THAT HOME OCCUPATIONS REQUIRE A BUSINESS LICENSE, APPROVAL OF THE BUILDING OFFICIAL AND PERMISSION OF THE PROPERTY OWNER; AND TO PROHIBIT NAIL SALONS, DENTAL OFFICES AND AUTO REPAIR AND SERVICE BUSINESSES FROM BEING HOME OCCUPATIONS; AND TO PROHIBIT OUTSIDE DISPLAY OR STORAGE OF STOCK-IN-TRADE.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Donna Johnson.**

There was neither discussion nor questions by Council on this item.

**Motion:** adopt Ordinance 2019-01, **Action:** Approve, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Motion passed unanimously.

- D.2 Discussion and/or Action [Dr. Jim Johnson]: Second required reading and Adoption of Ordinance 2019-02, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.040 "USE REGULATIONS;" CHAPTER 18.40 "R-2 RESIDENTIAL DISTRICTS," SECTION 18.40.020 "USE REGULATIONS;" CHAPTER 18.45 "R-3 RESIDENTIAL DISTRICTS," SECTION 18.45.010 "USES PERMITTED;" AND CHAPTER 18.50 "R-4 RESIDENTIAL DISTRICTS," SECTION 18.50.010 "USES

PERMITTED," TO PROHIBIT MANUFACTURED HOMES AND MOBILE HOMES IN RESIDENTIAL DISTRICTS 1 AND 2.

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

There was neither discussion nor questions by Council on this item.

**Motion:** adoption of Ordinance 2019-02, **Action:** Approve, **Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Motion passed unanimously.

- D.3 Discussion and/or Action [Dr. Jim Johnson]: Second required reading and Adoption of Ordinance 2019-03, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.110 "SIGN REGULATIONS," BY REPLACING THE TOWN'S SIGN REGULATIONS WITH THE NEW 2018 SIGN REGULATIONS.

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

Councilor Welsh inquired of Dr. Johnson if these regulations are BOCA. Dr. Johnson advised these are modeled after Chandler's sign code, which has been deemed to be in compliance.

**Motion:** adoption of Ordinance 2019-03, **Action:** Approve, **Moved by Johann Wallace, Seconded by Walt Welsch.**

Motion passed unanimously.

- D.4 Discussion and/or Action [Dr. Jim Johnson]; First Reading of Ordinance 2019-04, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.115 "MANUFACTURED HOME PARKS" BY REPLACING THE TOWN'S MANUFACTURED HOME PARKS REGULATIONS WITH THE NEW 2018 MANUFACTURED HOME PARKS REGULATIONS.

Item should have read "Second required reading and adoption." Item was postponed.

- D.5 Discussion and/or Action [Dr. Jim Johnson]; Second required reading and Adoption of Ordinance 2019-05, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.120 "RECREATIONAL VEHICLE PARKS" BY REPLACING THE TOWN'S RECREATIONAL VEHICLE PARKS REGULATIONS WITH THE NEW 2018 RECREATIONAL VEHICLE PARKS REGULATIONS.

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

Councilor Welsch inquired as to whether this was BOCA and Dr. Johnson advised it was not; this is a complete re-write.

**Motion:** adoption of Ordinance 2019-05, **Action:** Approve, **Moved by Johann Wallace, Seconded by Joy Banks.**

Motion passed unanimously.

- D.6 Discussion and/or Action [Dr. Jim Johnson]; Second required reading and Adoption of Ordinance 2019-06, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.135 "AMENDMENTS," TO ADD NEW SECTION 18.135.035, ESTABLISHING A NEW CITIZEN REVIEW PROCESS FOR REZONING OF PROPERTY, CONDITIONAL USE APPROVAL, DEVELOPMENT PLAN AMENDMENTS AND CHANGES TO ZONING REGULATIONS.

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

Dr. Johnson advised this is required to be compliant with state regulations.

**Motion:** adoption of Ordinance 2019-06, **Action:** Approve, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Motion passed unanimously.

- D.7 Discussion and/or Action [Mayor Wallace]: Second required reading and Adoption of Ordinance 2019-07, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE CHAPTER 2.85 "TOWN FACILITY USE POLICY," SECTION 2.85.050 "CHARGES" AND CHAPTER 10.30 "PARKS, RECREATION AND TRANSPORTATION FACILITIES," SECTION 10.30.030 "USE OF COMMUNITY CENTER," TO REMOVE THE OPTION FOR CERTAIN PRIVATE ORGANIZATIONS TO USE TOWN FACILITIES FREE OF CHARGE.

