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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 13, 2015 AT 7:00 P.M.

[Clerk's note: After the meeting, it was discovered that the audio recorder did not record the first portion of the meeting, up to the break called at 8:43 p.m. That portion of these minutes was compiled from written notes and staff memory.]

<b>ITEM #1:</b>	<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 Currier called the meeting to order at 7:00 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Lew Currier, Vice Mayor Doug Freund and Councilmembers Nikki Bagley, Alex Barber and Abe Stewart.</i></p> <p><i>Other staff in attendance at roll call included Zoning Administrator Al Sengstock, Police Chief Allen Muma, Town Attorney Bill Sims and Deputy Town Clerk Rosemarie Shemaitis.</i></p>
<b>ITEM #2:</b>	<p><b>PLEDGE OF ALLEGIANCE</b></p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>The Pledge of Allegiance was led by Mayor Lew Currier.</i></p>
<b>ITEM #3:</b> 7:02 pm	<p><b>STAFF REPORTS</b></p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, Fire Chief and Water Liaison.</p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>accept the staff reports</b>. It was seconded by Councilmember Stewart. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<b>ITEM #4:</b> 7:02 pm	<p><b>FINANCIAL REPORTS</b></p> <p>Issued checks and Budget to Actual reports for the month of December 2014. 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><i>Vice Mayor Freund requested clarification regarding items charged to "Suspense Account." Mayor Currier and Ms. Gallagher explained that a suspense account is an interim account (which ultimately carries no balance) where something is debited or credited until it is moved to another account.</i></p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>accept the financial reports</b>. It was seconded by Vice Mayor Freund. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<b>ITEM #5:</b> 7:05 pm	<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><i>Mr. Sengstock reported that, at the December meeting, the Design Review Board (DRB) met with representatives from SHPO (the State Historic Preservation Office). Much information was presented and exchanged, and they were able to create a better</i></p>

	<p>partnership. At the recent DRB meeting, Mr. Sengstock presented a map from the early 1900's and also had available the town's Historic Building Registry.</p> <p>Councilmember Bagley commented that she was pleased to see the DRB receiving training from SHPO, and she would like to see more training sessions. Mr. Sengstock said that SHPO will be coming back regularly.</p>
<p><b>ITEM #6:</b> <b>7:09 pm</b></p>	<p><b>COUNCIL MEETING MINUTES</b></p> <p>December 2, 2014 special meeting, open session; December 2, 2014 special meeting, executive session*; December 9, 2014 regular meeting.</p> <p>*If necessary, Council may enter 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.</p> <p><b>December 2, 2014 Special Meeting</b></p> <p>Mayor Currier asked about the number of votes (four) recorded for Item #4, because five votes had been recorded for the items following. Ms. Gallagher explained that Ms. Barber had arrived later in the meeting – just after the vote for Item #4.</p> <p><b>December 9, 2014 Regular Meeting</b></p> <p>Vice Mayor Freund commented that he believed that a statement made by him during discussion of staff reports was incorrectly cited in the minutes. Ms. Gallagher said that she would review and make the appropriate correction.</p> <p>Mayor Currier asked about the volunteer/open house event referenced in the minutes. He thought that it was going to be held in January. Ms. Shemaitis replied that she had been waiting for the third floor restroom to be completed before scheduling the open house. She is hopeful that it will be completed sometime within the next week or so, with the final inspection following that. Ms. Shemaitis added that she had spoken with Head Librarian Kathleen Jarvis, and they decided to have the event either at the end of January or the beginning of February.</p> <p><b>Motion:</b> Councilmember Stewart made a motion to <b>approve the minutes of December 2 and December 9, 2014.</b> It was seconded by Councilmember Barber. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p> <p><b>December 2, 2014 Executive Session</b></p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>approve the executive session minutes of December 2.</b> It was seconded by Vice Mayor Freund. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>ITEM #7:</b> <b>7:16 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>There were no petitions.</i></p>
<p><b>ITEM #8:</b></p>	<p><b>ORDINANCES</b></p>
<p><b>7:16 pm</b></p>	<p><b>ITEM #8A: FIRST READING – ORDINANCE NO. 414, AN ORDINANCE TO AMEND ARTICLE 8-3, “BUSINESS LICENSE TAX,” OF THE JEROME TOWN CODE REGARDING BUSKING, AND ADD NEW ARTICLE 8-6, “BUSKING.”</b></p> <p>Council will review, and may conduct the first reading of an amendment to our Town Code regarding street performances by musicians. Two versions of the ordinance will be reviewed. The first version would require a busking permit, issued by the Police Department for a nominal fee. The second version would simply amend the Code to</p>

