



Founded 1876
Incorporated 1899

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, DECEMBER 17, 2013 AT 4:00 P.M.

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll. <i>Mayor Check called the meeting to order at 4:02 p.m.</i> <i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Randall Hunt and Anne Bassett. Councilmember Bill Phinney had an excused absence.</i> <i>Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis. Town Attorney Bill Sims was present telephonically during a portion of the meeting.</i>
	<i>Vice Mayor Currier noted that there is no public in attendance for Item 2, but we do have a presenter for Item 3. He suggested moving Item 3 to now.</i> Motion: Mayor Check made a motion to move Item 3 to now . It was seconded by Councilmember Bassett and approved by all with 4 ayes, 0 nays and 0 abstentions .
ITEM #3: 4:04 pm	INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPT. OF TRANSPORTATION REGARDING PLANNED IMPROVEMENTS TO ROUTE 260 Council will review, and may approve, an Intergovernmental Agreement (IGA) between the Town of Jerome, the Town of Clarkdale, the Town of Camp Verde, the City of Sedona and the City of Cottonwood regarding planned improvements to State Route 260 to allow four lanes between Thousand Trails Road and Wilshire Drive. The IGA requires no commitment of staff or financial resources from the Town. <i>ADOT Engineer Alvin Stump was present, and distributed an updated version of this IGA that included a change in the language regarding the Yavapai-Apache Nation, along with some grammatical corrections.</i> <i>Councilmember Hunt asked Mayor Check why this is before Council when Jerome is nowhere near Route 260. Mayor Check replied that Jerome had been invited to participate in the planning for this project, but did not have the time to do so. We have been receiving updates on this project (most recently at the Intergovernmental Meeting hosted by Jerome) even though we have not been involved in putting it together. SR 260 is integral to the entire Verde Valley, she said, so if they receive the support from the entire Valley it could help them get the funds they deserve.</i> <i>Mr. Stump thanked Council for having him at this meeting, and explained the proposed State Route 260 Access Management IGA, which, he said, "basically states that all parties agree on this principle." He hopes to have a signed agreement when the Transportation Board meets in January. They have reached out to all the communities in the Verde Valley as well as the Yavapai-Apache Nation, he said, because this corridor is important to everybody; if it becomes a "parking lot" due to traffic congestion, it would impact the entire area, so it is important that they plan it well. He noted that limiting the points of access is important, because the more places there are for people to come on and off the road, the greater the chances for an accident.</i> <i>Mr. Stump said that they are also looking for a longer return on their investment. When their funding situation was better, he said, they could expect to rework projects in 20 years. Now, they have to hope for 30 years or better. He added that he believes they have a plan that will work within that timeframe.</i> <i>The plan calls for seven access points, Mr. Stump said. Three of those were part of the original plan and would be full access. The others would be "right in - right out." He noted that those</i>

would be limited to about a quarter of a mile, and they are working with the property owners to space them evenly, without a lot of driveways. Between Horseshoe Bend and Thousand Trails, they are going to maintain a four-lane divided highway.

Vice Mayor Currier noted that we recently lost another cement truck on a roundabout, and asked how the proposed roundabouts would differ from those in Cottonwood. Mr. Stump said that he would be addressing that later in his presentation.

Councilmember Bassett asked Mr. Stump to confirm that they are planning to have a divided highway and roundabouts on the same stretch of highway. He said that this is correct and that it works well. He explained that the roundabouts slow traffic down to go through the curves. The alternative, he said, is having to slam on your brakes.

Mayor Check noted that the divided highway will be safer for those getting off of I-17 onto Route 260, who then drive as if they are on another road like I-17. Mr. Stump said that the divided portion of the highway will have a raised concrete median in the center, and will average about 50 feet between the roadways, with 10-foot shoulders.

Mr. Stump said that Cottonwood, Camp Verde and the Yavapai-Apache Nation are looking at this with an eye towards development, while everyone else is looking to get through there as quickly as possible; they are trying to strike a balance. Some of the road, he said, would be built by local jurisdictions. ADOT would build the approaches. Mr. Stump opined that this would be a good opportunity for coordination.

Mr. Stump said that these roundabouts will allow them to maintain a good level service from the side streets, allowing enough time for drivers get in and out, until something like a Walmart comes in. At that time, he said, they would need to make improvements. He added that they are designing these roundabouts to be larger than those in Cottonwood, so if more capacity is needed, they can add an additional lane on the inside.

Councilmember Hunt asked what the anticipated speed will be through these roundabouts. Mr. Stump said that drivers will have to slow down to 20-25 mph. On the old design, with the narrower radius, he explained, drivers would have to slow as they were exiting the roundabout. With the new design, drivers can start accelerating as they exit, which also makes it better for trucks.

This prompted discussion regarding the safety of trucks in roundabouts, and Mr. Stump said that, while a lot of people think that you should be able to go through a roundabout side-by-side with a truck, he doesn't think that it is worth the risk, and it is best to stay in front of or behind them. There was also discussion regarding safety concerns posed by drivers moving from lane to lane within the roundabout.