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

Councilor Welsch advised he had a problem with this; the ball fields are used and a fee is charged but the roll-offs are stored in the landfill for free. He believes this is prejudicial. Mayor Wallace advised Councilor Welsch that this ordinance covers Parks & Rec, not the landfill. Mayor Wallace went on to state that every time someone asks for a fee waiver the Council has to discuss it. Councilor Welsch believes the Town has bigger issues.

**Motion:** adoption of Ordinance 2019-07, **Action:** Approve, **Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

**Vote:** Motion passed (summary: Yes = 5, No = 1, Abstain = 0).

**Yes:** Johann Wallace, Donna Johnson, Joy Banks, Cynthia Butterworth, Christy Hirshberg.

**No:** Walt Welsch.

- D.8 Discussion and/or Action [Councilor Welsch]: Consideration of using participating council members' stipends to help fund the Huachuca City Transit.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Councilor Welsch suggested postponing this item until after the Budget Review on January 24. He would like to know how many vehicles are being insured by the Town.

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 and/or Action [Manager Williams]: Consider approval of contract for Keith Barth, to perform magistrate duties for the Town of Huachuca City.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Donna Johnson.**

**Motion:** contract for Keith Barth, **Action:** Approve, **Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Motion passed unanimously.

- E.5 Discussion and/or Action [Manager Williams]: Consider adoption of Resolution 2019-04, A RESOLUTION OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, REQUESTING THE SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION TO COORDINATE WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO DESIGN AND INSTALL AN EMERGENCY PRE-EMPTION SIGNAL ON HIGHWAY 90 WITHIN THE TOWN OF HUACHUCA CITY LIMITS.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Joy Banks.**

Manager Williams introduced Ms. Karen Lamberton, SVMPO Administrator, who gave the Council and public in attendance an overview of what a pre-emption signal does and why it is necessary.

**Motion:** adoption of Resolution 2019-05, **Action:** Approve, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Motion passed unanimously.

- E.6 Discussion and/or Action [Councilor Welsch]: Discussion of the current use of the surplus funds, including a review of past authorizations and direction for future use.

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

Jeffrey Ferro addressed the Council and suggested the Council consider using some or all of the surplus funds be used to renovate the animal shelter.

Councilor Welsch addressed the memo in the Agenda packet which had a figure of \$30,000.

Councilor Welsch advised Manager Williams that he had previously stated a figure of \$130,000. Manager Williams advised one figure was calendar and one was fiscal.

**Motion:** Direct staff to provide a list of past authorizations and Council will revisit this on January 24, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Motion passed unanimously.

- E.7 Discussion and/or Action [Councilor Welsch]: Discussion regarding the current situation relating to the storage of roll-offs at the Town Landfill and previous arrangements for said storage.
- Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Christy Hirshberg.**  
 Councilor Welsch believes the Town should be charging rent to the companies that store their roll-off dumpsters at the landfill.  
**Motion:** direct staff to reach out and talk to the County landfill and Sierra Vista transfer station to see what, if anything, they do. **Moved by Johann Wallace, Seconded by Christy Hirshberg.**  
**Motion passed unanimously.**
- E.8 Discussion and/or Action [Mayor Wallace]: Discussion regarding Council conduct.
- Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Joy Banks.**  
 Mayor Wallace has had members of the public and staff come forward with concerns about how the council members interact with each other and with staff. The Council adopted a Code of Conduct. Mayor Wallace asked the Council to refrain from openly bashing Council or staff in public. It doesn't look good on the Council, the person or the town. If there are concerns, Mayor Wallace requested they be brought to him. He asked the Council to be respectful of each other, be respectful of staff.
- Discussion item only, no Council vote or action required.
- E.9 Discussion and/or Action [Manager Williams]: Consider purchase approval of a Public Works truck, up to \$10,000.
- Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Donna Johnson.**  
**Motion:** purchase of a Public Works truck, **Action:** Approve, **Moved by Johann Wallace, Seconded by Christy Hirshberg.**  
**Vote:** Motion passed (summary: Yes = 5, No = 1, Abstain = 0).  
**Yes:** Johann Wallace, Donna Johnson, Joy Banks, Cynthia Butterworth, Christy Hirshberg.  
**No:** Walt Welsch.
- E.10 Discussion and/or Action [Manager Williams]: Request of Council direction to staff to explore the annexation of Lower Huachuca City.
- Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, Seconded by Donna Johnson.**  
 Mayor Wallace advised he never understood why the 400, 500 and 600 blocks of Lower Huachuca City are not part of town. He has had residents in that area express their wish to be able to vote and so he asked Mr. Williams to look into annexation.

