

**Regular Meeting Minutes
Duncan Common Council
Thursday, February 10, 2022; 5:00 pm
Duncan Town Hall; 506 SE Old West Highway
Duncan, Arizona**

Call to Order: 5:00 pm

Roll Call: Mayor Anne Thurman, Vice Mayor Valerie Smith, Council Member Jill Wearne, Council Member Alex Blake, Interim Town Manager Philip Cushman, Assistant Town Clerk Megan Bejarano, Assistant Town Clerk Brienne McGrath present, Council Member Deborah Mendelsohn present via phone and Town Attorney Christina Estes- Werther present via zoom.

Pledge of Allegiance: Vice Mayor Valerie Smith

Prayer: Mayor Anne Thurman

1. Presentation by the Arizona Municipal Risk Retention Pool (AMRRP) Legal Counsel:

William Simms from the Arizona Risk Pool presented via zoom. William Simms stated disputes become complaints. This results in disharmony with Council and Staff. Disagreements cause expensive problems. Have an ethics policy. Don't get involved in Staff issues. Make sure codes are enforced. Best thing to do is preserve Council-Manager form of government. Common sense is the right approach. Need to amend code and ethics policy. Council Member Alex Blake asked at what point does an inquiry become pressure? William Simms answered, giving orders or directions is going to far. Mayor Anne Thurman thanked him for his presentation and William Simms thanked her back.

2. Consent Agenda: Council Member Jill Wearne moved to accept Consent Agenda. Vice Mayor Valerie Smith seconded. All favored, motion carried.

- a. **Approval of January 31, 2022 Special Meeting Minutes***
- b. **Approval of February 5, 2022 Work Meeting Minutes***
- c. **Approval of Expenditure of \$14,474.48 to Senergy Petroleum LLC for Five Unpaid Invoices***
- d. **Approval of Interim Town Manager's Emergency Expenditure of \$2,376.02 to Replace the Failed Hard Drive on the Server ***

3. Call to Public: Donna Show has concerns about not renewing Interim Town Manager Philip Cushman's contract. Feels it is a big mistake. Veregy can wait. Philip has done so much for the town. We need him here for everything we need to do by July. Really, really need to reconsider. Les Billingsley spoke on behalf of The Pride Society. He stated there is a lot of history here and would like to see the Town do better. Had a good start with Mr. Cushman. It takes time to fix things and we need to be thinking. Rick Hervol stated nothing got done with the last Manager. He has never met Mr. Cushman but feels we need to keep him. Construction means stuff gets

torn up. The dirt is better than what we have now. I would like to see him stay because it's the first-time things are getting done. Meghan Wagley asked "Do you support local businesses?" Wants your support about the proposed Family Dollar liquor license. Family Dollar doesn't support the Town. Really would like your support.

4. Summary of Current Events:

a. Mayor's Report:

b. Council Members Report: Vice Mayor Valerie Smith reported have started the search for Town Clerk and Manager. Have received a handful of applicants. Ball is moving in the direction needed.

c. Town Manager's Report: Interim Town Manager Philip Cushman provided a letter. (Attached to packet). Mayor Anne Thurman and Vice Mayor told him thank you. Council Member Jill Wearne said thank you and that she has learned and grown under his management. Council Member Deborah Mendelsohn said thank you for all you have done.

5. Community Organizations and Current Events Reports: Dustie Robinette wanted to thank all who participated in the Christmas festivities. We need to be thinking about the 4th of July. Really appreciated Mr. Cushman and hopes there is a transition plan. Would like Council to reconsider Mr. Cushman's contract. Interim Town Manager Philip Cushman stated that the Senior Center just started their exercise program.

6. Approval of Resolution 22-2-2: Proclamation Honoring the Presidents of the United States of America on President's Day, 21 February, 2022: Vice Mayor Valerie Smith moved to approve Resolution 22-2-2: Proclamation Honoring the Presidents of the United States of America on President's Day, 21 February, 2022. Council Member Alex Blake seconded. All favored, motion carried.

7. Approval of Resolution 22-2-3: Proclamation Honoring the 110th Birthday of the State of Arizona, 14 February, 2022: Council Member Jill Wearne moved to approve Resolution 22-2-3: Proclamation Honoring the 110th Birthday of the State of Arizona, 14 February, 2022. Vice Mayor Valerie Smith seconded. All favored, motion carried.

8. Approval of Resolution 22-2-4: Proclamation Honoring the Birthday of Associate Justice Sandra Day O'Connor, 26 March, 2022: Council Member Alex Blake moved to approve Resolution 22-2-4: Proclamation Honoring the Birthday of Associate Justice Sandra Day O'Connor. Vice Mayor Valerie Smith seconded. All favored, motion carried.

9. **Approval of Expenditure of \$16,950 to Survey Town Owned Properties at the Outpost, Parks Canyon, and the Cemetery:** Vice Mayor Valerie Smith moved to approve the Expenditure of \$16,950 to Survey Town Owned Properties at the Outpost, Parks Canyon, and the Cemetery. Council Member Jill Wearne seconded. Discussion: Leah Schorm presented. Council Member Deborah Mendelsohn wondered if we should do one property at a time due to Finances. Leah Schorm stated that we get a deal with multiple properties so it would save us money to do more than one at a time. We can recover the cost by the sale of properties. Town Attorney Christina Estes-Werther stated that she needs to see the actual agreement for the surveys. Interim Town Manager stated the sale of the Outpost is most urgent. There are multiple people interested in that property. Parks Canyon would be next on the list. Leah Schorm Stated that Parks Canyon needs to be subdivided. Council Member Alex Blake asked why Parks Canyon needs to be subdivided, it will reduce the value. Leah Schorm stated that the paper work for that property states it's to be subdivided. Council Member Alex Blake moved to Direct the Town Manager to direct staff to figure out pricing for Outpost and Cemetery. Vice Mayor Valerie Smith seconded. All favored, motion carried.
10. **Approval of Disbursement of \$7,400.24 to CPR Savers & First Aid Supply for First Aid Equipment for Swimming Pool, Public Works, Water Laboratory, Senior Center, and Town Hall for American National Standards Institute (ANSI) Compliance:** Leah Schorm presented. She recommends Cardio Care LLC. We have no equipment at any of our properties. There will be an initial fine at first and then a monthly fine until in compliance. Town Attorney Christina Estes-Werther has concerns and feel it may need to go to Executive Session. Council Member Alex Blake moved to table for legal advice in Executive Session. Vice Mayor Valerie Smith seconded. All favored, motion carried.
11. **Presentation on the Information Technology Emergency Action Proposal and Approval of Disbursement of \$25,000 for Replacement Network Server:** Joshua Maner stated that we suffered a server malfunction. CS&S hasn't heard from us in 8 years. Tried to get more quotes but hasn't heard from anyone. Could sell uninstalled Base Radio Station equipment. The cloud is not a safe place to use for our information. Nothing there can be verified. Town Attorney Christina Estes-Werther stated that because it's an emergency it can be purchased without the other quotes. Council Member Jill Wearne move to approve the Disbursement of \$25,000 for Replacement Network Server. Vice Mayor Valerie Smith seconded. All favored, motion carried.
12. **Update on the Veregy Energy Saving Capital Improvement Project and Update on the Status of the Water Infrastructure Financing Authority (WIFA) Loan Process:** Dick Williams from Veregy presented. Gave a handout out to use as a road map forward. WIFA has 14 item they have concerns about. Went through the handout line by line. Dustie Robinette commented we are a long way into this and why are we just hearing about \$450,000 cap on principal forgiveness.

Council Member Alex Blake moved to take a 5-minute recess. Vice Mayor Valerie Smith seconded. All favored, motion carried. Vice Mayor Valerie Smith moved to reconvene. Council Member Alex Blake seconded. All favored, motion carried.

- 13. Presentation on the Process for Utility Rate Study:** Paul Juhl from Tierra Water presented. Rebuild books on water revenue. After 3 years do another analysis and can always decrease rates. The cost will be between \$5,00 - \$10,000. They are sensitive to the town's situation. Council Member Alex Blake would like to know a ball park figure of how much it could be increased. Tierra Water wants to be sensitive to the people. **Council Member Alex Blake moved to discuss. Vice Mayor Valerie Smith seconded. All favored, motion carried.**
- 14. Implications of Liquor License Request by Local Dollar General Store to the Town of Duncan:** **Vice Mayor Valerie Smith moved to discuss. Council Member Jill Wearne seconded. All Favored, motion carried.** County meeting on February 23, 2022 at 8:00 am. Vice Mayor Valerie Smith Stated that she is against this and there is no need for it. Town does not collect taxes from them. Council Member Jill Wearne is concerned. Council Member Deborah Mendelsohn is against it. Council Member Alex Blake stated he was indifferent, his concern is that if we take a stance, are we setting precedence. Charlie Billingsley, used to own The Outpost, stated that it will really hurt the local businesses. You have to take alcohol handling classes and Family Dollar will not make them take them. They have a big turnover in employees. Meghan Wagley stated this will kill her business. This is her livelihood and local businesses care about the Town. They cannot get beer or alcohol for as cheap as a big store can get it. We need your help. Amanda Calloway stated the shirts you see around town that our kids are wearing are supported by our local businesses. Family Dollar doesn't support the town.
- 15. Discuss and Approve the Selection of Prospective Candidates to Consider for Employment as Interim Town Manager. The Council may vote to discuss this matter in Executive Session pursuant to A.R.S. §38-431.03 (A)(1) and (3):** **Vice Mayor Valerie Smith moved to go into executive session for items 15 &16. Council Member Jill Wearne seconded. All favored, motion carried. Council Member Jill Wearne moved to reconvene. Council Member Alex Blake seconded. All favored, motion carried. Council Member Alex Blake moved to Direct Town Attorney Christina Estes-Werther to interview Candidates for Interim Town Manager. Vice Mayor Valerie Smith seconded. 4 aye's and 1 nay. Motion carried.**
- 16. Discuss and Approve Continued Employment of Mr. Cushman as Interim Town Manager. The Council may vote to discuss this matter in Executive Session pursuant to A.R.S. § 38-431.03 (A)(1) and (3).** **Executive Session. NO action taken. Combined with Item 15.**
- 17. Adjournment:** **Council Member Jill Wearne moved to adjourn. Vice Mayor Valerie Smith seconded. All favored, motion carried.**

Certification: I hereby certify that the foregoing minutes are a true and correct copy of the Regular Meeting held on the 10th day of February, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of February, 2022

Regular Meeting Minutes, February 10, 2022

**Assistant Town Clerk
Brienne McGrath**