Councilmember Bassett remarked that, with traffic lights on a main highway, drivers have a good chance of hitting a green light. She suggested that, with a roundabout, there is less fuel efficiency because drivers must repeatedly slow down and speed up, and added that it "seems to take much longer to get anywhere." Mr. Stump replied that studies have shown that there is less pollution and fuel usage with roundabouts as compared to traffic lights. Where there are lights, more vehicles are waiting and idling and using more fuel. Regarding travel time, Mr. Stump said that having roundabouts on the SR 260 stretch, with a speed limit of 55 mph, would add less than a minute to that drive, compared to adding one to one-and-a-half minutes if traffic lights were installed.

Councilmember Hunt asked if this was a proposal to promote roundabouts rather than the installation of additional traffic lights. Mr. Stump replied that it's not about promoting roundabouts, but rather about coming up with the best solution for that corridor. He added that the roundabouts would also provide a way for people to safely make U-turns as well as right turns.

Mr. Hunt commented that he is a fan of the roundabouts. Mayor Check agreed.

Ms. Shemaitis asked if this has been tested in a fast traffic area such as the Rt. 260 corridor. Mr. Stump replied that there is one roundabout that is in the "middle of nowhere," where people drive 65-70 mph. Drivers will gradually slow down to 20-25 mph to go through the roundabouts, he said.

Councilmember Bassett noted that a previous Arizona State Treasurer had explained how the state had gotten into a financial mess because they were giving breaks to the developers. Each development became dependent on the next development to pay for the infrastructure impacts of the first development. Then, when development pauses, the state's economy crashes. Ms. Bassett said that she has lived in Arizona since 1952, and she has seen

that every time a new highway is built, there is massive development, bringing in big box stores to every intersection. It increases economic growth, which, she said, is directly opposite to financial growth for the state, because economic growth is not paying for itself. Ms. Bassett said that she is pleased to see federal funds come to the state, paying Arizona people to work, but increasing highways brings more people, more pollution, infrastructure demands and burden on the state's water systems. For these reasons, she said, she is against all of this.

Motion: Councilmember Hunt made a motion to **approve the proposed IGA**. It was seconded by Mayor Check.

Following brief discussion, the Mayor called the question and the **motion passed with 3 ayes, 1 nay by Councilmember Bassett and 0 abstentions.**

Mayor Check thanked Mr. Stump for his presentation.

ITEM #2:
4:40 pm

SECOND READING: ORDINANCE NO. 409, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Article 11-1, "Definitions," and Article 11-3, "Department and Consumer Responsibilities," and Adding New Section 11-3-11, "Shared Sewer Lines," of Chapter 11, "Sewer," of the Jerome Town Code, and Declaring an Emergency.

Council may conduct the second reading of, and may adopt, Ordinance 409, to clarify the Town Code with respect to the responsibility for maintenance of shared sewer collection lines. During discussion, Council may go into executive session for consultation with the Town Attorney, who may participate telephonically, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4). The ordinance may considered both with and without an emergency provision.

Town Attorney Bill Sims was called to participate in the discussion regarding Ordinance 409.

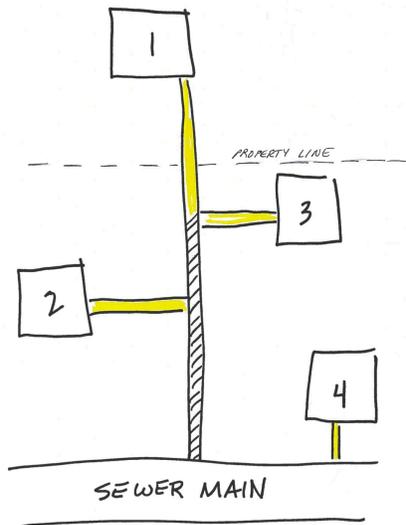
Mr. Sims discussed the revised draft. He noted that Council does have the option to receive his advice in executive session, if needed. He pointed out that the ordinance could include an emergency clause or not, depending on the position of Council.

Mr. Sims said that this is complicated – we are trying to address something that has been a hundred years in the making. It is possible, he said, to avoid constitutional claims and gift clause claims, because, given the geography of the town, given the fact that we cannot service all the different lots without using shared lines, given the fact that the geographic topography would require many lift stations, given the fact that Council is worried about public health and safety and the potential risk to health from leakage, given the fact that some may argue that the Town has induced people to put lines under their properties, we can address the public purpose requirement of the Constitution by going down this path. Once we change the Code, he said, the Town of Jerome will have authority under the Code, to use Town resources to both clear and repair shared lines on private property. He asked if Council is willing to commit the Town to undertake this obligation.

Mr. Sims said that Council had pointed out that, in this ordinance, he used the legal verbage "customary" and "reasonable measures." This, he said, is his attempt to at least give the Town a reasonable argument under the ordinance to avoid having to spend significant sums of money if it no longer becomes a customary repair. For example, if we needed to get to sewer lines under a historic building, and it would cost tens of thousands of dollars to do that, it would no longer be considered "customary" and "reasonable."

