

## MINUTES

MINUTES OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, FEBRUARY 7, 2017, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:00PM.

### ROLL CALL

#### **COUNCIL**

Councilmember Anna Cline, Ward III  
Councilmember Joan Hansen, Ward II  
Councilmember Frank Davis, Ward I  
Mayor David M. Smith  
Councilmember Bill Higgins, Ward I  
Councilmember Douglas Dunn, Ward II , Mayor Pro Tempore  
Councilmember Gabe Lindstrom, Ward III

#### **STAFF**

Richard J. Marsh Jr., City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Andy Haratyk, Public Works Director  
Albert Echave, Police Chief

#### **CITY ATTORNEY**

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence in remembrance of those affected in the tornadoes in Mississippi and Louisiana area.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith presented an award for Employee of the Month to Janus Poppe for the month of January.

### CALL TO THE PUBLIC

None

THE FOLLOWING ITEMS WERE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

#### GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds.

MOTION: Councilmember Cline moved to approve Accounts Payable in the amount of \$440,577.04.  
SECOND: Councilmember Dunn

Councilmember Lindstrom requested an explanation on the Hospital Charges for suspect.

Chief Echave explained that these were two bills submitted from the Copper Queen Hospital Emergency Department; this was due to taking suspects into custody that required medical treatment before they were taken to jail. The hospital tries to bill the person or insurance if they are unsuccessful they then bill us as the custodial agency that brought the person in. These bills have been negotiated with the hospital.

Mayor Smith asked Elda Orduno if the City could receive restitution if these subjects are found guilty.

Ms. Orduno explained that we could look into it. Any agency that may have suffered damages could fill out a restitution form to try to recoup the costs.

Councilmember Lindstrom also requested explanation for a charge for merchandise in the amount of \$14,000 to the Queen Mine Fund. It was a very large amount.

Mayor Smith responded that the gift shop purchases large quantities to restock their inventory.

Councilmember Lindstrom also requested explanation for a charge in the amount of \$3,500 for a sign stands and barricade anchors for the Streets Department.

Mr. Haratyk responded that these were part of the Street repaving project. When streets were completed all stop signs and posts were replaced.

**ROLL CALL VOTE:**

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Donna Pulling, Bisbee resident spoke about Accounts Payable and after attending meetings for almost 20 years now she could only remember someone questioning the Accounts Payable about 3 times. She appreciated that Councilmember Lindstrom brought up these questions. She requested on behalf of the Friends of the Bisbee Pool that we do look more closely at the spending going on. The Friends of the Bisbee Pool would love to see a couple of hundred dollars every two weeks go to the pool. She again thanked Councilmember Lindstrom.

Mayor Smith explained that the Council receives this information the week before the meeting. Some members of Council will address questions they may have before the meeting.

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on October 4, 2016 at 7:00PM

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of Mayor and Council held on December 20, 2016 at 7:00PM.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Kenan Walsh to the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Emilie Vardaman to the Community Sustainability Commission.

Ashlee Coronado, City Clerk

- E. Approval of the Appointment of Peter Gaffer to the Community Sustainability Commission.

Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Mary "Maggie" Ferguson to the Library Advisory Board.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2A-2F.

SECOND: Councilmember Davis

**ROLL CALL VOTE:**

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

**OLD BUSINESS**

3. Discussion and Possible Approval of Ordinance O-17-01; Establishing an Arts and Culture District in the Old Bisbee Historic District.

David M. Smith, Mayor

MOTION: Councilmember Dunn moved to approve Ordinance O-17-01; Establishing an Arts and Culture District in the Old Bisbee Historic District

SECOND: Councilmember Hansen

**ROLL CALL VOTE:**

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

**NEW BUSINESS**

4. Presentation by Laura Miller, Bisbee High School Principal, to recognize the Efforts of Deputy Hauser from the Cochise County Sherriff Office.

David M. Smith, Mayor

Laura Miller explained that the Law and Public Safety Class were in attendance tonight. They were in their pilot program year. She said that if these students completed two years in this program they could receive a certification in Unarmed Security Officer and make them competitive in going to work for the Cochise County Jail and then later into law enforcement. She explained the various programs that the High School currently has. Mrs. Miller recognized the students in attendance. Mrs. Miller also recognized Deputy Hauser and thanked him for the wonderful job he had done.

Councilmember Cline echoed what Mrs. Miller had said. This was a good group of kids and Lieutenant Hauser does a wonderful job with them.

Lt. Hauser said that this was not about him tonight, it was about these kids. He was very proud of these kids and this was the future of our Law Enforcement.

Mayor Smith thanked Mrs. Miller, Lt. Hauser and the students for being here tonight.

5. Update on the Evergreen Cemetery Committee by Mayor Pro Tempore Dunn and Public Works Director, Andy Haratyk.

David M. Smith, Mayor

Councilmember Dunn said that he and Snody Boroweic had some exciting news to share with everyone this evening. He said that the members of the Evergreen Cemetery had initiated this brochure that included Anna Garcia, Sharon Frosco, Snody Boroweic, Luche Giacomino, Todd Conklin and Tim Walsh. This was written by him and produced by Bridget Shanahan and also funded by the Bisbee Foundation. He explained that this brochure brings attention to our charming and historic frontier cemetery. He said that there were numbers in the brochure that correspond with golf flags throughout the cemetery that would help you immediately find the grave you are looking for. Councilmember Dunn explained the different parts of the brochure. He also informed the public that across from the Public Works Department was a public computer to search cemetery records.

