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# TOWN OF JEROME

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## MINUTES

**REGULAR MEETING OF THE JEROME TOWN COUNCIL**  
**JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 8, 2013 AT 7:00 P.M.**

### FIRST REGULAR MEETING OF 2013

<p><b>ITEM #1:</b></p>	<p><b>CALL TO ORDER/ROLL CALL</b></p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Check called the meeting to order at 7:01 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Anne Bassett, Bill Phinney and Randall Hunt.</i></p> <p><i>Other staff in attendance included Deputy Town Clerk Rosemarie Shemaitis, Zoning Administrator Carmen Ogden, Finance Director Becky Cretti and Fire Chief Rusty Blair.</i></p>
<p><b>ITEM #2:</b></p>	<p><b>PLEDGE OF ALLEGIANCE</b></p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>Mayor Nikki Check led the Pledge of Allegiance.</i></p>
<p><b>ITEM #3:</b> <b>7:18 pm</b></p>	<p><b>STAFF REPORTS</b></p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Library, Police Chief and Fire Chief.</p> <p><i>Vice Mayor Currier commented that the total amount of bad utility account debt documented in Utility Clerk Peggy Tovrea's staff report should be considered when planning next year's budget. Both Ms. Gallagher and Ms. Cretti noted that the bad debt can and should be written off.</i></p> <p><i>Councilmember Phinney asked Ms. Gallagher about her meeting with Mr. MacVittie and ADEQ as referenced in her report, and whether the fees discussed are for the pollutant discharge elimination system. Ms. Gallagher responded that the fees are for the AZPDES permit that is issued every five years. The last time we applied, the total cost was around \$1,500. This time, ADEQ is charging the Town \$120 per hour to review our current permit application and, even though it has not changed significantly from the previous application, the fees are up to \$8,000 so far. This was not made clear at the beginning and she is protesting this charge.</i></p> <p><i>Mr. Phinney noted that Ms. Gallagher had applied for funding from the Yavapai-Apache Nation and he wanted to know how much we could expect to receive. Ms. Gallagher responded that we apply for funding and describe the project, and they decide how much funding to provide.</i></p> <p><i>Referencing the Public Works report, Councilmember Bassett said that she is bothered by plans to designate "in" and "out" at the Hull Street parking lot and she would like to discuss that. She also said that she would like Utilities Clerk Peggy Tovrea to "receive a gold star" because all the rents are on time. Lastly, Ms. Bassett complimented Fire Chief Blair for his end-of-the-year report, which she termed "fabulous."</i></p>

	<p>Referencing Ms. Shemaitis's report, Councilmember Phinney asked her about converting some existing lights at Town Hall to LED. Ms. Shemaitis explained that there are a few lights on the first floor that are going bad, so she would like to start converting them over to LED because those are more efficient, more cost effective and do not need to be treated as hazardous waste like the CFL's currently used. This would be in keeping with the philosophy of Jerome, which leans to green. She is getting pricing from an electrician, so this project has not yet been approved.</p> <p>Mr. Phinney then asked Ms. Shemaitis about the plaque for Johnny Boyle. Ms. Shemaitis explained that Mr. Boyle worked for the town for many years and passed away about four years ago. Mr. Phinney then asked who approved placing the plaque on Town property. Ms. Shemaitis responded that she doesn't know who approved this – this had been in process before she started working for the Town, so she just continued it once the park improvements had been completed.</p> <p>Tom Pitts added that Mr. Boyle was well liked and respected by the community and he is sure that the Council at that time approved it. Councilmember Bassett agreed and added that another plaque had been approved for Kim Talbot.</p> <p>Vice Mayor Currier also asked Ms. Shemaitis about the heating situation in the P&amp;Z office – he has been told that it is very, very cold. She explained that she has been working with Goettl's to repair the heating and, at this time, we are waiting for a part.</p> <p>Mr. Phinney then asked Fire Chief Blair about an item in his report showing that some billings were denied, and noted that a lot of the incidents were at mile post 340.5 on Highway 89A. Chief Blair explained that they cover this area for the State and that there are a lot of accidents at that mile post at First View. He further explained that the Jerome fire department bills the insurance companies directly and if the insurance company does not pay, they do not pursue it with the individual. Chief Blair added that he does make follow up calls and we have received about \$10,000 in billing revenues.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>accept the staff reports</b>. It was seconded by Councilmember Phinney. Councilmember Bassett noted that the police report had been late and there was no time to review it.</p> <p><b>AMENDED Motion:</b> Vice Mayor Currier made a motion to <b>accept the staff reports with the exception of the police report</b>. Councilmember Phinney amended his second and it was <b>approved by all</b>.</p>
<p><b>ITEM #4:</b></p>	<p><b>FINANCIAL REPORTS</b></p> <p>Issued checks for the month of December 2012, and Budget to Actual reports for the months of July through December 2012. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.</p> <p>Vice Mayor Currier asked about a loan repayment in the invoice register. Ms. Cretti responded that an employee has borrowed against their retirement and they are repaying it. She said that this is how she set it up in order to document it.</p> <p>There was discussion regarding the possibility of numbering the pages of the financial reports, and it was noted that numbering them would not mess up the packets.</p> <p>It was clarified for Vice Mayor Currier that vendor 7175 is a heavy-duty equipment supplier and vendor 189 is Purchase Power, which replenishes the postage on our postage machine.</p> <p>Councilmember Bassett asked we have received any income from vineyard hook-up fees. Ms. Gallagher responded that it is coming.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>accept the financial reports</b>. It was seconded by Mayor Check and <b>approved by all</b>.</p>

