

TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL

JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, AUGUST 9, 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 Lew Currier called the meeting to order at 7:02 p.m.
	Town Manager/Clerk Candace Gallagher called roll.
	Present were Mayor Lew Currier, Vice Mayor Doug Freund and Councilmembers Barber and Vander Horst. Councilmember Stewart was not present.
	Other staff in attendance at roll call included Deputy Public Works Director Marty Boland, Police Chief Allen Muma, Police Sergeant Rusty San Felice, Police Officer Kerry Lee, Fire Chief Rusty Blair, Assistant Fire Chief Ron Chilston, and Joni Savage, Deputy Town Clerk.
ITEM #2:	PLEDGE OF ALLEGIANCE
7:03	Mayor/Chairperson to lead the Pledge.
	The Pledge of Allegiance was led by Mayor Currier.
	At this time, it was decided to address Item 8A prior to other items on the agenda.
	Motion: Vice Mayor Freund made a motion to move Item 8A forward. It was seconded by Councilmember Vander Horst. The motion passed , 4-0 .
	Item 8A was addressed at this time, but is reflected in these minutes in the order originally agendized.
ITEM #3:	STAFF REPORTS
7:07	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.
	Vice Mayor Freund noted that the School Street regulator project had been moved to October, and asked if it was at a stage where it would happen rather quickly once it's begun. Ms. Gallagher replied that they hope that it would, and added that she has asked Greg Gardemann to oversee the project. He is away and will be returning in September.
	Ms. Gallagher introduced recently appointed Deputy Public Works Director Marty Boland to the Council.
	Councilmember Vander Horst referenced the Manager's report, and commented that the State has changed the way they recognize sales tax revenue. Ms. Gallagher said that she's not sure of what they changed, but the report itself has changed and it is very difficult to read. Mr. Vander Horst asked that, once she has figured out what changed, she advise Council what the changes were.
	Donna Chesler, Jerome business owner and member of the Chamber of Commerce, was present, and Mayor Currier asked her if she had had any problems with the new TPT form. Ms. Chesler responded that she had not heard from any of the businesses around Town, but she has had her accountant look at it, and "it will be a learning curve."
	Ms. Gallagher commented that the State has not only changed the TPT form, but also the format of the reports we receive.

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

	Chief Blair introduced Duty Officer and Assistant Fire Chief Ron Chilston.
	Councilmember Barber thanked Chief Blair for all the extra work he had done while we were short staffed on the crew. She also pointed out that the number of animal cruelty charges was down, and she hoped that the "Dogs Die In Hot Cars" signs were helping.
	Vice Mayor Freund commented that the Fire Chief's report shows that "we had a cow on the roadway again," and asked how it came to be there. Chief Blair said that the gate was left open at the cemetery, and the cows came through. "We just shooed them back in," Mr. Blair said. Mr. Freund recalled that, the last time this happened, a vehicle had been involved.
	Motion: Vice Mayor Freund made a motion to accept the staff reports. It was seconded by Councilmember Barber. The motion passed, 4-0.
ITEM #4:	FINANCIAL REPORTS
7:13	Issued checks and financial reports for the month of July 2016. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.
	Ms. Gallagher noted that Finance Director Becky Cretti's husband, Ricardo, had recently passed away, and that the financial reports were not available. There was discussion about when Council would receive those reports, and it was agreed that they could wait until the next regular Council Meeting.
ITEM #5: 7:14	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.
	Vice Mayor Freund stated that the General Plan Steering Committee would meet on August 24 and discuss the implications of SB1350.
	Mayor Currier asked about the status of the Zoning Administrator search. Ms. Gallagher responded that two of the prior applicants have expressed interest. There have also been two newer applicants, one of whom she spoke with. That person withdrew his application when he learned about the pay scale.
ITEM #6:	COUNCIL MEETING MINUTES
7:16	July 12, 2016 regular meeting; March 22, 2016 special meeting; April 14, 2016 special meeting ; April 19, 2016 special meeting
	Ms. Gallagher noted that the minutes of April 14, 2016 were not yet available.
	July 12, 2016: Mayor Currier asked Ms. Gallagher if she had received a response from Larry Innes regarding distribution of the Fire Department pension monies. She replied that she had not, but she believed that Chief Blair had answered the question about that at the last meeting.
	Motion: Mayor Currier moved to approve the minutes of July 12, 2016. It was seconded by Councilmember Barber. The motion passed, 4-0.
	March 22, 2016: Mayor Currier noted that Councilmember Vander Horst was not in attendance at the March 22 meeting. The Mayor noted a reference in the minutes to the problem created by having multiple utility accounts serviced by one meter. "I don't think we need to reinvent the wheel," he said. "There are probably other communities that have the same question." Ms. Gallagher said that she would put the question out to the Clerks' email listserve.
	Motion: Vice Mayor Freund moved to approve the minutes of March 22, 2016. It was seconded by Mayor Currier. The motion passed , 3-0 , with Councilmember Vander Horst abstaining.
	April 19, 2016: The Mayor noted that this was a brief meeting having to do with Home Rule. Vice Mayor Freund commented that, often, if doesn't matter if the minutes are delayed a few months, but in this case it would have been good if these minutes were in the record sooner. Apparently people do have questions about Home Rule, he said.

