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TOWN OF JEROME, ARIZONA

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MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, DECEMBER 27, 2016 AT 7:00 P.M.

<p>ITEM #1:</p>	<p>CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Vander Horst called the meeting to order at 7:00 p.m..</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Vander Horst, Vice Mayor Kinsella, Councilmember Bachrach, Councilmember Barber and Councilmember Currier.</i></p> <p><i>Also present was Joni Savage, Deputy Clerk.</i></p> <p>Mayor/Chairperson or designee to lead the Pledge of Allegiance. <i>Mayor Vander Horst led the Pledge of Allegiance.</i></p>
<p>ITEM #2: 7:01</p>	<p>SUBSIDENCE AREA AND SLIDING JAIL: MEMORANDUM OF UNDERSTANDING WITH JEROME HISTORICAL SOCIETY</p> <p>Council will review, and may approve, a Memorandum of Understanding with the Jerome Historical Society regarding a portion of the property deeded to the Town by the Society in 1964. Some or all of this discussion may take place in executive session with the Town Attorney (who may attend telephonically), pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4).</p> <p><i>Mayor Vander Horst asked members of the audience to complete a petition form if they would like to be heard at this meeting.</i></p> <p><i>Mayor Vander Horst recused himself due to a conflict of interest. Vice Mayor Kinsella recused himself because he is employed by the Historical Society.</i></p> <p><i>Mayor Vander Horst asked Councilmember Bachrach to chair the meeting, and the Mayor and Vice Mayor left the dais at this time.</i></p> <p><i>Councilmember Bachrach read the agenda item verbatim, and announced that he would first like to take petitions from the public.</i></p> <p><i>Councilmember Currier noted that there are no "Petitions from the Public" listed on the agenda.</i></p> <p><i>Ms. Gallagher said that she believes the Mayor's intention, as he stated at a prior meeting, is that the public may speak on any item on the agenda after the Council has discussed it and prior to their vote. They would be speaking on the agenda item itself, and not as part of "Petitions from the Public."</i></p> <p><i>Councilmember Currier said that he understood.</i></p> <p><i>Councilmember Barber said that she and Jeff Koppelman composed a letter from Council to send to the Historical Society regarding revisions to the MOU. "I don't want to sign an MOU that is going to put a bunch of cars back on there after three of our engineers have told us not to do that," she said, and recalled that Dave Hall had offered to contribute funds toward dividing the parcels. "I believe we have three options," she said. "We can rewrite the MOU, we can split off the area from the parcels, giving them the actual area that is sliding, or we could just say 'no' to the MOU completely and look for other money for the Town. Our parks and public places are the Town's." Ms. Barber referenced the petition that was signed by members of the public, and asked Council to ask the Historical Society to rewrite the MOU.</i></p> <p><i>Councilmember Bachrach said that he agreed with several of the points made, and added, "The MOU in front of us is somewhat vague. In the interest of moving forward, we would like some things clarified."</i></p>

Councilmember Currier said that he found the letter drafted by Ms. Barber and Mr. Koppelman to be redundant. He noted that the basketball and volleyball courts were removed from the MOU last week, are no longer under debate. "The only properties left [in the MOU]," he said, "have nothing on them except the slide. The courts and that small parking area are off the table. They are not in the MOU, and that was done at the last meeting, and I thought that everybody had understood that. This memo from Mr. Koppelman is outdated. Most of it has been discussed and resolved. The only thing the Historical Society is suggesting at the moment is that they will take the three parcels remaining and smooth them out and make the runoff better. I don't understand why we're still debating it."

Councilmember Bachrach noted that the MOU is not a contract.

Councilmember Currier said, "I see no more debate on the Memo of Understanding. They will present us with a development agreement/proposal with detailed drawings and cost estimates. If they agree to the Memo of Understanding, then that will be the next step. I don't understand what we're asking for that they aren't already willing to give us. We're simply trying to get something to happen here."

Councilmember Bachrach referenced parcels in paragraph D of the MOU, the December 20 draft. It lists 401-06-138, 401-06-076B and 401-06-140A, and those parcels are all barren. They do not include the courts.

Councilmember Currier agreed, and described each parcel's location. He displayed a drawing and pointed out the parcels to Councilmembers Barber and Bachrach. "There is nothing on the parcels we are giving to them," he said, "so I don't understand what the problem is."

