

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 16TH DAY OF NOVEMBER 2009**

CALL TO ORDER-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, November 16, 2009 at 7:00 p.m. Quite a few in the audience and welcomed all.

ROLL CALL –Mayor Lindsey announced all Council persons are present except Councilwoman Cronberg who is in Tucson and Norris who is ill.

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Larry Schultz
Councilman Elwood A. Johnson
Councilwoman Monika Cronberg-7:15 p.m.
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

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

ABSENT

Councilman Jimmy Norris-Absent

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC- Mr. Chris Thompson addressed the Mayor and Council and requested to wait until the Public Hearing to speak. Mayor Lindsey asked if anyone would like to address the Call to the Public. There was no further response from the public present.

DECLARATION ON CONFLICT OF INTEREST

Councilman Johnson declared a Conflict of Interest on Agenda #18 regarding WREDA. There was no further response from the Council members or staff.

ADOPTION OF THE AGENDA

MOTION: Vice Mayor Schultz moved to adopt the agenda as presented.

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

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Communications: Mayor Lindsey read: (1) Third 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5, Chapters 1, Section 5-1-5, By Reference, Repealing The Current Section 5-1-5 And Part Of Ordinance NS292 Relating To Repealed Section 5-1-5 Enumerated Therein; and

(2) Public Hearing to gather citizen input Regarding Use of CDBG Funds on Thursday, November 19, 2009 at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive. ([Bonnie Williams](#), [SEAGO presenting](#)), and

(3) City Clerk Cristina G. Whelan announces the Call of Election for the City Council Spring Election 2010. The Primary Election will be held on March 9, 2010 and if necessary the General Election will be held on May 18, 2010. Candidate packets are now available and are due to the City Clerk by December 9, 2009. There are four (4) Council seats open: Monika Cronberg, Gerald W. Lindsey, Jimmy Norris and Larry Schultz. The Voter Registration deadline is February 8, 2010. For more information contact the City Clerk at (520) 766-4203 or cwhelan@willcoxcity.org

Public Hearings: 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, 115 N. Railview Avenue, Willcox, AZ

Mayor Lindsey opened the Public Hearing after reading the Public Hearing section at: 7:08 p.m. regarding Application for Liquor License, Carlson Creek Vineyard, and asked if anyone would like to address the Mayor and Council. Again he asked if anyone

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would like to comment on this application for liquor license. Hearing no response from the public present the Mayor closed the public hearing at 7:09 p.m.

(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; Mayor Lindsey opened the Public Hearing at 7:09 p.m. for Amending Ordinance NS298. He announced there are three registered to speak and asked if they could keep their comments brief.

Mr. James H. Graham addressed the Mayor and Council, as the Cochise County Farm Bureau President and said they are in support of the efforts to establish a meat packing facility in Willcox. Mr. Graham is also active with Economic Development and agriculture and believes a meat packing plant would be very good for our community, including the farmers and ranchers, and urged the Mayor and Council to approve the changes and welcome the meat packing plant.

Mr. Paul M. Palmer lives 40 miles south of Willcox in an area where it's 40 miles to Douglas or 40 miles to Willcox. A meat packing plant has definite impact on the area and he is very excited someone is looking at the area. It fits the area and he does not see any downside. He has been here 15 years and has not seen many opportunities knocking and would not like to see something like this go away.

Mr. Chris Thompson thanked the Mayor and Council for hearing him tonight. He is representing Tri Western Meat Packing Inc., and stated they look at Willcox as a possible location for a meat packing facility. It has good climate, and the attitude in the community seems fit with what they would like to do. He is here to speak in favor of the Ordinance and thinks it would be an asset to provide jobs and create a convenience for people as well. He thanked the Mayor and Council.

Mayor Lindsey asked if anyone else would like to speak on the proposed change in Ordinance NS298. Mr. Mark Kibler stated he lives north of town and, although he is not in the City, he is in favor of the Mayor and Council looking at it. Mr. Kibler stated it will benefit Willcox as well as the farmers and everyone north of town. He would appreciate it if they would consider it favorably and hopes it does come into town.

