

**REGULAR COUNCIL MEETING**  
**7:00 P.M.**  
**TUESDAY, SEPTEMBER 10, 2024**  
**SCHIEFFELIN HALL**  
**(CORNER OF FREMONT AND FOURTH STREET)**

- I. **CALL TO ORDER** Mayor Dustin Escapule called the Regular Council Meeting to order on Tuesday, September 10, 2024.
- 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 Colin Regan  | Present |
| Mayor Pro-Tem Bill Barlow  | Present |
| Councilmember Matt Faulk   | Present |
| Councilmember Jim Newbauer | Present |
| Mayor Dustin Escapule      | Present |
- Also, in attendance: Shelly Kazda, Interim Deputy City Clerk

IV. **CALL TO THE PUBLIC**

*Mayor Escapule calls for public participants.*

*Sue Sinsley:* Voices her concern regarding the articles in the newspapers about airplanes flying over and dropping chemtrails which will affect the wildlife, domestic animals, gardens, and breathing of the residents. Fears the chemtrails will block out the sky to where the clouds are no longer visible. Concerned that the noise of the fly overs will affect the tourism.

*Annie Reddock:* Is no longer a resident of Tombstone, but now living in Sierra Vista. She voices her concern on how the increase of people, training, flyovers at Fort Huachuca will affect Tombstone and Sierra Vista. Voices concern of Black Star Orbital wanting to build a missile base at Sierra Vista Municipal Airport and how that will affect the private pilots. Voices concern on how this will affect the ground water and access to the aqueduct especially after the issues from 10 years ago and the current drought. Afraid of contamination from aluminum and other chemicals that will be carried in the prevailing winds that have been a lot stronger in the past years. Fear of possible fires from the flares and jet engines, as they will be flying 100ft above the ground.

*Mayor Escapule:* Informs the public that the council is aware of the situation and that he is in contact with Fort Huachuca. It is the Army's attention not to cause harm to the City of Tombstone. Also, with the help of the City Attorney and an attorney in Phoenix, we are in adjudication with the government, mines, and Indian tribes regarding our rights to the Springs. It is his opinion that it will take an act of Congress to terminate our rights.

*Mayor closes Call of the Public.*

V. **FIRE CHIEF'S REPORT: Monthly Fire Chief Reports on June 1, 2024 to June 30, 2024.**

We assembled an interview panel to fill two vacant lieutenant positions. We had a panel of five interviewers, including the Marshal, Whetstone Fire Chief, the City Clerk, Charissa, as well as myself and our captain. I want to thank Charissa and the Marshal for taking the whole afternoon to do the interviews. We interviewed 6 candidates and I'm pleased to announce the promotions from firefighter to lieutenant for Brett Breacher and Casey Wright. They are going to start a long officer's career with our department.

Other events are:

- A brush fire that we assisted between Tombstone and St. David. We were on scene for a little bit over an hour on that.

- A microburst hit a Tombstone home, destroying the roof. We assisted the homeowner with the residents with tarping, till around three in the morning. We called Red Cross, and they helped with a few days of a hotel stay form the family. The residents also had family in the area that they stayed with.
- We had our first water carnival event, Battle of the Blaze, which took place the last Saturday of August. It was a success. We want to thank Becca and Charissa for their help in organizing the event. We wish that there was a bigger crowd, but for a first-year event, we were very happy, and are looking forward to next year.

We want to thank public works for putting in our air conditioning system. Instead of 94 degrees, it's in the 70s, which is a real nice work environment. They are also working on framing and sheet rocking our meeting room area which should be done next week. We are going to be doing the interior paint job ourselves.

Finally, Tombstone Marshals rescued a cat from a tree in August. We were called, but we were canceled by TMO while enroute. As long-standing members of the fire department, we respectfully ask the marshal's office to stay in their lane. The fire department has a longstanding mission of saving cats at it is a highly specialized skill with hours of training. We would hate to see a deputy be injured. "20 firefighters, double dog dared me to interject this humor."

*Mayor closes Fire Chief's report.*

## VI. APPROVAL OF MINUTES

- A. **DISCUSSION AND/OR ACTION:** Approval of minutes for Special Council Meeting for Tuesday, August 13, 2024.

**MOTION** by Councilmember Regan, **SECOND** by Councilmember Faulk to approve the minutes for Special Council Meeting for Tuesday, August 13, 2024.

**DISCUSSION:** None

**VOTE:** 5-Yes/0-No

**MOTION:** Carried

## VII. NEW BUSINESS

- A. **DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the \$238,692.66 (August 1, 2024 through August 31, 2024).

**MOTION** by Councilmember Newbauer, **SECOND** by Mayor Pro Tem Barlow to approve Accounts Payable in the amount of \$238,692.66 (August 1, 2024 through August 31, 2024).

