



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
October 28, 2021 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 6:01pm

- a. Pledge of Allegiance

Led by Mayor Wallace.

- b. Roll Call and Ascertain Quorum

Roll Call.

Present: Johann Wallace, Keith Settlemeyer, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Smelt, Jeffrey Ferro, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Not voting).

- c. Invocation

Led by 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.

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 14, 2021 and the Work Session held on October 21.

C.2 Consider approval of the Payment Approval Report.

Motion: Items on the consent agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace advises this is a large payment approval report due partially to the WIFA payment of \$491,000.00, which was received before we made this payment. Total amount is \$688,764.27, which also includes a payment to SEACOM.

Motion: Items listed on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Debbie 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 review the Town's finances for the month of September.

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

Mr. Forsberg advises that the General Fund for the month of September was \$21,000.00 in the black.

He also advises that the Garbage fund was off this month, with Waste Management charging us more than we billed our residents, which is being looked into.

Enterprise funds all performed as expected.

E.2 Discussion and/or Action [Dr. Jim Johnson]: Presentation from the Building/Zoning Official regarding enforcement of the Town Code. Discussion may include enforcement priorities, statistics and procedures.

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

Dr. Jim Johnson gives a presentation on how code enforcement is handled.

E.3 Discussion Only [Jim Halterman]: Update on the status of the Sewer Pond Closure Project.

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

Jim Halterman gives a presentation of the Sewer Pond Closure Project from the time a Consent Order was issued by ADEQ in 2019 through the current closure efforts, which are just waiting on inspection for the Consent Order to be closed.

E.4 Discussion and/or Action [Councilmember Settlemeier]: Discussion of landfill policy regarding the weight allowed for free to residents with paid water bills.

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

Councilmember Settlemeier reads a statement he has prepared which includes his belief that we should allow residents to dump a pickup truck load and/or a single axle trailer load for free since the water/sewer rates are so much higher now than previously. He adds that he doesn't agree with the sewer rates being set as a percentage of the water usage and that a lot of that water is evaporated, not put into the sewer system. He states he has been able to dump for years and never weighed in or out and was surprised that that was required of him when he tried to dump again recently.

Mayor Wallace asks if this comes down to the scale house not properly doing the weigh in/weigh out. Councilmember Settlemeier states that it does. Mayor Wallace states that is not a reason to change the amount allowed, it just means they need to do their job properly at the scale shack. It should remain at \$10 or 340lbs with a paid water bill. Councilmember Settlemeier asks if that can be adjusted up to a ton. Mayor Wallace advises it can't. This sounds more like a procedural problem at the landfill that needs to be addressed. In the past, free dumping at the

landfill was taken advantage of by people doing side jobs and being paid for the job, then getting free dumps. Councilmember Settlemeier states it should be 1000 pounds. Mayor Wallace states he disagrees and no normal resident cleaning up regular household trash would have 1000 pounds of trash to take. Councilmember Settlemeier asks if there is a way to not have to pay. Mayor Wallace advises there is not. The landfill is an enterprise fund, and we can't show favoritism or give stuff away for free. Mayor Pro Tem Hirshberg states she has had things like couches that she hasn't wanted and has been through the weigh in and out process, and it has never been over the weight limit for the water bill coupon of \$10.

Councilmember Butterworth recalls when there were dumpsters placed for resident's use, and people were taking advantage and putting car engines and everything else in them and also coming from surrounding areas to use them. Mayor Wallace advises that staff is also talking to Waste Management to see how we can bring those dumpsters back for cleanup once or twice a year, but in a way that it is not taken advantage of. As far as changing the rate, he doesn't see it's necessary.

Councilmember Settlemeier states he will pay for Nerhan's trash then.

E.5 Discussion and/or Action [Suzanne Harvey]: Update on upcoming holiday events and their schedules.

Motion: Item E.5, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Jean Smelt.

Manager Harvey provides information on upcoming events and how they have previously been done along with the plans for this year.

E.6 Executive [closed] session [Town Attorney], pursuant to A.R.S. 38-431.03(A)(3), (4) and (7), for the Council to discuss with its attorney a proposal received from Amera Re, a Washington Corporation, for the lease and possible purchase of the Town's property located at 830 Arizona Street. The Council might take action in open session to approve appropriate documents for the transaction.

Attorney Benavidez provides an update which is that we have provided the documents to the prospective buyer, but we haven't received anything back yet.

Mayor Wallace pulls this item for now.

E.7 Discussion and/or Action [Town Attorney]: Approval of the Multi-Agency "ONE ARIZONA OPIOID SETTLEMENT AGREEMENTS" settling legal claims filed by the State Attorney General against certain manufacturers and distributors of opioid prescription drugs. These agreements recover financial damages that will be apportioned between the various levels and units of state government. The Town will receive its proportionate share as set forth in the previously-approved "ONE ARIZONA OPIOID SETTLEMENT DISTRIBUTION AGREEMENT."

Mayor Wallace pulls this item until we receive the information.

E.8 Discussion and/or Action [Suzanne Harvey]: Update regarding procuring fire and emergency medical services for the Town beginning in calendar year 2022.

Motion: Item E.8, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Mayor Wallace states the committee met and the RFP has been drafted. Not much can be said beyond that except that it is very specific in what we are looking for.

Motion: Give staff the ability to review the proposals when we get them and exclude the ones that do not meet the requirements as defined in the RFP, Action: Approve, Moved by Johann Wallace, Seconded by Jeffrey Ferro.

Motion passed unanimously.

F. Department Director Reports

Manager Harvey advises of Music in the Park on Saturday November 13th. Community Meeting on November 19th. Auditors will be here at the end of November. Animal shelter sale is close to closing. GoGov is a way to communicate better with the community and is set to go live in November.

Chief Jarvis advises of work at the station and the Haunted House in Whetstone. They will be at the Trunk or Treat here as well.

G. Items to be placed on future agendas

H. Reports of Current Events by Council

Councilmember Smelt will be hosting a Cable meeting here in November.

Councilmember Butterworth advises of an SVMPO where the final short and long range transportation plans are approved. These will be available at Town Hall for the public to review if they wish. Our staff exceeded the in-kind contributions expected.

Mayor Wallace advises that on Tuesday he spoke with Senator Mark Kelley briefly to talk about budget, money and the Census. It was a good but quick conversation.

I. Adjournment

Motion: 7:36pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on November 18, 2021.

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 28, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk