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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, SEPTEMBER 10, 2013 AT 7:00 P.M.

NINTH REGULAR MEETING OF 2013

ITEM #1:	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p>Mayor Nikki Check called the meeting to order at 7:05 p.m.</p> <p>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier, and Councilmembers Bassett, Hunt and Phinney.</p> <p>Also present at this meeting were Town Attorney Bill Sims and Zoning Administrator Carmen Ogden.</p>
ITEM #2:	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge.</p> <p>The Pledge of Allegiance was led by Mayor Check.</p>
ITEM #3:	<p>STAFF REPORTS</p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Police Chief and Fire Chief.</p> <p>Referencing an item in the Town Manager's report, Councilmember Bassett asked that Council discuss professional engineering services at the next meeting. Vice Mayor Currier echoed that request.</p> <p>Vice Mayor Currier noted that the Municipal Court report, as printed, was not readable due to the columns being cut off and misaligned.</p> <p>Motion: Upon motion by Mayor Check, seconded by Vice Mayor Currier and unanimously approved, the staff reports were accepted.</p>
ITEM #4:	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual reports for the month of August 2013, and updated Budget to Actual reports for the month of July 2013. 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>Ms. Gallagher was asked to provide information to Council regarding two items on the list of issued checks, and agreed to do so. After brief further discussion ...</p> <p>Motion: Upon motion by Vice Mayor Currier, seconded by Councilmember Bassett and unanimously approved, the financial reports were accepted.</p>
ITEM #5:	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Zoning Administrator Carmen Ogden noted that the past Planning and Zoning Commission meeting was "quite active," and ordinances recommended by the Commission for adoption are on this agenda for first reading.</p> <p>She added that she would be interviewing an NAU grad student for an internship (funded by a SHPO grant) during the coming week. The intern will work approximately 20 hours a week for up to 26 weeks, and will be compiling data for the updated General Plan, and assisting in writing the document itself. She hopes that the intern could begin work during the next week.</p>

	<p>Vice Mayor Currier stated that there has been discussion about CUPs coming to Council for review, and asked if that is in place yet. Mr. Sims stated that we'll be discussing that later in this meeting [with Ordinance 407].</p>
ITEM #6:	<p>COUNCIL MEETING MINUTES</p> <p>August 13 regular meeting</p> <p>Motion: Vice Mayor Currier stated that he had not received his copy of these minutes, and moved to table their approval. The motion was seconded by Mayor Check. The motion was approved by a vote of 4-1. Councilmember Bassett cast the only "no" vote, noting that she had received and read these minutes.</p>
ITEM #7:	<p>PETITIONS FROM THE PUBLIC</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>There were no petitions from the public.</i></p>
ITEM #8	<p>PRESENTATION</p> <p>ITEM #8A: MINGUS UNION HIGH SCHOOL BUDGET OVERRIDE</p> <p>Representatives of the Mingus Union High School will present information regarding their proposed budget override.</p> <p><i>Dr. Paul Tighe, Superintendent of the Mingus Union High School District (MUHSD), made a brief presentation regarding the District's proposed budget override, which will appear on the November 5 general election ballot. He explained that this is a continuation of a 10% override that was originally approved in 1985. It is not a new tax and will not affect the tax rate. Over the past five years, he said, Arizona has led the nation in cuts to education funding, at nearly 22%. This has cost MUHSD approximately \$3 million, significant in the context of their \$7 million annual budget. The Mingus Union override will provide almost \$600,000 per year, and will cost the average homeowner just \$1.92 per month. The funds help to provide alternative programs, technical instruction, interventions, athletics, elective courses, and more. A loss would mean larger classes and fewer opportunities for students. Dr. Tighe noted that this will be an all mail election, and voters must be registered by October 7 in order to participate. Ballots will be mailed by mid-October and are due by November 5.</i></p> <p><i>Also present were MUHSD Business Manager Kirk Waddle and Ruth Wicks, from Partners In Education. Ms. Wicks distributed information from that organization regarding the proposed overrides for MUHSD as well as the Cottonwood-Oak Creek School District, and asked all to engage their neighbors and be sure to vote. She reiterated that the override is not a new tax and will not increase the tax rate.</i></p>
	<p>Motion: Mayor Check made a motion to address Item #11A at this time. The motion was seconded by Vice Mayor Currier and unanimously approved¹.</p>
ITEM #9	<p>ORDINANCES</p> <p>ITEM #9A: SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO. 404, An Ordinance to Amend Section 2-4-8, "Voting," of Chapter 2, "Mayor and Council," of the Jerome Town Code Regarding Abstaining from Voting.</p> <p>Council may conduct the second reading of, and may adopt, Ordinance 404, which would require that any Council member that abstains from voting due to a declared conflict of interest must take no part in the deliberation on the matter in question and must leave the dais during such deliberations. The ordinance would further require all Council members to vote on matters before them unless a conflict of interest is declared.</p>

