

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
HELD ON THIS 7TH DAY OF DECEMBER 2009**

CALL TO ORDER- Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 7, 2009 at 7:00 p.m. The Mayor welcomed all to the Council meeting this evening and knows some will be addressing them and it is good to have them here. At this time the Mayor had the City Clerk call the Roll.

ROLL CALL –Mayor Lindsey asked the City Clerk to call the Roll.

PRESENT

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

PLEDGE OF ALLEGIANCE TO THE FLAG-Mayor Lindsey.

CALL TO THE PUBLIC- Ms. Ann Fisher made a presentation to the Council about the zoning to allow slaughterhouses in the City of Willcox. She lives one mile from the proposed slaughterhouse and is concerned about what it will do to our City and to the property values. Ms. Fisher does not see any value to the residents of the City except for a few low paid jobs because it is one of the most undesirable and controversial industries in the country. She contacted the City of Holbrook and they turned down Tri-Western. They determined there was little value for their City and it sounds like it was the same thing they are going to be doing here. It is her understanding that the product is brought in and sent out and there would be no sales tax paid. Most of workers would be brought in and not sure if they would have to live in the City itself. They tried the City of Snowflake and they also turned them down. Most of people she has talked to that are in favor because believe will bring jobs to Willcox. Documentary film Food Inc. featured the largest slaughterhouse in the county and it's located in the small economically depressed town of Tarhill, N.C. Initially some of the poor people there worked in the plant but they soon went through all the workers there and now have to recruit and bus them in from a 100 mile radius. This is one of the most dangerous jobs in America with many injuries to the workers. Most meat packing facilities become larger and larger because of the economies of scale, and she fears this could grow and become too large for Willcox. She is not an expert on this, just ordinary citizen, and does not see value of the City residents for this except for possible jobs. Ms. Fisher believes it will lower property values. She does not know if they have done more research and have more information but hopes before it is brought in they consider that they will carefully research whatever their claims are and whatever their promises and research this industry and this company. Mayor Lindsey stated he had explained to her they cannot make comment on Call to the Public and probably will receive response and thanked her for coming.

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

ADOPTION OF THE AGENDA

MOTION: Councilwoman Cronberg moved to adopt the agenda as presented.

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

PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

Public Hearings: 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, Mayor Lindsey opened the public hearing at 7:08 p.m. Ms. Bonnie Williams, of the Southeastern Arizona Governments Organization (SEAGO), came to tell the public about Community Development Block Grants. The CDBG program is funded by HUD (Housing and Urban Development) and was started by President Ford in 1974. It has been a long lasting and well utilized grant program to build and improve communities. The use of funds must meet one of three national objectives: 1) primarily benefit low to moderate income people; 2) meet urgent needs; and/or 3) the elimination of slums and blight. Predominantly the number one usage is the national objective of benefiting low to moderate income people. The funds can be used to provide decent housing, suitable living environment and expand economic

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opportunity to persons of low to moderate income. Ms. Williams handed out a sheet with HUD classifications about income per family size; i.e. a family of 4 can make \$40,300 and still be eligible to benefit from these funds. The City of Willcox is classified as 52.9% low-mod income. It's unfortunate on one hand, although fortunate in another because it opens the gates for Willcox to do most anything with these funds with the exceptions of building a new City Hall, paying staff salaries, or other things generally required by the City to do as a government. There are two pots of money. One is the Regional Account on a bi-annual rotation. In 2010, the City of Willcox gets \$303,000 automatically so long as the City submits an eligible application. The other is a highly competitive grant called SSP (State Special Projects). SSP applications are due February 15, 2010 to the Arizona Department of Housing. Applications for the Regional Account grants are due May 1, 2010. SSP projects have to be shelf ready, and have environmental and design studies done. Staff thinks this year the City will try to apply to do things already bid out such as the Community Center for adobe and lenti repairs. The program is very competitive but it's worth a shot to complete the application. With funds from the Regional Account the City will be able to finish the other things such as the window replacement at the Community Center. At the last public hearing it was suggested that the funds could be used for street repairs or improvements to the wastewater treatment system. This evening gives the public another chance to suggest other ideas. Uses are very broad. Public facilities such as the Community Center, parks, streets and the pool have been done in the past. Housing can also be done and housing rehabilitation and home owners with low income can qualify. That does not have to be low-mod. Public Services can also help non-profits that help low-mod income people. The other is economic development job creation and retention but is rarely used under CDBG because of the burdensome reporting requirements. Ms. Williams stated she is available for questions and left business cards.

