

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

CALL TO ORDER- Mayor Gerald W. Lindsey called the regular meeting to order on Monday, December 21, 2009 at 7:00 p.m. and welcomed all to tonight's Council meeting.

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
Councilman Jimmy Norris
Councilwoman Monika Cronberg
Councilman Stephen Klump
Councilman Christopher Donahue

STAFF

City Manager Pat McCourt
City Clerk Cristina G. Whelan, CMC
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-Mayor Lindsey reported he has a number of persons wishing to speak this evening and thinks most want to speak during the agenda item regarding the Packing Plant. The Mayor asked if those persons who wished to comment now to please come up to the microphone and the Mayor and Council welcome your comments. There was no response and asked Mrs. Laura Ann Bethel if she deferred and she nodded in approval.

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

Public Hearings: The Mayor and Council will hold a public hearing on Monday, December 21, 2009, at 7:00 p.m., City Council Chambers, 300 W. Rex Allen Drive regarding the Application for Liquor License Interim Permit, Person Transfer, Corporation, Susanna Smyer, 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.

Mayor Lindsey opened the public hearing at 7:03 p.m. regarding the application for Liquor License transfer. He asked if anyone would like to comment. Again he asked are there any comments concerning this application. Hearing no comments from the public present or staff the Mayor closed the public hearing at 7:04 p.m.

DISCUSSION/DECISION REGARDING THE REGULAR MEETING MINUTES HELD ON DECEMBER 7, 2009

MOTION: Councilman Johnson moved to adopt the regular meeting minutes held on December 7, 2009.

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

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

MOTION: Councilman Johnson moved to approve the Liquor License, as stated, for the Willcox Hometown IGA, 900 W. Rex Allen Drive, Susanna Smyer, Agent.

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

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

DISCUSSION/DECISION REGARDING RECOMMENDATION FROM AIRPORT AD HOC COMMITTEE

Mayor Lindsey stated he has read the report that came from the Ad Hoc Committee and stated they should be commended for the work that went into that laborious set of hearings and meetings, and to put together their recommendations. The Council appreciates the tremendous work that has gone into that effort. The Mayor asked if there were any recommendations from the council members or if there were any questions. Councilman Norris stated he appreciates all the work everybody did and the many meetings held. He talked with Rod Keeling several times and it was "a real effort from the community of Willcox."

MOTION: Mayor Lindsey moved to put together a work session after the first of the year and discuss the recommendations and invite whomever the Committee would like to meet with them to thoroughly review what has come forth from the Committee.

SECONDED: Councilman Norris seconded the motion.

AMENDED MOTION: Councilman Johnson moved to accept recommendation from the Airport Ad Hoc Committee.

AMENDMENT SECONDED: Vice Mayor Schultz seconded the motion. **DISCUSSION:** Vice Mayor Schultz asked Mr. Keeling (Chairman of Ad Hoc Committee) if he had anything to say. Mr. Keeling stated he would be happy to answer any questions or review the report and if the Council holds a work session it can be done at that time. Vice Mayor stated we have lots of public present tonight and he too would like to know what he based his recommendations on. Mr. Keeling explained that the County owns the airport west of Willcox and has since it was established in the 1940's. Late last year the County approached the City to assume the ownership. The Mayor and Council appointed about 13 community members to serve on the Ad Hoc Committee to review materials and make recommendation whether the City should assume ownership of the Airport. The first meeting was held in March, 2009 and they spent six months learning about the airport, its ownership and the benefits to City. A public hearing was held at the Elks Lodge. About 40 people attended the meeting and they had an opportunity to make known their concerns. The committee voted unanimously to enter into negotiations from County for the City to take ownership. The County is not selling the Airport. The City is asked to assume the ownership, terms and conditions and no monetary purchase for the Airport. Questions asked were: 1. Why City should acquire the Airport; and 2. Overreaching. In response to question #1 from Economic Development the Airport would benefit the City. It is located on 960+ acres with 27 acres adjacent to the road and it is outside the flood zone. These acres could be developed into a Business Park. Long term decision to build tax base is to attract new business and increase employment base for Willcox would be terrific. In response to question #2 why take the Airport at this time with budget terms and argument is there is money and it will come there. Entitlement comes with about \$150,000 from Federal Grant for Capital Improvements and could be used to do infrastructure that City needs there. If County retains ownership of Airport status quo will continue and the airport will remain as is with no tremendous growth or improvement. The committee believes the City could do the improvements. The City has immediate reasons to do things at the airport as well as over a period of time. Committee looks forward to working with the Mayor and Council and staff. At the work session they could answer questions. Mayor Lindsey stated he appreciates the Committee's work. Vice Mayor Schultz asked if anyone in the public wanted to ask any questions. The Vice Mayor stated he sat in their meetings and there were lots of deliberations. **AMENDMENT: CARRIED.**

ORIGINAL MOTION: CARRIED.

