

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 www.jerome.az.gov

MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL

CONDUCTED VIA ZOOM

TUESDAY, OCTOBER 26, 2021 AT 12:00 PM

<p>ITEM #1: 12:00 (0:15)</p>	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order.</p> <p>Mayor Dillenberg called the meeting to order at 12:00 p.m.</p> <p>Town Clerk to call and record the roll.</p> <p>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Dillenberg, Vice Mayor Mandy Worth, and councilmembers Alex Barber, Sage Harvey, and Jane Moore. Town Attorney Bill Sims and Deputy Town Clerk Rosa Cays were also present.</p>
<p>ITEM #2: 12:01 (1:20)</p>	<p>ABANDONMENT OF PUBLIC RIGHTS OF WAY IN QUEEN STREET AREA</p> <p>Council will review a request by Cameron Sinclair for abandonment of certain public rights of way in the area of Queen Street and may direct staff in this regard.</p> <p>Mayor Dillenberg thanked Mr. Sinclair for the material he provided.</p> <p>(2:25) Property owner Cameron Sinclair shared his presentation onscreen and stated that it was for informational use about mostly town property. He said that, over the last 30 years, streets have been abandoned “informally” and that it is still in question whether Juarez Street is town- or UVX-owned. He stated that the streets are the town’s responsibility until they are officially abandoned. Mr. Sinclair said one important piece of history is the land swap deal of the right of way (ROW) between the two properties owned by the Guths and Frank Vander Horst.</p> <p>Mr. Sinclair continued with the history of road abandonment in the Queen Street area and nearby streets (Juarez, Rich, Conglomerate, and Diaz streets), then talked about the different maps and registration of streets. He then turned to the slide area and Jerome’s history of subsidence, but first stated that the reason for this research was because the area “is a mess” and needs to be cleaned up, and that it is not because Mr. Sinclair plans to run for town council, as rumored. He said it was because of a 40-foot-wide road collapsing into private property, and that certain appointed and elected town officials who said that he and Ms. Halbreich would not be able to build on their land because of subsidence issues. They began to do research, which, he said, revealed that it was not the subsidence from the 1950s but rather a result of more recent activity in that area during the last 10 years. Mr. Sinclair also noted that there could be a potential conflict of interest (due to land abandonment on UVX property) among officials who lease property from the UVX, which runs from the Queen Street area to the Gulch.</p> <p>Mr. Sims interjected that he did not necessarily believe there was a conflict of interest and explained why. He said the councilmembers have the right to listen at this point and that he would collect more facts from Mr. Sinclair regarding the conflict of interest. Mr. Sinclair said he brought it up because of an official recusing themselves from a previous project that involved UVX and that he personally felt all the councilmembers had much to contribute because many have been involved in and warned about the subsidence situation over the years.</p> <p>Mr. Sinclair continued with his presentation and, displaying a Yavapai County map and listing the subsidence issues that surround their property. He then suggested ways in which the town could approach this: formally abandon streets they cannot maintain or maintain streets if they believe they are active, which would likely prove to be expensive for the town. Mr. Sinclair then talked about the streets in question, showing them on the map.</p> <p>Mr. Sinclair then summarized the actions taken by Jack and Denise Guth over the years once they bought the property (Queen’s Neighbor). He said that at one point, the town used part of Conglomerate Street to swap for the right of way. Mr. Sinclair said the right of way has been used over the years and connects to UVX property. He said that when the Guths wanted to change the art gallery to a restaurant/bar, they needed ADA access onto the right of way which was closed off at the time. Mr. Sinclair said that new owners of the property and the LLC that “runs along it” could enforce this if they wanted to continue the use, but that the town would have to maintain an ADA-compliant right of way. Mr. Sinclair said that after a year or two, Mr. Guth wanted a road built along the sliding jail to ease access to the gallery, which started the next round of subsidence in the area and filled the Sliding Jail area with water.</p> <p>Mr. Sinclair then shared history about the property owned by the Jerome Historical Society and transferred to the town. He explained how and why a town can abandon certain streets, like Conglomerate Street, which is about</p>

where the Sliding Jail now sits. Mr. Sinclair expounded on how the town would split the property and each would gain footage if Conglomerate were to be officially abandoned, and added that he could see making it a more “pedestrianized” area.

Councilmember Barber made a correction to page 31 of Mr. Sinclair’s presentation where he stated she was the mayor in late 2016; she was not the mayor at that time. She then complimented him on his investigative work.

Mr. Sims pointed out three issues: 1) the rezoning of Mr. Sinclair’s parcel at the town’s discretion; 2) the origin of the subsidence, which Mr. Sims said he was not ready to concede; and 3) the power of abandonment of streets and determination of UVX property. Mr. Sinclair stated that this meeting was not about the rezoning; Mr. Sims agreed that it was separate but still an issue.

Councilmember Moore confirmed that the ROW Mr. Sinclair was speaking of was the one between the Guth property and the Vander Horst—now Mr. Sinclair’s— property and questioned whether the town was supposed to maintain it. Mr. Sinclair said that, based on the land swap, they made it an active ROW and it was because of the ADA access Ms. Guth had set up that the town would have to maintain it. He said he had documentation from the 1990s proving that this ROW was established (when Mr. Guth was on town council).

Councilmember Harvey pointed out that certain pages in Mr. Sinclair’s presentation were illegible. Mr. Sinclair offered to provide a hard copy of the higher-resolution version of the presentation.

Ms. Harvey motioned to move into executive session.

Motion to move into executive session at 12:37 p.m.

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

(39:40)) Council returned to open session at 1:01 p.m. Mayor Dillenberg was no longer present.

Vice Mayor Worth announced that Mr. Sinclair’s presentation has raised questions and that Mr. Sims would be contacting Mr. Sinclair to clarify the information presented.

