

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 11, 2011
7:00 P.M.
SCHIEFFELIN HALL

- I. **CALL TO ORDER** Mayor Henderson called the Regular Meeting to order on October 11, 2011.
- II. **PLEDGE OF ALLEGIANCE** Mayor Henderson led the Common Council and the general public in a recitation of the Pledge of Allegiance.
- III. **ROLL CALL**
- | | |
|------------------------------------|---------|
| Councilman Steve Troncale | Present |
| Councilman James Doherty | Present |
| Councilwoman Stacey Korbeck-Reeder | Present |
| Councilman H Randall Davis | Present |
| Mayor Jack Henderson | Present |

A QUORUM WAS DECLARED

IV. APPROVAL OF MINUTES

MOTION by Councilwoman Korbeck- Reeder, **SECOND** by Councilman Davis to approve minutes for Special Council Meeting 9/8/2011, 9/13/2011 and 9/20/2011.

City Clerk Barnes informs Mayor and Council that the minutes for 9/8/2011 have been approved at the last meeting. Only the second two sets of minutes need to be approved.

Minutes for 9/13/2011 and 9/20/2011 approved as presented.

VOTE: 5/0

MOTION: Passed

V. LETTERS OF APPRECIATION FOR SCHIEFFELIN HALL DONATIONS

Mayor Henderson states that he has letters of appreciation for Schieffelin Hall donations. Mayor Henderson reads one of the letters:

City of Tombstone, Certificate of Recognition, Whereas, Schieffelin Hall in the The City of Tombstone is a National Register Building, and Whereas, The City of Tombstone, has reached out to area businesses to help in the process of restoring this landmark, and Whereas, We have been fortunate in obtaining needed materials and advise from generous area businesses, Whereas, The Community of Tombstone wishes to recognize the tremendous contribution made

to the community by Lowe's of Sierra Vista and Nick Lowman; and Whereas, I, Jack Henderson, Mayor of the City of Tombstone, do hereby proclaim our enduring gratitude to Lowe's of Sierra Vista and Nick Lowman their representative for the donation of supplies used in this restoration. In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Tombstone to be affixed.

Mayor Henderson states that the second letter is the same only it is to Valspar Paints of Sierra Vista and Jeff Black their representative. Mayor Henderson states that we give our gratitude to Valspar Paints and Jeff Black for their donation of supplies.

Mayor Henderson states that the third letter goes to Sherwin Williams of Sierra Vista and states that we give our gratitude to Sherwin Williams for their donation of supplies.

Mayor Henderson acknowledges Councilman Steve Troncale for his hard work in putting this project together.

Councilman Troncale thanks everyone and states that there are additional acknowledgements that need to be made. Councilman Troncale acknowledged Dan Arnold for providing the lead to Nick Lowman, the commercial accounts manager for the South Eastern Arizona District.

Councilman Troncale states that he and City Clerk Barnes have initiated a grant request through Lowes for \$25,000.00 to do some work on the old City Hall Building and the work has to be specific for the Lowes application. The specific use for this money, if we get the grant, would be for handicapped access for the old City Hall. This grant will be up for consideration in January 2012.

NEW BUSINESS

- VI. A. DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the amount of \$235,208.52). (September 1, 2011 through September 30, 2011).

MOTION by Councilman Doherty, **SECOND** by Councilman Davis for approval of Accounts Payable in the amount \$235,208.52.

DISCUSSION: City Clerk Barnes states that the amount is high because \$112,000.00 is refundable to the City through the Community Development Block Grant . This is the money we use to improve homes.

VOTE: 5/0

MOTION: Passed

B. DISCUSSION AND/OR ACTION: Ordinance No. 2011-08, An Ordinance of the City of Tombstone, Arizona, replacing City Code Title 7, Chapter 2 to allow the City to grant an exclusive license for the collection of residential solid waste and to establish a commercial license hauler fee for any waste hauler operating within City boundaries.

MOTION by Councilwoman Korbeck-Reeder, **SECOND** by Councilman Troncale to approve Ordinance No. 2011-08, an Ordinance of the City of Tombstone, Arizona, replacing City Code Title 7, Chapter 2 to allow the City to grant an exclusive license for the collection of residential solid waste and to establish a commercial license hauler fee for any waste hauler operating within City boundaries.

DISCUSSION: City Clerk Barnes explains that this item and the next two items go hand in hand. States that the ordinance gives the council the ability to assign the residential business to a waste hauler and to make sure that any other waste hauler (for commercial accounts) is a responsible hauler so this establishes a fee that is just high enough to make sure only responsible waste haulers apply.