¹ Clerk's note: Although Item #11A was addressed at this time, it appears in the minutes in numerical order. See page 7.

Mayor Check offered a brief review of the provisions of this Ordinance.

Motion: Vice Mayor Currier moved that Ordinance 404 be adopted. The motion was seconded by Councilmember Bassett.

Ms. Bassett stated that she has abstained from voting in the past, not because she had a statutory conflict of interest, but because she had the appearance of a conflict of interest. She would like the ordinance adjusted to include that language. Mr. Sims indicated that this would be fine.

Councilmember Phinney asked the Town Attorney, regarding paragraph D of the ordinance, if a Councilmember's failure to vote (in the absence of a conflict of interest) would be considered a violation of the ordinance. Mr. Sims replied that it would not. The vote would simply be counted as an "aye" vote.

It was discussed and agreed that the phrase "Council members are required to vote..." would be changed to "Council members are expected to vote... ."

Motion: Vice Mayor Currier Lew moved to amend his motion to adopt the ordinance to include the amendments just discussed. Councilmember Bassett seconded.

Councilmember Phinney asked Mr. Sims why a failure to vote would have to count as an "aye" vote. Mr. Sims replied that this is a policy call by Council. "You could go either way," he said, but added that he has never seen that counted as a "nay" vote.

Mr. Sims explained further using the following example: If, on a five-member Council, two members vote "yes," two vote "no," and fifth declines to vote, the motion would fail, therefore the declining member has effectively voted "no" with his or her silence. By imposing a "yes" vote on a declining member, it forces the member to overcome the motion passing by publicly voting "no." The policy, he said, is intended to not allow a member to say "no" by simply being silent.

The vote was called on the **motion to amend**, and the **motion carried** by a vote of **4 to 1**, Councilmember Hunt being the single "nay" vote.

The vote was then called on the **motion to adopt** the ordinance (as amended), and **motion carried** by a vote of **4 to 1**, Councilmember Hunt being the single "nay" vote.

ITEM #9B: FIRST READING: ORDINANCE NO. 405, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Sections 201, 504, 505, 506, 507, 508 and 512 of the Jerome Zoning Ordinance to Add Definitions for "Vacation Rental" and "Transient," Add "Vacation Rental" as a Conditional Use in the AR, R1-10, R1-5, R-2, and C-1 Zones; Add Vacation Rentals to the Schedule of Required Off-Street Parking; and Add to the Jerome Zoning Ordinance a New Section 513, "Vacation Rentals," and Regulate the Use of Those Vacation Rentals That Are Nonconforming Uses by Adding a New Article 8-6 to the Jerome Town Code.

Council may conduct the first reading of Ordinance 405, an Ordinance to restrict and regulate Vacation Rentals within the Town of Jerome, and to acknowledge legal nonconforming uses. A public hearing on this ordinance was held by the Planning & Zoning Commission on August 7, 2013, and they have recommended its adoption by Council.

Prior to the discussion of this ordinance, Councilmember Hunt asked if there was anyone in the audience who felt passionately about this issue but had not read the proposed ordinance. Two persons responded affirmatively.

Vice Mayor Currier noted that a memo from Curtis Lindner that was included in the supporting documents also includes comments regarding Ordinance No. 407.

Councilmember Bassett questioned whether it is appropriate to include photographs of a privately-owned road (Magnolia Street) in the memo from the Zoning Administrator that is an attachment to this ordinance. It was discussed with the Town Attorney, and generally agreed to leave those photos in, as they illustrate problems inherent in getting to a vacation rental.