The public hearing was opened for more ideas on how to use the CDBG monies. Mr. Paul Sheats understood her to say it will help organizations that help the poor in community such as the non-profit Food Pantry. Ms. Williams agreed and said the City would need to have its ducks in a row and produce adequate paperwork to work with a non-profit. Mr. Sheats asked if funds could be used to move the Food Pantry closer to City and Ms. Williams replied the City could build a brand new Food Bank. What the City can't do is use the funds for operations, such as to buy food, although it can build the structure and buy the equipment. Mayor Lindsey asked if there were any other comments from the public or the Council. Hearing none, the Mayor closed the CDBG public hearing at 7:15 p.m.

(2) Application for Liquor License Interim Permit, Person Transfer, Corporation, Russell Anthony Scheid, Agent, Willcox Hometown IGA., 900 W. Rex Allen Drive, Willcox, AZ. The Mayor announced that there has been a change of agent to Susanna Smyer. The City Clerk requested this item be considered at the December 21, 2009 meeting in order to obtain the necessary documents from the Arizona Department of Liquor Licenses and Control for Agent Change. The Mayor asked the City Attorney if he wished to comment. He did not, and the Mayor asked for motion to table the liquor license.

MOTION: Councilman Donahue moved to table the public hearing on the Willcox Hometown IGA.

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

POWER POINT PRESENTATION BY PUBLIC SERVICES & WORKS UTILITIES SUPERVISOR JOHN BOWEN ON THE ANNUAL LIAISON GAS REPORT

Mr. John Bowen announced a public hearing will be held December 15, 2009 to comply with Federal Pipeline Safety Regulation 192.615(c) on call to various other utilities on natural gas emergencies. The power point presentation made to the Mayor and Council and staff present will meet the requirements of this regulation. The information is shared with surrounding entities that could help us or we help them in case of a gas emergency. Mr. Bowen presented this to Southwest Gas and needs to meet with Benson and Safford to determine the resources each entity can provide in the case of an emergency. The Chain of Command is as follows: first report to utility worker in the field, then to Utility Supervisor. If it's necessary, notice will be given to the Public Services & Works Director and on up the Chain of Command to the City Manager. The priority is to protect life, then property. There are various types of natural gas emergencies; i.e. a vehicle runs over a gas meter. Other types of gas issues they deal with daily are odor complaints, carbon monoxide levels, high and low gas usage, and high or low gas pressures. The City has met with other agencies that can provide assistance, including the Willcox Volunteer Fire Department, Police Department, Streets Division, Parks & Facilities Maintenance, City Hall and Library. Outside agencies attending the liaison meeting include the City of Benson, Southwest Gas, and the City of Safford that can provide materials and equipment, traffic control assistance-evacuations-translations from Border Patrol, Sheriff's Highway, Equipment & Traffic Control by ADOT, and Medical Assistance from NCCH, Healthcare Innovations Cochise County Health Department, Rural Fire Department and have used all in the past. City Utility crew will remain on site until safe even though it may have relinquished command to other division. Natural gas is odorless and the City adds Mercaptan giving it a "rotten egg" odor so that you know if there is a natural gas leak. What to do if smell gas: leave building,

