

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, JUNE 6, 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

Excused

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

Nina Williams, Deputy City Clerk

Keri Bagley, Finance Director

Albert Echave, Police Chief

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Smith asked for a moment of silence by thinking of the events through the last week how they have affected many people, thinking of the wonderful events of Monday in which we remember those that have fallen in service of our Country and thanking them for that and their families for that sacrifice.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith read the Proclamation for Recognizing the 242nd Birthday of the United States Army and presented it to Staff Sgt. Gamble of the US Army.
- Mayor Smith apologized for an insensitive remark that he had made during the study session discussing abandoned and dilapidated structures regarding a structure that had recently burned down. He didn't mean to cause distress or embarrassment.

CALL TO THE PUBLIC

- Joni Giacomino, Bisbee resident said she was coming forward to give kudos and also to complain. She stated she had worked as a vendor for the Memorial Day wall and had questions that hadn't been answered. Most people hadn't heard about the event until the day before or of which she found disappointing. This could have been a good event honoring our veterans. She questioned the fees that were charged.
- Alison Williams, Copper Queen Library staff spoke regarding the July 12, 1917 Bisbee Deportation and the events that had been planned. She invited everyone to explore our history.
- Marie Minor, Bisbee resident spoke regarding recent death involving Bisbee Police Department. She also spoke regarding the Memorial Day Wall event and the recruitment for businesses she did.

- Richard Green, Bisbee resident spoke on his petition regarding the Paris Agreement. He asked that we stop financing climate change and divest from large Wall Street banks, bank local.

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 \$234,365.14.

SECOND: Councilmember Hansen

Councilmember Lindstrom asked about the purchase of alcohol for \$2,900.00 he thought that most of it was donated. Mayor Smith said that his understanding was that it was the deposit for the kegs and that the \$2,900.00 would be refunded.

Councilmember Cline asked about the water for the park being \$6,618.26 (W Vista & Hoatson Park). Dwayne Wallace, Wastewater said that he would assume it was because of the use of the water truck which was filled at Vista Park and with watering more it was that time of the year.

Councilmember Cline asked if they could find out why. Dwayne Wallace and Mr. Marsh said that they would find out.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda
 - A. Approval of the Resignation of Sharon Rock from the Community Sustainability Commission.
Ashlee Coronado, City Clerk
 - B. Approval of the Resignation of Thomas Patterson from the Civil Service Commission.
Ashlee Coronado, City Clerk
 - C. Approval of the Appointment of Thomas Patterson to the Board of Adjustment with a waiver of number of Commissions served.
Ashlee Coronado, City Clerk
 - D. Approval of the Appointment of Michael Normand to the Board of Adjustment with a waiver of number of Commissions served.
Ashlee Coronado, City Clerk
 - E. Approval of the Appointment of Michael Normand to the Streets and Infrastructure Committee with a waiver of number of Commissions served.
Ashlee Coronado, City Clerk
 - F. Approval of the Park Facility and Right of Way Use Permit for the Use of Vista Park for Water Slides and Jumping Castles during the 4th of July Celebration on Tuesday, July 4, 2017 from 10:00AM to 9:00PM and the approval of the Vendor Application to sell Vendor Spaces at a higher rate depending on size.
Ashlee Coronado, City Clerk

general fund from Public Works, Wastewater and Sanitation. The elephant in the room was our Public Safety retirement obligation. He was disappointed that this budget does not include a discussion of strategies towards increasing revenue and controlling costs in the operation of the Fire Department. To ensure the Fire Department had long-term sustainability in this community. We have to make some hard decisions. He spoke regarding the ryder he wanted regarding the Fire Department.

Mayor Smith said that he had been discussing these issues with the Fire Department and he believed that in the very near future they would be bringing some proposals regarding cutting overtime cost and being able to generate more revenue. He wanted to appoint a blue ribbon study group to continue these discussions. He wanted to assure Councilmember Dunn that we will be able to affect the changes that he wished to happen within this budget year.