	Mayor Currier said that someone has posted a note suggesting that we vote down Home Rule so that the State would take care of us. He said that he finds that idea "not very attractive."
	Councilmember Vander Horst said that several people have asked him about Home Rule, and the Mayor stated that we should have publicized it more. Ms. Gallagher noted that the Town is not permitted to expend funds to advocate for Home Rule.
	Mayor Currier said that, if Home Rule does not pass, we would revert to budget limits of more than ten years ago. "We would be in disastrous shape," he said. "Our budget would shrink dramatically." He urged all to vote for Home Rule, Proposition 439, and said that he posted something explaining what would happen if it does not pass. He expressed hope that people will vote for it.
	Motion: Vice Mayor Freund moved to approve the minutes of April 19th, 2016. It was seconded by Councilmember Barber.
	Mayor Currier asked Councilmember Vander Horst if he understood Home Rule. He replied that HE understood, however many people he had spoken with did not understand what Home Rule was or what the right thing was to do.
	The motion passed, 4-0.
ITEM #7:	PETITIONS FROM THE PUBLIC
7:22	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.
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	There were no petitions from the public.
ITEM #8:	There were no petitions from the public. PRESENTATIONS
ITEM #8: 7:04	
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	flourishes in prosperity. This is a model community that should inspire the rest of society to work hard in order to succeed. I would like to congratulate the citizens of Jerome on 50 years of preserving such a unique National Historical Landmark, and wish them years of richness and success in the future.
	Ms. Pew presented the document to Mayor Currier.
	Mayor Currier thanked Ms. Pew and Congressman Gosar for the honor.
7:22	ITEM #8B: HONORING MEMBERS OF THE JEROME POLICE DEPARTMENT AND JEROME FIRE DEPARTMENT
	Council will formally recognize the outstanding efforts of our first responders during the recent vehicle rollover on Allen Springs Road, and the apartment fire at UVX Apartments.
	The Mayor asked Fire Chief Rusty Blair to speak about the vehicle rollover and the UVX fire. Chief Blair said that they were toned out in April for a vehicle that had rolled off of Allen Springs Road down to Forest Road 493. It was lucky for this individual, he said, because apparently this had happened three days prior, and the driver had been trapped in the vehicle since then. "We came in with the rescue rig," he said, and added that he, Police Chief Allen Muma, and firefighters Jay Kinsella and Abe Stewart were on hand. He noted that "it was a huge team effort" by all the agencies involved. The extrication went smoothly, he said, and the crash occurred near an area where the helicopter could land.
	Mayor Currier presented Certificates of Commendation to Chief Blair, Allen Muma and Jay Kinsella. Councilmember (and firefighter) Abe Stewart was not present, so Chief Blair said that he would deliver his Certificate to him.
	Chief Blair then spoke about the fire at the UVX Apartments. He said that he, Ron Chilston and Bob Bouwman were the initial responders, and Matt Poe joined them at the scene. They were able to enter and knock down the fire, and then Abe Stewart arrived with Engine 111 and set up a water supply. Clarkdale and Cottonwood arrived on the scene, as did Frank Vander Horst. "We had a difficult time chasing the fire out of the attic," he said. "We didn't realize that the fire was getting in through the skylights We managed to get out on the roof and the fire was coming out through a swamp cooler at that point. We secured the scene and then waited for the fire investigation." Chief Blair said that there was a lot of teamwork from other agencies. "You expend a lot of energy real fast," he said. "Having the extra hands was beneficial." He thanked all that showed up to help.
	Mayor Currier presented Certificates of Commendation to Chief Blair, Assistant Chief Ron Chilston, Frank Vander Horst, and Kerry Lee. Chief Blair accepted Certificates for Matt Poe, Bob Bouwman and Abe Stewart, who were not present.
	Mayor Currier then presented Certificates of Appreciation to the Jerome Fire Department and the Jerome Police Department, which read "In appreciation of your skill and dedication in protecting the safety of Jerome and its residents."
	Police Sergeant Rusty San Felice was present and said that they had done an extensive investigation the next day. "Thankfully, Ron Chilston is a great photographer," he said, "and we were able to criminally charge a couple of people with several different things involved with that fire. It was a great team effort even in the investigation."
	Chief Muma noted that he was on vacation at the time of the apartment fire, and thanked Sgt. San Felice for all of his work during the time he was away.
ITEM #9:	ORDINANCES
7:31	ITEM #9A: SECOND 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 second reading of, and possibly adopt, Ordinance #419, amending the Jerome Town Code to adopt a Drought and Water Shortage Preparedness Plan.
	Mayor Currier read Ordinance #419 in title only.
	Following a brief review by Ms. Gallagher,