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do not turn anything on or off but leave it as is. Do not pick up telephone or cell and contact City from neighbor's house. Meet utility technician outside the building and do not leave doors or windows open to vent the odor. Notice will be given when it's safe to return to the property. Crew has safety equipment to use. Leak outside contact City from remote location and keep everyone away until service man arrives. A utility technician will locate the potential leak. Personnel are well trained and protection of life and property is of immediate concern. Arizona Blue Stake Law requirements have been increased with a new law that is "putting some teeth into Blue Stake" and this is free service. Call before digging. Call two business days before diggings, and the markings are valid for 15 business days. If digging within 2' of marked lines, dig carefully with a shovel and not with power equipment. Watch out for overhead utility electrical lines, fire hydrants etc. The City has equipment with high water pressure to 'cut out' and check an area before digging. Mr. Bowen asked if there are any questions on the presentation or what they do as a utility. Thanked Mayor and Council for this opportunity and said the report will be presented at the Annual meeting here on December 15, 2009 at 10:00 a.m. Mayor Lindsey thanked him.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON NOVEMBER 16, 2009

MOTION: Vice Mayor Schultz moved to adopt the regular meeting minutes held on November 16, 2009.

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

DISCUSSION/DECISION REGARDING LIQUOR LICENSE INTERIM PERMIT, PERSON TRANSFER, CORPORATION, RUSSELL ANTHONY SCHEID, AGENT, WILLCOX HOMETOWN IGA, 900 W. REX ALLEN DRIVE

City Manager Pat McCourt stated the public hearing was tabled and need to table this decision.

MOTION: Councilman Donahue moved to table the decision on the Willcox Hometown IGA until the public hearing to be held on December 21, 2009.

SECONDED: Council man Norris seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-72 APPROVING AND AUTHORIZING THE SUBMISSION OF THE APPLICATION TO THE ARIZONA DEPARTMENT OF COMMERCE ENERGY OFFICE FOR FUNDING UNDER THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM AND DIRECTING CITY OFFICIALS TO SUBMIT APPLICATION DOCUMENTS AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilwoman Cronberg moved to adopt Resolution No. 2009-72, as presented, relating to submission of Application to the ADOC Energy Office for Funding under the Energy Efficiency and Conservation Block Grant Program.

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

DISCUSSION/DECISION REGARDING APPROVAL OF FY 2008-09 AUDITED FINANCIAL STATEMENTS, AND FY 2008-09 ANNUAL EXPENDITURE LIMITATION REPORT.

Ms. Robin Sibley of Hinton, Burdick, Hall & Spilker, CPA's thanked the Mayor and Council for the opportunity to present the Audit report for FY2008-09. The City of Willcox received "Clean opinion" and only one finding was noted. Some immaterial matters of non-compliance are listed in the separate letter of communication to Council. Finding 09-01 is not considered significant but auditors are required by SAS#112 to issue a finding. There was improvement from last year and they eliminated Finding 08-1 Utility Clearing Account. On Finding 09-02, Bids for Deposits, the auditors found the City performed due diligence but simply need to follow specific rules and state laws. Finding 07-02 should not be a big concern. Finding 07-05 budgetary no overrun in General Fund and small overrun in HURF. Fund deficit same as last year.

Government Wide Financial Statement total net assets doing very well.

- The Fund Financial Highlights show that unreserved fund balance in the General Fund at June 30, 2009 totaled \$2,342,202, or 59% of the total General Fund expenditures, excluding transfers. The reserved fund balance at the close of year consists of \$99,000 for the special revenue fund, \$202,000 for the capital projects fund and \$162,000 for the debt service fund which are all positive. The General Fund shows a healthy fund balance with no significant changes for the past 5 years. In FY09 and FY08 declines are expected since the City budgeted to reduce fund balance by \$523,960 in FY09 and by \$971,657 in FY08. General Fund Revenue and Expenditure Trend in the past three years show expenditures in excess of revenues which reflect expenditures of excess revenues received in prior years.

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- Gas Fund shows steady increases over the past four years with a significant decline in FY09 due to reductions in natural gas prices. Operating margins between revenues and expenses have been good and actually improved during FY09. Gas Fund Cash Trend shows steady increases over 5 years and a healthy balance of unrestricted cash.
- The Water Fund shows steady increases over 5 years and a good margin between revenues and expenses. Water Fund cash shows an increase over 5 years and a healthy balance of unrestricted cash. Sewer Fund shows steady increases and an improved margin between revenues and expenses.
- The Sewer Fund Cash Trend shows a significant increase over the last 3 years a result of improved operating margins.
- The Refuse Fund shows a change from net losses to net revenues over 5 years with a slight decrease in the margin during FY08 due to a refund paid to the School District. The Refuse Fund Cash Trend shows a \$147,000 reduction in the cash deficit over the last 5 years. If operating margins are maintained this trend should continue.

