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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, MAY 12, 2015 AT 7:00 P.M.

FIFTH REGULAR MEETING OF 2015

<p>ITEM #1:</p>	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Lew Currier called the meeting to order at 7:00 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll.</i></p> <p><i>Present were Mayor Lew Currier, Vice Mayor Doug Freund and Councilmembers Abe Stewart, Alex Barber and Frank Vander Horst.</i></p> <p><i>Staff in attendance at roll call included Town Manager/Clerk Candace Gallagher, Public Works Director Dwain Dement, Zoning Administrator Albert Sengstock and Deputy Town Clerk Joni Savage.</i></p>
<p>ITEM #2: 7:01 pm</p>	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge. The Pledge of Allegiance was led by Mayor Currier.</p>
	<p><i>At this time, Mayor Currier requested that the order of the remaining items on the agenda be changed to address the items in the following order:</i></p> <p><i>Item #11A (Subsidence near Sliding Jail)</i></p> <p><i>Item #8A (Bubonic Plague presentation)</i></p> <p><i>Item #8B (String of Pearls presentation)</i></p> <p><i>Item #7 (Petitions from the Public)</i></p> <p><i>Item #11B (Conditional Use Permit – Billingsleys)</i></p> <p><i>Item #10B (Solar Design Guidelines)</i></p> <p><i>Item #10A (Nuisance Code)</i></p> <p><i>Item #13 (Executive Session)</i></p> <p><i>Item #3 (Staff Reports)</i></p> <p><i>Item #4 (Financial Reports)</i></p> <p><i>Item #5 (P&Z/Zoning Administrator's Reports)</i></p> <p><i>Item #6 (Council meeting minutes)</i></p> <p><i>Item #9A (Second reading: Ordinance 416)</i></p> <p><i>Item #12 (To and From the Council)</i></p> <p><i>Item #14 (Adjournment)</i></p> <p>Motion: Vice Mayor Freund made a motion to so rearrange the agenda. It was seconded by Alex Barber. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p> <p>** Clerk's note: The items are presented in these minutes in their original (agendized) order, with time of discussion noted.</p>

<p>ITEM #3: 9:45 pm</p>	<p>STAFF REPORTS</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, and Fire Chief.</p> <p><i>In response to questions and comments from Council, Ms. Gallagher said that she would see if it is possible to include an aging of accounts receivable with Ms. Tovrea's report, and clarified that "net to town" in the Municipal Court's report represents gross court receipts (Town portion) less Police Department Equipment funds.</i></p> <p>Motion: Vice Mayor Freund made a motion to accept the staff reports. It was seconded by Councilmember Vander Horst. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Discussion/Possible Action</p>
<p>ITEM #4: 9:49 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual reports for the month of April 2015. 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>Councilmember Vander Horst asked if it would be possible to:</i></p> <ul style="list-style-type: none"> - Provide a summary page of revenues and expenses - Receive the financial reports sooner - Receive a monthly balance sheet <p><i>Ms. Gallagher explained that there are certain limitations to the system that we use to maintain our accounts and generate the reports. She suggested that she and Mr. Vander Horst meet together with Ms. Cretti to review his requests and see what might be possible.</i></p> <p><i>The Mayor noted that it used to take longer to receive the reports, and, although he is not happy with CYMA (the accounting software the Town uses), other software used in the past was terrible.</i></p> <p><i>Mayor Currier added that he would like to receive a report of bank balances at the end of each month.</i></p> <p><i>Councilmembers Barber and Stewart questioned payments shown to Shephard-Wesnitzer, and Ms. Gallagher explained that the payments included billings for the Area Drainage Plan being funded by Yavapai County, as well as certain "on call" services. There has been a lot going on in town recently, she added.</i></p> <p><i>Councilmember Barber asked about the payment shown to "Town of Jerome PR" in the amount of \$85,000, and Ms. Gallagher explained that it is a transfer made periodically to cover payroll, and covers more than just a single payroll period.</i></p> <p>Motion: Vice Mayor Freund made a motion to accept the financial reports. It was seconded by Councilmember Barber. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Discussion/Possible Action</p>
<p>ITEM #5: 9:55 pm</p>	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p><i>There was no discussion.</i></p>	<p>Discussion/Possible Direction</p>
<p>ITEM #6: 9:56 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>April 14 regular meeting</p> <p>Motion: Councilmember Vander Horst moved to approve the minutes of April 14, 2015. It was seconded by Vice Mayor Freund. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Discussion/Possible Action</p>

