

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 5<sup>TH</sup> DAY OF OCTOBER 2009**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, October 05, 2009 at 7:00 p.m.

**ROLL CALL** –Mayor Lindsey stated all Council members are present except for Councilman Jimmy Norris who is out-of-town and Councilman Christopher Donahue who is ill.

**PRESENT**

Mayor Gerald W. Lindsey  
Councilman Elwood Johnson  
Vice Mayor Larry Schultz  
Councilwoman Monika Cronberg  
Councilman Stephen Klump

**STAFF**

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

**ABSENT**

Councilman Jimmy Norris  
Councilman Christopher Donahue

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Mayor Lindsey.

**CALL TO THE PUBLIC**-There was no response from the public present.

**DECLARATION ON CONFLICT OF INTEREST**-There was no response from the Mayor, Council members or staff.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented with omission of agenda items numbered 16-17-18 and 19 relating to Executive Session.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey explained due to Council members absent they requested they wished to be present. **CARRIED.**

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Proclamation:** Mayor Lindsey announced proclamation retroactively proclaiming September 7-13, 2009 as **NATIONAL PATRIOTISM WEEK**, as requested by the Elks for their project. Presented to Richard Regalado who thanked the Mayor and Council on behalf of the Elk's and stated they care about our Vets and as long as there are Vet's in a Hospital the Elk's will not forget them.

**Public Hearing:** The Mayor and Council will hold a public hearing at the regular meeting on Monday, October 5, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding Application for Liquor License Interim Permit, New License, Chad Michael Graves, ZG Enterprises, Corporation, Texaco, 1203 W. Rex Allen Drive, Willcox, AZ.

Mayor Lindsey opened the public hearing at 7:06 p.m. Councilman Johnson said Chad Graves is here and he is the new owner. Mayor Lindsey asked if there was any public comment on this application for a Liquor License Permit. Again he asked any comments. Hearing none the Mayor closed the Public Hearing at 7:07 p.m.

**DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON SEPTEMBER 21, 2009**

**MOTION:** Councilman Johnson moved to adopt the regular meeting minutes held on September 21, 2009.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated to correct spelling of Downing to Downey. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-57 APPROVING AND ADOPTING THE INCREASED RATES AND CHARGES DURING SPECIFIC TIMES FOR THE WASTEWATER SYSTEM OF THE CITY OF WILLCOX AND SETTING AN EFFECTIVE DATE (Item tabled 09-21-2009)**

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Public Services and Works Director Dave Bonner explained previous meeting questions were raised and he has researched the requirements for testing. Originally information came from ADEQ and has found information in our Ordinance under Title 13 which does not say specifically that the City has to test but it does state limitations and implies we have to test as it comes in. Staff has also found three (3) other cities that mimic or have similar almost verbatim verbiage as the City and refers back to the Clean Water Act of 1977. The EPA model ordinance is not exactly the same but with similar wording and it too talks about pre-treatment of material coming into system either by sewer system or septic. Mr. Bonner wanted to point out that in Title 13 references Corrective Protective Cautions Authorized and read Section 13.09.130 and #3 is what the City has done so far by limiting our rates at 30,000 gallons per month.

Mayor Lindsey said Mr. Kevin Stamback requested to address the Council. Mr. Stamback stated he has some handouts which were given to him by Public Works on some data on what was coming in at the sewer plant. He stated he does not know if the Mayor and Council want to look at this tonight and requested to have a work session to sit down and talk and lay everything out on the table.

Councilman Johnson stated in reviewing the resolution in their Council book he "did my homework" and stopped by the City Attorney's office and looked at what he had and it is totally different. In the Attorney's section 13.09-010 has statement the remainder of page was left intentionally blank and what was referenced is not there. The section numbering resumes and Councilman Johnson requested to have a legal opinion. (Note: City Attorney is absent.)

Vice Mayor Schultz said the reason asked for testing criteria was to bring people in and if not required to test why not done in regular hours. He also agrees that staff, council and legal counsel should hold work session.

