

THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ HELD ON THIS 5TH DAY OF FEBRUARY, 2015

CALL TO ORDER - Mayor Bob Irvin called the meeting to order at 6:30 p.m.

ROLL CALL - City Clerk Virginia A. Mefford called the roll.

PRESENT

- Mayor Robert A. Irvin
- Vice Mayor Earl Goolsby
- Councilman Elwood A. Johnson
- ~~Councilman Gerald W. Lindsey~~
- Councilman William "Bill" Nigh
- Councilman Timothy A. Bowlby
- Councilman Michael J. Laws

STAFF

- City Manager Ted Soltis
- City Clerk Virginia Mefford
- City Attorney Ann P. Roberts
- Police Chief Glenn Childers
- Finance Director Crystal Hadfield
- Library Director Tom Miner
- Public Works Director Kevin Hagerich
- Development Services Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by Mayor Irvin

CALL TO THE PUBLIC - None

DECLARATION ON CONFLICT OF INTEREST - None

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson made a motion to adopt the agenda as presented.

SECONDED: Vice Mayor Goolsby seconded the motion.

MOTION CARRIED

APPROVAL OF MINUTES OF THE REGULAR MEETING OF JANUARY 15, 2015.

MOTION: Councilmember Bowlby made a motion to approve the minutes.

SECONDED: Vice Mayor Goolsby seconded the motion.

MOTION CARRIED

CHAMBER OF COMMERCE UPDATE - ALAN BAKER

DISCUSSION: Mr. Baker gave an update on the Chamber of Commerce's 3rd quarter report for 2014 on tourism and economic development. Councilmembers asked questions regarding economic development, chamber membership, and what further could be done at the Visitor Center to attract more people. Mr. Baker answered the questions and indicated the membership is slightly up this year. He thought adding a mural to the side of the building would help.

REAPPOINT CONNIE DUNHAM TO THE HISTORIC PRESERVATION ADVISORY COMMITTEE

MOTION: Councilmember Johnson made a motion to reappoint Connie Dunham to the Historic Preservation Advisory Committee.

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

REAPPOINT BO DOWNEY TO THE HISTORIC PRESERVATION ADVISORY COMMITTEE

MOTION: Councilmember Johnson made a motion to reappoint Bo Downey to the Historic Preservation Advisory Committee.

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

ORDINANCE NS320 - AN ORDINANCE AMENDING THE "WILLCOX MUNICIPAL CODE", TITLE 1 "ADMINISTRATION", CHAPTER 1.10 "ORDINANCES, RESOLUTIONS AND CONTRACTS", SECTION 1.10.050 "EFFECTIVE DATE", AND SECTION 1.10.040 "CONTENTS OF ORDINANCE"

MOTION: Councilmember Johnson made a motion to approve Ordinance NS320.

SECONDED: Vice Mayor Goolsby seconded the motion.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5TH DAY OF FEBRUARY, 2015**

DISCUSSION: Councilmember Johnson asked a few questions on the emergency clause. City Attorney Roberts explained that the terminology was changed to match state statute so there is no confusion or conflicting language.
MOTION CARRIED

**ORDINANCE NS321 - AN ORDINANCE AMENDING THE "WILLCOX MUNICIPAL CODE", "ADMINISTRATION",
CHAPTER 1.08 "MAGISTRATE'S COURT", SECTION 1.08.020 "PRESIDING OFFICER: MAGISTRATE DUTIES",
AMENDING THE TERM OF APPOINTMENT OF THE MAGISTRATE TO FOUR YEARS**

MOTION: Councilmember Johnson made a motion to approve Ordinance NS321.

SECONDED: Councilmember Laws seconded the motion.

DISCUSSION: Councilmember Johnson explained why it was currently every two years. It is due to Council changing every two years. With the Magistrate being elected into office for four years, the change makes more sense.

MOTION CARRIED

**RESOLUTION 2015-10 - A RESOLUTION APPROVING THE REAPPOINTMENT OF TREVOR J. WARD TO THE
POSITION OF CITY MAGISTRATE AND JUVENILE HEARING OFFICER**

MOTION: Councilmember Johnson made a motion to approve Resolution 2015-10.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Councilmember Johnson asked if the contract was acceptable to Judge Ward. He stated it was. Judge Ward explained the prescient jurisdiction for the Magistrate. Councilmember Johnson stated Judge Ward has done a fantastic job.

