

**THE REGULAR MEETING STATEMENT OF LEGALS ACTIONS OF THE MAYOR
AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
HELD ON THIS 20TH DAY OF SEPTEMBER 2010**

1. **CALL TO ORDER**-Mayor Gerald W. Lindsey called the regular meeting to order on Monday, September 20, 2010 at 7:00 p.m. and welcomed all to the regular Council meeting. We have a few additions to those present from the work session.

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

PRESENT

Mayor Gerald W. Lindsey
Vice Mayor Monika Cronberg
Councilman Elwood A. Johnson
Councilman Stephen Klump
Councilman Christopher Donahue
Councilman Robert “Bob” Irvin

STAFF

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

ABSENT

Councilman William “Bill” Holloway-Out of State

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

4. **CALL TO THE PUBLIC** - There was no response from those present.

5. **DECLARATION ON CONFLICT OF INTERES**-Vice Mayor Cronberg declared conflict on agenda items numbered 17 & 18 relating to the Willcox Wine Country Committee Wine Festival.

6. **ADOPTION OF THE AGENDA**-It was moved and seconded to adopt the agenda with moving item #20 (Twin Lakes Golf Course) to be considered after item #11 (Public Hearings, Petitions and Communications). **CARRIED.**

7. **DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES Tab 1 § 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**-City Attorney Figueroa stated he has nothing at this time unless a Council member does. There was no response from the Mayor or Council members.

10. CONSENT AGENDA

Items that are considered to be routine by the City Council will be enacted by one motion without discussion. The consent agenda is a timesaving device and Council members have received documentation on these items for their review prior to the open meeting. Any Councilmember may remove any item from the consent agenda for discussion and a separate vote as deemed necessary. The public may view the documentation relating to the consent agenda 24 hours prior to the meeting at the City Clerk's Office, 101 S. Railroad Avenue, Suite B, Willcox, AZ from 8:30 a.m. to 4:30 p.m. or at the Elsie S. Hogan Library, 100 N. Curtis Avenue during normal working hours Monday-Saturday.

10A. **THE REGULAR MEETING HELD ON MAY 3, 2010 AND THE SPECIAL MEETING MINUTES HELD ON Tab 2
JULY 6, 2010 AND AUGUST 30, 2010**

10B. **RESOLUTION NO. 2010-95 RATIFYING, APPROVING AND AUTHORIZING THE FILING OF A Tab 3
PETITION WITH THE U.S. COMMODITY FUTURES TRADITION COMMISSION (“CFTC”) TO TRANSACT
CERTAIN TYPES OF “EXEMPT COMMODITIES” FOR NATURAL GAS AFTER THE JULY 16, 2011
EFFECTIVE DATE PURSUANT TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER
PROTECTION ACT (“ACT”) AND DECLARING AN EMERGENCY TO EXIST.**

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- 10C. RESOLUTION NO. 2010-98 APPROVING AND ADOPTING THE ELSIE S. HOGAN COMMUNITY LIBRARY ["LIBRARY"] ARIZONA RESOURCE ACCESS AND ATTAINMENT POLICY ("AZRAP") AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST. Tab 4**

It was moved and seconded to adopt the consent agenda items as written. **CARRIED.**

- 11. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS Tab 5**

Proclamation: Mayor Lindsey read and proclaimed October 3, 2010 as "**Firefighter Recognition Day**" and October 3-9, 2010 as "**Fire Prevention Week.**" The proclamation was presented to Chief Jake Weaver.

Communications: Mayor Lindsey read the Second Reading of Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein. Tab 6

Public Hearing: The Mayor and Council will hold a public hearing on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Ordinance NS300 Amending The Willcox City Code, Title 5, [Health And Sanitation], Chapter 2 [Nuisances], Section 5-2-4(A) [Unlawful Acts], By Reference, Repealing The Current Section 5-2-4(A) And Part Of Ordinance NS298 Relating To Repealed Section 5-2-4(A) As Enumerated Herein; and Tab 6

Mayor Lindsey opened the public hearing regarding Ordinance NS300 at 7:10 p.m. The Mayor asked if there are any comments. City Manager McCourt reported he had received one (1) verbal comment from the public and concerns provisions of developed property. Under State there is some minor development that has to occur. Normally that has not happened and need to further define the Ordinance. Staff recommendation is to move forward with passage and will bring defined back for consideration at a future date. Mayor asked are there any other comments or questions. Vice Mayor Cronberg has heard some concerns on item #5-2-4 (A) Accumulation of vegetation prohibited.... Greater than 1/2 acre are exempt. We need to keep things clear to keep down vermin and fire hazard, safety and health. It is a concern to her that we want to leave 1/2 acre lots to be an eye sore when smaller areas are not exempt. Mayor Lindsey asked any other comments and hearing no further comments he closed public hearing at 7:12 p.m.