Ms. Gallagher provided a chart that showed a theoretical schematic of four different customers/property owners and their sewer lines (reproduced here) and explained that, under the draft ordinance, the customer would be responsible for the shaded portion (that is, the portion which serves no other consumer except the customer), and the Town would be responsible for the portion shown in crosshatch (the shared portion of the line).

Discussion ensued, including who should be responsible for repairs to that portion of a line which comes from one property owner and crosses another property owner's land before the line becomes shared (as shown in the diagram between property



three and the property line of property one).

Mr. Sims said that there are three options:

- The Town of Jerome pays for the repair
- The property owner who created the sewage pays for it, even if it is on someone else's property, or,
- The property owner on whose land the problem exists pays for it

Vice Mayor Currier noted that, in reality, there could be any number of property lines in several directions.

It was generally agreed that the Town would be willing to use Town resources to make repairs in the shared portion of the lines (shown in crosshatch). Discussion continued regarding the issue of repairs needed on a line that serves just one residence but is located on another person's property. Referencing the chart, Mr. Sims said that the ordinance is drafted to require that Property Owner 1 would be responsible for that portion of the line serving only that property, even if it is located on another's property. However, the problem with that, he said, is that Property Owner 1 would have to get onto Property Owner 3's property. That may never happen. He asked if the Town is willing to provide resources to take responsibility for that portion of the line, down from property 1, which would be on property 3's parcel before it becomes co-mingled. This was discussed at some length.

Steve Knowlton, a part-time resident of Jerome, opined that Mr. Sims is on the right track, because getting Property Owner 1 and Property Owner 3 to agree on something might be a problem. He suggested that we could provide that the Town would step in and make the repair, but it would be at the expense of Property Owner 1, as that is the owner with the problem. Discussion continued, including the problem we may face in billing an owner that cannot pay. It was noted that leaking sewage presents a public health hazard and must be taken care of. The possibility of a lien on the property was discussed.

Mayor Check expressed reluctance for the Town to take on responsibility for any part of a private (unshared) sewer line, regardless of whose property it lies on. Once we start taking responsibility for parts of those lines, she said, then why not take responsibility for all of the private lines and bill the homeowners for it? Then, she said, we would be doing things that we really shouldn't be doing.

Mr. Sims noted that the Ordinance provides now that the Town of Jerome is not responsible for the negligence of customers, and Ms. Gallagher added that there is also a release of liability required.

Councilmember Bassett asked, if a situation develops on a line for which the owner is financially responsible, where the owner cannot undertake the repair, and sewage is spilling out, can the Town, given the emergency, repair the line and put a lien on the property? Mr. Sims replied that we could – it's called "clean and lien" and it is an existing law. It was noted that the lien may or may not result in eventual payment to the Town, depending on the owner's other debt.

Mr. Sims recommended that Council discuss this in more detail in executive session.

Mayor Check said that she feels it is important that there is a correlation made between the expenses incurred by this extra effort on the Town's part and the raising of sewer rates, and asked if that should be part of the Ordinance. Mr. Sims responded that the ordinance as drafted provides that the costs would be included in sewer rates. It was noted that rates have not been increased for some time, although at one time, they were increased annually. Mayor Check suggested that it might be helpful for future Councils and managers to see a line saying that it is suggested that increased costs associated with this ordinance be addressed through rate changes.

Mr. Currier commented that the rates, when they are adjusted, are designed to cover the expenses that are predicted for the sewer or utilities. We should approach the problem by trying to estimate what the expenses will be for the coming year, probably to include an emergency fund, then we would adjust the rates to cover those expenses.

Mr. Sims commented we "are going fast on a very complicated ordinance," and we are cutting some corners. This ordinance, he said, simply says that it will be an expense of the sewer department, and the Town of Jerome will have to figure out how to pay for it. He noted that statute provides that utility rates need to be reasonably related to the costs. He added that, typically, jurisdictions key sewage usage off of the amount of water consumed, because there is a correlation there.

	<p>Mr. Sims commented that, if there is a spike in expenses due to a few large repairs, it would increase the rates significantly. Vice Mayor Currier pointed out that the Town has an emergency sewer fund right now to cover this kind of an emergency.</p> <p>There was brief discussion regarding whether the sewer line insurance offered by the National League of Cities will cover shared lines. That is unclear at this time.</p> <p>Motion: Vice Mayor Currier made a motion to go into executive session. It was seconded by Mayor Check and the motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>Council went into executive session at 5:11 p.m.</p> <p>Council reconvened in open session at 6:06 p.m.</p> <p>Mayor Check commented that Council has learned that there are aspects of the Code that they need to investigate further, including a nuisance abatement clause. Staff has been directed to look further into the nuisance abatement section of the Code and take whatever action may be authorized to address the existing problem, and we would figure out the rest later. Vice Mayor Currier and Councilmember Hunt agreed that this was their understanding as well.</p>
<p>ITEM #4:</p>	<p>ADJOURNMENT</p> <p>Upon motion by Vice Mayor Currier seconded by Councilmember Hunt and unanimously approved, the meeting was adjourned at 6:08 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: _____