**DISCUSSION:** None

**VOTE:** 5-Yes/0-No

**MOTION:** Carried

- B. **DISCUSSION AND/OR ACTION:** Approval of the Grant-In-Aid Agreement between the Tohono O'Odham Nation and the City of Tombstone, in the amount of \$95,740.00. Grant designated for renovations to the City Pool to ensure compliance with ADA (Americans with Disabilities Act).

**MOTION** by Councilmember Regan, **SECOND** by Councilmember Newbauer to approve the Grant-In-Aid Agreement between the Tohono O'Odham Nation and the City of Tombstone, in the amount of \$95,740.00. Grant designated for renovations to the City Pool to ensure compliance with ADA (Americans with Disabilities Act).

**DISCUSSION:**

*Mayor Escapule:* This is in conjunction with the \$200,000 grant from Walter Feguson Foundation.



**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Councilmember Regan    | Yes |
| Mayor Pro-Tem Barlow   | Yes |
| Councilmember Faulk    | Yes |
| Councilmember Newbauer | Yes |
| Mayor Escapule         | Yes |

**MOTION:** Carried

- C. DISCUSSION AND/OR ACTION:** Approval of the Arizona State Purchasing Cooperative Agreement in accordance with ARS §51-2631, allowing the City of Tombstone to use approved contractors by the State of Arizona.

**MOTION** by Mayor Pro Tem Barlow, **SECOND** by Councilmember Regan to approve the Arizona State Purchasing Cooperative Agreement in accordance with ARS §51-2631, allowing the City of Tombstone to use approved contractors by the State of Arizona.

**DISCUSSION:** None

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Councilmember Regan    | Yes |
| Mayor Pro-Tem Barlow   | Yes |
| Councilmember Faulk    | Yes |
| Councilmember Newbauer | Yes |
| Mayor Escapule         | Yes |

**MOTION:** Carried

- D. DISCUSSION AND/OR ACTION:** Approval to submit 20 retired city vehicles for public auction on PublicSurplus.com.

**MOTION** by Councilmember Newbauer, **SECOND** by Councilmember Faulk to approve submission of 20 retired city vehicles for public auction on PublicSurplus.com.

**DISCUSSION:**

*Councilmember Newbauer:* Can't believe there are Humvees on the list.

*Mayor Escapule:* The Humvees were lent them to us from the government. We can't sell them.

*Deputy Clerk Kazda:* Mayor, we are looking to see how we can dispose of them. If we get the okay, then we're going to go forward, otherwise, we'll hold them back.

*Mayor Escapule:* All right. The majority of these cars have been seized by the marshal's office, and sitting in the impound yard. Some are old vehicles used by Public Works before we had reliable vehicles. We've been on this auction since the first with all kinds of small items. When the vehicles go on, there will be pictures. Anybody can bid on PublicSurplus.com. The bid is placed and when the bid closes, the winner deals with Public Surplus, not the city. Public surplus pays all of the taxes and fees, then they give us the money. The buyer is responsible for picking up the vehicle or whatever item they purchased. If the buyer wants to pay for Public Works to load a vehicle or to prepare it for shipping, we will be happy to do so as long as we get compensated and the buyer pays for the freight.

**ROLL CALL VOTE:**

|                        |     |
|------------------------|-----|
| Councilmember Regan    | Yes |
| Mayor Pro-Tem Barlow   | Yes |
| Councilmember Faulk    | Yes |
| Councilmember Newbauer | Yes |
| Mayor Escapule         | Yes |

**MOTION:** Carried

- E. DISCUSSION AND/OR ACTION:** Approval to authorize the Tombstone Fire Department to seek quotes for leasing and/or loan opportunities for the purchase of a modular home to serve as sleeping quarters for department personnel. The modular home will be located on the fire department property.

**MOTION** by Councilmember Newbauer, **SECOND** by Councilmember Regan to authorize the Tombstone Fire Department to seek quotes for leasing and/or loan opportunities for the purchase of a modular home to serve as sleeping quarters for department personnel. The modular home will be located on the fire department property.

**DISCUSSION:**

Mayor Pro-Tem Barlow: I'd like to amend this to exclude modular home because we're only approving research housing for our fire department and we're restricting it to modular home. I think there should be other options that we need to explore. I hate to restrict this just to one type of housing.

**MOTION** by Mayor Pro Tem Barlow, **SECOND** by Councilmember Faulk to amend motion to: Tombstone Fire Department to seek quotes for leasing and/or loan opportunities for the purchase of housing to serve as sleeping quarters for department personnel. The housing will be located on the fire department property.