DISCUSSION/DECISION REGARDING THE APPLICATION OF EXTENSION OF PREMISES FOR THE ELK'S LODGE LIQUOR LICENSES SERIES #14 AND #06

MOTION: Councilman Johnson moved to approve the Application of Extension of Premises for the Elk's Lodge Liquor Licenses Series #14 and #06.

SECONDED: Council members Norris and Cronberg seconded the motion. **CARRIED.**

DISCUSSION/DECISION REGARDING LETTER TO ARIZONA DEPARTMENT OF TRANSPORTATION REGARDING MOTOR VEHICLE OFFICE IN WILLCOX

MOTION: Councilman Norris moved to accept the letter written by City Manager McCourt and directed staff to send it to ADOT regarding Motor Vehicle Office in Willcox.

SECONDED: Councilman Johnson seconded the motion. **DISCUSSION:** Vice Mayor Schultz reported he discussed this a little with City Manager McCourt and thinks this letter shows impact area and not just City population. It shows our service area because he thinks the State is basing their decision on population. Mayor Lindsey explained to him it is user based; when we look at geographical area it also includes Sunsites, Bowie and San Simon and the closure will cause a serious impact on the City. Councilwoman Cronberg requested the City Manager include in the letter that this office is where people also register to vote and thinks that right is important. Mayor Lindsey thinks the only reason they have not closed the Willcox office is because Department of Justice has to approve to close voter registration location. City Manager McCourt said he will amend the letter and important it

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

gets on its way. Councilman Johnson asked if the letter and amendment is approved tonight would be able to get signatures by the end of this week. The City Manager replied if everyone is in town they can sign it. Councilwoman Cronberg asked if everyone knows what the content of the letter is and the Mayor replied they do not have the letter. Mayor and Council are trying to prevent closure of the ADOT licensing division or at least but have it open once in a while for services needed in area so that people do not have to go to Sierra Vista, Safford and or Tucson.

The Mayor read a paragraph “. . . like opportunity to discuss with you any proposals to keep the existing Licensing office services available in Willcox. The closure of this office will have a very negative impact on the quality of life.... closest office hour or more away...further lower the standard of living...inhibit the development and future of the area.large number of senior citizens... and they have to renew their licenses much more often....they are frequently the least able to drive the distances that will be required under the closure proposal...like to discuss...joint venture or contractor operated office in Willcox to maintain the services during the current economic downturn.” Vice Mayor Schultz stated that Councilman Norris has a petition and asked to help circulate or sign it to better our chances to get the office closure stopped. Councilman Norris stated that the Mayor and Councilman Schultz and Mrs. Schultz have been instrumental to get this done.

AMEND MOTION: Mayor Lindsey moved to amend the motion to include amended language that this is a place where people register to vote.

SECONDED MOTION: Councilman Johnson seconded the amendment. **AMENDED MOTION: CARRIED.**

ORIGINAL MOTION: CARRIED.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-76 APPROVING AND AUTHORIZING TRI-WESTERN MEAT PACKING COMPANY TO ESTABLISH, PROSECUTE AND OPERATE ITS BUSINESS PURSUANT TO CITY CODE, TITLE 5, CHAPTER 1, SECTION 5-1-5; SETTING FORTH EXPRESS CONDITIONS AND DECLARING AN EMERGENCY TO EXIST.

Mr. Gene Moreman stated his concerns on whereabouts of Packing Plant and asked if City and citizens actually know what it will entail in the future right here in the City. Most people think of it as family owned, as the Harris' plant is, and that is not what it is going to be. Mr. Moreman hopes the citizens and those in area are educated on size of this plant and what it entails.

