

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, APRIL 4, 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

Britt Hanson

INVOCATION: Mayor Smith asked that we have a moment of silence to think about the catastrophes that are happening in places like Columbia.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith read the Fair Housing Proclamation.

CALL TO THE PUBLIC

- Peyton Dean, Bisbee resident spoke regarding the volleyball courts being destroyed and a possible violation of the open meeting law.

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 the accounts payable in the amount of \$139,798.83.
SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of the Mayor and Council held on March 21, 2017 at 7:00PM.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Gilles Paris to the Transit Advisory Committee.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Marco Flores to the Youth Council.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Damaris Lopez to the Youth Council.

Ashlee Coronado, City Clerk

- E. Approval of the Park, Facility, and Right-of-Way Use Permit for Old Shit Rules for the Use of City Park for the 3rd Annual Howl & Prowl Vintage Motorcycle Show on Saturday, May 20, 2017 from 6:00AM to 8:00PM.

Ashlee Coronado, City Clerk

- F. Approval of a Special Event Liquor License Application submitted by Bisbee Vogue Inc. for an Event to be held at 16 Erie Street, Bisbee, AZ on Sunday, April 16, 2017 from 1:00PM to 12:00 Midnight, Cynthia Conroy, Applicant.

Ashlee Coronado, City Clerk

Mayor Smith asked if any member from Council wished for any of these items to be pulled for discussion. There were no items pulled for discussion.

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

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval of Resolution R-17-03 Reaffirming Bisbee’s Fair Housing Policy and Acknowledging the City’s Commitment to the Principles of Fair Housing.

Richard J. Marsh, Jr., City Manager

Mr. Marsh stated as recipients of CBDG funds the City was required to affirmatively state that we enforce fair housing laws.

MOTION: Councilmember Davis moved to approve Resolution R-17-03, reaffirming Bisbee’s Fair Housing Policy and acknowledging the City’s commitment to the principles of Fair Housing.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

4. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-17-03 Rezone Parcel 103-61-437 Owned by Tonya Borgeson and located at 219 Tombstone Canyon, from R-1 to CM-1.

Joe Ward, Planning and Zoning Commission Staff Liaison

Mr. Ward stated that Ms. Borgeson would like to rezone her property from residential R-1 to a commercial residential mix use CM-1. He also stated that it had passed through the Planning and Zoning Commission unanimously.

Mayor Smith stated that we had staff recommendations as well as the Planning and Zoning Commission unanimous recommendations.

Councilmember Higgins stated that he was glad the building would be fixed up.

MOTION: Councilmember Dunn moved to approve the Notice of Intent to Adopt Ordinance O-17-03 Rezone Parcel 103-61-437 owned by Tonya Borgeson and Located at 219 Tombstone Canyon, from R-1 to CM-1.

With three (3) conditions;

- The Applicant shall provide the City with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS 12-1134 signed by the property owner of the subject property within thirty (30) days of City Council approval of the rezoning.
- Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.
- Should the Applicant not pursue a Boutique use, the applicant agrees to limit other alternative uses to preclude restaurants, day care and automotive service.

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

5. Discussion and Possible Approval of Resolution R-17-04; An Application to USDA Rural Business Development Fund and to Provide \$9,000 in Leveraged Support Services.

Richard J. Marsh, City Manager / Melanie Greene, Grant Writer

Mr. Marsh gave some background into the USDA Application. He stated that it would be a \$9,000 match of in kind services (staff time) and that the application was due by the end of April.

- Etta Kralovec spoke in support of the grant application. She explained how this would work with the U of A Stem Program.

Mr. Marsh commented that this partnership being proposed for the study and the exploration center included Freeport McMoran.

Councilmember Dunn asked that one of the alternatives that we were looking at was the use of the current Mine Tour which may go into a foundation would have a broader focus than the science exploration research and thought that would be a nice combination of the expansion that we are doing already.

Mayor Smith stated that it was certainly one of the areas that was being looked at and that we would be looking for a third party foundation to run the tour and that this would be a pretty good fit.

MOTION: Councilmember Davis moved to approve and implement this Resolution R-17-04 as written including that the City apply for the Grant and commit \$9,000 of City Funds for the Administration of the Grant.

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

6. Discussion and Possible Approval to Adopt the Fiscal Years 2017-2019 Action Plan.
Richard J. Marsh, City Manager

Mr. Marsh stated that what was before Council tonight was the goals which the Mayor and Council had given to the leadership team here in the City of Bisbee. He gave some background on the dialogue talked about with the critical issues that face the City of Bisbee. The next step if approved by council would be a weekly update to Mayor and Council towards our progress of reaching our goals.

