

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 1

JUNE 23, 2022
COUNCIL ACTION

I. PROCEDURES

A. Call to Order 7:00 PM

Vice Mayor Dent called the meeting to order.

B. Pledge of Allegiance and Invocation

The pledge of allegiance was recited, and Kerry-Lynn Moede provided the invocation.

C. Roll Call

Present: Vice-Mayor Don Dent, Councilmember Mike Cowen, Councilmember Craig Fritsinger, Councilmember Bernie Hiemenz, and Councilmember Lee Payne. Absent: Mayor Moore and Councilmember Frank McNelly. Present City Staff, City Manager Tim Pettit, Finance Director Barbara Bell, and City Clerk/HR Director Pamela Galvan. Also in attendance were City Attorney Brandon Kavanagh and Fire Chief Chase Pearson.

D. Approval of Minutes for June 9, 2022.

Motion: *To approve the Minutes for June 9, 2022.*

Action: *Approved*

Moved by *Councilmember Fritsinger, Seconded by Councilmember Hiemenz*

Motion passed unanimously.

E. Adopt Agenda

Motion: *To approve the agenda as presented.*

Action: *Adopted*

Moved by *Councilmember Hiemenz, Seconded by Councilmember Payne*
Motion passed unanimously.

II. PRESENTATIONS – None

III. PUBLIC PARTICIPATION – Kerry-Lynn Moede announced next Saturday is the Grand Opry for Habitat for Humanity. Each year they try to make it a bit bigger and better, and this year they are bringing in a five-piece band from Prescott along with Dennis nelson, Carnival games, and a craft show going on next year.

IV. CONSENT AGENDA ITEMS – None

V. NON-CONSENT AGENDA ITEMS

- A. Consideration and action regarding Resolution No 1425 designating the Chief Finance Officer for officially submitting the Fiscal Year 2023 Expenditure Limitation Report to the Auditor General.**

The City Clerk read Resolution No. 1425 by number and title only.

Motion: To approve Resolution No. 1425 designating Tim Pettit as the CFO for submitting the Fiscal Year 2023 Expenditure Limitation Report to the Arizona Auditor General.

Moved by Councilmember Cowen, ***Seconded by*** Councilmember Fritsinger.
Motion passed unanimously

- B. Council will consider and take action regarding the publication and notice of the tentative budget for the Fiscal Year 2022-2023.**

Motion: To approve the publication and notice of the tentative budget, with changes made on Tuesday, June 21st, for the Fiscal Year 2022-2023.

Moved by Councilmember Cowen, ***Seconded by*** Councilmember Hiemenz.
Motion passed unanimously

- C. Discussion and possible action regarding the sufficiency of abatement appeal request from United Business Systems, Inc., and whether an appeal can proceed through the City Council. Council may vote to enter into an executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3).**

Convened into Executive Session

Motion: To go into executive session at 7:10 PM

Moved by Councilmember Payne, ***Seconded by*** Councilmember Fritsinger.
Motion passed unanimously

Reconvened to Regular Session

Motion: To reconvene to regular session at 7:27 PM

Moved by Councilmember Fritsinger, ***Seconded by*** Councilmember Hiemenz.
Motion passed unanimously

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

PAGE 3

**JUNE 23, 2022
COUNCIL ACTION**

Vice Mayor Dent asked Jason Moore to provide them with his process.

Jason Moore explained he gave United Business Systems, Inc. the option to appeal the abatement assessment. The assessment of how much money we have expended in cleaning up the mess has come in just under \$25,000.00. Within 45 days, he had to get the assessment and send it to him by certified mail. Additionally, for transparency, he sent a copy of the ordinance so that he would have it to reference. With him, he had 15 days to file the appeal regarding the assessment, not the abatement; the abatement has already been forfeited, he had 15 days back in December 2021 to appeal, and he did not. He cooperated and said he would take care of this for you; then, it was excuse after excuse. He had checked with the City Clerk to see if she had received any appeals for assessment or abatement; she had not. Two hours later, on the 14th day, in the mail arrived a letter of appeal of assessment from Mr. LaBarre; the appeal was supposed to be submitted to the City Clerk, which is noted in the ordinance. The appeal was also to be accompanied by a \$25.00 fee for processing but was not included. On the appeal, one is only limited because the abatement process has been completed; he fortified the right; the only thing he could appeal is that the city's costs were excessive. In other words, the assessment he put together was excessive. When Jason read the letter, he expected to see some to the effect that he could have done this cheaper, rates too high, etc., but the appeal, although the title is the appeal of assessment, has nothing to do with what he is supposed to be appealing.

