

## 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 18, 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 EXCUSED  
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  
Marc Burneleit, Fire Chief

#### **CITY ATTORNEY**

Elda Orduno

INVOCATION: Mayor Smith said that there was not a shortage of topics to talk and think about. He asked for a moment of silence for those involved in the incident in Fresno, California.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced Lorena Valdez as the April employee of the month.
- Mayor Smith discussed the need for citizens to volunteer for Boards and Commissions. He listed the available commissions.
- Mayor Smith discussed the non-functioning Boards and Commissions. He explained that his intent was to bring these committees to the Council to discuss abolishing them.

### CALL TO THE PUBLIC

- Allison Williams, spoke on behalf of the Library. She thanked Lorena for everything she does. She said that Lorena always goes above and beyond. She also gave some updates on the Copper Queen Library. She said that it was poetry month. There would be poetry readings on the balcony of the Library at 12:00pm every Wednesday. She said that the summer reading program was also being planned. They would be once again taking the library out of the library.

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 \$269,776.01.

SECOND: Councilmember Lindstrom

Councilmember Lindstrom asked if we had a grant writer on staff. Mayor Smith replied that we do have a grant writer.

Mr. Marsh explained that we had a contract with Melanie Greene for grant writing.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

2. Approval of the Consent Agenda
  - A. Approval of the Minutes of the Regular Session of the Mayor and Council held on April 4, 2017 at 7:00PM.  
Ashlee Coronado, City Clerk
  - B. Approval of the Appointment of Melissa Hartman to the Board of Adjustment.  
Ashlee Coronado, City Clerk
  - C. Approval of a Park, Facility, and Right-of-Way Use Permit Submitted by the Bisbee Firefighters Local 2146 for a City of Bisbee Event at Grassy Park on Friday, May 26, 2017 through Monday, May 29, 2017 from 7:00am to 9:00pm.  
Ashlee Coronado, City Clerk
  - D. Approval of a Park, Facility, and Right-of-Way Use Permit for a City of Bisbee Event on Main Street and at Grassy Park, Busy Bee Parking Lot and Goar Park on Saturday, May 27, 2017 through Monday, May 29, 2017 from 7:00am to 7:00pm.  
Ashlee Coronado, City Clerk
  - E. Approval of a Park, Facility, and Right-of-Way Use Permit for the use of Grassy Par, Goar Park and Various Parking Areas for the Bisbee Pride Vendor Fair on Friday, June 16, 2017 and Saturday, June 17, 2017 from 6:00am to 11:00pm.  
Ashlee Coronado, City Clerk
  - F. Approval of a Park, Facility, and Right-of-Way Use Permit for the use of 100 Tombstone Canyon to City Park for the Bisbee Pride Parade on Saturday, June 17, 2017 from 5:00pm to 6:00pm.  
Ashlee Coronado, City Clerk
  - G. Approval of a Special Event Liquor License Application submitted by Turn Your Life Around (T.Y.L.A.) for an Event to be held at City Park, Bisbee, AZ on Saturday, May 20, 2017 from 12:00pm (Noon) to 7:00pm; Samuel Donaldson, Applicant.  
Ashlee Coronado, City Clerk

- H. Approval of a Special Event Liquor License Application submitted by the Bisbee Firefighters Local 2146 for an Event to be held in Old Bisbee on Friday, May 26, 2017 through Sunday, May 28, 2017 from 10:00am to 9:00pm each day.  
Ashlee Coronado, City Clerk

- I. Approval of a Special Event Liquor License Application submitted by Bisbee Pride, Inc for an Event to be held at Grassy Park on Friday, June 16, 2017 from 2:00pm to Midnight and Saturday, June 17, 2017 from 8:00am to Midnight; Kathy Sowden, Applicant.  
Ashlee Coronado, City Clerk

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

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

## OLD BUSINESS

3. Discussion and Possible Approval of 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

Mayor Smith explained that this Ordinance had been before Council at the last meeting.

MOTION: Councilmember Dunn moved to approve Ordinance O-17-03 to rezone parcel 103-61-437 owned by Tonya Borgeson and located at 219 Tombstone Canyon from R-1 to CM-1 with the following 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, Davis, Higgins, Dunn, Lindstrom and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

## NEW BUSINESS

4. Discussion and Possible Direction to Staff on a Petition Received from Susan Blackford Regarding Having a Certified Forensic Audit.  
David M. Smith, Mayor

Ms. Blackford explained that she was here tonight as a very concerned citizen. She felt that there was very little oversight with our tax dollars over the last several years. She said that we all know that last year's budget was a bogus one. The regular auditor has said that there were numbers of discrepancies over the last few years. She asked would it not make sense to have a forensic audit over the City's finances. She said that you all were legally accountable to the tax payers of this town.

Councilmember Lindstrom asked who would pay for something like that. Ms. Blackford responded that the City would be responsible for that. It would cost around \$50,000 to \$70,000. 00.

Mayor Smith responded that since it was for four years it would run closer to \$200,000.00 and the City is unable to afford that. We would accept funding from outside sources for this. He went on to say that this year the City would be going out to bid for new accountants. He hoped that one of the first things they would do was to go through the books for at least the last year. He said that doing that may satisfy the wishes of Ms. Blackford and others.

Ms. Blackford asked if the new auditing firm would have a certified forensic auditor on staff or if she could make that suggestion.

Mayor Smith said that she may make that suggestion.

