

TOWN OF JEROME

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

MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL

CONDUCTED VIA ZOOM

TUESDAY, NOVEMBER 9, 2021, AT 7:00 P.M.

ITEM #1:	CALL TO (ORDER/ROLL CA	\							
7:00 (0:08)				rder.						
7.00 (0.00)	-	Mayor/Chairperson to call meeting to order. Mayor Jack Dillenberg called the meeting to order at 7:00 p.m.								
	_	to call and record		ing to order at	7.00 p.m.					
						5:11				
		anager/Clerk Cand								
		nembers Alex Barb Finance Manager N					WITALLOTTIEY D	iii Siriis, Police C	niej Alien	
		illenberg rearrang				-	randa itams ha	va haan laft in t	bair original	
		these minutes.	eu the agen	ida iri corisidera	tion of certain	i atteriaees. Ag	genda items na	ve been lejt in t	nen original	
ITEM #2:	_	L REPORTS								
7:39 (15:13)	Financiai re	eports for Octobe								
				ber 2021 Finan		T	T		٦	
		COUNCILMEMBER BARBER	MOVED	SECONDED X	AYE X	NAY	ABSENT	ABSTAIN	-	
		DILLENBERG			X				1	
		HARVEY MOORE	Х		X				-	
		WORTH			X					
ITEM #3:	STAFF AN	ID COUNCIL REP	PORTS							
7:40 (15:47)		the Town Manag						Works Depart	ment,	
	Building In:	spector, Library, <i>N</i>	Municipal Co	ourt, Police Chi	ef, Fire Chief,	and Council m	embers.			
	Ms. Gallo	agher read from he	er staff repo	ort. She also anr	nounced that s	he had attend	ed a pre-bid me	eeting for the C	DBG project,	
	along wi	Ms. Gallagher read from her staff report. She also announced that she had attended a pre-bid meeting for the CDBG project, along with seven contractors, and work is expected to start in January.								
	Vice May	Vice Mayor Worth said that on the mayor's behalf, she attended the Yavapai County Mayors, Managers, Supervisors, Tribe								
	and Nation Biannual Meeting on November 4, as did Ms. Atkin (on Ms. Gallagher's behalf).									
	Motion to accept the October 2021 Staff Reports									
		COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN		
		BARBER DILLENBERG			X	1			-	
		HARVEY		Х	X				1	
		MOORE WORTH	Х		X				-	
ITEM #4:	ZONING A	DMINISTRATO	R'S REPOR	T AND MINU	TES	•		-1	ı	
7:44 (19:37)		e provided for the				ire action.				
ITEM #5:		L OF MINUTES								
7:44 (19:51)		2021 (closed sessi	ion): Octobe	er 4 2021 (00e)	a and closed s	assions). Octo	her 12 2021 (o	nen and closec	Lessions)	
7.44 (19.51)	August 25,							pen and closed	1 363310113)	
		COUNCILMEMBER	MOVED MOVED	gust 23, Octobe	AYE	NAY	ABSENT	ABSTAIN	٦	
		BARBER	MOVED	X	X	NAI	ABSENT	ABSTAIN		
		DILLENBERG	X		X X					
		MOORE	^	х	X				1	
		WORTH			Х					
ITEM #6:	PETITION	S FROM THE PU	IBLIC							
7:44 (20:43)		agher read a letter	•		•	•	-	t was recently u	p for	
	consider	ation. He was info	rmed that t	he applicants h	ad since witho	lrawn their pro	oposal.			
ITEM #7:	PRESENT	TATIONS								
7:47 (22:50)	ITEM #7A	: YAVAPAI COUI	NTY BROA	DBAND INITI	ATIVE					
/		oski will present ir				Broadband Ini	tiative.			
	_	ligoski, executive o			•			the Yavanai hr	padband	
			22231 37 61	a. apai coui	,		,,	apai bit		
	project a	and said Jerome w	as a "test be	ed" to show the				sses and Town I	Hall were set	
		and said Jerome w ously with broadb			e work could b	e done when t	hirteen busine			

Mr. Goligoski said the request for proposal (RFP) deadline was December 2, and that Jerome's buy-in would be \$22,000 and that the town would pay the provider directly (provider to be determined by an RFP committee). He said the county would assist Jerome with the needed reports for submittal and that an immediate decision was not expected of the town.

