

**THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND  
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ  
HELD ON THIS 15<sup>TH</sup> DAY OF FEBRUARY 2010**

**CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, February 15, 2010 at 7:00 p.m. And glad to have the FFA group here with us tonight and all present it is good to have attendance.

**ROLL CALL** –City Clerk Cristina G. Whelan, CMC called the roll.

**COUNCIL**

Mayor Gerald W. Lindsey  
Vice Mayor Larry N. Schultz  
Councilman Elwood A. Johnson  
Councilman Jimmy L. Norris  
Councilman Stephen Klump  
Councilman Christopher Donahue

**STAFF**

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

**ABSENT**

Councilwoman Monika Cronberg

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

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

**DECLARATION ON CONFLICT OF INTEREST**- Councilman Klump declared conflict on agenda item #9 relating to decision on Liquor License Series #13 Hammelman and Mayor Lindsey declared a conflict on agenda item #16 relating to the Platting of the Industrial Park.

**ADOPTION OF THE AGENDA**

**MOTION:** Councilman Johnson moved to adopt the agenda as presented.

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

**PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS**

**Proclamation:** The Mayor read and proclaimed the week of February 20 through February 27, 2010 as **WILLCOX FFA WEEK**. Mayor Lindsey said we appreciate the FFA we know the good that they do and we see the results that they bring to community with the honors that they bring. The Mayor presented the Proclamation to FFA students Leah Reising, Brooke Bowyer and Holly Smith. **APPLAUSE.** Willcox has always been blessed with a great FFA and look forward to many years with the same leadership.

**Public Hearing:** The Mayor and Council will hold a public hearing on Monday, February 15, 2010 regarding the Application for Liquor License Series #13 Domestic Farm Winery, Hammelman Wines, LLC, Sand –Reckoner Vineyards, Robert Michael Hammelman, 130 S. Haskell Avenue, 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 7:08 p.m. and asked if there was anyone that wished to comment on this application. Mr. Rob Hammelman stated he is applying for Series #13 Domestic Wine License at 130 S. Haskell and looking to use facility as Wine Production from Sand-Reckoner Vineyards which is located in Kansas Settlement. The Mayor asked again are there any other comments. Mr. Rod Keeling, 154 N. Railroad Avenue stated he is here in support of the application. Thank You very much. Mayor Lindsey again asked anyone else wants to comment. Councilman Johnson said it is great, wonderful and now we have six (6) Wineries and four (4) are in the City limits and all within a mile. Mayor Lindsey again asked any other comments. Hearing none the Mayor closed the public hearing at 7:11 p.m.

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**DISCUSSION/DECISION REGARDING THE MINUTES OF THE SPECIAL MEETING HELD ON JANUARY 19, 2009, THE WORK SESSION MEETING HELD ON FEBRUARY 1, 2010 AND THE SPECIAL MEETING HELD ON FEBRUARY 5, 2010**

**MOTION:** Councilman Johnson moved to approve the minutes of the special meeting held on January 19, 2009, the work session meeting held on February 1, 2010 and the special meeting held on February 5, 2010 as presented.

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

**DISCUSSION/DECISION REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #13 DOMESTIC FARM WINERY, HAMMELMAN WINES, LLC, SAND-RECKONER VINEYARDS, ROBERT MICHAEL HAMMELMAN, 130 S. HASKELL AVENUE, WILLCOX, AZ.**

**MOTION:** Councilman Johnson moved to approve the application for Series #13 Domestic Farm Winery, Robert Michael Hammelman at 130 S. Haskell Avenue.

**SECONDED:** Vice Mayor Schultz and Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson asked when they plan on opening. Mr. Hammelman explained starting with improvements and their plan is mid-March and harvest starts August– September for wine production to begin. **VOTE: Ayes-** Mayor Lindsey, Vice Mayor Schultz, Council members Johnson, Norris and Donahue. **NAYS – None. ABSENT:** Councilwoman Cronberg. **CONFLICT ABSTAINED:** Councilman Klump **CARRIED 5-0-1-1. CONFLICT DECLARED:** Councilman Klump.

**DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-14 FOR THE PURPOSE OF APPROVING AND ADOPTING THE REVISION TO SECTION 303 OF THE WILLCOX EMPLOYEE HANDBOOK, ESTABLISHING THE EFFECTIVE DATE AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.**

**MOTION:** Vice Mayor Schultz moved to adopt Resolution NO. 2010-14 as stated relating to the revision to Section 303 of the Willcox Employee Handbook.

**SECONDED:** Councilman Donahue seconded the motion. **DISCUSSION:** Councilman Johnson stated he thinks it is very clearly written wants to see it left as is and thinks it was written as intended. Mayor Lindsey stated the problem is confusion as it is written. City Manger McCourt stated last time discussed this issue it involved into two (2) separate issues one is overlapping Holidays and that is what this Resolution addresses. It does not address whether employee needs to be physically at work the day before or the day after the Holiday. That will be brought forward at a later date. Councilman Johnson said the way it is written saves City money and the way it is not written doesn't. **VOTE: Ayes-** Mayor Lindsey, Vice Mayor Schultz, Council members Norris, Klump and Donahue. **Nays-** Councilman Johnson. **CARRIED 5-1-1.**

**DISCUSSION/DIRECTION TO STAFF REGARDING THE COCHISE COUNTY AIRPORT**

City Manager McCourt did not write staff report as clearly as he thought he did because saw in the news last night that the Council is making decision tonight to accept the Airport or not. That is not what he is asking he thinks the Committee has done a great job and lots of input from members, staff and Cochise County and from Supervisor Searle. Before the Mayor and Council makes final decision we need to have formal discussion with the County and what it is the County giving to us or not and at what price or what the situation is. His questions is to allow staff to do formal discussion with Cochise County in what would be include in turning this over to City. Vice Mayor said begin negotiations. Mayor thinks we all want to know more before make decision yes we want to do this or no we don't want to do this. We need all information on what the County is willing to do and what obligations we will have. City Attorney takes that as direction to City Manager and staff to proceed to get details to proceed.

**DISCUSSION/DECISION REGARDING SINGLE TEMPORARY BUSINESS PERMIT REQUEST FOR THE 19<sup>TH</sup> ANNUAL MARTY ROBBINS TRIBUTE SPONSORED BY THE FRIENDS OF MARTY ROBBINS**

**MOTION:** Councilman Johnson moved to approve the Single Temporary Business Permit request for the 19<sup>th</sup> Annual Marty Robbins Tribute sponsored by the Friends of Marty Robbins.

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

**DISCUSSION/DECISION REGARDING THE STREET CLOSURE REQUEST FOR THE 19<sup>TH</sup> ANNUAL MARTY ROBBINS TRIBUTE BEGINNING AT 8:00 A.M. FRIDAY, MARCH 5<sup>TH</sup> UNTIL SATURDAY EVENING MARCH 6<sup>TH</sup> AT 6:00 P.M.**

**MOTION:** Councilman Johnson moved to approve the street closure request for the 19<sup>th</sup> Annual Marty Robbins Tribute, beginning at 8:00 a.m. Friday, March 5<sup>th</sup> until Saturday evening March 6<sup>th</sup> at 6:00 p.m.

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

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**DISCUSSION/DECISION REGARDING THE REQUEST FROM ARIZONA JUNIOR RODEO ASSOCIATION (AJRA) FOR FEES TO BE WAIVED FOR THE QUAIL PARK ARENAS AND CONCESSION STAND BEGINNING ON FRIDAY, APRIL 16, 2010 THROUGH SUNDAY, APRIL 18, 2010**

**MOTION:** Councilman Johnson moved to approve the request from AJRA for fees to be waived for the Quail Park Arenas and Concession Stand beginning on April 16-18, 2010.