Ms. Sibley said that overall the City is doing very well. There are positive cash trends and operational margins are very good. She thanked Ruth Graham, Connie Bonnie, and others in the department. This year they came out earlier than last year, and staff was ready for them and helpful when they came. Ms. Sibley also thanked the Mayor and Council for the opportunity for Hinton Burdick to perform the Audit this year.

Mayor Lindsey asked if there were any comments or questions. City Manager McCourt pointed out this is a very good audit and good reflection on the staff. The Audit is a double check to make sure we are doing things properly and we should be proud of staff. He thanked the auditors. Mayor Lindsey asked staff if recommendations had been addressed and taken care of. Finance Director Graham said they have and response is in the letter she handed out this evening.

MOTION: Councilman Johnson moved to approve the FY 2008-09 Audited Financial Statements and the FY09 Annual Expenditure Limitation report. .

SECONDED: Councilmen Norris and Donahue seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING THE RECONCILIATION OF THE COST FOR COCHISE COUNTY JUSTICE OF THE PEACE COURT 4 TO OPERATE THE MAGISTRATE COURT FOR FISCAL YEAR 2008-2009.

Mayor Lindsey asked City Manager McCourt to explain. Mr. McCourt explained that for FY08-09 the City entered into contract with Cochise County to take over the operations of the Magistrate Court. In the agreement revenues and expenses were estimated, and once the year was completed and reconciled they would see if they owe us or we owe them. Result is we owe then \$13,890.99 for that fiscal year and staff recommendation is to pay.

Councilwoman Cronberg asked if the funds would be taken out of the budget for Contingency and “drop that line to nothing.” She asked the plan for future years. City Manager said we have a history now to make our projections and estimates, and hope to see narrower differences in the upcoming years. Councilwoman Cronberg stated she doesn’t suppose there is any other way to deal with that other than blanking out that line. City Manager replied other way to deal with it and only viable way is do we wish to reinstitute our Court and not sure cost benefit and current system does seem to be working well and only in second year and thinks before added changes and thinks need to run it for a couple of years to see. City Attorney Figueroa said initiate reconsolidation meet with County and Judge in Bisbee and estimated \$90,000 for 2-staff positions, they did not talk about Judge, utilities, jail costs, etc. Previous jail costs budget jail costs alone were way in excess of \$90,000, and did not know exactly how much we would be getting because some cases adjudicated and those payments should be made to the City. Now we have history since 2007 and City consolidated Court handling all the cases and as we goes forth we will see more cases credited towards the expenditures. The jail costs variable and increased a little last year than normally because DUI laws passed year or two provided for mandatory sentences and before mandatory sentences before then were up to discretion of prosecutor or judge to suspend those sentences. In some cases have Extreme DUI neither the Court nor the prosecutor can say “I am going to ahead and give you one day in jail” and that’s it. Each day person has to serve has to account for some jail time and no relief. In the other hand some of fines have been increased and won’t see immediately until laws go into effect on September 1st and then following year we will see more revenue. It was totally impossible for financial staff or he or anyone from County from either side to see how much was needed and is very surprised only \$13,000. Agreement we had was we would do this type of analysis and