Mayor Lindsey read the two (2) written comments the City Clerk received. Mr. Don Wassink wrote "...I like the idea of a new industry. I like its location, easy for trucks to come and go. Will create new jobs, new taxes." Mr. David Shinnick, owner of the Wagon Wheel Mobile Home Park, wrote "...Although I am not currently a resident of Willcox, I have significant interest in the City..." He would like to "see the city develop and prosper while honoring and preserving its heritage." He too is in favor of new business and as "owner of residential property....one-half mile from the proposed plant's location" he does have a few concerns. In the City's web site reference was made to truck traffic arriving when people are sleeping. He asked if trucks are "large 16-wheelers with noisy brakes, animals and horns." The other concern is "Considering the proximity of my park to the plant's proposed location I am also concerned about the noise and smell..." and "encourage the council to carefully review this issue to ensure that Tri-Western's equipment and procedures will prevent this from becoming an issue after the plant begins operations." Vice Mayor Schultz asked if Mr. Thompson would care to comment on traffic. Mr. Thompson referred the question to Mr. Efrén Estrella. He replied that it's like any other business, whether it's Wall Mart or IGA, and they do not want to create problems. In response to the jake breaks that is already considered by Council and said it is not going to happen. Basically they will be working with cattle from farmers and ranchers. It is not cost effective to keep stock on hand and they want to get them in and out and they will work with the City and community. The trucks travel on I-10. Councilman Johnson asked if there would be 15 trucks pulling up at one time, or one at a time and then another hour later, and Mr. Estrella confirmed the latter. Councilman Johnson said if trucks get off at Exit 336 the truck would only have one stop.

Mr. Estrella congratulated the High School football team. He saw an article that came out in a Phoenix newspaper. The football team is good in their division.

Mayor Lindsey asked if there were any other comments. Hearing no further response the Mayor closed the public hearing on Ordinance NS298 at 7:19 p.m.

The Mayor and Council will hold two (2) public hearings on Monday, December 7, 2009, at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding (1) to gather citizen input on the Use of the CDBG funds; and

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(2) Application for Liquor License Interim Permit, Person Transfer, Corporation, Russell Anthony Schied, Agent, Willcox Hometown IGA., 900 W. Rex Allen Drive, Willcox, AZ.

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.

PRESENTATION TO THE ELSIE S. HOGAN COMMUNITY LIBRARY TAG MAGAZINE GARY CLEMENT, LIBRARY PROGRAMMING TECHNICIAN; DR. GAYLE BERRY, EDITOR-IN-CHIEF; MAYRA GUZMAN, SENIOR EDITOR, AND CODY SUNDERLAND WEBMASTER AND EDITOR WHO ACCEPTED THE PRESIDENT'S COMMITTEE ON THE ARTS AND HUMANITIES' COMING UP TALLER AWARD

Mayor Lindsey stated this is a tremendous award! **APPLAUSE!** Thinks everyone involved in this has come forward and have stood up taller. This is a very prestigious award and great opportunity for the youth of Willcox to get involved in a worthwhile cause which led to this recognition they have received. Awards presented tonight are for those members that attended the award presentation in Washington, D.C. A lot of students were involved and did not go to Washington, D.C. and they too warrant recognition that comes with this. Honor Certificate for Mayra Guzman will be mailed to her since she is in college and not able to be here tonight. The Mayor presented *Leading the Way Award* to Cody Sunderland and read "There are very few who step up to take on the roles of responsibility, leadership, character, community involvement and personal commitment...You are one of the few. Thanks from all of us at the City of Willcox." **APPLAUSE.** Dr. Gayle Berry, Editor in Chief was presented her award. **APPLAUSE.** Mr. Gary Clement who is instrumental in the Library and this program also was presented his award by the Mayor. **APPLAUSE.** Mayor Lindsey said Tom Miner Director deserves some recognition also. **APPLAUSE.** Councilman Johnson asked what is next and Dr. Berry replied "only getting bigger and better" and wished they could "publish in 50 states." Mayor Lindsey said words can not express the appreciation we have on the program we have and stated "Keep Up the Good Work!" Dr. Berry added it is Willcox as a whole that has made this program a success on every student, sponsor, and advertisement in the 5-years and community supported it all along.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON NOVEMBER 2, 2009 AND THE SPECIAL MEETING HELD ON OCTOBER 28, 2009

MOTION: Councilman Johnson moved to approve the regular meeting minutes held on November 2, 2009 and the special meeting held on October 28, 2009.