Mrs. Laura Ann Bethel, read statement:

- That she has lived here in Willcox over 53 years and at current location for 50 years (County). When moved there was nothing but the Auction Barn which at that time was not in the City limits;
- She was raised in a Dairy Farm and stated she is not against a Packing Plant but is opposed to this one because it is 100' from front door;
- Orange at the back of this building is from the flying apple pulp and juice;
- Told no pollution and recalls there were lots of sewage problems;
- Asked Mayor and Council to postpone decision until questions and situations discussed because she just received phone call couple days ago and informed it was moved next to her property.
- Not only impact property values which are sinking but environmentally it is so close to populated town.
- She added it should go down the road a little bit and needs to have more answers. Mrs. Bethel thanked the Mayor and Council.

Mrs. Peggy Sue Kyselka (daughter of Mrs. Bethel) came from Phoenix and she too read her concerns and questions:

- Request postponement of the vote on Tri-Western until further information is received.
- Holds a vested interest in the property and value will be affected by this vote.
- Could not locate a record of an environmental impact study having been done and impact questions are unanswered.
- Damage to city streets from increased truck traffic and heavy loads? Will a right hand turn added to Haskell to accommodate slow moving trucks?
- How going to minimize truck traffic noise? Is there noise ordinance?
- How will operation minimize or eliminate cattle noises, machinery, air condition or air exchange and refrigeration machinery?
- How will they take care of the animal waste products? And make sure they do not seep or leach into soil and groundwater?
- Same questions on dead animal waste products.
- What is vector control plan?

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

- Any animal waste composting facility and if so what?
- Site in flood plane what controls for storm water runoff of materials?
- How insuring those fugitive particulates will not leave the property?
- What is projected water use per year? And how will potable water be provided? If site on well what is the draw down effect on neighboring wells?
- What is insurance that water will not be contaminated by waste, vectors and pests attracted to the operation?
- Some questions have been answered and aware that the septic tanks will be sealed. If local effluent hauling companies be pumping these tanks into city's sewer treatment plant? How will this affect ADEQ permit to the City due to its recent problems maintaining guidelines? Will property tax be enough to cover repairing damage to streets?
- How will city handle if animal rights organization decides to protest the site?

In conclusion Ms. Kyselka stated she is not singling out the industry she would also be opposed to a munitions plant, a tannery or a paper mill on the proposed site.

Mr. James Graham came before the Mayor and Council two weeks ago with two hats, one as President of the Cochise County Farm Bureau and the other as a WREDA Board member. They have worked hard to try to attract industries to town and to attract employment opportunities and pleased Tri-Western looking at Willcox and WREDA offers opportunity to assist. From the standpoint of Agriculture this is livestock, packing plant and it is zoned industrial. He thinks the Mayor and Council will take a respectful view of those opposing, and thinks questions should and probably will be answered. He looks forward to hearing the responses. This would be excellent for City and as a resident of Willcox for nine years he sees development able to grow and we do not need to pass up this opportunity.

Mr. Paul Palmer stated he is 40 miles south of Willcox and listening about tax base, employment and impact on area. This is area where a lot of people do business in Willcox and some don't. We have cattle, and cattle feed in this country and a lot of haulers get on trucks and go away to Phoenix, New Mexico, and leave the County. Which means dollars are leaving Willcox and if we can hang on to as many dollars and keep it right here it can't help but benefit the area. People not from Willcox have choice to go to Douglas or Sierra Vista and Willcox needs to take advantage of this opportunity and be pro-agriculture. He is not anti-tourism but we are low on ski slopes and reservoirs, and we need to do everything we can to capitalize on what we have right here.

