



MINUTES

**WICKENBURG COMMON COUNCIL
REGULAR MEETING
Monday, April 7, 2025 - 5:30 P.M.
155 N. TEGNER - COUNCIL CHAMBERS
WICKENBURG, ARIZONA 85390**

- A. **CALL TO ORDER** – Mayor Bratcher called the meeting to order at 5:31 PM
- B. **PLEDGE OF ALLEGIANCE** - Led by Public Works Director Herschel Workman
- C. **INVOCATION** - Led by Wickenburg Christian Academy Student Micah Gallagher

D. ROLL CALL

Present: Mayor BG Bratcher
Vice Mayor Brian Jones
Councilmember Kristy Bedoian
Councilmember Shawn Clark
Councilmember Margaret Nyberg
Councilmember Rebecca Rovey
Councilmember Art Rubash

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

E. MAYOR & COUNCILMEMBERS REPORT ON CURRENT EVENTS

- Vice Mayor Brian Jones thanked the town for dump days.
- Councilmember Art Rubash reported on a successful opening to Little League baseball.
- Councilmember Shawn Clark stated that Pastor Paul Jones from the Yarnell Presbyterian church was killed in a car accident along with others in another vehicle.
- Councilmember Margaret Nyberg reported on a successful starting weekend for Cowgirl Up at the museum and for West Fest.

- Councilmember Rebecca Rovey wanted to wish a safe and enjoyable ride to all the DC Riders who left town today.
- Councilmember Shawn Clark read the Proclamation for National Public Safety Telecommunicators Week - April 13 -19, 2025
- Vice Mayor Brian Jones read the Proclamation for Arbor Day April 25, 2025
- Mayor BG Bratcher read the summary for the Proclamation for Court Appointed Special Advocate (CASA) Volunteer Week - April 5-11, 2025

F. TOWN MANAGER'S REPORT

- Fire Chief Ed Temerowski reported that Josh Johnson was recognized at the Knights of Columbus First Responder's Appreciation dinner for the west valley agencies for a lifesaving event.
- Police Chief Les Brown reported that Zach LaJeunesse received recognition at the same dinner for a lifesaving event for the police department.
- Interim Town Manager Troy Smith reported that the zoning code has been reviewed with edits sent back. The plan is to have the public process for the equestrian aspects held in the fall when more people are in town.
- Interim Town Manager Troy Smith reported that the new documents have been received for Lewis Addition Roads, with staff about halfway through the process of collecting signatures.
- Interim Town Manager Troy Smith reported the following updates: Town Hall restrooms are remodeled and open seven days per week from 6:00 am until 8:00 pm. There will be roadwork on several roads with information on the town website and social media. There will be a downtown meeting regarding the closing of Tegner Street. Arizona Public Service will be cleaning around the poles in town to reduce fire danger. Make a difference day is April 12, Moonshot Rural Pitch is April 17, information meeting regarding reducing wildfire risk will be on April 16, Arbor Day work at Coffinger Park will be on April 22 and there will be two classes starting in June through the workforce development at the library.

G. FINAL CALL for Request to Speak Cards to be turned into the Town Clerk.

H. CALL TO THE PUBLIC

- JoAnn Zimpher, In-Town Resident, wanted to honor Everett Sickles as his memorial service will be on April 18th at 4:00 pm at Mt. Hope Assembly of God Church.
- Karen Johnson, In-Town Resident, stated that she is representing the Wickenburg Community Services Corporation where they serve the underserved residents of Wickenburg at the Wellik Senior Center and thanked the Wellik Foundation for their help in funding many of the projects for seniors, students and low-income residents.

I. NEW BUSINESS

1. Action on the Consent Agenda -

MOVED BY Vice Mayor Brian Jones to approve items a and b of the consent agenda

SECONDED BY Councilmember Kristy Bedoian

VOTE: 7 – 0 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, Nyberg, Rovey, and Rubash)

- a. Consideration and Action to Approve the Minutes of the Regular Meeting of March 17, 2025

By a 7-0 vote under the Consent Agenda, Council moved to approve the minutes of March 17, 2025.