~~(3) on Monday, September 20, 2010, at 7:00 p.m., 300 W. Rex Allen Drive, Willcox, AZ regarding Application for Liquor Store Series #9 Sampling Privileges (09020037S), Safeway Inc., #272, Janice Louise Martin, 650 N. Bisbee Avenue, Willcox, AZ Tab 8~~
~~**NOTE:** City Clerk has received File Deactivation Form-Application Withdrawal from the Arizona Department of Liquor Licenses & Control dated 08-30-2010 and reviewed 09-07-2010.~~

All members of the public are invited to attend such meeting. For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

- 12. PRESENTATION BY FORMER WILLCOX HIGH SCHOOL ALUMNI BILL JACKSON REGARDING WILLCOX ALUMNI VIETNAM MEMORIAL Tab 7**

Mr. Bill Jackson thanked the Mayor and Council for putting this on tonight's agenda. Some members were at the All Class Reunion where he spoke and they very interested in doing this. Got together to form committee and he was chosen Chairperson and 6 of the 7 members on the committee are from Willcox. The picture in Council packet the Committee is looking only at the M16, Helmet, Boots and Granite below. That is at 4' and granite base is another 20-24 inches. The Committee saw that Railroad Park has flag pole and also has the World War II segment and thought this memorial would be ideal in front of the flag pole. Driving by we miss everything except for the flowers. Mr. Jackson commends the City for its POW and MIA flags flying and need to thank the Governor for making that happen too. The Alumni would like to dedicate this on 11-11-2011 which is Veteran's Day and a year from now. That will

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allow them to gather \$8-\$10,000; the committee is non-profit and anything left over will be given to the School or other organization that they may deem helped. That has not been figured out yet because they do not know what will be left over. This time gives the Committee two (2) Rex Allen Days to collect money. There are people right now willing to donate and as of 5:15 p.m. today arrangement made at Compass Bank and they will be the Bank holder. People out-of-state or in Phoenix or other places will be able donate at any Compass Bank.

Mr. Jackson would "love to see" the Memorial at Railroad Park and committee members will be meeting with Mr. Bonner on Wednesday to see if they approve that location. This is very touching to him since he is a Vietnam Vet and there were plenty of Vietnam Vets that did come home that lived in Willcox. He is not sure if it is legal or possible to do and when he was traveling through the States with Rolling Thunder when they entered some of the cities they had a sign: "Home of an MIA" and thinks we do not want to forget that and that sign in itself it says everything. Mr. Jackson is here this evening to answer questions if any. The memorial speaks for itself and it was very well done. All the verbiage will be passed through the Mayor and Council so that there will be no surprises when unveiled.

City Attorney asked if they have received any donations and Mr. Jackson stated "yes" in order to open an account as a member of Compass Bank he asked the teller for money and was the first to make a donation. The checks should be made to Willcox Alumni Vietnam Memorial. Mr. Figueroa stated he will donate \$100.00. Thank You! Mr. Jackson and committee members will be contacting the newspaper and they know of five (5) people they will be putting on the plaque and if more were missed and who did not come home or if there is more that they have missed then they will have enough money somewhere to pull off that plaque and add more names. They plan to have a float during Rex Allen Day's with names on a banner at the bottom.

Councilman Irvin asked the cost and Mr. Jackson replied it is from \$8-\$10,000.00. Mayor Lindsey stated he appreciates him and his group taking the time to put the effort into this to make this happen and Mr. Jackson said "it is our honor to do this for fellow friends and classmates." The Mayor talked to Mr. Jackson during the Reunion. Mr. Jackson thanked the Mayor and Council.

City Manager McCourt repeated the direction to staff is to work with them to have memorial on Railroad Park and Mayor Lindsey added and to determine the best place for this to be and direction is to continue to work with them. Thank You!

