



EXTRAORDINARY SKIES.
UNCOMMON GROUND.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 9th day of September, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of September 2021

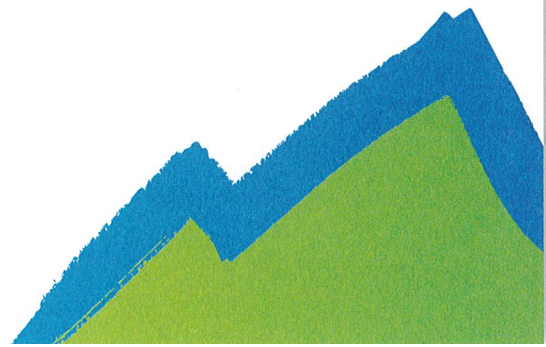
SEAL

A handwritten signature in blue ink, appearing to read "Maria G. Marsh", written over a horizontal line.

Maria G. Marsh
Deputy City Clerk

A handwritten signature in black ink, appearing to read "Jill Adams, Deputy", written over a horizontal line.

Jill Adams
City Clerk



Sierra Vista City Council
Meeting Minutes
September 9, 2021

Mayor Mueller called the September 9, 2021, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Mark Rodriguez - present
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistance City Manager
Chris Hiser, Commander, Police Department
Brian Jones, Fire Chief
Laura Kilberg, Parks, Recreation and Special Events Manager
Matt McLachlan, Community Development Director
Sharon Flissar, Public Works Director
David Felix, Chief Finance Officer
Judy Hector, Communications and Marketing Manager
Mike Cline, SEACOM Director
Jill Adams, City Clerk

Invocation – Pastor Greg Rowles, God is Good Church, led everyone present in prayer.

Pledge of Allegiance – Council Member Landry led the Pledge of Allegiance.

Item 1 Acceptance of the Agenda

Council Member Rodriguez moved that the agenda for the Regular City Council Meeting of September 9, 2021 be approved. Mayor Pro Tem Gray seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

City Manager's Report: Mr. Potucek announced that next regularly scheduled work session is on Tuesday, September 21, 2021, at 3:00 p.m. in the Council Chambers, and besides the normal business and update work session, there will be discussion on economic development as well. He reported that the fire ladder truck was awarded to Hughes Fire Equipment. The aerial truck will cost just under \$1.1 million considering that the budget is \$1.1 million dollars, which is a good thing. However, it will take 10 months to come in. The EMS substation on the east side of town and Seventh Street, next to Thompkins Park, has been awarded in the amount of \$2.956 million. The contracts are signed, and construction is estimated to start next week. He further reported that he attended the Rate Review Advisory Board, which is the solid Waste Advisory Board of city managers in the county that he chairs. Financially the system is doing

well and tipping fee increases will not be recommended this fiscal year. He also reported on the Secom Joint Powers Authority Board meeting, where the board determined to move ahead with a review and changes to the intergovernmental agreement and by-laws that Miss Yarbrough will be leading that effort, and any changes will have to come to the Council for approval. He further reported that he has signed the Memorandum of Understanding to begin the Better Bucks Program with the Better Bucks group. The city budgeted \$10,000 to help kick that off and this will be moving quickly. Lastly, he reported that both the Kings Court and the Roadrunner Park property with the School District have closed and are now property of the city.

Mayor Mueller noted that Kings Court was not part of the School District.

In response to Mayor Pro Tem Gray, Mr. Potucek stated that the city no longer owns King's Court, and the city has acquired Roadrunner Park.

In response to Mayor Mueller, Mr. Potucek stated that it is \$2.9 for the fire station.

