

## 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, AUGUST 1, 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**

Robert Smith, Interim 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 for a moment of silence to reflect on what a great place we live in and the good people around us.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith stated that item number (10) ten was being pulled from the agenda and under the consent agenda item 2C was being pulled due to a clerical error on our part. We apologize to the Bisbee Radio Project and we would be more than happy to overnight it to Phoenix in two (2) weeks when this was signed.

#### CALL TO THE PUBLIC

- Eric Meyer, Bisbee resident spoke regarding guns and gun shots heard at his house on Black Knob View from the Riffle Range. He referred to his neighbor and a bullet that hit him in the head.
- Donna Pulling, Bisbee resident spoke on the new bus route from Douglas-Bisbee-Sierra Vista. She invited everyone to attend the ribbon cutting. She asked that Council ride the bus at least once. She said in order for this bus to be sustainable we were going to have to have people give up their car and ride the bus once in a while.

Councilmember Lindstrom asked the Mayor if item number (9) nine be pulled from the agenda.

Mayor Smith said when we get to that item Councilmember Lindstrom could indicate that.

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 \$220,896.86.

Councilmember Cline asked about 10-70-22000 water for the cemetery for \$165.43, but we don't water in the cemetery. She was curious as to why and why it was so much. Mr. Haratyk, Public Works Director said that we have water service at the cemetery, that pays for our water service it comes out of the cemetery's operating fund. The cemetery committee requested it and we now have water at the cemetery.

Councilmember Cline asked what we were watering for \$165 for one month. Mr. Haratyk said that they were not watering that, that's what it cost us to have water service, but he would look into that.

Councilmember Cline also asked about 10-80-46801 Special Event -Porta Pots for \$675.00 what special event did we have. Mr. Haratyk said that it was for the 4<sup>th</sup> of July.

Councilmember Cline also asked about 10-80-46801 Rec Programs/ Special Events –Bisbee High School: meals for Baseball team for \$320.00. Mr. Haratyk said that it was for Memorial Day for the kids that came up from Mexico and that were in Bisbee that played baseball.

Councilmember Lindstrom asked about the \$240.00 charge for detailing the Jeep (10-70-46000). Mr. Haratyk said that the cars that the City uses are pulled out of the auction yard. They had the Jeep detailed it was the car we use to tour people around Bisbee for the City.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Resignation of Todd Bogatay from the Community Sustainability Commission.

Ashlee Coronado, City Clerk

- B. Approval of the Special Event Liquor License Application Submitted by the Bisbee Radio Project, Inc. (KBRP) for an event to be held at the Bisbee Royale, 94 Main Street, Bisbee, AZ on Friday, September 8, 2017 from 4:00PM to 11:59PM; Ryan Bruce, Applicant.

Ashlee Coronado, City Clerk

- C. Approval of the Special Event Liquor License Application Submitted by the Bisbee Radio Project, Inc. (KBRP) for an event to be held at the Bisbee Royale, 94 Main Street, Bisbee, AZ on Saturday, September 9, 2017 from 12:00PM to 10:00PM; Ryan Bruce, Applicant.

Ashlee Coronado, City Clerk

**Item was pulled from the Agenda.**

- D. Approval of an Application for an Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for an event to be held at 11 Howell Avenue, Bisbee, AZ on Saturday, October 28, 2017; Helen Lampinen, Applicant.

Ashlee Coronado, City Clerk

Councilmember Cline asked about item 2B what event was it for. Mayor Smith said that it was for the Bisbee Blues Fest.

MOTION: Councilmember Cline moved to approve Consent Agenda Items A, B & D.

SECOND: Councilmember Hansen                      MOTION PASSED: UNANIMOUSLY

### OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-17-06, authorizing the sale and transfer of City property located adjacent to and East of 27 Wood Canyon.

Joe Ward, Building Inspector

Mr. Hanson said that this was the second reading and there has been no change in two (2) weeks. He recommended the sale.

MOTION: Councilmember Dunn moved to approve Ordinance O-17-06, authorizing the sale and transfer of City Property located adjacent to 27 Wood Canyon. The bid was \$9,245.00 to Joseph Massey.

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

4. Discussion and Possible Approval of Ordinance O-17-07 Amending Chapter 9 of the Bisbee City Code, Entitled "Health and Sanitation; and Cemetery," to Address Delinquencies Owed to the City and to Provide a mechanism for the City to address Exceptional Circumstances Encountered by Citizens that are not able to pay their Sanitation Bills.

Elda Orduño, City Attorney

Mr. Hanson said that this was addressed in detail the last time and that this was the second reading. He talked about an alternative regarding the time frame for people to apply for the amnesty. The suggested alternative was rather than have the amnesty available on one (1) day August 31<sup>st</sup> having it available from August 31<sup>st</sup> to September 7<sup>th</sup>.

Mayor Smith said that it didn't affect the Ordinance it simply affects when it would start. Mr. Hanson said that was correct.

MOTION: Councilmember Davis moved to approve Ordinance O-17-07 Amending Chapter 9 of the Bisbee City Code, entitled "Health and Sanitation; and Cemetery," to address delinquencies owed to the City and to provide a mechanism for the City to address exceptional circumstances encountered by citizens that are not able to pay their sanitation bills.

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

5. Discussion and Possible Approval of Ordinance O-17-08 Amending Chapter 13 of the Bisbee City Code, Entitled "Sewer," to (1) Address Delinquencies Owed to the City; (2) Address Residential Rental Property of Four or Fewer Units; and (3) Provide a mechanism for the City to address Exceptional Circumstances Encountered by Citizens that are not able to pay their Sewer Bills.

Elda Orduño, City Attorney

Mayor Smith said that this was the second reading and asked if there were any questions. There were no questions.

MOTION: Councilmember Higgins moved to approve Ordinance O-17-08 Amending Chapter 13 of the Bisbee City Code, entitled "Sewer," to (1) address delinquencies owed to the City; (2) address residential rental property of four or fewer units; and (3) provide a mechanism for the city to address exceptional circumstances encountered by citizens that are not able to pay their sewer bills.

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

## NEW BUSINESS

6. Discussion and Possible Approval of Resolution R-17-10; A Resolution of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Fixing, Levying and Assessing the Amount to be raised by the City of Bisbee from Property Taxation and Fixing and Determining the Property Tax Rate for the 2017-2018 Fiscal Year and Providing for Severability.

Keri Bagley, Finance Director

Ms. Bagley said that this Resolution would to raise the primary property tax rate to 2.7656 per one hundred dollars (\$100) of assessed value from 2.5873.

Councilmember Lindstrom asked what the percent increase was. Ms. Bagley said that it was the actual increase between the previous year's total amount and what we should collect this year which was 3.8%. The TNT was a 2% increase over what we are allowed to increase it by without having a hearing.

MOTION: Councilmember Dunn moved to approve Resolution R-17-10 fixing, levying and assessing the amount to be raised by the City of Bisbee from property taxation and fixing and determining the property tax rate for the 2017-2018 fiscal year in the amount of \$2.7656 per \$100 of assessed valuation and providing for severability.

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

7. Discussion and Possible Approval to Purchase a Camera with additional head for larger pipes for Wastewater in the amount of \$6,460.61.

Andy Haratyk, Public Works Director

Mr. Haratyk said that the camera they selected was less expensive than the other two cameras and it would be easier to get service and parts for it.

MOTION: Councilmember Hansen moved to approve the purchase of a camera with additional head for larger pipes for Wastewater. Total cost is \$6,460.61.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval to Purchase Pipe and Material from Ferguson Waterworks for an Emergency Repair on the Fire Suppression System on Opera Dr. in the amount of \$5,248.66.

Andy Haratyk, Public Works Director

Mr. Haratyk said that Ferguson Waterworks was a state contractor it was a company that they buy most of their pipes, valves and fittings from. He stated that this was an emergency repair the line can't be used until it was fixed. When we have a leak in a fire suppression system to make the repairs we need to go from the hydrant to the main.

Mayor Smith asked how long it would take to get it into place. Dwayne Wallace, Wastewater stated that it took about two (2) weeks to get the materials in and maybe a month before they could fix it due to man power. Mr. Haratyk stated that this was a priority for them.

Councilmember Cline asked if they were inspecting up there or how was the leak discovered. Mr. Haratyk stated that someone reported a leak. They decided that they were not doing fixes anymore to get by they were going to repair it, so we don't have problems.

Councilmember Cline asked if it was repaired now. Mr. Haratyk said that it was not a guaranteed usable fire line right now.

MOTION: Councilmember Davis moved to approve the purchase of pipe and material from Ferguson Waterworks for an emergency repair on the fire suppression system on Opera. Total cost is \$5,248.66. .  
SECOND: Councilmember Higgins MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-17-09; Amending Articles 2.8.2 of the City Code Changing the Meeting times of the Parks and Recreation Committee to 6:00PM.

Andy Haratyk, Public Works Director

Councilmember Lindstrom asked that this item be pulled from the agenda. He said that the change of time was for him on the Parks and Rec there have been some changes and he would like it pulled from the agenda.

Mayor Smith pulled item number nine (9).

**This item was pulled from the Agenda.**

10. Discussion and Authorize Lawsuit against Border Cities for Breach of Settlement Agreement re: Parking Lot.

*Per ARS § 38-431(A)(3), the Board may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct its attorneys regarding the public body's position in pending or contemplated litigation.*

Britt Hanson, City Attorney

**This item was pulled from the Agenda.**

11. City Manager's Report:

- Other current events (No Discussion)
- Mr. Smith gave an update on meetings he had with the department heads and Council members and in a few weeks he will be sending a report out to Council on what he saw that needed to be prioritized. They would include the existing projects and objectives that are on the list, cost containment and recovery items, minor administrative organizational moves, fess and software for IT enhancements.

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 thanked everyone who worked so hard on Sonorafest and acknowledge those employees who assisted.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:37PM

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David M. Smith, Mayor