<p>ITEM #7: 8:50 pm</p>	<p>PETITIONS FROM THE PUBLIC</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 from the public.</i></p>	<p>Discussion/Possible Direction</p>
<p>ITEM #8: A: 7:53 pm B: 8:17 pm</p>	<p>PRESENTATIONS</p> <p>ITEM #8A: COUNTY HEALTH DEPARTMENT REPORT: BUBONIC PLAGUE</p> <p>Representatives of the Yavapai County Health Department visited Jerome on May 11, and will report on their findings, and provide information related to the recent episodes of bubonic plague in Jerome cats.</p> <p><i>A representative (who did not identify himself for the record) from the Yavapai County Health Department spoke about the Bubonic plague here in Jerome, which is carried by fleas that feed on rodents. Since April 16, they have been collecting samples due to suspected cases of plague in cats. They have many departments working with them, he said.</i></p> <p><i>Tim Dixon, a citizen, stated that he found a bag of dead cats along the side of the road, and asked if that should have been reported to the Health Department. The County representative replied that it should have.</i></p> <p><i>The representative went on to say that, so far, one cat has tested positive for plague, and four others are being looked at with further testing. On May 11, health department personnel visited several areas in Jerome looking for wood rats and pack rats, and attempted unsuccessfully to collect fleas from the burrows. They did not see any "die-offs," where there would be a lot of dead rats in one area. While out there, they educated the neighborhoods where the sick cats were found.</i></p> <p><i>The representative provided informational flyers and recommended that, in order to protect oneself, one should not play with dead animals, and should use DEET or insect repellent when outdoors and make sure that all pets have flea protection. He said to watch for flu-like symptoms, and pain around the throat and groin area (lymph nodes). "Your local vet is keeping an eye on this," he said, and noted that there have been no new cases lately.</i></p> <p><i>Liz Gale, a local business owner who identified herself as the head of the upcoming Home Tour, asked if she should inform people who are on the tour about the issue. The County representative said that this is something that the Council should decide.</i></p> <p><i>Ms. Gale asked what neighborhoods the sick cats were found in. The County representative said that they were found "all over town," and added that this is the first case of plague he has dealt with in the eight years he has been with Yavapai County.</i></p> <p><i>Jay Kinsella, a Jerome resident, asked if the pack rat population would decrease as a result of an outbreak. The County representative said that, the more you control a problem with rats, the better. Mayor Currier commented that he hasn't seen a heavy amount of rats, and Lance Schall, a Jerome resident, said that he catches a rat or mouse in the house at least every week. The County representative said that it is important to protect yourself, however something poisoned or trapped shouldn't be a problem.</i></p> <p><i>Mayor Currier praised the Jerome Humane Society for catching this so fast and added that they are providing free flea treatment.</i></p> <p><i>Sally Dryer spoke to say that Dr. Virginia Kennaway was the hero here. She figured out the right blood sample to send in to the State. Ms. Dryer added</i></p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Direction</p>