- b. Consideration and Action Approving the Renewal of a Land/Facility Use Agreement with the Arizona Department of Forestry and Fire Management

Hershel Workman, Public Works Director, reported in his Council routing form that The Town of Wickenburg currently has an agreement with the Arizona Department of Forestry and Fire Management (AZ DFFM) for the use of a designated portion of the Wickenburg Municipal Airport as a Single Engine Air Tanker (SEAT) base for aerial firefighting operations. This agreement is set to expire, and AZ DFFM seeks to renew it for an additional three-year term from April 7, 2025 to April 7, 2028.

Under the renewed agreement, AZ DFFM will continue to:

- Use the designated airport property for aircraft parking, office space placement, and fire suppression operations.
- Pay a monthly use fee of \$500 and applicable fuel flowage fees.
- Be responsible for utilities and restoring the property to pre-use conditions at the end of each fire season.
- Comply with environmental regulations, including cleanup of fire retardants or fuel spills.

By a 7-0 vote under the Consent Agenda, Council moved to approve the renewal of the Land Use Agreement between the Town of Wickenburg and the Arizona Department of Forestry and Fire Management for the continued use of a designated portion of the Wickenburg Municipal Airport as a Single Engine Air Tanker base.

2. Consideration and Action on the Sale of Real Property Consisting of Parcel # 505-50-141 Located at 74 W Wickenburg Way to the Humane Society through Bid 25-02

Tim Suan, Deputy Town Manager, at the January 21, 2024 council meeting, the Town Council directed staff to solicit bids for town-owned property located at 74 W Wickenburg Way in response to a letter of intent from the local Humane Society. The organization sought to purchase the property to expand its thrift

shop operations and establish a space for vaccination and microchipping clinics. The town issued Bid 25-02, soliciting sealed bids for the property. Only one bid was received, submitted by the Wickenburg Humane Society for \$500,000.

The subject property consists of 0.37 acres at 74 W Wickenburg Way and is zoned C-2 (General Commercial). The site is currently vacant but was previously used by the local Soroptimist International chapter. The appraisal for the property was \$730,000.

MOVED BY Councilmember Margaret Nyberg to adjourn into executive session under J1 at 5:56 PM

SECONDED BY Councilmember Rebecca Rovey

VOTE: 6 – 1 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Clark, Nyberg, Rovey, and Rubash) (No – Councilmember Bedoian)

The meeting was reconvened at 6:16 PM. Mayor Bratcher announced that the Town Manager will be reaching out to the Humane Society.

MOVED BY Councilmember Rebecca Rovey to table this item

SECONDED BY Vice Mayor Brian Jones

VOTE: 7 – 0 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, Nyberg, Rovey, and Rubash)

3. Public Hearing, Discussion, and Action pursuant to A.R.S. Section 9-462.01(E) regarding property located near Wickenburg Way and Saguardo Street, zoned multi-family residential (RM-1) with a planned area development, approved by Ordinance No. 785 on January 16, 1995, to consider whether to take administrative action to extend, remove, or determine compliance with the schedule of development for the property, or take legislative action to cause the property to revert to its former zoning classification

Councilmember Rebecca Rovey declared a remote conflict of interest and left the room.

Trish Stuhan, Town Attorney, over the last year, the town has held several meetings regarding the property for discussion tonight that is currently zoned multi-family. The Council decided not to enter into a development agreement with Gorman, which also rejected the additional funding for the project. The Wellik Foundation is still planning on selling the property to Gorman. Gorman is still planning on building apartments according to building codes. There are only certain things that the town can regulate, which includes zoning, but proposition 207 did change the rules to not allow diminution of value. The schedule of development was set in 1995 and never dealt with, so now this Council must make a decision that is not the fault of this Council. The town will have a public hearing to discuss the schedule of development for the property. Afterwards, the Council may take administrative action to extend, remove, or determine

compliance with the schedule of development for the property, or start the process to revert the zoning of the property. This will be an administrative act, so there is no right to a referendum.

Zoning is generally the regulation of the use of buildings/land for different classifications of property through the creation of different zoning districts with different regulations. Zoning will regulate height, setbacks, lots size, coverage, signs, and parking, etc. The goal is to promote compatibility of adjacent uses. There is no right to have the zoning classification on property changed. Usually, the property owner is the one who requests a zone change on their property and they must sign a prop. 207 waiver before the town will agree to bring forward any zone change. A zone change is heard by the Planning and Zoning Commission and Council. This is an exercise of legislative powers.

