

TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL

JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS

TUESDAY, JULY 12, 2016, AT 7:00 P.M.

ITEM #1:	CALL TO ORDER/ROLL CALL
	Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.
	Mayor Currier called the meeting to order at 7:00 p.m.
	Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Currier, Vice Mayor Freund, and Councilmembers Barber, Stewart and Vander Horst. Other staff present at roll call were Joni Savage, Deputy Clerk, and Fire Chief Rusty Blair.
ITEM #2:	PLEDGE OF ALLEGIANCE
7:01	Mayor/Chairperson to lead the Pledge.
	Mayor Currier led the pledge of allegiance.
ITEM #3:	STAFF REPORTS
7:02	Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief.
	It was noted that Chief Muma is on vacation and had not submitted a police report for this meeting ¹ .
	Referencing the Manager's report, Councilmember Vander Horst offered his congratulations to those employees who celebrated anniversaries with the Town during the past month: Deputy Clerk Joni Savage (two years), Officer Kerry Lee (two years), Public Works crew member Xanadu Trevino (two years), Fire Chief Rusty Blair (15 years) and Police Chief Allen Muma (17 years).
	Chief Blair said that he wished to commend his personnel for their participation in the significant events detailed in his staff report. Councilmember Barber thanked the Fire Department and asked the Chief if they had more incidents than usual. He said that they did. Councilmember Vander Horst noted that calls are up 10 percent this year.
	Councilmember Barber asked about repairs to Attack Engine 111, which went out of service during the fire at the UVX apartments. Chief Blair said that it has been out for repairs for three weeks. The cost is going to be \$9,500, so he is trying to get our insurance company to cover it. The parts have to be manufactured for us because they have been discontinued.
	Mayor Currier noted that there were several overdose calls this month. Chief Blair mentioned that Narcan was administered to one patient, but it had little effect, and only lasted for about three minutes. The Mayor said that he has been seeing a nationwide trend of heroin overdoses, and asked Chief Blair if he is seeing a trend here. "It is not always easy to identify what drug they're using," the Chief replied. "I would like to keep an eye on it," Mayor Currier said.
	Regarding the increase in sales tax revenues, Councilmember Vander Horst commented, "Wow!" Regarding Ms. Toyreg's report, he said that every month we are

 $^{^{1}\,}$ The police report was later provided and approved at the special meeting held on July 26.

	seeing about the same number of shutoff notices, and he is wondering if it is the same people. Ms. Gallagher responded that it usually is. There are some that routinely wait for a shutoff notice before paying their bill.
	Vice Mayor Freund suggested that we consider a fee in order to discourage this. Mayor Currier disagreed, saying "I don't think 'the stick' is necessarily the answer." Councilmember Vander Horst commented, "The probability is that they are eventually going to leave and we'll be stuck with the unpaid bill."
	Motion: Councilmember Barber made a motion to approve the staff reports. It was seconded by Vice Mayor Freund. The motion passed, 5-0.
ITEM #4:	FINANCIAL REPORTS
7:09	Issued checks and financial reports for the month of June 2016. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.
	Council had not had a chance to adequately review the financial reports, and Ms. Gallagher recommended that their approval be postponed to a special meeting to be scheduled for July 26.
	Motion: Vice Mayor Freund made a motion to postpone the financial report review to the July 26th meeting. It was seconded by Councilmember Barber. The motion passed , 5-0.
ITEM #5: 7:10	PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT
	Minutes are provided for the information of Council and do not require action.
	Mayor Currier noted that he has requested an update on the wine tasting issues, but has not yet received it. He asked Vice Mayor Freund what was going on with the General Plan Steering Committee.
	Vice Mayor Freund replied that he thought they would meet this month. The question in his mind, he said, is "how will we continue this?" He explained that, because of SB1350, we can't say that we don't allow commercial use in the residential zone, which was in the 1981 plan. Mayor Currier asked if that legislation would impact the entire Plan. "No," the Vice Mayor replied, "there are many parts that wouldn't be affected," and added, "If legislation can take away our rights to stand by our General Plan, what is the point?"
	Jane Moore, a local resident, said that she believes that the legislation has a lot to do with zoning in general. Mayor Currier agreed, and said that it brings into question our entire zoning ordinance. "I believe it is an attack on the concept of zoning," he said.
	Ms. Gallagher suggested that the Town Attorney be brought in to provide a briefing about the implications, in general, of SB1350. Vice Mayor Freund and Councilmember Vander Horst agreed that this would be helpful.
ITEM #6:	COUNCIL MEETING MINUTES
7:14	June 14, 2016 regular meeting; January 26, 2016 special meeting; February 25, 2016 special meeting
	January 26, 2016:
	Motion: Mayor Currier made a motion to approve the minutes of January 26, 2016. Councilmember Barber seconded the motion. The motion passed, 5-0.
	February 25, 2016:
	Mayor Currier recommended a minor clarification to the minutes of February 25.
	Motion: Mayor Currier made a motion to approve the minutes of February 25 with corrections. Vice Mayor Freund seconded the motion. The motion passed with 4 ayes, 0 nays and 1 abstention (by Councilmember Stewart, who was not in attendance at that meeting).