<p><b>ITEM #5:</b> 7:21 pm</p>	<p><b>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</b></p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Mayor Check asked about the progress of a Steering Committee for the General Plan. Ms. Ogden replied that she is working on it and has prepared a timeline that she then distributed to Council. She is planning to have the General Plan ready for Council to vote on by March 2014.</p> <p>Vice Mayor Currier asked Ms. Ogden if her predecessor had left any records of possible volunteer committee members. Ms. Ogden replied that there is a notebook with names and she will check it out.</p>
<p><b>ITEM #6:</b> 7:23 pm</p>	<p><b>COUNCIL MEETING MINUTES</b> <b>December 11 regular meeting</b></p> <p>Councilmember Phinney requested that a correction be made on page 8 regarding his statement about GPS at the Gulch and speaking to the attorney about a lawsuit. He clarified that he was saying that we <u>could</u> talk to the Attorney about a lawsuit, not that he had done so. Mr. Phinney had been discussing the problem of GPS equipment incorrectly directing traffic to Town through the Gulch.</p> <p>Councilmember Bassett said that she was glad to see us incorporating Gulch Radio. Carol Yacht, a Jerome resident, commented that she was not noted in these minutes as having spoken during Petitions from the Public, and she was certain that she had. Ms. Gallagher and Ms. Shemaitis said that they would review the tape and make a correction if warranted.<sup>1</sup></p> <p>Vice Mayor Currier noted a typo on page 5, and also noted, where Councilmember Bassett asked about making Town Hall available for use by others, that he would like to see that as an item on an upcoming agenda. He asked that staff create a policy for the use of Town Hall. The Vice Mayor asked if Toni Ross has been submitting a monthly progress report as requested by Council, and Ms. Gallagher replied that she has not.</p> <p>Councilmember Bassett commented that, for music events in the park, applicants should reimburse the Town if they are using large lighting systems.</p> <p>Ms. Bassett clarified, regarding her statement on page 7 of the minutes, that she never expected the Jerome Fire Department to redo the layout page for the application that was under consideration, but would just like to see it redone before they submit their next application. Ms. Gallagher will clarify that in the minutes. Ms. Bassett added that she supports Jane Moore's request to do isotope testing on the springs and she would like to see this on a future agenda. Mayor Check noted that the Vice Mayor had requested at that meeting that Ms. Moore prepare a detailed proposal and present it to Council.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>accept the minutes as amended</b>. It was seconded by Councilmember Phinney and <b>approved by all</b>.</p>
<p>7:30 pm</p>	<p><b>Motion:</b> Mayor Check made a motion to <b>move Item 12, Vacation Rentals, to before the Petitions from the Public</b>. It was seconded by Vice Mayor Currier and <b>approved by all</b>.</p> <p><b>Motion:</b> Mayor Check then made a motion to <b>table Item 12, Vacation Rentals, until another meeting</b>. It was seconded by Vice Mayor Currier.</p> <p>The Mayor explained that the reason she would like to postpone Item 12 is because, at the January 7 special meeting, they had a very lengthy and intense executive session, and Council needs to do more research. The Mayor said that it would be a better use of Council's time to do this research before opening the subject up to the public again. She said that Council will meet again in executive session within the next two weeks and plans to achieve a sound direction in four</p>

<sup>1</sup> Clerk's note: Ms. Shemaitis reviewed the tape and Ms. Yacht did not speak during Petitions from the Public at the December 11 meeting.