Councilmember Barber asked if it would be a Type I single-fiber feed and how they work. Mr. Goligoski said providers will have to connect through conduit or poles—or "license-fixed" wireless near more difficult terrain—and that 60 percent fiber will be run for the whole project. Mr. Goligoski said Sparklight has built a larger "pipe" for Type I single fiber, which they own, not lease (this is what Type I refers to). He said with this project they want a bigger capacity than the minimal requirement.

Ms. Barber said that Jerome prefers the fiber over wireless and that there is no room for cell sites in town. She asked how the thirteen businesses receive their broadband service. Mr. Goligoski said that the fiber installed either branched off before it reached town hall or branches from town hall. He said the new wireless is not a cell tower and that it is brought up on a less-intrusive "flagpole" and repeaters that can expand service up to a 12-mile radius.

Ms. Moore asked if the fiber feed could be underground along Gulch Road. Mr. Goligoski said that they will put fiber underground as much as they can. He said a lot of cable has been run on existing APS poles for the last 20 years.

Ms. Moore asked if residents have a choice of service, wired or fixed wireless, and if they would be notified in advance. Mr. Goligoski said residents would want fiber, but some areas may only be serviced with wireless; and yes, they would be notified in advance. He also verified that the financial contribution would be committed to this budget year so the service provider can plan well in advance.

Ms. Barber said that fiber is better than wireless and asked if Jerome would be paying the \$22,000 to Sparklight directly. Mr. Goligoski said the provider is yet to be determined, hence the RFP.

Councilmember Harvey requested that Item #9C be addressed next.

ITEM #8: ORDINANCES

8:33 (1:08:53)

ITEM #8A: SECOND READING AND POSSIBLE ADOPTION – ORDINANCE NO. 475, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW SECTION 10-3 THEREOF, ENTITLED "SPECIAL EVENTS"

Council may conduct the second reading of, and may adopt, Ordinance No. 475.

Ms. Gallagher noted that a change, as requested by Council during first reading, was made to the language regarding parking at the 300 level.

Motion to adopt Ordinance No. 475

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

8:34 (1:10: 46)

ITEM #8B: SECOND READING AND POSSIBLE ADOPTION – ORDINANCE NO. 476, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE TO REMOVE THE RESIDENCY REQUIREMENT FOR THE POSITIONS OF TOWN CLERK AND TOWN MANAGER

Council may conduct the second reading of, and may adopt, Ordinance No. 476.

Mayor Dillenberg recommended this item be tabled as additional information has come up regarding the requirements of residency for the town manager that needs further investigation. No action was taken.

7:02 (1:09)

ITEM #8C: FIRST READING – ORDINANCE NO. 477, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, APPROVING AN AMENDMENT TO THE ZONING MAP

Council may conduct the first reading of Ordinance No. 477.

Mayor Dillenberg conducted the first reading of the ordinance in title only.

Ms. Moore addressed the "perceived appearance" of conflict of interest for this item and Item #9G brought about in an email from Jerome property owner Cameron Sinclair to town attorney Bill Sims. She said as a councilmember, it was important to take the interest of the community to heart. Ms. Moore recused herself from this item and 9G because of a perceived conflict of interest, even though she feels she could make an unbiased decision on these issues. She read from the email, which she requested be shared with the other councilmembers and for the record, and countered allegations in the message.

Ms. Moore reiterated her recusal and requested once again that the email be included for the record.

ITEM #9:

UNFINISHED BUSINESS

8:35 (1:11:30)

ITEM #9A: PUBLIC HEARING CONTINUED: WATER AND SEWER RATES, FEES AND CHARGES

Council will continue a public hearing which commenced on September 14, 2021 regarding possible changes to water and sewer rates, fees, and charges.