	June 14, 2016:
	Mayor Currier asked that a reference to the Humane Society Board be clarified.
	Councilmember Barber offered her help to place the signs reading "Dogs Die in Hot Cars. Ms. Barber said that she would like to have seen a police report for the past month in order to learn how many incidents of animal cruelty were listed. Ms. Gallagher said that she would obtain the June report for Council's review at the July 26 special meeting.
	There was a brief discussion regarding the placement of signs and the poles that they would be placed on, and Ms. Barber told Chief Blair that she would love his input.
	Mayor Currier asked Ms. Gallagher if she had gotten any information regarding the legality of the distribution of certain Fire Department pension monies to its members. She replied that she had asked our auditor, who referred her to the fund administrator, Innes and Associates. She reached out to Larry Innes, but has not yet received a reply.
	Chief Blair noted that, according to the bylaws of the Pension Plan, the Board of Trustees can decide how that money will be distributed. Ms. Gallagher read aloud that portion of the bylaws: "9.26 Distribution Directions. If no one claims a payment or distribution made from the Trust, the Board of Trustees shall dispose of the payment in the manner it deems appropriate." Chief Blair stated that, prior to implementing the procedure, it was discussed with Mr. Innes, and he had said it was "perfectly fine."
	Motion: Councilmember Vander Horst moved to accept the minutes of June 14, 2016 with corrections. Vice Mayor Freund seconded the motion, which passed, 5-0.
ITEM #7:	PETITIONS FROM THE PUBLIC
7:23	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.
	There were no petitions from the public.
ITEM #8:	ORDINANCES
7:23	ITEM #8A: FIRST READING: ORDINANCE #419, AN ORDINANCE TO AMEND CHAPTER 13, "WATER," OF THE JEROME TOWN CODE BY THE ADDITION OF NEW ARTICLE 13-9 THEREOF, "DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN"
	Council may conduct the first reading of Ordinance #419, which would amend the Jerome Town Code to adopt a drought and water shortage preparedness plan.
	Ms. Gallagher explained that the draft ordinance includes the changes discussed by Council at the prior meeting. In addition, she added a provision that the Manager would consult also with the Fire Chief when declaring or suspending Demand Reduction Strategies. Council engaged in a lengthy discussion about the ordinance, with input from Fire Chief Rusty Blair. Ultimately, it was agreed that the following changes would be made, and the ordinance re-scheduled for a first reading on July 26.
	 Section 13-9-1, "Definitions," would be moved below Section 13-9-2, "Executive Summary," and both sections would be renumbered accordingly.
	 Paragraphs (1) and (2) under the definition for "Demand Reductions" are redundant (appearing also in Section 13-9-7) and would be eliminated.
	• The second sentence in the definition for "Drought" would be eliminated.
	 The definition for "Wasting Water" would be amended to include using or expending water "unnecessarily."