permit busking. Both versions set forth the circumstances under which busking would be permitted.

Mayor Currier explained that Ms. Gallagher had prepared two versions of this ordinance, and the difference between them is that Version 1 requires the issuance of a permit and an associated fee. Version 2 does not. Both versions include restrictions pertaining to busking.

Councilmember Bagley stated that requiring a permit is appropriate – we would be taking something that had no parameters to now having enforceable requirements.

Chief Muma explained that busking used to be covered under State law, but recent case law has changed things. He expressed support for requiring a busking permit, and said that he would like to see the ordinance clarified regarding whether a permit would apply to an entire group, or if each individual in a group would need to get a permit. It is important to regulate this, he said, because there has been theft, larceny, public masturbation, and other unacceptable behavior in town involving itinerant entertainers.

Chief Muma noted also that other businesses must pay a fee to operate, and there should be a permit of some type for busking.

Suzu Mound, a resident of Jerome, commented that she works outside (in Art Park) and is often approached by traveling entertainers asking to play in that area. She did some research and found that most municipalities have regimented procedures in this regard. She expressed concern that this could become prevalent, and recommended that a citizen committee do some research and think this through.

Chief Muma noted that we could not base issuance of a permit on the type of music that is being played, as that is too subjective. He added that, if there is a noise violation, it can be enforced.

Nathan Payne, a local musician, said that he, too, would not want to open the gates for transients, theft and bad behaviors. He would simply like to have defined the difference between receiving donations and solicitation. This would not include selling merchandise or hustling.

Doree Christensen, a resident of Jerome, asked if there are limits as to where performances could take place, and whether they would be selling items.

Chief Muma said that, under our Code, performers accepting money would need a business license, but outside of that, "it is a free-for-all."

Councilmember Bagley noted that both versions of the ordinance prohibit the sale of merchandise, and Mayor Currier added that both versions restrict busking to the commercial zone.

Ms. Mound asked how the performers would know that they need a permit and how would that be dealt with. Mayor Currier responded that, if it is in the Code, the police can enforce it. Chief Muma noted that they had been doing that for years, but then the case law changed. The police will enforce what they can under the law, he said.

Nathan Kettle, a member of the public, noted that performers are not asking to be exempted from the Town laws, including loitering and selling without a license.

Jane Moore, a resident of Jerome, said that the permit should be displayed while they are performing.

Mayor Currier then read aloud the limitations included in both versions of the draft ordinance:

SECTION 8-6-4 BUSKING RESTRICTIONS

- A. BUSKING IS PERMITTED ONLY WITHIN THE GENERAL COMMERCIAL (C-1) AND LIGHT INDUSTRIAL (I-1) DISTRICTS.
- B. BUSKING IS PERMITTED ONLY BETWEEN THE HOURS OF 10:00 A.M. AND 10:00 P.M.
- C. BUSKING SHALL NOT BE CONDUCTED IN SUCH A MANNER AS TO INTERFERE WITH THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC.