**MOTION:** Councilman Johnson moved to revert back to 60,000 gallons per dumping until this is resolved.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** City Manager McCourt stated that issue, the number of gallons allowed, is not on the agenda and motion could be illegal. If we do allow that increase we could maintain negative BOD (Biological Oxygen Demand) coming out of the ponds. Councilwoman Cronberg thinks there is still a lot that needs to be addressed and agrees in a work session and is concerned looking to increase rates on a few and those parties need to be involved. Stating that based on the discrepancy on what the City Attorney has and what the Council have in packets we need to find out what is in place. Everyone needs to know what is going on and what is in the best interest of the community overall and not just on a few. Mayor Lindsey asked Councilman Johnson to amend motion to provide for work session in opposed to changing the resolution. Councilman Johnson said it is not so much as amending resolution so much as revert back to 60,000 gallons after the 90 days and bring it back to the Mayor and Council for decision. Parties involved and staff has not met since the last meeting. There was not much of difference as he can recall. City Manager McCourt said staff supports a work session and thinks that is a good idea. Mayor Lindsey thinks problem in voting for resolution. Councilwoman Cronberg said the point the City Manager made is not appropriate to agenda item. Vice Mayor Schultz said the question is Council reduce dumping to 30,000 gallons and asked why was it reduced at this point. Mayor Lindsey replied part of action here is no reason to direct staff to revisit the 30,000 gallons and he too thinks we need to do it in a work session. City Manager McCourt replied that the authority for Director to do this is already there in the Ordinance. Vice Mayor Schultz said we have 2-copies of Code and asked how they can act on this until they know which one is right. Mr. McCourt stated the copy is their packets came from the City Clerk's office. Vice Mayor Schultz asked do we need to reduce the gallons and Mayor Lindsey thinks it is illegal to have that motion voted on because it is not part of the agenda item. Although he stated he does not have problem with the 60,000 gallons. Councilman Johnson said that the City Attorney told him he could be called if they had any questions. Mayor Lindsey talked with City Attorney Hector Figueroa and stated the Council needed guidance on Resolution No. 2009-67 to approve or disapprove the Resolution and that we have a motion on the floor to increase the amount of septage from 30,000 to 60,000 as it was before. The Mayor asked City Attorney if they can vote on that motion when it is not part of the resolution. City Attorney Figueroa stated if resolution is not passed based on information provided no where is there mention of the 30,000 gallons in the resolution. Resolution No. 2009-67 is to approve a certain amount of septage into our sewer system and to direct staff to implement the fees. Or if the resolution does not pass is it because no amount is set forth in the resolution. A motion is needed to go to 60,000 gallons and to direct staff and legal counsel to prepare resolution. Mayor Lindsey asked what if they do not approve the resolution tonight and Mr. Figueroa said you can amend the resolution and direct legal counsel to do so. Approve resolution and direct staff to increase amount of septage to 60,000 gallons/month and Mayor Lindsey asked if they can approve that. They have a motion to increase and it has been seconded. Mr. Figueroa said to direct staff and legal counsel to prepare resolution. Mayor Lindsey stated they still do not have motion to approve Resolution 2009-67. Vice Mayor Schultz suggested amending the motion and inserting into resolution the 60,000 gallons. City Manager McCourt agrees with the Vice Mayor and thinks action is to direct staff to prepare necessary

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documents and bring them back at next regular meeting or at a special meeting and Mayor and Council can decide to pass it then or not. Mayor Lindsey stated he wants to see a work session before making decision.

**AMENDED MOTION:** Vice Mayor Schultz moved to amend motion to include in the resolution the increase amount of septage to 60,000 gallons/month.

**AMENDMENT SECONDED:** Councilman Johnson seconded the amendment. **DISCUSSION:** Councilwoman Cronberg stated they needed to take care of that motion and then take care of resolution. City Manager McCourt stated he thinks he understands what the Mayor and Council want staff to do and staff needs to bring this issue at another date, hold a work session or regular meeting and the Council needs to let staff know what they desire. **AMENDMENT: CARRIED.**

**ORIGINAL MOTION: Vote: Ayes-**Vice Mayor Schultz, Council members Johnson, Cronberg, and Klump. **Nays-** Mayor Lindsey. **ORIGINAL MOTION: CARRIED 4-1-2 Absent Councilmen Norris and Donahue.**

City Manager McCourt stated what he understood was for staff to modify the Resolution and bring it back for consideration with inclusion to increase the amount of septage at the WasteWater Treatment Plant from 30,000 to 60,000 gallons. That has to be done within the original resolution and that has not been acted on. Mr. McCourt thinks the Mayor and Council does not want to pass that Resolution with the rates and perhaps now option is to table the decision on the original resolution to some day soon and call a special session within 24 hours or tomorrow evening.

**MOTION:** Councilman Johnson moved to hold a work session before the next regular council meeting regarding the Resolution.. **SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** City Manager McCourt will contact all for next meeting on this particular septic and rate resolution. Councilman Johnson said the Resolution should include the amount. Councilwoman Cronberg said need to correct the language and Councilman Johnson stated also for the Attorney to give his legal opinion. **CARRIED.**

**MOTION:** Councilman Klump moved to table this item until the next meeting.

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

**DISCUSSION/DECISION REGARDING REQUEST FOR APPLICATION FOR LIQUOR LICENSE INTERIM PERMIT, NEW LICENSE, CHAD MICHAEL GRAVES, ZG ENTERPRISES, CORPORATION, TEXACO, 1203 W. REX ALLEN DRIVE, WILLCOX, AZ.**

**MOTION:** Councilman Johnson moved to approve the request for Application for Liquor License Interim Permit, New License, Chad Michael Graves, ZG Enterprises, Corporation, Texaco, 1203 W. Rex Allen Drive, Willcox, AZ.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey asked if this is transfer of existing license. Mr. Chad Graves replied the Liquor Department does not let you do that and they are applying for a new one. **CARRIED.**

**DISCUSSION/DECISION REGARDING BUDGET ADJUSTMENT FOR STAFF TRAINING**

City Manager McCourt reported when he was hired this is one item the Mayor and Council wished him to work on with staff for Customer Relations. He has approached Cochise College to deal with our staff and developed three (3) courses on General Customer Relationship. Two (2) courses are designed for those employees with a lot of face time with customers and the other with those that do not have that much but do on occasion. Purpose is that all City employees must attend the basic and break the employee population on the other two (2) courses. All managers would attend all three courses. Session will be held here in town and not in City facilities. Employees need to know this is serious training. Also working on putting together to have other entities to come in and participate if they choose. Fees have not been set and had discussion with Kathy Smith at the Chamber and she explained that in past attempts there was low response especially from employers sending employees to attend. Question is how to pay for this training. Staff has looked in budget and can not find anywhere and he is asking for \$3,150 from Economic Development and transferred to his Training Line in Administration. Once approved a contract is needed with Cochise College.

Councilman Johnson asked how much was budgeted for Economic Development and the City Manager said \$20,000.00. Vice Mayor Schultz stated he opposes any monies coming out of Economic Development and we need to put money into Economic Development to generate more money to the City. He said he has talked about this before and stated he does not have opposition to training but staff needs to find it elsewhere besides Economic Development. Councilman Klump asked if used any Economic Development monies were spent last year and the City Manager replied "no." The Vice Mayor thinks we need to use that money to generate funds for the City and need to do more economic development and need to spend that money only for that purpose.

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Councilman Johnson requested a work session on budget with the Mayor and Council and staff and go over the budget. And he asked staff to hold off on training and travel especially when trying to raise money from 4-septic haulers and thinks we need to hold off on spending until we go over the budget. Vice Mayor Schultz said they talked about not hiring vacated positions and asked City Manager McCourt how many hired last month. The City Manager said "yes we have hired new employees since fiscal year but not last month." Vice Mayor said we need to talk and waited last time to present the budget without much Council participation and it was done all hurry up and last year he came in not knowing such as training, landscaping and wants to see where that money is going. He too wants a work session now to start working on the budget for next year.

Councilman Klump stated if we do not have good customer service we will not get Economic Development. People who come in first talk to City about permitting and thinks it should come out of Economic Development because it is going to affect it. Councilman Johnson stated he has no problem with spending for training but in his opinion before we spend another dime we need to understand where we are at and where we need to go.

**MOTION:** Councilman Klump moved to approve the budget adjustment for staff training on Customer Service and taking necessary funds from that Economic Development line budget.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilwoman Cronberg stated as written she thinks possibility the City and College joining to work together and Mr. McCourt said that is correct staff did work with Cochise College. Ms. Cronberg considers professional development in any business is very important and in community services such as we have to provide other business assistance we need to decide how best to deal with people. She too agrees with Councilman Klump and it is very important to have everybody know how to deal with the public. Issues can be pretty sensitive and if we do not give out the right response to the people coming in people will look elsewhere. If we want to bring in business people upfront need to be trained. Vice Mayor Schultz said he agrees but he does not want funds for training to come out of the Economic Development's budget. We have to generate revenues. We have not used any money for Economic Development and he thinks we need to move forward. A way to decrease taxes is to increase revenues coming into the City. Staff needs to get that money from somewhere else for training. We need to spend that money on Economic Development to generate money for the City. Mayor Lindsey thinks that customer service training is necessary. **VOTE: Ayes-** Mayor Lindsey, Council members Cronberg and Klump. **Nays-** Vice Mayor Schultz and Councilman Johnson. **CARRIED 3-2-2 Absent Councilmen Norris and Donahue.**

**DISCUSSION/DIRECTION TO STAFF REGARDING POSSIBLE CITY CODE CHANGES ON A MEATPACKING FACTORY IN THE CITY**

City Manager McCourt stated this is an Economic Development question. We have been approached by a company who has expressed interest of a meatpacking opening in our community. At this time it is all discussion. Our Zoning Code allows this in certain areas. Title 5 has prohibition on this type of business. Our staff direction from Mayor and Council has to be with Municipal Code. The City Manager is stating that section was written years ago before modern perfections and asking if the Mayor and Council would consider changing the City Code and allow staff to continue discussion with this potential employer. Councilman Johnson asked about dates when resolution was approved. City Manager McCourt replied some have been rewritten and if he would like staff will trace it back. The Councilman is also looking for the specific section of the City to locate and thinks at the Industrial Park is area or look closer to Exist 344. City Manager McCourt stated the Zoning Code would have to be Industrial Zone and Public Works Director replied we have I-2. Building Inspector Jeff Stoddard said the one area they are talking about is the Apple Factory on the west side of Haskell Avenue which is in the City limits. They would like to be close to the Sale Barn. Councilwoman Cronberg asked to repeat direction from Mayor and Council. City Manager McCourt replied he is asking the Mayor and Council if staff can continue to work with this company about potential relocation because current code says "no" and we can tell them that meatpacking is not allowed in our community. If "yes" then staff can continue to work with them and then the Mayor and Council would consider changing the Municipal Code in the future and give staff authorization to continue discussion. Councilwoman Cronberg stated that based on this extra knowledge where they are looking to locate she is open to continued discussion. Councilman Klump stated he too thinks it is a good idea we need new employers and welcomes them with open arms. Mayor Lindsey asked if there is some indication how many employees they would use and asked if that is germane to this conversation. Mr. Stoddard replied from 60-100. Mayor Lindsey directed staff to continue discussion with this company and proceed with looking at revision of the Municipal Code to allow this to happen.

**DISCUSSION/DECISION REGARDING CONFIRMATION OF A REQUEST FROM REX ALLEN DAYS, INC. THAT, AS EVENT SPONSOR OF REX ALLEN DAYS, REX ALLEN DAYS, INC. BE ALLOWED TO SECURE ONE BUSINESS PERMIT FOR THE**

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**EVENT, TO SECURE TAX INFORMATION FROM THE VENDORS, TO PROVIDE VENDOR INFORMATION TO THE CITY,  
AND TO WAIVE THE REQUIREMENT THAT EACH VENDOR OBTAIN A BUSINESS PERMIT FOR THE EVENT.**

**MOTION:** Councilman Johnson moved that the Mayor and Council approve the confirmation of the request from Rex Allen Days, Inc., as stated.

**SECONDED:** Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey "chastised Rex Allen Days, Inc." and Rex Allen Days Inc., President Peggy Judd replied it would have been helpful for her, as this was her first time, if the City had written instructions when she came in to Public Works to make inquiry. She also said she talked a lot with Ruth (Graham, Finance Director). Ms. Judd suggested written instructions for other organizations would be helpful too and apologized and thanked the Mayor and Council for hearing her. **CARRIED.**

**REPORTS BY THE CITY MANAGER PAT McCOURT**

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

- **Report on Fremont Street Project-** Dave Bonner, Public Services & Works Director-work has been completed on the radius on Cochise and Bowie by DeAnda Construction. Today working on cold mix and next step is to go to the alleys between Bisbee, Cochise, Bowie and Arizona and redo entrances to those houses due damage by the pounding of Solid Waste trucks. Then cold mix pat and blend into gutter with a better crown and chip seal next Spring because getting too close to do cold mix. Also will be doing Chip Seal on Ft. Grant Road starting on Friday double chip seal with 1/2" and then 3/8" after that for stronger surface and then on the following Friday stripping in lieu of Federal Government funds. City Manager McCourt stated the cost started at \$30,000 and if we used Federal monies it would cost the City over \$100,000.
- **Report on setting date and time for a Work Session regarding budget and facilities agreements** -Pat McCourt, City Manager -asked if Mayor and Council had dates for staff to look at and particular times they would like to see for review and time for staff to obtain material. The Finance Director is out-of-town until Friday so this week would be difficult. Mayor Lindsey asked if the members still wanted to do a work session on a Saturday or week night. Councilman Klump stated he is usually out-of-town Tuesday and Wednesday and after 2-weeks evenings will be fine. Councilwoman Cronberg stated if this Saturday we can not have a meeting during the Wine Festival. Mayor Lindsey stated the first Saturday he has open is October 31<sup>st</sup>. Councilman Johnson said he works Saturdays. Councilman Klump stated that evenings would be best for him. Councilman Johnson said he wants to see the first one on the 19<sup>th</sup> before the regular meeting.
- Mayor Lindsey directed staff to prepare for a work session on the budget will be held at 5:30 p.m. on Monday, October 19, 2009 before the regular meeting later that evening. City Manager McCourt asked if only looking at the budget and Mayor responded that we need to break these meetings into budget and separate meetings for facilities. Councilman Johnson suggested Wednesday the 14<sup>th</sup> for a work session on facilities and he thinks need more than one budget work session as it was previously requested by Councilman Norris and Vice Mayor Schultz. Councilman Klump and the Vice Mayor both stated it was okay with them on the 14<sup>th</sup>. Councilwoman Cronberg also stated we need to keep in mind that another work session is needed for the septage resolution too. Vice Mayor Schultz said also another work session is needed with the volunteer organizations.
- Work Session regarding rates and charges for septic haulers at the Wastewater Treatment Plant will be held on Wednesday, October 14, 2009 at 6:00 p.m. Mayor Lindsey stated that we need another meeting day for volunteers and facilities. Councilwoman Cronberg suggested everyone bring their calendars that evening to look at and set a date. The Mayor directed staff to contact all interested so that they are notified so that they have opportunity to be here also.
- **Report on Non-Profit Status of Rex Allen Days, Inc.** - Pat McCourt, City Manager- question was raised on status of Rex Allen Days, Inc. at the last meeting and staff did check on that prior to putting it on the agenda. He also reported staff had checked on the status for the Rex Allen Arizona Cowboy Museum for the Bingo License. Staff understands concern from the gentleman and he had found information but it was not current. Mayor Lindsey stated that the Council knew that information and knew that at the time of the meeting but it was during Call to the Public and could not reply without inviting discussion.
- **Report on City Energy Audit-**Pat McCourt, City Manager- Came out in good shape and do need more insulation. Councilman Johnson asked when they did that could SSVEC not find what else we could do to save energy such as cut back on lights, unplugging "dragons" that suck energy. The City Manager mentioned that cell phone charges should be unplugged when not in use and if out of room for long time the lights are out and that is happening at City Hall already.
- **Folks talking about affordable housing-**City Manager McCourt reported that 3-permits have been pulled for affordable housing.
- **Senior Center-** City Manager McCourt met with NCCH and started to work with HUD about the Environmental Study if that is really necessary because cost is over \$30,000.00. Asking HUD because NCCH wants to cover the entire property and staff

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person at HUD reported that NCCH can do that but it probably won't meet their requirements. Staff will start down that path to get Environmental Study done. Hard to understand spending this money and it is Federal requirement when using Federal monies and staff will proceed.

- **NCCH Grant-** The City Manager also reported that a \$30,000 Grant was approved for the Hospital for Transportation.

**COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.**

Councilwoman Cronberg commended the Rex Allen Day's, Inc., Committee members for the work done and also to the Mayor and Council members, City staff and stated she is very appreciative of their time and work.

Councilman Johnson applauded Chief Jake Weaver for having been nominated and receiving the *Favorite Son Award* at the Cowboy Hall of Fame Dinner last Thursday. **APPLAUSE.** He stated that Rex Allen Days was wonderful, very successful and he too thanked everyone. The Councilman also reminded everyone of the Wine Festival this weekend.

Mayor Lindsey stated he too echoes sentiments on Rex Allen Day's and thought it was a success. At last year's Cowboy Hall of Fame he was bored to tears and this year he had happy tears and lots better. The inductees keep them entertained the whole evening. He knows there is lots of work by the Rex Allen Museum, Rex Allen Day's Inc., and Softball. There was a lot of activity around town and as far as he could tell crowds were up despite the economy being on down turn and lots of people desire applause for taking care of that.

Vice Mayor Schultz stated that Rex Allen Days was a success. The family of Rex Allen, Jr. stated this is the friendliest town they have ever been in. They were very pleased how they were treated and attendance was up from last year. This is event that keeps growing compared to other places and it couldn't have been done without the good cooperation between the Rex Allen Museum and Rex Allen Days, Inc.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:15 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 5<sup>th</sup> day of October 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 7<sup>th</sup> day of October 2009**

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

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of OCTOBER 2009.

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

ATTEST:

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