	<p>that there was another sick cat that was brought in to the clinic that day, from the area of Magnolia and Giroux. All of the cats are recuperating and will be fine, except for one. She added that the Humane Society is distributing Front Line.</p> <p>The County representative said that "this should not be a mass panic, just a concern," as we caught it early. If we see a die off, he said, that would be another signal something is going on.</p> <p>Ms. Dryer reminded everyone to "treat your pets and keep them inside."</p> <p>Ms. Gale asked again what she should say to visitors on the Home Tour.</p> <p>Attorney Sims advised her to tell the docents to watch for dead animals.</p> <p>Mayor Currier suggested that they provide information to anyone that asks, but refrain from volunteering it.</p>	
	<p>ITEM #8B: STRING OF PEARLS PROJECT</p> <p>Camp Verde Mayor Charles German and representatives of the Verde Front Leadership Council will present information regarding the Verde River Valley "String of Pearls" project.</p> <p>Chip Norton, a community volunteer from Camp Verde, thanked the Council for inviting them to make this presentation, and introduced several others that joined him, including Steve Ayers, Economic Director for the Town of Camp Verde, Tom Palmer and Todd Willard with the Prescott National Forest (PNF), and Camp Verde Mayor Charles German.</p> <p>Mr. Norton said that the group has expanded to work with Coconino Forest and Sedona. He listed the assets of the Verde Valley: The Verde River, Fossil Creek, seven state parks, three national monuments, two Yavapai County Parks and the Prescott National and Coconino National Forests. Camp Verde is working on a recreation plan with respect to the 18 miles of Verde River. He stressed the importance of working together in the planning and management of this project, as it is more cost effective than "cleaning up the mess" afterward.</p> <p>Mr. Norton explained that, in 2009, the Verde Front was primarily working on trails. Now, a Leadership Council has been formed, comprised of elected officials and District Rangers, and there are several working groups, including the Cultural Resources group who would address the Douglas Mansion, Fort Verde and other historic locations. He then spoke of the monetary commitments made by the communities within the Verde Valley.</p> <p>Steve Ayers, Economic Director of Camp Verde, spoke next, and noted the value of sharing information. A group of them recently traveled to Grand Junction, Colorado, to see firsthand their "String of Pearls" project. He spoke about the value of geotourism. There, the participants pooled together around \$45,000, and in return they received \$150,000 from the Walton Family Foundation and another \$50,000 through various Federal agencies. He spoke of our local communities working together on a "river recreation plan" and said that, at some point, Jerome will be asked to contribute funding, possibly \$500. Funding levels will be based on population. He added that they would love to have participation from Jerome. Mayor Currier responded by saying, "We'll see what we can do."</p> <p>Ms. Gale said that the Chamber has participated in this, and she would like to see participation from the Town government.</p> <p>Tom Palmer of the Prescott National Forest spoke about a sustainable recreation program, which was developed to better serve the communities. He gets to work with the Councils and the Town Managers, he said, to determine what is lacking and what services are needed. "This process is very unique," he said. "It inspires us to do projects that are community valued. This process builds relationships between agencies and citizens." He added that, with shrinking budgets, the PNF can't do this all themselves, but "if we work together we can build the communities you want."</p> <p>Todd Willard of the Prescott National Forest spoke briefly to reiterate what Mr. Palmer had just stated.</p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Action</p>