Councilmember Barber said that she is concerned about restoring the parking to pre-2010 status. She said that she believes putting cars on those edges is a high concern for all, and for most of the people in the room.

Councilmember Currier explained that they would restore the parking to what it was before the slide. They aren't going to extend the parking, nor restore the road, he said. "What we're agreeing to is some sort of park, walkway, a bench or two, but no parking in that area."

Councilmember Barber expressed concern about restoring the road that had been put in there, and Mr. Currier said, "The road is not in their plans."

Councilmember Bachrach said, "All we are voting on is to approve the Memo of Understanding."

"Yes," Councilmember Currier said. "If we agree to it, then the Historical Society will vote and possibly agree. They don't get the deed until we agree on the contract."

Councilmember Barber described what her beliefs were regarding the restoration of parking. Councilmember Currier said again that his understanding is that there will be no road. "This is a rough drawing," he said. "Finished drawings will explain it better. Some parking was there and I don't have any objection to putting it back. The merchants in that area have a right to some parking. ... I don't want to see a thousand cars down there, but we had at one time 15 or 20 parking places."

Councilmember Bachrach said that, as the process moves forward, he would like to see the Town begin budgeting funds to buy the property back in the future. "We don't know how much at this time," he said, "but if we are talking \$80,000 it is a possibility. If it's \$450,000 then that could be a problem."

Councilmember Currier noted that, if the Historical Society spends \$20,000 to \$50,000, the Town has the money in reserve to buy it back. "We have right of first refusal and the right to buy it back for what they put into it," he said, "and it's conceivable that they might give it back to us for less than that. Why would they keep it? It's maintenance. They may find that it is excess maintenance." He added that, according to Carol Yacht, those parcels appear on the tax rolls as being worth \$150,000, but "in my mind they are not worth a nickel. You can't build on them." He said again, "I just don't understand what the objection is here."

Councilmember Barber asked about the access road to the sliding jail that needs to be repaired and about the area which seems to be subsiding down onto private property. Mr. Currier explained that the Historical Society would be accepting the liability for that.

Councilmember Barber said again that it seems to her "that we're trying to pack a bunch of cars in there again. More than one engineer has told us not to."

Councilmember Currier said that he believes she is mistaken about where they want to put parking.

Councilmember Barber said, "According to the minutes, we have asked repeatedly for

drawings, or engineering. Do we know who their engineer is?" Councilmember Currier explained that they will not do engineering until they have an agreement that they can go forward, which is the MOU.

Councilmember Barber asked if we have an estimate of how much money the Town has put into beautifying that area.

"Nothing," Councilmember Currier replied. "Not a nickel in that area."

Councilmember Barber asked about the "big wall." Mr. Currier explained that the wall is not included in the parcels that would revert, and that we would be keeping the parcels where we have made improvements.

At this time, Councilmember Bachrach opened the floor to the public for comment.

Kevin Savage, President of the Chamber of Commerce, said that the Chamber had submitted a letter to the Council suggesting that they accept the Historical Society's push to take over the property again. "We don't care who owns it," he said. "We would just like to see it fixed up. The people in the immediate area do deserve to have more parking and it's an ugly mess, and it is only going to get worse. The Town hasn't done anything to resolve it, and you have an offer with a 0% interest loan to fix it and you have the ability to buy it back. I don't see how things could get any better than that. ... I believe you should move forward expeditiously to get it resolved."

Jeff Koppelmaa, a Jerome resident, said that, after speaking with Councilmember Barber and reading the letters from the Historical Society, he felt it would behoove the Town to respond in writing, encapsulating what was discussed in the last meeting. "I'm glad you addressed the boundary issues," he said, "but in terms of scope, cost, what would be the price, so there could be certain caps ... so that the Town would never have to pay more than 'X.' There is no budget, no plan. They've been sharing them with you privately, but not with the town. They don't have anyone here answering questions." He said that he disagrees with Councilmember Currier regarding "the geotechnical situation," and said that "there should be a real explanation." "I would like the Historical Society to engage us about some of these things, rather than working through our representatives," he said. He asked if they had done engineering and if there is a plan.

Councilmember Currier explained that Town representatives have had "a couple of meetings with the Historical Society Board. The gist of it is that they are waiting for the MOU." The Society does not want to spend thousands of dollars on engineering, he said, without a clear 'go-ahead' from the Town. "The people are split," he said. "The petition, technically, says we should work with the Historical Society and that's what we're trying to do." He said that we are trying to get the MOU in place, and then they will come up with the details. "If we don't like the details," he said, "we don't sign the agreement."