- D. NO SOUND AMPLIFICATION DEVICES MAY BE UTILIZED.
- E. NO MERCHANDISE MAY BE SOLD OR TRADED.
- F. NO PERFORMER SHALL:
  - 1. USE ANY DEVICE THAT INVOLVES COMBUSTIBLES, INCLUDING PYROTECHNIC DEVICES AND / OR OPEN FLAMES WITHOUT EXPLICIT WRITTEN PERMISSION FROM THE FIRE CHIEF.
  - 2. USE FIREARMS DISCHARGING BLANK AMMUNITION, WITHOUT EXPLICIT PERMISSION FROM THE CHIEF OF POLICE.
  - 3. USE KNIVES, SWORDS AND SIMILAR INSTRUMENTS WITH A SHARPENED EDGE.
  - 4. ENGAGE IN ANY BEHAVIOR WHERE ITEMS ARE DISCHARGED OR THROWN AT UNSUSPECTING SPECTATORS AND/OR VEHICLES.
  - 5. UTILIZE ARIZONA STATE HIGHWAY 89A IN THEIR PERFORMANCES WITHOUT SPECIFIC WRITTEN PERMISSION FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION.
  - 6. PERFORM ON ANY STAIRS WITHIN THE PUBLIC PARKS.
  - 7. PERFORM WITHIN TEN (10) FEET OF THE OUTER EDGE OF ANY ENTRANCE TO A BUSINESS, INCLUDING, BUT NOT LIMITED TO: DOORS, VESTIBULES, DRIVEWAYS, EMERGENCY EXITS AND OUTDOOR DINING AREA ENTRANCES, DURING THE HOURS THAT SUCH BUSINESS IS OPENED TO THE PUBLIC OR IS OCCUPIED BY PERSONS CONDUCTING LAWFUL BUSINESS ON THOSE PREMISES.

*He noted that the only difference between the two versions is whether or not a permit is required (and the fee for obtaining one). He noted that a permit can be denied if they do not meet the requirements specified in the ordinance.*

*The fee was discussed. In the draft ordinance (version 1), the fee was set at \$5.00 per day. Mayor Currier said that he did not like that fee, and Councilmember Bagley agreed. She suggested that it be set at \$5.00 per seven-day period. Councilmember Stewart noted that he had done some research and Santa Fe charges a busking fee of \$35 per year, while ASU charges \$10 per year.*

*Margie Hardie, a resident of Jerome, suggested that the person should have to go to the police department to get the permit.*

*Ms. Christensen commented that, with the requirement that performers must be 10 feet away from any business, there could be an overlap, and she would not want that.*

*Richard Spudich, a resident of Jerome, suggested that an exemption could be made in the event that the business does want a busker in front of their establishment.*

*Councilmember Stewart asked how this would work with regard to the nuisance law. If someone wants to jump rope, he said, or engage in any other behavior that could be considered annoying and/or obstructive, how would it be covered?*

*Chief Muma replied that, to be a "nuisance," it must be considered a behavior that would offend "a reasonable person" and added that one cannot obstruct the sidewalk. He suggested adding language that the activity cannot violate any state or local law.*

*It was discussed and agreed that Section 8-6-5, regarding cause for denial or revocation of the permit, would be changed to remove the phrase, "would constitute or is constituting a nuisance for passersby or nearby businesses," and to insert "would violate any other State or local law."*

*Mrs. Bagley suggested that the draft ordinance be changed to provide that permits could be issued for "up to four weeks at \$5.00 per week."*

*Chief Muma said that he would just like to get a permit system in place – it would only take about ten minutes to process. He is not concerned about a fee.*

*Kate Roberge, a resident of Jerome, asked if busking includes Plein air painters or wandering poets. Chief Muma replied that it only applies if they are soliciting money. Mayor Currier said that it also includes accepting donations.*

*Dave Rentz, a local musician, asked, regarding busking, if the person is not asking for money, would they need a permit? He said that some musicians play for the love of it and not to make money. Chief Muma said that if they are not soliciting, they would not need a permit.*