Rodney Glassman, Pat Hilstrom and Heather Schmuki was in attendance. Rodney Glassman, Director of Public Sector Solution for Waste Management for Arizona and New Mexico.

Mr. Glassman addressed the Mayor and Council: Mr. Glassman highlights the benefits of working through a public/private partnership. Highlights include: Providing consistent high quality service. Eliminating the risk of overhead expenses. Incorporating recycling education materials. To assist in increasing revenue. Protecting local infrastructure by reducing the number of trucks on the road. Providing twice a week toter service. One day per week is residential trash with brand new 96 gallon containers. While providing the service at the same fixed rate of \$17.00 per month. Waste Management is providing 4 solar powered trash receptacles.

This is a 15 year agreement with Waste Management and the City of Tombstone, including two five year extensions by mutual agreement. Our proposal is for residents to pay \$17.00 per month, billed through the City of Tombstone. Two brand new toters, once per week and a variety of commercial services. For the Historic Downtown, front end load commercial service. Waste Management providing solar totes and well as investing in purchasing the two vehicles you have currently. Debt service on those two vehicles for the City of Tombstone is \$182,000.00.

Mr. Glassman states that their goal is to begin service on the week of December 5, 2011. October 18, 2011, the brand new toters would be ordered for your residents. The week of October 25, 2011, the City of Tombstone with the assistance of our team would send letters to residents and businesses informing them of the public/private partnership. The public

would also be invited to attend two businesses forums. On November 28, 2011 Waste Management would provide door hangers that would provide information to residents what is recyclable and pick-up dates. The week of December 5, 2011, new trash cans would be dropped off at each home and the old trash receptacles would be picked up.

Councilman Doherty asked if this needed to go out to bid. City Clerk Barnes states no because it is a utility. He further states that there are no other haulers in this region that have the breadth of service that Waste Management has.

Councilman Doherty asked because we are required to pick up trash twice a week if it does not go through and we have to stay with two days. City Clerk Barnes answered that we would have to make sure that our waiver was approved because if we didn't get the waiver from county and state our financials would fall apart. We are confident with the initial contacts with the county that because of the recycling component and because of the other things we are doing we would likely get the waiver with one time a week pick-up with two toters.

Councilman Doherty asked if there was anything about forced recycling. Mr. Glassman answered there is nothing in the agreement that speaks to mandatory recycling.

Councilman Doherty states his concern for the commercial rate. States he realizes that it has nothing to do with the City agreement but says there are a lot of businesses in town and he does not want to leave them out. Mr. Glassman answered that they will be slightly higher than the current rates. States that it will depend on sizing. Currently the City goes by small medium and large. Waste management does front end load which means that the containers will be able to hold more. Mr. Glassman continues with for the first 90 days if the businesses chose to contract with Waste Management they will be locked into the same rate as the agreement with the City.

Councilman Doherty asked about Holiday pick-ups. Stating that there are a lot of Mondays that are holidays. Mr. Hilstrom answered that pick-up would start on Tuesday through Saturdays. States that special events Mondays they would work with the schedule. Councilman Doherty asked if there was an added cost. Mr. Glassman states that the fees are not adjusted based on your regular weekly pick-up. Councilman Doherty asked than we would not get it on a Monday. Mr. Glassman answered we would pick-up Tuesday through Saturday so that their employees would be able to participate in the holiday.

Councilwoman Korbeck-Reeder asked what the recommendation would be on a special event weekend such as Wyatt Earp Days because there is usually pick-up during Saturday or Sunday morning. Mr. Glassman answered that through the rate structure we are able to be on call. Councilman Doherty added that this is about a million and half dollar contract give or take over 15 years. States that this is for a 15 year period

and extensive. He recommends that this item be tabled so that they would have time to review it further.

MOTION by Councilman Doherty, **SECOND** by Mayor Henderson to table Item B, Ordinance No. 2011-08, Item C, Proposed License Agreement and Item D, Proposed General Warranty Bill of Sale and Non-competition Agreement.

Mayor Henderson suggested that the motion be tabled with a scheduled meeting next week.

Mayor Henderson asked for a Roll Call Vote:

Councilman Steve Troncale	Aye
Councilman James Doherty	Aye
Councilwoman Stacey Korbeck-Reeder	Aye
Councilman H Randall Davis	Aye
Mayor Jack Henderson	Aye

VOTE: 5 AYES NO: 0

MOTION TO TABLE AGENDA ITEMS B, C AND D. PASSES.

E. DISCUSSION AND/OR: A proposed Lease Agreement between the City of Tombstone and Catherine Marlowe for the house and property located at 601 Fremont Street for a term of three years for location of the Tombstone City Archives, an historic research library, office space for the Historic District Commission and a City conference room for the amount of \$520 per month to be funded by donations, fundraising and grants.

MOTION by Councilman Doherty, **SECOND** by Councilman Davis to discuss Item E. until more information is obtained.

DISCUSSION: City Clerk Barnes states this is more for information because they are waiting for final details on an actual lease agreement. City Clerk Barnes states that this is the property that was formally occupied by Backman Springs Office. It has been in the Marlowe Family for 70 to 80 years. It is an early 1900's National Register building. It is in excellent shape. Ms. Marlowe has expressed interest in working with Tombstone to see that the building is used at a very low rate. At this point it looks like the rate is her income tax and insurance. Because Bachman Springs had there office here they put a commercial tax tag on it. We have been looking at ways to get this amount down but the final price will determined by what the property tax is and what her insurance cost a month will be. There will be more information to come on this project. Our hope is that down the line this property will one day become the property of the City of Tombstone. City Clerk Barnes states that it is appropriate to discuss and ask any

questions but, it will have to be tabled for the future because there is no actual lease agreement to approve.

MOTION by Councilman Doherty, **SECOND** by Councilman Davis to table Item E, Proposed Lease Agreement between the City of Tombstone and Catherine Marlowe until actual lease agreement is ready for presentation.

VOTE: 5/0

MOTION: PASSED TO TABLE ITEM E.

- F. DISCUSSION AND/OR ACTION:** Agreement with Gannett Fleming and sub contractor Archaeological Consulting Services for preparation of the Preliminary Engineering Report and Environmental Statement as part of the USDA Emergency Grant application process in the amount of \$ 36,580.00 and a contingency amount of \$10,000.00 to be funded from total USDA grant proceeds.

MOTION by Councilman Troncale, **SECOND** by Councilwoman Korbeck-Reeder to approve agreement with Gannett Fleming and sub contractor Archaeological Consulting Service for preparation the Preliminary Engineering Report and Environmental Statement as part of the USDA Emergency Grant application process in the amount of \$36,580.00 and a contingency amount of \$10,000.00 to be funded from total USDA grant proceeds.

DISCUSSION: City Clerk Barnes states that they are asking the USDA Rural Development for an emergency grant. The first part has already been committed by the State Emergency Funds. The amount is \$50,000.00 and this is to get us started. The second part in the neighborhood of \$200,000.00 to 250,000.00 will be a rural development grant that would give us the money to do the proper job. One of the requirement, before you can apply for an emergency grant, you have to do a preliminary engineering report and an environmental statement and they both have to have the stamps of organizations on them before you can make application for your emergency. The good news is that it can be reimbursable from the grant proceeds and we have had favorable responses from the rural development people about getting that money.

VOTE: 5/0

MOTION: Passed

- G. DISCUSSION AND/OR ACTION:** Proposal by Deborah Bachman for a signage solution for businesses located in the Historic District and an annual fee for businesses wishing to be listed.

MOTION by Councilwoman Korbeck-Reeder, **SECOND** by Councilman Davis to discuss proposal by Deborah Bachman for a signage solution for

businesses located in the Historic District and an annual fee for businesses wishing to be listed.

DISCUSSION: City Clerk Barnes states this is a proposal by citizen's advocate, Deborah Bachman.

Mrs. Bachman states that being a resident and working here she felt that something needed to be done to help tourist find businesses. She states that a signs would be placed in front of the Visitors Center, and one down at sixth and Allen Street on City property right near the restrooms. The signs would be two sided have plexi glass and locks so they could not be tampered with. It will require someone to do the graphics. It would also have a take one brochure holder down below that we could do some tri-fold brochures. Mrs. Bachman states that initial cost would be \$3,000.00 to \$4,000.00 dollars. She suggested that the City would then send a letter to all businesses stating the annual fee due to be listed on the sign. The fee would cover maintence, reprinting, also feels that the sign would help create less hawkers on the street. Mrs. Bachman explained that updating street signs would also help tourist know where businesses are located.

City Clerk Barnes suggested a 3rd sign be placed at Boothill because that is a starting point for most tourists. He further explains that it would provide information consistency. If directed a more specific plan could be put together that would include pricing. In terms of funding City Clerk Barnes states that there is money in the Bed Tax Fund that has not been expended that would be enough to fund this project.