Mr. Keith Klump referred to the last two articles from the Arizona Range News. City is paying Economic Development \$17,000 and whenever someone else comes in and wants to do something and it will cost \$17,000 he is saying "give them a chance and help them anyway we can." Week before letter published from Anne Fisher who has property in Willcox and lives somewhere else. In response to her questions value to residence is very similar to what the Livestock Auction has done to this area. When vehicles came to town 100 years ago they brought with them service stations, tire shops, warehouses for oil and gas, restaurants and a whole lot of things that we did not imagine could happen in this cow county. It's what the Livestock Auction has done and it brought all the spinoffs. It helped this area tremendously, including the town and surrounding area. This should help keep some of the cattle left from the auctions here, and the Auction and Packing House should complement each other as in Phoenix, Los Angeles and Chicago. There may be problems with this operation and stated there isn't anything or anyone does that doesn't have problems. Mr. Klump recommends that the Council and the City support this. Although he knows that it may have bad effect on Ms. Bethel's business, but it could have a good effect. You never know. His ranch could be affected, too because it is across the track where the wind blows. Workers coming with Packing House "unskilled and migrants" and asked has anyone here ever slaughtered a cow? (Several hands went up). Mr. Klump asked if that is a job for the unskilled and said it's a skilled job. When they start as apprentices they will become highly skilled. The Health Standards require that you cannot have someone that does not know what they are doing. The other concern is pollution. If big problem he asked how many houses and mobile homes have moved next door to the Auction. The packing house has pollution, noise, smell and other problems under control and neighbors are glad to be next door. For historical purposes and before his time the first thing came that came into Willcox was cattle and slaughter houses or meat shops in every town. Standards were not as good as today and why did they do it is because cattle and slaughter houses went together. Last week Auction sold over 2,500 head. Multiply that weekly and you'll come up with in excess of \$50,000. What a packing house can do for this area can be equally as important. Not talking just about the City. The Auction and the packing plant can work together. If they do their homework can keep problems down. Arguments for the Airport they have done their homework and same arguments given tonight add those to the arguments for helping a Packing House because they

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

apply. Environmental factors have to be considered, and we can make things better, cleaner, safer and something this town can be really proud of. When we start saying "no" they will look at Bowie and San Simon. The Interstate went around them and they have died. Past City Council and Managers had good intentions and they said "no" to a lot of things could have come into this town and didn't make it. The packing house is going to pay property taxes. In summary he realizes it could have a bad impact on a few people, sympathize and wished all their problems could go away, and thinking now is opportunity for the City and everyone in the whole area should help them because this is not just for today but for generations to come.

Mr. Efren Estrella, addressed Mayor and Council, neighbors and friends. Stated appreciates time given to them and extremely difficult to debate something based on innuendos, opinions and hearsay. They have presented their package and all along stated intends to live here and will not be involved on anything that will impact his family negatively. Looking for property and they looked at property at the Airport too. Asked to give them a chance and stated they are "not in the stink business." They are not in a methane business they are in a meat business which every piece has a value and do not intend to throw it away or bother anyone with it. Tried to educate as many people as they could when they spoke in the community. Chose this location and some people are afraid of progress it does not have to be negative and appreciated comments from Mr. Klump. Everything will be done according to law and Federal Law. Once ready they will invite neighbors to come over for tea, and will invite them to tour their facility. It is on-going process and not hiding anything and community will not regret it.

Councilman Johnson biggest question was first east side then changed. Mr. Estrella said a lot was time frame already established at the white building and in process to get on line as fast they could. They are still interested in the Apple building. They are not in feed lot business or auction business what they are in is process meats or fabricate and taken to different location to be reduced down to different shops. Less expensive building and thought time was right because in competitive business. Other government officials have come over from New Mexico and what them there.

Vice Mayor Schultz asked if willing to do another meeting with the public. Everything has been explained and very clean operation because it was in a more remote location and now closer to some business and residents. Mr. Estrella said they took County residents into account and concern was rendering. They are not in rendering business and they can not do that. They will have Federal Veterinarian on premises every time they open their doors. As far as economics on getting on line and assets for Vet has to provide shower, toiler or commode separate from everybody else. Has to be his own room has to be spruced up, chop the weeds. Last week burglarized and stole all the copper, and asked about the Apple building and the same happened there. Trying to get a business and thought better location still in City, still on the edge, not going to pollute more than freight trains coming through, thought about spur but need to speak to all the Council could only see the up side. Save the City money get operational faster. Still want to look at ethanol as an option. They have senior people on staff just waiting to work and how fast they can employ people in Willcox, tried to find a balance and that was major decision to find a balance.