	<p>to six weeks. Ms. Gallagher added that it then would be subject to the public process.</p> <p>Mayor Check called the question and it was <b>approved by all.</b></p>
<p><b>ITEM #7:</b> <b>7:31 pm</b></p>	<p><b>PETITIONS FROM THE PUBLIC</b></p> <p>Pursuant to A.R.S. § 38-431.01 (H), public comment is permitted on matters not listed on the agenda but the subject matter must be within the jurisdiction of the Council. All comments are subject to reasonable time, place and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the microphone, state your name and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The Council's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.</p> <p><i>Mary Williams, a Jerome resident, read a letter to Council. She explained that she lives on Center Street and is concerned about the future of the Town. She attended the most recent Planning &amp; Zoning Commission meeting and found it disturbing – the Commission, she said, did not want to hear what the residents had to say<sup>2</sup>.</i></p> <p><i>Jane Moore, a Jerome resident, also read a letter to Council. She said that our Zoning Ordinance has served us well, and the majority of our residents support it. She would like the Boards to refer to it when making decisions. She also noted that the Board must be able to cite reasons for approval or denial – it should not be arbitrary. She noted that vacation rentals resemble hotels more than B&amp;B's, and asked that we continue to preserve the character of our town<sup>3</sup>.</i></p> <p><i>Carol Yacht, a Jerome resident, commented that the Zoning Ordinance was never opened at the meeting that Ms. Moore was referring to. She then read a letter to Council about Zoning Districts and asked that our Zoning Ordinance be enforced<sup>4</sup>.</i></p> <p><i>Vice Mayor Currier asked the Zoning Administrator to prepare a report on the department of the Planning &amp; Zoning Commission members.</i></p>
<p><b>ITEM #8</b></p>	<p><b>PRESENTATION</b></p>
<p><b>7:47 pm</b></p>	<p><b>VERDE VALLEY FIRE DISTRICT</b></p> <p>Nazih Hazime, Chief of the Verde Valley Fire District, will make a presentation to Council regarding shared services initiatives.</p> <p><i>Chief Hazime thanked Council and the public for the opportunity to address them about this. He explained that he had recently attended a Fire Chiefs conference and there was a presentation on shared services, which can lead to cost savings and better efficiency. He invited those speakers to come to the Verde Valley, and they will be here on January 30 and 31 to give the same presentation, but geared toward fire departments and EMS. They will present the same message on both days. All eight agencies in the Valley are invited to attend, as well as the public, and there is no cost. He said that there have been attempts to merge services and we rely on each other to respond – no one can do it alone. Merging services, he said, would provide better service and save money.</i></p> <p><i>Councilmember Bassett asked if there is anything in place now for sharing our facilities in case of a disaster. Chief Hazime said that we have a mutual aid agreement in place between all the agencies.</i></p> <p><i>Chief Hazime said that, if there was a catastrophic event in Jerome, all Valley resources would come to assist. Chief Blair added that we are in a countywide agreement which provides for mutual aid.</i></p>

<sup>2</sup> A copy of Ms. Williams' letter was provided to the Clerk and is included at the end of these 1/8/13 minutes.

<sup>3</sup> **Clerk's note – subsequent to minutes approval:** On February 13, following Council's approval on 2/12 of these minutes, Ms. Moore provided a copy of her letter, which is also included at the end.

<sup>4</sup> A copy of Ms. Yacht's letter was provided to the Clerk and is included at the end of these 1/8/13 minutes.

