

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 2ND DAY OF NOVEMBER 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, November 2, 2009 at 7:00 p.m. Welcomed public here and asked for their participation if needed.

ROLL CALL –Mayor Lindsey announced all Council persons are present

PRESENT

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

STAFF

Public Safety Director Jake Weaver
City Attorney Hector M. Figueroa
City Clerk Cristina G. Whelan, CMC
Finance Director Ruth Graham
Public Services & Works Director Dave Bonner
Code Enforcement Jeff Stoddard

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC

Robert Haynes, addressed the Mayor and Council, and stated that about a week ago while at the Cemetery, and knows everyone in the community has family there, there have been criminal acts, destroying graves, moving headstones and stealing them. Thinks it is good to get some kind of security infra-red cameras and catch the people behind this. Talked to local law enforcement and they said this has happened before and in order to keep it from happening again he thinks cameras would be good. The "Cops continue to do their job" and a system with camera's in each cop cars with a screen to see what is going on at the Cemetery and monitor and thinks it would be an easier way to do their job. To stop all this that is going on at the Cemetery Mr. Haynes thinks cameras are the best way to go. He understands that there is talk about the Stimulus Package and feels Willcox should be able to get one to fix the roads, hospital or whatever to improve the City. Again he stated that the camera idea would be a great asset to the City or do a fund raiser. Mayor Lindsey explained we can not discuss this issue tonight and information is duly notated. The investigation is ongoing and thanked Mr. Haynes for bringing that information to them.

Dr. Gary Thrasher, knows at this time the item he is interested in is not to be discussed today, and introduced himself and stated he is a veterinarian and has practiced in this area for 38 years. Spends money in Willcox and took a lot of Willcox money home. Practice mostly agriculture primarily beef cattle and operates the feed in Cochise. As Veterinarian he has contact with outside neighbors of the City and Willcox is Center for Trade. One of the biggest problem as Director of the Cochise-Graham and Cattle Growers (beef cattle) in Arizona it is grown and finished and not harvested in Arizona due to dairy industry has taken over all the commercial packing houses in the State. Gap left because Arizona cattle produced in this area have to leave this area to be finished and grown. Most of the corn or products used for animal feed are also transported elsewhere. Packing House businesses he has been working on for several years. Most medium size ones have closed in the entire State. There are 6-million people in Arizona and 60 pounds of beef cattle is consumed each year. Yet almost every one of the beef cattle is sent out-of-state. When finish cattle here, and our yards are no where as big as Texas type yards, and only place to harvest and sell them to get premium for quality cattle they have to be sent to Amarillo, Texas or transporting 700 miles. To transport costs on every animal is \$40-\$60 additional charge to get it to a point to harvest and then that meat is transported to Phoenix. There are 6-Million people eating 300-Million pounds of beef in this State and yet a majority of it of the quality, commercial beef canned or hamburger is in produced and harvested in Arizona but not the quality beef that these producers here are trying to get the most money out of it. A Packing House in this area would make a tremendous market for calves produced in this area and then would also make market for us to feed here and won't have to transport them out. Most what he does is back grounding, get lean calves started and healthy enough and sent somewhere else for pasture and end up primarily in pan handle and leave this area. Basis for price figured and determined by the amount of transportation, shrinkage, cost and commission have to transport to be feed. Or make a difference of 4-8 cents difference in every pound when sold in this area. That is a tremendous amount of money when come down in number of cattle in this area that has to be transported out. Packing Houses today are completely different today as far as 50 years ago. Today he talked to the two (2) presenters that came at the last meeting for about 15 minutes and never meet them before or anything about their operations. He can tell us that Packing Houses can be operated properly. Advantage in corporate City limits is that you can put controls on them that you can't put controls on Packing Houses right outside city limits. You can do

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things to help control. Will probably be back on the 16th and if any questions call him he is listed in phone book under Veterinarians and does not do dogs and cats only cattle and horses. Mayor Lindsey thanked him for commenting tonight and plan on joining us on the 16th.

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.

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

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: The Mayor read the Second Reading of Ordinance NS298 Amending The City Code, Title 5, Health And Sanitation, Title 5, Chapters 1, Section 5-1-5, By Reference, Repealing The Current Section 5-1-5 And Part Of Ordinance NS292 Relating To Repealed Section 5-1-5 Enumerated Therein.