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determine if beneficial for city or not to ahead. The \$13,000 this year the Attorney thinks we probably won't see it next year and if we do then we will know where we are at and at the end of this FY June 30 we should have recap and make decision. At June 30 we did not have figures and if we had we then had to get geared up to hire a Magistrate, bring staff on board, and have computer system. When City went to County they obtained and are all computerized and on-line and if want to see any case can be viewed under public access Court information and everyone has to be on-line. Then if we have to have computers then Capital Outlay costs. Mr. Figueroa does not do prosecution; the County does. In the past the City hired Mr. Wayne Palmer for prosecution services at a cost of about \$50,000. Mayor Lindsey does not understand the inclusion of jail costs. One selling point was that our jail costs would be practically nothing and now they're \$63,000. HF representation made jail costs alone and other expenses weigh out did benefits \$89,000 for 2-staff persons. We have to pay jail costs directly and some are reimbursed to JP Ct. More than likely can't pay and if anyone here tonight jail costs on defendant based on ability to pay. For the City to have good analysis we had to include every expense. Also indigent fees provided for by law especially in DUI cases the court has to appoint them an attorney. Mayor Lindsey understands since started change in cost of prosecution and asked now required to pick up costs. City Attorney explained that originally the County Deputy Attorney would take the city code violations and prosecute, however, the elected County Attorney told the Board of Supervisors they can not tell him how to operate his office. He did not approve his Deputy Attorney to do any code violations and Willcox, Benson and Douglas on consolidated courts have to do their own.

MOTION: Vice Mayor Schultz moved to approve the Reconciliation of the Cost for Cochise County Justice of the Peace Court #4 to operate the Magistrate Court for FY2008-2009, and to authorize payment to the County.

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

DISCUSSION/DECISION REGARDING PERMIT A VOLUNTARY PAYROLL DEDUCTION FOR UNITED WAY OF COCHISE COUNTY

MOTION: Councilman Johnson moved to permit a Voluntary Payroll Deduction for United Way of Cochise County.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Mayor Lindsey said he has worked under this system and works quite well. Volunteering gives the employees an opportunity to make donations to United Way and select charity for funds to go to. Councilman Norris asked if there was pressure put on employees of participate and the Mayor replied, "None whatsoever. It is strictly voluntary." **CARRIED.**

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-73 APPROVING AND ADOPTING THE CONTRACT AGREEMENT BETWEEN THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA ["CITY"] AND WOODS CONSTRUCTION ["CONTRACTOR"] FOR THE PURPOSE OF CONTRACTING REMODELING WORK AT THE EXISTING LIBRARY BUILDING AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Donahue moved to adopt Resolution No .2009-73, as stated relating to the contract agreement between the City and Woods Construction for remodeling work at the Library building.

SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey asked City Manager McCourt to give a little briefing on what you plan to do. City Manager McCourt said one bond issue and broken into different projects. This is the primary project and end of this project find allocated more money than necessary then pushing over to Library project and it is one of the mentioned in staff report \$40,000 allocated from Public Safety to Library. Staff recommends Woods Construction. Additionally there are several, 4-alternatives, and one alternative is adding vestibule and there was some automatic doors to be installed. In the alternative thought we had assurance from State to pick up another \$30,000 for that project. State is not able to provide us that money. Vestibule is important for us and would like to go back and work with selected contractor to work with available funds and if changed then come back to Mayor and Council for decision. Mayor Lindsey asked if we can get it done without automatic doors and asked if this will void our bid process. The City Manager said "no sir." Councilman Norris stated get the Library done before do signs to be sure done because bid is base bid and always have to add on and if don't have money because used for signs. His concerns are completing the Library and then see where we stand. City Manager McCourt stated staff will bring it back if we need to dip into reserves and agreed with Councilman Norris to move forward with that project and we need to move forward to get it done and feel we have sufficient funds to finish both projects. Councilwoman Cronberg asked staff thinks we have sufficient funds to go ahead move \$40,000 and still accomplish what needs to be done at Public Safety. Mr. McCourt responded they believe they can and move to Library and look at that time at the other alternatives. The Councilwoman asked if includes contingency for any change orders and City Manager said have room for contingency and in staff report have \$14,000 and another \$15,000 in Contingency separate from Bond money. Councilman Norris said then about \$29,000 available if we have to. Mr. McCourt agreed and leaving contingency from this project above estimate to complete this