	<p><b>Motion:</b> Mayor Check made a motion to <b>move Item 10C to now</b>. It was seconded by Vice Mayor Currier and <b>approved by all</b>.</p>
<p>ITEM #10C: 7:55 pm</p>	<p><b>RESOLUTION NO. 513 - JOINT RESOLUTION OF THE MAYORS AND COMMON COUNCILS OF THE CITIES OF COTTONWOOD AND SEDONA, TOWNS OF JEROME, CLARKDALE AND CAMP VERDE, CHAIRMAN AND COUNCIL OF THE YAVAPAI APACHE NATION, YAVAPAI COUNTY, ARIZONA SUPPORTING THE WIDENING OF STATE ROUTE 260 BETWEEN COTTONWOOD AND CAMP VERDE</b></p> <p>The Mayor and Council will review and may approve a Resolution supporting the widening of State Route 260 between Cottonwood and Camp Verde.</p> <p><i>Russ Martin, Town Manager of Camp Verde, introduced himself and Michael Mandell, a public relations consultant working with Camp Verde. Mr. Martin explained that he has been meeting with managers and mayors in the Verde Valley regarding widening S.R. 260 between Cottonwood and Camp Verde. Because there had been a lot of negative feedback, they hired Mr. Mandell and his firm to help get the message out. Mr. Martin said that they would like to remove the politics from this issue and leave it up to the engineers and planners to come up with a good, safe design to present to ADOT.</i></p> <p><i>Mr. Mandell said that they want to bring the Verde Valley communities together around this issue. Widening S.R. 260, he said, is a safety measure as well as an economic development tool. Mr. Mandell explained that there have been many accidents in the double yellow line sections. They have been meeting with the other communities and residents, and they want to work with the county officials, to create a partnership in the Valley and a plan that they can present to ADOT. Mr. Mandell said that they would like Jerome to be a part of this.</i></p> <p><i>Tom Pitts spoke to say that he has participated in many discussions on this issue with the Verde Valley Regional Economic Organization and with the Chamber. He said that he has seen support from the Verde Valley community, which has recognized the importance of the safety issue and access to the Valley. Mr. Pitts thanked Mr. Martin and Mr. Mandell for coming and presenting this issue, which, he said, is so important to this region.</i></p> <p><i>Ms. Shemaitis expressed her own concern regarding the traffic speed as it enters into Cottonwood. She said that she lives at that end of town and the traffic comes through as if they were on a raceway, and there have been some very bad accidents at the two lights entering town. She asked what would be done to mitigate the speeding.</i></p> <p><i>Mr. Martin said that Cottonwood has brought this up also, and this has been a part of the conversation with them. He added that they have been focusing on widening S.R. 260 between One Thousand Trails and I-17, but while they are there, there may be some other beneficial things that they may be able to do at the same time.</i></p> <p><i>Carol Yacht asked if there was a possibility of more traffic signals. She said that trying to make a turn across traffic in some places is really risky, but in other locations, there seems to be an overabundance of lights.</i></p> <p><i>Mr. Martin said that there was poor planning involved when the lights were positioned. He said that the Transportation Commission is going to see all that and may be able to correct it, but they have a finite budget, so, when making a decision, they will have to see what will benefit the greatest number of people.</i></p> <p><i>Mayor Check commended them for focusing on the road between One Thousand Trails and I-17.</i></p> <p><i>Councilmember Bassett said that, usually, public safety wins her vote but it appears that the speed laws need more enforcement. She said that they are saying that this is needed to accommodate future traffic and growth and noted that she is opposed to most of ADOT's plans to increase the highways through Arizona because they are based on highly inflated statistics of population growth, which, she said, cannot happen because of water issues.</i></p>

