

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 18TH DAY OF MAY 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, May 18, 2009 at 7:00 p.m. and invited all to come on a regular basis.

ROLL CALL-Mayor Lindsey announced all Council members are present.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood A. Johnson
Councilman Jimmy L. Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

City Manager Pat McCourt
City Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Public Safety Director Jake Weaver
Library Director Tom Miner
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Building Inspector Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG- Mayor Lindsey.

CALL TO THE PUBLIC-Joe Walker addressed the Mayor and Council because he had been asked to come here tonight. With a lot of reluctance he decided to come and say a few things. Over the last 3-4 years he has become frustrated with City employees in general, mostly doing regulatory work for the City at his home or in his business or "in my Park." There seems to be an atmosphere 'we are the City you will answer to us.' As a citizen very it's frustrating to a point that citizens do not want to say anything. There is individual(s) or overall attitude that 'well if he doesn't like that it too bad. We're the City we have the power.' At his home has had City employees go through his mail box and for the last 4-5 years Little League has wanted to improve Little League field and told that unless they go out and get Engineer, hire and pay for licensed contractor and still get hassled by the City as well. Unless they don't do that they have been told 'don't touch this or that' although it is ok if they are doing their jobs to take care of fields. Mr. Walker stated he doesn't know what their job is. It would be nice to water the fields the before grass dies. About 4-years ago they asked for grass as infill and it has not been done. In his wife's business issues were 1) they could not open; and 2) individual was on vacation and no one could do inspections and waiting were licensed contractors. Real frustration is with the City in general; has not been able to help or just get out of the way. Couple individuals started softball for girls and they beat their head against the wall with the City. These young ladies are 5-16 years and the City can not afford lights for them. He stated "maybe you can't, maybe City can't, but they can for Men's Softball League" and is not sure why the City can't take care of our kids. Overall attitude last year about this time or earlier '07 during the winter received letter to appear at a meeting that night and he came in and was told had to give \$1,000 to replace some drainage ditches or culverts in front of his house and driveway. Asked what was wrong with those that have been there for 20 years and told they were not big enough. And he was told City was paving the road and if you want culverts you have to pay for it. He does not live in the County and would know he would have to pay for it and drainage. Again he was told if you want it have to pay for it. Neighbors told him to throw a big fit and they will stop the paying or pay \$1,000 and get culvert in. He just shut his mouth and most people are afraid of retaliation and stated 'I will get over it.'" Mr. Walker wrote a letter after received letter that it was too small that it did not meet code. Wrote Mr. Lindsey the letter and never heard back. Does not know how much money was wasted although he knew threw about a dozen culverts because it was not done to specifications. An Engineer can recognize when culverts are put in right. Another Engineer came in put in 20 culverts and had to replace half of them. The attitude your City employees demonstrated over the past year and they donated their time to put grass in Little League fields and put in mound. Then they were told they were not allowed to touch it 'it's our field.' Mr. Walker said we need to go to Nogales or Tucson and see what a real Little League field looks like. The City's fields are not standard nor are they for softball fields. What we have in Willcox is the whole park dedicated for Men's Softball and yet kids can not practice football when they have Softball Games because we have people come in and are staying at motels. He stated, "Sure those fields belongs to us" and he would not want to kick little kids out just to play. City employees need to recognize "they work for us and not the other way around." Understands the Mayor and Council can not discuss this. Mayor Lindsey suggested meet with City Manager McCourt and formalize complaints made and he can take it back to staff and see what can be done.

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DECLARATION ON CONFLICT OF INTEREST-City Attorney Hector Figueroa declared conflict on agenda #9 regarding Liquor License at Rix's Tavern because he represented the former holder of the license and also the new applicant for license. There was no response from the Mayor and Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Schultz moved to consolidate agenda items numbered 13,14 & 15 relating to policies on use of facilities and consider after agenda item numbered 8 relating to the minutes.

SECONDED: Councilman Johnson seconded the motion. **CARRIED.**

MOTION: Councilwoman Cronberg moved to approve the agenda as changed.

SECONDED: Councilman Johnson seconded the motion. **CARRIED.**

PETITIONS, PUBLIC HEARINGS AND COMMUNICATIONS

Public Hearing: The Mayor and Council will hold a public hearing on Monday, May 18, 2009 at 7:00 p.m. regarding Application for Liquor License, Interim Permit, Person Transfer, Limited Liability Co., Liquor License Series #06 Rix's Tavern, Mary Christine Humphers, 176 S. Haskell Avenue, Willcox, AZ 85643

All members of the public are invited to attend. For those persons unable to attend written comments will be accepted in the Office of the City Clerk, Cristina G. Whelan, 101 S. Railroad Avenue, Suite B, until 4:00 p.m. the day of the public hearing.

Mayor Lindsey opened the public hearing at 7:15 p.m. regarding the Application for Liquor License, as stated, and requested by Rix's Tavern, Mary Christine Humphers, 176 S. Haskell Avenue. He asked if anyone would like to address the Council. He asked if any comment from the Council. Hearing none closed 7:16 p.m.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES OF MAY 4, 2009 AND THE SPECIAL MEETING ON MAY 11, 2009

MOTION: Councilman Johnson moved to approve the regular meeting minutes of May 4, 2009 and the special meeting on May 11, 2009.

SECONDED: Councilman Donahue seconded the motion. **DISCUSSION:** Mayor Lindsey under Declaration of Interest correct name to correct "hector" to "Hector," and "Rib's Tavern" to "Rix's Tavern," and change name from David Stems to David Reno as corrected by Chief Weaver.

AMENDED MOTION: Councilman Johnson moved to correct the May 4th minutes as corrected.

SECONDED AMENDMENT: Councilman Donahue. **AMENDMENT CARRIED.**

ORIGINAL MOTION: **CARRIED.**

(AT THIS TIME PER MOTION CONSIDER AGENDA ITEMS RELATING TO POLICIES AS ONE!)

DISCUSSION/DECISION REGARDING APPLICATION FOR LIQUOR LICENSE INTERIM PERMIT, PERSON TRANSFER, LIABILITY CO., LIQUOR LICENSE SERIES #06, RIX'S TAVERN, MARY CHRISTINE HUMPHERS, 176 S. HASKELL AVENUE, WILLCOX, AZ

MOTION: Councilman Johnson moved to approve the application for Liquor License, as stated, as requested by Rix's Tavern, Mary Christine Humphers.

SECONDED: Councilwoman Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING THE APPLICATION FOR SPECIAL EVENT LICENSE REQUESTED BY REX ALLEN DAYS, INC., ON OCTOBER 3 - 4, 2009, AT QUAIL DRIVE SPORTS PARK FROM 1:00 P.M. - 6:00 P.M.

MOTION: Councilman Johnson moved to approve the Application for Special Event License requested by RAD's Inc., on October 3-4, 2009, at QDSP from 1:00 p.m. – 6:00 p.m.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Dennis Williams stated he wants RAD's Inc. to have the same consideration as he got. **CARRIED.**

DISCUSSION/DECISION REGARDING THE APPOINTMENT TO THE PARK & RECREATION COMMITTEE

MOTION: Councilman Johnson moved to appoint Tammy Baumler to the Parks & Recreation Committee.

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SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey asked if she was present and Ms. Baumler was in the audience. **CARRIED.**

PRESENTATION ON HEALTH INSURANCE AND BENEFITS BY REPRESENTATIVES FROM CITY'S INSURANCE AGENCY, BENEFITS INTELLIGENCE, INC., HEALTH NET, AND BENEFITS ADMINISTRATOR

Mr. Al Thunberg, Employee Solutions Group, consultant to the City on employee benefit plans, presented an overview of the City's current commitment, stating health care curve and premiums are going up. It is challenging area not only for the City of Willcox and other surrounding communities. Representing Health Care and is also looking at others having to make decisions.

Health care and employee benefits are complicated areas. City employees deserve it and everyone agrees that it is a balancing act. The Health Reimbursement Arrangement, or HRA, is City subsidized, tax free benefit to employees. It is being used all over the County to assist in controlling costs. Annual health premiums of \$404,000 this year and we do not expect trend to reverse. We are proactively creating strategies to mitigate costs. Renewals can increase costs up 20%, or up to \$480,800, and for our budget it is needed to find lower cost now and for the future years as well. The City is continuing with Health Net. The coverage has been strong. Using HRA mitigates increases to 4.4%, down from a 20% increase. Told budget set at this dollar amount and he thinks he can secure that. The HRA is legitimate under IRC Section 105. HRA provides for tax-free reimbursement to employees for future cost for services under plan design. Thinks this is a winner for City of Willcox as well. Although he does think balancing on cost and benefit and employees sense that and want to stay as employees of the City. Discussion was held with employees and very positive. Options are: 1) Stay with same program and back on City; not acceptable. 2) Pass extra cost to employees and would change participation and interest; not acceptable. 3) Come up with new ideas and recommend HRA which City employees received favorably.

HRA staff had to make choices if going to offer that to employees. Choice how employees will pick how they want to be insured, how system cares for us, and in the past most employees relied on the HMO (Health Maintenance Organization) Plan. The HMO requires a referral from primary physician. Another option is the PPO (Preferred Provided Organization) which Willcox had last year and only couple members used that. PPO does not require physician referral; the employee makes choice who they want to receive services from. There are two (2) choices traditional HMO will be available and they are co-pay driven as long as stay in that network and no cap on number of co-pays i.e. physician, services. PPO choice put cap on amount of out of pocket expenses for employee. Major medical events could incur costing \$20,000-\$40,000. Its important to the City Manager not to hurt employee with financial burden. The \$500 deductible expense will be on the employee. The HRA will reimburse up to \$2,000 to employee only if incur maximum out-of-pocket of \$2,500. It puts a financial risk on the City. ESG analyzes that risk and predicts how many of these events will occur. If money is not set aside, it could be a financial exposure for the City if it freezes up account or savings to reimburse employees. On a hypothetical \$40,000 Major Medical event the employee would pay \$500, the City would pay \$2,000, and the insurance carrier would pay the remaining \$37,500. It will put us in better position with carrier when renewal comes around because taking first \$2,500 and less in pockets and utilization. Last year the City had eight major claims over \$10,000 and it insures over 60 people. Mr. Thunberg asked why pay premiums when you can save those premium dollars and let the City continue to build strategy moving forward at a lower cost.

Councilman Johnson asked how many carriers are available, and Mr. Thunberg replied that they secured quotes from all in Cochise County. Councilman Johnson asked about the amount of the set aside. Mr. Thunberg replied that if you have a healthy year and not a difficult year, and do not spend all the funds that have been set aside, the remaining monies are an asset for the City. Councilman Johnson asked if Dental and Vision included and Mr. Thunberg responded only Major Medical event and City chose not to do that because it is not financial advantage.

Councilman Johnson asked about coverage in the event of a continued illness and Mr. Thunberg replied HMO is unlimited and PPO is \$5 Million by insurance contract.

Mayor Lindsey asked about the employee's costs. Mr. Thunberg explained the employee cost is not changing. The City will pick up the additional cost. Premiums were held for employees and Finance Director Graham added it was kept identical. Have not increased cost on employee and still secure 4.4%.

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City Manager McCourt did increase employee risk because under HMO they had \$150 deductible on each incident with no limit. Now they have \$500 deductible or 3-\$150 incidents. Mr. Thunberg said goals wanted to make sure did not get anyone in a negative financial situation if they had Major medical event. He agreed that insurance is a complicated area and Mayor Lindsey stated that Health Insurance for employees is 20% of our total employee cost. Mr. Thunberg said they see that all over the County and all looking at this innovative plan. Nothing in this process changes the way the employee uses insurance. They will have a Health card and the card will have either HMO or PPO. If there is a Major Medical event then the HRA goes in. They will receive EOB (Explanation of Benefit) that is IRS document and can reimburse employee due to Major Medical event. The Administrator is in charge of properly administering the plan and privacy is protected. Administration cost also reflected in those numbers so cost is all inclusive.

City Attorney Figueroa asked what is the amount increased per employee with 4.4%. Ms. Graham explained for a single person \$425 the City pays and for family \$768 or \$28 additional a month the employee pays. Mr. Thunberg stated they did not go to passing on the cost to the employees and proposed number in budget assuming keeping things flat and absorbing that 4.4%. Ms. Graham stated the actual saving is \$14/month for the City and will use part of that in our Bank. Mr. Thunberg stated that is the potential for HRA. City Manager McCourt added the employees still have co-pays and that has not changed for prescriptions, Doctor Visits and costs not covered under the health plan. Therefore, same plan as they had before.

Mayor Lindsey stated he did not understand Ms. Graham and Mr. McCourt that the premium City share is slightly less under this plan. However, when take money HRA the amount estimated use for that brings us up to 7.7% and Mr. Thunberg said 4.4%. Councilman Johnson asked about wellness and prevention and Mr. Thunberg said it includes full plan counseling, health fairs, nothing was cut in that side of the program. Ms. Graham stated she has contact information and Mr. Thunberg thanked the Mayor and Council.

Finance Director Graham asked Mr. Thunberg to discuss another option required to institute the Flexible Spending Account (FSA). Mr. Thunberg explained this program gives employees an opportunity to set aside some of their own money pre-tax to pay for out-of-pocket expenses: i.e. co-pays, drugs, office visits. Net effect if agree to enroll in the plan issue Debit Card to secure those services. The employees fund this plan it is not City money. Employees save as well as City. The monies set aside for the FSA are not taxable, and, therefore, avoid paying the Federal, State and FICA taxes. Money left over is "use it or lose it." If lose it money comes back to City account. Also allows employees to purchase over the counter medication, replace glasses, or replace cap on tooth. Councilman Johnson stated discussed contract from June to July or 18 months. Mr. Thunberg stated staff has decided to stay with 12 month at this time. City Manager McCourt stated it is clear looking at costs and complex issues that we need an outside Administrator to protect employees' privacy and stay on top of IRS rules and regulations, anticipates Administration of HRA, FSA and COBRA. All those costs are included in packet presented. A one time setup fee and charges per employee so little variability. Comparison staff had to select number of filings except number of categories. Estimated everything goes as predicted at 7.7% and may do better than that and possibility it may be worse but not likely. Mr. Thunberg explained there were eight (8) Major Medical events over \$10,000 and plan in budget to double. Hope to get back to trend and number presented is conservative. Mr. Thunberg thanked the Mayor and Council.

The following 3-agenda items regarding policies were consider together and after the minutes per motion.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-26 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OWNED MEETING ROOMS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

Vice Mayor Schultz stated what we are doing in these three (3) polices is to regulate the Volunteer work force in Willcox. A lot is the backbone of the City and if they step up they want cooperation of the City. Need to do that especially with budget restrictions, budget cutbacks and need to listen and help the Volunteers before they no longer help us because we need to acknowledge how these people bring revenue to the City and generate revenue for the City. Wings Over Willcox and other events generate revenue for the City and it is all done by volunteers. The City needs to do more for Volunteers and not less.

MOTION: Vice Mayor Schultz moved to table these 3-items until public hearings and work sessions are held with the people "that work the fields."

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SECONDED: Councilman Johnson seconded the motion. **Vote: Ayes-**Vice Mayor Schultz, Councilmen Johnson, Norris, Klump and Donahue. **Nays-** Mayor Lindsey and Councilwoman Cronberg. **CARRIED 5-2.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-27 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OPEN RECREATIONAL SPACE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

Tabled!

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-28 APPROVING AND AUTHORIZING THE POLICY FOR USE OF CITY OWNED FACILITIES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

Tabled!

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-29 AUTHORIZING AND APPROVING THE AWARD OF CONTRACT TO HINTON BURDICK, PLLC [“HINTON BURDICK”] FOR AUDIT SERVICES FOR FY 2008-2009 ANNUAL AUDITED FINANCIAL STATEMENTS AND SINGLE AUDIT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2009-29, as stated, relating to the Hinton/Burdick Audit Contract FOR FY 2008-2009.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilman Johnson asked if this is same as last year and Finance Director Graham replied it is \$21,500. **CARRIED.**

DISCUSSION/DECISION REGARDING ATTENDANCE AND PARTICIPATION AT THE LEAGUE OF ARIZONA CITIES & TOWNS ANNUAL CONFERENCE IN ORO VALLEY, SEPTEMBER 1-4, 2009

MOTION: Councilman Johnson moved for the City to participate in the Annual Festival of Cities in conjunction with the League of Arizona Cities and Towns and attendance and participation Festival in Oro Valley, September 1-4, 2009

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilwoman Cronberg thinks good idea to know who is there to participate in that particular event and it is important way to let people know around the State that there is a lot more in Willcox than what people think. This year talked about minimize extravagance done in the past and does not think we have because we have had donations. Mayor Lindsey stated there was talk about Cities joining together in one booth. Councilwoman Cronberg agrees with that and we need to look further if we want to join with anyone else in area. Councilman Johnson said Willcox should be solo because we have so much to offer. Mayor Lindsey stated staff needs to know who is going to participate: Mayor Lindsey, Vice Mayor Schultz, Council members Johnson and Cronberg and City Attorney Figueroa. Mr. Figueroa explained he pays for half and South Tucson pays the other half. Councilman Johnson explained in the past the City has not expended much money, local vendors, farmers, business participate and takes it to 5-6,000 people to showcase Willcox. Councilman Norris asked if City pays for everyone's motel and Councilwoman Cronberg added and City usually pays for those assisting in the Festival booth. City Manager McCourt stated there are 2-types of booths one with and one without electricity. Mayor Lindsey said to select the one without electricity. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT McCOURT

Consideration, discussion and/or decision regarding the following topics by the City Manager and staff:

- **Report on Tennis Court Lights-** Dave Bonner, Public Services & Works Director- placed Purchase Order for about \$9,000 for lights and poles. Staff is working with SSVEC on boring holes to get electrical as well.
- **Report on Electric Hookup Irrigation System –**Dave Bonner, PS&W Director- City Manager stated part of school and sharing cost to bring power over and use the lights at the tennis courts.
- **Report on Depot Air Conditioner-** Dave Bonner, PS&W Director, found out today unit to be installed on Wednesday and operation by Friday for about \$19,000.
- **Report on Upcoming Library National Award-** Tom Miner, Library Director- City Manager stated the newspaper already had it out. Library Director thanked Ms. Broeder “for wonderful job.” They are excited being named semi-finalist on the Tag Magazine for teens. They had 420 nominations and made the top 50. **APPLAUSE.** Will have more information at the end of June and of the 50 they will select 15. They have a 33% chance of going to Washington, D.C. for the programmer and one teen

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also they could receive a \$10,000 check for Library Programs. The teens will get national publicity, trip to D.C. and award will be presented by the First Lady of the U.S. at the White House lawn. If don't win they will have a gilded edge certificate that we were semi finalist and kids should be proud of that. The Teen Program was started 4-years ago and very proud of the kids and their ideas to publish their own magazine, national, regional and state recognition. Program has been expanded to San Simon, Cochise, Bonita Schools and asking for articles. Kids show a lot of heart to do that and very proud. Mentioned partnership with the school they offered to form Pride Tag Media Club so that other kids in other activities can participate. Meetings are held after school and other kids have sport activities and wanted to draw on that talent and allow those kids to participate too. Teens learn responsibility, connect with adults, resolve conflict, manage time and budget.

- **Out-of-town-** City Manager starting tomorrow at noon will be out-of-town until next Tuesday. Requested leave at time of employment for granddaughters graduation.
- **Report on Senior Center-** City Manager has memo in Council member's boxes and first 2-meeting memos and now 3rd meeting held on that. It is not as glowing as after the 2nd meeting and more doses of reality came into play. Also staff has not received the Grant from HUD and left message and has not received response. Originally contacted end of March we were going to get that and he has verified our mailing address. Also contacted one agency which indicated would help us from the Foundation of Senior Living and left message and has not received message. Wants to see what level of participation they will be able to provide.
- **Next Budget Hearings-** City Manager suggested Wednesday, May 27, 2009 at 5:00 p.m.
- **Request Council members dates not available for budget meetings in June** -City Manager requested dates.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Donahue thanked staff for hard work and stated "don't get discouraged."

Councilwoman Cronberg echoed the comment and appreciates attitude.

Councilman Johnson stated "when going gets tough staff get going." Western Heritage Days successful there were lots of people at the Tractor Show and NCCH Gold was the largest. Not sure how rodeo turned out and can not comment.

Mayor Lindsey reported Historical Society successful meeting and added 10 to the Wheels of Progress. Thanked Finance Director for putting budget together, for stated for a change he can almost understand it. This process is much easier to follow than process he went through last year. Appreciates work that goes into that and stated they know all kinds of problems, some things that will come out will not be too popular and tough decision will need to made.

Vice Mayor Schultz stated that what happened here tonight the majority of these people he does hear from them. The volunteers are people that keep this City going and need to cooperate. What Joe (Walker) said had nothing to do with his part. He wanted them to participate on what goes on in policies we want to take care of in these meeting. The Vice Mayor said the staff does good job but need to listen to volunteers because there are concerns about that.

Councilman Norris thanked staff on cuts and wished the City Manager a good time on vacation and stated enjoy your family. Thanked Library Director for Library program.

Councilman Klump stated he is disappointed that 30 plus people left after the one agenda relating to policies and then the item was moved to table. He would have liked to hear what they had to say. Maybe the Council should have waited to table after they had had a chance to speak. Some that came tonight will talk to them and maybe not all will but decision was disappointing. Appreciates staff and budget work.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:20 p.m.

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 18th day of May 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 27th day of July 2009

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC

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PASSED, APPROVED AND ADOPTED this 3rd day of AUGUST 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY

ATTEST:

/s/ Cristina G. Whelan, CMC
City Clerk Cristina G. Whelan, CMC