Public Hearing: The Mayor and Council will hold a public hearing on Monday, November 2, 2009 at 7:00 p.m. City Council Chambers, 300 W. Rex Allen Drive regarding (1) Application for Liquor License New License, Limited Liability Co., Keeling Schaefer Vineyards, Rodney Edward Keeling, 154 N. Railroad Avenue, Willcox, AZ; and

Mayor Lindsey opened the public hearing at 7:13 p.m. and asked if there were any comments and asked Mr. Keeling if he would like to make any comments at this point. Mr. Keeling thanked the Mayor and Council for consideration of Application for Series #13 Farm Winery License and facility will be serving a taste of locally produced wine and sales of cases or bottles hopefully will go out the building. Probably open 3-days per week and after 5:00 p.m. except on special events. It would be an afternoon operation. He asked Council if they had any questions for Mr. Keeling. Thanked Mr. Keeling for his comments and asked if anyone would like to comment since this is a public hearing and comments would be appropriate. Again asked any other comments and hearing none the Mayor closed the public hearing at 7:14 p.m.

(2) The Mayor announced that the Mayor and Council will hold two (2) public hearing at the regular meeting on Monday, November 16, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding (1) Application for Liquor License New License, Limited Liability Co., Carlson Creek Vineyard, LLC, 114 N. Railview Avenue, Willcox, AZ; and

(2) Ordinance NS298 Amending The City Code, Title 5, Health And Sanitation, Title 5, Chapters, Section 5-1-5, By Reference, Repealing The Current Section 5-1-5 And Part Of Ordinance NS292 Relating To Repealed Section 5-1-5 Enumerated Therein.

All members of the public are invited to attend. For those persons wishing to comment and are unable to attend written comments will be accepted in the Office of the City Clerk until 4:00 p.m. the day of the public hearing.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON OCTOBER 19, 2009 AND THE WORK SESSIONS HELD ON OCTOBER 14, AND 19, 2009

MOTION: Councilman Johnson moved to adopt the regular meeting minutes held on October 19, 2009 and the work sessions held on October 14, and 19, 2009.

SECONDED: Vice Mayor Schultz seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FOR APPLICATION FOR LIQUOR LICENSE NEW LICENSE, LIMITED LIABILITY CO., KEELING SCHAEFER VINEYARDS, RODNEY EDWARD KEELING, 154 N. RAILROAD AVENUE

MOTION: Councilman Johnson moved to approve the request for Liquor License as stated for Keeling Schaefer Vineyards, Rodney Edward Keeling, 154 N. Railroad Avenue.

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

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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

Mayor Lindsey stated we have the Resolution and need to review the Exhibits before doing anything further. He asked Chief Weaver if he wanted to comment. The Chief referred comments to Public Services & Works Director Dave Bonner. Mr. Bonner explained Exhibit A as Mayor referred to there is three (3) options: A.1 Time is Monday-Friday 8:00 a.m. to 12 Noon no charge; 12 noon to 3:00 p.m. \$50.00; Early mornings/nights/weekends \$125.00 and Holidays (City observed) is \$150.00. A-2 added Monday-Friday 8:00 a.m. to 12 Noon \$50.00; no charge from 12 noon to 3:00 p.m. and all other charges are the same. A-3 only has charges for Early mornings/nights/weekends at \$125.00 and Holidays (City observed) at \$150.00. Mr. Bonner explained he refers to charges talked about putting in place to cover costs on call outs from the employee other duties during the day. Mayor Lindsey asked if all understood what we are doing. The report from the City Manager is how computed the \$30 and it is complicated. Staff is operating on premises going on 60,000 gallons per day. Options A-2 and A-3 per Councilman Johnson is rates discussed in work session and thought 8-12 \$25 and unlimited dumping from 8-3:00 p.m. Ms. Kelly Stamback thought it was unlimited and Mayor Lindsey thought it was 60,000. Mr. Bonner said that is the amount brought up in the work session and that it was open for staff to monitor and place controls if there are any problems.

Councilwoman Cronberg thought there was no cap but wanted to maintain staff ability to monitor so that we do not bind any more problems. Mayor Lindsey said the amount is not in the Resolution and City Attorney Hector Figueroa explained there was a separate Resolution presented setting the 60,000 gallon limit and when the City Manager said it is administratively set that Resolution went by the way side. All presumptions made by the City Manager are based on the 60,000 gallons and the Mayor thought that is what the rates reflected. Mayor stated at this point in time need to vote on which of the 3-Exhibits the Council wants to accept and asked for additional comments.

Councilman Norris asked the Stamback's which one they would prefer. Councilman Johnson said they had also talked about a couple of other alternatives septic haulers talking about putting in a tank and having 3-separate or separate dumping things and that is not included on this Resolution as well. Vice Mayor Schultz said also discussed on call which is not in this package either. Mr. Stamback said at the work session discussed these ideas around and not sure how that information goes to this meeting. Councilwoman Cronberg said she thinks where we are right now is needing to make a decision so they can conduct business and then we can look at what talked about and not necessarily work especially in the immediate future because going to take more time and money for different dump sites for however many haulers there are. Her understanding is we need to make interim decision we need to get this part handled and possibility future look for broader resolution and better for everyone in the long run. Vice Mayor said in the short term also discussed on-call procedure which would not cost any more money and not much of a change that we got now. That option is not considered. At this point the haulers are not comfortable with one of these three decisions and he is not comfortable with that at this time and thinks we need to go back in for another work session. Councilwoman Cronberg asked what delay on decision would now do in terms of where you are. Do you still have flexibility to function as you need to and do they still have flexibility to call in to dump their loads? Ms. Stamback been hauling and last week still hauled out 11,000 gallons to Bisbee knew it was strong and sent to Bisbee. They were understanding that everything was unlimited and thought it was 8-3 or 4. Mr. Bonner said can't say for sure what practice has been done and talked to treatment plant person and has 35,000-45,000 received since lifted. Not sure what total was for month of October. Since work session City Manager talked to him about some of things discussed pre-treatment, system receive to help clean it up before dumped into system and problem will cost more money and take some time. Did research and found equipment that will take that as a standard product for a company but does not think it will effect us and would like to move on so that we can worry about something else. Vice Mayor Schultz asked how many hours do you spend in a month's time or actual dump time and Mr. Stamback said physically being at the dump station probably 3.5 -4 hours per month. The Vice Mayor said we are proposing increasing if go with third option from 8-3 which adds to the employee 3-hours/day or 15 hours/week and maybe 365/month to cover 4-hours. Mayor Lindsey said he is not the only one talking about others not just one. The Mayor said Calculations adds about \$325/ month. Councilman Norris thinks that is the \$5.50 extra is for the offset. Councilman Donahue said rate has not been increased since 2000 and thinks the \$5.50 and Mr. Stamback said it has been raised 3-times since 2003. It was put on paper and never was enforced that's why it looks that way and that was before Mr. Bonner was here. Mr. Bonner said paperwork he has raised from \$15 to 25 dollars when raised sewer rates. Ms. Stamback said \$12-\$15-\$25 raised in 6 years. After they got started they discovered it was put on paper and not enforced. Knows what happened when they got started they discovered that it was on

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paper and received letter, which they have a copy of, and sorry that is what happened. It has been raised 3-times. Councilman Donahue said at this point that is immaterial and bottom line is the City of Willcox has to absorb this material, there is cost involved in absorbing and believes it should be raised which it is pretty minuscule to pass on to those that do not live in the City and small increase does not see what the issue is. Councilman Cronberg thought one of the things discussed at the work session was we sort of had determined was that they could in fact call and let whoever know that you were going to be in the area and give someone lead way and not stay stationed there all day and asked if that is still in place and is that still the understanding working on regardless of the rate. We are not looking at actually hiring somebody new to fill that position even for part of the day. Mr. Bonner we have someone there taking care of lab and other issues and that is the person taking care. Councilwoman Cronberg said and we do not know how long that person is going to be there because other things need to be taken care of. Vice Mayor Schultz said they are not on call the other 3-hours we are actually keeping an employee there from 8-3 right? Because they are to be able to dump at anytime so we are adding that extra 3-hours daily and having an employee there an extra 3-hours. Mr. Bonner replied that person will be at the lab and could be doing something at the lab, and taking care of three (3) utilities gas, or sewer or water or if have him at the lab or golf course. The Vice Mayor said if goes through as he reads it then what happens when at golf course or these other places. Mr. Bonner we do not have person dedicated to the lab and person that would be at the Golf Course is now at the Lab. Vice Mayor asked if we have a dedicated person right now at lab from 8-3 and Mr. Bonner said currently yes. Mayor Lindsey said if we don't then have to have employee move there during that time because not permanently stationed at the lab from 8-3. He thinks ought to move forward and still look at options and consider accumulating some type of tank pretreatment system whatever that case may be. Thinks need to move forward. We need to have a vote on Exhibit 1-2-3 before attached to the Resolution. City Attorney Figueroa explained the Resolution itself just states Exhibit A and Mayor and Council decide which one of the Exhibit A's they want and will be attached. There are 3-exhibits and original will have Exhibit A and if motion is made in regards to Resolution then second part of that motion which Exhibit they want attached to.