Vice Mayor Dent broke in to point out that they need to understand whether his appeal is valid, not what it was or wasn't.

Councilmember Cowen asked Jason if he felt the appeal process was followed and that he followed it? Jason replied, "Yes, 100%." Councilmember Cowen, "So you provided him instructions on dealing with the appeal?" Jason replied, "Exactly, not only did I send the gentleman a certified letter, but he also told him I've attached a copy of the actual ordinance." And he did that so that he couldn't misconstrue anything, say you left this out, or that he didn't understand. Jason sent the actual ordinance so he could go through it himself, listing each step he was to follow; each step he failed. Councilmember Cowen confirmed that Jason sent a certified letter, and Mr. LaBarre received it by the receipt of delivery.

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

PAGE 4

**JUNE 23, 2022
COUNCIL ACTION**

Councilmember Payne asked if the ordinance clearly states step by step, who to contact, and the time frames. Jason replied, "yes." Jason read the instructions to the council. The only reason he noted is the costs he feels are excessive. The appeal had nothing to do with a high cost; he didn't mention price.

Councilmember Heimenz confirmed that Mr. LaBarre conformed with the timing. "Yes, Jason received it about 2 PM on the 14th day, not the clerk. It was addressed to Jason Moore; he opened it up and realized it was his appeal of assessment for the abatement, he went directly to the clerk's office, and I gave her a copy and his supervisor one as well. He explained that this was the appeal from Mr. LaBarre.

Councilmember Fritsinger asked if there were any emails, texts, or telephone calls. Jason replied, numerous over the past almost eight months now. He has made telephone calls and sent three registered notices to him. The City Manager and Jason offered, in the beginning, to help him take care of the problem by using city equipment city employees, and he declined it.

Vice Mayor Dent broke in again to remind everyone that we must know that the notices were sent correctly. He read from the appeals section the directions of one of Jason's letters. Jason replied, "That is correct." Those were included, but he also sent him the entire chapter of that section, not just the single paragraph, but the entire section, approximately eight pages. Vice Mayor Dent said it all reads very plain all that needs to happen to appeal, and it goes onto the remittance of the check. We need to decide whether to hear his appeal or not.

Attorney Brandon Kavanagh explained that the council must be sitting here today as a court, deciding whether the appeal followed the code. Whether the property owner is entitled to be heard or not.

Councilmember Fritsinger confirmed that the email clarified was needed or not needed to file. Yes.

Councilmember Cowen surmised that the owner did not follow the process correctly and did not think we should hear the appeal. The owner had instruction provided on how to do it. His motion is to deny the request to appeal. Councilmember Hiemenz seconded without addition.

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 5

JUNE 23, 2022
COUNCIL ACTION

Motion: To deny the requested appeal.

Moved by Councilmember Cowen, ***Seconded by*** Councilmember Hiemenz.

Motion passed unanimously

Vote 5-0 denying the owner being entitled to an appeal hearing based on the document submitted.

VI. REPORTS, CURRENT EVENTS, AND INFORMATION ITEMS

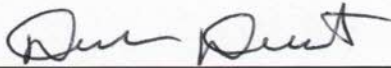
Mayor and Council

- Councilmember Payne thanked everyone for their participation in the city clean-up.

Staff

- We have filled the Librarian and Sanitization Equipment operator positions.
- Chief Pearson says we are tracking for the 4th fireworks.

VII. ADJOURN 7:39 PM



Vice Mayor Dent

ATTEST:



City Clerk Pamela Galvan

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

PAGE 6

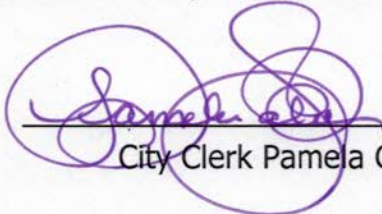
**JUNE 23, 2022
COUNCIL ACTION**

CERTIFICATION

State of Arizona,)
) ss.
Coconino County,)

I, PAMELA GALVAN, do hereby certify that I am the City Clerk of the City of Williams, County of Coconino, State of Arizona and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Williams held on June 23, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

Dated this 27th day of June 2022.



City Clerk Pamela Galvan