Councilmember Hunt asked who would be called in the event of a violation. Ms. Gallagher said that it would depend on the nature of the violation. If the complaint is regarding a nuisance, the police department should be called. Mr. Hunt noted that he had called the police dispatch center in Camp Verde to complain recently about a dog running at large, but that call was never transmitted to our police department. He added that this is being looked into, but said that it is important that there be a record of some type when complaints are received, and that those complaints should be transmitted to Planning and Zoning. If the complaints received are scattered among departments, we may not have an accurate record of all complaints received. It should be centralized, he said, and the Zoning Administrator would be the most logical person to receive

complaints. Mayor Check suggested that it would be simplest for the Zoning Administrator to request information regarding complaints from each department during the CUP's annual review.

Jane Moore, a Jerome resident, said that she finds it hard to believe that this ordinance will regulate and control vacation rentals, particularly when there is an option for waiving requirements when Prop 207 claims are raised. Ms. Moore added that a complaint was received about a vacation rental operating in the commercial zone, but it was not made until two weeks after the incident, because the complainant assumed nothing would be done in response. Given the timing, it was not recorded as a police call.

Mayor Check agreed that enforcement may be difficult, but noted that Council and Planning & Zoning have worked hard together to come up with something we can pass that is the most enforceable.

Curtis Lindner, who has worked with P&Z and staff on this issue, acknowledged the work done by P&Z to get this ordinance to its first reading. He noted that he is a citizen of the county and not of the town, residing just outside our border at 222 County Road, and he thanked the town for the services he enjoys. Mr. Lindner said that he attended the last P&Z meeting, and many people were speaking, but there seemed to be a lot of confusion about how they felt. Generally, he said, they were against vacation rentals in residential zones, but it was a "confused meeting." He said that he has met with staff to clean up redundant language in the ordinance and to make the objective of regulating enforceable. However, he is concerned that the language in this ordinance seems to suggest that vacation rentals are an allowed use in the residential zones. When adding vacation rentals as a conditional use, he said, we should also include language that it is not an allowed use. That is what was conveyed in a petition that was submitted to the Town. He said that he would like to hear from Council or the Town Attorney about that.

Mayor Check stated that we have mired through this, and currently vacation rentals ARE considered a legal use.

Mr. Linder stated that the ordinance lists criteria and requirements to obtain a vacation rental CUP. If an applicant meets those criteria, goes through the required process, and is turned down, they will say that they met all the requirements but were turned down because there was no public support. He asked how that would play out, and if there is anything that could be added to the ordinance to protect the Town.

Mayor Check noted that, under this ordinance, all legal nonconforming uses would have the opportunity to apply for a CUP. After that, there would only be one CUP available in each designated neighborhood. If more than one were to apply, those who meet the requirements would be subject to a random selection process.

Town Attorney Bill Sims said that he shares Mr. Lindner's concerns about the CUP process, and explained that, under the statute authorizing Conditional Use Permits, we cannot authorize any use that is prohibited. To do so would constitute rezoning.

Mr. Lindner said that, if an applicant meets the criteria, it looks to the public like a rezoning. If there is a public process, and a hearing, but not a component regarding the public having a say, it is a rezoning.

Mr. Sims said that Council is about to consider a CUP ordinance that is far more expansive than many concerning the hearing process. Every CUP will have a public hearing and an opportunity for the public to weigh in. The public will hold P&Z and Council to task to make sure that the criteria are met, and if they are not, the applicant will be denied.

Mr. Sims went on to explain that, if the existing uses can demonstrate prior nonconforming use, they would be grandfathered, and would consume the one vacation rental permitted in any district. We have tried, he said, to create an incentive to convert a nonconforming use to a CUP status, because nonconforming uses can easily be lost. As this ordinance has evolved, he said, it has greatly diluted the number of CUPs authorized for vacation rentals, since existing uses may qualify and preclude other CUPs.

Mr. Lindner agreed, and said that his concern is the public process. If you have an applicant for a CUP in a residential zone and they do not garner support from the residents, how, he asked, can P&Z or Council not approve it if they meet the specific requirements? Residents may have claims that it diminishes their property value, or creates an ingress/egress problem. How are we going to handle that, he asked, if they meet the specified requirements?

Mr. Sims replied, "this is one of the beauties and the problems of democracy." Our ordinance sets out criteria, he said, and there may be disagreements as to whether or not they are satisfied. A public hearing allows everyone to have their say. P&Z must listen and make a decision using

justifiable criteria. If the applicant measures up, they have a legal duty to approve the CUP, notwithstanding pressure from neighbors. If Council adopts the CUP ordinance on this meeting agenda, he said, there can be TWO public hearings if needed, and there is likely to be significant public input.