	Motion: Councilmember Barber moved to adopt Ordinance #419. It was seconded by Mayor Currier. The motion passed, 4-0.
7:33	ITEM #9B: SECOND 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 second reading of, and possibly adopt, Ordinance #420, amending the Town Tax Code to increase the tax on transient lodging from 2% to 3%, and removing the current exemption for tax on commercial rentals, which would then be taxed at 3.5%. The changes would become effective as of November 1, 2016.
	It increases the bed tax from 2% to 3%, changes to become effective on November 1, 2016.
	Mayor Currier read Ordinance #420 in title only.
	Following a brief review by Ms. Gallagher,
	Motion: Mayor Currier moved to adopt Ordinance #420.
	Jay Kinsella, a resident and employee of the Jerome Historical Society, stated that the Society has a lot of commercial rentals. He asked if the ordinance applies to everything in the C-1 zone, or just to commercial rentals.
	Ms. Gallagher explained that it will apply to all rentals of commercial properties, and noted that their residential rentals are already subject to taxation.
	Mr. Kinsella said that they have a mixture of residential and commercial properties in the same building and asked if they will need to add a new category to their returns. Ms. Gallagher replied that they will, and offered to work with him on that.
	Councilmember Vander Horst opined that other commercial landlords may have some of the same questions as the Historical Society, and there was a brief discussion regarding how to identify the commercial rentals in town. Mayor Currier suggested we begin by reviewing our business licenses.
	The motion was then seconded by Vice Mayor Freund.
	Councilmember Vander Horst stated for the record that he is not in favor of increasing the bed tax, however, he said, he would go along with the Ordinance.
	The motion passed, 4-0.
ITEM #10	UNFINISHED BUSINESS
7:39	ITEM #10A: WATER UPDATE
	Council will review the status of the water shortage and determine to what extent they wish to receive updates from staff. Discussion may include a report from the committee that was formed to develop guidelines for monitoring and maintenance of our springs.
	Ms. Gallagher reported that the flows measured at Walnut Springs and Verde Central have remained fairly constant, and we have had overflow for quite awhile now, which may be a result of the rains and the restrictions that were put into place. She noted that the Ordinance which was just adopted would provide that the level of restrictions currently in place would automatically remain in place through the end of September.
	Mayor Currier asked if the restrictions should be increased. "No," Councilmember Barber said, "because we have overflow." She asked if we should erect a sign similar to Clarkdale. Ms. Gallagher said that we should, and there was brief discussion regarding where it should be placed. Ms. Gallagher suggested placing it near the "Fire Danger" sign on 89A, and Chief Blair noted that we would need ADOT's permission for that.
	Mayor Currier stated that he is "still not comfortable with the situation." If we have a dry spell, he said, the tanks will go down and the overflow will stop. "I'm not particularly interested in saying that we're out of the crisis," he said, "but I hope that we are."

Vice Mayor Freund said that he believes that we're in a crisis that began in 2013, and we need more information.