•	The language of Sections 13-9-5 (F), "Common Practice of the Town," and 13-9-5 (H), "Encouragement," would be simplified.
•	Water Resource Status Levels set forth in Section 13-9-6 will be redefined as follows:
	 <u>Resource Status Level I</u> is in effect at all times between May 1 and September 30, or when, during other months, there has been no overflow for forty-eight (48) consecutive hours.
	 <u>Resource Status Level II</u> is in effect when water levels in the Cleopatra Hill storage tanks are down by more than ten percent (10%) for forty-eight (48) consecutive hours.
	 <u>Resource Status Level III</u> is in effect when total water levels in our Cleopatra Hill and Sunshine Hill storage tanks are down by more than twenty percent (20%) for forty-eight (48) consecutive hours, or when a temporary or permanent failure of any major supply or distribution facility occurs in the water distribution system.
•	Demand Reduction Strategies set forth in Section 13-9-7(D) will be amended as follows:
	 Paragraphs will be renumbered correctly (paragraph (c) had previously been omitted).
	 Under Strategy I, "Water Alert," the provision for alternate watering days will be removed. Paragraph (b) will simply state that outdoor water usage shall not occur between the hours of 9:00 A.M. and 5:00 P.M.
	 The provision that transient lodging facilities shall wash customers' linens, when a stay exceeds one night, only upon request will be moved to Strategy II.
	 It will be noted that, during a "Water Alert," (Level I), water meters will be read on a monthly basis.
	 It will be noted that, during a "Water Emergency," (Level II), the Town will be manually transferring water to the Sunshine Hill tanks.
•	Under Section 13-9-8, "Demand Reduction Strategy Implementation," item (5) under paragraph (C) will be clarified to state that personal notice will be delivered by Town employees or volunteers only in the event that restrictions are increased.
•	A typo will be corrected in Section 13-9-9, paragraph C. The words "as a last result" will be corrected to read "as a last resort."
Highligh	ts of the discussion that took place are set forth below.
•	Resident Ellen Vojnic spoke about the signage that Clarkdale uses to remind residents of the water alert status, and said that snowfall, not rain, is the biggest source of renewal for our springs.
	Mayor Currier responded, "That brings us to an announcement that I think is appropriate. We have been talking to a lady about aging our water and it looks like it will happen." Ms. Gallagher explained that she will be able to tell us how old our water is (she believes it is fairly young), and whether the bulk of it comes from snowmelt or rainfall.
•	Mayor Currier said that, under normal circumstances, we have overflow, and "to tell people that they can't use water when it's running down the sluice is awkward."
•	Chief Blair said that, in the past, when we have had no overflow, the tanks would typically recover overnight. Our dilemma now, he said, is that we can't keep up with the demands. Our lower flows are having an impact, and some of our people are heavy water users. He recommended that we read the meters and monitor

high usage. Resident Kathleen Jarvis stated that meters are being read only every
four months and it's been that way for years ² .

- Mayor Currier said that he would like to see flow rates at Verde Central and Walnut Springs checked daily during a Stage I alert, and added "Is that too much to ask?" Ms. Gallagher replied, "No, as long as we have the personnel to do it." Chief Blair said that, as long as flows are running steady through the week, he does not feel that someone needs to come in to check them on weekends.
- Mayor Currier pondered how, in the 50 years he's lived here, a water crisis like this
 has never happened before. "That's because we had 215 gallons of water per
 minute. That's a whole other issue," Councilmember Stewart replied. Ms. Vojnic
 pointed out that, in the past, "we didn't really have hotel rooms ... the Connor had
 six and the Grand Hotel wasn't in existence. There are just a lot of people coming
 here." Chief Blair opined that the fact that we now have 130 additional parking
 spaces has increased the number of visitors coming here, and said that there are
 "hardly any vacant structures anymore." Councilmember Stewart pointed out that
 this is reflected in our higher sales tax revenues.
- Chief Blair noted the importance of monitoring the Sunshine Hill tanks and transferring water to them, when we have overflow, as soon as they are six to eight inches down. He added that, during the time we transfer water, we likely will not have overflow. This prompted discussion regarding the altitude valve on the Sunshine Hill tank, which has not been functioning. It is a hydraulic valve, but an electronic valve would have been more efficient. A functioning valve would transfer the water automatically. Dwain Dement had been looking into replacing it, Chief Blair said, but nothing was done on that after he left. Ms. Gallagher asked the Chief to look into finding a contractor to replace the faulty valve. He said that he would, and noted that, "even if you had the altitude valve fixed, you still don't want to transfer water from Cleopatra until you have overflow." He has shown the crew how to make the transfer, he said.
- Chief Blair noted that, currently, we get 165,000 gallons of water into Town a day from Verde Central (at 60 gpm) and Walnut Springs (at 55 gpm).
- There was discussion regarding the 450 gallon watering limit. Ms. Jarvis asked how
 one would know when they have used 450 gallons. While the average hose uses 10
 gallons per minute, this also depends on the water pressure and the size of the hose.
 Jane Moore said that one way to determine that is to time how long it takes to fill a
 one- or five-gallon bucket.
- Chief Blair recommended reading meters regularly and establishing higher fees for those who use water excessively. He feels that would reduce consumption, which would help in a water shortage. Ms. Moore commented that she believes that heavy water users would be happy to pay more and would still continue to use more water. She doesn't think that would work to lessen consumption.
- Ms. Jarvis said that, according to Peggy Tovrea, the top water users are hotels and restaurants. "That is quite possible," the Mayor said, and added that they also pay the highest rates.