Councilman Troncale states that the City of Bisbee has these types of signs. He explains that the Bisbee signs are missing a map and that maps help find businesses.

Councilwoman Korbeck-Reeder informs everyone that the signs would have to be historically correct. Mrs. Bachman states that historical accuracy was included in the proposal.

City Clerk Barnes suggested that this proposal can be tabled for the next meeting so as to gather all the information needed.

VOTE: 5/0

MOTION TO TABLE PASSED.

H. DISCUSSION AND/OR ACTION: Proposed increase in charges for official police reports from \$5.00 to \$10.00 and photo CDs at \$5.00 per CD.

MOTION by Councilwoman Korbeck-Reeder **SECOND** by Councilman Davis to approve increase in charges for official police reports from \$5.00 to \$10.00 and photo CDs at \$5.00 per CD.

DISCUSSION: City Clerk Barnes states that these fees are in order according to what it cost to do these reports and are in order with what other departments are charging

VOTE: 5/0

MOTION: Passed.

- I. **DISCUSSION AND/OR ACTION:** Request by the Western Music Festival for the closure of Allen Street from 4th Street to 5th Street and 4th Street from Fremont Street to Toughnut Street beginning 8:00 a.m. November 5th through 6:00 p.m., November 6th, and the use of Schieffelin Hall from 10:00 am, November 3rd through Noon November 7th, 2011.

MOTION by Councilwoman Korbeck-Reeder **SECOND** by Councilman Davis to approve request by the Western Music Festival for the closure of Allen Street from 4th Street to 5th Street and 4th Street from Fremont Street to Toughnut Street beginning 8:00 a.m., November 5th through 6:00 p.m., November 3rd through Noon, November 7th, 2011.

DISCUSSION: Councilman Troncale asked if there was going to be any scheduling problems with the ADOT meeting scheduled for November 3rd and the Western Music Festival. City Clerk Barnes states that there will be no problem because Thursday is there set up day and they will be done by 3:00 p.m.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passed.

- J. **DISCUSSION AND/OR ACTION:** Request by the Knights of Columbus for the use of Medigovich Field and concession stand October 21,22,23 for the holding of Tombstone Family Fun – Helldorado Days.

MOTION by Councilwoman Korbeck-Reeder, **SECOND** by Councilmember Troncale to approve request by the Knights of Columbus for the use of Medigovich Field and concession stand October 21, 22, 23 for the holding of Tombstone Family Fun – Helldorado Days.

DISCUSSION: Councilmember Doherty asked if insurance was needed. City Clerk Barnes states that the City insures the fireworks and the church insures the Tombstone Family Fun – Helldorado Days. City Clerk Barnes states that this is a community event.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passes

- K. DISCUSSION AND/OR ACTION:** Request by the Tombstone Fire Department for the use of the City Park at the intersection of 3rd and Allen Streets from noon until midnight for the holding of Halloween activities.

MOTION by Korbeck-Reeder **SECOND** by Councilmember Davis to approve the request by the Tombstone Fire Department for the use of the City Park at the intersection of 3rd and Allen Streets from noon until Midnight for the holding of Halloween activities.

DISCUSSION: None.

Mayor Henderson Closes Discussion.

VOTE: 5/0

MOTION: Passes

- L. DISCUSSION AND/OR ACTION:** Request by the American Legion Roy Fourr Post 24 for the use of Allen Street from 6th Street to 3rd Street for a Walk down in honor of Legionnaire Russ Freeman starting at 11:30 on November 13, 2011 and for the closure of Allen Street from 2nd to 3rd Street from 7:30 a.m. to 12:30 p.m. on November 13th

MOTION by Councilman Troncale, **SECOND** by Councilman Dougherty to approve request by the American Legion Roy Fourr Post 24 for the use of Allen Street from 6th Street to 3rd Street for a Walk down in honor of Legionnaire Russ Freeman starting at 11:30 on November 13, 2011 and for the closure of Allen Street from 2nd to 3rd Street from 7:30 a.m. to 12:30 p.m. on November 13th.

DISCUSSION: City Clerk Barnes states that there will be other events that will happen that day but they should not start until noon. This walk down will be over by then.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passes

VIII. ADJOURNMENT

Mayor Henderson entertains a motion for adjournment.

MOTION by Councilman Davis **SECOND** by Councilwoman Korbeck-Reeder to adjourn the meeting at 7:53 P.M.

VOTE: 5/0

MOTION: Passed

Jack Henderson, Mayor

George Barnes, City Clerk