



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
April 28, 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, Debra Trate, Jeffrey Ferro, Cynthia Butterworth, Keith Settlemyer, Christy Hirshberg, Attorney Thomas Benavidez (not voting), Manager Harvey (not voting).

Absent: Jean Smelt, 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.

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 April 14, 2022.
- C.2 Consider approval of the Payment Approval Report.

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

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]: Discussion on developing the Town budget for fiscal year 2022-2023. The Town Manager will present options to the Council and seek direction for planning purposes concerning property tax revenues and estimating the property tax rate. The Council may also discuss the budget adoption timeline.

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

Manager Harvey gives 3 options that can not be approved yet, it has to be published and go through processes before it can be approved, however Council direction is needed to determine steps to be taken to move forward. She covers the following information for Council: Rate could be left at last year's 1.3064 and no hearings or actions would have to be taken, however this rate is lower than the prior year since the deadline to make changes was missed and this was the only option. This would cause no change to the current amount for homeowners.

Rate could be reverted to the prior year's 1.33, which is where in prior years we kept our rate and the process can be started and completed in time. This would cause a \$2.36 increase for homeowners with a \$100,000.00 valued home.

Rate could be raised to 1.3890, which would catch us up to where we would expect to be at this point if we hadn't missed the truth in taxation last year. This would cause a \$8.26 increase for homeowners with a \$100,000.00 valued home.

She also advises that the Fire tax and County tax are going to go up as well. This only determines the Town portion of that.

Mayor Wallace states that with the economy the way it is now, he would be fine leaving it as it is for this budget cycle.

Motion: Not change our property tax rate for this year and keep it at 1.3064 , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Jeffrey Ferro.

Motion passed unanimously.

E.2 Discussion and/or Action [Mayor Wallace]: Direction to staff concerning councilmember expense accounts for budget planning purposes and for possible future amendment of the Town Code, section 2.05.080, to eliminate automatic monthly distributions to councilmembers and retain reimbursements for proven expenditures incurred in execution of official duties.

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

Mayor Wallace states that this is here because he is looking to get rid of the stipends that Council currently receives and go to a reimbursable model, and eventually go to a lower threshold or ceiling. Currently the stipends are costing 11-12 hundred dollars between the actual stipends we get paid and the taxes and benefits. We can get rid of it right now, or go with the cleaner option where we take it through the ordinance process and change the code. There are some State laws that deal with the reimbursement for elected officials and what they get paid.

Mr. Benavidez advises that elected officials can't act to increase or decrease a council's salary during a term of office. If the Council wants to do it, one way would be to take action this year before the election so that it would go into effect after the election.

Mayor Wallace advises that our Town Code gives the power to not appropriate the funds, to just take it away. We can do that through Council vote to not appropriate the funds while we are developing the budget. Even then, his end goal is to take it out of the Code altogether and make it to where it is more of an expense reimbursement because if we don't, every year the same discussion will need to be had about if the funds are going to be appropriated. His thought is to leave it as it is, budget for it, and direct staff to develop the necessary ordinances to change

the code after the election. If the ordinance passes it will go into effect in November after the election.

Councilmember Trate advises that she has no problem reducing the amount, she was thinking it could be cut in half. She would also like to keep some money in the budget for when new people come on board, they can get training. It was really helpful and she believes it should be allowed for. As far as going to the conference, each time she has gone there have been four people, maybe if people want to go, that could be reduced to two. Also, she would like to discuss with them if they could hold it somewhere closer and also, maybe it could be done via ZOOM. The concerns she has about the expense accounts are if that will create extra work for the finance department and what would be allowable expense items and who will make that decision. She would like to make sure all of that is made clear when this is voted on. She would like to know if gas will be paid, or mileage. Will there be a form that has to be filled out? What is the timeline going to be? She thinks all of that needs to be addressed and put in writing so it is clear so that everyone knows what is reimbursable.

Mayor Wallace advises that he has no problem with travel and training, leave that in the budget. When it come to the actual stipends, every one of your concerns will be addressed. Mr. Benavidez will be consulted to assist with the Ordinance to make sure everything is addressed. The idea is to reference the existing employee travel and training piece because as that gets updated and changed, it's easier to reference something that we are already using instead of having to go back and redo the Code.