	<p>Mayor Check commented that the money will go to I-11 if it does not go to S.R. 260. Mr. Pitts said that they also want to put in a bike trail, so it will involve the entire S.R. 260 corridor. There is a delay in getting things resolved, he said, but safety and access are key. He thinks that having more regular access in that region may bring down drivers' need to speed through there.</p> <p>Vice Mayor Currier said that he sympathizes with Councilmember Bassett's concerns but he is in favor of this improvement, especially after seeing what a difference it made when they made a similar improvement between Cottonwood and Sedona.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve Resolution 513</b>. It was seconded by Mayor Check.</p> <p>Councilmember Phinney expressed his concern regarding the verbiage that reads:</p> <p style="padding-left: 40px;">We also hereby commit to assign a design/engineering/planning professional to work with a team from ADOT and other Verde Valley communities . . .</p> <p>Mr. Phinney asked that that provision be struck because we do not have an in-house professional and cannot afford to pay one. He said that we don't need to be that involved and he would like that sentence removed.</p> <p>Mr. Martin explained that this verbiage had been included because they wanted all participants to have representation that was not political. He said that the person could be someone who can represent and address the needs and wants of the Town at these discussions.</p> <p>After discussion, it was decided to change the verbiage as follows:</p> <p style="padding-left: 40px;">We also hereby commit to assign, <b>if possible, a Town representative</b> to work with a team from ADOT and other Verde Valley communities herein to develop a recommended design for SR 260.</p> <p>Deni Phinney, a Jerome resident, commented that there are many talented people in Jerome and it is possible that we could find a qualified volunteer.</p> <p><b>AMENDED Motion:</b> Vice Mayor Currier amended his motion to <b>approve Resolution 513 with the modified verbiage</b>. The amended motion was seconded by Mayor Check who called the question.</p> <p>The <b>motion passed</b> with a vote of <b>4 ayes and 1 nay</b> by Councilmember Bassett.</p>
<b>ITEM #9</b>	<b>UNFINISHED BUSINESS</b>
8:20 pm	<p><b>ITEM #9A: CDL REQUIREMENT FOR TOUR BUSINESSES</b></p> <p>The Mayor and Council will review the recently adopted ordinance regulating tour businesses in the Town of Jerome, and will consider whether the requirement that drivers have Commercial Driver's Licenses could be removed.</p> <p><i>Mayor Check explained that, since the adoption of the tour business ordinance, there has been some input indicating that requiring a Commercial Driver's License (CDL) is not conducive to business.</i></p> <p><i>Gary Ferguson, co-owner with his wife of Tours of Jerome, stated that he agrees with the entire ordinance except for the provision that would require a CDL license for drivers. He said that State law requires a CDL only for vehicles that carry 16 or more passengers. His vehicles are smaller, and carry fewer passengers, so under State law, no CDL would be required to drive them.</i></p> <p><i>Vice Mayor Currier asked Mr. Ferguson why he would <u>not</u> want his drivers to have a CDL. Mr. Ferguson replied that his drivers don't want or need it, and they are very expensive. All of his drivers are licensed and insured by his insurance company. Mr. Currier asked how much a CDL costs and the Mayor commented that, when she had to get her Class A CDL, it cost around \$1,000 and took a lot of time. She had to go to Phoenix for some of the training. Councilmember Phinney noted that he had acquired a Class B CDL, and it involved very specific training in a large passenger bus.</i></p>