Councilwoman Cronberg asked looking at property on east side of road as start up location. Mr. Estrella said it is to stay there and looking at Apple building thought to do something else. Need to have a place to put some hay about 20-25 bales on premises only for emergency purposes. Need to keep white building as clean as possible. Dust control they have to put in 55 yards of concrete from road to fence line. If having another entrance. White building will create faster revenue and more revenue for the City of Willcox. They will not be rendering on the 5.2 acres and they will have employee parking on the premises and not parking on the road. Concern on Apple building was the formaldehyde insulation in the ceiling and how long that would take and that is Federal EPA. They have people on line, need plumbers and intent to have a positive contribute to Willcox. Federal Rules and Regulations he will post so that people do not base assumption just on hearsay. We are in America and educated people and still obey the law. People off the street asking how much they are going to pay, and they are hurting, Eurofresh communicating with them to keep them in this area, they will reach out and invited to Rotary and will be there and if another meeting they will do that and be accountable. They brought and did not ask and nothing was offered when they brought this proposal. They have not asked for any money, said this is what we are going to do, price of Real Estate is extremely expensive, and know what is going on, and will bring a lot. Asked give them a chance and opportunity and thinks City will be pleased. Mr. Estrella has made a commitment to make that location look so much better esthetically.

Councilman Norris with move did create concern. Just being a good neighbor Ms. Bethel needs to have questions answered. They missed the point being good neighbor by meeting with her. Stated he is for progress and concern being a good neighbor

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

with her not knowing this was going to happen until a few days ago. Mr. Estrella explained his logical thinking was thinking about calling Police due to burglar and had to ask is this Willcox or Cochise they need to call. They work in Phoenix and Tucson and did inform Willcox officials to address the issues: this is the zoning, this is what is permitted, and it is what you have across the street Auction and dealing with facts. He did try to drive there to talk and stopped at several locations and second time the Railroad did not let him cross due to they were working on the tracks. They are not keeping cattle on premises they will be on concrete and means they have to clean that up everyday. She has lived there over 50 years and 50 yards further away from Livestock thought she went along with that for 50 years and didn't think. He said he was sorry it was his mistake and believed in situation of win-win. Sewer line from Apple building is 528' or 173" and not sure will have ¼ "drop and Willcox said they do not have funding to put in 528' for 8" line. Water table needs septic tank from Cochise or Willcox. In Yuma and Phoenix the County handles this and water. The other is Propane and they are in the County and more risk with tanks. He didn't anticipate this and thinks a lot came from Google were you hear innuendos and opinions but nothing factual. We all have opinions and freedom of speech and to be fair he asked "what can't I change." They are not dumping water, modify grease, not doing blood, not rendering, not doing tannery, looking at 3-100 gallon water heaters which must be at 180 degrees and must be tested daily. They are not bringing in a paper burning boiler that could blow up. Concern if cattle kept are the trains that go by. Gives his word never thought they would be upset and apologized didn't go over there. He has seen the comments and asked how he can debate it. Councilman Norris said not saying not going to pass something but she has concerns and only that we have a few more days before the next meeting to answer these concerns and meet with her. Mr. Estrella will meet with her and drink tea and sit down and ask him questions. At the Auction he stayed hours there and asked ranchers what do you think, what do you want? Same with Barber Shop, real estate, City Development and asked what can they do to make it better. He did make effort to make it better and only need to invite them. When asked to go to Rotary they checked schedule and they came. The County did ask them why they wanted it in Willcox because they need the tax dollars too. He has driven the City streets and visited the Fire Station and asked what do you want to make this a better community. Followed the football team didn't go to Flagstaff but kept up and has visited every restaurant in town. Apologized for not visiting with her (Ms. Bethel) although he did try and has made commitment to talk to her and talk to her about housing. Ms. Bethel said she has property for sale with houses and Quonset hut for his hay.

Vice Mayor Schultz thinks it is a good fit, we are cattle country. It did create concern because some people have not heard explanations and it is a very good and clean operation. Thinks it needs to be explained. Mr. Estrella said talked with Mr. Walker and wants to open up a little kitchen and welcome to stop by to pick something up with bowl of Charro beans and beef stew which is what they normally do. The brick wall was the depth 173" and has to go 528' and will he have the ¼' drop or 2.5" per 10' in order not to blow the City's system out. The next step if doesn't do that is he has to go to the County. There is a lot of things he does not like, and the copper stolen and will do esthetics. Will post notices and has made it a point to meet with Stoddard, McCourt just hi bye I am here and do you have any questions and will continue to do that.