In January 1995, the Wickenburg Town Council adopted Ordinance 785, which rezoned several properties along West Wickenburg Way and Saguaro Drive. Maricopa County parcel 505-38-005 was rezoned from C-3 (Major Street Commercial) to RM-1 PAD (Multi-Family Residential Planned Area Development), and parcel 505-38-026 was changed from R1-35 (Single-Family Residential) to RM-1 PAD. There was no action taken after 1995 to change the zoning of the property, and the Wellik Foundation is not requesting a rezoning so there is no waiver of prop. 207 rights. As of today, the property would allow for construction of multi-family housing. The development review and traffic will be done at a later time.

Regarding the schedule of development, despite the multi-family zoning classification, there have been questions about a reversionary clause in the ordinance that approved the zoning for the property (Ordinance No. 785). Residents have claimed that the property should have reverted to its former zoning classification based on conditions of development in Section 2 of Ordinance No. 785. Section 2 of Ordinance No. 785 states: "This Zoning Ordinance amendment shall terminate and the zoning classification of the affected property shall revert to its prior district classification at the end of three years following the effective date of this Ordinance if the final development or Site Plan or phase one thereof has not then been submitted to the Planning and Zoning Advisory Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within three years of approval of the previous phase. The Council may grant one extension of time not exceeding two years for any phase of the development. The Planning and Zoning Advisory Commission and the Council shall hold a public hearing prior to any such reversion."

State law does not, however, allow for automatic reversions of zoning, requiring instead a public hearing and legislative action by the Council. A.R.S. § 9-462.01(E) states that the town "shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the

schedule of development or take legislative action to cause the property to revert to its former zoning classification.”

Last year, the Town held a public hearing to consider the schedule of development for the property in light of the questions about reversion of the zoning. The Council chose to take no action after the public hearing, leaving the zoning in place. Litigation was then filed seeking to revert the zoning. The Plaintiffs argued that Ordinance No. 785 required automatic reversion. The Court disagreed, noting: “The Court is not persuaded that it may simply order the Town of Wickenburg to take the requested action in the face of the clear language of both Ordinance 785 and A.R.S. § 9-462.01(E).”

The Court found that the Town Council cannot continue to take no action, however, and that it must hold a new public hearing to make a final decision regarding the schedule for development. The order provides that within 120 days of its issuance (by May 9, 2025) the Council must conduct a public hearing and decide whether to take administrative action to extend, remove, or determine compliance with the schedule for development or take legal action to cause the property to revert to its former zoning classification.

The zoning is in place for multi-family housing, but no schedule of development has been submitted. The Town Council will hold a public hearing to discuss the schedule of development as the prior timelines for phased development were not met.

The Town Council should consider whether a schedule of development is necessary. Currently, there is a proposal for multi-family development which must meet all Town Code requirements for approval of permits. The owners/developers are required by the Town Code to submit plans for development and will be required to follow all Town Codes, including the Zoning Code regulating multi-family development and the Building Codes, which protect public health and safety.

Staff recommends that the Town Council administratively remove the schedule for development in Section I(3) of Ordinance No. 785. This action would maintain the RM-1 zoning with a Planned Area Development (PAD) designation. No schedule of development is necessary. Neighbor concerns will be addressed during the development stage of the project.

The recommendation to not revert the zoning is based on concerns that reversion could result in significant liability to the Town. The current zoning was established in 1995 and the Town Council never acted to revert the zoning, and now, decades later—after Phase I was completed—any attempt to do so presents significant legal risks, including claims under Proposition 207, with limited to no insurance coverage for any damages awarded or attorney costs.

Councilmember Jones asked about extending the time for development. Town Attorney Stuhan stated that Phase 1, known as Pueblo Cassandra, has been completed. The town can put a new schedule of development because we know the original schedule of development was not followed. The site plan process will be followed for any development.

Councilmember Nyberg asked if the neighbors could sue. Town Attorney Stuhan stated that anyone can sue. The neighbors could sue Gorman for claims of a nuisance or poor management.

Town Attorney Stuhan stated that the main concern with reversion of the property is prop 207. The only exception to prop. 207 is for public health and safety. If this was reverted prior to the passing of prop. 207, there would not have been the private property right protections that we established in that proposition. Any reversion now would be after the passage of prop. 207 with those protections.

Mayor Bratcher stated that per A.R.S. § 9-462.01(E) the town will hold a public hearing regarding this property. The rules for Council meetings are to maintain order and decorum. Once the public hearing is closed, there will be no further public comments or disruptions to the meeting. All comments should be addressed to the Council with a three-minute time limit as the maximum. She suggested that speakers not repeat what others have said.