Ms. Gallagher explained that Resolution #628 would adopt new rates for commercial accounts as of January 1, 2022 andmaintain residential rates as they are. The Resolution also anticipates that Council will add a line maintenance charge at a later date. The Resolution setting the new commercial rates can be adopted now, she said, and the public hearing

continued to a later date with respect to the line maintenance charge. Ms. Moore asked if there was anything else that needed to be adjusted or clarified and reminded Council they had agreed to monitor the new rate system for the first year to allow for any needed adjustments. Dan Jackson of Willdan Financial Services was in attendance and said the Council could change the rates at its discretion.

No members of the public spoke.

Ms. Harvey motioned to adopt Resolution No. 628 (next item) and to continue the public hearing until January.

Motion to continue the public hearing until January 11, 2022

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

(1:16:58) Council took a short break from 8:41 to 8:53.

(1:17:19) For clarification and for the record, Mayor Dillenberg reconducted the first reading of Item #8C.

ITEM #9B: RESOLUTION NO. 628, ESTABLISHING WATER AND SEWER RATES, FEES AND CHARGES

Following the public hearing listed above, Council may adopt Resolution No. 628.

Motion to adopt Resolution No. 628 with the date amendment regarding the maintenance charge

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

8:13 (49:12) ITEM #9C: TOUR BUSINESSES

Council will discuss issues related to tour businesses in Jerome and possible amendments to the Town Code in that regard.

Ms. Gallagher said letters were mailed to tour businesses asking for updated routes and driver information.

Chief Muma said this issue was brought up a couple of months ago due to complaints from residents. He said tour companies were not in compliance with the town code, but that the code was also not being enforced, and that tour routes had to be the ones approved by Council. Chief Muma suggested amending the code so that companies are required to get new tour routes approved in advance of using them.

(52:04) Aeron Bailey, owner of Jerome Ghost Tours, said it has become clear that people are having issues with the tour companies. He said his business has accommodated locals, after seeing comments on Facebook, by changing out bright flashlights and no longer offering tours at 11 p.m. Mr. Bailey said his routes are still the same and that the only change is that they now have a van that goes to the high school and the Audrey headframe. He said this has not affected locals. Mr. Bailey mentioned that their history tour does take them to the top of County Road and that they sometimes, with Jerome resident Roberto Rabago's permission, turn around in his driveway. He said these tours only happen two to three times a week and are mostly attended by senior citizens, so they are not creating disturbances in the neighborhood. Mr. Bailey said he has put this tour route change request in for approval.

Vice Mayor Worth said that along with the issues mentioned, there have been concerns about trespassing on private property. She asked Chief Muma if this has been addressed, and he replied that no additional complaints have been reported to the police since the letters were sent to the tour businesses. He said he was unaware of any significant problems other than one tour company employee who was criminally charged, and that JPD occasionally receives complaints about people in the cemetery, but that it is usually individuals, not tours. Chief Muma said some tours have contracts with UVX, which allows them to take groups to the cemetery.

Ms. Moore pointed out that commercial travel is prohibited in residential areas per the town code—a resident who allows access to their private driveway needs to be addressed. She said she was glad flashlights have been toned down, as well as late tours. Ms. Moore suggested limiting the number of tour companies due to traffic congestion, which was suggested by a former town attorney.

Mayor Dillenberg asked Chief Muma what he thought about the one resident allowing commercial operation in the off-limits neighborhood. Chief Muma suggested checking with the town attorney and establishing night restrictions. He supported the idea of limiting the number of tour companies.

Ms. Barber agreed with these suggestions.

(1:01:33) Mack Brennan of Crested Construction said people have been trespassing the Queen's Neighbor property for quite a while and nothing is being done about it. He said it was dangerous and the town could be liable.

Ms. Gallagher said this issue could be on the next agenda, with suggested changes to the code along with all the current tour company routes.

(1:03:15) Mr. Sinclair said he and Mr. Brennan witnessed a tour van turn around on Queen Street, back into the Guth property, only to get stuck, then in a panic, tear up the terrain as they accelerated to leave. He said the area is used as a turnaround, so this too needs to be addressed.

Mayor Dillenberg expressed his appreciation to Mr. Bailey for his input and compliance with the town code, and he told the mayor he supported whatever changes were needed.

8:39 (

Vice Mayor Worth said she has heard about tour vans trespassing on Queen Street. She suggested working with the town crew or JPD to eliminate safety concerns and that something be done before the next Council meeting. Ms. Moore agreed. Chief Muma said he wanted to make it clear that complaints in this town do not get to the right place. If they call JPD, it's documented, but he said they have not received many complaints.

8:53 (1:17:46)

ITEM #9D: PUBLIC RESTROOMS AND PORTAJOHNS

Council will review preliminary plans for a permanent public restroom and discuss when to remove the portajohns currently located near Middle Park.

Ms. Barber asked where the dumpsters would be relocated and mentioned that the artists' co-op is the only space with public restrooms in the lower area of the commercial district. She also asked about the usage of the portajohns.

Ms. Gallagher confirmed that the restrooms are open to the public again at the artists co-op, which puts the availability of facilities back to what they were prior to the pandemic. She also stated how much has been spent on the portajohns this fiscal year, what has been budgeted for the public restrooms, and that Chief Muma has said the project could be complete by April/May.

Chief Muma said conceptual plans were drawn up to show location and the basic, two unisex restrooms, which would take up two parking spaces. He said the dumpsters would be moved down two parking spaces. The facility would be fully ADA-compliant with a designated accessible parking space. Chief Muma said he, Chief Blair, and Marty Boland met with Harry Stewart to verify that they had sewer, water, electricity all available in that location, and that they will build block or poured concrete walls for the structure. Chief Muma said he believes it can be built within the \$50,000 budget.

Vice Mayor Worth said her understanding was that the town would need a licensed commercial contractor to supervise the project. Chief Muma said he would have to check on this, but that licensed laborers would be hired to do the work staff cannot do. The vice mayor said she thought any project over \$1,000 requires a registered, licensed, commercial contractor to oversee it, regardless of who does the work.

Ms. Moore asked if the plans would go through P&Z and DRB. Ms. Gallagher confirmed that they would.

Ms. Gallagher asked for direction regarding the portajohns. A brief discussion ensued. Mayor Dillenberg agreed with Ms. Barber on cutting down to two at this time and removing the last two johns after the holidays.

9:02 (1:26:10)

ITEM #9E: RESOLUTION NO. 624, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING THE ADOPTED FEE SCHEDULE REGARDING BUILDING PERMIT FEES

Council may adopt Resolution No. 624.

Ms. Gallagher said she had talked with building inspector Barry Wolstencroft regarding the valuation and fee schedule, which he said was typical in Arizona. Ms. Gallagher pointed out the examples of fee schedules from other municipalities in the agenda packet.

Motion to adopt Resolution No. 624

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

9:03 (1:27:54)

ITEM #9F: ZONING ADMINISTRATOR POSITION

Council will review and may approve a retainer with InterimPublicManagement.com to provide candidates to serve as interim zoning administrator/code enforcement officer.

Mayor Dillenberg said Council has an opportunity to get an interim zoning administrator through this agency, which has claimed they have three candidates for Jerome. He said it is a costly service, but the town needs it.

Ms. Gallagher reported that other towns have said they have found good candidates from this service but did say it was expensive. She outlined what the town has saved by not having a zoning administrator for the last 18 weeks. She estimated that it would cost \$1000 to \$650 per day to hire an interim zoning administrator through Interim Public Management and that they have not provided estimated fees beyond the \$1500 retainer fee.

Mayor Dillenberg said we need coverage, even if it is for two to three months.

Ms. Gallagher said there have been no responses to the job posting.

Ms. Harvey asked if the other towns are still using the candidates now. Ms. Gallagher said some of the candidates are active now. Ms. Harvey said she would like to see numbers from the agency, not just Ms. Gallagher's estimates.

Ms. Gallagher said she would relay this request and suggested scheduling a special meeting once she received information.