Mr. Lindner said that P&Z is required to mitigate concerns by the public. He said that he is concerned that there is not stronger language in the ordinance disallowing vacation rentals in residential zones, and feels that it is almost a rezoning of residential zones to allow them with specific criteria. Since this is just the first reading, he said, we can work on it.

Vice Mayor Currier said that he, too, is concerned about the public hearing process. Last week, he said, everyone spoke against the ordinance, all the documents that were submitted were in opposition to it, and the Commission listened and voted the other way, without comment. "It that is repeated," he said, "it is a farce."

Ms. Ogden stated that the Planning & Zoning Commission did listen to the neighbors, and their comment was that this was what Council desired, an ordinance that tries to address issues and concerns raised by residents over the past year, and this was the best solution that was presented. Mr. Currier said that he was at the meeting where Council instructed P&Z to do just that. It was done by innuendo, he said, but it was clear.

Mayor Check noted that our two legal advisors (Bill Sims and Grady Gammage) have each said that the legal interpretation would be that it is legal in Jerome to do this.

Motion: Mayor Check moved that Council go into executive session for further discussion with the attorney. Vice Mayor Currier seconded the motion.

Councilmember Bassett stated that she feels that the "Exhibit A" memo prepared by Ms. Ogden and attached to the ordinance is "fantastic." She is impressed that, out of 444 residents, 109 volunteer in some way. She added that she feels it is very important for our police and fire departments to immediately report to the Zoning Administrator any complaints about vacation rentals.

The vote was taken and the **motion to go into executive session was unanimously approved.**

Council left the room at this time to convene in executive session in the Manager's office.

Upon reconvening into open session a few minutes later, Mayor Check read Ordinance 405 by title only, noting that the only change recommended by P&Z was to use the term "vacation rentals," rather than "transient dwelling rentals."

Ms. Gallagher noted the need to include in the language a reference to the I-1 zone, as that was discussed previously by Council. That change will be made.

Suzy Mound, a Jerome resident, recalled that Mr. Gammage had said that Jerome has the right to limit rentals in the R-1 zone to no less than 28 days. She expressed her disappointment that this advice was not taken to protect those who purposefully purchased homes away from the commercial district.

Ms. Mound went on to state that both ordinances that were considered by Council and P&Z included elements allowing for nonconforming uses, which she found disappointing as well. She added that there was a recent Arizona Supreme Court ruling that separation zoning is not legal, and said that the Goldwater Institute represented the party that got that ruling. It involved Mesa. Mr. Sims was not familiar with that ruling and said he would look into it².

Jane Moore, a Jerome resident, stated that our zoning ordinance states that, if a use is not a listed permitted use, it is prohibited, and asked if that is strong enough to allow the Town to enforce against vacation rentals in residential zones. Mayor Check replied, "After mulling it over for eight months, we've decided that it's not." Ms. Moore suggested that Council should stand behind the residents, as "we'll end up in court anyway."

Councilmember Bassett stated, "We're doing our best to protect the town. We can't in good conscience pass something that won't hold up, and we have incorporated so many restrictions to

² Clerk's note: Mr. Sims' reviewed and found that *Coleman v. City of Mesa*, 230 Ariz. 352 (2012) was recently before the AZ Supreme Court and involved the Goldwater Institute. It referenced a Conditional Use Permit for tattoo parlors. The Court determined that tattoos and the act of tattooing were protected by the 1st Amendment, and expressly stated that the spatial separation component of their CUP ordinance was not an issue in the case. It appears that the Council is now authorizing tattoo parlors as a matter of right in certain districts, not needing a CUP and therefore no longer needs spatial separation criteria.

protect the town and neighborhoods." While it would be more popular to ban vacation rentals altogether, she said, she believes it would be bad for the town because it would not hold.

Councilmember Hunt asked Ms. Moore how she would deal with those vacation rentals already in existence. "Would you grandfather," he asked, "or take it out from under them?" Ms. Moore replied that she would try to figure out some way that they could come into compliance (perhaps by converting to a B&B, with someone living on the premises). If they said no to that, she might say that they can't operate in residential zones. She added that it may be okay if existing nonconforming uses were the only ones allowed, and would go away in time.