Councilman Norris said he does not think they are trying to stop progress. He is saying since changed location needs to address these questions and get some answers. Mr. Estrella agreed and will resolve this. There is a part of that plant offer to City as a mini farmers market used on weekends because they do not work weekends to bring community together and on a pro bono basis.

Councilman Johnson asked if City water and City sewer and response were it was City. Vice Mayor asked when he can meet with these people and asked what is time. He stated he supports this and heard a lot of arguments and they were addressed. Mr. Estrella will come back and meet with them individuals like they did with Rotary or with another Club. He is sure Mr. Ely would open it up to see plant maybe they could do that. It is City water and spoke with City staff and asked if use for blackwater had and told everything was good. Only thing they keep in tank and pumped out is blood which is in a sealed tank.

MOTION: Councilman Johnson moved to approve Resolution No. 2009-76, as stated, relating to the proposed Tri-Western Meat Packing Company in the City limits.

SECONDED: Councilwoman Cronberg seconded the motion. **DISCUSSION:** Councilwoman Cronberg encouraged those discussions do take place so that questions can be answered. The language of the Resolution that is being approved has very strict guideline and gives City recourse should there be any problems. The first order of business is to get that communication going so that people that were not able to hear what was said before can hear. Councilman Norris said he is not against this thing but feels rushing it through and if we do not give Ms. Bethel a chance to at least have her questions answered and should table

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

until the next meeting and that is his opinion. If voting on it right now without any consideration to her thinks we are doing the wrong thing and that is his personal opinion. He thinks her being a neighbor and being changed from one location to another and wants Mr. Estrella to understand he is not against this thing but there is a thing of "being a good neighbor." And if not giving Ms. Bethel an opportunity to at least address her concerns especially with this thing being moved from one location to another and he did not know about it either until this week and it is a big concern. The other plant was pretty much away from residence and this is going to be 100' of it. He is not against it and thinks not doing the right thing to our citizen that has been here a long time and if approved tonight without being tabled until the next meeting that is his personal opinion. Vice Mayor Schultz asked if he would be happy to speak to these gentlemen the way it is without tabling it and coming back with another meeting. This is not just for Ms. Bethel there were several concerns and asked "how do you feel about meeting with him individually and explaining it?" It is a very clean operation and different from what they used to do. A lot of concerns were already answered. A lady and several others stated they prefer table although there seems to be some sort of rush. The Vice Mayor stated when trying to get something done there is rush. He asked Mr. Estrella if problem for him. Mr. Estrella said it costs him money everyday, "rush" they have been here, they didn't move from Willcox to Cochise or Cochise to Willcox they moved from Willcox to Willcox and its better for City and better community. One owner very happy the other owner it was never considered it is a barn. They are in business with producing a product and have to make decisions on how to get that product out. If missed them he is sorry. They came to leadership and spoke to leadership, wrote and asked and met at least 10 times with Development, staff, City Manager and everyone they could speak to. They were dealing with Willcox and folks that are against it. I is not question if in Apple or white building or if in downtown building. They are in an Industrial Zone and that is what they do when they come in and seat down and before rules are written. Yes they will meet with her and delay it they will accept what ever the vote is. It costs them money everyday, and people are not working are losing money and the City is losing money. He asked "what are you losing, what money are you losing?" Would like to get it done and will go by what decision the leaders make. If this lady not present at that meeting asked how long does he chase this? It is in writing it is in the law and asked what more can they do on the situation. And the Apple building is not going to be good situation for anybody. They had problems before and they do not have that business, they were not here, they did not make those mistakes and meeting Mr. Ely on the 27th the owner of the property and US Department of Agriculture they have to answer to besides Cochise County residents. They need to answer to Willcox, Federal Government, their bankers, their workers, and already started the application process and "yes we will wait" and follow the leadership.