Councilmember Ferro states that he knows these items will be addressed appropriately by the Town Attorney.

Mayor ProTem Hirshberg states that her only concern is that the reimbursement for training and travel should include a stipulation that they have to use the Town vehicle if it's available. If they choose not to for whatever reason, they will not get mileage or any reimbursement.

Councilmember Ferro asks the Finance Clerk if she has any idea at this time how much more work this system would be for herself, the Town Clerk and/or the Town Manager.

Finance Clerk Kristy Ramirez states that there are not trainings on such a regular basis that it should add much to the workload.

Motion: To develop the Council budget as it sits, but begin drafting the necessary paperwork to change the Town Code to remove disbursements , **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed with Councilmember Settlemyer voting Nay.

E.3 Discussion and/or Action [Suzanne Harvey]: Authorization to begin the process for raising trash service fees to accommodate the annual escalation of solid waste service fees based upon the Town's contract with Waste Management.

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

Manager Harvey advises that this happens every year, but there are a couple of unexpected things this year to go over. Waste Management is asking for their scheduled CPI increase, but they are also asking for an extraordinary rate increase of 7.48 on top of the CPI. One of the rate increase letters is based on the CPI, which is the way our contract is currently and is 4.7%. The

other is a CPI based on waste sewer and trash, which is a special rate based on that industry. If we wanted to use this we would have to amend our contract. That would be 3.57% CPI. The contract we are currently under expires in December 2023.

The residential rate would increase by \$.78 at the 4.7%. The increase would be from \$12.32 to \$12.90. If we also add in the additional extraordinary rate they have asked for, that adds and additional \$.92 so it would be \$13.82 for a total increase of \$1.50. We are not required to give them that extraordinary fee increase. Council can make the decision to not do it or to meet them halfway. If you decide to amend the contract, we would be at the reduced CPI increase amount. I do need to know tonight so the increase can be posted in time to take effect by July 1.

Councilmember Trate asks if we give them the 4.7% that's in the contract, we are still giving them more than if we amend the contract, so aren't we still kind of compromising there?

Mayor Wallace asks what the possibility of them asking to get out of the contract is if we don't give them the extraordinary increase.

Attorney Benavidez advises that they can't really get out of the contract if we don't give it to them.

Councilmember Trate states that costs are going to continue to go up, what's to stop them from coming back and asking for more?

Mayor Wallace states he is willing to compromise and give an extraordinary increase of 2.3% on top of the 4.7% CPI to equal a total of 7%.

Councilmember Ferro agrees with the Mayor.

Mayor Wallace would also like to see about amending the contract to allow the use of either or for the normal CPI increase, depending on which is lower.

Motion: Move forward with the 4.7% CPI increase, and include a 2.3% extraordinary increase and to look into amending the contract to use the lower of the two, the CPI or the water, sewer, trash rate , Action: Direct Staff , Moved by Johann Wallace, Seconded by Christy Hirshberg.

Motion passed unanimously.

E.4 Discussion and/or Action [Chief Thies]: Update will be provided on the police department's pursuit of accreditation through the Arizona Law Enforcement Accreditation Program.

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

Motion: Item E.4, **Action:** Hold, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

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

Chief Thies gives an update about the things he learned at a training through the ALEAP program earlier this week. He advises that many resources are available through this program to assist with moving the Police Department forward and ensuring that the department is up to State standards. There will be costs associated, and he asks for Council support to assist with these needs.

Councilmember Ferro asks if this replaces man hours with its automation. Chief Thies advises that it does to a certain degree.

E.5 Discussion and/or Action [Chief Thies]: Update on the police department's Vehicular Pursuit Policy, its implementation and officer training.

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

Chief Thies advises that the new policy is almost complete, it has been approved by our Town Attorney, but he wants to see how it follows with State standards.

Chief Thies explains that this is a part of item E.4.

Mayor Wallace clarifies that this policy, once it is checked against the State standards, will be brought back to Council for adoption.

