

#### TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331 (928) 634-7943

#### **MINUTES**

## REGULAR MEETING OF THE JEROME TOWN COUNCIL VIA ZOOM

#### JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS

TUESDAY, DECEMBER 8, 2020, AT 7:00 P.M.

CAL	CALL TO ORDER/ROLL CALL								
May	yor/Chairperson to call meeting to order.								
M	Mayor Dillenberg called the meeting to order at 7:00 p.m.								
Town									
Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Jack Dillenberg, Vice Mayor Mandy Worth, and Councilmembers Jane Moore, Alex Barber, and Sage Harvey. Also present were Accounting Clerk Melanie Atkin, Zoning Administrator John Knight, and Deputy Town Clerk Rosa Cays.									
FINA	NCIAL REPORTS	3							
Finar	ncial reports for N	ovember 2	020						
	Motion to Ap	prove Nov	<u>ember 2020 Fi</u>	nancial Repo	<u>rts</u>				
	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN		
	BARBER			X					
DILLENBERG X									
				X					
	HARVEY MOORE	Χ		X					
	Mayo Moreover Town To Moreover We Co	Mayor/Chairperson to Mayor Dillenberg of Town Clerk to call and Town Manager/Cle Mayor Mandy Wor were Accounting of Cays.  FINANCIAL REPORTS Financial reports for N Motion to Ag COUNCILMEMBER BARBER	Mayor Dillenberg called the m Town Clerk to call and record the Town Manager/Clerk Candac Mayor Mandy Worth, and Cou were Accounting Clerk Melan Cays.  FINANCIAL REPORTS Financial reports for November 2  Motion to Approve Nov  COUNCILMEMBER MOVED BARBER	Mayor/Chairperson to call meeting to order.  Mayor Dillenberg called the meeting to order.  Town Clerk to call and record the roll.  Town Manager/Clerk Candace Gallagher of Mayor Mandy Worth, and Councilmembers were Accounting Clerk Melanie Atkin, Zoning Cays.  FINANCIAL REPORTS  Financial reports for November 2020  Motion to Approve November 2020 Financial Melanie Movember 2020 Financial Melanie Melanie Movember 2020 Financial Melanie Melani	Mayor/Chairperson to call meeting to order.  Mayor Dillenberg called the meeting to order at 7:00 p.m. Town Clerk to call and record the roll.  Town Manager/Clerk Candace Gallagher called the roll.  Mayor Mandy Worth, and Councilmembers Jane Moore, were Accounting Clerk Melanie Atkin, Zoning Administrat Cays.  FINANCIAL REPORTS Financial reports for November 2020  Motion to Approve November 2020 Financial Reports of Councilmember Movember 2020 Financial Reports SECONDED AYE  BARBER MOVED SECONDED AYE	Mayor/Chairperson to call meeting to order.  Mayor Dillenberg called the meeting to order at 7:00 p.m.  Town Clerk to call and record the roll.  Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Mandy Worth, and Councilmembers Jane Moore, Alex Barber, a were Accounting Clerk Melanie Atkin, Zoning Administrator John Knight Cays.  FINANCIAL REPORTS  Financial reports for November 2020  Motion to Approve November 2020 Financial Reports  COUNCILMEMBER MOVED SECONDED AYE NAY	Mayor/Chairperson to call meeting to order.  Mayor Dillenberg called the meeting to order at 7:00 p.m.  Town Clerk to call and record the roll.  Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Jack Di Mayor Mandy Worth, and Councilmembers Jane Moore, Alex Barber, and Sage Harve were Accounting Clerk Melanie Atkin, Zoning Administrator John Knight, and Deputy Todays.  FINANCIAL REPORTS  Financial reports for November 2020  Motion to Approve November 2020 Financial Reports  COUNCILMEMBER MOVED SECONDED AYE NAY ABSENT		

#### ITEM #3: 7:01 (1:45)

#### STAFF AND COUNCIL REPORTS

Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Clerk, Accounting Clerk, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief, and verbal reports from Council members.

Ms. Gallagher read from her staff report: COVID-19 continues to be the focus with cases spiking and meetings twice a week. She finalized an easement from UVX on Rich Street to install a water line and finalized the lease agreement with the new owner of Jerome Ghost Pepper Co. She met with John Litteer of ADEQ and Town Engineer Krishan Ginige to coordinate efforts on HURF drainage projects. Ms. Gallagher also met with Public Works Director Marty Boland, Fire Chief Rusty Blair, and County Supervisor Randy Garrison regarding the slide area by the fire station, which has been determined by the county to be town property, not county. Via Zoom, she attended a meet-and-greet with Mayor Dillenberg, Vice Mayor Worth, and the staff of Senator Kyrsten Sinema, who discussed ways they could help Jerome. Ms. Gallagher reported that the water flows are holding steady, and that sales tax revenues are less than last year but better than hoped.