*Mr. Rentz asked if they would need a permit if all the donations were going to*

	<p>something like the Jerome Kids Art Workshop. There was no response.</p> <p>Mr. Payne said that permits should not be required – it is against the Fourth Amendment, he said.</p> <p>Vice Mayor Freund asked if the Town could control the number of permits issued.</p> <p>Mr. Sims said that requiring permits provides an opportunity for the restrictions to be discussed with the performers before the fact. The problem with restricting the number of permits issued, however, is “where do you draw the line?”</p> <p>Mayor Currier said that he would just like to ensure that a document is issued listing the rules – the performers shouldn't have to give their names. He said that he is concerned about “big brother” and thinks that people should have the freedom to remain anonymous.</p> <p>Mr. Sims asked how the police can enforce against an anonymous person. Chief Muma said that the permits would be the same as a business license, and the police department has the right to know who the performers are. There should be a name and address provided, he said.</p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>approve Ordinance 414, Version 1, with the amendment that the permit be allowed for four weeks with a fee of \$5 per week, and that Section 8-6-5 be changed as discussed regarding violation of state or local law.</b></p> <p><b>The motion failed for lack of a second.</b></p> <p><b>Motion:</b> Vice Mayor Freund made a motion to <b>create a citizen's group to review the ordinance.</b> It was seconded by Councilmember Barber.</p> <p>Mr. Sims advised the Council that, if the committee is to report to the Council, then all the meetings will have to be open. If the committee is to report to Ms. Gallagher, then the meetings do not have to be public.</p> <p><b>AMENDED Motion:</b> Vice Mayor Freund made a motion to <b>create a citizen's group to review the ordinance, that would report to Ms. Gallagher.</b> Councilmember Barber amended her second.</p> <p>Mayor Currier called the question and the <b>motion passed with 3 ayes, 2 nays by Mayor Currier and Councilmember Bagley and 0 abstentions.</b></p> <p>Ms. Gallagher asked who would appoint the committee. Councilmember Stewart said that Ms. Mound should do that. Ms. Mound said that she would get a cross-section of the residents to give their input.</p> <p>Ms. Shemaitis asked if there would be a time frame. After brief discussion ...</p> <p><b>Motion:</b> Councilmember Stewart made a motion that <b>the amended ordinance should be ready by the next regular meeting.</b> It was seconded by Mayor Currier. <b>The motion passed with 4 ayes, 0 nays and 1 abstention by Councilmember Bagley.</b></p> <p>Mayor Currier commented that he would have voted for Ms. Bagley's motion, but he did not like the fee.</p>
<p><b>ITEM #9:</b></p>	<p><b>UNFINISHED BUSINESS</b></p>
<p><b>8:03 pm</b></p>	<p><b>ITEM #9A: TABLETS FOR USE BY COUNCIL MEMBERS</b></p> <p>Council will resume discussion and may approve the purchase of iPads, tablet PCs or other technologies for use by Council members.</p> <p>Mayor Currier explained that Councilmembers need this hardware in order to access emails and town-related information. Most municipalities provide some kind of device to their Councilmembers, he said, so that they won't have to use their own computers. Also, he said, some of our current Councilmembers do not have a device that they can use.</p>

	<p>Councilmember Stewart added that the devices would be for town business only. Ms. Gallagher said that she had researched various tablets and found that the Samsung Galaxy® tablets, at \$249 each, would be the best option and provide the services needed. The total cost for five of them would be \$1,329.75, including the cost of the covers. Ms. Gallagher said that she would set them up for each Council member.</p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>approve this one-time cost for five Samsung Galaxy® tablets.</b> It was seconded by Mayor Currier. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p>8:08 pm</p>	<p><b>ITEM #9B: LEANING WALL / HORSESHOE PIT PROJECT</b></p> <p>Council will review the Town's options with respect to the leaning wall across from the Spirit Room and the horseshoe pit restoration project.</p> <p>Mayor Currier explained that he and others had looked at the "leaning wall," and it is very problematic. They also researched the wall and found that it was part of a concrete shed and not a part of the O'Keefe building or the T.F. Miller building, as was once thought.</p> <p>Mayor Currier said that the Town's engineers had come up with some options: excavate the surrounding area and stabilize the entire wall, which could cost \$100,000; or remove the wall, level the area and extend the park, which would be less expensive.</p> <p>The Mayor noted that this issue was sent to the Design Review Board (DRB) some time ago, who had voted that the wall should be saved.</p> <p>Deni Phinney, a resident of Jerome and chair of DRB, commented that, when this was first presented to DRB, the option given was to cut the wall in half horizontally, which would just leave the bottom half of the wall. DRB was concerned about the option of cutting it in half because it is in a very visible location. Everyone has been trying to figure out a way to preserve it, she said, but in the meantime, it is getting worse. She opined that perhaps the wall could be removed and a commemorative plaque placed in that location.</p> <p>Mayor Currier noted that Brice Wood, who is also on DRB, would like to maintain the wall. The Mayor also spoke with Steve Knowlton, who is currently renovating a property in Jerome. Mr. Knowlton had said that, with volunteers and a thoughtful process, they could restore the wall for much less than anticipated.</p> <p>At this point, no hard numbers had been received from Will Orr of Earth Resources, or our Town engineers.</p> <p>Councilmember Bagley noted that the engineers do not recommend preserving the wall, and added that the Town would have to use licensed professionals due to liability.</p> <p>Mayor Currier said that Mr. Knowlton had said that if the work is done by volunteers, the liability would fall on the Town.</p> <p>Councilmember Stewart commented that it is still an historic wall and he presented a photo, from 29 years ago, of himself on the wall with others. He said that it shows that the wall has not changed much.</p> <p>Mr. Stewart referenced the lower stone wall, which, he said, was dismantled by the Town crew. Ms. Gallagher noted that the wall was failing and in the attempt to address it, it crumbled further.</p> <p>Mr. Stewart commented that the leaning wall could be braced or buttressed.</p> <p>Mrs. Bagley commented that the Jerome Historical Society is also recommending that that wall be removed. Mayor Currier stated that the Jerome Historical Society did not recommend removal, but rather clarified that it was not part of the historic O'Keefe or T.F. Miller building.</p>

	<p>Margie Hardie, a Jerome resident, asked if it would be possible to come up with hard numbers so that the Town could apply for grants.</p> <p>Brice Wood, a resident of Jerome and a member of the Design Review Board, noted that Freeport-McMoRan has put up \$30,000 for this. He added that he has a background in architecture and accedes to Mr. Knowlton's expertise.</p> <p>Ms. Gallagher clarified that we have a \$30,000 grant from Freeport-McMoRan to restore the horseshoe pit and to include stabilizing the wall. She added that the Town also included \$9,000 in its budget for the other wall repairs there. She added that it may be necessary to budget more in 2015-16.</p> <p>Jane Moore, a Jerome resident, said that she would still be willing to do a fundraiser but she would need to know how much is needed.</p> <p>Mayor Currier said that his guesstimate would be around \$100,000. He then asked Mr. Knowlton if it would be possible to isolate the redstone wall and fix that so that we can open up the motorcycle parking area. Mr. Knowlton responded that there are safety concerns. He also understands that the Town has to consider the liabilities – there is a risk. He said that the most economical fix would be to take down the wall, but, to save the wall economically, we would need to use volunteers. If the Town wants guarantees and warranties, he said, we will “need to write a big check.”</p> <p>Mayor Currier said that he had done volunteer work on the Hull Street wall and it is still standing. It can be done, he said, and it has been done, with the right volunteers. He asked how many they would need. Mr. Knowlton responded that it would require less than ten altogether, and only two to three per day.</p> <p>Councilmember Bagley said that the liability concern is not only regarding the safety of the volunteers, but also with the long-term stability of the wall in an area where many visitors go.</p> <p>Mr. Stewart asked if the plan is just to stabilize the wall or to make it plumb. Mr. Knowlton replied that they could do either.</p> <p>Ms. Hardie asked if the Town is allowed to use volunteers for this. Mr. Sims referenced Title 34 (Public Buildings and Improvements) and said that the public body would have to comply. The contractor would have the responsibility of providing workers or using volunteers.</p> <p>Zoning Administrator Al Sengstock explained that the Town is obligated by the same codes as others, and would need a licensed professional to certify the work. Ms. Christensen asked if we could pay a professional to certify the work, but use volunteers to do it. Mr. Sengstock said that we could do that, but the professional would be responsible for the volunteers. Mr. Knowlton commented most professionals are not going to use volunteers because they don't know their capabilities.</p> <p>Mr. Sengstock said that we would need a licensed, professional architect or engineer.</p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>table this discussion until Council has hard numbers to work with.</b> It was seconded by Mayor Currier. <b>The motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p>8:42 pm</p>	<p><b>Motion:</b> Councilmember Bagley made a motion to <b>move Item 9C till after Item 10 – New Business. She also asked to take a break.</b> It was seconded by Councilmember Stewart. <b>The motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p>8:43 pm</p>	<p>Mayor Currier called a break.</p>
<p>8:55 pm</p>	<p>Council reconvened.</p>

