

REGULAR COUNCIL MEETING
7:00 P.M.
TUESDAY, JULY 11, 2017
SCHIEFFELIN HALL
(CORNER OF FREMONT AND FOURTH STREET)

- I. CALL TO ORDER** Mayor Dustin Escapule called the Regular Council Meeting to order on Tuesday, July 11, 2017.
- II. PLEDGE OF ALLEGIANCE** Mayor Dustin Escapule led the Common Council and the general public in a recitation Of the Pledge of Allegiance.
- III. ROLL CALL**
- | | |
|---------------------------------|---------|
| Councilmember Anna Salcido | Present |
| Councilmember Bill Barlow | Present |
| Councilmember Brian Davis | Present |
| Councilmember James Newbauer | Present |
| Mayor Dustin Escapule | Present |
| P. Randall Bays – City Attorney | Absent |

A QUORUM WAS DECLARED

IV. REGULAR COUNCIL MEETING

V. CALL TO PUBLIC

A.R.S. 38-431.01 authorizes (but does not mandate) the City Council to make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, and to allow individuals to address the public body on any issue within the jurisdiction of the public body. The time will be limited to three (3) minutes per speaker. Those wishing to address the public body shall limit his or her remarks to issues within the jurisdiction of the public body. However, this forum shall not be used for making personal attacks or discussing personal issues directed to any individual member of the City Council or any other City employee.

Mayor Escapule; “would anyone like to speak at Call to the Public.”

Penny Lescard; Ms. Lescard stated that she had nominated Dave Bruster of the Tombstone Volunteer Fire Department for the U.S. Congresswoman Martha McSally First Responder of Distinction Award. She further stated that at a Tucson ceremony 12 congressional of recognition Certificates were handed out to honor his self-commitment, service, leadership as a first responder in Arizona

2nd Congressional District and that David Bruster was one of the recipients of this award. Mr. Bruster also received a plaque from U.S. Representative Martha McSally's Arizona's Congressional First Responders of Distinction Award.

Deb Bachman; "1022 N Saddleback, 4th of July. I just wanted to thank our Fire Department for keeping Tombstone safe. I heard a lot of complaints because we didn't have the fireworks, we didn't have this, we didn't have that. I was in constant contact with Dave Bruster all night. This winds picked up the lighting picked up and our Fire Department and our Fire Marshal took it upon himself to say we can't do it. I am sorry for the City of Tombstone, we didn't get our fireworks but I am very proud of our Fire Department for not allowing us to have any fires in our neighborhoods. I just want to thank David Bruster and the Fire Department of Tombstone for keeping Tombstone safe."

V. APPROVAL OF MINUTES

DISCUSSION AND/OR ACTION: Approval of minutes for the Regular Council Meeting/Board of Adjustment and Appeals and Budget Work Session for Tuesday, June 13, 2017 and the Special Council for Tuesday, June 27, 2017.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Davis, to Approve the minutes for the Regular Council Meeting/Board of Adjustment and Appeals and Budget Work Session for Tuesday, June 13, 2017 and the Special Council for Tuesday, June 27, 2017

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

VI. NEW BUSINESS

A. DISCUSSION AND/OR ACTION: Approval of Accounts Payable in the amount of \$ 297,104.39 (June 1, 2017 through June 30, 2017).

MOTION by Councilmember Davis, **SECOND** by Newbauer to approve Accounts Payable in the amount of \$ 297,104.39 (June 1, 2017 through June 30, 2017).

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

B. DISCUSSION AND/OR ACTION: Approval of Resolution 11-2017, a resolution of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, for the adoption of the tentative budget of the City of Tombstone for the 2017-2017 fiscal year, adopting the estimated amounts required to meet the

public expenses for the fiscal year 2017-2018, authorizing and directing publication of statements and schedules of the tentative budget.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Newbauer to approve Resolution 11-2017, a resolution of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, for the adoption of the tentative budget of the City of Tombstone for the 2017-2017 fiscal year, adopting the estimated amounts required to meet the public expenses for the fiscal year 2017-2018, authorizing and directing publication of statements and schedules of the tentative budget.

DISCUSSION: None

Roll Call Vote:

Councilmember Salcido	Yes
Councilmember Barlow	Yes
Councilmember Davis	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

5 Yes Votes, 0 No Votes

VOTE: 5/0

MOTION: Carried

C. DISCUSSION AND/OR ACTION: Approval of request from the Tombstone Volunteer Fire Department to formally adopt a Wildland Fire Service Policy.

MOTION by Councilmember Davis, **SECOND** by Councilmember Newbauer to approve request from the Tombstone Volunteer Fire Department to formally adopt a Wildland Fire Service Policy.

DISCUSSION: Councilmember Barlow; "Since they didn't put much information in our file to look at. I wore out three pair of glasses reading that. I read that whole thing and I read your letter also. Reading the fire deployment will help gain momentum to accomplish the goals of enhancing this service of the Tombstone Volunteer Fire Department that they can provide. I am a little bit confused. I know that is a volunteer thing so you are going to ask for volunteers. Do they go to wildland fire training put on by the State at their expense and this last a day or two then they are qualified and then if there is a demand for fire personnel their qualified to go out with some other group to respond?"

Fire Chief Bruster; "the way it works is; the State sponsors the training for free. That's in the IGA that we have with the State Forest Department. When they need or have a call for apparatus and personnel to go fires and say; a good example is Payson or Prescott, they will contact Cochise County Wildland Fire (inaudible) which we are part of and they will say okay we need to know who is available and ready to go and once we have those persons trained and in place we can answer that call just like the rest of them and be paid to do it. Right now

when they call I have to say no. We don't have the personnel that is trained, we don't have the personnel to leave town and we don't have enough equipment to go. Right now they only thing we can send is the tender and that requires one person top (inaudible) and so far this year we have sent it out and once this policy is able to be adopted I will be able to bill for the twenty thousand dollars that the truck brings us in."

Councilmember Barlow; "if they volunteer to participate in wild land fire and they get injured they are covered under the City's Workers Comp and the City is paying for it medical and there is no loss of wages except whatever they would have lost in a wild land fire."

Chief Bruster; "Correct. It's reimbursed by the State."

Councilmember Barlow; "The actual cost is?"

Chief Bruster; "Yes. Now if there is a claim that is something that is still heavily debated and still in the court system."

Interim City Clerk Ikirt; "Yes if there is a claim we do not get reimbursed for that. If we have somebody that got injured and I do the paperwork for Workmen's Comp we pay for that! We do not get reimbursed for that. That is why we need to make sure that when they do go; Workmens Comp. says that you need to make sure that they are certified Wild Land."

Councilmember Salcido; "Do you have enough firemen when you go to a wild land fire; do you have enough firemen to stay here to respond to emergencies here and yet go to a wild land?"

Chief Bruster; "At the moment?"

Councilmember Salcido; "Yes, at the moment!"

Chief Bruster; "at the moment I can sent one person."

Councilmember Salcido; "How many?"

Chief Bruster: "One person! The people that I want to look at to make up a wild land team aren't going to be the regular firefighter. It will be somebody that is looking for some seasonal work or it's the same model that the U.S. Forest Service uses. They look for college students and younger people. They train them and they have they ready for the fire season."

Councilmember Salcido; "I was with wild land for many; many years. You have to have so many here to respond and just send so many. Do you have at least four to stay here while the others go?"

Chief Bruster; "I would never send anybody if we didn't have more."

Councilmember Salcido; "Okay."

Councilmember Newbauer; “Ms. Salcido asked the one I pretty much would have asked myself. Thank you!”

Mayor Escapule; “The Chief and I have had numerous discussions about this, about taking firemen out of the area when we may or may not have enough here. I think on a day to day bases we stay on top of it and I don’t think the Chief would want to any business or building or house in Tombstone nor would any of us so we have to stay on top of it on a day to day bases. It’s whether or not we would be willing to send any vehicles or any manpower out to a wild land fire. I understand what the chief is saying and if he can get additional personnel that would do nothing but wild land fires, be trained for wild land fires we would supply them with the vehicles which in a sense would become an enterprise for the Tombstone Volunteer Fire Department in the City of Tombstone. For years we did that with Jesse Grassman and Jesse would bring in somewhere around a hundred thousand dollars a year if you remember back fighting wild land fires. That is the reason why we ended up buying that Tender. It’s not a bad deal it’s just that it needs to be done in a way that we don’t jeopardize the citizens of Tombstone and that is the most important!”

Roll Call Vote:

Councilmember Salcido	Yes
Councilmember Barlow	Yes
Councilmember Davis	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

5 Yes Votes, 0 No Votes

VOTE: 5/0

MOTION: Carried

- D. DISCUSSION AND/OR ACTION:** Approval of request from the Tombstone Volunteer Fire Department for a special use permit for the use of the City Park on Tuesday, October 31, 2017 from 12:00 Noon to 12:00 midnight for the annual Halloween festival. A second request for the parking of two or more fire trucks on the Southern side of Allen Street in front of the vacant retail store.

MOTION by Councilmember Davis, **SECOND** by Councilmember Barlow to approve request from the Tombstone Volunteer Fire Department for a special use permit for the use of the City Park on Tuesday, October 31, 2017 from 12:00 Noon to 12:00 midnight for the annual Halloween festival. A second request for the parking of two or more fire trucks on the Southern side of Allen Street in front of the vacant retail store.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- E. DISCUSSION AND/OR ACTION:** Approval of a request from Steve Goldstein for a fire lane to be placed at 464 S. Toughnut Street. Fire lane will provide access to the Goodenough Apartments, the rear of Big Nose Kates Saloon and Margarita Restaurant.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Salcido to approve request from Steve Goldstein for a fire lane to be placed at 464 S. Toughnut Street. Fire lane will provide access to the Goodenough Apartments, the rear of Big Nose Kates Saloon and Margarita Restaurant.

DISCUSSION: Councilmember Davis; "Isn't there one there already?"

Mayor Escapule; "There's a fire lane there that comes back about twenty feet; right on the corner. What he's proposing is to come from the corner where this one starts; the existing one, all the way up past the rock wall to the center of the gates."

Councilmember Davis; "it would cut off all parking?"

Mayor Escapule; "It would cut off all parking along the rock wall."

Councilmember Davis; "On Toughnut?"

Councilmember Salcido; "They want access to those apartments because those apartments go way back."

Mayor Escapule; "The rock wall is on the North side of Toughnut Street and we're talking about immediately West of 5th Street, going West to I guess about one hundred and fifty feet to where the gates go into the apartments."

Councilmember Davis; "(inaudible)"

Mayor Escapule; "you know I think what we probably should do with this is I am going to ask for a motion to table it and that would give the Fire chief and the Marshal and Public Works an opportunity to review this and we'll evaluate the parking on the other side of the street so I will ask for a motion to table it."

MOTION by Councilmember Davis, **SECOND** by Councilmember Barlow to table request from Steve Goldstein for a fire lane to be placed at 464 S. Toughnut Street to allow the Fire Chief, Marshal, Public Works an opportunity to review

VOTE: 5/0

MOTION TO TABLE: Carried

- F. DISCUSSION AND/OR ACTION:** Approval of a request from Gloria Goldstein for a special use permit for the use of 5th Street between Toughnut Street and Fremont Street on Saturday, August 5, 2017 from 8:00 a.m. to 3:00 p.m for the parking of motorcycles.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Davis to approve request from Gloria Goldstein for a special use permit for the use of 5th Street between Toughnut Street and Fremont Street on Saturday, August 5, 2017 from 8:00 a.m. to 3:00 p.m. for the parking of motorcycles.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

VII. ADJOURNMENT

Mayor Escapule entertains a motion for adjournment.

MOTION by Councilmember Davis, **SECOND** by Councilmember Barlow to approve the motion to adjourn the meeting for Tuesday, June 13th, 2017.

The Regular Council Meeting for Tuesday, July 11th, 2017 thereby adjourned at 7:20 p.m.

Dustin Escapule, Mayor

Brenda A. Ikirt, Interim City Clerk