Mayor Mueller stated that there was discussion earlier that this will probably be the high end. Mr. Potucek stated that this is the guaranteed maximum price, and the city has a \$1.4 million dollar grant through the Defense Department to assist.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of August 12, 2021

[Item 2.2](#) Discussion and Possible Action of Resolution 2021-058, Designating the City of Sierra Vista as the official Destination Marketing Organization (DMO) for the City of Sierra Vista

Council Member Johnson moved that the Consent Agenda consisting of the Regular City Council Meeting Minutes of August 12, 2021, and Resolution 2021-058, designating the City of Sierra Vista as the official Destination Marketing Organization for the City of Sierra Vista, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

Public Hearing

[Item 3](#) Discussion and Possible Action of Resolution 2021-059, application for a Location/Owner Transfer, Limited-Liability Company, Series 7 Liquor License for Cary Leroy Brown on behalf of BASH Enterprises LLC dba Urban Axe Yard

Council Member Umphrey moved that Resolution 2021-059, an application for a location/owner transfer, limited-liability company, Series 7 Liquor License for Cary Leroy Brown on behalf of BASH Enterprises LLC dba Urban Axe Yard, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Adams stated that the application is for the transfer of a series seven, which is a beer and wine bar liquor license to 3758 East Fry for the Urban Axe Yard. The notice of this public hearing per Statutes was posted on the facility. Staff had originally posted the public hearing for the Council's second meeting in August, but due to that cancellation staff reposted the notice. No comments from the public, pro or con have been received as far as this liquor license being approved or not. The Police Department has done their background check which is required and has no objection to this moving forward. Lastly, she stated that Mr. Brown could not be present,

but his partner Mr. Vishant is available to answer questions about this unique opportunity that is coming to Sierra Vista. If approved by Council, the application will be returned to the state tomorrow for final action.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

[Item 4](#) Discussion and Possible Action of Resolution 2021-060, Declaration of Intent for the Increase of Sewer Connection Fees, and declaring a 30-day public record

Mayor Pro Tem Gray moved that Resolution 2021-060, declaration of intent for the increase of sewer connection fees, and declaring a 30-day public record, be approved. Council Member Umphrey seconded the motion. The motion failed.

Mr. Felix noted that the public record was approved during the last council meeting. This is supposed to be the approval of the rate increase.

Mayor Pro Tem Gray moved that Resolution 2021-060, declaration of intent for the increase of sewer connection fees be approved. Council Member Umphrey seconded the motion.

Mr. Felix stated that to help clarify what was going back on June 17th time frame, Council approved a resolution to declare a sixty-day public record for the proposed sewer connection fee increases. These are only to the sewer connection fees and no other fees. The city established sewer connection fees a long time ago and have been upgraded over time. In 2009, the city made a fundamental change to the idea of the sewer system. Prior to 2009, the connection fee was only for the sewer plant and various developers had to construct interceptors, and the city had to track those connections and then refund the developer as people connected to it. In 2009, there is a fundamental shift at the plant, and all the interceptors were the system, and people were buying into the system. The city was paying the developers back over time as the sewer fund could afford to do that. Arizona State statutes under Section 9.500 of the Code is very specific on the steps that a municipality must take to increase sewer wastewater and water fees. The city has done the first one, which is to declare a public record of sixty days. There is on record with the city clerk cash flow analysis to show the effect of this increase on there. The reason for the increase is that there has been no adjustment to these connection fees since two thousand nine, and as we all know from the EMS substation, construction costs over the past twelve years have gone up substantially.

The proposed rate increase takes what should be in effect now and where they should be at now but phases it in over a three-year period with about a twenty percent per year increase to get the city where it should be. These increases are based off the Arizona Construction Cost Index from 2009 to 2021. Council's action will approve the increases, and go into effect on November 1, 2021 because that will be more than thirty days for the resolution to take effect and it is a nice clean break on a month for the first of the month to make it easy on staff and developers to figure out when to get their plans in.

Mayor Mueller stated that it is a cost to anybody hooking up, a new person or building and not an additional cost for those who are already in the system. Mr. Felix stated that no current homeowner would pay this. It is only to new home construction or new commercial and any other person connecting to our system.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

New Business

Item 5 Discussion and Possible Action of Resolution 2021-061, Official Intent to be Reimbursed for Certain Capital Expenditures

Council Member Benning moved that Resolution 2021-061, official intent to be reimbursed for certain capital expenditures, be approved. Council Member Landry seconded the motion.

Mr. Felix stated this is one of the steps and kind of in the budget process. During the budget process, the city plans on financing certain items, but to save the city money and to give flexibility, the city does not do the financing until the end of the year, the May/June time frame. The IRS requires that if a municipality finances something more than thirty days after it is purchased, that prior to the purchase the municipality pass this type of resolution that shows intent to reimburse. He explained that the city can finance, if the rates are like the way they were last June, and at 1.3 percent the city wants to finance it because that is a great rate to get and keep the money in the bank and invested otherwise. Last year the city only financed two refuse trucks and did not finance anything else, which is also why the city does not do the financing at the beginning of the year because then the city would be paying interest on something that the city has not yet received like in the case of the refuse trucks where the city would have been paying interest on it for more than a year, and the interest rate will be more.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

Item 6 Discussion and Possible Action of Resolution 2021-062, Authorization for the City Manager to execute a Memorandum of Understanding with Bureau of Land Management, Fort Huachuca, and Cochise County concerning water and ecological conservation

Council Member Landry moved that Resolution 2021-062, authorization for the city manager to execute a Memorandum of Understanding with the Bureau of Land Management, Fort Huachuca, and Cochise County concerning water and ecological conservation, be approved. Council Member Umphrey seconded the motion.

Mr. Potucek stated that this resolution authorizes him to enter a Memorandum of Understanding on Council's behalf with three other partners, the Bureau of Land Management, Fort Huachuca, and Cochise County for the purposes of supporting the Bureau of Land Management's Resource Management Plan that was approved in 2019. Discussions and negotiations regarding this agreement, rather groundbreaking, have taken place over the past years, meeting on a regular basis with the various parties. Basically, there are there two primary components to this agreement, one is a way to define or recognize and evaluate the condition of the river over fourteen reaches, and to determine whether any of those fourteen reaches are in some measure of distress. If that is determined to be the case, then a meeting of the four entities to get together to discuss possible mitigation solutions or projects that may attempt to rectify the situation on those reaches would then occur. This agreement does not commit the city to any funds or anything like that, but mainly commits the city to working together cooperatively with the other partners in this agreement to find meaningful solutions for the river. He further stated that he thinks that this gives the city a lot of leverage or at least the seat at the table in the event of future discussions as the city is still waiting for the Gila River adjudication to occur, which

could result in potential litigation or other mandates from the federal government, and hopefully this can stave off, or some of those off; although this is not a settlement agreement with the BLM regarding the adjudication. This helps to move forward and gives recognition to the parties that is also the city, besides supporting the efforts on the river, this also supports the local economy and the city's ability to develop in the future in an orderly fashion, the main thing for the city and recognizes and supports the viability of Fort Huachuca in the future as well. In closing, he stated that Ms. Ransom, city's water, and environmental attorney, is present to answer any potential legal questions as well as Mr. Fitzgerald representing Fort Huachuca.

Mayor Mueller stated that because this was a legal issue, Council met in executive session to go through a lot of the details. He thanked Ms. Ransom and Mr. Potucek for their work over several years in trying to get this done. He emphasized that this does not commit the city to do anything really, but talk, discuss and try to come up with future solutions if they are practical, and should the city engage in some of those actions, the issue would come back for Council for either financial approval or other things because it is not a blank check for anybody and the city needs to continue to monitor the issues along the river and this is a way for the city to be involved with the other three major agencies.

Council Member Umphrey stated that her questions were answered on Tuesday, September 7, 2021, and thanked Ms. Ransom and Mr. Potucek. She stated that the Memorandum of Understanding provides a plan that includes mutual goals acknowledging more opportunities, the continued economic growth needed and mentioning the missions on Fort Huachuca and having to secure that by making sure that they follow the Endangered Species Act.