E.6 TOWN BUILDING CODE UPDATES – FIRST READINGS – The Town's Building Official, Dr. Jim Johnson, is recommending that the Town update the following building and related codes. If satisfactory to the Council, these Ordinances will be placed on the Council's agenda on May 12 for final adoption.

E.6.1 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-01- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION" BY REPLACING THE CURRENT BUILDING CODE OF THE TOWN, CODIFIED AT CHAPTER 15.05, WITH THE INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH APPENDICES AND AMENDMENTS; AND UPDATING PENALTY PROVISIONS.

E.6.2 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-02- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.40 "ENERGY CONSERVATION CODE," SECTIONS 15.40.010 AND 15.40.020 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE WITH AMENDMENTS.

E.6.3 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-03- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.20 EXISTING BUILDING CODE," SECTIONS 15.20.010 AND 15.20.020, TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDINGS CODE WITH AMENDMENTS.

E.6.4 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-04- AN ORDINANCE AMENDING THE TOWN CODE TITLE 2 "ADMINISTRATION AND PERSONNEL," CHAPTER 2.65 "VOLUNTEER FIRE DEPARTMENT" AND TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.50 "FIRE CODE" TO ADOPT THE INTERNATIONAL FIRE CODE 2018 EDITION WITH AMENDMENTS.

E.6.5 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-05- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.35 "MECHANICAL CODE," SECTIONS 15.35.010 AND 15.35.020 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE WITH AMENDMENTS.

E.6.6 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-06- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.25 "PLUMBING CODE," SECTIONS 15.25.010 AND 15.25.020 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE WITH APPENDICES AND AMENDMENTS.

E.6.7 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-07- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.10 "RESIDENTIAL CODE," SECTIONS 15.10.010 AND 15.10.020 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE WITH APPENDICES AND AMENDMENTS.

E.6.8 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-08- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," CHAPTER 15.15 "ELECTRICAL CODE," SECTIONS 15.15.010 AND 15.15.020 TO ADOPT THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE WITH AMENDMENTS.

E.6.9 Discussion and/or Action [Dr. Johnson]: Ordinance 2022-09- AN ORDINANCE AMENDING THE TOWN CODE TITLE 15 "BUILDINGS AND CONSTRUCTION," TO REMOVE THE INTERNATIONAL PROPERTY MAINTENANCE CODE FROM CHAPTER 15.55 AND REPLACE IT WITH THE INTERNATIONAL CODE COUNCIL'S STANDARDS FOR ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES 2017 EDITION.

Mayor Pro Tem Hirshberg asks about whether the books question from the Work Session was answered and if the cost was still going to be \$5000.00. Dr. Johnson advises it is not.

E.7 Discussion and/or Action [Mayor Wallace]: Proclamation 2022-09 declaring the Month of May, 2022, as "Asian American and Pacific Islander Heritage Month" in the Town of Huachuca City.

Motion: Item E.7, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Jeffrey Ferro.

E.8 Discussion and/or Action [Mayor Wallace]: Proclamation 2022-10 declaring the Month of May, 2022, as "Older Americans Month" in the Town of Huachuca City.

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

F. Reports of Current Events by Council

Councilmember Trate advises of an upcoming meeting in June of the Arizona Cities and Towns committee Infrastructure, Public Works and Transportation so if there is anything we would like to have on the Agenda she needs the information to send to them. She also will

be attending the USPP meeting. She is working on getting Lynn Peterson here from the Corporation Commission.

Mayor Pro Tem Hirshberg has been working on getting a band for the 4th of July, she has contacted Panic Station about that.

Councilmember Butterworth forgot at the last meeting to mention how well the Spring Meal at the Senior Center went. SVMPO meeting was yesterday, they discussed Skyline Dr. and she has concerns about how the road project and the Wellness Park will work together as far as drainage. In the future the TAC chair will be attending the SVMPO meetings.

Councilmember Setlemeyer advises he attended with Councilmember Butterworth and the more representation we can put there the better because they are looking at helping us.

Mayor Wallace advises that the San Pedro River was put on the top 10 endangered rivers.

He will be attending the USPP meeting as well. He will be doing a phone interview on Sunday about the garden and the wellness park.

G. Adjournment

Motion: 7:16pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on May 12, 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 April 28, 2022. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk