

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, MARCH 15, 2022, AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

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

ROLL CALL

COUNCIL

Councilmember VACANT, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I
Mayor Ken Budge
Councilmember Leslie Johns, Ward I
Councilmember Mel Sowid, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Matthew Gurney, Public Works Director
Logan Dodd, Operations Manager
Doug Taylor, City Planner
Jim Richardson, Acting Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to hope and if you would like to pray for the people of Ukraine.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge read the Premier Alliances, Inc. 60th Anniversary proclamation
- Mayor Budge and Councilmember Cline spoke in remembrance of Millicent Kasun and her recent passing.

Mr. Derek Jordan, Outreach Coordinator for Premier Alliances, Inc. spoke regarding their 60th Anniversary.

CALL TO THE PUBLIC

- Monica Patience, Bisbee resident spoke regarding a retaining wall behind their home and city property for sale located on Ok Street.

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 \$294,592.48.
SECOND: Councilmember Johns

Council asked questions about accounts payable, and staff responded to each question.

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

2. Approval of the Consent Agenda

- A. Approval of the Appointment of Carolyn Harris to the Evergreen Cemetery Committee.
Ashlee Coronado, City Clerk
- B. Approval of the Appointment of Mary Ann Harlan to the Library Advisory Board.
Ashlee Coronado, City Clerk
- C. Approval of the Resignation of Heather Loken from the Police and Fire Advisory Committee.
Ashlee Coronado, City Clerk
- D. Approval of a Park, Facility and Right-of-Way Use Permit for the Easterseals Blake Foundation Blues in Bisbee for the use of Parking Spaces (Ruppe Avenue Closed from West Vista to East Vista) Saturday, September 17, 2022, from 12:00pm (Noon) to 10:00pm.
Ashlee Coronado, City Clerk

Councilmember Giacomino asked that 2D be pulled for discussion.

MOTION: Mayor Budge moved to approve Consent Agenda Items A through C.
SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

Councilmember Giacomino asked about the insurance not being in the packet for the event.

MOTION: Mayor Budge moved to table this item and bring it back with the insurance.
SECOND: Councilmember Giacomino MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval of a Settlement Agreement and Release on the Bovee Matter.
Joseph Estes, City Attorney

Mayor Budge recused himself from this item.

Mr. Estes said this lawsuit filed against the city had gone through a settlement conference. It was a recommendation that the Council accept the settlement agreement, which provides for the payment and then on the first meeting in April there would be a public apology to the plaintiff on this matter.

MOTION: Councilmember Davis moved to approve the Settlement Agreement and Release on the Bovee Matter.

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, and Cline

NAYS: 0

MOTION PASSED: AYES- 5NAYS-0

4. Public Hearing to Consider submitting a Proposal to the Voters to Authorize City Expenditures in Excess of the Limitations of Article IX, Section 20 of the Arizona Constitution (Home Rule Option).
Keri Bagley, Finance Director
Stephen J. Pauken, City Manager

Mr. Pauken said we operate the Bisbee budget on an alternative expenditure limitation which was embedded in state law that allows us to spend in excess of a limitation that was set that was set back in 1979 and 1980 for all cities and towns in Arizona. He explained the process for the authorization of the Expenditure in Excess of the Limitations.

Mr. Pauken stated this was the first of two public hearings regarding this issue that are required by state law.

Mayor Budge opened the Public Hearing

- Mayor Budge asked if there were members in the public that wish to speak in support of this item.
- Mayor Budge asked if there were members in the public that wish to speak in opposition of this item
- Mayor Budge asked the City Clerk if there were any written communications filed with the Clerk's Office. Ms. Coronado indicated there were not.

Mayor Budge closed the Public Hearing.

Mayor and Council asked questions regarding the Expenditures in Excess of the Limitations. Mr. Pauken and Mr. Estes answered their questions.

5. Public Auction of Designated Surplus Property Located adjacent to and west of 104D & 144 Locklin Avenue and the existing access road to 140 & 142 Locklin Avenue.
Doug Taylor, City Planner

Mr. Taylor stated this was the time and place set for the public auction of the designated as surplus City property located adjacent to and west of 104D & 144 Locklin. It is between the Heusmans' property and the existing access road to 140 & 142 Locklin Avenue, and that the minimum bid was \$16,700.00 or equivalent value.

Mayor and Council asked questions regarding this property. Mr. Taylor answered their questions.

Mayor Budge began the procedures for the sale of surplus city property; the property was being offered on an "AS IS, WHERE IS" basis, with no warranties of fitness for any particular purpose. He opened the bidding process.

- Ken and Sandy Heusman bid \$16,700.00

MOTION: Mayor Budge moved to accept the bid in the amount of \$16,700.00 made by Ken and Sandy Heusman and authorize the Mayor and staff to complete the transfer of the subject property to the successful bidder upon the payment of all required compensation, subject to the conditions of this sale.

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

6. Public Auction of Designated Surplus Property Located, a vacant parcel described as the north half APN 103-60-249, Lots 19 and 20, located primarily south of across the right-of-way from 125 Star Avenue.

Doug Taylor, City Planner

Mr. Taylor stated this was the time and place set for the public auction of the designated surplus City property located primarily south of across the right-of-way from 125 Star Avenue. It is a vacant parcel described as the north half APN 103-60-249, Lots 19 and 20, and the minimum bid was \$7,980.00 or equivalent value.

Mrs. Burkert spoke about the property they recently purchased at 127 Star Avenue and that they had no intention to grant an easement to the property that was for public auction.

Mayor Budge began the procedures for the sale of surplus city property; the property was being offered on an "AS IS, WHERE IS" basis, with no warranties of fitness for any particular purpose. He opened the bidding process.

- Kirk Ayers bid on this property with his final bid being \$17,500.00
- Amy and Rod Burkert bid on this property with their final bid being \$18,000.00

MOTION: Mayor Budge moved to accept the bid in the amount of \$18,000.00 made by Amy and Rod Burkert and a back-up bid of \$17,500.00.

SECOND: Councilmember Davis

Mayor and Council asked questions regarding this property. Mr. Pauken, Mr. Taylor, and Mr. Estes answered their questions.

MOTION: Mayor Budge amended the motion to include a refund of application cost to Kirk Ayers.

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

7. Public Auction of Designated Surplus Property Located adjacent to 348 Williams Avenue, a vacant parcel described as a portion of APN 103-60-266B.

Doug Taylor, City Planner

Mr. Taylor stated that this is the time and place set for the public auction of the designated surplus property located adjacent to 348 Williams Avenue, a vacant parcel described as a portion of APN 103-60-266B, and the minimum bid was \$6,000.00 or equivalent value.

Mayor Budge began the procedures for the sale of surplus city property; the property was being offered on an "AS IS, WHERE IS" basis, with no warranties of fitness for any particular purpose. He opened the bidding process.

Mayor Budge stated that if the applicant was not the winner their application cost will be refunded to them.

- Larry Stone bid \$6,000.00

MOTION: Mayor Budge moved to accept the bid in the amount of \$6,000.00 made by Larry Stone and authorize the Mayor and staff to complete the transfer of the subject property to the successful bidder upon the payment of all required compensation, subject to the conditions of this sale.

SECOND: Councilmember Davis

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, and Mayor Budge.

NAYS: Councilmember Sowid and Cline

MOTION PASSED: AYES- 4 NAYS-2

8. Discussion and Possible Approval of Ordinance O-22-03; Authorizing the Sale and Transfer of City Property Located Adjacent to 4 Spring Canyon; Queen Street Located Southeast of Tombstone Canyon, not yet Established Parcel Number.

Doug Taylor, City Planner

Mr. Taylor said this was the transfer of approximately 413.08 square feet for the sum of \$5.00 per square foot for a total of \$2,066.00. This piece of property has been parked on for 15 years and used by the adjacent neighbor and they would like to continue by purchasing this piece of property.

Mayor and Council asked questions regarding this property. Mr. Taylor answered their questions.

MOTION: Councilmember Davis moved to approve Ordinance O-22-03; Authorizing the Sale and Transfer of City Property located adjacent to 4 Spring Canyon; Queen Street located Southeast of Tombstone Canyon, not yet established parcel number and that this property is designated city surplus in the amount of \$2066.00.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Davis, Johns, and Mayor Budge.

NAYS: Councilmember Giacomino, Sowid, and Cline

MOTION FAILED: AYES- 3 NAYS-3

9. Discussion and Possible Direction on the Petition received from Jeff Harris related to the decision made by Mayor and Council to reject the Harris Protest and rehear the matter with certain stipulations.

Ken Budge, Mayor

Mayor Budge stated that Mr. Harris had been given fair opportunity to be heard and Council was provided with all the written arguments. At this time no action needs to happen on this petition.

MOTION: Mayor Budge moved to place the petition on file.

SECOND: Councilmember Giacomino MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Direction on the Petition received from Peyton Charnick related to the elimination of the parking between the Courthouse and the Iron Man Statue.

Ken Budge, Mayor

Ms. Charnick spoke on the elimination of parking between the Courthouse and the Iron Man Statue.

- Cado Daily, Bisbee resident spoke in favor of this petition.

Mayor Budge spoke about the parking, the movement of traffic, and safety.

Jackie Watkins, County Engineer spoke about the traffic plan and why it was done.

Mayor and Council discussed and had questions regarding the parking elimination between the Courthouse and the Iron Man Statue. Mr. Gurney, Public Works Director, and Ms. Watkins answered their questions.

Mr. Pauken asked questions related to the utilization of parking at St. Patrick’s. The County answered his questions.

Mr. Estes stated that there was a state statute that provides liability protection for municipalities and government entities when roadways are designed according to engineering standards.

Council asked that administration work with the County on a possible shared use of St. Patrick’s lower lot.

11. Discussion and Possible Approval of a Contract for Services with Hinton Burdick for Audit Services for Fiscal Years 2022-2026.

Keri Bagley, Finance Director

Ms. Bagley said that the five-year contract for auditing services with Hinton Burdick ended with this last fiscal year. An RFP for auditing services was posted and three companies responded. The pricing was very closely matched but as stated in the RFP the decision would not be based solely on the lowest bidder. Ms. Bagley stated she and the City Manager recommended Hinton Burdick for an additional five-year contact.

Mr. Pauken said that all these firms where highly respected firms and do a good job, but right now it would be advisable to stick with the firm that we have.

MOTION: Councilmember Davis moved to approve a contract with Hinton Burdick, PLLC for audit services for fiscal years 2022-2026.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

12. Discussion and Possible Approval of update to the Job Descriptions for the Administrative, Finance, Community Development and Library Departments.

Joelle Landers, Personnel Director

Ms. Landers said this was the next group of departments to be reviewed and discussed, with updated job descriptions. Ms. Landers gave clarification regarding the updating of each job description in all departments. She also went over the fiscal impact.

Councilmember Cline commented she was glad that Ms. Landers was looking at all the job descriptions.

MOTION: Councilmember Johns moved to approve the updates to the Job Descriptions for the Administrative, Finance, Community Development and Library Departments.

SECOND: Councilmember Sowid

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

13. Discussion and Possible Approval of Resolution R-22-04: to accept the City of Bisbee, Bisbee Bus Title VI Document for 2022.

Matthew Gurney, Public Works Director

Mr. Pauken stated this was a requirement for the 5311program.

MOTION: Councilmember Johns moved to approve Resolution R-22-04 to accept the City of Bisbee, Bisbee Bus Title VI Document for 2022.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

14. City Manager's Report:

- Other Current events (No Discussion)
- Mr. Pauken stated Heather Loken would be our new Visitor Center Manager.
- Mr. Pauken spoke regarding the APS electric bill line-item Power Supply Adjustment.

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.):

ADJOURNMENT:

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:46PM

Ken Budge, Mayor