Public Hearing opened at 6:49 PM by Mayor Bratcher.

Barbara Remondini, In-Town Resident and Wickenburg School District Superintendent, stated that the Wellik Foundation has provided a lot of benefits to the community. Wickenburg is better off because of funding different projects by the Wellik Foundation.

Jackie Lundblud, CEO of the Wickenburg Community Hospital, stated that they are in support of the Wellik Foundation since they support a high quality of life in Wickenburg. They have helped to promote the health and wellness of the community by helping with the facility expansion to add a surgery center as well as renovation of the emergency room. The Wellik Foundation has provided funding in order to purchase new equipment that you can only find in larger communities and hospitals.

Sharon Pollei, In-Town Resident, stated that mistakes were made with Ordinance 785. The town knew about Ordinance 785 sixteen months ago and nothing was done in 2023. The original ordinance was approved in 1995. The town is now required to make a decision due to the judge's ruling.

Casey Hanna, In-Town Resident, requested that his letter that he sent to the Council be entered into the record. The PAD has stipulations regarding the density which are the same as the site plan. There were special conditions set in the ordinance, and he would prefer the town revert the zoning.

Laura Nasser, In-Town Resident, stated that she has lived in town for over 70 years. This will impact the neighborhood that she lives in, so you can call it NIMBY (Not in my backyard). 200 units with 300 cars will have a large impact on that neighborhood. The town doesn't know if Gorman will sue. The Wellik Foundation might sue. She knew Vi Wellik and this is not the project that she would have wanted there.

Gogi Gay, In-Town Resident, stated that she and her husband bought their property in 1991. It was then annexed, and the road was paved. In 1995, Ordinance 785 passed at the request of Vi Wellik. Phase 2 should be compatible with Pueblo Cassandra. The town might be being threatened with being sued by Gorman and Wellik, but the Council is chosen by the voters in town.

Eddie Nasser, In-Town Resident, stated that the Council is supposed to represent the people. There were promises made during the campaign. The Town attorney is not representing the town residents as the taxpayers pay her salary.

Benjamin Tate, Attorney for the Wellik Foundation, asked the Council to keep the zoning in place that has been there for almost 30 years. He doesn't want to see a scenario where resources are taken away from the Town of Wickenburg and the Wellik Foundation. If the town chooses reversion of the zoning, the Wellik Foundation must protect the value of their assets. The property is the most valuable as it is currently zoned. This is not a choice between Wellik and the residents. This is a vote for private property rights. During the development review is when there can be changes to meet all aspects of the town code. There will be resources diverted from the town and Wellik if there is a lawsuit.

Bill Green, In-Town Resident and Vice Chair of the Wellik Foundation Board, stated that they have believed that the property has been zoned RM-1 and they desire to keep it at that zoning. He would not like to see funds diverted from Wickenburg due to a lawsuit.

Public Hearing Closed at 7:12 PM

Councilmember Nyberg stated that Wellik is selling the property, but Gorman is out for themselves. Are that many apartments really needed? The town has a lot of projects that need funding, and she doesn't want to give any money to lawyers.

Councilmember Clark stated that it is beautiful land, and he has done a lot of research on this subject. Ordinance 785 requirements weren't followed but prop. 207 causes an issue with the town most likely getting sued and losing. He doesn't want to put the town in a position to lose millions of dollars. Wickenburg does need affordable housing. Since the Wellik Foundation doesn't want to change the zoning and prop. 207 applies, there is a danger to the town fiscally.

Councilmember Rubash stated that he agrees with the residents that the town must do what is right and revert the zoning. This is not the old Wellik board.

Vice Mayor Jones stated that this is a tough decision, and he feels for the residents in the area, but this is a property rights issue. The Council must represent the entire town, including being fiscally responsible with the budget and decisions that could affect the future of the town. The apartments will be dealt with at the Planning and Zoning Commission for their development review.

Councilmember Bedoian stated that she agrees with Vice Mayor Jones. Not approving the development agreement didn't stop anything except for there being a no vote on the grant funding and took out local control. She has been getting lots of emails and the town will learn from this and not do this in the future. She is a big believer in property rights. She must represent the town for the future.

Mayor Bratcher stated that she has done a lot of research on this issue also. This is a prop. 207 issue so the Council has no choice. This is also about private property rights, and she is accountable to the people to make the best decision for all the town.

MOVED BY Vice Mayor Brian Jones to remove the schedule of development in Ordinance No. 785 for real property located near Wickenburg Way and Saguaro Street, zoned multi-family residential (RM-1) with a planned area development
SECONDED BY Councilmember Kristy Bedoian

VOTE: 5 – 1 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, and Nyberg) (No – Councilmember Rubash) (Conflict of Interest – Councilmember Rovey)

4. Consideration and Action to Approve Resolution 2371 Repealing and Replacing Personnel Rules and Regulations Policies related to Pay Practice Changes for Employee Benefits and Compensation

Tarah Mayerhofer, HR Director, asked the Council due to the late hour if they would prefer a shortened presentation as all the information was in the Council packet, which Council agreed to a shortened presentation. She reminded Council of their total rewards philosophy to attract, retain and reward employees by being competitive. She is proposing a few changes to the personnel rules and regulations.

The first change is to the probationary policy to clarify the duration, extensions and promotional eligibility. This change will clarify the probation periods for new employees and define extensions and eligibility for promotions. In addition, it will ensure consistency across departments.

The next change will expand the eligibility and standardize the duration of bereavement leave. This will now include domestic partners, great-grandparents,

and extended relatives. The change will make the leave duration standard for consistency and fairness across the organization, so it will not depend on whether the death is in state or out-of-state.

There is a recommendation to add specialty pay for Field Training Officers (FTO) and Bilingual. The FTO training will only be for police officers who take on additional responsibilities when training a new officer. The recommended increase is 5% during the training period only with an estimated annual cost around \$3,500 based on the average number of new hires per year. The bilingual pay will be compensation for employees who pass a competency test in Spanish and based on the needs of the department and town. The increase will be \$0.75 per hour for non-exempt employees and \$80 per pay period for exempt employees. The estimated cost will be about \$14,560 annually.

The last change is for stand-by and call-back compensation to provide clear pay structures for employees required to be on-call and fair compensation for those responding to calls outside their regular hours. This will have a minimal fiscal impact that can be absorbed into existing budgets. This is primarily in police, fire and public works departments.

Councilmember Bedoian asked when it will start. HR Director Mayerhofer stated that it is being proposed by Resolution so it will usually be effective 30 days after being approved, unless the Council wants to make a different effective date such as July 1. She thought the impact to this year's budget will be minimal and can be absorbed into the current budget. This will help to plan for the next fiscal year's budget.

Councilmember Bedoian asked what is considered a domestic partner. HR Director Mayerhofer stated that all bereavement leaves must be approved by the HR Director, and she asks them to identify who has passed. The town's insurance policy currently allows domestic partners to be covered but requires proof that they live in the same household and share finances, so usually it would be someone who is already on the insurance, or a similar proof would be requested.

MOVED BY Councilmember Rebecca Rovey to approve Resolution 2371 repealing and replacing the personnel rules and regulations policy and pay practice changes as presented, which include updates to Probationary Period, Bereavement Leave, Specialty Pay, and Stand-By and Call-Back Compensation policies

SECONDED BY Councilmember Margaret Nyberg

VOTE: 7 – 0 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, Nyberg, Rovey, and Rubash)

J. **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.)

1. An executive session pursuant to (1) A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney; (2) A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney regarding the Town's position and to instruct the Town Attorney regarding a contract that is the subject of negotiations; and (3) A.R.S. § 38-431.03 (A)(7) for discussions or consultations with designated representatives of the Town in order to consider the Town's position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property; all related to real property consisting of approximately 0.37 acres of real property and 5,018 square foot building located at 74 W Wickenburg Way.

K. **SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS** - none

L. **ADJOURNMENT**

MOVED BY Councilmember Rebecca Rovey to adjourn at approximately 7:41 PM

SECONDED BY Councilmember Kristy Bedoian

VOTE: 7 – 0 (Yes – Mayor Bratcher, Vice Mayor Jones, Councilmembers Bedoian, Clark, Nyberg, Rovey, and Rubash)

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 regular meeting of the Town Council of Wickenburg, Arizona held on April 7, 2025. I further certify the meeting was duly called and held and that a quorum was present.

Amy Brown, MMC
Town Clerk