**SECONDED:** Vice Mayor Schultz seconded the motion. **DISCUSSION:** Mayor Lindsey asked if we have lights used for that function. Public Services & Works Director Dave Bonner replied he was not sure although the event usually runs during the day. If lights are needed the cost is \$25/day and it is on the application. **CARRIED.**

**DISCUSSION/DECISION REGARDING THE REQUEST FROM MELINDA ROETHLE FOR THE FEES TO BE WAIVED FOR THE COMMUNITY CENTER**

Mayor Lindsey asked if anyone is here or is Ms. Roethle here to represent this request. Councilman Klump asked if anyone has any idea what this is about. Mr. Bonner said it is to help a family that experienced a sudden death. The deceased young lady sister works at Pizza Hut and she is the wife of an City employee and trying to raise money for child. He does not know the specific plans and they are asking to use the kitchen for meal. Councilman Johnson asked if all the proceeds going to the family and Mr. Bonner replied he can not say for certain. City Manager McCourt stated we do have time to do some more research if they would like. Councilman Johnson wants more specifics and City Manager will have it back on March 1<sup>st</sup>. Vice Mayor Schultz agreed probably support this although they need more detail.

**MOTION:** Councilman Klump moved to table this item until March 1<sup>st</sup>.

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

**DISCUSSION/DECISION REGARDING PLATTING OF THE INDUSTRIAL PARK/ LANDLOCKED PROPERTY - COOK-**

Mayor Lindsey has declared a conflict and Vice Mayor Schultz handled this agenda item.

Vice Mayor Schultz began by reading the tile on the agenda. City Manager McCourt reported Mr. Cook is one of the parties and there are four (4) parties that have pieces of land that have become landlocked by the City in the effort to help expand the Border Patrol Station. In December Mr. Cook brought this to his attention and it does appear they are landlocked after research. Mr. Cook's solution is to sell his property to the City and by expansion we would buy the other. The other suggestion he made was for the City to extend a public right-of-way to the property and that is possible. The City owns adjoining property at the Industrial Park. Estimated cost is \$5,000 and probably will be more although under \$10,000 to get this project done. Staff thinks it is best economic solution and also keeps property on tax rolls.

City Attorney Hector Figueroa reported since he has been here the Mayor and Council had another situation at the Elk's. There is nothing that precludes from Statute from abandoning street, alleyway or right-of-way if the City does not need it or if in the public's interest. However, Statute clearly states can not abandon street, alleyways sidewalks, etc., or easements for utility easements or right-of-way. When it was done the majority of the public was not here. It was not done properly and have to do is get easement He has been working with Mr. McCourt and this recommendation made would probably satisfy all property owners. Otherwise they could file action for prescriptive easement because by law have right to their property. If anyone has further discussion it would have to be discussed in another form. Vice Mayor Schultz asked for him to briefly explain what does this entail. Mr. Figueroa stated the details exactly how it is done he does not know. City Manager McCourt explained we could build main access to property and then plat our land with corners to include legal description for that right-of-way and wants to be clear that does not mean we would build a road, only access to that property. With right-of-way present that to the Planning and Zoning and record with County Recorder as public record. Vice Mayor Schultz asked if that will satisfy all our legal obligations and Mr. McCourt replied that is correct to the best of his knowledge. Councilman Johnson asked about the \$5,000 cost estimate and Mr. McCourt said that amount would be out- of-pocket cash and anticipates probably twice that much. Councilman Johnson asked if that amount is budgeted. Mr. McCourt talked with Building Inspector Jeff Stoddard we have enough to cover the \$5,000 this fiscal year and then the other budget for the next fiscal year. Councilman Johnson said no other expenses other than leg work. Mr. McCourt said having survey done, and hire a Registered Surveyor and there will be actual cash expended for this purpose in this fiscal year.

**MOTION:** Vice Mayor Schultz moved to direct staff to proceed with the dedication and platting of the Industrial Park/Landlocked property – Cook.

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**SECONDED:** Councilman Donahue seconded the motion. **VOTE: Ayes-** Vice Mayor Schultz, Council members Johnson, Norris, Klump and Donahue. **Nays-NONE. Absent-**Councilwoman Cronberg. **Conflict Declared:** Mayor Lindsey. **CARRIED. 5-0-1-1 Mayor**

**DISCUSSION/DIRECTION TO STAFF ON THE CITY'S PARTICIPATION IN THE CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICE (CDARS) PROGRAM**

City Manager McCourt stated staff is asking to direct staff to pursue this item and not for a decision. Staff will bring the necessary documents for a future date. This is an investment policy. Majority of our money invested with State Treasurers office. The primary goal is for the City monies protection of principle, liquidity, getting it when we need it and its return. Appears still grant us security but slight decline on liquidity which we have in other Pool. Appears there is a decrease rate of return and staff wants to investigate. It is broadening of our investment process and staff would like to explore this. Mayor Lindsey asked what is rate of return and Finance Director Ruth Graham replied for returns provided for February rates from .2% and .5% which is low. Money Market insured up to \$50M and return of .4% or .5% which is better than what we are getting in CD's. The Mayor asked what is the State's Investment Plan and Ms. Graham replied .00024%. Mayor Lindsey thinks it would be good to look at all alternatives and as soon we can retain security that is the primary concern and thinks direction to go ahead and look at it and bring it back when Ms. Graham has all the information.

**DISCUSSION/DISCUSSION REGARDING VISIT BY THE GOVERNOR TO WILLCOX AND APPROVAL TO HOST LUNCHEON**

City Manager McCourt reported that since staff wrote report for agenda Willcox Regional Economic Development Alliance (WREDA) has agreed to be the sponsor for this luncheon and, therefore, we do not need action on this item tonight. Thank You.

**REPORTS BY THE CITY MANAGER PAT MCCOURT**

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

- **ADOT/MVD-** the City Manager received two (2) calls late Friday going to keep office open and take awhile to get equipment back in. Second call stated they didn't remove office equipment and will open Tuesday and Wednesday this week and willing to do that as long as discussions are meaningful with the City. Demonstrates good faith with ADOT to work with us. Will continue to work with Third Party Provider.
- **Fringe Benefits-** City Manager prepared memorandum which is on the dicesis.
- **Report on Library Renovation-** Tom Miner, Library Director –enclosed photos of the progress on the renovation. A lot is being done very rapidly and moving ahead of schedule. Three (3) members of the Council have taken up his offer to view the progress and extend invitation to the remainder of the Council.
- **Investment Report-**Ruth Graham, Finance Director, presents Investment Report as of January 31, 2010.
- **Budget Work Session-** Pat McCourt, City Manager, Budget Income on Bonds in various funds, debt, lease payments and Magistrate obligations. Work Session has been scheduled for Monday, March 1, 2010 at 6:00 p.m.
- **Report on Change Orders-**Dave Bonner, Public Services & Works Director report on three (3) Change Orders.
- **Report on Survey Results on the Cochise County Airport Acquisition by City-**Pat McCourt, City Manager report on survey results on the Cochise County Airport Acquisition by City on its web site. Candidate Bob Irvin asked for updated figures since last reported and City Manger gave him his report.
- **Report on Railroad Park-**Pat McCourt, City Manager; report on Railroad Park Playground location. It was scheduled to be set up at the further most northern edge of Park next to drainage and it does not fit. Mr. Bonner explained area for the safety zone for 8' height swing is 20' long but safety is 32'x44'. The best area is along the back of the Park in the northern half or north of the Ramada. This area has several benefits for parents to watch children from Ramada and potential from vendor area at the north end of park during Rex Allen Days and other events at the park. City Manager thinks this location will work very successfully with other events going on in the Park.
- **Willcox High School Playoffs-**City Manager reported they start in Benson tomorrow at 4:00 p.m.

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

Councilman Donahue wanted to extend welcome to newest business in town. Mr. Hammelman said, Thank You! Mayor Lindsey liked to extend welcome to newest business plus ribbon cutting on the Carlson Winery was held last Saturday and thinks it was a success quite a few people were there.

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Vice Mayor also said Welcome to City. ADOT first comment when he talked to a few people was when going to close and trying to keep it open was good luck. Shows if do get together as a community there was a business stepped up, Council stepped up and remarkable showing. The Vice Mayor stated that Councilman Norris is the one that started the petition.

**ADJOURN**

There being no further business before the Mayor and Council, Mayor Lindsey adjourned the meeting at 7:52 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 15<sup>th</sup> day of February 2010. I further certify that the meeting was duly called and held, and that a quorum was present.

**Dated this 25<sup>th</sup> day of February 2010**

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

**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of MARCH 2010.

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

ATTEST:

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