Councilmember Dunn stated that he was pleased to hear that. He saw no need to go any further with his proposed ryder.

- Susan Blackford, Bisbee resident said that there should be no increase in salary for the City Manager and no executive assistant. She spoke regarding City development, payment last year of \$7,000 for the Visitor Center Annex, tourism being down, 16% rate increase in sanitation, the transfer of \$700,000 from wastewater and capital improvements.

Councilmember Higgins said that he was satisfied and that we had done a good job. He was also happy with the changes that had been proposed tonight and as far as he was concerned he was ready to adopt it.

Mayor Smith said that by approving this tentative budget the bottom line figure would be etched in stone and that between now and the time the actual budget was approved there could be changes allowed within the budget.

Councilmember Cline asked if the Wildland Fire line item was put into the budget. Ms. Bagley stated that it was put into the budget. She stated that she appreciated very much the budget process this go around and wanted to thank all the department heads for all their hard work. She wanted to thank Keri Bagley, Finance Director for all of her work this year and everything she's done. She was a little surprised because generally it was in the job description of the City Manager to present the budget and that didn't happen. Ms. Bagley stepped up and presented it and did a nice job.

Councilmember Lindstrom said that overall this was a good budget.

Mayor Smith asked Ms. Bagley to give the bottom line figure. Ms. Bagley stated that the total of all funds was \$20,858,973.00.

MOTION: Councilmember Higgins moved to approve Resolution R-17-05 Adopting the tentative budget for Fiscal Year 2017-2018 in the amount of \$20,858,973.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

4. Discussion and Possible Approval of Resolution R-17-07 Requesting PSPRS to Change the Amortization Schedule from 20yrs to 30yrs.

David M. Smith, Mayor

Mayor Smith said that the amount of money that was owed to the Public Safety Retirement was staggering as we know and it goes up every year. Over 22% of our budget goes into PSPRS we are the highest in the state. He let everyone know that for the first time there were actually tempting to do something about it. He was involved in Mayor task forces that are working with the state legislature to attempt to get something done. There would be a meeting on June 28th to approve or deny this and he believed that it would be approved.

We have an opportunity to basically amortize the amount of money that we owe into a 30 year schedule instead of a 20 year schedule. It will allow us relief right now where it's needed the most while a solution was being worked on. The money it would save us now would dramatically help us with our budget and what we need in the City. The bottom line what does it do for us this first year by going on to a 30 year amortization it saves us \$306,000.

Councilmember Cline asked how soon we would know if this was approved. Mayor Smith said immediately it would kick in on July 1st.

Councilmember Dunn stated that he supported this.

Councilmember Higgins thanked the Mayor for taking on the job of lobbying the legislators for this legislative change. He was happy this was being done. He was fully on board with this.

MOTION: Councilmember Dunn moved to approve Resolution R-17-07 Requesting PSPRS to Change the Amortization Schedule from 20yrs to 30yrs.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

5. Discussion and Possible Direction to Staff to draw up an Ordinance for Council Approval Regarding the Use of Herbicides on the Roadways.

David M. Smith, Mayor

Mayor Smith said that drawing up an Ordinance indicates that an ordinance could be presented next meeting which was the 20th, it couldn't be passed on the 20th it had to be read twice it would potentially be passed by July 5th. He brought that up because there are people that want to do more studies. It would provide approximately a month to get further data.

Councilmember Hansen said that this was not an attempt at all to try to introduce herbicides or pesticides in Bisbee. Mr. Dey had done a world of research in coming up with this product and it had been tested on a couple of sites to see if it worked and it does work and putting the dye in it would let people know where it had been applied.

- Colleen Crowlie, Bisbee resident stated that she had been working on this issue since the 1980's when the ban took place and spoke regarding the information that had been gathered in the past.
- Ryan Bruce, Bisbee resident said that this topic had been tackled a number of times. He spoke in opposition of this and stated that the result of this should not be damaging for future generations.
- Susan Blackford, Bisbee resident spoke in opposition of this and stated that she didn't recommend it. She spoke regarding the paving that had been done.
- Sharon Rock, Bisbee resident spoke in opposition of this and said at some point we all have to put the environment first.

