

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 19th DAY OF JULY 2018**

CALL TO ORDER - Mayor Michael Laws called the meeting to order at 6:31 p.m.

ROLL CALL - City Clerk Crystal Hadfield called the roll.

PRESENT

Mayor Michael J. Laws
Vice Mayor Terry Rowden
Councilman Elwood "Woody" A. Johnson
Councilman Gerald "Sam" Lindsey
~~Councilman Robert A. Irvin~~
Councilman Timothy A. Bowlby
Councilwoman Rachel D. Garza

STAFF

City Attorney Ann Roberts
Interim City Manager Crystal Hadfield
Public Safety Director Jose Rios
Public Works Director Galo Galovale

ABSENT

Councilman Robert A. Irvin

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by Mayor Laws.

CALL TO THE PUBLIC – Constance Evans-Nunez addressed the Council regarding the wastewater treatment plant and safety issues. Her first concern was the cost to run the old plant versus the cost to run the new plant. She discussed the staffing of the new wastewater plant and how is it going to be staffed and ran because the utility department currently has six employees. She asked how are rates calculated and are they calculated based on water usage because water can be used for a variety of things. She inquired about the rate increase and does this go to the wastewater department or are the funds going into the general fund. Her last concern is safety within the environment of the City and City employees. She observed a City employee and three inmates smoking by a gas regulator and she has pictures to prove it.

Barbara Simpson addressed the Council regarding the Union Pacific crossings. She lives on E. Patte Rd. She had an experience last Saturday at the Patte Rd crossing and noticed that the train was blocking the crossing. She took the dirt road which is an unsafe road. She got into town and ran errands and then came back and the train was still blocking the tracks about 45 minutes later. There was a point in time that all crossings were blocked with no way to get into town. A neighbor of hers said it was close to four hours that she couldn't get through. The Police Department gave her a number for Union Pacific. They told her it was not critical and they gave her an Omaha, Nebraska address to write. She discussed her concerns to the Police Department and said they said that she cannot file a complaint against Union Pacific. She then spoke to the Sheriff's Department and they said that there is a State law Title 4-0852 that says a train can stop at a crossing for a maximum of 15 minutes. If there was a fire, a medical emergency, or crime there is no way to get to the other side of town. Ultimately, she would like to see this situation solved.

Jody Clement from Rex Allen Days presented Council with a check for reimbursement for the new electrical construction done at Keiller Park for \$3,000. Rex Allen Days wanted to go forward to use the park so that the vendors are not upset when their equipment doesn't work.

DECLARATION ON CONFLICT OF INTEREST – None

ADOPTION OF THE AGENDA

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

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

APPROVE THE JULY 5, 2018 COUNCIL MEETING MINUTES

MOTION: Vice Mayor Rowden made a motion to approve the July 5, 2018 Council meeting minutes.

SECONDED: Councilmember Bowlby seconded the motion.

MOTION CARRIED

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 19th DAY OF JULY 2018**

ORDINANCE NS329: AN ORDINANCE LEVYING A PRIMARY PROPERTY TAX UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY SUBJECT TO TAXATION, FOR THE FISCAL YEAR ENDING JUNE 30, 2019

MOTION: Councilmember Lindsey made a motion to approve Ordinance NS329.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Councilmember Johnson said just for the record, the secondary taxes are going away so there will be a decrease in City property taxes; however the County has increased theirs. Councilmember Bowlby clarified that this is the minimal amount we can levy without a truth in taxation hearing.

MOTION CARRIED

PUBLIC HEARING ON WASTEWATER RATE INCREASE

PUBLIC HEARING OPENED: Mayor Laws opened the Public Hearing at 6:43 p.m.

PUBLIC HEARING CLOSED: Mayor Laws closed the Public Hearing at 6:46 p.m.

DISCUSSION: Councilmember Johnson said to address some of Constance Evans-Nunez's concerns. Evans-Nunez asked what is the rate going to be and how does it compare to the old rates. Interim City Manager Hadfield replied that the rates will go up by 8% on both the variable and fixed rates. It averages about \$3.24 increase monthly for residential and \$8.50 per commercial. Evans-Nunez asked if that is going to the wastewater fund or any other fund to which Hadfield replied that it will go strictly into the wastewater fund. Johnson said that the water charges are based on three months of water rates from December – February which is the least amount of water being used. So this time of year where you are watering will not affect your sewer rate.

RESOLUTION 2018-22 – A RESOLUTION APPROVING AND ADOPTING RATES AND CHARGES FOR WASTEWATER UTILITY SERVICES PROVIDED BY THE CITY OF WILLCOX, SETTING AN EFFECTIVE DATE AND DIRECTING AUTHORIZED CITY OFFICERS AND ADMINISTRATORS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION

MOTION: Councilmember Johnson made a motion to approve Resolution 2018-22.

SECONDED: Councilmember Bowlby seconded the motion.

DISCUSSION: Councilmember Johnson hates to see increases but this is one that we have to increase to pay for the sewer treatment plant. We take flushing the toilets for granted. ADEQ has been after us for the last eight years. Johnson said hopefully now we can grow with homes and businesses. This is investing in the infrastructure for the community. Vice Mayor Rowden said it is a requirement from the lender to increase our rates to make sure we qualify for the loan. Mayor Laws said we have added a process to the plant to collect county fees for septage collection. We have added a new system but we won't know for a year that the increase will help and we could reduce the costs and pick it up through that. Councilmember Lindsey said had we not increased by the 8% we would've had to borrow \$1.5 million and the payments of the additional funds would've cost more so it would've gone up one way or the other.

MOTION CARRIED

PUBLIC WORKS PRESENTATION – GALO GALOVALE

Galo Galovale, Public Works Director gave a presentation focused mainly on streets. Galovale gave a SWOT (strengths, weaknesses, opportunities and threats) analysis. The strengths are the staff potential and new technology. Opportunities are partnering with ADOT and the County for streets projects. Weaknesses are current staff experience and exposure to road construction and not a lot of change in elevation to the roads. Threats include the flooding of streets and the clay layers. Wasson and McCourt are road improvement projects for this year from Arizona Ave. to Bisbee. Also, we are looking at part of Austin south of Maley down to Arizona due to issues of the shoulders. For the next five years, Galo is looking at Austin, Arizona, and Bisbee for improvements. Arizona is a high priority due to major drainage issues. Galo then discussed additional projects that are going on such as gas and water meter upgrades, removal of gas risers from vacant homes and the bulk water fill station. We have been having issues with the bulk water fill station and the company we are working with is going out of business. We may install meters for the regular customers and bill them monthly. Mayor Laws asked about the charges for the gas meter if we do a monthly fee for the gas meter and pay for the meter itself. Galo replied that it is both ways, we charge for the gas meter and there is a monthly charge. Vice Mayor Rowden asked if it is a base rate and Galo replied it depends on the size of the meter. Rowden then asked if it is difficult because the street is lower, because her street feeds into Arizona, and is that the case with other streets within the City. Galo said there isn't much of a change in the terrain and we need surveyor to come in and give us grades. The curbs are already in place and we don't remove them to keep from flooding homes. Rowden asked if you were to raise the street levels, the homes would flood. Galo said that is correct. Councilmember Garza said there is drainage right behind Safeway towards Appliance Mart and by Fremont and they are one of the major sources of flooding. Galo said we are trying to keep up with the maintenance by controlling the weeds. We

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 19th DAY OF JULY 2018**

have issues with blockage of the drainage due to people not maintaining weeds. Rowden asked about the clay having to go down several feet to change the base and does that prevent cracking of the pavement. Galo said yes and the clay takes the water that is infiltrating from the surface. Mayor Laws said that a perfect example is in front of the Truck Wash; we went down 12 feet. Councilmember Lindsey had a comment Soto Street that we do need some improvement for the washboard. Garza said a lot of City employees have been rolling and inspecting Soto. It is being taken care of and the City is working on it. The last manager's report is that we are still working on it. Councilmember Lindsey said the roller isn't doing the job. Councilmember Johnson said in the past on Arizona St. we have contacted the County and the Railroad and asked if Galo has inspected the underpasses where the water runs through. Galo said yes, they have looked at it.

CITY MANAGER REPORT

- The Mayor and I attended a League of Cities and Towns meeting in Sierra Vista. The League went over the most recent legislation that affects cities and towns. It was very informative.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilmember Johnson said August 11th is the Annual Quarterbacks Club and asked staff if they can get with the liquor license approval on the August 2nd agenda.

Councilmember Lindsey gave an update on Councilmember Irvin. He is home and has been home all week. Joanne has been able to take care of him. He does have helpers who help take care of him. His stomach aneurism is doing well. He is still having pain in the fractured hip. He is hoping his appetite improves as he has lost a lot of weight. He is making progress. He is a little difficult to understand. Lindsey mentioned that he had a conversation with Caleb and he is house hunting and it looks like he picked out a place.

Councilmember Bowlby thanked Galo for what Public Works has done on Soto St. Bowlby did double check with Crystal and it is about \$1 million to fully pave a mile of road. To chip seal is about a quarter of that cost. The Quarterback Club Tournament is something you don't want to miss because it is a huge fundraiser. They give a lot of scholarships. Bowlby said thanks to Rex Allen Days for \$3,000 for the power at Keiller Park. As far as the train stopping at crossings, it has happened before. There could be situations we are not aware of. Bowlby said he doesn't know what the process is to talk to Union Pacific. It is a safety issue that we need to discuss with Union Pacific.

Councilmember Garza echoed Tim on the Soto St. It is going to take some work to get it done. Garza applauds Galo for getting a relationship with the State and County. As far as the train, her brother was killed Jan 1, 1987 and there was a train blocking so she understands. His name is on a National Memorial because he gave his life to help someone else.

Vice Mayor Rowden said the results of the economic survey are in. They have narrowed it down to twelve types of businesses for Willcox that are that are a fit and are desirable and compatible. They are going to narrow that down further to try to bring them down to Willcox. We are hoping to work with SEAGO to try to help us.

Mayor Laws thanked Rex Allen Days for the check. He said he wants Jeff from Big Tex to get open as fast as possible. At the League of Cities meeting, Ken Strobeck was there and the League is working very hard for the cities to get rid of the strenuous levies they are putting on small cities. Laws said we've talked about the streets and we are getting them fixed. Laws said he would love to see Councilmember Irvin come to back to work. Laws spoke with Caleb and he is going to buy Councilmember Lindsey's old house.

ADJOURN

MOTION: Councilmember Bowlby made a motion to adjourn the meeting with no further business at 7:17 p.m.

SECONDED: Vice Mayor Rowden seconded the motion.

MOTION CARRIED

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 19th day of July 2018. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 19th day of July 2018

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 19th DAY OF JULY 2018**

City Clerk Crystal L. Hadfield

PASSED, APPROVED AND ADOPTED this 2nd day of August 2018.

Mayor Michael J. Laws

ATTEST:

City Clerk Crystal L. Hadfield



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

FOR DLIC USE ONLY

Event Date(s):
Event time start/end:
CSR:
License:

APPLICATION FOR SPECIAL EVENT LICENSE
 Fee= \$25.00 per day for 1-10 days (consecutive)
 Cash Checks or Money Orders Only

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 12).

SECTION 1 Name of Organization: Willcox Quarterback Club

Name of Licensed Contractor only (if any): _____

SECTION 2 Non-Profit/IRS Tax Exempt Number: 81-2958579

SECTION 3 Event Location: COUNTRY SPUR

Event Address: 115 S HASKELL AVE.

SECTION 4 Applicant must be a member of the qualifying organization and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: HARGUESS SAMMY DEAN 8-16-1966
Last First Middle Date of Birth

2. Applicant's mailing address: 4401 W Circle Hills Dr. Willcox AZ 85643
Street City State Zip

3. Applicant's home/cell phone: 529 507-2086 Applicant's business phone: 529 384-6651

4. Applicant's email address: dean@vtc.net

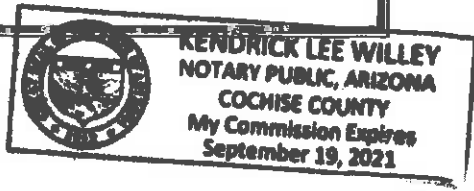
I, (Print Full Name) Dean Harguess declare that I am the APPLICANT filing this application as listed above. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] President 7-19-2018 520-507-2086
Signature Title/Position Date Phone Number

The foregoing instrument was acknowledged before me this 19 07 2018
Day Month Year

State AZ County of COCHISE

My Commission Expires on: 9-19-21 [Signature]
Date Signature of Notary Public



SECTION 5 Regarding the application for a special event permit: The **Officer, Director, or Chairperson of the organization** certifies that the Organization meets the criteria in A.R.S. § 4-203.02(E) as indicated by checking one of the boxes below.

- (1) The Organization is a political party or a campaign committee supporting a candidate for public office. Please indicate the name of the candidate that the Organization supports, the office that the candidate seeks, and the month and year that the candidate would first fill the office if successful.

Candidate: _____

Name	Office	Month/Year
------	--------	------------

- (2) The Organization is a non-profit entity organized in Arizona, or pursuant to the laws of another state that is eligible for designation under Section 501(C) of the internal revenue code of the United States. If the Organization is applying under option (2) as a nonprofit entity, please also **INITIAL** in the spaces provided next to **all** following statements to indicate that, to the best of the Organization's knowledge, the following statements are correct.

To be initialed only by an Officer, Director, or Chairperson of the organization.

- The Organization has received a determination letter from the Internal Revenue Service ("IRS") indicating that it is eligible for designation as a nonprofit entity under Section 501(C), eligibility or will be eligible on all days that the special event will occur, or has a pending application with the IRS for such treatment that has not been resolved but that will retroactively cover all days that the special event will occur. (Please provide a copy of either the IRS determination letter or the application [without attachments] with this application).
- The Organization is not aware of any action taken by the IRS to revoke, suspend, or otherwise eliminate their Eligibility under 501(C), or if there is a pending application, the eligibility has not received any indication that the IRS will deny its application and has a good faith basis formed upon a reasonable inquiry into IRS regulations, guidelines and forms that are eligible under 501(C).
- The Organization understands that if there is a change in circumstances after completing this form that may cause or has caused it to lose its eligibility under 501(C), whether before or after receiving an IRS determination letter, that it has an affirmative duty to notify the Department of Liquor, which may take appropriate action regarding the loss of eligibility.

To be completed only by an Officer, Director, or Chairperson of the organization.

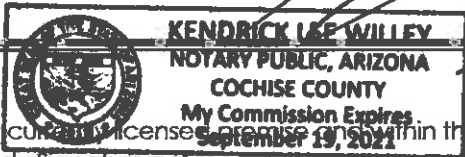
I, (Print Full Name) Dean Harguess declare that I am an Officer, Director, or Chairperson of the organization filing this application as listed above. I have read the application and the contents and all statements are true, correct and complete.

X Dean Harguess Signature Title/ Position President Date 7-19-2018 Phone Number 520-567-2086

The foregoing instrument was acknowledged before me this 19 Day 07 Month 2018 Year

State AZ County of Cochise

My Commission Expires on: 9-19-21 Date Signature of Notary Public Kendrick L&P Willey



SECTION 6 Will this event be held on a current license premises (if not within the already approved premises)? Yes No (If yes, Local Governing Body Signature not required)

 Name of Business License Number Phone (include Area Code)

SECTION 7 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- Place license in non-use
- Dispense and serve all spirituous liquors under retailer's license
- Dispense and serve all spirituous liquors under special event
- Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 8

What is the purpose of this event? On-site consumption Off-site (auction/wine/distilled spirits pull) Both

SECTION 9

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

- Yes
- No (if yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 1
(The number cannot exceed 10 days per year.)

3. Is the organization using the services of a licensed contractor or other person to manage the sale or service of alcohol?

- Yes
- No (if yes, must be a licensed contractor or licensee of series 6, 7, 11, or 12)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name Willcox Quarterback Club Percentage: 100%

Address P.O. Box 591 Willcox AZ 85644

Name _____ Percentage: _____

Address _____
Street City State Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

5. What type of security and control measures will you take to prevent violations of liquor laws at this event?

(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

Number of Police 2 Number of Security Personnel Fencing Barriers

Explanation: _____

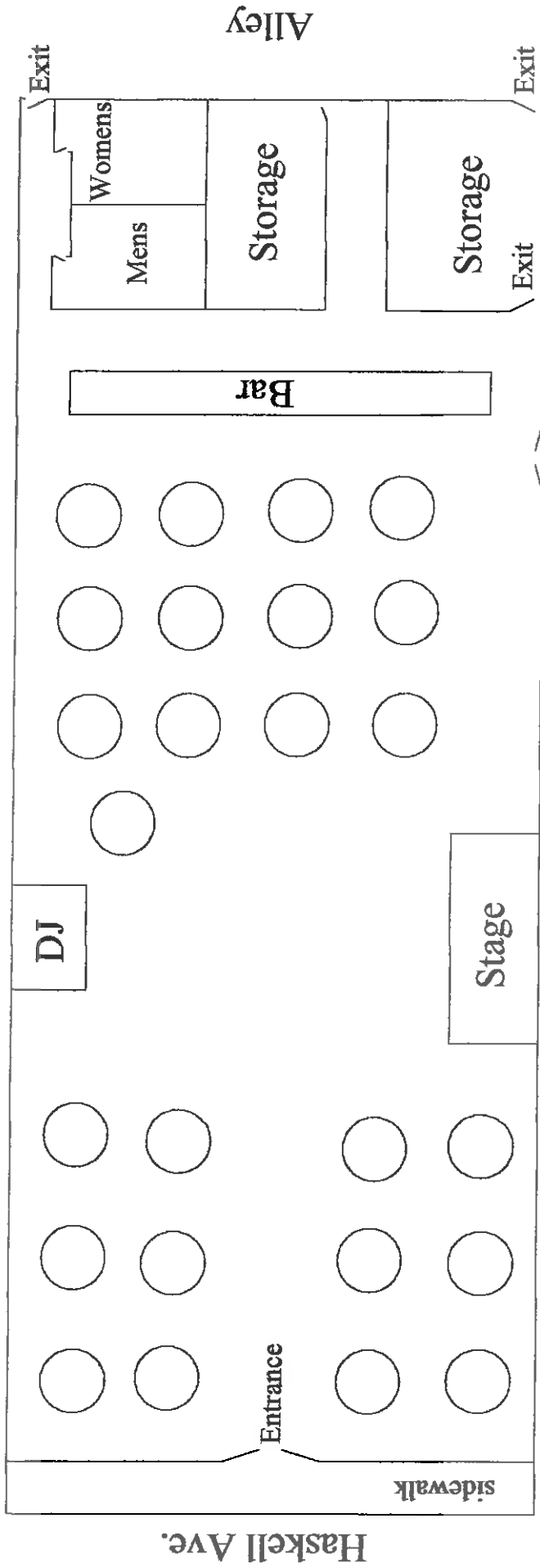
SECTION 10 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	8-11-2018	Saturday	12:00pm	
DAY 2:	8-12-2018	Sunday		2:00 AM
DAY 3:				
DAY 4:				
DAY 5:				
DAY 6:				
DAY 7:				
DAY 8:				
DAY 9:				
DAY 10:				

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.





Haskell Ave.

Building is approximately 50' wide and 13' long

Alley

Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

SECTION 12 Local Governing Body Approval Section.

Date Received: _____			
I, _____	_____	recommend	<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL
(Government Official)	(Title)		
On behalf of _____	_____	_____	_____
(City, Town, County)	Signature	Date	Phone

SECTION 13 For Department of Liquor Licenses and Control use only.

<input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL	BY: _____	DATE: ____/____/____
--	-----------	----------------------

A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.