<p><b>ITEM #10:</b></p>	<p><b>NEW BUSINESS</b></p>
<p><b>8:55 pm</b></p>	<p><b>ITEM #10A: RECOMMENDATION REGARDING LIQUOR LICENSE – VAQUEROS GRILL AND CANTINA</b></p> <p>Council will review and may recommend approval by the State of a Series 12 Liquor License for Vaqueros Grill and Cantina, located at 363 Main Street.</p> <p><i>Ms. Shemaitis explained that she had posted the notice for 20 days, as required. She was unable to reach Mr. Minas regarding attending this meeting. The name of the restaurant is to remain the same but there is a change in ownership, which is why they are applying for the new license.</i></p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>approve the Series 12 Liquor License for Vaqueros Grill and Cantina.</b> It was seconded by Vice Mayor Freund. <b>The motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>8:57 pm</b></p>	<p><b>ITEM #10B: DISCUSSION REGARDING WAC FUNDS</b></p> <p>Council will discuss alternatives for the use of funds budgeted for the Water Advisory Committee (WAC). Water Liaison Jane Moore may participate in this discussion.</p> <p><i>Councilmember Bagley explained that the County had decided to withdraw from the intergovernmental agreement with WAC last summer, and by September, it ceased to exist. However, all of the municipalities in the Verde Valley and parts of the Prescott area still had funds in their budgets for WAC. She said that cost sharing is very beneficial, especially for something like this, and she would hate to see the cost sharing benefit of this organization go away with the organization. Mrs. Bagley said that she has strongly advocated that the municipalities reserve those funds in case something else comes down the pike – something else that they could cost share and continue to work on regional water issues.</i></p> <p><i>Councilmember Bagley said that, last month, she, Mayor Currier and Jane Moore attended a meeting with the County and former WAC representatives as well as representatives from the USGS, and they came up with a project that would be worth cost sharing. She said that the county is on board with continuing to fund and act as the fiscal agent to disperse those municipal funds towards a project like this. This project includes ground water monitoring and introduces more isotopic research that will be beneficial in better understanding the Verde Valley's watershed.</i></p> <p><i>Councilmember Bagley said that we had \$500 budgeted for the year and there is only about \$226 left for this phase. She thinks that this is a really good cause and she would like to continue to support any similar cost sharing projects.</i></p> <p><i>Ms. Moore said that she completely agreed with Councilmember Bagley and added that this is a really important thing to continue. She hopes that, as a result of these meetings, they will be able to continue doing projects like this.</i></p> <p><i>Mayor Currier noted that, during the coming week, there will be another meeting of the Verde Valley communities to discuss this. He thinks that Mrs. Bagley is correct in that the various communities on this side of the mountain are probably going to band together in much the same way as they did before. The Mayor said that the basic idea is that they will continue to monitor the ground water at certain places. They must continue to monitor these places because, if they stop, the equipment will be ruined very quickly and all the money that was put into the project will have been wasted. Mayor Currier said that it is basically an academic exercise – they are getting good information but not much of anything else, yet.</i></p> <p><i>Councilmember Bagley said that, after the last meeting, they were asked to try to come back with approval from the governing bodies, so, she would like to get approval from Council for the next meeting on Thursday. Mayor Currier said that they could issue a statement of support and a willingness to negotiate costs, but he would like to see real numbers first. Mrs. Bagley referenced a list of the various municipalities</i></p>