- Dylan Hetro, Bisbee resident spoke in opposition of this and regarding his opinion of using herbicides in our streets.
- Michael Gregory, Bisbee resident said he believed the ban should be maintained and spoke in opposition. He was tired of seeing this issue come up before the Council.
- Harry Wolders, Beekeeper at Castle rock said that he was concerned that this would affect his hives.
- Richard Green, Bisbee resident said he was confused the Mayor had said there wasn't an ordinance ban, but he had heard from another Councilmember during break that there was.

Mayor Smith said that if a Councilmember has information contrary to what he was informed he would like to know that. He stated that this had been researched there was never an ordinance or resolution. It had come up and was presented to Council but nothing was ever passed. He stated if that was incorrect then give him the information and he would correct it.

Councilmember Lindstrom stated that he loved the passion, but what he didn't see a lot of in Bisbee was action at some point we have to act on alternatives.

Councilmember Higgins stated that at the work session it was brought up that a group of concerned citizens would get together quickly try some alternative solutions and report back on the results he would be inclined to let that happen. It should be done immediately. We have spent a lot of money trying to fix the streets and it would be nice to find something that satisfies people.

MOTION: Councilmember Higgins moved to direct staff to draw up an ordinance for council approval regarding the use of Herbicides on the roadways.

SECOND: Councilmember Hansen

Councilmember Dunn stated that he supported this.

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Direction to Staff on a Petition Received from Karen Justice regarding Transparency in Bisbee: Conflicts of Interest.

David M. Smith, Mayor

Mayor Smith stated that this was received it contained a lot of legal language and requested that the City Attorney take a look at this to go through it and discuss it with the appropriate people and it would be something that we hear in the future.

Mr. Hanson said that he wasn't sure what this was regarding, but he thought he had a handle on it now and he should have something on it the first part of July.

7. Discussion and Possible Direction to Staff on a Petition Received from Susan Blackford Requesting a Report on How the Streets have been paved.

David M. Smith, Mayor

Susan Blackford spoke regarding her petition. She gave some background information regarding the codes set in place for paving and the amount of time Mr. Haratyk's plan would take to complete. She was suggesting that there be a certified lab to come down and test on the newly paved roads so that we could get a true overview of what needs to be done.

Marie Minor, Bisbee resident spoke regarding the paving of her neighborhood and she had a very mixed opinion on the pesticides she didn't want her Rosemary bushes destroyed.

8. Public Hearing for Special Use Permit Application 17-01, and Discussion and Possible Approval of Special Use Permit 17-01, Submitted by Community Synergy Solutions Corporation for the Purpose of Allowing them to Operate a Garden with Nursery and Home Supply/Lumber Yard on a Parcel Zoned C-1.

Joe Ward, Building Inspector/Code Enforcer

Mr. Ward said that this was a special use permit that the CSSC had presented. There were certain uses that are granted as rights to use on parcels and there are privileges that can be revoked and that's what Council was looking at tonight. The property that they were looking at was zoned C-1 there were a couple of uses that were not permitted which they wanted to do like the home supply store with the lumberyard and the nursery. The Planning and Zoning Commission unanimously passed and he recommended that the City Council approve the special use permit.

Mayor Smith opened the Public Hearing. He asked the applicant if they would like to address the issue.

Ms. Serena and Hank Casey applicant stated they would like to open a little nursery and extension of the farmers market. It would have a recycling yard with lightly used building materials that they would resell this would all be done under a nonprofit organization they would be employing homeless people from the Tintown Shelter this was a partnership that they were doing with the coalition for the homeless. They had secured the lease on the little building on Highway 92 in Tintown across from the Fire Department.

Mayor Smith asked how soon would this be operational should this pass. Ms. Casey stated they hope to open in October.

Mayor Smith asked if there was anyone else to speak in favor of this.