The Mayor said doesn't think opposition and thinks probably generally support it. Part of the Council problem felt they were blindsided because he didn't find out about it until last Tuesday. Asked to talk to someone and told had chance to meet on Wednesday and didn't get the call until Thursday and did get answers to some questions. Mr. Estrella said if zoning changed had to go to City staff for maps and spoke to them and asked will there be anything or can they do something and if implement faster will that be better for Willcox. It was his understanding the first month has to pay those fees. It was not intentional siding and could understand if residential but looking at 120 yards away. Talked with Mr. John Bowen and asked if better if they did this would it be better for the utilities of Willcox and replied that yes it is going to be better. That is his training that is the normal City of Phoenix, Tucson or Sierra Vista you go to City staff that works for the Council. If blindsided he apologized that was not his intention and if offended anyone he apologized. Standard operation is City of Willcox votes for City of Willcox and Cochise County votes for Board of Supervisors. He thought maybe he did too much engineering and not enough anthropology.

Councilman Norris corrected his statement that he heard about this last Thursday when he first heard about this. Still doesn't think anybody is really opposed to this but the change in location has made a difference in town frame. If he has to vote tonight it will make a difference how he votes or at the next meeting on how he is going to vote. Councilwoman Cronberg asked if this comes back to Mayor and Council for decision on January 4th would that still be sufficient for Mr. Estrella in terms of timeline for getting the project off the ground. Mr. Estrella in the interim for anyone that wants to meet suggested to co-ordinate with him and he will make it down here to meet with them because they will be here on the 27th. The Mayor suggested a work session between now and January 4th and if date available and invite everyone who wanted to come. Several Council members stated they will be gone a few days or all of next week. Councilwoman Cronberg if going to do it for chance for everyone to speak, clear the air and get a good understanding on what is going on. Especially those now involved that live across the road due to change in location Vice Mayor Schultz talk with people tonight and agreed to meet with him and explain operation and is sure they will be okay with that and then come back with a work session prior to regular meeting on January 4th and make decision.

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
MEETING OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THE 21ST DAY OF DECEMBER, 2009**

AMEND MOTION: Councilman Johnson moved to amend the original motion to have a work session on January 4, 2010 prior to the regular Council meeting and that evening and discussion/decision on Resolution 2009-76 at that time.

AMENDMENT SECONDED: Vice Mayor Schultz seconded the amendment. **DISCUSSION:** Councilman Johnson stated that way Tri-Western does not have to try to connect and everybody that is interested can meet at that time.

AMENDED MOTION: CARRIED.

ORIGINAL MOTION: Vote: Ayes –Council members Johnson, Cronberg and Klump. **Nays-**Mayor Lindsey, Vice Mayor Schultz, Council members Norris and Donahue. **ORIGINAL MOTION: DIED 3-4.** City Manager McCourt clarified that the work session is at 5:00 p.m. prior to regular meeting.

DISCUSSION/DECISION REGARDING RESOLUTION NO. 2009-77 APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING [“MOU”] BETWEEN THE CITY OF WILLCOX “CITY”] ON BEHALF OF THE ELSIE S. HOGAN COMMUNITY LIBRARY [“LIBRARY”] AND COCHISE COUNTY WORKFORCE DEVELOPMENT, INC. [“CCWD”] FOR THE PURPOSE OF ESTABLISHING AN “ACCESS POINT” FOR INDIVIDUALS SEARCHING FOR JOBS AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND THE MOU AND DECLARING AN EMERGENCY TO EXIST

Mayor Lindsey asked Cochise County representatives to come up to the podium. Allison, Cochise County Work Force and Ms. Fitzsimmons, Executive Director, addressed the Mayor and Council and stated basically they are putting in a space in the Library with a computer which they are giving to the community to help job searchers who need extra assistance. They have trained Library staff to help people write job resumes and access to jobs available through their system. They are asking the City to maintain the computer, paper and stocking and if it needs repair they will take care of that.

MOTION: Councilman Johnson moved to approve Resolution NO. 2009-77 as stated, relating to the MOU between Library and CCWD for the purpose of establishing an “Access Point” for individuals searching for jobs.