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

DISCUSSION/DECISION REGARDING 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;

MOTION: Councilman Johnson moved to adopt Ordinance NS298, as stated, amending Title 5, Chapters 1, Section 5-1-5, Health and Sanitation, and repealing current Section 5-1-5 and part of ordinance NS292 relating to repealed Section 5-1-5 enumerated therein.

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

DISCUSSION/DECISION REGARDING APPLICATION FOR LIQUOR LICENSE NEW LICENSE, LIMITED LIABILITY CO., CARLSON CREEK VINEYARD, LLC, 115 N. RAILVIEW AVENUE, AS REQUESTED BY ROBERT CARL CARLSON, III

MOTION: Councilman Johnson moved to approve the Application for Liquor License New License, Limited Liability Co., Carlson Creek Vineyard, LLC, 115 N. Railview Avenue, as requested by Robert Carl Carlson, III.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Councilman Johnson asked when open and Mr. Carlson said late November and the Councilman said opening for the Apple Festival and Wings Over Willcox. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-68 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLCOX [CITY] AND THE BOWIE UNIFIED SCHOOL DISTRICT #14 [SCHOOL] FOR THE PURPOSE OF LEASING CULINARY EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, THE IGA AND DECLARING AN EMERGENCY TO EXIST

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MOTION: Councilman Johnson moved to adopt regarding Resolution No. 2009-68, as stated, relating to IGA between the City and School for the purpose of leasing culinary equipment.

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

DISCUSSION/DECISION REGARDING REQUEST FROM THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO WAIVE THE FEES AT THE COMMUNITY CENTER BEGINNING ON DECEMBER 2-6, 2009 FOR THE APPLE FESTIVAL ON DECEMBER 4-5, 2009

MOTION: Councilman Johnson moved to approve the request from the Chamber to waive the fees at the Community Center beginning on December 2-6, 2009 and the Apple Festival on December 4-5, 2009.

SECONDED: Vice Mayor Schultz and Councilman Klump seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING REQUEST FROM THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE TO WAIVE THE FEES AT THE COMMUNITY CENTER BEGINNING ON JANUARY 13-17, 2010 FOR THE WINGS OVER WILCOX BIRDING AND NATURE FESTIVAL.

MOTION: Councilman Johnson moved to approve the request from the Chamber to waive the fees at the Community Center beginning on January 13-17, 2010 for the Wings Over Willcox Birding and Nature Festival.

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

DISCUSSION/DECISION REGARDING REQUEST FROM THE WILLCOX CHAMBER OF COMMERCE & AGRICULTURE FOR STREET CLOSURE ON RAILROAD AVENUE ON DECEMBER 5, 2009 FOR THE CHRISTMAS LIGHTED PARADE

MOTION: Councilwoman Cronberg moved to approve the request from the Chamber for street closure on Railroad Avenue on December 5, 2009 for the Christmas Lighted Parade.

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

DISCUSSION/DECISION TO ACCEPT THE DARE VEHICLE GIFT FROM GRAHAM COUNTY SHERIFF'S OFFICE

MOTION: Councilman Johnson moved to accept the DARE vehicle gift from Graham County Sheriff's Office.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-69 APPROVING AND ADOPTING THE SERVICE AGREEMENT BETWEEN THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ["CITY"] ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY ["WDPS"] AND CREATIVE COMMUNICATIONS ["PROVIDER"] FOR THE PURPOSE OF MAINTAINING POLICE AND FIRE COMMUNICATIONS EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2009-69, as stated, relating to Service Agreement between the City and WDPS and Provider for purpose of maintaining Police and Fire Communications equipment.