Mayor Smith asked if there was anyone who wished to speak in opposition of this.

Mayor Smith asked Ms. Williams if the Clerk's office received any emails, letters or faxes. Ms. Williams stated "No"

Mayor Smith closed the Public Hearing.

MOTION: Councilmember Dunn moved to approve Special Use Permit 17-01 for the purpose of allowing the applicants to operate a garden with nursery and home supply/ lumber yard at 99S. Highway 92.

SECOND: Councilmember Hansen

Councilmember Cline asked if the neighbors had been notified. Ms. Casey stated that the posting had been posted and Mr. Ward stated that notices did go out regarding the Public Hearing was sent out to all the neighbors.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

9. Discussion and Possible Approval of SEAGO Region Transit Coordination Memorandum of Understanding between 5310 and 5311 Grantees.

Richard J. Marsh Jr., City Manager

Mr. Marsh stated that he was recommending approval of the SEAGO Region Transit Coordination Memorandum of Understanding. He said that he purpose of the Memorandum of Understanding was to establish a backup plan to provide transportation services in the event of a vehicle breakdown, driver illness or if needed for a community event or emergency.

MOTION: Councilmember Hansen moved to approve the SEAGO Region Transit Coordination Memorandum of Understanding.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Approval of a Contract for Services with Melanie Greene, Planning and Resource Development, for On-Call Services to assist with Grant Management on an as needed basis.
Richard J. Marsh Jr., City Manager

Mr. Marsh stated that he recommended approval of a Contract for Services with Melanie Greene to assist in the coordination of grant management services until a replacement could be found.

Mayor Smith asked if this money was appropriated in the new budget. Mr. Marsh stated "Yes".

MOTION: Councilmember Dunn moved to approve a contract with Melanie Greene, PRD for on-call services to assist with grant management on an as needed basis.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

11. Discussion and Possible Approval of an Intergovernmental Agreement between the Bisbee Unified School District No. 2 & the City of Bisbee for Joint Use of park area at the Middle School.
David M. Smith, Mayor

Mayor Smith said that the Bisbee Unified School Board had agreed to the Memorandum of Understanding, it had come to the Council for our signatures. We will basically be able to use a portion of land at the Melody Lane School and develop it as a park. Items that would be looked at were a regulation soccer field and baseball field at that location. He stated that there was not funding in place for that and hoped to have funding to help with maintenance. He planned on going to private enterprise to obtain funding and in-kind services to get this moving, also the building itself will have some use for the City of Bisbee in that it would be available for special events.

Councilmember Cline asked what would be the cost associated with insurance liability for the playground. Mayor Smith stated that it would be nothing since it was still be within the risk pool which will cover everything.

MOTION: Councilmember Lindstrom moved to approve the Intergovernmental Agreement between the Bisbee Unified School District No. 2 & the City of Bisbee for Joint Use of Park Area at Middle School.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

12. Discussion and Possible Approval to Purchase Parts and Material from Ferguson Waterworks for an Emergency Repair on the Fire Suppression System total cost is \$6,314.09
Andy Haratyk, Public Works Director

Dwayne Wallace, Wastewater said that during the Star Avenue Fire they had a six (6) inch cast iron line fail under pressure. This quote was to replace approximately 300 feet of pipe from the valve to the hydrant. They no longer do spot repairs they try to do full line replacements or reroutes. This was the cost from a state contractor and generally the pipe supplier for the City. They are asking that Council approve this. He stated that the cost would be under the wastewater budget. He also stated that work should begin on Monday.

MOTION: Councilmember Cline moved to approve purchasing parts and material from Ferguson Waterworks for an emergency repair on the fire suppression system. Total cost is \$6,314.09.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

13. City Manager's Report:

- Other current events (No Discussion)
- Mr. Marsh read his City Manager report that was provided to Mayor and Council for those who may not have access to the website. He indicated if the project was completed or on going.

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.): **None**

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:20PM

David M. Smith, Mayor