*Councilmember Faulk:* I was thinking the same thing. I was going to suggest is make sure or double check and see if there's any other city buildings more suitable, like the Food Bank Building. I don't know if there are any options, but should definitely look into it.

*Mayor Pro Tem Barlow:* We need the Food Bank more than we need housing for the fire department.

|                        |                        |     |
|------------------------|------------------------|-----|
| <b>ROLL CALL VOTE:</b> | Councilmember Regan    | Yes |
|                        | Mayor Pro-Tem Barlow   | Yes |
|                        | Councilmember Faulk    | Yes |
|                        | Councilmember Newbauer | Yes |
|                        | Mayor Escapule         | Yes |

**MOTION:** Carried

**DISCUSSION:**

*Mayor Escapule:* I want to point out that this doesn't say that we're giving the chief a blank check. He's going to bring this back to the council once we decide what route we're going to take. In my opinion since we have a full-time fire department, the housing that they're currently using is not adequate. There's too many people crammed in one spot. There's a number of reasons why we need to have more living facilities at the fire department. I never thought I'd be sitting up here saying, Tombstone has a full-time fire department; we have somebody there all the time, twenty-four seven.

*Mayor Pro Tem Barlow:* I just hope the people of Tombstone appreciate that, because that's very important.

*Mayor Escapule:* It's something that nobody thought we could ever do. I appreciate all the effort that was put into it by the chief and the financial part of the city, i.e. Shelly. We have looked at other options, but short of running the Food Bank out of that building, we have to find something that would fit the bill. Roll call vote on the amended motion.

|                        |                        |     |
|------------------------|------------------------|-----|
| <b>ROLL CALL VOTE:</b> | Councilmember Regan    | Yes |
|                        | Mayor Pro-Tem Barlow   | Yes |
|                        | Councilmember Faulk    | Yes |
|                        | Councilmember Newbauer | Yes |
|                        | Mayor Escapule         | Yes |

**MOTION:** Carried



F. **DISCUSSION AND/OR ACTION:** Approval of special use permit from Tombstone High School for Annual Homecoming Parade on Friday, October 4, 2024. Requesting the following:

- Allen Street between 6<sup>th</sup> and 3<sup>rd</sup> Streets from 1:45 pm to 2:15 pm.

**MOTION** by Mayor Pro Tem Barlow, **SECOND** by Councilmember Regan, to approve special use permit Tombstone High School for Annual Homecoming Parade on Friday, October 4, 2024 on Allen Street from 1:45 PM to 2:15 PM.

**DISCUSSION:** None

**VOTE:** 5-Yes/0-No

**MOTION:** Carried

G. **DISCUSSION AND/OR ACTION:** Approval of additional special use permit from American Legion for Bike Fest on Saturday, October 26, 2024. Requesting the following:

- Allen Street between 2<sup>nd</sup> and 3<sup>rd</sup> at the Wells Fargo Driveways from 4:30 PM to 8 PM for street clean up, bike games, and award ceremony.

**MOTION** by Councilmember Newbauer, **SECOND** by Mayor Pro Tem Barlow, to approve additional special use permit from American Legion for Bike Fest on Saturday, October 26, 2024.

**DISCUSSION:** None

**VOTE:** 5-Yes/0-No

**MOTION:** Carried

H. **DISCUSSION AND/OR ACTION:** Approval of Special Event Liquor License from Tombstone Forward, for the October Wine Festival on Saturday, October 5, 2024 from 11 AM to 6 PM and Sunday October 6, 2024 from 11 AM to 5 PM.

**MOTION** by Councilmember Regan, **SECOND** by Councilmember Newbauer, to approve Special Event Liquor License from Tombstone Forward, for the October Wine Festival on Saturday, October 5, 2024 from 11 AM to 6 PM and Sunday October 6, 2024 from 11 AM to 5 PM.

**DISCUSSION:** None

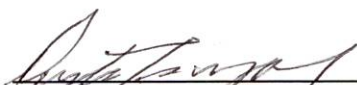
**ROLL CALL VOTE:**

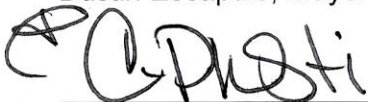
|                        |     |
|------------------------|-----|
| Councilmember Regan    | Yes |
| Mayor Pro-Tem Barlow   | Yes |
| Councilmember Faulk    | Yes |
| Councilmember Newbauer | Yes |
| Mayor Escapule         | Yes |

**MOTION:** Carried

### VIII. MOTION TO ADJOURN

**MOTION** by Councilmember Newbauer **SECOND** by Councilmember Regan, to adjourn the Regular Council Meeting for Tuesday, July 9, 2024.

  
Dustin Escapule, Mayor

  
Charissa Presti, Interim, City Clerk