	<p>Mayor Check said that even if we remove that segment of the ordinance, the purpose of it is still upheld.</p> <p>Mr. Phinney added that Council is looking out for the safety of the passengers in town.</p> <p>Jane Moore asked how many vehicles Mr. Ferguson has in Town. He replied that he has one here and two in Sedona.</p> <p>Jay Kinsella, a Jerome resident and employee of the Jerome Historical Society, thanked Council for revisiting this, and opined that the ordinance is good except for the CDL requirement. Other tours, he said, only require a CDL if the vehicle is the size of a motor coach. He added that <u>not</u> having a CDL requirement will reduce the size of tour vehicles allowed in town.</p> <p>Councilmember Phinney and Mayor Check directed staff to put this on the next agenda, and bring it to Council as an amendment to the ordinance. Ms. Gallagher will do so, and noted that this will come before Council twice more, as a first and second reading of the amending ordinance.</p> <p>Mayor Check polled the Council and all were in agreement with this direction, but Vice Mayor Currier commented that the costs of attaining a CDL could be written off, and he is surprised that the tour owner would not want his employees to be qualified in that way. Mayor Check noted that colleges and universities allow drivers with no CDLs – it is considered an acceptable risk that is common.</p> <p>Councilmember Hunt commented that he had brought up this point at a previous meeting, and he appreciated Mr. Kinsella's comments.</p>
<p>8:30 pm</p>	<p><b>ITEM #9B: PROVISION OF WATER TO JEROME VERDE DEVELOPMENT COMPANY</b></p> <p>The Mayor and Council may approve an agreement with Jerome Verde Development Company for the provision of water to certain properties. Prior to taking action, Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney. No action will be taken while in Executive Session.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>postpone this item to later in the meeting</b>. It was seconded by Councilmember Hunt and <b>approved by all</b>.</p>
<p>8:32 pm</p>	<p><b>ITEM #9C: TERM EXPIRATIONS OF MEMBERS OF THE PLANNING AND ZONING COMMISSION, DESIGN REVIEW BOARD AND BOARD OF ADJUSTMENT</b></p> <p>The Mayor and Council will discuss terms and term expiration dates for current members of the Planning and Zoning Commission, Design Review Board and Board of Adjustment, and may take action to renew appointments and/or re-establish term expiration dates.</p> <p>Ms. Gallagher noted that the Town Attorney has recommended that this action, if taken, be accomplished by Resolution, and she presented a resolution that was drafted from the memo she had provided in the meeting packets<sup>5</sup>. The Resolution, numbered as Resolution 514, included blanks for the ending years of the terms of each member, and discussion ensued regarding which members should fill which terms.</p> <p>It was generally agreed that those who had served the longest should be appointed to the terms expiring soonest, and the newest members should be appointed to the terms expiring last.</p> <p>Ms. Shemaitis commented that training is needed for most Board members as well as Council. During discussion, it was determined that training was last offered here by the State in 2009, and not everyone was in attendance. She noted that it is important to train every year or whenever possible, because laws change.</p> <p>Vice Mayor Currier called a point of order.</p> <p>Carol Yacht thanked Mr. Currier for asking staff to do a report regarding the last P&amp;Z meeting. She asked if P&amp;Z term limits needed to be determined at this time – she thinks that that needs to be looked at before members' terms are renewed. Ms. Yacht added that there should be workshops every year.</p>

<sup>5</sup> A copy of Ms. Gallagher's explanatory memo is included at the end of these 1/8/13 minutes.

Jay Kinsella said that there are always hot topics in Jerome. He suggested that the best way to look at this may be to realize that the Planning & Zoning Commission (P&Z) and the Design Review Board (DRB) represent the Council. The board members need to take this job seriously, he said. They should be prepared, and do the job that is expected of them. Council can determine if the board members are doing the job they volunteered for, and go from there.

Vice Mayor Currier sympathized with Mr. Kinsella and said that he would like to "fire a handful," but, he said, there is nothing in the Code that backs that up, so we need to deal with this now. He would like to go into the Code and deal with that problem.

Mayor Check said that she agreed with the Vice Mayor and Mr. Kinsella that Council needs to keep an eye on the representation of the three boards, but the term limits need to be addressed with more objectivity.

Ms. Gallagher commented that once these terms are in place, board members will be coming up for renewal officially and regularly, and Council can determine at that time whether to keep them or not.

Ms. Gallagher also noted, regarding training, that she and Ms. Ogden are planning a training session for all the boards within the next two weeks on the Open Meeting Law.

Councilmember Bassett asked if they could arrange some P&Z coaching from the League of Cities and Towns. Ms. Gallagher responded that it may be possible, but probably not as quickly as the other training.

After some further discussion, it was determined that the terms for the various board members would be set as follows:

**PLANNING AND ZONING COMMISSION**

Lance Schall	February 28, 2013
Ellen Smith	February 28, 2015
Mike Parry	February 28, 2014
Leo Shakespeare	February 28, 2014
Sybil Melody	February 28, 2015

**DESIGN REVIEW BOARD**

Brice Wood	February 28, 2014
Carole Knowles-Lozano	February 28, 2015
Bob Wood	February 28, 2014
Deni Phinney	February 28, 2015
Lance Schall (P&Z member)	(his P&Z term)

**BOARD OF ADJUSTMENT**

Gary Shapiro	February 28, 2013
Chris Babbage	February 28, 2014
Margie Hardie	February 28, 2015
Carol Yacht	February 28, 2014
Ron Richie	February 28, 2015

Carol Yacht stated that seven people in attendance at this meeting were at the recent P&Z meeting, and she would like Ms. Ogden to speak with them regarding the behavior at that meeting.