	<p>Mayor German of Camp Verde spoke about the similarities between the Verde Valley and Grand Junction, CO. They had gambling in their state and also a Heritage Fund. The State legislature has that verbiage and they are testing it in Scottsdale through a non-profit to see if it would be viable to be on the 2016 ballot. Camp Verde, he said, would like to see some of our lottery money go to Game and Fish and Rural Recreation Areas. The Mayor thanked Jerome and said that he hopes that we will see fit to continue to support this project.</p> <p>Mayor Currier called a ten minute recess at this time. The time was 8:43.</p>	
<p>ITEM #9: 9:57 pm</p>	ORDINANCES	
	<p>ITEM #9A: SECOND READING AND ADOPTION – ORDINANCE NO. 416, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, TO AMEND ARTICLE 8-3, “BUSINESS LICENSE TAX,” OF THE JEROME TOWN CODE, BY THE ADDITION OF NEW SECTIONS 8-3-7 THROUGH 8-3-11, REGARDING DENIAL, REVOCATION AND SUSPENSION OF BUSINESS LICENSES</p> <p>Council may conduct the second reading of, and possibly adopt, an amendment to our Town Code regarding business licensing. The proposed amendment would clarify reasons for denial, suspension or revocation of business licenses and establish an appeal procedure for same.</p> <p><i>Mayor Currier asked if there were any comments and asked if Ms. Gallagher had made all of the adjustments discussed at the prior meeting.</i></p> <p><i>Ms. Gallagher confirmed that she had.</i></p> <p>Motion: Vice Mayor Freund moved to approve and adopt Ordinance No. 416. It was seconded by Councilmember Vander Horst. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Action</p>
<p>ITEM #10 A: 9:03 pm B: 9:00 pm</p>	UNFINISHED BUSINESS	
	<p>ITEM #10A: NUISANCE CODE</p> <p>Council will discuss the possibility of “beefing up” the Town’s existing nuisance ordinances, and may direct staff in that regard.</p> <p>Motion was made by Councilmember Stewart to table this discussion until the next meeting. It was seconded by Vice Mayor Freund. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Sponsored by Councilmember Abe Stewart Discussion; Possible Direction</p>
	<p>ITEM #10B: SOLAR DESIGN GUIDELINES</p> <p>Council will continue their review of, and may approve, Solar Design Guidelines which have received prior approval from both the Planning & Zoning Commission and the Design Review Board.</p> <p><i>Mayor Currier said that he would like to table this.</i></p> <p><i>Attorney Bill Sims explained that we cannot prohibit solar installations.</i></p> <p><i>Mayor Currier said that he had obtained information from Williamsburg, Virginia, regarding how they address this, and will make sure that Council receives it.</i></p> <p>Motion was made by Mayor Currier, seconded by Councilmember Vander Horst, to table this discussion until the next meeting. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Action</p>

<p>ITEM #11 A: 7:04 pm B: 8:52 pm</p>	<p>NEW BUSINESS</p>	
	<p>ITEM #11A: SUBSIDENCE AREA NEAR SLIDING JAIL</p> <p>Council will discuss, with input from the Town Engineer, the area of subsidence near the Sliding Jail, its causes, and how best to address it. Discussion may include related topics of drainage and parking availability.</p> <p><i>Mayor Currier stated that the area around the sliding jail has dropped several feet in the last few weeks, and we are debating what to do. He asked Ms. Gallagher for an update.</i></p> <p><i>Ms. Gallagher said that we have been watching and waiting. We have three options: 1) Let it keep going and let nature take its course. 2) Remove some of the soil, compact it and add it back up in layers – however, we would have to do that periodically because it is likely to subside again. 3) The third option would be an expensive option - construct a permanent roadway with full engineering. She noted that Eric Sparkman of Shephard-Wesnitzer was present to speak about this.</i></p> <p><i>Mr. Sparkman explained that he was filling in for Town Engineer Richard Aldridge, his supervisor. He said that this area was constructed on unsuitable material to begin with. There is construction debris, mine waste and large chunks of concrete in there, which does not make a good compactible surface to put a roadway on. To compound the problem, additional fill was brought in to bring the parking lot up to grade, and it appears that better compaction may have helped. In addition, according to a 2005 report from ADOT, leaking water mains in the area have caused deterioration, and storm water runoff sits on the top of the roadway and seeps down.</i></p> <p><i>Mr. Sparkman had been on the site some time ago, when there was very minor cracking and very little settling taking place. A temporary solution at that time would have been to remove 3 to 5 feet of fill material and build the area back up; however, he does not believe we are at that point anymore, because it is moving so rapidly. He agreed with Ms. Gallagher that the best option at present is to let nature take its course, and from there, come up with a more permanent solution.</i></p> <p><i>Mayor Currier thanked Mr. Sparkman for his input and asked Dwain Dement, Public Works Director, for his input.</i></p> <p><i>Mr. Dement agreed that we should let nature take its course at this time. Some of the cracks are eight feet deep, he said.</i></p> <p><i>Ms. Gallagher noted that Jack and Denise Guth, local residents who live and operate a business near the Sliding Jail, were present to speak regarding this topic. She also noted that Jay Kinsella, a local resident, was present.</i></p> <p><i>Mayor Currier invited Mr. Guth to speak.</i></p> <p><i>Mr. Guth said that there are several areas of concern to them, and each is connected to the drainage in the area. The first, he said, is "the Town changing the natural drainage down First Avenue where it crosses Queen Street." He said that the historic drainage direction there was changed in order to provide three public parking spaces, and added that it is illegal to change any natural water drainage without the approval of all property owners along the route where property is impacted.</i></p> <p><i>Mr. Guth then addressed the three water catch basins which were installed by the Town, which he was told would divert the water flow. Now, he said, there is standing water behind the jail caused by a [non-functioning] culvert pipe. This problem could be solved, he said, by adding additional fill. He explained that the catch basins are installed at ground level, above where the major drainage occurs. They are part of the problem, he said, because they are not at the lowest points, and if they were moved to lower points they would drain.</i></p> <p><i>Mr. Guth went on to say that there is an earlier addition to the drainage problem in this area: A commercial building on 89A at the end of Hull Avenue installed an eight-inch drain pipe from the roof, which essentially drains onto First Avenue and down to Queen street.</i></p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Action</p>