Councilmember Bachrach said, "I promise you there will be more conversation on this. This is merely an agreement to move forward." He said that he would ask the Society to have a representative at the next meeting where this is discussed.

Jane Moore, a Jerome resident, said that she feels that there needs to be a survey done of this property. "If it costs a few thousand dollars," she said, "I think it behooves the Town to know exactly what we're talking about." She added that there may be survey markers on the Vander Horst property. Councilmember Currier noted that, unfortunately, the relevant markers there have been buried by the slide.

Ms. Moore noted that anything the Historical Society does there has to go before the building inspector and Boards, as well. "I have come to just about all of the Council meetings and budget meetings," she said. "When the slide occurred, the engineers had told the Town to wait." She asked, if the Town or the Historical Society puts parking there, who would be liable?

David Hall, a Jerome resident, spoke about his involvement with this. He said that he had taken the petition around and talked to a lot of people. "I agree with Councilmember Currier at this point," he said. "The MOU does give the Town the final approval of the plan." He said that he feels that the revisions made at the last meeting would satisfy the concerns of the people he spoke with, and that it is a "decent compromise." "It needs to move forward at this point," he said. "The Town will have the opportunity to approve the plans. The Attorney said it had to be surveyed." Mr. Hall added that, in one meeting, he did volunteer to pay for the survey, but he is now rescinding that offer. "Neither the Town nor the Historical Society are poverty stricken," he said. "I would urge the Council to go forward with this."

Sage Harvey, a Jerome resident, said, "I believe what Alex [Barber] is getting at was, there was never any parking there in the 70's and 80's. When it says pre-2010, there was no parking in the 70's and 80's. There is a moral aspect here, and that's the issue we're both concerned

	<p>about. I think that maybe meetings between the Historical Society and the Council should be public, so the public knows what's going on."</p> <p>Councilmember Currier said, "I'm hearing now that parking is the main issue. When we see the drawings from the Historical Society, at that point we can say 'yea' or 'nay.'" He added that he sees 15 or 20 cars there, and "that's not a lot. The engineers are going to look at it."</p> <p>"Anything we discuss now," Councilmember Bachrach said, "is just speculation until we see a contract."</p> <p>Motion: Councilmember Currier made a motion to approve the MOU and have it signed. It was seconded by Councilmember Bachrach.</p> <p>The motion passed with 2 ayes, 1 nay and 0 abstentions.</p>
<p>ITEM #3: 7:37</p>	<p>PROP 202 FUNDING PROPOSAL</p> <p>Council will discuss potential projects for submission to the Yavapai-Apache Nation for 2017 Prop 202 funding.</p> <p>Mayor Vander Horst and Vice Mayor Kinsella both returned to the dais.</p> <p>Mayor Vander Horst asked Ms. Gallagher to explain Prop 202.</p> <p>Ms. Gallagher explained that Prop 202 is called the Indian Gaming Preservation and Self-Reliant Act, which means that the tribes are required by law to contribute a portion of their gaming funds "for government services that benefit the general public, including public safety, mitigation of impacts of gaming and promotion of commerce and economic development." Each year we apply for these funds, she said, although we do not always receive them. The awards are typically between \$15,000 to \$20,000, and the deadline to apply is January 3rd.</p> <p>Ms. Gallagher reviewed projects that had been discussed at the prior meeting, including composting toilets at the 300 level parking lots, completion of the horseshoe pits, beautification of the sliding jail area, a second town van, a gazebo in Middle Park, a golf cart for shuttling people, solar lighting, landscaping and new trash cans. Following that meeting, she received additional suggestions which included additional benches around town, repair of the steps at Town Hall, relining of the second Cleopatra Hill tank, a PA/podcast system for Council chambers, start-up costs for a residential parking permit program, restructuring the cheseway near the horseshoe pits and paying a weekend shuttle driver. In addition, she received a response from Chief Muma and Chief Blair requesting that we apply for funding for a combination of public safety items, including a video server, a thermal camera for the drone, and a battery-operated extrication tool. They had noted that, in the past, this money had been used for public safety, but that hasn't happened for several years.</p> <p>Ms. Gallagher commented that she has found, since the last meeting, that composting toilets require a lot of maintenance, and there would need to be some excavation, so they would not be possible at the 300 Level.</p> <p>Discussion ensued.</p> <p>Councilmember Currier said that he would accept whatever project the remainder of Council decides on.</p> <p>Councilmember Barber that she likes the idea of solar motion-sensor street lamps that could save money for the Town. She added that, also, the completion of the horseshoe pits would be beautiful, as would beautification of the sliding jail area.</p> <p>Councilmember Currier noted that we should be careful about changing the street lights, as it could impact our dark sky. There have been objections to that in the past, he said.</p> <p>Councilmember Bachrach said that he would like to use these funds in a way that everyone in Town could enjoy. Landscaping and trees on the east side of Main Street would beautify the area and stabilize the ground, and that would be his preference, he said.</p> <p>Vice Mayor Kinsella said that he would like to finish up the horseshoe pits. He added that Carol Yacht, in a letter, had indicated that she would like to see the funds used for the subsidence area and the sliding jail, and could possibly be used for surveying, but, Mr. Kinsella noted, that the area has already been appraised and surveyed – twice – at taxpayer expense.</p> <p>The Vice Mayor suggested that other worthy projects may be new parking bumps on Main Street, or doing something to beautify the area around our recycling bins.</p>