Councilor Welsch advised it was done that way long ago because of the Babacomari Fire District and the fact that the district paid the town. When the Babcomari Fire District dissolved, the town lost that revenue, but never annexed.

*8:32pm, Councilor Welsch left the Council Chamber*

**Motion:** Direct staff to explore annexation of Lower Huachuca City, **Moved by Johann Wallace, Seconded by Christy Hirshberg.**

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Johann Wallace, Donna Johnson, Joy Banks, Cynthia Butterworth, Christy Hirshberg.

**Absent:** Walt Welsch.

**Motion:** Enter Recess, **Moved by Johann Wallace, Seconded by Christy Hirshberg.**

Motion passed unanimously.

Recess 8:35pm-8:45pm

- E.11 Discussion and/or Action [Mayor Wallace]: First reading of Ordinance 2019-08, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 13 "WATER," CHAPTER 13.05 "WATER SYSTEM ADMINISTRATION," SECTION 13.05.010 "MANAGEMENT OF WATER SYSTEM;" CHAPTER 13.10 "APPLICATION FOR SERVICE," SECTION 13.10.010 "APPLICATION FOR WATER," SECTION 13.10.030 "VIOLATION OF APPLICATION PROVISIONS;" CHAPTER 13.15 "DEPOSIT," SECTION 13.15.010 "DEPOSIT REQUIRED;" "CHAPTER 13.20 "DISCONTINUANCE OF SERVICE;" "CHAPTER 13.25 "RATES AND BILLS," SECTION 13.25.010 "WATER RATES," SECTION 13.25.030 "WATER BILLS," SECTION 13.25.050 "TURN OFFS AND TURN ONS;" AND "CHAPTER 13.30 "METERS," SECTION 13.30.050 "WATER METER INSTALLATION FEE SCHEDULE," SECTION 13.30.070 "INTERFERENCE BY DOGS," SECTION 13.30.080 "SPECIAL METER READING," AND SECTION 13.30.090 "METER TESTS," TO INCREASE RATES, FEES AND DEPOSITS FOR RESIDENTIAL AND COMMERCIAL WATER SERVICE, AND TO ESTABLISH PENALTIES FOR METER TAMPERING AND THEFT OF SERVICE.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, None seconded.** Mr. Williams explained that these ordinances are on the agenda at this time to give Council plenty of time to suggest any changes prior to the expected passage date of February 14, 2019.

No Council action or vote required.

- E.12 Discussion and/or Action [Mayor Wallace]: First reading of Ordinance 2019-09, AN ORDINANCE OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 14 "SEWERS," CHAPTER 14.10 "RULES AND REGULATIONS," SECTION 14.10.020 "GUARANTEE DEPOSIT," AND SECTION 14.10.030 "MINIMUM CHARGES, TAXES AND RATES," AND CHAPTER 14.20 "DEPARTMENT AND CONSUMER RESPONSIBILITIES," SECTION 14.20.010 "SEWER DEPARTMENT RESPONSIBILITIES AND LIABILITIES" TO INCREASE RATES, FEES AND DEPOSITS FOR RESIDENTIAL AND COMMERCIAL SEWER SERVICE.

**Motion:** Open for Discussion and/or Action, **Moved by Johann Wallace, None seconded.**



No Council action or vote required.

- E.13 Discussion and/or Action [Manager Williams]: Consider approval of quote for purchase of roof repair or replacement for the Huachuca City Senior Center.

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

Postponed, quotes were not received in time.

F. Town Manager Report

Mr. Williams included a Town Manager Report in the agenda in an effort to get the Council back on track. Mr. Williams made special note to thank Mr. Halterman for stepping in and running the landfill in addition to his other numerous responsibilities.

Mr. Williams advised he would be happy to answer any questions on any of the items in the report.

G. Items to be placed on future agendas

- Bus and Council stipend
- Prior authorizations for surplus funds
- Senior Center roof repair

H. Adjournment

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

Motion passed unanimously.

Meeting was adjourned at 9:05pm.

Approved by Mayor Wallace on January 24, 2019

Attest:


  
Jennifer A. Fuller, Town Clerk

  
Johann Wallace, Mayor



**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 January 10. I further certify that the meeting was duly called and a quorum was present.

  
\_\_\_\_\_  
Jennifer A. Fuller, Town Clerk