Councilmember Dunn stated that it was a very productive exercise sitting down with staff and council. He appreciates what was put together. He felt that the more detailed report that Mr. Ohren provided clarified each of the goals. He finds this a much more useful document in terms of explaining what was done. He would like to adopt this.

MOTION: Councilmember Dunn moved to adopt the replacement draft action plan document fiscal year 2017-2018.

SECOND: Mayor Smith

MOTION PASSED: AYES -6; NAYS -1

7. Discussion and Possible Approval 5 Agreements with Cable One Business for Internet Service at Various City Buildings.
Ashlee Coronado, City Clerk

Ms. Coronado stated that before council tonight were the five (5) Agreements with Cable One which provides internet service to the majority of the city buildings. At the cost \$59.50 per month for basic internet service for Wastewater Plant, Senior Center, Fire Department and Queen Mine, \$64.95 per month for wireless internet service at the Animal Shelter and the \$212.50 per month for internet services at City Hall to include high speed internet, T1 line and Static IP.

Councilmember Hansen asked if the amounts had increase from the last. Ms. Coronado stated that nothing had changed and every three (3) years we have to approve a contract with them.

MOTION: Councilmember Hansen moved to approve the 5 Agreements with Cable one business for internet service at the Wastewater, Senior Center, Fire Department, Queen Mine, Animal Shelter and City Hall.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval of a letter to the United States Border Patrol Brian A. Terry Station inviting them to be Annexed into the city limits of Bisbee.
David M. Smith, Mayor

Mayor Smith stated that there was a letter attached in the packet. He said that he had been asked a couple of times why we were doing this. He explained the reasons why this would be beneficial. He has spoken to Border Patrol and at this point they simply want an invitation letter to get the final approval.

Councilmember Cline asked what the amount in revenue that we would receive. Mayor Smith stated that it would be \$6,800.

Councilmember Dunn commented that being a government agency they would not be paying property tax and asked if that was correct. Mayor Smith stated that was correct.

MOTION: Councilmember Lindstrom moved to approve the Letter to the United States Border Patrol Brian A. Terry Station inviting them to be annexed into the city limits of Bisbee.

SECOND: Mayor Smith

MOTION PASSED: AYES -6; NAYS -1

9. Discussion and Possible Motion regarding a Special Action by Emily Anderson, Carole and Dan Beauchamp, et.al. V City Board of Adjustment Regarding Trailers at 205 Douglas Street.

Pursuant to A.R.S. § 38-431(A)(3) and (A)(4), the Council may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct its attorney regarding the public body's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation

Britt Hanson, City Attorney

Mr. Hanson stated that this agenda item was noticed as a possible executive session, but he didn't think it would be necessary to do that. He gave an update on the lawsuit. He had filled a motion for additional time and it was granted until April 28th to do that. He stated that following the last meeting Mr. Obenchain retained attorney Nathan Williams, Sierra Vista who would be filling a motion to intervene. The Plaintiff's attorney Margo McCartney filed a response to that motion to intervene, motion to dismiss. She didn't object to the motion to intervene, but did object to the motion to dismiss.

He and Councilmember Higgins spoke with the plaintiff's attorney to see if there could be an alternate resolution and they also meet with Mr. Obenchain's attorney if there could be an alternate resolution as well. The good news was that both attorneys were open to an alternate resolution and the bad news was they did not come to an agreement to what that might be. At present the status of the case was more litigation.

- Sandra Calhoun was a party to the special action. She also read a letter from John Burger. She spoke on that it was not zoned as a mobile home park and it was a non-conforming use of property.
- Gail Covington McBride appreciates the Mayor and Council for serving in a thankless job. She did not want to speak on zoning; they decided to make Bisbee their forever home. The people and the community keep her here.
- Helise Dubnick felt moved to speak today we live under rules and laws that provide guidance on how we live. She hoped we could do better. At the last City Council meeting City Attorney mentioned that the law was pretty clear here. What bothered her was the way people treated each other.

MOTION: Councilmember Higgins moved to direct the City Attorney to take No Position in the Special Action brought by Emily Anderson Et. Al v. City Board of Adjustment Regarding Trailers at 205 Douglas Street.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Hansen, Davis, Higgins, and Mayor Smith

NAYS: Councilmember Cline, Dunn and Lindstrom

MOTION PASSED: AYES -4; NAYS -3

10. City Manager's Report:

- Mr. Marsh commented on voting to Vote Bisbee Best Southwestern Small Town <http://www.10best.com/awards/travel/best-southwestern-small-town/>
- 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 Dunn commented that he and Councilmember Lindstrom attended the MAKE Celebration.
- Mayor Smith commented that the Youth Council was now full and meeting.

MOTION: Councilmember Hansen moved to adjourn the meeting.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:55PM

David M. Smith, Mayor