

## 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 5, 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 Juanetta Hill, 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

#### CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about what's going on in Ukraine.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge read the Fair Housing Proclamation

### CALL TO THE PUBLIC

- John Everhart, Bisbee resident spoke on the brush and fire danger problems going on in the City. He spoke on the issues he faced with writing insurance policies in town. He requested assistance from the City and the public to deal with the brush issues.
- Lisa Braderman, Bisbee resident also spoke on the fire danger issues and brush issues within the City. She again asked for assistance in dealing with this issue.

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 \$331,288.71.

SECOND: Mayor Budge

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

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on March 1, 2022.  
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Special Session of Mayor and Council held on March 15, 2022.  
Ashlee Coronado, City Clerk
- C. Approval of the Minutes of the Regular Session of Mayor and Council held on March 15, 2022.  
Ashlee Coronado, City Clerk
- D. Approval of the Appointment of Councilmember Frank Davis to be the Ex-Officio Member of the Design Review Board.  
Ken Budge, Mayor
- E. Approval of the Appointment of David Cobb to the Planning and Zoning Commission.  
Ashlee Coronado, City Clerk
- F. Approval of Resignation of Denise Whisman from the Police/ Fire Advisory Committee.  
Ashlee Coronado, City Clerk
- G. 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
- H. Approval of an Application for Extension of Premises/Patio Permit submitted by Electric Brewing for and event to be held at 1326 W. Highway 92 #7, on Sunday May 1, 2022; Joseph Charles Frederickson, Applicant.  
Ashlee Coronado, City Clerk
- I. Approval of an Application for Extension of Premises/Patio Permit submitted by Electric Brewing for and event to be held at 1326 W. Highway 92 #7, on Sunday May 8, 2022; Joseph Charles Frederickson, Applicant.  
Ashlee Coronado, City Clerk
- J. Approval of an Application for Extension of Premises/Patio Permit submitted by Electric Brewing for and event to be held at 1326 W. Highway 92 #7, on Sunday May 15, 2022; Joseph Charles Frederickson, Applicant.  
Ashlee Coronado, City Clerk

K. Approval of an Application for Extension of Premises/Patio Permit submitted by Electric Brewing for and event to be held at 1326 W. Highway 92 #7, on Sunday May 22, 2022; Joseph Charles Frederickson, Applicant.  
Ashlee Coronado, City Clerk

L. Approval of an Application for Extension of Premises/Patio Permit submitted by Electric Brewing for and event to be held at 1326 W. Highway 92 #7, on Sunday May 29, 2022; Joseph Charles Frederickson, Applicant.  
Ashlee Coronado, City Clerk

M. Approval of a Special Event Liquor License Application submitted by Healthy Bisbee Inc. for an Event to be held at Club Kilimanjaro, 33 Subway Street on Friday, April 22, 2022, from 7:00pm to Midnight, Adele Chernow, Applicant.  
Ashlee Coronado, City Clerk

MOTION: Councilmember Davis moved to approve Consent Agenda Items A through M.  
SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

**OLD BUSINESS**

3. Declare prior action as void and redo the Public Auction of Designated Surplus Property Located adjacent to 348 Williams Avenue, a vacant parcel described as a portion of APN 103-60-265C.  
Doug Taylor, City Planner

Mr. Taylor explained that the notice contained the incorrect parcel and in order to correct the error, this was bring brought back to Council tonight.

Mayor and Council discussed the process for auctioning city property along with how the prices for auctions are calculated.

MOTION: Mayor Budge moved to declare the prior action as void.  
SECOND: Councilmember Davis

ROLL CALL VOTE

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

NAYS: Councilmember Giacomino

MOTION PASSED: AYES- 6 NAYS-1

Mayor Budge opened the Public Auction with a minimum bid price of \$6,000.

Mayor Budge asked if we had any written bids.

Ms. Coronado said no, but Mr. James Terry had joined via Zoom.

Mr. Terry said that he would not grant any type of easement across his property.

He did not bid.

There were no bids for this sale.

**NEW BUSINESS**

4. Formal Apology to Ms. Bovee regarding Settlement Agreement.  
Joseph Estes, City Attorney

Mr. Pauken gave an apology to Ms. Bovee for the actions that had occurred in relation to the Settlement Agreement.

5. Discussion and Possible Approval to allow the Queen Mine Tour Manager to purchase a lot of four used Mancha Locomotives in the amount of \$42,500.  
Doug Graeme, Queen Mine Tour Manager

Mr. Graeme explained that he had located four used locomotives and these would be used to replace parts on the existing locomotives. This price included shipping.

MOTION : Councilmember Cline moved to approve the purchase of used Mancha locomotives from Savona Equipment LTD for the total amount of \$42,500.00  
SECOND: Mayor Budge

**ROLL CALL VOTE**

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

6. Discussion and Possible Approval of the recommendation from the Bisbee Arts Commission to City Council to fund a grant application from the Copper Queen Library in the amount of \$500.00, from the Bisbee Arts Commission Fund.  
Leslie Johns, Council Liaison Bisbee Arts Commission

Councilmember Johns explained that the Arts Commission unanimously approved the grant application from the Copper Queen Library in the amount of \$500.00 for the stained glass windows.