² Clerk's note: In actuality, meters are currently read quarterly (every three months), and until about a year ago, were read monthly.

8:42	ITEM #8B: FIRST READING: ORDINANCE #420, AN ORDINANCE OF THE TOWN OF JEROME, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; AMENDING THE TOWN TAX CODE BY INCREASING THE TAX UPON TRANSIENT LODGING FROM TWO PERCENT (2%) TO THREE PERCENT (3%); REMOVING THE EXEMPTION FOR TAX ON COMMERCIAL RENTALS; PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY AND DESIGNATING AN EFFECTIVE DATE.
	Council may conduct the first reading of Ordinance #420, which would amend the Town Tax Code to increase the tax on transient lodging from two percent to three percent and to remove the current exemption for tax on commercial rentals. The changes would become effective as of November 1, 2016.
	Mayor Currier read Ordinance #420 in title only.
	Ms. Gallagher summarized that this ordinance would increase the existing bed tax to 3%, and establishes a new 3.5% tax on commercial rentals. She added that it was drafted for us by the League of Cities and Towns, with the Arizona Department of Revenue.
	Councilmember Vander Horst noted that he still opposes an increase in the bed tax.
ITEM #9	UNFINISHED BUSINESS
8:44	ITEM #9A: WATER RESTRICTIONS
	Council will review the status of our water supply, and may amend or continue water restrictions currently in place.
	Mayor Currier asked Chief Blair for his recommendation regarding the existing water restrictions.
	Chief Blair noted that we are in another 10-day drought, and there are county-wide burn restrictions, but we do have overflow, and perhaps, he said, we could allow everybody to water every day rather than every other day, just not during daytime hours. He suggested following the "Level One" restrictions just discussed as part of Ordinance 420. Council was agreeable.
	Ms. Gallagher clarified that Council wished to replace the current restrictions with those outlined as "Level One" in the draft ordinance. Council agreed.
	It was further agreed that the change would be posted, but not hand-delivered.
	"If anything changes," Chief Blair added, "we should jump back to Level Two."
	Motion: Councilmember Vander Horst made a motion to move to the Level One water restrictions as discussed earlier.
	Chief Blair asked if the Town Manager would have the authority to change the level without going back to Council. Mayor Currier said that she does have that authority.
	Councilmember Stewart seconded the motion, and the motion passed , 5-0.
8:48	ITEM #9B: ZONING ADMINISTRATOR POSITION
	Council will discuss the option of finding a local Zoning Administrator.
	Councilmember Vander Horst said he still would like to find a local Zoning Administrator and asked what has been done in that regard.
	Ms. Gallagher said that we still have resumes on file that were submitted when Mr. Sengstock left. She contacted the neighboring towns, and Cottonwood and Sedona would not be able to help us. Clarkdale would like to help, but would probably not be able to give us 20 hours a week. Mayor Currier said that he has misgivings about sharing a Zoning Administrator with another town. "Jerome has unique situations," he said, "and when you bring in outside people used to different rules, it breeds trouble."
	Councilmember Vander Horst said that he believes that we're missing things. He suggested that perhaps a professor at NAU would like a part-time job.

	Councilmember Stewart said that he believes that, with SB1350 coming up, we need someone present.
	Ms. Gallagher reminded Council that the 2016-17 budget provides only for a part-time Zoning Administrator. She explained that, even though sales tax revenues may exceed what was budgeted, our spending is still constrained by the budget.
	Mayor Currier said that he would like to give the arrangement with Mr. Sengstock a six- month trial. "It could take nine months to find someone," Councilmember Vander Horst said.
	Mayor Currier asked Ms. Gallagher to check with Yavapai College and Northern Arizona University.
	Ms. Gallagher noted that we received an application recently from a local Jerome resident, Charlotte Page. Mayor Currier noted that her husband, Hunter Bachrach, is running for Council, and said that could be a problem.
	Ms. Gallagher said that, when we advertised the position previously, it was advertised as a full-time position. If Council is looking for a part-time person, it should be re-advertised.
	Councilmember Vander Horst asked if Council is able to change the adopted budget. Ms. Gallagher replied that Council could make transfers between funds, but cannot overspend the budget overall.
	After brief further discussion, Ms. Gallagher was asked to re-advertise the position.
At this time	e, Chief Blair asked if Item #10D could be addressed.
	otion: Councilmember Vander Horst made a motion to move Item 10D, Fire Dispatch, forward and Mayor Currier seconded it. The motion passed, 5-0.
ltem #10D	was addressed at this time, but is reflected in these minutes in the order originally agendized.
ITEM #10	NEW BUSINESS
8:59	ITEM #10A: RESOLUTION #539, ADOPTING THE TAX LEVY
	Council may approve Resolution #539, adopting the municipal tax levy for the fiscal year ending June 30, 2017. A public hearing on the budget and tax levy was held on June 28, 2016.
	Ms. Gallagher explained that the tax levy to be adopted with this Resolution has not
	increased. It remains at \$47,500. However the tax <u>rate</u> will decrease as a result of assessed values having increased.
9:00	assessed values having increased. Motion: Councilmember Vander Horst made a motion to adopt Resolution #539
9:00	assessed values having increased. Motion: Councilmember Vander Horst made a motion to adopt Resolution #539 Vice Mayor Freund seconded the motion. The motion passed, 5-0. ITEM #10B: RESOLUTION #540, A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "DROUGHT AND WATER