Mr. Guth reiterated that, basically, the direction of natural drainage was changed and any drainage change requires approval from all property owners impacted by the change. The changes made by the Town, he said, have caused a dangerous drainage route down their private drive on private property.

Mayor Currier thanked Mr. Guth for his comments, and recognized Jay Kinsella, inviting him to comment.

Mr. Kinsella said that he is the neighbor to the property in question and has seen the changes that have taken place there since the 1980's. He said that he concurred with the engineer that the fill was not put in properly. The main issue in the sliding jail area, he said, is that the corrugated pipe at the steps of the Sliding Jail was not installed at the proper elevation. There is so much saturation of water in that area, he said, that it actually leaches underneath. "You cannot compact big slabs of asphalt and concrete," he added, and said that the town's Public Works department has done a great job cordoning off the area. Mr. Kinsella said that, before that parking lot was put in, he was able to access his property (on Rich Street) from a turn near the House of Joy. He can no longer do that, he said, "because the Town has encroached on my property." Mr. Kinsella went on to say that, if you look at historic photographs where the two parking lots were connected, you can see that 40 feet of fill has been brought in.

Regarding drainage from the property on Hull Avenue, Mr. Kinsella said that this problem could be alleviated by dispersing the water in a different direction. It used to come down First Avenue, and the Town installed a berm (similar to a speed bump) across the entrance to First Avenue in order to divert it. That has helped, he said, but it is not effective during the heavier rainfalls. Mr. Kinsella went on to say that there is a catch basin across the street from the intersection of First Avenue and Hull Avenue, near Bobby D's, which doesn't work.

Lastly, Mr. Kinsella noted that the Town did not install the parking spaces near the Cuban Queen that were referenced earlier by Mr. Guth. That, he said, was done by a private property owner. He recalled this, he said, because he was living there at the time.

Mayor Currier recognized Fire Chief Rusty Blair, who stated:

- Regarding the historic drainage referenced by Mr. Guth, Chief Blair said that there are retaining walls in that area, which would lead him to believe that the natural flow was not there.
- At one time, he said, there were catch basins at the corner of Jerome Avenue and Hull Avenue, but they have not been active for years.
- The extra dirt by the Sliding Jail was actually an engineering project submitted by Jim Binick, for extra parking. Unfortunately, throughout the years, the dirt was just dumped there, and not compacted.
- Prior to the subsidence, we had almost seven inches of rain in two months, and the rain didn't run off. That really compounded the problem, he said.
- The slide area is not outside the original slide area. He has photos that show where it dropped in 1983.
- He spoke with ADOT, who has tested and found that the area just above the subsidence has not moved more than half an inch in the past 12 years.
- He is in agreement with the Engineer, Public Works Director and Manager that we should just wait and see what happens.

Mayor Currier invited questions from Council.