MOTION: Councilmember Johns moved to approve the funding of the grant application from the Copper Queen Library in the amount of \$500.00 from the Bisbee Arts Commission Fund.  
SECOND: Councilmember Cline

MOTION APPROVED: Unanimously

7. Discussion and Possible Approval of a Rental Agreement for the Bisbee Arts Commission to rent the building at 16 Erie Street owned by David Rose for their Exhibition of Final Local Art that will be in conjunction with their Bisbee Festival of the Arts Event; this exhibition will be for a period of five weeks beginning Thursday, October 20, 2022, through Sunday, November 27, 2022; his includes set-up and breakdown.  
Leslie Johns, Council Liaison Bisbee Arts Commission

Councilmember Johns explained that the Arts Commission was requesting approval of the rental agreement for the building at 16 Erie Street for an art exhibition.

MOTION: Mayor Budge moved to approve the Rental Agreement for the Bisbee Arts Commission to rent the building at 16 Erie Street owned by David Rose for their Exhibition of Final Local Art that will be in conjunction with their Bisbee Festival of the Arts Event; this exhibition will be for a period of five weeks

beginning Thursday, October 20, 2022, through Sunday, November 27, 2022; this includes set-up and breakdown.

SECOND: Councilmember Johns

MOTION APPROVED: Unanimously

- 8. Discussion and Possible Approval to allow the Bisbee Arts Commission to request the use of school property from the Bisbee Unified School District#2; Lowell Junior High School Located at 100 Douglas Road for the use of their parking lot for the Bisbee Arts Commission; Festival of the Arts Event.

Leslie Johns, Council Liaison Bisbee Arts Commission

Councilmember Johns said that the Arts Commission was seeking permission to request the use of Bisbee Unified School District property at Lowell School for parking during the Festival of the Arts event.

MOTION: Councilmember Johns moved to allow the Bisbee Arts Commission to request the use of school property from the Bisbee Unified School District#2; Lowell Junior High School Located at 100 Douglas Road for the use of their parking lot for the Bisbee Arts Commission; Festival of the Arts Event.

SECOND: Councilmember Sowid

MOTION APPROVED: Unanimously

- 9. Discussion and Possible Approval for the Bisbee Arts Commission to pay STAMBACK Septic Service for rental of Portable Units to be used at their Festival of the Arts Event.

Leslie Johns, Council Liaison Bisbee Arts Commission

MOTION: Councilmember Johns moved to approve the Bisbee Arts Commission to pay STAMBACK Septic Service for rental of Portable Units to be used at their Festival of the Arts Event.

SECOND: Councilmember Davis

MOTION APPROVED: Unanimously

- 10. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-22-04; Authorizing the Sale and Transfer of City Property Located Adjacent to and West of 104D and 144 Locklin Avenue and the Existing Access Road to 140 and 142 Locklin Avenue.

Doug Taylor, City Planner

Mr. Taylor explained that this property had been held up due to Covid. The auction was held on March 15, 2022 and Mayor and Council had voted to accept the bid in the amount of \$16,700.

MOTION: Mayor Budge moved to approve the Notice of Intent to Adopt Ordinance O-22-04; Authorizing the Sale and Transfer of City Property Located Adjacent to and West of 104D and 144 Locklin Avenue and the Existing Access Road to 140 and 142 Locklin Avenue.

SECOND: Councilmember Davis

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

- 11. Discussion and Possible Approval to purchase asphalt from KE& G in an amount not to exceed \$272,000.

Matthew Gurney, Public Works Director

Mr. Gurney explained that there was a correction in the purchase price, it had increased to \$310,000. It had increased by \$10.00 per ton.

MOTION: Mayor Budge moved to approve the purchase of asphalt from KE&G in an amount not to exceed \$310,000.

SECOND: Councilmember Davis

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

- 12. Discussion and Possible Approval to authorize City Manager Stephen Pauken to sign the release for property damage at 229A Tombstone Canyon paid by Travelers Personal Insurance Company in the amount of \$84,395.

Matthew Gurney, Public Works Director

Mr. Gurney explained that a wall had fallen that borders the drainage ditch. The property owner’s insurance has agreed to pay for the replacement of the wall.

MOTION: Councilmember Davis moved to approve the authorization of City Manager Stephen Pauken to sign the release for property damage at 229A Tombstone Canyon paid by Travelers Personal Insurance Company in the amount of \$84,395.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

- 13. Discussion and Possible Approval of the Request for Proposal for a replacement wall at 229A Tombstone Canyon.

Matthew Gurney, Public Works Director

Mr. Gurney said that he was requesting to go out to bid for the replacement of the retaining wall at 229A Tombstone Canyon.

MOTION: Councilmember Davis moved to approve the Request for Proposal for a replacement wall at 229A Tombstone Canyon.

SECOND: Councilmember Sowid

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

- 14. Discussion and Possible Approval to accept the donation from Bisbee Vogue Inc. of a shade structure and installation at Higgins Park.

Matthew Gurney, Public Works Director

Mr. Gurney explained that Bisbee Vogue was requesting the approval of a donation of a shade structure that would go over the outdoor fitness park at Higgins Park. This donation included installation.

MOTION: Councilmember Davis moved to accept the donation from Bisbee Vogue Inc. of a shade structure and installation at Higgins Park.

SECOND: Councilmember Cline

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

15. Discussion and Possible Approval for a grant agreement between the State of Arizona and the City of Bisbee for Pavement Preservation at the Bisbee Municipal Airport.

Matthew Gurney, Public Works Director

Mr. Gurney explained that this agreement was to share in the cost of pavement for the Airport. This would cover the runway pavement. We had a 10% match on this project of \$32,000. Our portion of funds was coming from ARPA funds.

MOTION: Councilmember Cline moved to approve the grant agreement between the State of Arizona and the City of Bisbee for Pavement Preservation at the Bisbee Municipal Airport.

SECOND: Councilmember Davis

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

16. Discussion and Possible Approval to allow Bisbee Police Department to purchase an All Band Console radio equipment in the amount of \$8,520.48.

Albert Echave, Police Chief

Chief Echave explained that this was the final part of the radio project. He discussed the issues with the current set up and said that this purchase would increase and better the radio communications.

Mr. Pauken said that this was being purchased out of ARPA funds.

MOTION: Councilmember Cline moved to allow the Bisbee Police Department to purchase an All Band Console radio equipment in the amount of \$8,520.48.

SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

17. Discussion and Possible Approval of update to the Job Descriptions for the Fire and Police Departments.

Joelle Landers, Personnel Director

Ms. Landers explained that before them tonight were updated job descriptions for the Police and Fire Department. The Civil Service recommended moving the job descriptions forward along with the starting rate of pay. All employees are at or above the starting rate so there would be no fiscal impact at this time.

Councilmember Giacomino said that she had a concern over the base pay for Fire employees. She said that if they had an emergency or were sick, they would not be receiving those hours. If those hours were taken away for whatever reason that would take them down to a minimal wage. She said it didn't seem fair that for them to earn those wages it required more time away from their families.

Mr. Pauken said this item was to approve job descriptions. The wage discussion could take place during budget discussions.

Ms. Landers explained in 2019 the Fire Department met with Ms. Coleman to confer on the MOU, it was requested that instead of firefighters only being eligible for their overtime once every four weeks, that they be eligible every two weeks. This was something they requested and helped them.

MOTION: Councilmember Davis moved to approve the updates to the Job Descriptions for the Fire Department and Police Department.

SECOND: Councilmember Sowid

#### ROLL CALL VOTE

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

NAYS: Councilmember Giacomino

MOTION PASSED: AYES- 6 NAYS- 1

18. Discussion and Possible Approval of the Notice of Intent to adopt Ordinance O-22-06; Accepting the transfer of real property from Southeast Arizona Renovations LLC, located at 105 E Street, Bisbee.  
Stephen Pauken, City Manager

Mr. Pauken explained this property was purchased by Southeast Arizona Renovations who has bought several properties and donated them to the City. This home should be finished within three or four weeks and will go into the inventory of the City's workforce housing program.

MOTION: Councilmember Davis moved to approve the Notice of Intent to adopt Ordinance O-22-06; Accepting the transfer of real property from Southeast Arizona Renovations LLC, located at 105 E Street, Bisbee.

SECOND: Councilmember Sowid

#### ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

19. Discussion and Possible Approval of Ordinance O-22-05; Authorizing the Sale and Transfer of City Property Located Adjacent to Ok Street Pursuant to the Request of Jennifer and Wilton Deets.  
Doug Taylor, City Planner

Mr. Taylor explained the applicants were applying for 1,285 square feet of City property. This property had a shed on it, and the property turned out to be City owned property. This portion of land has historically been used by the property owners. He said that this went before the Planning and Zoning commission and was approved.

Mayor and Council discussed the process of how the parcels are valued.

MOTION: Councilmember Davis moved to approve Ordinance O-22-05; Authorizing the Sale and Transfer of City Property located adjacent to Ok Street pursuant to the request of Jennifer and Wilton Deets.

SECOND: Councilmember Johns



ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

20. Discussion and Possible Approval Resolution R-22-07; a Resolution of the Mayor and Council supporting No Mow May.

Joni Giacomino, Councilmember Ward II

Councilmember Giacomino explained No Mow May and read the Resolution into record. She encouraged the City of Bisbee, and its residents participate. This was not a proposal to allow everything to go crazy with Bermuda grass. She said this was to encourage native plants and flowers for pollinators.

Councilmember Davis echoed Councilmember Giacomino.

MOTION: Councilmember Giacomino moved to approve Resolution R-22-07; a Resolution of the Mayor and Council supporting No Mow May.

SECOND: Councilmember Cline

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 7 NAYS-0

21. City Manager's Report:

- Other Current events (No Discussion)- Mr. Pauken gave an update on the use of ARPA funds. He explained everything that was being requested to be spent would come before Council for approval.

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.):

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:07 PM

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Ken Budge, Mayor