It was noted that Henry MacVittie has been up to the springs, and Marty Boland said that he and Chief Blair would be meeting with Mr. MacVittie on the coming Tuesday to look at the springs, discuss what he's found and see what else we need to do.

"Are we satisfied that Walnut Springs is doing what it should?" the Mayor asked. "Yes," Mr. Boland replied. He added that Mr. MacVittie will get him up to date on the springs and then we can go from there.

Mayor Currier explained the water situation and its history to Ms. Pew.

Ms. Gallagher asked if the Council still wanted to receive daily updates. Chief Blair recommended that we discontinue the daily updates and that staff simply let Council know if there is a problem. Council agreed.

Councilmember Vander Horst said that he is unclear as to what we're doing to find out what happened in 2013 and possibly correct it. Mayor Currier said that his understanding was that Mr. MacVittie has gone to several of the springs and set up temporary weir boxes. He is monitoring the flow of springs. We have readings from 2004, 2007 and some readings since then.

Chief Blair noted that there is a book that shows the flow readings for Walnut Springs and Verde Central.

Mayor Currier went on to say that his understanding is that Mr. MacVittie is taking weir readings on each spring. He has only done three or four of the outlying springs so far. The Mayor added that he is hoping to see a full report within a couple of weeks. He is concerned that the weir readings are not from the tunnels. Chief Blair said, "we're taking them at the door."

Mayor Currier noted that the woman who is arranging the age testing of our water said that the readings need to be taken where the spring comes out of the rock. "In some of the short tunnels, we can do that," Chief Blair said, "in the long tunnels we're not able to."

Mayor Currier said that he was bringing this up because Ms. Pew is here, and this might present an OSHA problem, and perhaps Congressman Gosar would be interested.

Ms. Gallagher said that she believes, from her conversation with Freeport-McMoRan, that we would need their permission to go into the tunnels. Mayor Currier agreed, and said that Congressman Gosar might be helpful.

Councilmember Vander Horst said he thought that Freeport has already denied permission. Ms. Gallagher agreed, and added that the best option would be for Freeport people to go in, but they have also declined to go in themselves.

Jane Moore, resident and water liaison, said, "You'll know the difference in the spring flows from what you get. ... Measuring it, what comes into the pipe, you're going to see the difference right there."

Chief Blair noted that flows are reduced in all of our springs, not just one of them.

Mayor Currier said that he would like to see the documents that show the flows.

Vice Mayor Freund noted the report submitted by Jane Moore. Ms. Moore said that she submitted the report for Council along with a proposed maintenance schedule.

Mayor Currier said that what he's trying to do is get an "owner's manual" for the water system. He would like one collective document about it. Ms. Moore chairs the committee that was formed, and she has produced a document on how to handle the springs. Richard Martin, the Mayor said, is working on a document for the regulators, because this is a gravity fed system. Chief Blair noted that Greg Gardemann has been working with himself and Mr. Boland to produce that book. The Mayor asked that Ms. Moore receive a copy of that. Ms. Moore recommended that Richard Martin receive that instead, as he has worked with the water system and can add his input and knowledge.

Chief Blair said that he is trying to centrally locate everything in his office at the Fire Department. Mayor Currier said that he would prefer that it be at Town Hall. Ms. Gallagher