MOTION CARRIED

CITY MANAGER'S REPORT

- Chief Childers briefed the Council on the Fire Department hose testing that will take place on the 7th of February and the 21st February on Austin Blvd.
- A Wastewater Treatment Plant facility tour for Council will be scheduled in the near future.
- He attended the Wings Over Willcox (WOW) banquet and it was very interesting. He also viewed the displays for WOW at the Community Center; they were great.
- He attended the Southeastern Arizona Governments Organization (SEAGO) planning retreat with Councilmember Lindsey.
- City Manager announced he was diagnosed with cancer and is undergoing chemotherapy treatments. He thanked everyone for their thoughts and prayers and stated things are going well.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilmember Johnson attended the groundbreaking ceremony for Stotz and it was a great a success. He is looking forward to the next groundbreaking ceremony which will be for the Food Bank Distribution Center. Councilmember Laws asked if he could have Judge Ward answer a question he had regarding his duties as Magistrate Judge and City Attorney stated this time is for Council comments only. Councilmember Laws congratulated Judge Ward.

Councilmember Goolsby announced he had a stint put in and appreciates being back and thanked everyone for their support.

Mayor Irvin stated he hopes everyone who has been battling illness will be on the mend.

ADJOURN

With no further business before the Mayor and Council, the meeting was adjourned at 7:15 p.m. by Mayor Irvin.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Willcox held on the 5th day of February, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5TH DAY OF FEBRUARY, 2015**

Dated this 5th day of February 2015

City Clerk Virginia Mefford

PASSED, APPROVED AND ADOPTED this 19th day of February, 2015.

Mayor Robert A. Irvin

ATTEST:

City Clerk Virginia A. Mefford

CITY OF WILLCOX
Request for Council Action

Agenda Item: 8

Tab Number: 2

Meeting Date:

February 19, 2015

Action:

Resolution
 Ordinance
 Other

Subject:

FY 2013-2014 Annual Audit
and AELR Reports

To: Mayor and City Council

From: Crystal Hadfield, Finance Director

Discussion: The City's independent auditors, Hinton Burdick CPAs & Advisors, have completed two financial reviews for the Fiscal Year Ended June 30, 2014, as follows:

City of Willcox, Arizona Financial Statements Fiscal Year Ended June 30, 2014 with Report of Certified Public Accountants; and City of Willcox, Arizona Annual Expenditure Limitation Report June 30, 2014 With Report of Certified Public Accountants. (Commonly referred to as the "AELR.")

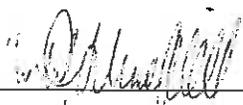
The City is required to have a Single Audit for FY 2013-2014 which should be completed by March 2015. A Single Audit is required due to receiving more than \$500,000 in Federal Funds in FY 2013-2014.

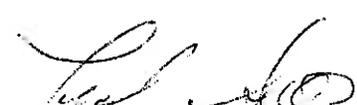
The reports are lengthy and have not been reproduced for this Council packet. The complete reports are available in a searchable format on the City's website at www.cityofwillcox.org.

Presented here please find the Auditor's slide presentation for the annual audited financial reports to the Mayor and Council. Robyn Sibley, C.P.A., from Hinton Burdick CPAs & Advisors will make the presentation to the Council.

Recommendation: Not Applicable

Fiscal Impact: \$21,750.00

Submitted by: 

Approved by: 

CITY OF WILLCOX
Request for Council Action

Agenda Item: 9
Tab Number: 3

Meeting Date:
February 19, 2015

Action:
 Resolution
 Ordinance
 Other

Subject: Street closure
for the Rex Allen
Museum's 9th Annual
Car Show

To: Mayor and City Council

From: Kevin T. Hagerich, Public Works Director

Discussion: The Rex Allen Museum is requesting a street closure for their 9th Annual Car Show. The car show will be held on May 23, 2015 from 6:00 am until 5:00 pm for one day only.

They are requesting the closure of Railroad Avenue from Stewart Street to Maley Street and from Maley Street to Grant Street. Stewart Street, Maley Street, and Grant Street will remain open to traffic.

Recommendation: Authorize the closure of the requested sections of Railroad Avenue for the car show. Closing the street will bring in revenue for the City. The restaurants and wineries will benefit, as well as the Rex Allen Museum.