(40:55) Jerome resident Jay Kinsella said he appreciated what the Council was doing and that when a resident mentions abandonment, it is a serious issue. He acknowledged that it takes extensive research, energy, and fact gathering. He said problems began with the Guths building a residence, then a gallery. Mr. Kinsella said he ran for Council in 1997 because of Jack Guth’s position on the Council and his conflict of interest—and personal gain—in the decisions being made around his property.

Mr. Kinsella, who lives on Rich Street, mentioned that neither he nor the Jerome Historical Society had been informed of the October 20 P&Z meeting and should have been due to their respective property’s proximity (within 300 feet) to the Queen Street property, which was on the agenda for a rezoning request. He also mentioned that the Sanborn maps, which Mr. Sinclair refers to in his presentation, were created for insurance purposes, and that the Yavapai County GIS is not absolutely accurate, which is claimed on the county’s website. Mr. Kinsella then talked about Queen and Rich Streets and their widths, and the pin alignment near the basketball court and the rock wall, which he suggested the town look into to see if they have shifted. He also stated that he works for the historical society but does not make decisions for the organization. He said the Jerome Historical Society (his “bosses”) had taken the town to task on the Sliding Jail issue that turned it into “Sliding Jail Lake,” and an agreement was made regarding ownership. He said when the historical society finished the subsidence project, there was no fill in the Mexican pool area. He said Frank Vander Horst wanted to uncover the area of the pool and had equipment to do so. Mr. Kinsella shared more details about what happened at the time.

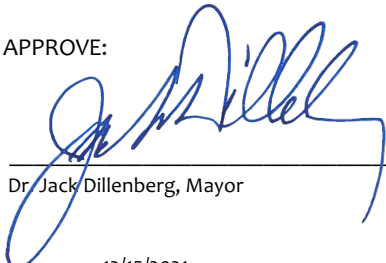
As for the subsidence area, Mr. Kinsella said that in 2020, ADOT did work on the indicators regarding movement and determined that there was no measurable movement. He said much of the subsidence happened in the 1930s. Mr. Kinsella suggested that Mr. Sinclair or the town have a true title search done of the area. He also said he was concerned that P&Z made their decision so quickly on such a significant issue and warned the Council to be careful when they decide on abandonment and to consider future infrastructure projects that may require crossing privately-owned land.

Ms. Harvey asked about the dates of the Hill Street extension. A brief discussion ensued. Ms. Moore replied that it was prior to 2004 when she and Mr. Kinsella were on the Council. Vice Mayor Worth requested that records be pulled about the Hill Street extension.

(57:42) Mr. Sinclair clarified for Mr. Kinsella that the item at the P&Z meeting was about the rezoning, not the abandonment issues. He talked about other abandonment issues in the area, including First Avenue. Mr. Sinclair said the abandonment issue could take a year to resolve; that if a road is abandoned, the property owner is responsible for maintenance. If not, the town must maintain it. Mr. Sinclair restated the town’s options to abandon, partially abandon, or not abandon the roads and that all the information he had presented was from Town Hall. He remarked that Mr. Guth kept very thorough records, good or bad, and that one reason he was bringing the street abandonment up to Council was because the Guth property would soon be on the market, that many people are

	<p>interested, and that the ADA access and ROW may need to be continued and maintained by the town if the new owner chooses to continue the restaurant/bar use and business license.</p> <p>Vice Mayor Worth asked Mr. Kinsella about “Lil’s Place” and when it was renovated. He replied that it started in the late 1970s and continued into the early 1980s. Mr. Kinsella said the town mandated that the owner put in a stairwell that connected First Avenue to Diaz Street, a partial abandonment.</p> <p>Ms. Barber asked if the stairwell was a right of way. Ms. Harvey said that when she lived at Lil’s, she was told the stairs were a town ROW. Discussion ensued about other town ROWs and the Shephard-Wesnitzer survey, which Mr. Kinsella said included several phases regarding parking. Ms. Barber requested that the survey be shared. Mr. Sinclair said he had a copy of it and could forward it to Ms. Gallagher. The vice mayor asked that Ms. Gallagher forward the survey and other related documentation to Council.</p> <p>Ms. Barber turned the discussion to having a title search done. The vice mayor asked Ms. Gallagher to start with an in-house search. Mr. Kinsella said he has attempted title searches in the past and that it was worth saving the time and money to hire a title company; he suggested Yavapai Title. Mr. Sinclair asked about the property near Juarez and Diaz Streets and asked that it also be searched. Ms. Harvey said a professional title search would be worth the expenditure.</p> <p>Ms. Gallagher asked for clarification on the title search. Vice Mayor Worth said the general area below the Sliding Jail, above Douglas Road, to Lil’s Place, and to Jay Kinsella’s property.</p>																																										
<p>ITEM #3:</p>	<p>ADJOURNMENT</p> <p><i>Motion to adjourn at 1:38 p.m.</i></p> <table border="1" data-bbox="399 772 1403 900"> <thead> <tr> <th>COUNCILMEMBER</th> <th>MOVED</th> <th>SECONDED</th> <th>AYE</th> <th>NAY</th> <th>ABSENT</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td>BARBER</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DILLENBERG</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>HARVEY</td> <td>X</td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOORE</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WORTH</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER			X				DILLENBERG			X				HARVEY	X		X				MOORE			X				WORTH		X	X			
COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN																																					
BARBER			X																																								
DILLENBERG			X																																								
HARVEY	X		X																																								
MOORE			X																																								
WORTH		X	X																																								

APPROVE:



Dr. Jack Dillenberg, Mayor

Date: 12/15/2021

ATTEST:



Candace B. Gallagher, CMC, Town Manager/Clerk