



# TOWN OF HUACHUCA CITY

*The Sunset City*

500 NORTH GONZALES BOULEVARD • HUACHUCA CITY, ARIZONA 85616

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## HUACHUCA CITY TOWN COUNCIL MINUTES REGULAR MEETING AT 7:00<sup>PM</sup> THURSDAY, APRIL 9, 2015

- A. **The Meeting was Called to Order at 7:20 p.m. and the Pledge of Allegiance was said.**
- B. **Roll Call**

### **Present:**

**Mayor:** Ken Taylor

**Mayor Pro-Tem:** David A. Perry

**Council Members:** Laura Wallace  
Donna Johnson  
Christy Hirshberg

**Town Clerk:** Tammy J. Mitchell, MMC

**Town Attorney:** Thomas Benavidez-Not requested

**Absent:** Terry Hobbs - Excused  
Walter Welsch - Excused

- C. **Approval of the Regular Meeting Minutes of March 26, 2015**  
**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Mayor Pro Tem Perry*  
**Motion** made by *Mayor Taylor* to approve the minutes, **seconded** by *Mayor Pro Tem Perry*

**5-0 Motion Approved**

- D. **Call to the Public [3 minute limit] Agenda Items Only. (See below)**
  - 1. Johann Wallace – referendum regarding the Town Code. I don't understand why it is classified under a closed session. As long as it follows the A.R.S. then there is no reason for a closed session.
- E. **Reports by Council Members and Officers**

1. **Councilmember Welsch - Library/Senior Center-** Councilmember Welsch was absent; Clerk Mitchell stated that Director Norris report is in your packets if you have any questions.
2. **Councilmember Hobbs– Planning and Zoning-** Joanne Wallace reported the P&Z stated they have a full board now and had their meeting on April 1<sup>st</sup>. They discussed the ordinance that defined RV Trailers and the second item is start on the ten year plan.
3. **Councilmember Wallace – Parks and Recreation-**Councilmember Wallace reported they did not have a meeting due to no quorum. Also, Councilmember Wallace is getting ready for the summer program and we will be hiring two aides and maybe one director. Councilmember Wallace also would like to encourage anyone to join the Parks and Rec’s Board and become part of the planning of activities of the city.
4. **Councilmember Johnson – Public Safety-** Chief Grey reported that he took a week out and left Lt. Thiess in charge and now Lt. Thiess is attending manager classes.
5. **Mayor Pro Tem Perry - Public Works-** Mayor Pro Tem Perry reported the Public Works crew has been out mowing grass and weed eating in the right-away and the parks. Mayor Pro Tem Perry stated the wind is raising havoc on the Land Fill and we are staying on top of it.
6. **Councilmember Hirshberg– Finance-**Councilmember Hirshberg reported the she has no finance report tonight just the bills and everything is within the norm.
7. **Mayor Taylor-**Mayor Taylor said about a month ago he spoke with a gentleman about recycling. Currently we are looking over the proposals and then we have received another proposal from a different company.
8. **Tammy Mitchell – Town Clerk’s Report-**Clerk Mitchell reported she will put recycling information in your mailboxes prior to the next meeting. Also, the ICS State Training for Elected Officials has been cancelled and rescheduled. We are having this at 5:00 p.m. prior to the next meeting on April 23, 2015. Clerk Mitchell stated the clown from the circus came to town and I took her to the school and the children loved her. Tickets are still on sale at City Hall and the Library.

Mayor Taylor asked if the public to keep the talking down so other citizens can hear.

**F. Unfinished Business: None**

**G. New Business**

1. **Discussion and/or Action [Mayor Taylor]: Results of Lawsuit from Recall Election.**  
**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Mayor Pro Tem Perry*.

Mayor Taylor stated the result was the court had no jurisdiction to do anything and the motion was dismissed. What bothered him the most was the news paper article stated the Town Clerk should do her job, which was confusing. The state law gives the candidates a chance to challenge other candidates in a

certain time frame prior to being on the ballot, which was not done. The Town Clerk has no authority to challenge any candidates that is done through the courts. People would have to act on their own accord not the municipality's resources. Mayor Pro Tem stated the one word in the law said the elector would challenge the candidate. Also, after the election a candidate should have sued the other candidates not the town. Mayor Taylor said the Town Clerk did her job professionally and correct.

**No Action Taken**

2. **Discussion and/or Action [Mayor Taylor]: Results of the Variance Public Hearing.**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Mayor Pro Tem Perry*

**Motion** made by *Councilmember Wallace* to postpone the decision until the next meeting, **seconded** by *Mayor Pro Tem Perry*.

**4-1 Motion Approved**  
**Councilmember Johnson voting No**

3. **Discussion and/or Action [Councilmember Perry]: Executive [closed] session, pursuant to A.R.S. 38-431.03 (A)(3), for legal advice concerning undertaking an audit of past credit card expenditures. Following the executive session, the Council might take action on this item.**

**Motion** made by *Mayor Taylor* to enter in Executive Session on both item 3 and 4, **seconded** by *Mayor Pro Tem Perry*. 7:50 p.m

**5-0 Motion Approved**

4. **Discussion and/or Action [Mayor Taylor]: Executive [closed] session, pursuant to A.R.S. 38-431.03 (A)(3), for legal advice concerning a referendum petition submitted on Ordinance 2015-02 re-formatting and re-publishing the Town's Code**

Motion made by Mayor Taylor to enter into open session, seconded by Mayor Pro Tem Perry at 8:30 p.m.

**5-0 Motion Approved**

Motions made by Mayor Pro Tem Perry to have Town Staff research item #3 the cost of a forensic Audit, seconded by Mayor Taylor. **Roll call vote was taken:**

**Councilmember Hirshberg – No**

**Councilmember Wallace – No**

**Councilmember Johnson – No**

**Mayor Pro Tem Perry - Yes**

**Mayor Taylor - Yes**

**3-2 Motion Failed**

H. **Payment Approval Report in the amount of \$109,163.01**

**Motion** made by *Mayor Taylor* to open for discussion and/or action, **seconded** by *Mayor Pro Tem Perry*.

**Motion** made by *Mayor Taylor* to approve the payment amount, **seconded** by *Councilmember Wallace*

**5-0 Motion Approved**

- I. **Call to the Public: [3 min. limit] ARS38-431-01 Public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.**

None

- J. **Discussion and/or Action [Town Clerk]: Items to be placed on the next agenda**  
1. **Discussion and/or Action [Mayor Taylor]: Results of the Variance Public Hearing.**

- K. **Adjournment ( PM)**

Motion made by *Mayor Taylor* to adjourn, seconded by *Councilmember Johnson*  
5-0 Motion Approved

Approved by Mayor Taylor on April 23, 2015

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Mayor Ken Taylor

Attest: \_\_\_\_\_  
Town Clerk Tammy J. Mitchell, MMC

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Town of Huachuca City held on April 9, 2015. I further certify that the meeting was duly called, and a quorum was present.

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Tammy J. Mitchell, MMC, Town Clerk/Administrator