

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, JANUARY 28, 2020**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, January 28, 2020 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Thomas E. Borer, Chairman; Ann English, Vice-Chairman; Peggy Judd, Supervisor

Staff Edward T. Gilligan, County Administrator; Sharon Gilman, Associate County

Present: Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney; Amanda Baillie, Public Information Officer; Melissa Tucker, Administrative Assistant

Chairman Borer called the meeting to order at 10:06 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

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***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 7, 2020.
2. Approve appointment of Kim Lemons as Clerk of the Board of Supervisors effective January 27, 2020.
3. Approve an application for a Permanent Extension of Premises liquor license submitted by Ms. Barbara Lorraine Coons for Four Tails LLC located at 274 E. Pearce Road, Pearce, AZ 85625,
4. Adopt Resolution 20-01 authorizing the Cochise County Board of Supervisors to designate Emergency Voting Locations for the Presidential Preference Election set for Tuesday, March 17, 2020.

## **County Attorney**

5. Approve Intergovernmental Agreement for the County Attorney's Office to Provide Legal Services to Whetstone Water Improvement District Relating to a North American Development Bank (NADB) Grant.

## **Development Services**

6. Approve Agreement between Cochise County and the State of Arizona for a Grant of State funds to partially finance a project to reconstruct runway 17/35 lighting for the improvement of the Bisbee-Douglas International Airport, in the amount of \$23,004, effective October 28, 2019 through October 28, 2023.

## **Finance**

7. Approve demands and budget amendments for operating transfers.

## **Information Technology**

8. Approve renewal of Permit No. 23-118970-03 for the Texas Canyon Radio Tower Land Lease with the Arizona State Land Department, in the amount of \$2,400, effective August 18, 2018, through March 6, 2024.

Vice-Chairman English moved to approve items 1-8 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

## ***PUBLIC HEARINGS***

### **Board of Supervisors**

9. Approve a Series #10 (Beer & Wine Store) new Liquor License application submitted by Ms. Andrea Dahlman Lewkowitz, for Bowie Travel Center, located at 1275 Business Loop I-10 Exit 366, Bowie, AZ 85605.

Ms. Melissa Tucker, Administrative Assistant, presented this item. Ms. Tucker said the application had been reviewed and recommended for approval by the appropriate departments; property taxes for parcel were current; there were no formal protests, and the applicant paid the \$100 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing.

No one chose to speak and Chairman Borer closed the public hearing.

Supervisor Judd moved to approve a Series #10 (Beer & Wine Store) new Liquor License application submitted by Ms. Andrea Dahlman Lewkowitz, for Bowie Travel Center, located at 1275 Business Loop I-10 Exit 366, Bowie, AZ 85605. Vice-Chairman English seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

10. Approve a Owner Transfer Liquor License application for a Series #6 (Bar) license submitted by Ms. Andrea Dahlman Lewkowitz for 9 Acre Travel Complex, located at 2500 W. Business I-10, San Simon, AZ 85632.

Ms. Melissa Tucker, Administrative Assistant, presented this item. Ms. Tucker said the application had been reviewed and recommended for approval by the appropriate departments; property taxes for parcel were current; there were no formal protests, and the applicant paid the \$100 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing.

No one chose to speak and Chairman Borer closed the public hearing.

Vice-Chairman English moved to approve a Owner Transfer Liquor License application for a Series #6 (Bar) license submitted by Ms. Andrea Dahlman Lewkowitz for 9 Acre Travel Complex, located at 2500 W. Business I-10, San Simon, AZ 85632. Supervisor Judd seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

11. Approve a Series #10 (Beer & Wine Store) new Liquor License application submitted by Ms. Andrea Dahlman Lewkowitz, for 9 Acre Travel Complex, located at 2500 W. Business I-10, San Simon, AZ 85632.

Ms. Melissa Tucker, Administrative Assistant, presented this item. Ms. Tucker said the application had been reviewed and recommended for approval by the appropriate departments; property taxes for parcel were current; there were no formal protests, and the applicant paid the \$100 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing.

No one chose to speak and Chairman Borer closed the public hearing.

Supervisor Judd moved to approve a Series #10 (Beer & Wine Store) new Liquor License application submitted by Ms. Andrea Dahlman Lewkowitz, for 9 Acre Travel Complex, located at 2500 W. Business I-10, San Simon, AZ 85632. Vice-Chairman English seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

## **Development Services**

12. Adopt Zoning Ordinance 20-02 amending Article 17 (Administration) of the Cochise County Zoning Regulations.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. He gave the background and explained the purpose of the request. Mr. Coxworth explained that it is a minor amendment to article 17 of the Cochise County Zoning Regulations. Currently wood, concrete wall, or wire fences up to 7 feet tall are exempt from County Zoning Regulations unless they are located in a corner lot and if so, they require an informational permit. He stated that expanding this requirement is to include:

1. Areas located on a corner lot and greater than 3 feet in height;
2. Areas located within a designated FEMA Flood Hazard Area;
3. Areas located within a designated wash.

Lastly, he stated this will provide the Engineering and Natural Resources Department an opportunity to review the informational permit and mitigate any potential drainage issues.

Chairman Borer opened the Public Hearing.

No one chose to speak and Chairman Borer closed the Public Hearing.

Vice-Chairman English moved to adopt Zoning Ordinance 20-02 amending Article 17 (Administration) of the Cochise County Zoning Regulations. Supervisor Judd seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

## **ACTION**

### **County Attorney**

13. Adopt Ordinance 050-20, Establishing Regulations and Licenses to Video Services Providers; Application and Affidavit for Uniform Services License; and Uniform Video Services Agreement, pursuant to Title 11, Chapter 14, of the Arizona Revised Statutes, §§ 11-1901, et seq.

Mr. Britt Hanson, Chief Civil Deputy County Attorney presented this item. Mr. Hanson noticed that the item was listed as an Action item and stated it is supposed to be a Public Hearing item.

Vice-Chairman English requested that the Board not act on this item today until it is properly noticed and requested that it be tabled.

This item was tabled until February 25, 2020 to meet the statutory public hearing posting requirements.

Vice-Chairman English made a motion to table item 13 to adopt Ordinance 050-20, Establishing Regulations and Licenses to Video Services Providers; Application and Affidavit for Uniform Services License; and Uniform Video Services Agreement, pursuant to Title 11, Chapter 14, of the Arizona Revised Statutes, §§ 11-1901, et seq. Supervisor Judd seconded the motion.

Chairman Borer called for the vote to table the item and it was approved 3-0.

### **County Treasurer**

14. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on exempt property and the removal of property tax liens on Treasurer's Certificate of Clearance No. 2020-001.

Ms. Cathy Traywick, Treasurer, presented this item. Ms. Traywick stated it was determined that the property was exempt and not subject to the 2008 taxes, and requested the abatement of the 2008 property taxes on the Treasurer's Certificate of Clearance No. 2020- 001 and authority to delete the taxes from the collection list.

Vice-Chairman English moved to approve the recommendation of the County Treasurer for

the abatement of property taxes and interest on exempt property and the removal of property tax liens on Treasurer's Certificate of Clearance No. 2020-001. Supervisor Judd seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

## **Engineering & Natural Resources**

15. Approve a change order in the contract with KE&G Construction, Inc. for Robbs Road Improvements, in the amount of \$140,490, effective January 28, 2020.

Ms. Jackie Watkins, Director of Engineering and Natural Resources presented this item. Ms. Watkins stated this is the change order for Robbs Road for \$140,490 to complete seeding. Seeding was in the original contract. Public Works was originally going to work on the seeding but because of staff changes and limits of their equipment, this was added to the contract. The original cost of seeding was \$45,500 per acre, but after negotiating with KE&G with adjustments to the specifications, KE&G will complete all seeding for \$34,500 per acre, a reduction of \$11,000.

Ms. Watkins stated that after construction began, there was a conflict with a Southwest Gas line that resulted in the adjustment to the grade at the east end of the project which affected the access to four of the properties on the North side of the road. In order to provide the same access these property owners had prior to the Robbs Road improvements, it requires the installation of culverts and asphalt to the four driveways across the improved drainage ditch along the North side of the road. The cost to install the culverts is \$71,850 and the cost for repairing and upgrading the driveways, after installing the culverts, is \$34,140. These changes were not part of the original contract.

Supervisor Judd moved to approve a change order in the contract with KE&G Construction, Inc. for Robbs Road Improvements, in the amount of \$140,490, effective January 28, 2020. Vice-Chairman English seconded the motion.

Chairman Borer called for the vote and it was approved 3-0.

## **STATE & FEDERAL LEGISLATION**

16. Discussion and possible action regarding state and federal legislative matters listed or described in the attached County Supervisors Association Legislative Policy Committee Agenda, the Arizona Association of Counties (AACo) Legislative Policy Committee Agenda, and the proposed State budget, and other matters related thereto.

Vice-Chairman English gave an update on legislative matters. The Board took no action.

## **CALL TO THE PUBLIC**

Chairman Borer opened the call to the public.

Mr. Chad Graves, Willcox resident, addressed the Board regarding a property he is interested in with back taxes, currently in bankruptcy.

Ms. Patricia Reynolds, Tombstone resident, addressed the Board regarding Opt-Out.

Ms. Jo Ann Gasper, Hereford resident, addressed the Board regarding concerns with residential waters wells.

Mr. Jack Cook, Bisbee resident, addressed the Board regarding matters of personal concern.

No one else chose to speak and Chairman Borer closed the call to the public.

*This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.*

**REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS**

Mr. Gilligan gave an overview of staff changes in the Board of Supervisors. I.T. and Facilities Departments, and their focus. He briefly discussed the move of County offices from the Old Bisbee high school in preparation of the sale of that building.

**SUMMARY OF CURRENT EVENTS**

**Report by District 1 Supervisor, Thomas E. Borer**

Chairman Borer said the Arizona Department of Transportation had agreed to put a pedestrian crossing at the corner of Highway 92 and Ramsey Road to make that intersection safer with completion by early spring.

**Report by District 2 Supervisor, Ann English**

Vice-Chairman English stated that the Legislature convened last week and as the representative for Cochise County she will keep the Board informed of legislative matters.

**Report by District 3 Supervisor, Peggy Judd**

Supervisor Judd deferred her report.

Chairman Borer adjourned the meeting at 10:46 a.m.

APPROVED:

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Thomas E. Borer, Chairman

ATTEST:

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Melissa Tucker, Administrative Assistant