Mr. Haratyk explained that there was now a donation to place the cemetery records in an online database. All the information gathered would be public. You will be able to pullup a name and it will be able to go into an ancestry search.

6. Discussion and Possible Approval of the Third Amendment to the Agreement for the Sale and Purchase of Reclaimed Water between the City of Bisbee and Freeport McMoRan Corporation.

David M. Smith, Mayor

Mayor Smith explained that this item was a renewal of the current agreement we have with Freeport. The reclamation would continue until January of 2020. They have requested to continue to purchase our reclaimed water from the Wastewater Treatment Plant for dust control.

Councilmember Lindstrom asked if the City uses any of the reclaimed water to water parks or anything.

Mayor Smith responded that we currently do not, but that was something they had discussed. The amount being purchased by Freeport would not affect that.

MOTION: Mayor Smith moved to approve the Third Amendment to the Agreement for the Sale and Purchase of Reclaimed Water between the City of Bisbee and Freeport McMoRan Corporation.

SECOND: Councilmember Dunn

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval to Purchase a New 2018 Freightliner 108SD Vaccon Truck from Freightliner of Arizona, a State Contractor, for a Total Cost of \$262,454 to replace the Existing Vactor Truck with Financing by ZB, N.A.

Andy Haratyk, Public Works Director

Mr. Haratyk said that this truck would be financed through the enterprise fund. This would not affect the general fund at all. This was also being purchase through state contract so the City did not have to go out to bid but they did get 3 comparable quotes. Mr. Haratyk explained that a Vactor Truck was used to maintain sewer lines throughout the City. He went on to explain that the current Vactor Truck has been rebuilt twice. He said that this truck was very important to the City.

Councilmember Cline asked how much money would be left once the truck was purchased.

Mr. Haratyk responded that there was \$500,000 in that enterprise fund. They would be making \$15,000 payments due twice a year.

Councilmember Cline asked if there was anything the truck could still be used for.

Mr. Haratyk responded that the truck would be used at the Wastewater Treatment facility plant to clean the headworks and to clean other things. It still produces enough pressure.

MOTION: Councilmember Hansen moved to approve the purchase of a new 2018 Freightliner 108SD Vaccon Truck from Freightliner of Arizona, a State contractor, for a total cost of \$262,454 to replace existing vactor truck. The total cost of \$262,454.00 will be financed by ZB, N.A.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval of the Intergovernmental Agreement between the City of Bisbee and the City of Tombstone for Bisbee to Supply Wastewater Operator Services on the Terms and Conditions Set forth in the IGA.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that the City of Bisbee Grade 3 Operator would be providing three hours per week for a total of 156 hours per year to the City of Tombstone. ADEQ requires a Grade 3 Operator at each wastewater facility. This IGA would be for a total of \$1,200.00 per month. This was \$14,400 per year, which was \$6,943.56 for the Grade 3 Operator and \$7,456.44 profit for the City. This IGA had already been cleared through ADEQ.

Councilmember Cline asked if this would continue past one year.

Mr. Haratyk responded that the goal was to get the employee from Tombstone to pass the test, but this was a one year process minimum. If they opt not to get the Grade 3 Operator designation then we could renegotiate.

MOTION: Councilmember Dunn moved to approve the Intergovernmental Agreement (IGA) between the City of Bisbee and the City of Tombstone for Bisbee to Supply Wastewater Operator Services on the terms and Conditions set forth in the IGA.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval of a Uniform, Supply, and Training Reimbursement Agreement.

Elda Orduno, City Attorney

Ms. Orduno explained that this agreement would be between the City of Bisbee and any employees it chooses to hire that would require uniforms, training, meals and lodging. This was drafted to ensure that the City could recoup any cost if an employee should leave before the City received the benefits of the investment. She explained that that the agreement was drafted so that during the two year period from the date of hire any training, uniforms, etc. within that two year could require the employee to reimburse the City for those costs. After the two years some departments offer training that would be considered "specialized training" and upon completion would extend the agreement for an additional two years. The City invests a great deal in its employees and this protects the investment.

Mr. Marsh explained that this was put together for all employees but especially for those who receive specialized training. This was in the hopes that the City receives some return on its investment in the employees.

MOTION: Councilmember Dunn moved to approve the use of the Uniform, Supply and Training Reimbursement Agreement for all employees.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

10. City Manager's Report:

- Mr. Marsh gave an update on a meeting with Richard Morales on the upcoming Sonora Festival to be held in May. He explained that dignitaries would be in Bisbee on February 15<sup>th</sup> to tour the City of Bisbee.
- Other current events (No Discussion)

COUNCIL COMMENTS OR FUTURE AGENDA ITEM SUGGESTIONS: (Council members may suggest topics for future meeting agendas, but Council will not here discuss, deliberate or take any action on these topics.):

- Councilmember Cline thanked APS and the Public Works department for Clean Up in Ward III. It looked fantastic.

MOTION: Councilmember Cline moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:15PM

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David M. Smith, Mayor