Councilmember Vander Horst said that, having lived in that area, he has watched a lot of dumping going on. He saw dirt and cardboard dumped in that area in 2012, and when he asked about it, the driver said that he had been "licensed" by the Town to dump it. Mayor Currier asked Mr. Dement if he was working for the Town then. Mr. Dement replied that he was just on the trash truck at that time. Mayor Currier commented that he had been on

Council at the time and he was not aware of that.

Mr. Guth said that the drainage issue has affected their property dramatically, and that they have closed their business because of it. The drainage problem took place in 2005, he said, and they have been living there for 25 years. He stated again that the Town put in three parking spaces years ago, and that, at the time, Wally Coates told him that the Town directed him to do that. He said that "this has given us nothing but headaches for the past 10 years without any satisfaction from the Town."

Denise Guth stated that she heard some definitive answers during this discussion, but there are some inconsistencies. It is a matter of solving the problem, she said, and asked, "what is it we are supposed to do?"

Chief Blair noted that the Town installed a culvert and two catch basins in that area in an attempt to alleviate the problem at the Guths' property. He added that we could adjust the level of the catch basins a bit.

Vice Mayor Freund asked if these drainage issues are being addressed in the current drainage study. Mr. Sparkman replied, "Yes, we have 473 drainage structures we are analyzing." The problem areas will be prioritized with everyone's agreement. The study is nearly complete, he said.

Mayor Currier said that, in the short term, we should watch and wait. In the long term, we need to know more about the drainage situation and we need to see the drainage study report and put our priorities in order. Presumably, this will be a high ranking priority, he said, because we have home owners that are being seriously affected.

Ms. Gallagher asked Chief Blair and Dwain Dement if there was a relatively simple improvement we could make to the drainage right now.

Chief Blair said that we could raise and pitch the road grade. Another solution would be to continue the culvert up to Hull Avenue and catch it at the top, and also run it across and catch the two basins that exist across the road. That would alleviate a lot of the problem, he said. Mr. Dement said that that is what they had planned on doing.

Mayor Currier asked Mr. Dement if he had opened the street in front of the Merchants Gathering yet (to address a water leak there). Mr. Dement replied, "not yet but soon."

Ms. Gallagher noted that there is a leak that shows up below the subsidence area, which has apparently been there for many years (in an area where a stand of salt cedars is thriving). There are no water pipes in that area that we know of, but the water there was tested recently and it contained chlorine, so it is Town water. She would like to bring in a leak detection agency, and has received a quote for a firm used by the City of Prescott. They would come in for one day and test up to a mile of pipe for a fee of \$750. Each additional mile would cost \$250. One day's work might give us some helpful information, she said.

There was a brief discussion in this regard. Mr. Dement agreed that it would be useful. Chief Blair said there were buildings in that area at one time, and there could be lines down there that we are not aware of. In old photos, he said, you can see 6" lines dropping through that slide area.

Ms. Guth asked whether the standing water by the sliding jail is a priority.

Mr. Kinsella suggested that we bring in loads of compactable material to raise the earth level there, so that there wouldn't be any leaching underneath. Mayor Currier stated that he is concerned about adding more weight to that area, but Mr. Dement explained that this would not be a lot of weight. He added that, when they first installed that drain pipe, it was working, but because of the shifting it is no longer working.

Councilmember Stewart asked if it would be feasible to recreate the old drainage in that area, and push the material down to get the flow back. Chief Blair opined that putting a heavy piece of equipment down there would be dangerous.

Mayor Currier asked Chief Blair for his input. The Chief replied that, in the short term, we should do a leak study and raise the grade so that the water

flows into the catch basins.

Mayor Currier asked for Mr. Sparkman's input. Mr. Sparkman agreed that there is a need to find the leak. He said we could also put some berms to divert the water, which would slow down the subsidence. However, at this point, he believes it should just be watched. He added that this will be one of the properties included in the drainage study for which we may be able to get Federal flood monies. Mayor Currier agreed that the study could help us to understand what we need to do.