**Motion:** Vice Mayor Currier made a motion to **adopt Resolution 514 as discussed.** It was seconded by Councilmember Phinney and **approved by all.**

<b>ITEM #10</b>	<b>NEW BUSINESS</b>
8:53 pm	<p><b>ITEM #10A: INTERGOVERNMENTAL AGREEMENT: YAVAPAI COUNTY FREE LIBRARY DISTRICT</b></p> <p>The Mayor and Council will review and may approve a renewed agreement with the Yavapai County Free Library District for library services.</p> <p><b>Motion:</b> Mayor Check made a motion to <b>approve this agreement</b>. It was seconded by Vice Mayor Currier and <b>approved by all</b>.</p> <p><i>Following Item #10B, Councilmember Bassett referenced the Library IGA just adopted and asked if it would be possible to extend it to June 2014. She was told that the amount we receive is determined every year, so that would probably not be feasible.</i></p>
8:54 pm	<p><b>ITEM #10B: TECHNICAL ASSISTANCE CONTRACT – NORTHERN ARIZONA COUNCIL OF GOVERNMENTS</b></p> <p>The Mayor and Council will review and may approve an agreement with the Northern Arizona Council of Governments (NACOG) for their provision of administrative services related to the Town's CDBG grant for refurbishment of the Cleopatra Hill water tanks.</p> <p><i>Ms. Gallagher explained that this contract had been prepared by NACOG for their administration of the Town's CDBG grant for refurbishment of the water tanks on Cleopatra Hill. This is their standard contract, however their fee was reduced a bit for this project.</i></p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve this contract</b>. It was seconded by Mayor Check and <b>approved by all</b>.</p>
<b>ITEM #11</b> 8:55 pm	<p><b>TO AND FROM THE COUNCIL</b></p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p><i>Councilmember Bassett said that she would like to discuss NIXLE and establishing a phone tree for those who do not have the technology to use NIXLE.</i></p> <p><i>Councilmember Phinney commented on the heating problems at Town Hall. He asked about a grant to repair the windows. Ms. Shemaitis responded that she had recently contacted the Department of Commerce to see if there were any energy grants available. She was told that Terry Ford was retiring and that there are not any grants available at this time. Ms. Shemaitis said that she will keep looking.</i></p> <p><i>Tom Pitts commented that he had been at the Arizona Commerce Authority board meeting earlier in the day and had spoken with Lisa Henderson, who, he said, is Mr. Ford's replacement, and she will also be good to work with.</i></p> <p><i>Councilmember Phinney commented that it may be possible to obtain millings from the old smelter site in Clarkdale because they are reworking the area and would be glad to get rid of the leftover material. He said that it could probably be ground up for us and they have dump trucks. Ms. Gallagher said that she would look into this. Mr. Pitts noted that Clarkdale Metals is the company.</i></p> <p><i>Councilmember Currier reaffirmed that he would like to have a policy drafted for the use of Council Chambers at Town Hall. Also, he would like a report on the department of all the boards.</i></p> <p><i>Ms. Ogden said that she has only had the one contentious meeting and not enough of the others to be able to know the members and their interactions.</i></p> <p><i>There were comments from members of the public regarding the behavior at the P&amp;Z meeting. Councilmember Bassett noted that this is off topic.</i></p> <p><i>Mr. Currier added that Councilmembers should not attend board meetings<sup>6</sup>.</i></p> <p><i>Jane Moore asked if Item 10B had already been discussed. She was told that it had.</i></p>

<sup>6</sup> Clerk's note: During approval of the minutes, the Vice Mayor clarified that he had not intended to make a definitive statement in this regard.