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project. Councilman Norris asked how quick can Woods Construction going to start and Public Services & Works Director Dave Bonner replied idea is to award tonight and negotiate with Contractor to start third week in January and after the Holiday Season get them established and work through. There are 120 days allotted according to contract documents for the project and doubts it will take that long although that is allowed in the bid process. Councilman Norris asked if this is the full amount set aside for the Library in initial process. Mr. Bonner said it is the amount left after work done by Architect work and some other miscellaneous work. Originally about \$155,000 and now balance of \$117,000 and need expenses applied to that. Councilman Norris asked if he felt comfortable that will the finish project. Mr. Bonner replied said yes bid base and negotiates with contractor on the vestibule to get that down to a manageable size. The Library Director Tom Miner along with the Library Advisory Committee is looking to do fundraising to try to manage some other items if possible. Councilman Norris suggested we wait we need to do the Library before do signage and the landscaping. If we run short where are we going to get it from and you know where we are on the budget. Mr. Bonner explained by time get specification for signage can not get bid out until first of the year and get bid time should be on project by time the Library project well under way before get bid back on signs. Councilman Norris even though have bid we do not have to do it until we get through with Library and Mr. Bonner responded "that is correct." City Manager McCourt stated if we do need to pull more money out of this project it will be discussed with Mayor and Council prior to doing that. Councilman Johnson asked if this could be a CDBG grant item and the City Manager replied might be able to do that as a future project. Currently from staff standpoint we would like to get adobe and lentils finished at Community Center. Mayor Lindsey said that could be future project and Mr. McCourt agreed. **CARRIED.**

**DISCUSSION/DECISION REGARDING CHAMBER OF COMMERCE & AGRICULTURE SINGLE BUSINESS PERMIT
REQUEST FOR THE APPLE FESTIVAL DECEMBER 4-5, 2009.**

MOTION: Councilman Johnson moved to approve the Chamber of Commerce & Agriculture single business permit request for the Apple Festival held December 4-5, 2009, which has already passed.

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

**DISCUSSION/DECISION REGARDING CHAMBER OF COMMERCE & AGRICULTURE SINGLE BUSINESS PERMIT
REQUEST FOR THE WINGS OVER WILLCOX FESTIVAL JANUARY 13-17, 2010.**

MOTION: Councilman Johnson moved to approve the Chamber of Commerce & Agriculture single business permit request for the Wings Over Willcox Festival January 13-17, 2010.

SECONDED: Councilwoman Cronberg seconded the motion.

DISCUSSION: Mayor Lindsey introduced Mr. Robert Coder. Mr. Coder said he thinks no one on Wings has come to the Mayor and Council to say "Thank You!" prior to asking for waivers. In the 70's and 80's he helped the group at Twin Lakes. They became aware City was coming into possession of the Golf Course and Lake. Mr. Dave Pierson asked him to go to the Mayor and Council and get them to okay a birding site instead of sewer. There are a lot of birds that come in. He came to the Mayor and Council totally unprepared i.e. Liability, what it is going to do. Freddie Romero (Public Services & Works) bailed him out by adding that it was good for the community. About 17-18 years ago Ms. Shirley Seplak approached him, along with Ellen Clark and Doug Dunn and asked if there was the possibility of having a festival to showcase Willcox differently than Rex Allen Days. Meanwhile they invited representatives from the Arizona State Parks, National Park, BLM, and the Arizona Game & Fish and during this time searching for positive image across this country. This will be the 17th year and it exposes Willcox to 300-500 people each year. Birders are not the same kind of people that come to Rex Allen Days or History Fest. They are very jubilant and it is nothing for them to purchase a \$2,000 scope or \$800-\$900 binoculars, stay over night, eat at a nice restaurant, or look at purchasing property. Word goes out when they visit us. Last year the Wings staff handed out a survey and asked where they stayed, where they ate, and where they stayed. Overall it was about \$22,000 that they know about, and more that they do not know about. Hundreds of people come in asking where they can see the Cranes. They are already booking tours and are about right where they were last year at this time. They are still out there and they still want to do their birding. Mr. Coder has met people from England, Canada, Los Angeles and Phoenix when he goes out there 3-4 times per week. The birding exposes Willcox to the world and he hopes the Mayor and Council will continue to support them. Vice Mayor Schultz added that outside Rex Allen Days the Wings Over Willcox weekend is the best weekend. **CARRIED.**

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-74 TO APPROVE AND ADOPT THE INTERGOVERNMENTAL
AGREEMENTS [IGA] BETWEEN THE CITY OF WILLCOX ["CITY"] AND COCHISE COUNTY ["COUNTY"] FOR CERTAIN**

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ELECTION SUPPLIES AND SERVICES FOR THE CITY'S UPCOMING 2010 CITY ELECTION AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

MOTION: Councilman Johnson moved to adopt Resolution No. 2009-74, as stated, relating to the IGA with Cochise County for the 2010 elections.

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

DISCUSSION/DECISION TO APPROVE RESOLUTION NO. 2009-75 APPROVING AND ESTABLISHING MEETING DATES WHEN A REGULAR COUNCIL MEETING DATE FALLS ON A LEGAL HOLIDAY OR AN ELECTION DAY, DIRECTING THE CITY CLERK TO IMPLEMENT THE AMENDED CITY COUNCIL PROCEDURES APPROVED HEREIN AND DECLARING AN EMERGENCY TO EXIST

MOTION: Councilman Johnson moved to approve Resolution No. 2009-75, as stated, relating to establishing meeting dates when regular council meeting date falls on a legal holiday or an election day.

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:

- **Candidate Packets Due-** reminded those who wish to run for City Council for the Spring 2010 Election that election packets are due on or before December 9, 2009 at 5:00 p.m.
- **Financial Disclosure Statements Due-** On or before January 31, 2010 for the calendar year 2009 from each Council member through December 31, 2009, in the Office of the City Clerk.
- **Rotary** –the raffle to help benefit the 4th of July Fire Works is now upon us and tickets are for sale. As a member of Rotary he has some tickets if anyone is interested in purchasing them.

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Donahue stated good audit due to direct result of staff and work they do and thanked them.

Councilwoman Cronberg echoed Councilman Donahue and thanked staff for all their hard work, consistency and knows they get brow beaten and considers that. Apple Festival held this past weekend was well attended. The lighted parade was also very nice and well attended and Councilwoman Cronberg said "Good Job!"

Councilman Johnson had no comment.

Mayor Lindsey said "ditto," and added that the football team at the State Championship game played their hearts out and "came that close to winning." He commended the residents of Willcox for their support, and does not think anyone was left in town that evening. There was tremendous support from Willcox and the surrounding area to help the team and show support for them, and he was very happy to see that kind of support for them.

Vice Mayor Schultz thank City Manager and his wife who provided vehicle for Rex Allen, Jr. and his wife when they attended the Apple Fest for the first time. He also thanked Michelle Mullins, and Monica and Jose Pacheco for the work they did at Railroad Park to get the electricity and decorations set up.

Councilman Norris said today is the day Pearl Harbor was attacked and the day that we all came together. He thanked all service people.

Councilman Johnson added that Willcox is about to lose our MVD (Motor Vehicle Division) office and asked about a letter of support from City and anyone in City to voice opinion. If the office is closed, we will have to go to Safford, Douglas or Sierra Vista. An MVD office is very crucial for Willcox. Councilman Norris said he will have petition ready the day after tomorrow. He has made some calls on the people we need to send it to.

DISCUSSION/DECISION TO ENTER INTO AN EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED §38-431.03A(7) - DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY.

MOTION: Councilman Johnson moved to enter into an Executive Session pursuant to A.R.S. §38-431.03A(7), as stated, relating to position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

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

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
HELD ON THIS 7TH DAY OF DECEMBER 2009**

RECESS TO EXECUTIVE SESSION, IF APPROVED-Mayor Lindsey recessed the regular meeting at 8:34 p.m.

RECONVENE FROM EXECUTIVE SESSION-Mayor Lindsey reconvened the regular meeting from executive session at 8:47 p.m.

DISCUSSION/DECISION REGARDING INSTRUCTION TO STAFF ON NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY

MOTION: Councilwoman Cronberg that no further action or discussion be held regarding property.

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

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 8:49 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 7th day of December 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10th day of December 2009

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

PASSED, APPROVED AND ADOPTED this 21st day of DECEMBER 2009.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: December 22, 2009

ATTEST:

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