	<p>and communities and what they have remaining in their funds, which was included in the report provided in the meeting packet. That report showed that Jerome has \$266 remaining to be spent. She said, at this point, that she would only ask that we allot what is in the budget that would have gone towards WAC.</p> <p><b>Motion:</b> Councilmember Bagley made a motion to <b>support the use of funds that were allotted in the budget for the Water Advisory Committee (WAC)</b>. It was seconded by Mayor Currier. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p>9:05 pm</p>	<p><b>ITEM #10C: CONFLICTS OF INTEREST</b></p> <p>Town Attorney Bill Sims will brief Council regarding statutes governing conflicts of interest and may answer questions regarding specific potential conflicts.</p> <p><i>Ms. Hardie asked if Council could go back to the original sequence of the agenda so that the public who were here for Item 9C wouldn't have to wait through the discussion of Item 10C. Mayor Currier declined and said that Item 10C would not take long.</i></p> <p><i>The Mayor explained that, at the last meeting, there was discussion regarding applying for a grant for a new fire truck. Since Councilmember Stewart is a member of the volunteer fire department, the Mayor had thought that Mr. Stewart had said at some point that he would abstain from discussion of any fire department business, which was untrue. However, when the discussion had come up, the Mayor had had that in his mind and he had asked Mr. Stewart if he didn't have a conflict. Mr. Stewart had looked at him blankly, so the Mayor had thought that he was in agreement but didn't know what to do. Mayor Currier had then suggested to Mr. Stewart that he step down from the dais, which he did.</i></p> <p><i>The Mayor said that he had since found out that that was incorrect, and he wanted to apologize to Mr. Stewart, because it turns out that he did not have a conflict. The Mayor said that he had totally misunderstood the situation and apologized for the misunderstanding.</i></p> <p><i>Councilmember Stewart thanked the Mayor.</i></p> <p><i>Councilmember Bagley asked if the attorney could weigh in on this.</i></p> <p><i>Mr. Sims responded that there is a statute that says, as long as one of you is within a group of ten of similar interests, you don't have a conflict, and Mr. Stewart had asked him that question at the League's Newly Elected Officials training. Generally, he said, that is the law.</i></p> <p><i>Mr. Sims added that, later in the same training, someone asked, "I'm a member of Council ... can I <u>attend</u> a hearing on something that comes before me?" Mr. Sims said that this is something that he and Vice Mayor Freund have talked about, and there is not an easy answer – it depends on the subject matter. He explained that, if indeed there was a decision regarding the fire department for which Mr. Stewart could get a \$50,000 bonus, and nobody else would, he would have a conflict. But if he is one of ten ... if, for example, Council decided to increase the per diem rate paid to the volunteer fire department and he is one of at least ten volunteers affected, there would be no conflict. Likewise, Mr. Sims said, whether or not Council members can attend a hearing of a subordinate body depends on whether the hearing deals with a matter for which there is an appeal directly to the Council. If so, he believes that they would have a conflict. However, he noted, it does not matter what he thinks, but what the individual Council member thinks, because the statute says that it is <u>their</u> conflict to declare, and there are some serious penalties for not doing so.</i></p> <p><i>Mayor Currier addressed Councilmember Stewart and reiterated that he (the Mayor) had no business telling him that he had a conflict of interest – it would be up to Mr. Stewart to decide that. Mr. Stewart thanked the Mayor.</i></p>
<p>9:10 pm</p>	<p><b>ITEM #9C: VACATION RENTALS</b></p>

Council will resume discussion regarding vacation rentals. If necessary, some or all of this discussion may take place in executive session for the purpose of discussion or consultation for legal advice with the Town Attorney, pursuant to A.R.S. § 38-431.03 (A)(3) and A.R.S. § 38-431.03 (A)(4).

*Mayor Currier explained that Council has been talking about this issue for months now and he has been trying to see one way or the other what they are going to do. In doing that, he came up with some questions that he would like Council to answer, but, he said, he is only going to deal with one of those questions at this meeting. He said that he is not looking for a motion at this time, but he would like for each Council member to answer this question: "Do you think we can stand on the present Code to deal with this issue, as it is written? Or, should we modify the Code, or elaborate on it, or what?"*

*Councilmember Bagley responded that the Code would need some modifications.*

*Vice Mayor Freund responded that they can stand on the existing Code.*

*Councilmembers Barber and Stewart agreed with the Vice Mayor. The Mayor also agreed with them.*

*Mayor Currier said that that is where they are on this issue, but he is not sure what that means yet -- there are many things that are not yet clear. The Mayor said that this is the end of the discussion for the moment, unless someone wants to make a motion. None was offered.*

*Shawn Donovan, from Sedona, said that he has no knowledge of the Jerome Town Code and asked if there is some Code in effect regarding short-term rentals.*

*Mayor Currier responded that Jerome has a Zoning Ordinance and what the Council has said tonight is that most of them think that it covers that issue.*

*Mr. Donovan asked if the Code was available online for review. The Mayor replied that it is. Mr. Donovan then asked if the Code essentially disallows short-term rentals.*

*Mayor Currier responded that that not part of the question for tonight. He said that the majority of the Council thinks that the Code does address it but it is a complex issue.*

**ITEM #11:**  
**9:14 pm**

**TO AND FROM THE COUNCIL**

Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.

*Councilmember Barber thanked the fire department for their assistance in getting people out during the recent heavy snow. She also appreciated that the trash truck came by on the Friday after New Year's Eve day and "slid by and picked up the trash." "Rain, shine, snow – they take care of the trash," she said. "What a wonderful little town we have."*

*Councilmember Stewart said that he is enjoying this very much and thanked everyone for voting him in.*

*Vice Mayor Freund thanked the Town for providing the League of Cities training course to the newly elected officials. He said that it was a wonderful experience.*

*Mayor Currier said that he was overwhelmed by the fire department, the Town crew and everybody who worked on the snow day. He said that the trash truck going by his house was how he got out of his snowbound driveway. In addition, staff called around and checked on people who might have problems because of the weather. He said that he was very happy with how everyone responded.*

*Councilmember Bagley announced that, due to her pregnancy and her impending move out of town, this would be her last regular meeting as a Councilmember. She will be officially stepping down from Council as of Friday, January 17. Councilmember Bagley said that it has been a wonderful experience and she has enjoyed the entire process. She noted that she will continue to own her house in Jerome but will be renting it to a tenant.*

	<p>Mayor Currier thanked her for her service and said that he was sorry to see her go. He then said that Council will have to address the open seat and they will get to that as quickly as they can.</p> <p>Mr. Stewart asked about the procedure for filling the vacancy. The Mayor said that they ask for volunteers and recommendations, and look to see who is available. Then, Council will choose a replacement. People can submit letters of intent, or they can be recruited. Councilmembers can "do whatever they want to get names into the hopper," he said.</p> <p>Ms. Gallagher noted that the vacancy will be posted, and Mayor Currier said that he would like to get the seat filled as soon as possible.</p> <p>Mr. Stewart said that a letter of intent would be helpful, in that the person could address why they are interested, or what their direction is.</p> <p>Mayor Currier said that there are not many standing rules in place for this, so we just do the best we can and see what happens. He added that whomever fills the vacancy will not just be doing so for a trial period – they will be in for the full remaining term.</p> <p>Councilmember Stewart asked that Ms. Gallagher post this and have interested parties notify her so she can put together a list for Council's discussion. Mayor Currier said that Mr. Stewart could also submit names to Ms. Gallagher.</p>
<p><b>ITEM #12:</b> <b>9:20 pm</b></p>	<p><b>ADJOURNMENT</b></p> <p>Upon motion by Councilmember Bagley seconded by Mayor Currier and unanimously approved, the meeting was adjourned at 9:20 p.m.</p>

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Lew Currier, Mayor

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

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