Vice Mayor Worth asked for more information on the slide across from the fire station. Ms. Gallagher said she had no details but would report back to Council once she had them.

The vice mayor also announced that Margo Mandette had passed and offered condolences to Robin Anderson.

#### Motion to Approve November 2020 Staff Reports

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

#### ITEM #4: 7:07 (7:48)

#### ZONING ADMINISTRATOR'S PLANNING AND ZONING AND DESIGN REVIEW REPORT AND MINUTES

Minutes are provided for the information of Council and do not require action.

Mr. Knight went through his staff report and highlighted decisions made at recent meetings. He said the joint meeting with P&Z and Council focused mostly on code amendments and he is hopeful he can get them ready to finalize in February. Mr. Knight said he would be meeting with Ms. Moore and Ms. Harvey along with P&Z Chair Jessamyn Ludwig and P&Z Commissioner Lance Schall on Thursday to discuss projects eligible for administrative approval and those that would go before Council. He said a Council meeting to discuss code enforcement would also be scheduled soon.

Mr. Knight hopes to start working on the design guidelines in January once he's finished work on the code amendments. As for the community garden, Mr. Knight said they're in the process of selecting a contractor for fencing to keep javelinas and tourists out of the garden.

Vice Mayor Worth asked about the DRB minutes from November 2 regarding the item on changes in the field. Mr. Knight said questions about a specific project had come up and that he was looking for a comfort level with DRB regarding changes in the field and what administration can handle.

# ITEM #5: APPROVAL OF MINUTES 7:14 (13:51) **ITEM #6:** 7:15 (15:07) ITEM #7: **ORDINANCES** 7:15 (15:21) **ITEM #8:** 7:17 (17:08) addresses it. 7:21 (21:37)

November 10 regular meeting; November 18 special meeting

Motion to Approve the November 10, 2020 regular Council meeting minutes and the November 18 special Council meeting minutes with correction to motion on Item #3.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			X			
HARVEY	Х		X			
MOORE		Х	X			
WORTH			V			

#### PETITIONS FROM THE PUBLIC

There were no petitions from the public.

ITEM #7A: SECOND READING - ORDINANCE NO. 463, AN ORDINANCE OF THE TOWN OF JEROME, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE TAX; ADOPTING "THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF JEROME BY REFERENCE; ESTABLISHING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS.

Council may conduct the second reading of, and may adopt, Ordinance No. 463, adopting 2012-2014 amendments to the Model City Tax Code as previously approved by the Municipal Tax Code Commission.

Mayor Dillenberg read the ordinance in title only.

Ms. Gallagher explained that this is basically "housekeeping" and that the amendments have been in effect for some time; this would bring the town's codes up to date with the state's.

#### Motion to Approve Ordinance No. 463

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER		Х	X			
DILLENBERG			X			
HARVEY	Х		X			
MOORE			X			
WORTH			X			

#### **UNFINISHED BUSINESS**

#### ITEM #8A: DISCUSSION: DRAFT ORDINANCE TO AMEND THE JEROME TOWN CODE REGARDING THE **KEEPING OF BEES WITHIN TOWN LIMITS**

Council will continue their discussion of an ordinance amending the Town Code regarding the keeping of bees in Jerome and may direct staff in this regard.

Mayor Dillenberg asked Ms. Harvey to comment on this item.

Ms. Harvey said the cold weather is not helping; that she was stung by a bee last week and cannot sit on the porch. She asked Mr. Knight if he was able to contact the bee expert at NAU.

Mr. Knight said he reached out to Dr. Trainor, a bee expert at AZ State. He also emailed a beekeeper's group in Flagstaff and said it would be valuable to get local expertise. He thinks the problem may be between native bees and wild bees and a limited food source and wants to make sure an ordinance

Ms. Harvey said she would like to table the item until January when a bee expert can join the meeting. Ms. Moore agreed that information from an expert is needed and that she would like the two beekeepers in town to take part in the discussion.

#### ITEM #8B: COVID-19

Council will again discuss plans and timeline for reopening Town Hall, resuming the weekend shuttle service, and conducting in-person public meetings.

Mayor Dillenberg said to continue with the status quo. He shared a few comments about what is happening on a national level and thanked everyone for wearing masks, what he believes is the right

Vice Mayor Worth asked Ms. Gallagher if there have been any changes to procedures at town hall. Ms. Gallagher reported that the library is open to serve residents but has locked its doors due to tourists walking in without following protocol.

#### 7:24 (23:51)

#### ITEM #8C: PARKING AREA NEAR HOTEL JEROME

Council will discuss the parking area near the Hotel Jerome and may direct the Zoning Administrator regarding the accomplishment of a survey there.

Mr. Knight said this item had been discussed when the Cuban Queen project and parking was on the agenda. He said there is a small parcel behind the Hotel Jerome only accessed from Rich Street and that he has gotten one proposal for a survey of that parcel. Mr. Knight's question is if the survey should be done now or wait until the hotel is further along so that the survey pins are not moved or destroyed in the meantime. He said it would cost four to six thousand dollars for the survey.

Ms. Gallagher asked Mr. Knight if he'd gotten more than one quote and if he has checked with the town's current engineer.

Mr. Knight said he thought he had gotten another quote, that he has not reached out to Mr. Ginige, and that he wants to also contact Stan Dickey, local surveyor.

Ms. Worth said the quote seemed high. She asked if any grant funding could be used for the survey or if anything was put in the budget for this kind of cost.

Ms. Gallagher said nothing was in the budget specifically for surveying but perhaps it could fall under general engineering. She said she would investigate grant money as well.

Councilmembers agreed more estimates were needed.

Ms. Moore said she looked at the county map of the parcel below Hotel Jerome and suggested moving forward with the survey; that the pins could be photographed for the record in case anything should happen to them. She said it would be good to approve parking for that area.

Mr. Knight said he would get two more proposals, and that the boundary survey is what costs money, not the topographical survey. He said the Jerome Historical Society did have a survey done of the property next door, so the town would have that information. Mr. Knight also said that the drivable surface of Rich Street is owned by Verde Exploration and that they might be willing to give an easement to the town.

#### 7:31 (31:23) ITEM #8D: SPEEDING AND SIGNAGE ON DUNDEE

Council will discuss a request by a resident for signage, speed hump and greater enforcement on Dundee.

Ms. Gallagher said this was an update for the Council; that she talked to Chief Allen Muma and that a
5mph sign will be installed. The Jerome Police Department will also be sending letters to residents on
North Drive and Dundee asking them to observe the speed limit. She said Chief Muma was not in favor
of installing a speed bump.

#### 7:33 (32:54) ITEM #8E: COMMUNITY GARDEN UPDATE

Zoning Administrator John Knight will provide an update regarding the Community Garden.

Ms. Harvey, who sponsored this item, said she wanted to know more details about what progress was being made now that the community garden was eight months along. She said she thought the town's zoning administrator should be working on amendments and code enforcement and less on the community garden, and to let a small, organized group of volunteers take it on.

Mr. Knight agreed that this was quite appropriate. He said the garden was at a standstill until March anyway but that he was still working on getting a fence for it.

#### ITEM #9: NEW BUSINESS

#### 7:35 (34:48) | ITEM #9A: TOUR BUSINESS LICENSE – JEROME GHOST TOURS

Council will review and may approve a request by Jerome Ghost Tours for a license to operate walking tours in the Town of Jerome.

Ms. Harvey said Aeron Bailey has been doing business as Jerome Ghost Tours [without a business license or approval from the Council for a tour company] and that she could have booked a tour that day. She also said he has a permanent and a temporary sign already displayed. Considering he has had a business before [Smokin' Jerome's], Ms. Harvey said Mr. Bailey should be aware of the business ordinances.

Mayor Dillenberg said that without penalties or fines in place, he was not sure how to address this "bad behavior." He asked for input from the councilmembers.

Ms. Gallagher said Chief Muma is aware of the situation and is working on it. She also announced that Mr. Bailey had joined the meeting.

Ms. Barber said in the Town Code, Section 8-5-9 states what the violations and penalties are if a tour business is not in full compliance.

Mayor Dillenberg asked Mr. Bailey to comment and to explain why he was operating without a business license.

(37:13) Mr. Bailey said he felt there must have been a miscommunication, that yes, he has had a business for the last four years, so he is somewhat familiar with the town code. He thought it was okay to operate his business once he paid for the business license and submitted the tour routes. He said he was not trying to be negligent or disrespectful and that [Utilities Clerk] Kristen Muenz told him he couldn't do business until everything was in place. He said he must have misunderstood, and that in the past, he was able to do business while he waited for a renewed business license to be mailed to him.

Ms. Gallagher asked Mr. Bailey to note the changes in the route from what was originally proposed.

Mr. Bailey explained that the Pandora's Box tour had included a visit to the high school and that he had talked to Robert Westcott about it, who had revoked another tour company's rights to access it due to damages in the auditorium. That tour company has since filed a lawsuit, so the high school is now off limits to Jerome Ghost Tours until further notice. Mr. Bailey said that Jerome business owner John Bartell has purchased the Haskins Apartments and has given him permission to use one of the apartments to take tours through.

Ms. Harvey asked which tour the Haskins would be part of and what was replacing the high school tour.

Mr. Bailey said the Haskins would be in the Pandora's Box tour and the Jerome Ghost Walk tour.

Ms. Barber asked if the tour map was missing from the application, which the ordinance states is required. Ms. Gallagher said no route map was submitted.

Ms. Moore said in section 8-5-6 D., it states the business needs to also submit a copy of its liability insurance naming the town as additionally insured and showing a minimum of \$1 million coverage. She suggested that if someone is opening a tour business in Jerome, it would be good to familiarize oneself

with the Jerome Town Code regarding parking, signage, and the general laws of Jerome. She asked Mr. Bailey if he would be using a tour van and where he would be parking it.

Mr. Bailey said that he did review some of the code and that he is not using a van at this point. He also stated that insurance has been purchased and added the town to the coverage, and that he would provide proof of this. Mr. Bailey said if verbally stating where the tours go is not enough, he would provide a picture map.

Ms. Harvey said other tour companies in Jerome have had to give the town a map and proof of insurance, and that the code does state that operating a business without a license is a misdemeanor. Ms. Harvey shared her frustration regarding a pattern in this town of people not following code, and if people did, it would be easier for Council to make decisions.

Vice Mayor Worth referred to section 8-5-3 regarding compliance and said it was clear what the process is. She asked when the application was submitted and how much time the town has to approve or deny the application.

Ms. Gallagher said the application had been submitted in the last week or so, but that the licensing process had not gone forward because the applicant needed Council to approve the tour routes and other matters before issuing the license. She said the check and application are being held until Council approves the tour business.

Ms. Moore asked for confirmation that verbiage is on the actual business license stating that the license holder must comply with the town code. Ms. Gallagher confirmed this.

Mayor Dillenberg asked the councilmembers how they would like to address the situation.

Ms. Gallagher said the Council has the option to wait until the rest of the documents have been submitted (i.e., tour map, proof of insurance) or approve the business conditional upon Ms. Gallagher receiving the paperwork.

Ms. Harvey said the applicant needs to do this right to prevent it from happening with other businesses going forward; that the Council must enforce the codes.

Vice Mayor Worth clarified that the Council must approve the tour routes before approving the business. She agreed that everyone must be subject to the same and would like this to be a successful process for Mr. Bailey and have it move forward as expediently as possible.

Ms. Moore said that this is nothing unusual. She said she used to do a horseback tour back in the 1980s and had to provide the same documents and proof of permissions. Ms. Moore said documents need to be in order before allowing the business to operate and added that she was fine with Ms. Gallagher handling it administratively.

(54:54) Mr. Bailey said he felt like his intentions were misunderstood, as if he was trying to run a business without doing the right thing. He said he didn't realize a picture map was needed and that he didn't know Jerome had to be on the insurance policy, both of which he could provide in the morning. He said he was not doing it out of disrespect. He shared what he had been through in losing his business because of the pandemic and attempting to open a new business.

Mayor Dillenberg said he did not want to inhibit Mr. Bailey and just wants to make sure the code was being followed.

Ms. Gallagher said she could help expedite the rest of the application process with the Council's approval once the map and insurance policy showing Jerome as additionally insured is submitted. She agreed that the direction to Mr. Bailey may not have been clear.

Mayor Dillenberg reiterated that he didn't want Mr. Bailey to be impeded and would like to see him succeed; he just needs to practice the rules that are in place.