7:10 (9:29)

ITEM #9G: CONTRACTUAL OPTIONS FOR ADDRESSING STREET ABANDONMENT AND SUBSIDENCE

Council will discuss with the Town Attorney contractual options for addressing street abandonment and the area of subsidence near the Sliding Jail. A portion of this discussion may take place in executive session, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4).

This item followed Item #8C. After Ms. Moore stated her recusal from both items, Council went into closed session.

Motion to enter closed session at 7:11 p.m.

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

Mr. Sims clarified that Ms. Moore would not be able to attend the closed session.

(13:15) Council returned from closed session at 7:37 p.m.

Vice Mayor Worth shared the recommendations determined during the closed session, which included direction to Mr. Sims to work on a development agreement.

Mr. Sims left the meeting at 7:39 p.m.

ITEM #10:

NEW BUSINESS

9:10 (1:34:16)

ITEM #10A: RESOLUTION NO. 629, AUTHORIZING A CHANGE ORDER TO THE AGREEMENT WITH SOUTHWESTERN ENVIRONMENTAL CONSULTANTS (DRAINAGE IMPROVEMENTS)

Council may approve Resolution No. 629, authorizing a change order to the agreement with SEC for engineering work related to drainage improvements funded by the HURF Exchange program.

Ms. Gallagher said Krishan Ginige has requested changes to the contract, a net change of approximately \$26,000 to be covered by the grant.

Ms. Moore said she would like to see the flume design. Ms. Gallagher said she would forward this request.

Motion to approve Resolution No. 629

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

9:12 (1:36:15)

ITEM #10B: AMENDMENTS TO ZONING ORDINANCE: SIGNS

Council will review amendments to the Zoning Ordinance regarding signs as recommended by the Planning & Zoning Commission and may direct staff in this regard.

Ms. Harvey had several questions, mostly to do with typos in the amended changes. She also suggested that in section G.8, that the square footage allowed for banners for town-sponsored events be 16 square feet.

Ms. Gallagher asked Council if they agreed with the comments made in her staff report. Mayor Dillenberg said they did.

Motion to approve changes to the zoning ordinance regarding signs and refer them back to P&Z

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

9:17 (1:41:30)

ITEM #10C: LETTER OF SUPPORT FOR VERDE VALLEY CIRCLE TRAIL PROJECT

Council may authorize a letter of support from the Town of Jerome for the Verde Valley Circle Trail Project.

Ms. Moore asked if the Circle Trail Project would be a motorized or nonmotorized trail. Ms. Harvey said she remembered they talked about hiking and biking and did not mention motorized vehicles.

Motion to approve letter of support for the Verde Valley Circle Trail Project

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

9:20 (1:44:00)

ITEM #10D: COVID-19 PROTOCOL

Council will review the most recent COVID statistics and discuss whether and when to resume in-person Council meetings, and the mask requirement for entering Town buildings.

Mayor Dillenberg said he strongly feels Council should continue with the current COVID-19 protocol considering the increasing case numbers in Yavapai County.

Vice Mayor Worth agreed with continuing with the status quo and would like to revisit this in January.

Ms. Moore said she has received complaints regarding the lack of in-person meetings but is willing to go along with what Council decides.

	_	enberg said he s _i thin a few weeks		aff at Spectrur	n and Chief Bla	ir and is planni	ng a clinic for f	ree booster sho	ts in	
ITEM #11:	TO AND FRO	OM THE COUN	ICIL							
9:23 (1:47:28)	Council may	Council may direct staff regarding items to be placed on a future agenda.								
	council me	Vice Mayor Worth mentioned that the National League of Cities virtual summit was coming up and encouraged the other council members to submit any requests for topics they would like her to pay attention to. She also paid tribute to Tyrone Bell, who recently passed away and whose family is part of Jerome's history.								
ITEM #12:	ADJOURN <i>N</i>	1ENT								
	Δ.	Motion to adjour	n at 9:26 p.1	<u>m.</u>						
		COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN		
		BARBER		Х	X					
		DILLENBERG			X					
		HARVEY			X					
		MOORE			X					
		WORTH	Х		X					

APPROVE:

ATTEST:

Dr. Jack Dillenberg, Mayor

12/15/2021