Curtis Lindner said that nonconforming use is governed by state statute. He went on to say that he agrees with regulating vacation rentals, but feels they should be listed as not permitted in residential zones. The ordinance could include language to allow someone to apply for a use permit for that non-permitted use. The permit could be time-limited, after which they would need to reapply, and would not run with the property.

ITEM #9C: FIRST READING: ORDINANCE NO. 406, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Sections 301, 302 and 304 of the Town of Jerome Zoning Ordinance, and Adding New Section 306, to Provide For a Citizen Review Process and Neighborhood Meetings In Accordance With A.R.S. 9-462.03, and Declaring An Emergency.

Council may conduct the first reading of Ordinance 405, an Ordinance amending the Jerome Zoning Ordinance to provide for a Citizen Review Process and Neighborhood Meetings prior to holding a public hearing on rezoning or ordinances that impose a new land use regulation or modify an existing land use regulation, in accordance with statutory requirements. A public hearing on this ordinance was held by the Planning & Zoning Commission on September 4, 2013, and they have recommended its adoption by Council.

Mayor Check read Ordinance 406 by title only, and reviewed its provisions.

Mr. Sims stated that a formal Citizen Review Process is required by statute for certain zoning actions. However, this ordinance imposes that requirement on not only rezoning, but also for CUPs and DRB actions. Some jurisdictions, he said, would make that discretionary, and suggested that we could change the word "shall" to "may" in those sections to accomplish that.

Curtis Lindner agreed, and said that to require a neighborhood meeting for non land use issues would be burdensome for the Zoning Administrator, who could use that time to do more important things. He also said that he would like to see more detail regarding what constitutes the public hearing, and added that it would be helpful if the Zoning Administrator was able to provide a map showing where those objecting are located. Mayor Check responded, "If specific people are listed ... that is easy enough to figure out here in Jerome."

It was discussed and agreed to change the word "shall" to "may" in Sections 2 and 3 of the proposed ordinance in order to make the requirement for neighborhood meetings discretionary for Conditional Use Permits and Design Review Board actions.

Mr. Lindner commented that, sometimes, it is hard to tell whether a speaker is for or against the proposal at hand.

Vice Mayor Currier stated that Mr. Lindner's suggestions sound more like operating procedures than elements of law, and suggested that we develop Standard Operating Procedures to address things like that.

Suzy Mound asked if this ordinance provides that, during the meeting process, there would need to be a certain percentage of contiguous neighbors in favor of the project in order for it to be approved. "Neighbors can speak," she asserted, "but they are not listened to," and added that votes are being cast based on personal opinion rather than the will of the majority of the people.

Mr. Sims noted that "this is simply a report," and added that Section 301 D. of our Zoning Ordinance provides that, for zoning amendments or rezoning, if enough neighbors protest (20%), it would require a supermajority vote by Council (four of the five members) to approve.

It was discussed and agreed to change Section 306 (B)(5) of the proposed new Section regarding Neighborhood Meetings to require that the meeting summary to be submitted by the applicant include the addresses of those attending.

Council also discussed the provision included for a filing fee. It was generally agreed to remove the word "filing." Mayor Check noted that the staff would be doing the mailing, but the fee would go toward that. Councilmember Bassett said that she is against the staff being responsible for the