Councilmember Vander Horst said that he is concerned about the water flowing into the catch basin near the sliding jail. It has moved and could be undermining the entire area. Mayor Currier asked if that could be cut off.

Mr. Dement agreed that it should be cut in order to save the pipe connected to it that is in good shape. It would be cut on the side of the subsidence nearest the Guths' property, between that and the Sliding Jail. If he cuts it, and then runs some piping over the edge, there is a natural drainage there to which the water can be re-diverted. Mayor Currier suggested that there be future meetings about this, or a working group put together to consider these ideas. Councilmember Vander Horst said that he is worried that the drainage issue would then not be addressed before the monsoons come.

Mr. Guth stated once again that the Town changed the direction of the drainage when they put parking spaces in (next to the Cuban Queen), and that "it was an illegal act" to change the course of the water running down First Avenue. Mayor Currier asked Mr. Guth if he was suggesting that we remove the three parking spaces. Mr. Guth replied that we should put a culvert or swale there, which, he said, would cost practically nothing, and stated again that "illegally changing the direction of the water flow should not have occurred." Mayor Currier said that he sympathized with Mr. Guth, but he was not involved and doesn't know what happened there. Mr. Kinsella commented that the Town owns the property where those parking spots are situated, and he believes we also own the property next to it.

Mr. Sims stated that there are a lot of competing demands for public improvements that need work. There have been a variety of comments made at this meeting about potential Town liability, he said, and noted that the Arizona legislature has cloaked us with certain immunities because they know that governments are not awash with cash and demands on public improvements are many. In order to garner the benefit of that immunity, he explained, Council must be acting in their legislative capacity, and added, "the beauty of Jerome is that you elected officials bring your expertise to bear on almost everything." He advised Council that everything they have said at this meeting has so far been administrative, for which they have no immunity. He noted that the Town Engineer has indicated that the third option – reconstruction of the road – would be the best. He asked the Town Manager if we have a contingency, in terms of appropriations, to fund the full option. Ms. Gallagher replied that we do not.

Mr. Sims recommended that this be reflected in the minutes, and added that, the Town may have acted wrongly in 2005, but there is a six-month window in which to file a Notice of Claim. Now, he said, we need to do it right, and any decision you make should be based on fiscal constraints. He suggested that Council ask staff to come back with a recommendation to address these concerns.

Ms. Gallagher noted that Council also needs to consider what to do about the parking lot there. "I think you should consider closing it entirely," she said. Councilmember Vander Horst asked about possibility of opening up the volleyball and/or basketball courts for parking.

Ms. Gallagher stated that this would be difficult during Home Tour, and Liz Gale corroborated that. She explained that they are hoping to use that area as a turnabout for their vans, because they can't use the normal route as they have in the past. For Home Tours, she said, it would be best not to allow parking there, but to allow the vans to turn around in that area.