	said that the Fire Department and Public Works should have that. "He can have a copy of it," the Mayor said.
	Mr. Kinsella said that the Historical Society has all kinds of maps, and they can make copies that they can contribute to this project. He also added that to keep the drawings in the Manager's office is not a good idea. "When something happens," he said, "it is usually at night." Mayor Currier clarified that he believes that the master copy should be in the manager's office, and that "other copies can be wherever they need to be."
	Ms. Moore recommended that we digitize the maps as well, and have them in several different locations.
	Chief Blair recommended that we maintain digital copies at Town Hall and hard copies at the Town Yard and Fire Department. Mr. Boland agreed.
	Mayor Currier maintained that the Manager should have the master copy, and Council agreed. He asked that Chief Blair share information with Ms. Gallagher.
ITEM #11	NEW BUSINESS
8:03	ITEM #11A: SPECIAL EVENT LIQUOR LICENSE
	Council will review and may approve a Special Event Liquor License for the Jerome Volunteer Fire Department Auxiliary for their fundraising event to be held at Spook Hall (260 Hull Avenue) on October 29, 2016.
	Chief Blair said that this will be the 42 nd Annual Fire Department Ball. The band will be The Eleventh Hour, the beer sponsor this year is That Brewing Company, and there will be no theme for the costume contest.
	Motion: Vice Mayor Freund moved to approve the Special Event Liquor License. Councilmember Barber seconded it. The motion passed, 4-0.
8:05	ITEM #11B: FREEPORT-MCMORAN SOCIAL INVESTMENT FUNDING
	Council will discuss the upcoming round of Social Investment funding available through Freeport-McMoRan, and may direct staff in this regard.
	Mayor Currier said that he has reservations about applying for funding this year, because we haven't quite spent the money they've given us already over the past few years. We haven't finished the horseshoe pits and we haven't spent the money to open up the steps on School Street to Town Hall. "I am personally reluctant to ask them for more," he said.
	Councilmember Vander Horst asked in what manner the money must be spent. Ms. Gallagher referred Council to the listed guidelines. The project must benefit the community.
	Ms. Gallagher said that it had just occurred to her that perhaps we could request funding to pay Freeport to go into the mountain and take a look at the springs.
	Vice Mayor Freund agreed, noting that one criteria listed was "improvement in watershed health and stewardship." He added that, even if it was not for Freeport to send their own people in, we could use the money to hire an outside contractor to do that.
	Councilmember Vander Horst asked if we are able to re-direct funds with Freeport's permission. Ms. Gallagher replied that we are, and added that we may need to talk with them about the funds they had awarded us for the wall and the steps off of School Street, as the work will cost a great deal more than the funding that was awarded.
	Council was supportive of Ms. Gallagher's suggestion, and she was asked to prepare a grant application on that basis.
8:09	ITEM #11C: MODIFICATION TO IGA BETWEEN THE STATE OF ARIZONA AND THE TOWN OF JEROME
	Council will review and may approve a modification to the IGA with the Arizona Department of Revenue regarding the administration of taxes.
	Ms. Gallagher noted that the Town Attorney has reviewed and approved this modification, and she briefly reviewed the changes it would effect.

	Motion: Councilmember Vander Horst moved to accept the Modification of the IGA with the State and the motion was seconded by Vice Mayor Freund. The motion passed, 4-0.
ITEM #12	TO AND FROM THE COUNCIL
8:12	Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.
	Councilmember Barber noted that the Town Code currently prohibits the keeping of bees, and she believes that we should have bees in town. She asked that an ordinance to strike that prohibition be placed on the next agenda.
	Mayor Currier agreed, and explained that the prohibition was put into place in the early 1970s, when there was a beekeeper in town and a resident walking past was stung. She went to Council and they enacted an ordinance to prohibit beekeeping. Now, she is no longer with us.
	Councilmember Barber commented that somebody in Jerome went into their water meter and found a beehive. They sprayed it with Raid, which is not a good solution. Ms. Gallagher noted that the Town has actually had a beekeeper come to move hives when needed.
	Councilmember Barber noted that Chief Blair has information regarding beekeepers, and added that "Africanized bees are not really a huge problem anymore. There is no chance in this area of them being 'killer bees.'"
	Mayor Currier stated that the mosquito carrying the Zika virus is in the Verde Valley, but there has been no incidence of Zika in Arizona that he is aware of.
	Councilmember Vander Horst recalled that, when we hired our engineering firm in December, one of their selling points was that they would be helping us get grants. He has not heard of any activity in that regard since, and asked what is going on with that. Ms. Gallagher said she had mentioned this to them a month or two ago, but has not heard back. Mayor Currier suggested that she "shake their tree."
	Councilmember Vander Horst asked about the issue of on call pay. Ms. Gallagher said that she had contacted an attorney through the League. The attorney asked a lot of questions, and will be researching this and getting back to her.
	Councilmember Vander Horst noted that the State Legislature passed a law that, if a municipality puts anything in place that is against the State Constitution, they could withhold our funds. The Attorney General has seen fit now, he said, to make that easy by putting a webpage up just so that someone could inform them easily. He said that he was "pretty aghast" when he saw that.
	Mayor Currier said that, as far as he knows, we have done nothing wrong, but the way he understands it, it would be up to us to prove that if anyone were to claim that we had.
ITEM #13	ADJOURNMENT
	Upon motion by Vice Mayor Freund and seconded by Councilmember Vander Horst the meeting was adjourned at 8:19 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: _____