MOTION: Councilman Donahue moved to adopt Resolution No. 2009-57, as stated relating to increased rates and charges during specific times for Wastewater System of the City of Willcox. Utilizing the Rate and Charge Sheet Exhibit A(3).

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

DISCUSSION/DECISION RESOLUTION NO. 2009-67 APPROVING THE PARKING LEASE AGREEMENT BETWEEN THE CITY OF WILLCOX [LESSEE] AND ROBERT BRUCE YUNGEWALTER AND SANDRA KAY YUNGEWALTER [LESSORS] FOR PARKING LOT KNOWN AS PARCEL NO: 203-28-187 AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to approve Resolution No. 2009-67, as stated, relating to the Yungewalter Parking Lease Agreement.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey asked if everyone understands what this is. He stated the lot is used as a parking lot between what was Willcox Heating & Cooling and Edward Jones and the Council has done the agreement for a number of years because the City sometimes needs extra parking. **CARRIED.**

DISCUSSION/DECISION REGARDING WILLCOX YOUTH FOOTBALL AND CHEER REQUEST FEES WAIVED FOR THEIR CLOSING CEREMONIES AT THE COMMUNITY CENTER ON SATURDAY, TUESDAY NOVEMBER 10, 2009

MOTION: Councilman Johnson moved to approve the Willcox Youth Football and Cheer request fees waived for their Closing Ceremonies at the Community Center on Saturday, November 10, 2009.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey stated they understand if waive the fees that the building has to be returned clean. He asked "Cindy" and she said she has deposited \$175 and would like it back and will return Community Center in good manner. **CARRIED.**

REPORTS BY THE CITY MANAGER PAT McCOURT (Chief Weaver reporting)

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

- **Report on electric & Tennis Court lights**-Dave Bonner, Public Services & Works Director-electric referring to Railroad Avenue Park and volunteer Jose Pacheco. Staff has not seen much work since before the Wine Festival and Parks Supervisor Oscar Hudson will contact him as to when it will be completed. Mr. Pacheco's wife is working on the Christmas Lighting. Tennis Courts:

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he is happy to report they are up and operating on 1-hour timer and beacon notifies person to push button again or go away. They do not have hardly any excess lighting off the Courts and thanked everyone for their support.

- **Report on Skate Park** -Dave Bonner, Public Services & Works Director –Councilman Klump requested staff to bring to the Parks & Recreation Advisory Committee his suggestion to utilize the old pad at the Police Facility as the beginning of a Skate Park. The Skate Park committee and himself will be having a meeting and if approved will present to Mayor and Council. Paul Sheats stated the young people like it and thinks it is a win-win for everybody and we will all get more for the buck
- **Report on Annual Banquet**-Ruth Graham, Finance Director –The City has scheduled a Holiday Banquet at the Elk’s and City Manager has directed staff to talk to Elks and the school about catering at the Community Center. We usually have 100-110 attend.
- **Vice Mayor Schultz asked about Senior Center**- Mrs. Graham reported Account Clerk II Crystal Hadfield is working with Engineer from the Hospital and ADOH on discussion if there is a need for another Environmental Study.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Mayor Lindsey wanted to add to newspaper article on Patti Ackerson-Rodriguez and Jeff Stoddard for their volunteer activities that benefit the community and all of us. He stated it is great when we get recognition on employees that deserve that recognition. Vice Mayor Schultz congratulated Jeff Stoddard because he too is “big on Volunteers: that is backbone of community.” Councilman Norris said “ditto.”

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:48 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 2nd day of November 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 5th day of November 2009

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

PASSED, APPROVED AND ADOPTED this 16th day of NOVEMBER 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: November 17, 2009

ATTEST:

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