	<p>Councilmember Stewart stated that he feels the lot should be closed to tourists. Mr. Kinsella agreed, and suggested that both sides of the lot be closed off. He added that we will lose 22 parking spots by closing that lot. Chief Blair noted that, once the Drainage Study is complete, we will be eligible for Yavapai County Flood control money and also FEMA money to address drainage issues.</p> <p>Mayor Currier clarified that Council was in agreement that the parking lot should be closed.</p> <p>Councilmember Stewart said that it would be good to undertake the leak detection study, and made a motion to that effect.</p> <p>Motion: Councilmember Stewart made a motion to use the National Meter Company for \$750 a day to do leak detection. It was seconded by Vice Mayor Freund. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p> <p>Motion: Mayor Currier moved that, due to fiscal constraints, we watch the subsidence area for two months. It was seconded by Councilmember Barber. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p> <p>Staff was directed to cut off the drainage pipe near the sinking catch basin, as was discussed above.</p>	
	<p>ITEM #11B: CONDITIONAL USE PERMIT – LISA AND DAVE BILLINGSLEY</p> <p>Council will review and may approve a Conditional Use Permit to operate a walk-up bakery shop from a small shed located on Main Street.</p> <p>Mr. Sengstock addressed the Council and informed them that all of the legal and specific codes, including parking, have been met regarding this use, and all health and safety requirements have been satisfied. A building permit was never necessary, he said. The only thing remaining was zoning review, and this has now been approved by the Planning and Zoning Commission and the Design Review Board. He noted that he received two inquiries about this from citizens, and after he spoke with them, they were both satisfied. He recommended approval of the CUP.</p> <p>Councilmember Stewart asked about the concerns expressed to Mr. Sengstock. He replied that the people he spoke with thought that this required a building permit. Once they understood that it was not a requirement, he said, that cleared it up. He added that, previously, no site plan had been submitted, but that has now been done and approved.</p> <p>Councilmember Vander Horst asked about the "virtual parking spot" dedicated to this use, and wished to confirm that, if Mr. Tovrea were to develop his other (adjacent) property (for which the virtual parking spots were originally granted), the permit would be revoked. Mr. Sengstock confirmed this, and added that Mr. Tovrea has no plans to develop that property in the near future.</p> <p>Mayor Currier asked the Billingsleys about their business. Ms. Billingsley said that she will be selling baked goods prepared at her home across the street (on the top floor of the Sullivan Apartments). Mayor Currier asked if this would turn them into a commercial kitchen. Mr. Sengstock said that they have been approved by the County Health Department. Ms. Billingsley explained that her baked goods are non-perishable, so they just have to be registered with the state. She called it the "Cottage" law.</p> <p>Vice Mayor Freund said he was glad to see this property under the control of the Town.</p> <p>Motion was made by Frank Vander Horst to grant the conditional use permit. It was seconded by Vice Mayor Freund. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Sponsored by Mayor Lew Currier Discussion; Possible Action</p>
<p>ITEM #12: 9:58 pm</p>	<p>TO AND FROM THE COUNCIL</p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p>	<p>Discussion; Possible Direction</p>

	<p>Mayor Currier asked Councilmember Vander Horst if he and Ms. Gallagher had met regarding the personnel policies. Mr. Vander Horst said that they plan to meet during the first week of June.</p> <p>Vice Mayor Freund said that he feels "we should do something very nice" for the Jerome Humane Society. During our dealing with the plague, he said, they demonstrated the importance of residential volunteers to the health and safety of our Town. Councilmember Barber mentioned that the Spring Music Festival proceeds would go to the Humane Society. Vice Mayor Freund suggested a Mayoral Proclamation, and Councilmember Barber suggested adding special thanks to Dr. Kennaway.</p> <p>Councilmember Stewart asked if there was any new information on the leaning wall. Ms. Gallagher referred to her staff report stating that Core Structure Group would begin their work on the plans in about two weeks. After that is received, she said, the project can go out to bid.</p> <p>Mr. Tim Dixon asked if he could address the Council. Referring to his prior request for "No Littering" signs, he said that he understands that the signs he is requesting would be outside of Town limits, but asked if the Council could assist him with his requests to ADOT for this.</p> <p>Councilmember Vander Horst commented that he feels that the posted speed limit of 15 mph around the sharp corner of 89A at Hull Avenue and Jerome Avenue is too high and should be reduced. Ms. Gallagher said that she would speak to ADOT about that.</p>	
<p>ITEM #13: 9:11 pm</p>	<p>EXECUTIVE SESSION</p> <p>Council will enter into executive session for consultation with Town Attorney Bill Sims, pursuant to A.R.S. § 38-431.03 (A)(3) and A.R.S. § 38-431.03 (A)(4), regarding possible conflicts of interest.</p> <p>Motion was made by Councilmember Vander Horst to go into Executive Session. It was seconded by Councilmember Stewart. The motion passed with 5 ayes, 0 nays and 0 abstentions.</p>	<p>Sponsored by Mayor Lew Currier Discussion/Possible Direction</p>
<p>ITEM #14: 10:02 pm</p>	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Abe Stewart, seconded by Vice Mayor Doug Freund and unanimously approved, the meeting was adjourned at 10:03 p.m.</p>	

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: _____