Fiscal Impact: N/A

Submitted by: Kevin T. Hagerich

Approved by: [Signature]

Street Closure Request Form

Name of Applicant

Rex Allen Museum

Date of Request

1-29-15

Address

Michelle Mullins

Phone Number

520 507 6528

Event or Event Sponsor for Street Closure

9th Rex Allen Museum Car Show

Date(s) Requested for Street Closure

May 23rd 2015

Times for Street Closure

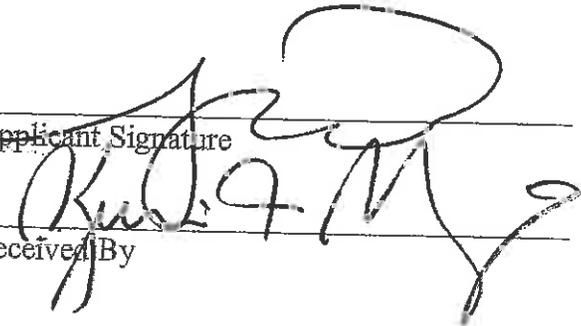
6:00 AM - 5 PM

Street(s) to be closed - Beginning and ending points.

Stewart to ~~Grant~~ Maley then
Maley to Grant
down Railroad Ave

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.

Applicant Signature



Received By

1-29-15
Date

29 Jan 15
Date

Date

PETITION TO CLOSE RAILROAD AVENUE

ON 6:00 am
DATE

FROM 6:00 am TO 5:00 pm (over at 3:00 pm)
START TIME END TIME extra for cleanup

FOR THE PURPOSE OF 9th Annual Car Show
EVENT

REX ALLEN MUSEUM, OK TO CLOSE [Signature]

WILLCOX HISTORIC THEATER, OK TO CLOSE [Signature]

RODNEY'S, OK TO CLOSE [Signature]

FLYING LEAP, OK TO CLOSE Roberta Surface for Mark Baker

~~OLD WEST MERCANTILE, OK TO CLOSE~~ closed

FRIENDS OF MARTY ROBBINS, OK TO CLOSE Juanita Buckley

KEELING SCHAEFER, OK TO CLOSE [Signature]

GALLERY 94, OK TO CLOSE [Signature]

BIG TX, OK TO CLOSE [Signature]

Motherlode / Buiko's coffee [Signature]

City of Willcox closed? Kim T. Hazel

CITY OF WILLCOX
Request for Council Action

Agenda Item: 10
Tab Number: 4

Meeting Date:
February 19, 2015

Action:
 Resolution
 Ordinance
 Other

Subject: Waiving of Rodeo fees for the AZ Jr. High and High School Rodeo.

To: Mayor and City Council

From: Kevin T. Hagerich, Public Works Director

Discussion: The Willcox Junior High/High School Rodeo Committee would like to host a rodeo for the Arizona Junior High and High School on April 17 through April 19, 2015 from 6:00 am until 6:00 pm. Several youths in the Willcox community are members of this association and would benefit from having the rodeo in their hometown.

Over 200 members and their families will be coming to Willcox for the entire weekend. This rodeo is free to the public.

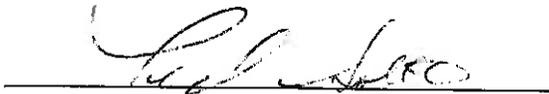
Recommendation: Rental fees paid to the city by these events help maintain the facility, i.e.; labor fees to work the arena, wear and tear on the equipment, electricity, restroom supplies, gas and water. Due to these reasons the fees should not be waived.

Fiscal Impact: \$600.00

Submitted by:



Approved by:



Request to Waive Fees

Name: Amy Sanborn

Organization: Willcox AZ Jr. High/High school Rodeo Committee

Address: P.O. Box 762 Willcox, AZ 85644

Phone: 480-244-8414 E-mail address: afsanborn@yahoo.com

Name of Event: Arizona Jr. High/High School Rodeo

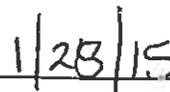
Day of Event: April 17-20, 2015

Reason for waiver of fees:

The Willcox Junior rodeo Committee simply wants to host a rodeo for the Arizona Junior High/High school rodeo association, where its members compete for points through-out the year in hopes of making it to the National Finals. There are several youth in our community that are members of this association and are excited to have a rodeo in their hometown. Over 200 members and their families will be coming to Willcox for the entire weekend, most of them arriving Friday night. The rodeo will be free to the public to come and watch.



Signature of Requestor



Date

**CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
Facilities Use Agreement**

This Agreement made this 23rd day of January, 2015,
between Willcox High School Rodeo ("PARTICIPANT")
and the City of Willcox through the City Public Works Department ("CITY") for the
use of the City owned facilities by a private organization.

ARTICLE I — TERM OF AGREEMENT:

The term of this agreement shall be April 17, 2015, through
April 19 2015, unless earlier terminated by either party.

Please note starting time and ending time TO INCLUDE set up and tear down.

6:00 a.m.
start time

6:00 p.m.
end time

Notice of termination shall be provided at least ninety (90) days prior to the effective
termination date.

ARTICLE II — CITY OWNED FACILITIES:

This agreement shall be for the use of Quail Park Arena + Parking area
(facility and area/s)

to be used for Rodeo
(type of event)

to be used by public - AZ & SKA
(example: public, family, friends)

PARTICIPANT wishes to use certain City owned facilities and the CITY is willing to
permit the PARTICIPANT the primary use of the facilities under the conditions indicated
in this Agreement and any Exhibit attached hereto during the term of this Agreement.

CITY agrees that it will perform the duties as outlined in Attachment "A".

PARTICIPANT agrees it will perform the duties as outlined in Attachment(s) "B".

PARTICIPANT agrees to pay the fees as are listed on Attachment "C".

ARTICLE III — INDEMNIFICATION AND INSURANCE

PARTICIPANT agrees to secure liability Insurance to cover the term of this
agreement in not less than the amount of one million dollars (\$1,000,000.00)
which names the City as additionally insured.

SEVERABILITY

Each provision of this Agreement stands alone and, if any provision of this Agreement is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Agreement will be severable and remains in effect.

ENTIRE AGREEMENT

This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended or extended only by a written amendment approved by the parties.

GOVERNING LAW

This Agreement shall be construed under the laws of the State of Arizona and shall incorporate, by reference, all laws governing mandatory contract provisions required by statute or executive order.

IN WITNESS WHEREOF, the Parties hereby enter into this Agreement as of the day and year written above.

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

Kevin F. Haggan
Signature

2 Feb 15
Date

Kevin F. Haggan
Printed Name

Dir of PW
Title

PARTICIPANT

Amy Sanborn
Signature

1/24/15
Date

Amy Sanborn
Printed Name

1/24/15
Title

Attachment "B"
Quail Sports Park Checklist

The Participant agrees to perform the following tasks:

<p>General</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Obtain appropriate keys one business day prior to the event, by 3:30PM.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Return keys within two (2) business days of event conclusion.</p> <p><input type="checkbox"/> <input type="checkbox"/> Learn how to use ball field lights.</p> <p><input type="checkbox"/> <input type="checkbox"/> Learn how to use infield irrigation.</p> <p>Prepare Ball Fields</p> <p><input type="checkbox"/> <input type="checkbox"/> Place Chalk Lines</p> <p><input type="checkbox"/> <input type="checkbox"/> Verify Base Placement</p> <p>Prepare Arena(s)</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Water Arenas</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Prepare Ground in Arena(s) for Event.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Place Anchors for Barrels Race</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Erect Additional Panels for Stock</p> <p>Vendor(s)</p> <p><input type="checkbox"/> <input type="checkbox"/> Request to waive requirement for all vendors to have individual permits.</p>	<p>Cleaning</p> <p>Cleaning consists of removing all litter, sweeping and mopping the concession stand and tying up garbage bags and placing them in the dumpster. All areas should be left in the same or better condition as received.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Restrooms</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Dugouts</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes in batter's box</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes at all bases</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes in front of pitcher's mound</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Ball field Concession</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Rodeo Concession</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Clean South Booth</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Announcer Stand</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Clean Ticket Booth</p> <p>If Serving Alcohol</p> <p><input type="checkbox"/> <input type="checkbox"/> Obtain Special Event Liquor License with the Arizona Department of Liquor.</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Liquor Liability Insurance in the amount of \$1,000,000 naming the City of Willcox as additionally insured.</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Security approved by Willcox Public Safety Department.</p>
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- Participant is responsible for notifying Parks & Facilities Maintenance of items that need special attention or repair.
- All equipment or personal items belonging to the "Participant" shall be removed by 8:00 a.m. on the day following the event.
- Premises shall be left clean and in good repair or deposit will be surrendered. Others charges may be assessed if significant damage occurs.
- City of Willcox officials reserve the right to enter / inspect the premises during the event.
- The "Participant" is responsible for establishing control of the area(s) requested for use. The City of Willcox is not responsible for loss due to acts of God or vandalism or by actions of others not affiliated with the City of Willcox.

Contact information:

Public Services & Works -----766-4213
 Facilities & Park Maintenance-----507-0442
 On-call -----766-2201

Attachment "C"
Quail Sports Park Rodeo Fee Schedule

Deposit and Rental Fees

All Deposits, Fees, Proof of Insurance & Special Permits or Licenses must be tendered 10 days prior to event date in order to finalize scheduling details.

	Fee Description	Fee Amount	Number of Days	Subtotal	Cash Rec'd.	Check #	Rept. #
X	Reservation Deposit	\$50.00		\$50.00	collected		
	Rodeo Main Arena	\$100.00	3	300			
	Bull Riding Main Arena	\$100.00					
	Roping Main Arena	\$100.00					
	Barrel Race Main Arena	\$50.00					
	Gym-Kana Main Arena	\$50.00	3	150.00			
	Horse Show Main Arena	\$50.00					
	Play Day Main Arena	\$50.00					
	Roping Warm-up Arena						
	Barrel Race Warm-up Arena						
	Horse Show Warm-up Arena						
	Play Day Warm-up Arena						
	Concession Stand	\$50.00	2	100.00			
	Main Arena Lights	\$25.00	2	50.00			
	Total Fees Due			600.00			

Request to waive fees through City Council.

- The City of Willcox reserves the right to refuse reservations.
- Must be at least 21 years of age to reserve facilities.
- Participant may reserve one (1) day prior to the event to set up for event without additional charge for the day providing another event is not already scheduled.
- Under normal circumstances; fees and certificate of insurance must be remitted ten (10) days prior to the scheduled use.
- All fees must be paid prior to the issuance of keys.
- Cancellation of reservation within five (5) days of the activity will result in surrender of \$50.00 deposit and 1/2 of rental fees.
- Returned checks are subject to a twenty-five dollar (\$25.00) fee.

Condition Verification

I have inspected the condition of the facilities specified under this agreement and have found them to be in _____ Satisfactory _____ Unsatisfactory condition.

I recommend that _____ All _____ None _____ Other _____ of the deposit be returned.

_____ Significant damage has occurred directly related to this event.

_____ Damages are estimated to cost _____ which must be remitted within five (5) days.

 City of Willcox Representative Signature

 Date

CITY OF WILLCOX
Request for Council Action

Agenda Item: 11
Tab Number: 5

Meeting Date:
February 19, 2014

Action:
 Resolution
 Ordinance
 Other

Subject:
Financial Statements – 2nd
Qtr. Fiscal Year 2014-2015
(Unaudited)

To: Mayor and City Council

From: Crystal Hadfield, Director of Financial Services

Discussion: Discussion:

The General Fund has experienced higher expenses than revenues for the second quarter. Considering we had two substantial transaction privilege tax refunds in the combined amount of just over \$100,000 in the first quarter, the General Fund is still under, but maintaining. Revenues and expenses are very closely aligned with the budget within the General Fund. Sales taxes are right where they should be. The Primary and Secondary (in Debt Services) tax levy are both up in the second quarter.

HURF revenues and expenses are both under budget and very closely aligned.

Grant revenue and expenses are currently down. Grant revenue should increase throughout the year as we anticipate funding from sources such as CDBG.

Debt service revenue is currently up. Expenses are still higher than revenues as we had to pay bond obligations in the first quarter.

The Gas Fund expenses are currently higher than revenues which will hopefully even out as we progress through the year. The significantly lower gas prices continue to affect our downward trending gas revenues.

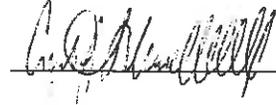
The Water Fund has experienced higher than anticipated revenues which has created a slight surplus of funds which can be said for the Sewer and Refuse Funds as well. Revenues are higher than expenses and all are under budget for the second quarter.

Magistrate Court revenues are slightly higher than expenses which is typical for this fund.

The Fireman's Pension Fund has received higher revenue than expenses in the second quarter.

This quarter, I have added and reallocated funds to the Sewer Utility Capital Fund (Fund 82). Revenues are currently under expenses as we have had to pay the engineers for the new plant. Funding from USDA is anticipated to be received before year end.

In summary, expenses in the General Fund, Debt Service, Gas, and Sewer Utility Capital Fund have exceeded revenues for the second quarter. Revenues have exceeded expenses in the HURF Fund, Grant Fund, Water, Sewer, and Refuse Funds, Magistrate Court, and Fireman's Pension Fund for the second quarter. Overall, revenues are very closely aligned with expenses and budgeted amounts for the second quarter of 2014/2015. We continue to closely monitor expenses and revenues in all funds and will continue to find ways to increase revenue and decrease expenses.

Submitted by: 

Approved by: 

2nd Quarter Financials 2014/2015

Total Revenue vs. Expenses

2nd Quarter 2014/2015

	Revenue	Expenses	Difference
General Fund	\$1,832,196.96	\$1,948,751.73	(\$116,554.77)
HURF	\$451,646.85	\$418,780.10	\$32,866.75
Grant	\$58,566.36	\$38,201.62	\$20,364.74
Debt Service	\$89,731.64	\$153,445.78	(\$63,714.14)
Gas	\$321,691.31	\$359,442.26	(\$37,750.95)
Water	\$330,496.57	\$295,377.57	\$35,119.00
Sewer	\$380,279.51	\$267,578.73	\$112,700.78
Refuse	\$331,760.24	\$257,085.81	\$74,674.43
Court	\$7,360.36	\$6,670.93	\$689.43
Fire Pension	\$3,029.04	\$876.04	\$2,153.00
Sewer Utility Capital Fund	\$128,527.38	\$240,609.40	(\$112,082.02)

Total Revenue vs. Expense Compared to Budget (Percentage)

2nd Quarter 2014/2015

	Revenue	Expenses	Difference
General Fund	43.40%	47.30%	-3.90%
HURF	37.70%	35.00%	2.70%
Grant	7.10%	4.70%	2.40%
Debt Service	56.10%	96.00%	-39.90%
Gas	27.70%	30.90%	-3.20%
Water	49.30%	44.10%	5.20%
Sewer	47.80%	38.20%	9.60%
Refuse	47.00%	41.40%	5.60%
Court	56.60%	56.20%	0.40%
Fire Pension	30.10%	8.70%	21.40%
Sewer Utility Capital Fund	2.10%	4.00%	-1.90%

CITY OF WILLCOX
Request for Council Action

Agenda Item: 12
Tab Number: 6

Meeting Date:

February 19, 2015

Action:

Resolution
 Ordinance
 Other

Subject: Resolution 2015-11
Cemetery policy, regulations
and fee update.

To: Mayor and City Council

From: Kevin T. Hagerich, Public Works Director

Discussion: With the recent expansion of Westlawn Chapel, the Public Works Department and Dan Douglas, President of Sunset Cemetery, agreed to review and update policies, regulations and fees.

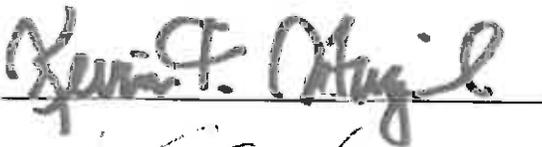
Resolution 2004-07 increased both burial fees and gravesite fees through 2006. Although burial fees were to be adjusted every year by the Consumer Price Index (CPI), due to an oversight, gravesite fees were not. This has been corrected.

Upon researching other Southwest Arizona communities, it was discovered that most cities only offer desert gravesites. (Due to higher maintenance and water costs.) Prices for desert plots range from a low of \$350 in Benson to a high of \$1,200.00 in Sierra Vista. Of the surveyed communities, only Sierra Vista offers grass plots at \$1,600.00.

Recommendation: Pass Resolution 2015-11 updating policies, regulations and fees.

Fiscal Impact: The fees for burial remain unchanged, adjusted annually by the CPI. The fees for gravesites increased as follows: Regular - \$400.00 to \$550.00; Grass \$600.00 to \$750.00; Infant - \$100.00 to \$138.00; Urn - \$100.00 to \$138.00.

Submitted by:



Approved by:



CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2015-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE, COUNTY, ARIZONA AMENDING THE POLICY AND REGULATIONS FOR SUNSET CEMETERY AND UPDATING FEES

WHEREAS, the City is authorized by Section 9-240.11(b) Arizona Revised Statutes, to establish and maintain cemeteries and has by prior resolution established certain rules, regulations, and fees for the operation of the cemetery; and

WHEREAS, the City is authorized pursuant to Willcox Municipal Code 5.01.080 (C) to establish fees pursuant to resolution; and

WHEREAS, it is in the City's best interest to periodically revise the rules and regulations, the fees and charges, and to establish guidelines for the operation of the cemetery.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY WILLCOX, ARIZONA, AS FOLLOWS:

Section 1: The CITY formally approves and adopts the policies, regulations and fees for Sunset Cemetery presented herein as Exhibit "A".

Section 2: The Mayor is authorized and empowered to execute this Resolution.

Section 3: The City Manager is hereby authorized and directed to take all actions necessary or reasonably required to carry out the intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 19th day of February, 2015.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

APPROVED AS TO FORM:

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

ANN P. ROBERTS, City Attorney

Exhibit "A"

Sunset Cemetery Policy, Regulations, and Fees

- I. Burial Policy:
 - a. Prior to all burials, City workers will verify that the burial is planned for the correct space and either owned by the person being buried or have notarized authorization from the owner of the space.
 - b. Prior to all burials, compliance with Title 36 Arizona Revised Statutes for the transportation and disposition of human remains (AZ TRANSIT PERMIT) shall be required.
 - c. The City is not responsible for persons, other than City staff, who may damage curbs, waterlines, plantings or other improvements when excavating for burials. The person or entity causing the damage must pay the City for the repairs and/or replacement of damaged property.
 - d. Only one casket may be placed in a gravesite.
 - e. Burial space in lots: No more than six (6) spaces or gravesites are allowed in the lot. Properly spaced, eight (8) urns may be allowed.
 - f. Gravesites may be inspected by cemetery personnel to determine if the gravesite has been encroached upon by the interments in adjoining gravesites. If it is found that a casket has been improperly aligned in an adjoining gravesite; or if it is discovered that there is insufficient area to safely open the gravesite without causing a caving condition; or if there is any other encroachment that may cause the gravesite to be unusable for interment; then and in any of these events other arrangements must be made for the interment of the deceased person.
 - g. Certain areas of the cemetery are currently undeveloped. No burial spaces will be sold in these areas until and unless they are developed and platted as lots.
 - h. The City will provide services on pathways such as water, weed control, or grading roads as provided on developed areas.
 - i. An unlimited number of lots or gravesites may be purchased by an individual or family.
 - j. In the area designated as "Indigent Burials", the City provides gravesites for qualified indigent persons, as stipulated by Cochise County.
 - k. Babies and small children who do not require a full size gravesite may be buried in the area designed for smaller gravesites.
 - l. All persons interred must be buried in caskets. Cremation urns may be buried without a casket or use of outer burial container. Indigent burials may be buried without the use of outer burial container. All burials in the grass area require the use of outer burial container. The outer burial container shall be made using materials approved by Public Works Department.
 - m. "Certificate of Interment Right to Cemetery Lot." In the event that the right is not exercised within 15 years, it will be deemed abandoned after notice or unsuccessful attempt to notify the purchaser or next of

- n. kin of the pending abandonment. If the owner or next of kin or other responsible party, indicate in writing that family intends to use the space in the future, then the right shall continue for an additional 15 years

II. Maintenance.

- a. Water: A) Cemetery personnel shall water the grass area on a seasonal schedule of the cemetery as dictated by weather conditions and season. If funerals and weed control problems require extra time, watering will be done as time permits. B) In the desert section, individuals, responsible parties, may water their plantings on their own. C) The city is not responsible for replacement of personal plantings or trees that suffer due to lack of water or care. D) Watering of City trees is scheduled by cemetery personnel.
- b. Trimming: A) Cemetery personnel will trim trees as required upon request not to exceed twice annually. Shrubs and bushes may be trimmed a maximum of four times annually, upon request. If burials or weed control require additional time, the City reserves the right to delay, reschedule, or cancel trimming. B) The City is not responsible for damage to trees or shrubs from trimming or for the satisfaction of the person requesting the trimming. C) Individuals or responsible parties may trim trees or shrubs but must remove trimmings from the Cemetery. D) The City reserves the right to remove dead plantings that are deemed a safety hazard.
- c. Grading: Cemetery personnel will grade and maintain roads and alleys within the cemetery as needed.
- d. Filling Settled Graves: Cemetery personnel will restore settled graves upon request. Restoration will include placing dirt, compacting and leveling. Any improvements on the lot including gravel, plantings, plastic, or concrete must be removed by the person requesting the work. Upon request, as time allows, City cemetery personnel will assist with resetting headstones. (See "f")
- e. Repairing Water Lines and Curbs: A) Cemetery personnel shall repair water lines and spouts as needed. B) The City will repair curbs bordering the lots as required. The City is not required to maintain curbs installed by private parties between spaces, gravesites, or lots.
- f. Repairs after Burials: After burial and closing, the descendants, relatives, or responsible parties must replace and repair any and all improvements. If no relatives exist, the grave will be closed and improvements will not be replaced by the City.
- g. Additional Care: Cemetery personnel will do other care activities when authorized by City management.
- h. Damage to gravesite: The City is not responsible for damages or loss of personal items on gravesites due to vandalism.