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

REPORTS BY THE CITY MANAGER PAT McCOURT

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

- **Willcox Rotary 50-50 Raffle-** reminder the City Manager has tickets!
- **Handout on City Managers monitors of General Economy nationally-** and talks about signs of improvements. Arizona called laggard state coming out of recession and still in the future.
- **Will be absent from City as of Thursday morning and returning Sunday-** Public Services & Works Director Dave Bonner will take care of City Manager questions.
- **Report on Year End Departmental Summary-**Pat McCourt, City Manager included in packet brief summary from various departments on a lot of things that have been accomplished in the City. Usually we see only problems sitting her and often we forget what has been accomplished. There are several pages that talk about accomplishments and completed within the last 12 months. Mr. Bonner addressed the Mayor and Council and has pictures that might help with visual aids. Public Works includes streets, parks and utilities. Vehicle maintenance is not included because every vehicle is a project sometimes and have major issues in every division and not delineated in the report. A power point presentation was given on the Public Services and Works Department including sewer, water, gas, streets and parks projects accomplished. Thanked Mayor and Council.
- **Financial Disclosure Statements Due-**For the calendar year 2009 from each Council member through December 31, 2009, in the Office of the City Clerk on or before January 31, 2010.
- **Financial Report-** Ruth Graham, Finance Director- Reported on 5-months of the City's Cash Position as of December 17, 2009:
 - the General Fund at \$10,820 deficit revenue versus expenses and it does include a \$100,000 accrual in City Sales Tax to account for a part of a month otherwise we will be reporting two (2) months in June because we are always a month behind i.e. end of August report in September and we get report in October.
 - HURF running in deficient of \$58,000 and we have accrued 50% of expenditures for the financing and reporting as we go. Expenses are also running at 40% right now instead of 50% and have been making ever effort to keep that in line.
 - Special Revenue up \$9,399

**THE MINUTES OF THE REGULAR MAYOR AND CITY COUNCIL
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- Debt Service Fund shows deficit of \$70,215 and includes 100% of debt service payment we paid all interest and principal for the year as of December 31st and we have only received half of the revenues. We expect 53% of the tax revenue in and expect the other half after payment in May.
- Capital Improvements Fund spent \$27,940 expenses are completion of this project as well as the Library project from the Bond money that we received previously.
- Gas Utility deficit \$81,442 expenses are more evenly spaced throughout the year while revenues are bunched in winter months and just starting winter months. November was the first one and we anticipate increased revenues through March.
- Water Utility Fund is operating as \$36,654 positive flow or 3.4%.
- Sewer Utility Fund is \$21,216 or 4.6%.
- Refuse/Solid Waste has positive balance \$13,836 and still owns General Fund about \$139,000 and making progress. City Sales Tax at 36% and anticipate another distribution in November of about \$60,000 or about 40% and is currently running below budget. Included the \$100,000 to financials for City Sales which are not reflected here because these are actual cash figures.
- State Sales Tax running lower than anticipated.
- Vehicle License Tax is running higher than expected.
- Urban Revenue Sharing is per month.
- LTAF we are about half way there and figures for every year from State have made the payments slower and slower. Used to be paid in February then April and anticipate this year \$17,000.
- HURF cash revenues to date are at 34% of anticipated and expected 40%. Staff is closing monitoring HURF Funds and reported there has been reduction in income.

City Manager McCourt reported to the Mayor and Council that in November the revenues were coming in below projections. Staff has taken steps internally to reduce operating costs to compensate the revenue short fall. Staff does not see reason to change course at this time and need to address it and staff will continue to monitor. **Happy Hanukah and Merry Christmas!**

COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Norris said this is happy time of year to celebrate Christ's birthday and everyone would like everyone to remember that.

Vice Mayor Schultz received a comment from the Energy Grant people in Phoenix that our Finance Department wrote a grant for the Fire House that was one of the better grants that they had seen in quite a while. Good Job!

Mayor Lindsey reported those that missed the Awards Ceremony for TAG Team last Friday night missed quite a celebration, they did a very good job and they have a lot to be proud of.

Councilman Johnson made note that our Football Team were State Runner-ups which was accomplishment; Presidential Award on *Coming Up Taller* presented to TAG; successful Rex Allen Days, 4th of July Celebration, Wings Over Willcox and looking forward to the next month's Wings Over Willcox and wished everybody Merry Christmas, Happy Holidays and Happy Hanukah.

Councilwoman Cronberg said Blessings of the Seasons to everyone.

ADJOURN

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 9:07 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 28th day of November, 2009

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

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PASSED, APPROVED AND ADOPTED this 1st day of FEBRUARY, 2010.

/S/ GERALD W. LINDSEY
MAYOR GERALD W. LINDSEY
Signed: February 3, 2010

ATTEST:

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