Mayor Mueller noted that Council Member Umphrey hit on one of the most important components, in that the federal government recognized that there is an economic benefit to ensuring Sierra Vista, Fort Huachuca, and that the County are still economically viable – the first time that he has seen that in a document from the Interior Department agency.

Council Member Benning reiterated the same concept, the economic viability of Sierra Vista and everyone seeing that and working together. He thanked Ms. Ransom for making the road clear on Tuesday, September 7, 2021, and Fort Huachuca for its support.

Mayor Pro Tem Gray echoed prior comments, thanked everyone, voiced her pleasure at seeing this agreement, and stated that this is the first step in being able to solve any issues, coming up with solutions through a mutual agreement to be able to sit at the table and talk to each other in a civilized manner. She thanked Ms. Ransom for explaining issues and not just walking it through step by step, and Mr. Potucek for everything that he has done as well as Fort Huachuca.

Mayor Mueller stated that it is important to have discussions in a no litigious environment to avoid any litigation, additional costs, and potential damage to the area.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Rodriguez, and Umphrey voting in favor.

Call to the Public

Ms. Wilcox introduced to Council and basically members of Sierra Vista to a concept that the members of the quilt Guild think will help raise visibility in the West End and increased tourism.

She added that the Quilt Guild has been in existence since 1978 and they produce quilts for anybody that needs them. They are a nonprofit organization and provide quilts to the oncology centers, dialysis, foster care, WIC Program, and just about every organization in Cochise County to include people who have been burned out with a fire. She further stated that as the Quilt Guild watched the West End being discussed and what's going to go on, they thought about the concept of barn quilts. They started out on barns in the early 2000 with a woman that wanted to honor her mother with a particular quilt block design. Sierra Vista does not have too many barns around, so they are adapting a quilt block that can be made from a variety of materials and sizes. They hope to encourage the businesses and vacant walls to mount one of the quilts. A quilt trail can be a tremendous asset in Cochise County, and they plan starting small on the West End, and they will be meeting with business owners to promote this.

Comments and Requests of Council

Council Member Landry stated that there are a lot of things going on during the weekend. The animal shelter is hosting a rummage sale on Saturday, September 11, 2021 from noon until 4:00 p.m. with all proceeds going to the Friends of the Animal Shelter to help cover the costs for spay and neuter clinics in Sierra Vista and the surrounding area. She encouraged the public to stop by, check it out, and noted that monetary donations are always welcomed as well as food.

Council Member Rodriguez announced the JV Buena Football game, first home game in over a year, taking place in the evening and encouraged support for the student athletes that are out there i.e., golf, swim, girls' volleyball, freshman football. He added that he is currently teaching on Fort Huachuca and that his class has a project at the animal shelter at 08:00 a.m. and noted that there will be questions and a lot of action at the animal shelter over the weekend. Lastly, he thanked Sierra Vista Fire Medical Services for their response to an interesting call involving a bear, which was in a tree near his house. He also announced the annual 9-11 ceremony at Fire Station III at 6:00 p.m., and asked people to pay respects somehow to all the souls lost on that day.

Council Member Johnson gave a shout out and congratulations to Doctor Rottweiler for being named a 2021 leader of the year by the Arizona Capitol Times as the President of Cochise College and past chairman of the Arizona Community College Coordinating Council. The award recognizes, "men, women and organizations that have contributed greatly to the growth of the state." "These are the people, and groups that hunkered down each day to find ways to improve the quality of life of Arizona citizens." He added that there will be an award recognition on September 28, 2021 and a special edition profiling Doctor Rottweiler in the Arizona Capitol Times. He announced that on Friday, September 10, 2021, the Huachuca Area Republican Women are holding a fundraising event, an art gallery, for their Caring for American Program. The Program donates monies to local charities and in the past, they donated every year to the Boys and Girls Club, Forgach House, Sierra Vista Fire and EMS Toy Drive, Saint Vincent DePaul, USO Warrior Healing Center, Nancy Brua Animal shelter, the Salvation Army, the First Assembly of God Food Bank, and Relay for life. The event will be held at the Tandem Restaurant from 5:00 p.m. until 7:00 p.m. and tickets are \$10, which may be purchased at the door. He added that at the event there will be art for sale as well as a silent auction of art for sale as well as a cash bar, hosted with hors'dourves and entertainment. Lastly, he announced the 911 Freedom Fest sponsored by the Warrior Healing Center and Keepers of Liberty on Saturday, September 11, 2021 from 10:00 a.m. until 10:00 p.m. The main entertainment will be Don McLean, Gatlin Brothers, Keith Anderson, and Trey Taylor. Tickets are \$40 and they may be purchased on [eventbrite.com](https://www.eventbrite.com) or at [cochisefreedomfest.com](https://www.cochisefreedomfest.com).

Council Member Umphrey stated that she will be at the Freedom Fest and the tribute ceremony at Fire Station III. She added that she is looking forward to both and noted that twenty years ago, after that horrific day, everyone was unified and the Freedom Fest is about solidarity and paying tribute, which she thinks is wonderful that those groups are going to bring the community together. She also noted that the event is to honor the over 400 first responders and 3,000 people that were lost on that day. She thanked Janet Wilcox for coming out and stated that she is grateful for all the work that she has done as well as the Guild, and for thinking about the West End. She voiced her excitement at the new driveways getting poured over in the West End, and thanked Sierra Vista for supporting the West End. Lastly, she announced the Oktoberfest on September 17, and 18, 2021 at Veterans' Memorial Park, Men who Cook on September 18, 2021, at 5:00 p.m. at Columbian Hall sponsored by the Sierra Vista Symphony Orchestra. Tickets may be purchased through eventbrite.com.

Council Member Benning stated that on Friday, September 10, 2021 at the at the Tandem Restaurant from 5:00 p.m. until 7:00 p.m., not only can people go and support the art gallery, but they will have an opportunity to buy two priceless paintings that he has donated. He encouraged everyone to come out to the Freedom Fest, thanked Pastor Rowles for blessing everyone, and thanked Ms. Wilcox.

Mayor Pro Tem Gray thanked Ms. Wilcox and stated that she always enjoys seeing the quilts and noted that she has seen some of the donated quilts, which are appreciated. She further stated that Council Member Umphrey touched upon 9-11 and right after how the country just came together in solidarity and everyone was determined to work together to do what was needed, the anniversary of that horrible event coming up, she hopes that everyone can remember that feeling and try to get back to that civility that was experienced right after that event.

Mayor Mueller stated that the Fire Station III ceremony is on September 11, 2021 at 6:00 p.m., the Freedom Fest and the Oktoberfest are at Veterans' Memorial Park and noted that the Elks Club holds their Oktoberfest before the city does. He thanked Mr. Potucek and Ms. Ransom, city's water, and environmental attorney, and all the folks that were involved with the Memorandum of Understanding with the Bureau of Land Management, Fort Huachuca, and Cochise County concerning water and ecological conservation. In closing, he stated that this is a historic agreement for the city going forward. Lastly, he congratulated Dr. Rottweiler for representing well the community.

Adjournment

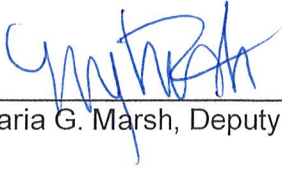
Mayor Mueller adjourned the September 9, 2021 meeting of the Sierra Vista City Council at 5:38 p.m.



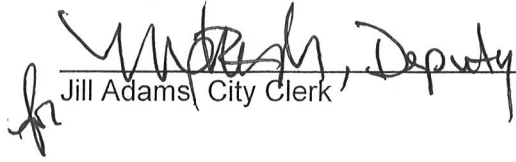
Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk