



MINUTES

WICKENBURG COMMON COUNCIL STUDY SESSION MEETING

Monday, February 24, 2025 - 2:00 P.M.

**1980 W. Wickenburg Way – Police Department Training Room
WICKENBURG, ARIZONA 85390**

A. CALL TO ORDER – Mayor Bratcher called the meeting to order at 2:04 PM

B. ROLL CALL

Present: Mayor BG Bratcher
Councilmember Kristy Bedoian
Councilmember Shawn Clark
Councilmember Margaret Nyberg
Councilmember Rebecca Rovey
Councilmember Art Rubash
Absent Vice Mayor Brian Jones
Staff Present: Troy Smith, Interim Town Manager
Trish Stuhan, Town Attorney
Tim Suan, Deputy Town Manager/Economic Development
Steve Boyle, Community Development Director
Amy Brown, Town Clerk
Les Brown, Police Chief
Robert Martinez, Finance Director
Tarah Mayerhofer, Human Resources Director
Ed Temerowski, Fire Chief
Herschel Workman, Public Works Director

C. NEW BUSINESS

1. Presentation, Discussion, and Direction Between the Common Council and Town Staff Regarding Council Priorities and Planning for the Town of Wickenburg in FY 2025/26. Presentations may include discussion of the following: Capital Improvement Projects, Parks Master Plan, Parks and Open Space, Community Center, Recreation Programs, Revenue Sources, Public Safety, Economic Development, Code Compliance, Annexation, Public Utilities, Technology, Citizen Communication, Special Events and Community Quality of Life. The purpose of the meeting is for staff to present information to the Council to assist in formulating town priorities and planning.

Troy Smith, Interim Town Manager, stated that this is part two of the Council retreat and he has two roles for this meeting, one as the Interim Town Manager and the other as the retreat facilitator. He brought a cowboy hat for when he has to step in the role of the facilitator to move the meeting along or to put an item aside for discussion at a later date. There was a question at the last meeting regarding the General Fund supplementing enterprise funds. There are administrative fees from enterprise funds to the General Fund for management costs for payroll, finance, human resources and town management since each of those funds don't have separate functions in those areas, so those are taken care of by General Fund personnel.

Robert Martinez, Finance Director, reported that the enterprise funds include water, wastewater, electric, sanitation, and the airport. They are supposed to be run as separate businesses. Water 2, wastewater 2, and airport have all had losses over the last two years, some of that is due to depreciation expenses from assets. The revenues for water and wastewater increased by \$1 million, but for system 2 the new rates didn't start until January 1, 2025. Depreciation is over the lifetime of the asset. There is a loss of value which is recognized as an expense in the financial statements. Interim Town Manager Smith stated that many cities and towns are going through the same issues with utility rates having to be increased to offset the increase in the costs and expenses.

Interim Town Manager Smith reviewed the list of direction from the first day of the Council retreat:

- Staff will work toward a 5-year CIP list
- Facility Master Plan sample report will include a color showing the level of need such as red, yellow or green and staff will get that to Council soon
- Transportation and Transit Plan – The Mayor and Town Manager met with Ed Zyercher from Maricopa Association of Governments today and they have a person in house who can help the town with a transportation plan
- A report on the new rates and usage will be downloaded after one year of the new rates, with a report expected in September
- The Strategic Annexation plan was sent to the Council with a request for comments prior to taking it to the Planning and Zoning Commission. Community Development Director Boyle stated that usually the town is supposed to have a plan to extend the water and wastewater to a newly annexed area in ten years. The town doesn't want to force someone to connect unless the line is within 300 feet of their property. If it is undeveloped land, usually the town will require the developer to set up a water and wastewater system, or extend the lines, such as was done with Wickenburg Ranch. Mayor Bratcher and Councilmember Rovey requested a study session regarding annexation prior to it going to the Planning and Zoning Commission.
- The volunteer program will be scrapped, and staff will continue to deal with volunteers on a department-by-department basis

- The idea of a hotel with the community center was removed from the town website, along with the community center survey
- The emerging consensus on the Community Center was to fix the maintenance issues without a full remodel. He had some ideas on what could be done to complete a few improvements.
- Accelerate the maintenance items at the parks instead of spacing them out over several years
- Design Sunset Park to expand options and then work on the design of Sunrise Park

Interim Town Manager Smith reported on a few legislative updates from today's briefing:

- HCR2021 – This is the food tax bill that passed out of the House Ways and Means Committee with an amendment to freeze anyone with a current food tax at 2%. This would reduce the percentage collected by 50 of the 71 cities and towns that collect this tax, for a total cost of \$35 million. This would start July 1, 2027.
- HB2222 – Requires settlements over \$500,000 to be approved by the state, which will slow down the settlement process, and could cost additional attorney fees
- SB1185 – Requires municipalities to provide 24-hour access to publicly maintained restrooms and potable water for use by homeless individuals
- SB1560 – This requires strict compliance for referendums

Mayor Bratcher requested an item due to requests that she has had for virtual participation at Council meetings. Interim Town Manager Smith stated that the request was to make the meetings hybrid with a virtual option. Adding the virtual option does make it more difficult for IT and the Mayor, as they must control zoom. The public would be asked to submit their request to speak forms by noon on the meeting day. The council stated that their complaints were people wanting to hear and see the meeting. The AV upgrades should solve those problems. Consensus of Council was to try zoom input after the AV upgrades are complete, if the cost is minimal.

Mayor Bratcher also wanted to talk about possibly having a designation of a historic district downtown. She wanted to have design standards but did not want to put too many restrictions on the owners, so they still could remodel. Director Boyle stated that the town must make sure not to have a prop 207 issue with devaluing someone's property with restrictions. Town Attorney Trish Stuhan stated that the last plan was for redevelopment, where an area was considered to have blight. The town can look at a historic overlay, but the town will want the property owners to buy into it. It was suggested to have a study session regarding options for overlay districts or designated areas.

There was a review of the Capital Improvement Projects for an update:

- Finance – Folding and Stuffing Machine – has arrived

- IT – Network Refresh – in progress
- IT – Mobile Data Terminal Replacements – received
- Police – Armored Vehicle – ordered
- Police – Mobile Command Truck – used at Gold Rush Days and it worked great having a central place that was visible for the public
- Police – Vehicle Upfitting – six vehicles on the March 3rd agenda
- Fire – Cardiac Monitor Replacement – ordered
- Fire – Fire Station 751 Remodel – Underway and should be back in by summer – There was a request to tour the construction.
- Fire – Type 6 Fire Engine Upfit – in process
- Fire – Ladder Truck Replacement – ordered 1 ½ years to receive
- Recreation – LED Balloon Lights – this will be for night events and haven't been ordered yet
- Recreation – Sound System – this will be for events for amplification – ordered
- Recreation – Pool Remodel/Improvement – after the pool resurfacing project is complete
- Recreation – Portable Stage – this will be raised platforms instead of the mobile stage for events
- Library – Kitchen/Bath/Work Area Remodel – starting soon
- Streets – Dump Truck – this is in 5 funds, but staff hasn't found one yet
- Streets - Lift Gate – purchased
- Streets – Tegner Phase 2 from the light to Sols Wash – start in April/May
- Streets – Constellation Road – cost is about \$1 million to fix from the Y to the shooting range – next year
- Streets – Coconino Parking Lot – this is to pave a dirt area for more downtown parking in a future agenda that hasn't been approved yet
- Streets – North Vulture Mine Road – mill and fill in two years with design next year
- Streets – Pavement preservation is \$500,000 each year, which will probably have to be increased in next budget to include improvements to Lewis Addition Roads
- Airport – Covered Tie Downs – on hold due to lack of space
- Airport – Apron Rehab – complete
- Airport – Taxi Lane Rehabilitation – pending FAA funding
- Parks – Pool Resurfacing – in process
- Parks – Town Hall Restrooms – in process
- Parks – Security Measures Town Hall – complete
- Parks – Town Hall Exterior Paint – complete
- Parks – Reroof Town Hall – complete
- Parks – Resurface Pickleball Courts Sunset Park - complete
- Parks – Pickleball Restrooms – we need to double the amount as originally the Pickleball club was going to pay for half of the costs, now not contributing
- Parks – Remote Restroom Doors – changing the locks
- Rodeo Grounds – Trail Upgrades – complete