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

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-70 APPROVING AND ADOPTING AMENDMENT NO: 1 TO THE MEMORANDUM OF UNDERSTANDING ["MOU"] BETWEEN THE CITY OF WILLCOX ["CITY"] AND THE WILLCOX REGIONAL ECONOMIC DEVELOPMENT ALLIANCE ["WREDA"] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE AMENDMENT AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Klump moved to adopt Resolution No. 2009-70, as stated, relating to Amendment No: 1 to the MOU between the City and WREDA.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Vice Mayor Schultz said he believes there was a request for a specific amount. City Manager McCourt replied \$5,500 is requested, which will come from line item established in budget for Economic Development. Mr. Stanger, WREDA President, said they are actively involved with companies that may be considering locating in Willcox. Recently they have been in contact with Greener Way Products and another company on affordable houses. They are working closely with the Arizona Department of Commerce. Economic Development can be done with team work, and money is needed to move forward. As Mr. McCourt mentioned, WREDA is asking for \$5,500 to be used in these efforts. In Amendment and MOU also understand these plans can change. They have learned valuable lesson from the past. Mr. Stanger believes that the WREDA members will be good stewards for this money and economic development is good for

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this area. Mayor Lindsey said amendment to MOU specifically addressed how it will be spent and asked if that needs to be addressed here. Mr. Stanger believes the plans for the requested amounts are a good way to spend the funds and flexibility is needed if something else comes up. He realizes they would like more, and maybe they will come back later with another request. \$5,500 is a great start. Vice Mayor Schultz said it is hard to request a specific amount. Mr. Stanger stated that Greener needed to get a utility bond to get power in their name. If WREDA had been able to help them get a bond it would not have been extremely expensive and he anticipates that the investment would be recouped in six months or less. The NAU (Northern Arizona University) Needs Assessment is a model they have been talking about for several months, and they are teaming with Benson's group. Vice Mayor Schultz said sometimes we need to move now and cannot wait for Mayor and Council to meet and make a decision. Mr. Stanger emphasized they are not going to spend all this money tomorrow and thinks Board will be very careful on what they want to spend it on. Also talked about getting sponsorship with locals and understand that times are tough. Mayor Lindsey said the Amendment can be revised to leave the amount flexible and eliminate the sub-classes to increase flexibility. City Attorney Figueroa explained that the flexibility is built in by the language. Line items may vary from what is included and could be taken it out if that is the Mayor and Council desire. We know they are going to have the Needs Study, postage, mailing and brochures and the cost is flexible. The MOU itself may allow the use of some money. Original MOU consider that there will be some things which are to be kept confidential. Based on that funding, the Board may have other goals to include in the MOU that they can use. Nothing in the MOU precludes WREDA from coming back later and we can make amendments to bring to Mayor and Council for decision. Mayor Lindsey's concern is that it might hamper decision to move money and if flexibility is built in then no reason to change it. Mr. Figueroa said the WREDA Board can request an amendment if necessary. Mr. Stanger said he believes that WREDA Board will be a good steward of this money and it will not be wasted. Mayor Lindsey asked Mr. Stanger if he felt that the amendment is okay, and Mr. Stanger replied it is and it's a good place to start. Mr. Figueroa stated he will leave the MOU as is. Both original and this amendment call for WREDA to do periodic reports to the Mayor and Council and that is another opportunity for them to come in and make changes. **CARRIED 5-0-1-1.** Councilman Norris absent. **Conflict of Interest:** Councilman Johnson.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-71 APPROVING AND ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLCOX [CITY] AND THE COCHISE COMMUNITY COLLEGE [COLLEGE] FOR THE PURPOSE OF PROVISION OF CUSTOMER SERVICE TRAINING AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION, AUTHORIZING THE CITY MANAGER TO EXECUTE THE IGA AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to adopt Resolution NO. 2009-71, as stated, relating to IGA between the City and College for the purpose of provision of Customer Service Training.

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

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Investment Report** - Ruth Graham, Finance Director –handed out an Investment Report showing the City's cash position at 10-31-2009. The overall cash balances are down \$130,364 City wide from the 7-1-09 opening balances for Fiscal Year 09-10. The ending balance is \$5,174,370, which includes the Volunteer Fire Fighters accounts.
- The City Manager thanked Mayor and Council for allowing him to attend the 95th Town Hall and provided a short memo.
- Dave Bonner reported that on Friday, November 13th, the Willcox High School Football team beat the #1 Division II team in the State, and the next game will be Saturday, November 21st, at North Canyon High School. Willcox is playing Yuma Catholic, and after they win that they will be going to Flagstaff.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:49 p.m.

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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 16th day of November, 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20th day of November, 2009

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

PASSED, APPROVED AND ADOPTED this 7th day of DECEMBER, 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: December 9, 2009

ATTEST:

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