5. Discussion and Possible Approval of a Contract with Priority Emergency Vehicles for the Purchase of an Ambulance.

Marc Burneleit, Fire Chief

Chief Burneleit explained that they were coming to Council to ask for permission to purchase an ambulance to be paid for with the donation from the Copper Queen Community Hospital. The donation was secured through an MOU that was negotiated with the hospital. This vehicle would be the 4<sup>th</sup> ambulance in the fleet and would bring the department just under the 5 they used to have. He said that a bid was placed on the website and we only received one bid back. This was a new 2017 chassis and a refurbished ambulance box. This was a very good quality vehicle for what we are spending.

MOTION: Councilmember Cline moved to approve the contract with Priority Emergence Vehicles for the purchase of an ambulance in the amount of \$81,965.00 plus tax and title. Funds for this purchase will come from the donation received from Copper Queen Community Hospital.

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Approval of an Intergovernmental Agreement (IGA) between Cochise County and the City of Bisbee regarding a Regional Municipal Solid Waste Disposal System for the Use and Benefit of their Citizens in accordance with State and Federal Laws.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that this agreement allowed us to operate and work with the Cochise County regional municipal solid waste disposal system. He explained that there had been a 16% increase in the fees.

Councilmember Cline asked if the City would still be receiving the annual free dump day.

Mr. Haratyk responded that the free dump day isn't actually free to the City. We still have to pay the bill for it. He thought it may be more advantageous to bring the dump days out to the neighborhoods. There would be one free day in the upcoming year.

MOTION: Mayor Smith moved to approve the Intergovernmental Agreement (IGA) between Cochise County and the City of Bisbee regarding a regional municipal solid waste disposal system for the use and benefit of their citizens in accordance with State and Federal Laws.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

7. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-17-04 Amending Articles 9.1.4 and 9.1.5 of the City Code Regarding Sanitation Service Rates and Fees and Providing for Repeal and Severability.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that in order to raise sanitation rates this item needed to come before council 60 days before the increase goes into effect. This would give notice of the proposed increase.

Ms. Orduno explained that this was simply giving notice not a final vote of Mayor and Council.

Councilmember Dunn said that budget discussions would begin tomorrow night and that was an opportunity to look into detail of the costs of services. He urged citizens to attend these meetings.

MOTION: Mayor Smith moved to approve the Notice of Intent to Adopt Ordinance O-17-04 amending Articles 9.1.4 and 9.1.5 of the City Code Regarding Sanitation Service Rates and Fees and Providing for Repeal and Severability.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

8. Discussion and Possible Approval to Enter into an Agreement with Elite Sales & Service to Service Public Works Generators at a cost of \$105.00 per hour or \$125.00 after hours or weekends.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that Wastewater had 2 very large generators that had not been serviced in 11 years. This agreement would maintain our generators and keep them all in working conditions. This would only equate to two or three hours a quarter to maintain both generators.

MOTION: Councilmember Dunn moved to approve and agreement with Elite Sales and Service to service Public Works generators once or twice a year at a cost of \$105.00 per hour or \$125.00 after hrs. or on weekends.

SECOND: Councilmember Davis.

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval of an Intergovernmental Agreement (IGA) between the City of Douglas and the City of Bisbee for Equipment Rental and Materials.

Andy Haratyk, Public Works Director

Mr. Haratyk said that he had visited the City of Douglas Public Works Department. They discussed their different projects. They also made a visit to Bisbee to see what we were doing with our streets and they realized that they needed to work on their streets. They requested our asphalt machine, but Mr. Haratyk did not agree to that. The City of Douglas has now decided to chip seal their streets. There was some equipment that they could use for their project. They could use our roller and grader. In return they have agreed to lower their price of asphalt for us. This doesn't give them much, but it would save them a little money on their project.

MOTION: Councilmember Davis moved to approve an Intergovernmental Agreement (IGA) between the City of Douglas and the City of Bisbee for Equipment Rental and Materials.

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

10. Discussion and Possible Approval of the Intergovernmental Agreement with Cochise County for Procurement Services.

Lauri Owen, City Attorney

Ms. Orduno explained that this agreement was before Mayor and Council tonight because the City doesn't currently have someone dedicated to procurement. This agreement would allow the City to contract with the County procurement to help the City obtain services, goods, etc. at competitive rates. The procurement department has the capacity to take this on.

Councilmember Dunn asked what the cost of taking this service on.

Ms. Orduno responded that the rate was 2% of the purchase price plus any actual cost. This had a minimum charge of \$25.00.

Councilmember Cline asked if this was just for large items, or was this for anything the City needed.

Mr. Haratyk explained that anytime we go out for things like trucks or air conditioners there was a formal bid process that it would have to go through. This was always done in house, but we no longer have the staff available. This would make it easier to go to the County now to assist us. Going out to bid was a very big job. Mr. Haratyk said that he would do as much of this in house as he could.

Mr. Marsh said that the City would be using the County for proposals such as Audit Services and Information Technology Services.

Councilmember Cline said that it seemed like we were turning everything over to the County.

Councilmember Lindstrom asked if the City could utilize resident's skills. Bisbee was a place where you could find a retired person with a master's degree.

MOTION: Mayor Smith moved to approve the Intergovernmental Agreement with Cochise County for Procurement Services.

SECOND: Councilmember Dunn

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

11. City Manager's Report:

- 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.):

- Mayor Smith reminded everyone that tomorrow night we would be starting the first of 4 scheduled Budget Work Sessions. They would be held on Wednesdays for the next 4 weeks beginning at 5:30PM.
- Councilmember Bill Higgins said that the Bisbee Arts Commission would be holding an Art Auction on May 6<sup>th</sup> at Central School Project. The event would include a bidding and silent auction. There would be refreshments and drinks available for purchase. Donations of art work are currently being accepted.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:01PM

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David M. Smith, Mayor