- Rodeo Grounds – The Council would also like to look at RV hookups, leveling some ground, water spickets, fix the bathrooms, and overnight stables. There has also been a request for better lighting in the arena, and parking lots for night events, which is estimated to cost \$1 million.
- Maintenance Shop – Hose Machine was changed to a Pressure Washer/steam cleaner – purchased
- Maintenance Shop – Shade structure is to protect equipment from the sun's damage
- Wastewater 1 – Clarifier – done soon to rehabilitate the 3rd clarifier
- Wastewater 1 – Headworks and Grit Removal – Design will be in this FY and coming soon
- Wastewater 1 – Digester – Design this FY
- Wastewater 1 – Intensification Expansion – Bids will be coming back on March 6
- Water 1 – Utility Storage – in process
- Water 1 - Monitoring Wells – looking for a location
- Water 1 – Adams/Santa Cruz Waterline Replacement – in design, to construction soon - \$400,000 from CDBG
- Water 1 – El Pajarito – project for CDBG next year if we get the grant
- Water 1 – Shade Structures and Fencing Improvements – at well sites in the future
- Water 1 – Vulture Mine Booster Station – future project
- Electric – Jackson/Mohave – almost done
- Electric – La Golondrina – some underground is complete with a Cox project to do the trenching – Century Link will stay on the poles in the areas that the town and Cox go underground, and they are responsible for the poles. They don't want to go underground.
- Sanitation – The town just received two new sanitation trucks. It takes a while to receive them once they are ordered, so there might be another next FY and they currently cost about \$475,000.
- Add lighting around the Police Department and Town Hall
- Look at Restrooms being open Downtown – There are restrooms at Wishing Well Parks and the Library. The ones at Town Hall are open when Town Hall is open.

Council took a break at 3:40 PM

Council reconvened the meeting at 3:52 PM

2. Presentation, Discussion and Direction Between the Common Council and Town Staff Regarding Council Orientation which may include discussion regarding Open Meeting Law, Council-Manager Form of Government, Code of Ethics, Council Policies, Rules of Conduct at Town Council meetings, Roberts Rules of Order and Expectations

Troy Smith, Interim Town Manager, stated that the Councilmembers are elected as individuals but need to work as a team for the benefit of all the residents of Wickenburg. It is not an easy task, which is why there are not many who decide to run for the Council. He sent an article to the Council regarding attributes of exceptional Councils. Some of the points include:

- Exceptional councils develop a sense of team – a partnership with the town manager to govern and manager the town
- Exceptional councils have clear roles and responsibilities that are understood and adhered to
- Exceptional councils honor the relationship with staff and each other
- Exceptional councils routinely conduct effective meetings
- Exceptional councils hold themselves and the town accountable
- Exceptional councils have members who practice continuous personal learning and development

The Council-Manager form of government was established in the early 20th century and was designed to counter corruption and poor administration of political machines and mayors. This form of government is the most ethical, as it separates politics from the administration. All cities and towns in Arizona have this form of government. The Council works with the Manager for the success of the town. Council sets the policies and priorities as well as policy direction. The Council evaluates the performance of the organization through the Manager. The Manager develops and executes plans that are in alignment with the Policy established by the Council. The Manager establishes and defines resources, provides feedback and recommendations, and evaluates performance.

The Town of Wickenburg was incorporated in 1909. The town operates under the general laws of the State of Arizona, specifically Title 9 provides the authority to act. The Town Code also regulates the town. In the Council-Manager form of government, the Town Council is the legislative and governing body of the town. Council also makes policy decisions that are administrative, executive, and quasi-judicial decision with recommendations and advice from the Town Manager, Town Attorney and staff.

Town Attorney Stuhan stated that the Council has immunity for their decisions made in a legislative capacity on the dais. The Council directs the Town Manager. The Town Manager is over personnel, so the Council should not direct staff. Immunity can be an issue if the Council gets involved with personnel. The Council's first stop should always be the Town Manager.

Town Council roles and responsibilities include the following:

- Corporate powers of the town are vested in the Council
- Exercised by ordinance, resolution, order and motion
- No Councilmember has individual authority to act on behalf of the town or direct town staff
- Act as a body

- Enact legislation
- Approve budget
- Enforce Council's standards and policy
- Fulfill duties enumerated in Arizona Revised Statutes (ARS)

Town Manager roles and responsibilities include the following:

- The Office of Town Manager is authorized by ARS 9-303 and created by Town Code section 4-1-1
- Town Manager is appointed by the Council and serves at the pleasure of the governing body and may be removed without cause by a majority vote
- Carrying out the Council's decisions is delegated to the Town Manager as his responsibility
- Town Manager is the Chief Administrative Officer of the town and is responsible to the Council for the proper administration of all affairs of the town. He stated that government is different than business. He saw one city that hired a previous CEO from the private sector as their city manager. He came in and started rewarding employees with bonuses and vacations, which is illegal under the gift clause for governments, so he ended up going to jail because he didn't understand the government. Open Meeting Law is another law that governments have to follow that the private sector is not familiar with.
 - ✓ Duly enforce all laws and ordinances of the town
 - ✓ To control, order and give directions to all heads of departments, subordinate officers and employees of the town
 - ✓ Appointing Authority – appoint, discipline and terminate employees of the town
- To prepare and submit to the Council the annual tentative budget
- To recommend to the Council for adoption such measures and ordinances as is necessary or expedient
- To attend all meetings of the Council unless excused there from and to attend, or designate a representative to attend, all Board and Commission meetings
- To purchase or cause to be purchased all supplies and equipment, and to make arrangements for contractual services for all departments
- To make investigation into the affairs of the town and any department, or any contract, for the proper performance of any obligations of the town

Under the Council-Manager form of government, the Council shall deal with the administrative services of the town only through the Town Manager, except for purposes of inquiry, and the Council shall not give orders to any subordinate of the Town Manager. The Council directly appoints and supervises three employees: Town Manager, Town Attorney and Town Magistrate. The Town Manager appoints and supervises all town employees, including department heads.

Governance is policy setting by the Council. This is hard work because many times you will have a choice between two values, and have to decide what is the

best for the entire community. Not everyone will agree with a Council decision. There might be a group of people at a meeting, but they might not represent the entire community. The Council's north star is always to determine what is in the best interest of the community as a whole. The Council authorizes the use of public resources in the budget process. The Council sets the community vision and prioritizes the desired outcomes. All things require the action of the majority of the council to move forward.

The mission of elected officials is to "Serve as policy makers by representing the values, beliefs, and priorities of the community and determine the policies to guide and protect the orderly growth and development of the community." The Council will make policy through legislative decisions, such as with ordinances, resolutions and annexations. There are also administrative decisions including contract approvals. The Quasi-Judicial role is usually during land use cases and development.

The Council is elected as an individual. However, governing occurs as a body on the official record in order to achieve the goals and objectives each person has for the community which requires working together. Understanding different perspectives and respecting differing values is part of what makes our democratic institution so great. It contributes to making the best decisions for the community. The right decision is not always clear due to the different values and perspectives that each Councilmember brings to the table. Policy choices involve tradeoffs among the differing values because constituents and Councilmembers weigh values differently.

Good governance includes strategies for collaboration and cooperation:

- Develop curiosity, not defensiveness
- Genuine, active listening
- Ask "why?" to understand the problem
- Separate the people from the problem
- Focus on mutual interests, not positions
- Seek options to deliver mutual benefit – look for a win-win situation

Many cities and towns that he has worked for have had a Council Policy Manual. Wickenburg's Council has a few guiding documents including the Rules of Conduct of Town Council meetings and the Code of Ethics policy. However, they are not in one central document and are limited. This manual can be a tool when there is a conflict. The Council Policy Manual is intended to provide tools to help the Town Council conduct effective and efficient business:

- Provide general direction, not all inclusive
- Consolidates policies into one document referred to as the Council Policy Manual
- The Council is responsible for ensuring the accountability of its members to the compliance of its rules, procedures, and ethics policy - its POLICY
- Council policy should be adopted by a majority vote of the Council

- Council policies can be amended by resolution

Council value examples include the following:

- Council and the Town Manager are a team that will cooperate with each other in the conduct of town business
- Council actions are enhanced by processes that encourage public involvement and community engagement
- Councilmembers demonstrate respect and act with integrity
- Councilmembers will be transparent
- Councilmembers will respect traditions but not be bound by them

If any Councilmember receives a request from a constituent, it should be sent to the Town Manager, preferably in email, to establish a record. Please put in the email if you want to respond to the resident, or if you want staff to respond directly to the resident and copy you. This will assist the assignment to the proper person, tracking of the request, and follow-up. Any citizen complaints should be referred to the Town Manager or designee for resolution.

A policy decision that could be in the manual is to limit assignment from an individual Councilmember to one hour of work. Requests or projects that are anticipated to consume more than one hour of work will be referred to the entire Council for direction.

Councilmembers will initiate resolution of problems quickly and not let them fester or be prolonged. Furthermore, they should resolve differences through direct interaction with each other and involve the Town Manager and/or Town Attorney, as appropriate. The Council should practice civility and decorum in discussions and debate. The Council should also honor the role of the Mayor in maintaining order. The Council needs to lead by example to demonstrate civility which will help lead the public. Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and see a compromise that benefits the community as a whole.

Interim Town Manager Smith stated that at his first meeting a member of the public went up to the dais during the meeting. This is not safe. He has now instructed the Police Chief to step in to stop anyone from approaching the dais during the meeting.

There was discussion about a system for the Council to request to speak. Staff will look into electronic options. Some other cities and towns raise their hands to be recognized by the Mayor or raise a flag when they want to speak.

Councilmember Kristy Bedoian had to leave the meeting at 4:57 PM.

Interim Town Manager Smith stated that the ethics policy is in the packet for this meeting and is signed by Council and commission/committee members.

Town Attorney Stuhan stated that if anyone has a question about a possible conflict of interest, she is available prior to any meeting to discuss. The Council needs to not accept any invitations or gifts over \$50, so no expensive dinners. The rest of the Open Meeting Law will need to be discussed at a later date. Town Clerk Brown stated that we will have Open Meeting Law coming soon, so the Council will get that training at that meeting.

D. **EXECUTIVE SESSION** - (Council May Vote to Go Into Executive Session Pursuant to A.R.S §38-431.03(A)(3) to Receive Legal Advice from the Town Attorney on Any of the Above Agenda Items.)

E. **ADJOURNMENT**

MOVED BY Councilmember Rebecca Rovey to adjourn at approximately 5:02 PM
SECONDED BY Councilmember Margaret Nyberg

VOTE: 5 – 0 (Yes – Mayor Bratcher, Councilmembers Clark, Nyberg, Rovey, and Rubash) (Left Early – Councilmember Bedoian) (Absent – Vice Mayor Jones)

BG Bratcher, Mayor

ATTEST:

Amy Brown, Town Clerk

CERTIFICATION

I, Amy Brown, the duly appointed and qualified Town Clerk of the Town of Wickenburg, do hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of Wickenburg, Arizona held on February 24, 2025. I further certify the meeting was duly called and held and that a quorum was present.

Amy Brown, MMC
Town Clerk