### Motion to conditionally approve the Jerome Ghost Tours business license once all required documentation is submitted, and that the business shall remain closed in the interim.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			Х			
HARVEY			X			
MOORE		Х	X			
WORTH	Х		X			

#### 8:02 (1:02:34) | ITEM #9B: APPOINTMENT TO PSPRS BOARD

Council may appoint a citizen member to the PSPRS (Public Safety Personnel Retirement System) Board for the remainder of the four-year term ending November 20, 2023. Ian Haney is unable to continue serving, and Ricardo Hernandez has offered to fill that seat.

#### Motion to Appoint Ricardo Hernandez to the PSPRS Board

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER		Х	X			
DILLENBERG			X			
HARVEY	Х		X			
MOORE			X			
WORTH			Y			

#### 8:03 (1:03:26) | ITEM #9C: OPIOID SETTLEMENT

The Town Attorney will advise Council regarding the Town's opportunity to participate along with other Arizona towns and counties in a settlement agreement with opioid manufacturers and distributors, and Council may approve a Memorandum of Understanding in that regard.

Ms. Gallagher said Town Attorney Bill Sims needed to join the meeting for this item and suggested taking a short break.

Ms. Barber asked if other Verde Valley mayors had signed on to the settlement. Ms. Gallagher said that most have, but that she had not gotten in touch with all of them.

Mayor Dillenberg called for a break from 8:04 to 8:15.

(1:05:38) Bill Sims joined the meeting and gave background on the opioid settlement. He said this is the result of negotiations between the state and third-party pharmaceutical industry dependents. He said the attorney general has been negotiating with counties and leaving cities out for the last seven months, and now needed approval from the cities. Mr. Sims said he sent a memo to members of the Risk Pool, and that the only alternative is to sign - or the money goes to those who do sign. Mr. Sims's recommendation is to sign to approve the allocations and that it is technically nonbinding; the town doesn't have to approve the final settlement.

Mayor Dillenberg asked what the downside would be if they did not sign the settlement. Mr. Sims said the town would miss out on a little money.

Ms. Harvey asked who receives the settlement money. Mr. Sims said Jerome would receive money to use toward opioid awareness, rehab, etc.

Ms. Barber quoted from the settlement and said Jerome would get so little money that it made her laugh.

Ms. Moore said the settlement is using information from 2012, yet the opioid crisis has increased so much since then. She said good things could be done, but it would be helpful to look at more recent data for it to be beneficial.

Ms. Barber said she spoke to Chief Rusty Blair about opioid abuse in Jerome, which he said has been minimal. She is behind signing the settlement so Jerome can be prepared to help its citizens.

Ms. Harvey asked if the funds could be used for prevention. Mr. Sims said they could.

Vice Mayor Worth referred to Item 4, page 4 of the settlement, where it states that if the settlement is less than \$500 for the local government, then the money would go to the county rather than the town or city. She then said that Chief Blair's municipal standpoint on the cost of opioid abuse differs from a social standpoint, in that Jerome has had its share of drug problems among residents. She then asked if the item should be tabled until after the executive session.

Mr. Sims said no, that he would still recommend signing the settlement.

#### Motion to Approve the Memorandum of Understanding

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH	Х		X			

#### 8:25 (1:17:20)

#### ITEM #9D: EXECUTIVE SESSION

Council may convene in executive session with the Town Attorney, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4) to receive legal advice regarding certain water and zoning issues.

#### Motion to go into Executive Session

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			Х			
HARVEY	Х		X			
MOORE			X			
WORTH		Х	X			

#### ITEM #10:

#### TO AND FROM THE COUNCIL

9:23 (1:19:21)

Council may direct staff regarding items to be placed on a future agenda.

Ms. Harvey said she would like an update on the district signs and that she would like to schedule the code enforcement meeting sooner than January.

Ms. Gallagher said that December 28 or 29 seemed to work for everyone. Discussion ensued, and it was decided that the code enforcement meeting would be held on December 29 at 11 a.m. The vice mayor requested that an executive session also be included if needed.

Vice Mayor Worth asked for an update on the parking inventory process as soon as possible and asked that an agenda item be scheduled to discuss town job descriptions and requirements sometime in the next couple of months.

#### ITEM #11:

#### **ADJOURNMENT**

#### Motion to Adjourn at 9:28 p.m.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			X			
HARVEY	Х		X			
MOORE			X			
WORTH		X	X			

APPROVE:

ATTEST

Dr. Jack Dillenberg, Mayor

Candace B. Gallagher, CMC, fown Manager/Clerk

Candare B. Lacengh