9:01	ITEM #10C: INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CAMP VERDE FOR LAW ENFORCEMENT DISPATCHING
	Council may approve a renewed agreement with the Town of Camp Verde for police dispatching services, for a three year term ending June 30, 2019.
	Ms. Gallagher stated that the Police Chief supports the renewal of this agreement. Councilmembers Vander Horst and Barber noted minor corrections needed in the language to make the agreement specific to Jerome.
	Motion: Councilmember Vander Horst made a motion to accept the agreement with the Town of Camp Verde with corrections and Councilmember Stewart seconded the motion. The motion passed, 5-0.
8:58	ITEM #10D: INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COTTONWOOD FOR EMERGENCY DISPATCHING
	Council may approve a renewed agreement with the City of Cottonwood for emergency dispatching services, for a two year term ending June 30, 2018.
	Chief Blair explained that this is an extension to a contract we have in place with Cottonwood, and provides for an increase in fees of no more than five percent each year. He expressed support for the renewed agreement.
	Ms. Gallagher noted that the fees for this coming year have not been increased.
	Motion: Councilmember Vander Horst made a motion to accept the renewed IGA with the City of Cottonwood. Vice Mayor Freund seconded the motion. The motion passed, 5-0.
9:02	ITEM #10E: DESIGNATING COUNCIL REPRESENTATIVE TO NACOG REGIONAL COUNCIL
	Council may designate their representative to the NACOG Regional Council, as required by NACOG's bylaws, and may also name an alternate to vote in case of absence of the official representative.
	Mayor Currier encouraged another Council member to accept the role of representative to the NACOG Regional Council. He has been doing this for years, he said. Meetings are held on the third Thursday of every other month.
	Councilmember Vander Horst offered to serve as the NACOG representative.
	Motion: Mayor Currier moved that Frank Vander Horst be appointed as Council representative and Mayor Currier as alternate. The motion was seconded by Councilmember Stewart. The motion passed, 5-0.
ITEM #11	TO AND FROM THE COUNCIL
9:04	Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.
	Councilmember Vander Horst requested that, at the meeting of July 26, Council discuss billing for water by volume. He asked if we would need an executive session for that. Ms. Gallagher said that it could be covered by the statement at the bottom of the agenda that allows us to go into executive session with the attorney to discuss any item on the agenda.
	Councilmember Vander Horst asked if there has been any resolution regarding per call pay. Ms. Gallagher said that she did not have that information yet.
	Lastly, Councilmember Vander Horst asked if we might think about getting a PA system for Council chambers.
	Vice Mayor Freund said that the Planning and Zoning Commission of Cottonwood has asked their City Council to adopt a Resolution in opposition to SB1350. He feels Jerome should do that also. Cottonwood's P&Z Commission requested that their Council "take all necessary action working with the Arizona State Legislature, Yavapai County Supervisors and the League of Arizona Cities and Towns to overturn or amend SB1350 to

	allow the city to once again protect the residential characteristics of residentially owned areas of the city."
	Councilmember Barber agreed, and Ms. Gallagher said that she would prepare a Resolution for the next meeting. She asked Vice Mayor Freund if he could provide some of the language for that, and he agreed to do so.
ITEM #12	ADJOURNMENT
	Upon motion by Vice Mayor Freund , seconded by Councilmember Stewart and unanimously approved, the meeting was adjourned at 9:09 p.m.

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Joni Savage.

APPROVE:

ATTEST:

Lew Currier, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____