	<p>Mayor Vander Horst said that he'd like to see the horseshoe pit area and wall completed. He noted that there were some petitions from the public, and invited them to comment.</p> <p>Jane Moore thanked Council for reading Ms. Yacht's letter, and asked about the survey that Vice Mayor Kinsella had mentioned. She said that she had been going to suggest using the money to survey the sliding jail area, and asked why the existing survey had not been mentioned previously. Mayor Vander Horst and Vice Mayor Kinsella said that they had had to recuse themselves with respect to the sliding jail matter and could not speak on it. After a brief dialogue between Ms. Moore and Vice Mayor Kinsella, Ms. Moore said that finishing the horseshoe pits would be a great idea, and asked if we know how much that would cost. Ms. Gallagher said that we will have to determine that. She noted that we have discussed using volunteers for some of the work, and that there is a chaseway there that needs to be restored.</p> <p>Vice Mayor Kinsella clarified that the chaseway is actually a historic coal chute. It was for the TF Miller building.</p> <p>Ms. Moore concluded her comments by saying, "Restoring the horseshoe pits would be a good thing, and the Town could benefit from spending some money on the sliding jail area as well."</p> <p>Natalie Barlow, a Jerome resident, said that she would like to see the funds go toward the horseshoe pits and the steps leading up to Town Hall from School Street. She asked about the cost of repairing those steps, and said that, if anything is left over, it could be used for the sliding jail area. She added that the volleyball court could be smoothed out, and the town could put a small amount toward the basketball hoops and court.</p> <p>Mayor Vander Horst asked Ms. Gallagher about the cost of repairing and reopening the steps. Ms. Gallagher recalled that the engineers had indicated that it could cost up to \$150,000. She added that we applied for funds for that project last year, before we had a full understanding of the costs involved.</p> <p>Vice Mayor Kinsella said, "Let's visit the horseshoe pits right now.... For the completion, the rock wall has to be capped with brick, then the original historic fence will go back in and the tree will come out. The Town of Jerome already has the fuel abatement program going on ... why don't we let them take the tree out? That's the first thing. The second thing would be that we have to flatten out and make the horseshoe pits safe again, and put in backstops for the horseshoes. I think that can be done for way less than \$10,000."</p> <p>Mr. Kinsella went on to say that a lot of people have slipped and fallen in town, and he would also like to install solar lighting at various areas of town. He added that, in the winter, solar lighting is not as effective, so perhaps underground circuits should be considered too.</p> <p>Mayor Vander Horst noted that the flagpole light shines mostly on the tree and very little of it shines on the flag.</p> <p>Ms. Gallagher suggested that our application could be framed as a comprehensive project – "various improvements to parks and public spaces in Jerome." The Mayor agreed. After brief further discussion,</p> <p>Motion: Vice Mayor Kinsella made a motion that we apply for Prop 202 funding for finishing the horseshoe pits project and for improvements to other public spaces and parks in Jerome that are utilized by residents and visitors alike. The motion was seconded by Councilmember Currier. The motion passed, 5-0.</p>
<p>ITEM #5:</p>	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Currier, seconded by Councilmember Barber and unanimously approved, the meeting was adjourned at 8:01 p.m.</p>

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

APPROVE:

ATTEST:

Frank Vander Horst, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____