	<p>mailing, but would accept that if the fee is high enough to cover staff time and postage costs. The changes discussed will be made to the Ordinance prior to its second reading.</p> <p>ITEM #9D: FIRST READING: ORDINANCE NO. 407, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Section 302, “Conditional Use Permits,” of the Jerome Zoning Ordinance.</p> <p>Council may conduct the first reading of Ordinance 407, an Ordinance amending the Jerome Zoning Ordinance regarding Conditional Use Permits. A public hearing on this ordinance was held by the Planning & Zoning Commission on September 4, 2013, and they have recommended its adoption by Council.</p> <p>Mr. Sims explained that the CUP process allows government, through Planning & Zoning and Council, to impose restrictions on uses otherwise permitted. Our Zoning Ordinance, with this amendment, makes it clear that use permits don't run with the land; however, he noted, under due process, if someone continues to demonstrate compliance with the CUP requirements, and their successor can also, the presumption is that you would have to issue the permit. Mr. Sims clarified that, if the use had been abandoned, the applicant would have to go through the entire process again.</p> <p>Mr. Sims went on to explain that the Planning and Zoning Commission is essentially an advisory body, with limited power to make decisions. He recommended a change to the ordinance to clarify the limits on the authority of P&Z. He noted that P&Z could issue permits if they are given discrete objective criteria by Council, and the applicant meets those criteria. Discussion ensued in this regard. It was noted that, currently, there are no such criteria defined. As such, it could be simply clarified that P&Z makes only recommendations to Council.</p> <p>Curtis Lindner stated that, at the county level, P&Z makes only recommendations. He had submitted certain suggestions for changes to the ordinance in that regard.</p> <p>After discussion, it was generally agreed that all CUPs should come to Council for final approval. The ordinance will be changed accordingly prior to its second reading.</p>
ITEM #10	<p>UNFINISHED BUSINESS</p> <p>ITEM #10A: REQUEST TO TERMINATE LEASE (PROSPECT.RS)</p> <p>Council will consider and may approve a request by Prospect.rs to terminate their lease of Studio #3 in the Jerome Civic Center effective October 1, 2013.</p> <p>Motion: Councilmember Bassett moved that the lease with Prospect.rs be terminated as of October 1, 2013. The motion was seconded by Councilmember Hunt and unanimously approved.</p> <p>There was brief discussion regarding including language in future contracts that would allow such actions to be taken administratively.</p>
ITEM #11	<p>NEW BUSINESS</p> <p>ITEM #11A: PARCEL COMBINATION – BRANDON NARGESSI³</p> <p>Council will review a request by Brandon Nargessi for the combination of two adjoining parcels on East Avenue (Parcel #s 401-07-094 and 401-07-095) into a single parcel. The Planning & Zoning Commission reviewed this request on September 4, 2013 and has recommended its approval by Council.</p> <p>Brandon Nargessi's mother, Terez Nargessi, was present to represent Mr. Nargessi at this meeting. She explained that Mr. Nargessi wishes to combine a conforming lot with a nonconforming lot to form one tax parcel. She mentioned that one lot had been acquired through adverse possession.</p> <p>Carmen Ogden, Zoning Administrator, stated that the Planning and Zoning Commission has reviewed this request and has recommended its approval by Council.</p> <p>Motion: Councilmember Bassett moved that the requested parcel combination be approved. The motion was seconded by Councilmember Phinney.</p> <p>Vice Mayor Currier asked if the adverse possession issue had been fully resolved. Ms. Nargessi confirmed that it was resolved in 1993.</p> <p>The vote was taken and the motion was unanimously approved.</p>

³ Clerk's Note: This item was addressed following Item #8A.

	<p>ITEM #11B: INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY FREE LIBRARY DISTRICT</p> <p>Council will review and may approve a renewed IGA with the Yavapai County Free Library District for 2013-14.</p> <p>Motion: Councilmember Bassett "gratefully" moved to approve the renewed IGA with the Yavapai County Free Library District. The motion was seconded by Vice Mayor Currier and unanimously approved.</p>
<p>ITEM #12</p>	<p>TO AND FROM THE COUNCIL</p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p>Councilmember Bassett requested a discussion regarding engineering services for the sewer plant road and area drainage study.</p> <p>Vice Mayor Currier asked when the crew would be addressing the water leak at the parade steps. Ms. Gallagher said that they would be working on that the next morning. Mr. Currier said that the leak could be at the point where the sprinkler system connects.</p> <p>Councilmember Phinney said that the crew should inspect all storm drains after the rains. Ms. Gallagher confirmed that this is done routinely.</p> <p>Mayor Check said that, as soon as the vacation rental ordinance has been adopted, she would like to address water metering and billing.</p> <p>Vice Mayor Currier asked about the status of the work on the Cleopatra Hill tanks, and said that he had heard a rumor regarding lead paint. Ms. Gallagher explained that they discovered that the exterior paint on the tanks contains lead, and we will need to undertake a lead abatement process. This will add cost to the project, and we do not have the final numbers yet. It may be possible to reduce the scope of the project somewhat to accommodate the additional work that is needed.</p> <p>Ms. Gallagher noted for the record that Innes Associates is changing the custodian of the Fire Department Pension Fund from LDL Financial to TD Ameritrade. It will require the execution of certain forms but will not require Council action.</p>
<p>ITEM #13</p>	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Bassett, seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 9:35 p.m.</p>

Transcribed and edited by Town Manager/Clerk Candace Gallagher.

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____