13. **DISCUSSION/DECISION REGARDING ORDINANCE NS300 AMENDING THE WILLCOX CITY CODE, Tab 6
TITLE 5, [HEALTH AND SANITATION], CHAPTER 2 [NUISANCES], SECTION 5-2-4(A) [UNLAWFUL ACTS], BY
REFERENCE, REPEALING THE CURRENT SECTION 5-2-4(A) AND PART OF ORDINANCE NS298 RELATING
TO REPEALED SECTION 5-2-4(A) AS ENUMERATED HEREIN;** -It was moved and seconded to adopt Ordinance
NS300, as stated, relating to Amending City Code Title 5, Chapter 2, Section 5-02-4(A), by reference, repealing
current Section 5-2-4(A) and part of Ordinance NS298 repealed Section 5-2-4(A). **CARRIED.**
14. **DISCUSSION/DECISION SAFEWAY'S SECOND ANNUAL WILLCOX WALKS TOGETHER FOR A CURE Tab 8
AT KEILLER PARK ON OCTOBER 23, 2010 AND REQUEST THE CITY TO SPONSOR THE EVENT BY
ADVERTISING THE CITY'S LOGO ON THE BACK OF THE T-SHIRTS TO HELP CANCER RESEARCH AND
AWARENESS-**It was moved and seconded to support the sponsorship Safeway's 2nd Annual Willcox Walk Together
for a Cure at Keiller Park on October 23, 2010, and request the City sponsor the event by advertising the City's logo
on the back of the T-shirts to help Cancer Research and Awareness. **CARRIED.**
15. **DISCUSSION/DECISION REGARDING TO REMOVE A MEMBER FROM THE PARKS & RECREATION Tab 9
COMMITTEE DUE TO UNEXCUSED ABSENCE AND UNABLE TO MAKE CONTACT WITH THE COMMITTEE
MEMBER-**It was moved and seconded to remove the absentee member (Tammy Baumler) from the Parks &
Recreation Committee due to unexcused absence and unable to make contact with the committee member.
CARRIED.

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- 16. DISCUSSION/DECISION REGARDING THE APPOINTMENTS TO THE PARKS & RECREATION COMMITTEE TO FILL VACANCIES, TERMS TO EXPIRE DECEMBER 31, 2012-**William and Sharon Nigh were nominated and appointed to the P&R Committee, term to expire December 31, 2012. **CARRIED.** Tab 10
- 17. DISCUSSION/DECISION REGARDING THE REQUEST FROM ROD KEELING, WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE, ON OCTOBER 16-17, 2010 AT RAILROAD PARK AND TO WAIVE REQUIREMENT FOR ALL VENDORS TO HAVE INDIVIDUAL PERMITS-**It was moved and seconded to approve the request from Rod Keeling, Willcox Wine Country Committee of the Willcox Chamber of Commerce, on October 16-17, 2010 at Railroad Park and to waive requirement for all vendors to have individual permits. **CARRIED 5-1-1 Absent Holloway; Abstained Cronberg.** Tab 12
- 18. DISCUSSION/DECISION REGARDING THE REQUEST FROM ROD KEELING, WILLCOX WINE COUNTRY COMMITTEE OF THE WILLCOX CHAMBER OF COMMERCE TO SERVE WINE IN GLASS CONTAINERS FROM 10:00 A.M. ON OCTOBER 16 THROUGH 5:00 P.M. ON OCTOBER 17, 2010 IN RAILROAD PARK-**It was moved and seconded to approve the request form Rod Keeling, Willcox Wine Country Committee of the Willcox Chamber of Commerce to serve wine in glass containers from 10:00 a.m. on October 16 through 5:00 p.m. on October 17, 2010 in Railroad Park, as presented. **CARRIED 5-1-1 Absent Holloway; Abstained Cronberg.** Tab 13
- 19. DISCUSSION/DECISION REGARDING RESOLUTION NO. 2010-97 RATIFYING AND APPROVING THE SUBMITTAL OF THE APPLICATION TO THE GOVERNOR’S OFFICE OF PUBLIC SAFETY STABILIZATION PROGRAM BY THE WILLCOX DEPARTMENT OF PUBLIC SAFETY (“WDPS”) FOR THE PURCHASE OF TWO PATROL VEHICLES AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.-**It was moved and seconded to approve Resolution NO. 2010-97, as stated, to ratify and approve the submittal of application to the Governor’s Office of Public Safety. **CARRIED.** Tab 14
- 20. DISCUSSION/DIRECTION TO STAFF ON THE TWIN LAKES GOLF COURSE -See work session items.** Tab 15
(Considered after #11 [Public Hearings Petitions and Communications] per motion.) Mayor Lindsey stated they have completed the work session and direction from Mayor and Council to staff is to move forward with the contract staff has been negotiating and bring the contract back to Mayor and Council for consideration. Councilman Johnson stated need to look at tax portion of what is given to the City employees for use of golf course. Also asked it could be gifted since it is City property and given from the Peterson’s to City employees. City Manager McCourt stated that the City Attorney thought about that question and can almost assure the Council that it is a taxable fringe benefit to the employees. Councilman Johnson said then “stiff it to their pay.” Vice Mayor Cronberg asked how long before brought back. City Manager asked legal counsel and assure will have it back by the October 4th meeting. (go back to #12 presentation Willcox Alumni Vietnam Memorial)
- 21. REPORTS BY THE CITY MANAGER PAT McCOURT** Tab 16
Consideration, discussion and/or decision regarding the following topics by the City Manager:
Reported he is happy to announce he is a new grand father on Saturday afternoon of a baby girl of 4 lbs. 11 oz and everyone doing very well!
- **Report on the Willcox High School Football Team-**the Cowboys beat the Safford Bulldogs 31-7 on Friday, September 10, 2010 and fined when he attended the Rotary meeting in Safford. Also beat Peoria Accelerated 49-0. The season is doing quite well.
 - **Report on City Clean Up Day-**will be held on Saturday, September 25, 2010 beginning at 7:30 a.m. meeting at Railroad Park and City crew doing their portion on Friday the 24th.
 - **Report on Willcox Cares-** applications available at the sponsor Willcox Chamber of Commerce to assist in home repairs or upkeep. Looking for individuals whose homes may have deteriorated and do not have means to fix them up. It is not remodel program it is fix and polish and if know someone contact the Chamber.
 - **Report on Rex Allen Days-**activities begins on Thursday, September 30, 2010 with the Cowboy Hall of Fame Dinner at the Community Center.

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- **Report on Flu Clinic and Pneumonia Shots**-City in order to have Wellness Program staff has scheduled flu and pneumonia shots for employees on Thursday, October 14, 2010 from 2:30 to 5:30 p.m., at the Community Center.
- **Report on Senior Center Signed Agreement**-the City has received the signed agreement for HUD Funding for the Senior Citizen Grant in the amount of \$95,000 and ready to move forward.
- **Report on Senior Center & Ribbon Cutting Ceremony**-the event is scheduled for Saturday, October 2, 2010 at 1:00 p.m. at the Senior Citizen building located at Scott and Bowie.
- **Report on Refuse Ordinance and schedule work sessions**-draft ordinance on dias is the newest and latest ready and have numbered the lines and the pages to track changes. Suggested they review and plan a work session at 6:00 p.m. on Monday, October 4 and October 18, 2010 to discuss that draft ordinance. A council member asked to just point out what changing and thought about it and the existing ordinance is about 50 years old and very out dated and basically started from scratch and there is not an easy comparison to be made between them.
- **Report on Meeting with ADEQ regarding Notice of Violations**-they were very nice and appreciate what has been done and now they said we will be getting Consent Orders.
- **Report on the Re-codification dealing with Public Safety**- changes to Fireworks Ordinance will be incorporated into that and plan to bring that very quickly. Last Legislative Session fireworks are allowed in the State.
- **Report on the Updates to the City's website**-updates to City web site includes the Business Permits on-line with search capability. Listed physical address, name and general type of business. Struggling with Home Occupations because concept for Home occupation is people do not go to physical address and avoid traffic. Suggesting to using name, type of business and telephone number and not the physical address. Would like Council to review website and provide additional information.

22. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS.

Councilman Klump reminded everyone beginning on Thursday, Friday, Saturday and Sunday County Fair and lots of people from our area will be there and if have time after the clean up come on down.
Mayor Lindsey reminded everyone of the activities during Rex Allen Day's; great line up this year; lots of things happening and encouraging everyone to participate in those activities.
Councilman Donahue Update on Senior Center the interior will be done by Thursday of this week, and paint will be applied this weekend and matched to the City Depot color. Dirt work has begun and very limited today and then the rest of this week. They are not sure they will have the front ramping done before Rex Allen Day's and Tracy Zirkle who is heading up the Senior Center will be sending letters to the community because she still needs furniture.

23. ADJOURN-7:57 p.m.

Misc. Tab: _____.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ or the Elsie S. Hogan Community Library during regular business hours Monday-Saturday and beginning July 2010 on the City's website www.cityofwillcox.org .

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.