9:02 pm	<p><b>Motion:</b> Vice Mayor Currier made a motion to <b>go into executive session</b>. It was seconded by Councilmember Hunt and <b>approved by all</b>.</p> <p><b>Council went into executive session at 9:02 pm</b></p>
ITEM #12	<p><b>“VACATION RENTALS”</b></p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.3 and A.R.S. §38-431.03.A.4 for the purpose of consultation with the Town Attorney regarding the use of property commonly known as “vacation rentals.” No action will be taken while in Executive Session.</p>
ITEM #13	<p><b>PROVISION OF WATER TO YAVAPAI-APACHE NATION</b></p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney regarding the provision of water to the Yavapai-Apache Nation for their cattle. No action will be taken while in Executive Session.</p>
ITEM #14	<p><b>LITIGATION – JEROME GRAND HOTEL</b></p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney regarding litigation involving the Jerome Grand Hotel. No action will be taken while in Executive Session.</p>
ITEM #15	<p><b>WATER LINE EASEMENT – TOWN OF CLARKDALE</b></p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney regarding the granting of an easement to the Town of Clarkdale for their installation of water lines in the vicinity of the Jerome Cemetery. No action will be taken while in Executive Session.</p>
ITEM #16	<p><b>REVIEW OF CLOSED SESSION MINUTES</b></p> <p>The Mayor and Council may go into Executive Session pursuant to A.R.S. §38-431.01.A.2 for the purpose of discussion or consideration of records exempt by law from public inspection. No action will be taken while in Executive Session.</p>
9:48 pm	<p><b>Council reconvened in open session.</b></p>
	<p><b>ITEM #9B: PROVISION OF WATER TO JEROME VERDE DEVELOPMENT COMPANY</b></p> <p>The Mayor and Council may approve an agreement with Jerome Verde Development Company for the provision of water to certain properties. Prior to taking action, Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney. No action will be taken while in Executive Session.</p> <p><i>Council returned to open session in order to take action on this item, and will return to executive session to discuss the remaining closed session items.</i></p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve an agreement with Jerome Verde Development Company, with the water hookup application form attached</b>. It was seconded by Councilmember Bassett.</p> <p><i>Jane Moore asked if this was just for the Engineer's building or for other buildings. It was clarified that it would be for the Engineer's building, the assay office, the generator building and the Verde Exploration mine yard.</i></p> <p><i>Ms. Moore noted that, originally, they had requested water for only the Engineer's building. Mayor Check asked if Council needed to go back into executive session for further discussion. The Town Attorney confirmed that they may do so with a motion on the floor.</i></p> <p><b>Motion:</b> Upon motion by Vice Mayor Currier, seconded and unanimously approved, Council returned to executive session.</p>
9:50 pm	<p><b>Council returned to executive session.</b></p>

<p>10:02 pm</p>	<p><b>Council reconvened in open session.</b></p> <p>Mayor Check noted there was a motion and a second on the floor. There was additional discussion in closed session, and now they may need clarification on the motion.</p> <p><b>AMENDED Motion:</b> After discussion regarding the wording of the amended motion, Councilmember Phinney made a motion to amend the motion on the floor as follows: to <b>approve this agreement relative only to those properties for which we have affidavits proving that the Town once provided water to them.</b> It was seconded by Vice Mayor Currier.</p> <p>Councilmember Hunt said that, if there are spigots there, that could de facto mean that there was water there. It was noted that, at that time, the Town was not the water provider – the mine was, so we would not be not held to that.</p> <p>Mayor Check called the question and the amendment was <b>approved by all.</b></p> <p>Mayor Check then called the question regarding the <b>original motion, as now amended,</b> and it was <b>approved by all.</b></p> <p>Ms. Moore had additional comments, and it was decided to return to executive session at this time.</p> <p><b>Motion:</b> Upon motion by Vice Mayor Currier, seconded by Mayor Check and unanimously <b>approved, Council returned to executive session.</b></p>
<p>10:06 pm</p>	<p><b>Council returned to executive session.</b></p>
<p>10:23 pm</p>	<p><b>Council reconvened in open session.</b></p>
<p>ITEM #17 10:23 pm</p>	<p><b>APPROVAL OF CLOSED SESSION MINUTES</b></p> <p>December 11, 2012</p> <p><b>Motion:</b> Upon motion by Mayor Check, seconded by Vice Mayor Currier and unanimously approved, approval of the December 11, 2012 closed session minutes was <b>tabled</b> to a future meeting.</p>
<p>ITEM #18 10:25 pm</p>	<p><b>ADJOURNMENT</b></p> <p>Upon motion by Vice Mayor Currier, seconded by Councilmember Bassett and unanimously approved, the meeting was adjourned at 10:25 p.m.</p>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Rosemarie Shemaitis.

APPROVE:

ATTEST:

\_\_\_\_\_  
Nikki Check, Mayor

\_\_\_\_\_  
Candace B. Gallagher, CMC, Town Manager/Clerk

Date: \_\_\_\_\_