III. General Regulations for the Desert Section:

- a. Written approval from the Public Works Department is required before any structural improvement is made on the gravesite(s). For example, improvements in the nature of extra curbing, railing, fencing, must be approved.
- b. Only evergreen trees, flowering bushes, and desert-type plants may be planted in any gravesite.
- c. Grass or colored stone covering is permissible.
- d. No animals shall be buried on any gravesite.
- e. All burials must be in the gravesite.
- f. There shall be no changes to City installed curbing.
- g. No mausoleums shall be permitted in this portion of the cemetery.
- h. Monuments are to be made of granite, marble, bronze, stone or other durable material approved by the Public Works Department. All monuments must be suitable for the size of the lots and should blend with others in the cemetery.
- i. No monuments shall exceed 42 inches in height from the foundation nor shall the monument be closer than 4 inches to the edge of the plot dimensions on all sides. Any enclosure erected on a grave site shall not exceed 42 inches in height and shall be constructed in a safe and sound manner as determined by the Public Works Department.
- j. At the owners expense, curbs may be installed at not be more than 6 inches in width, no less than 5 inches or greater than 8 inches above the ground and footing no less than 5 inches or greater than 8 inches deep. There must be no fewer than two reinforcement rods or bars, one above and one below ground, except in the case of brick or rock curbs. Rock or large boulders may be used inside the curbing. Inspection is required by Public Works Department. The Public Works Department shall approve the method and type of construction for each lot or gravesite improvement.
- k. Uncared for lots or gravesites that become unsightly, unsafe, a nuisance or detrimental to the appearance of the cemetery shall be managed by the Public Works Department. Notice shall be mailed to the last known or recorded address of the owner. If no response is received and no repairs made within an appropriate amount of time (not less than 30 days), the Public Works Director shall direct cemetery personnel to enter said lot or gravesite and remove the items causing the nuisance or safety hazard.
- l. Unauthorized structural improvements are subject to removal.

IV. General Regulations for the Grass Section (Blocks 7, 8, 9, 10, 11, 12, 13, 14, and 15):

- a. Flowers and plants. No flowers or plants are to be planted. Fresh or artificial plants may be placed at the gravesite. Artificial plants will remain until such time as fading or discoloration occurs. Any and all objects, including flowers that block the path of the mower during the mowing season (March 15 through October 31) shall be removed and not replaced. Only flowers in headstone vase may remain. Every

effort should be made to keep memorial objects in the vase or on the headstone.

- b. Only flat markers are permitted. Grave coverings will take on a pleasing appearance and will require a minimal amount of maintenance. Tamping is required if cement is used to set headstone.
- c. Vaults shall be used. Wood is not acceptable.

V. Fees

- a. Opening and closing graves:

Gravesite	Mon. - Fri	Sat.	Sun.	Holiday
Regular	\$ 410.03	\$508.62	\$550.63	\$620.90
Grass	\$ 527.74	\$620.88	\$714.63	\$808.35
Infant	\$ 117.16	\$187.45	\$257.74	\$328.03
Mausoleum	\$ 275.32	\$345.60	\$415.89	\$486.21
Urn	\$ 117.18	\$187.43	\$257.74	\$328.03
Every fiscal year fees will be adjusted by the Consumer Price Index (CPI).				

Note: An independent private contractor may be hired to open and close the gravesite. The contractor must meet the following criteria:

1. Be a registered contractor with the Arizona Registrar of Contractors.
2. Provide proof of one million dollars (\$1,000,000) worth of public liability insurance and name the City of Willcox additionally insured. Waiver of Liability signed by a responsible person and notarized.
3. All work must be performed under the coordination of the Public Works Department.

- b. Gravesites:

Gravesite	Rate
Regular	\$550.00
Grass	\$750.00
Infant Lots*	\$138.00
Urn	\$138.00

Every fiscal year fees will be adjusted by the Consumer Price Index (CPI).

*If a larger gravesite is required, two (2) gravesites may be purchased in infant area.

- c. Payment and payment arrangement: Payment must be received in advance. Payment arrangements are available on reserved gravesites, not on the opening and closing, at \$15 per month per gravesite, plus \$10 setup fee and 1.5% interest per month on the balance due.

- d. Indigent burials: The City shall charge the Cochise County rate set in the Contract for Cemetery Services for Indigent Dead dated August 23, 1989. The Contract for Cemetery Services for Indigent Dead shall be adjusted from time to time through a written agreement with Cochise County.

	<u>Infant</u>	<u>Adult</u>
Opening and Closing Graves:	\$100	\$200
Prices for Gravesites:	\$ 65	\$200

Indigent burials plots or gravesites are in an area designated for County Burials. County Burials shall be conducted Monday through Friday excluding Holidays.

