

REGULAR COUNCIL MEETING
7:00 P.M.
TUESDAY, JANUARY 14,2025
SCHIEFFELIN HALL
(CORNER OF FREMONT AND FOURTH STREET)

- I. CALL TO ORDER** Mayor Dustin Escapule called the Regular Council Meeting to order on Tuesday, January 14, 2025.
- 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**
- | | |
|-----------------------------|---------|
| Mayor Pro-Tem Colin Regan | Present |
| Councilmember Goodspeed | Absent |
| Councilmember Jimmy Green | Present |
| Councilmember Lillian Hritz | Present |
| Mayor Dustin Escapule | Present |
- Also, in attendance: Charissa Presti, Interim City Clerk
Shelly Kazda, Interim Deputy City Clerk

IV. CALL TO THE PUBLIC

Mayor Escapule calls for public participants.

Melissa Avant: Hi, good evening, Mayor, members of the council, city staff and members of the public. I'm the regional director for First Things First here in Cochise County. I have had the privilege and honor of serving as a regional director since 2008. I'm here to let you know that in this upcoming legislation, there will be hopefully, some more legislation around early care and education in our county, and across the state. Once that legislation drops, it's a luxury tax on vaping and nicotine. We would love to ask for your support in that legislation. I will be sending an email to city staff and if you would like to sign the support for that legislation, I would greatly appreciate it.

Mary Royster: Good evening. I don't know if this is the time to bring this up because it's on new business. I live at 1393 North Saddleback Circle, and I just wanted to express my displeasure that this is being taken up about closing the cull de sac in Saddleback Circle. I only found out about this yesterday and I just don't think it's fair. If something that important is brought up at council, I think the people that are directly involved or directly affected by such a decision should be notified that this is being discussed. Two, I don't think the town should just give away land. Doesn't seem fair to me. When we bought that property, we had the full expectation that the three lots would be built on eventually, but not in the court. The lots are bordered by the court. I hope to take that into consideration when you bring it up.

Michael Royster: I live at 1393 Saddleback Circle. There has been a proposal that the court be closed next to our home and that the land be given to a development company because in their estimation it would make it easier for them to build houses on the lots that are existing. They now own three lots and all three lots are on the subdivision plan. All of them are equal size to the lots that we now own and adjacent to them. There isn't any reason that it couldn't be built on under the current bylaws and specifications. Being on a court, the houses would have to be situated in such a manner to meet all the building codes as far as setbacks and so on. This is certainly something that would accommodate on these lots. These lots actually now are larger than the existing lots on the adjacent houses. When we bought our lot and had our house erected, there was a building code that only manufactured homes could be built in there. Evidently this has been changed without notice to us, of course. And now there are stick built homes being built. These lots were designed originally for medium sized trailers and manufactured homes. They would not be able to take large single family dwellings. I don't think it's necessary. I don't think it's fair that this land, this court be closed and deeded over to a development company for the sole purpose of them

being able to enrich themselves and make more money. What does the town get out of it? What do the neighbors get out of it? Nothing. We simply allow the developer in this case, I've forgotten their name, to enhance properties. My wife and I and our neighbor Annie Klein, from across the street, object to this proposal.

Margie Lane: Good evening, Mayor, Council, members of the public. I live at 1329 North Cortez Place. I own my property. When I bought my property, it was in that neighborhood. In the last six years, houses are being built. My fear, and I don't begrudge anybody buying a piece of property and building a home. I can't put a manufactured home on anything south of the wash. I can't put a manufactured home over in the Ward 1, 2 or 3 that I'm aware of. When did this change? Where can we find the code? It doesn't feel right. The reason why it doesn't feel right for me is that a lot of the companies that are coming in, they go, look, there's a piece of property, that can be bought for \$4,000. They're going to build a house and they're going to run and they don't have any interest in who is going to move in there and stay there. I feel like some of them, maybe not in this instance, but in the past, they're ripping us off. They're ripping off the people that they're buying the property from. And that's all I got to say. I just, I just don't think it's right. Since the inception of Tombstone Territory Estates, it's been manufactured modular homes.

Mayor closes Call of the Public.

V. FIRE CHIEF'S REPORT: Monthly Fire Chief Reports on December 1, 2024 to December 31, 2024.

December:

We had 47 calls total. We had 37 EMS calls, 4 fire calls, 3 rescue calls, and 3 public assists.

- All the fire call were brush fires or illegal burn piles. We say this every month, in Arizona, in our neck of the woods, the fire season in year-round, not just during the summer.
- We had a very successful fireworks show. We put a lot of work into getting the tubes together and up. It was not only successful, but everything went off literally as planned. During the 4th of July, we had issues with some of the mortars not firing properly and coming down, some of them at head height. This went off perfect and we're happy to do it. We are actually looking forward to the 4th. We had multiple illegal outdoor burn calls where four out of five were unattended.
- We've got a lot of new folks in our department and we're going to continue that into January. We're doing a lot of back-to-basics training, putting our new folks through the paces, even though many of them have their Fire 1 and Fire 2 or have been through a state academy up in Phoenix. That includes making sure that they could pump their fire engine blindfolded, practice their forward lays for their hose drills, and make sure that our brush fire knowledge is up to date. We've been practicing in the brush fire techniques and we also have an upcoming refresher with the state that's going to be held at our fire station in either late January, early February. So we're honored to have the state here.
- As far as EMS goes, a lot of our folks were relying on our monitor, which is a great monitor, but I want to make sure that everybody practices all the basic blood pressures and does everything manually as well. So we've been drilling our people in that and that's all been coming along great.
- Really, with all the medical calls, I think the most pointed, most interesting thing that we had for the month of December, which kind of demonstrates that with the newer cell phones that they have, the crash detecting actually does work. We had a tone out for a motor vehicle accident on Davis Road. We looked up and down along with Cochise County Sheriffs. Finally, we were on foot to make sure we were in the brush

or ravine. We found a cell phone that was all cracked in the brush, picked it up. The owner had put the cell phone on his windshield wipers in Sanoita, made it all the way on the curve at milepost 5 when it flew off and did a crash detection. I was so happy that we found that needle in the haystack and the owner was very happy that we found the cell phone. CCSO kindly delivered it to the gentleman that was headed to Sunsites. All is well that ends well. Every once in a while, technology actually does work.

Mayor closes Fire Chief's report.

VI. APPROVAL OF MINUTES

- A. **DISCUSSION AND/OR ACTION:** Approval of minutes for Regular Council Meeting on Tuesday, December 8, 2025.

MOTION by Mayor Pro-Tem Regan, **SECOND** by Councilmember Green to approve the minutes for Regular Council Meeting on Tuesday, December 8, 2024.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

VII. NEW BUSINESS

- A. **DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the \$418,138.94 (December 1, 2024 through December 31, 2024)

MOTION by Councilmember Hritz, **SECOND** by Mayor Pro-Tem Regan Goodspeed to approve Accounts Payable in the amount of \$418,138.94 (December 1, 2024 through December 31, 2024).

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- B. **DISCUSSION AND/OR ACTION:** Approval of agreement letter between the City of Tombstone and DeSpain Accounting Firm, Inc.

- Purpose: Assist with accounting, budgeting, grant management, and other financial needs.
- Proposal Amount: \$135 per hour as needed, subject to monthly fixed rate upon review.
- Term: Month to Month, with 10 day written notice of termination by either party.

MOTION by Councilmember Hritz, **SECOND** by Mayor Pro-Tem Regan to approve agreement letter between the City of Tombstone and DeSpain Accounting Firm, Inc.

DISCUSSION:

Mayor Escapule: Dustin, stand up so everybody can see who you are. Dustin DeSpain, ladies and gentlemen, he's the man that's going to be filling this position for us if we all vote in the right direction. He comes highly recommended by Benson as well as the City Attorney.

ROLL CALL VOTE:

Mayor Pro-Tem Regan	Yes
Councilmember Goodspeed	Absent
Councilmember Green	Abstain
Councilmember Hritz	Yes
Mayor Escapule	Yes

MOTION: Carried

- C. **DISCUSSION AND/OR ACTION:** Approval of abandonment of North Saddleback Circle cull de sac to Old West Investments.

- Purpose: To increase lot sizes to make viable for construction of residential homes.

- Parcels 109-21-193, 109-21-209, 109-21-210 are owned by Old West Property Investments, LLC which surround cull de sac.

MOTION by Councilmember Hritz, **SECOND** by Mayor Pro-Tem Regan to approve abandonment of North Saddleback Circle cull de sac to Old West Investments

DISCUSSION:

Mayor Escapule: Mike, come up and explain to us what you're going to do here so that the council has an idea of what we're talking about.

Mike Carrafa: I lived in tombstone for 18 years. A little bit about Old west investments are: One person is out of town, but the other two people are residents of Tombstone. We're not an outside company, we're just people improving Tombstone. If you look at the lots on the pictures I gave you, the lots drop off very quickly. That's why I would suspect that these lots are still sitting there with nobody using them. It's pretty expensive to bring in fill dirt to bring it up high enough so that you can build on it. The house in question are 900 square feet, just small residents, for the people in town that need houses that size. We're building another one close by of the same exact size. It's not even a flat area, it goes down on a angle. I'm here because the investment people got tied up and I'm the contractor that builds the houses. Is there any questions I can answer?

Councilmember Hritz: I do have a question. I went to the area and I drove around that curve and it's very narrow. I'm concerned about two things. How close the homes will end up being to that road and the ability for cars to pass one another on that curve. I started driving at 5:30 to find out if the neighbors were aware. By the time I was done, it was dark. I'll be honest, I live on this side of Ward 4 closer to Fremont Street, and I was nervous and scared driving this area in the dark. I don't know how the people who live there do that, but if you're building all the way to the street, their visitors will be parking on the street, or even if they're not, there's no pathway for cars to go past. When you look at your map, and I double checked this on the county treasurer's website, there's a yellow line on the center of the road all the way around until you get to this cull de sac. Then the yellow line goes closer to that end of the road.

Mike Carrafa: Those are power lines.

Councilmember Hritz: The yellow line is the power line.

Mike Carrafa: That's where power lines are run, on the ground.

Councilmember Hritz: Under the ground. Okay. So, when you come here, there's no path for passing cars or anything.

Mike Carrafa: We're not going to affect the width of the road. The width of the road is the width of the road.

Councilmember Hritz: So how far does the cull de sac go then? Because if you go off of this line here that goes along the road. There's not enough information in this and I did speak with Charissa today and then Robert called me and I'm trying to figure out exactly how this cull de sac gets cut off. There's no survey line or anything like that. And to be honest, Mayor, I wasn't even aware until today that this was a common practice to give cull de sacs. I don't know what our policy is for anything like that.

Mayor Escapule: We've abandoned cull de sacs, especially on the other side of Saddleback the far south-southeast side there was a cull de sac that was abandoned. Then there's, there's a couple others abandoned further north of there. Most of the time when we were doing the abandonments, it was because of the, the terrain next to the cull de sac, was impossible to try to build a house of any size at all, even a 900 square foot house. I went out and looked at this with the excavator and what they're wanting to do is just cut it down to where they can actually put three houses on the lots and still have room to put the septic

tanks, leach fields and all of the necessities for the sanitation. It won't change the road width. The cull de sac is not a road. It's not part of the road. The cull de sac sets back to the west of where the Road is. think historically the way we've conducted these in the past is we'd do a tentative agreement as to whether or not we would consider doing the abandonment, then there would be a survey done, and the survey would have to be more precise on what we were actually abandoning. Because of the fact that there's been issues on the legality of building stick-built homes versus mobile homes, I think at this point in time, we should probably ask for some legal opinion on it, Mike.

Mike Carrafa: That's fine.

Mayor Escapule: I think we should table it, get a legal opinion, and maybe we should talk to the people that you're representing and have them do a little more precise measuring.

Mike Carrafa: The reason they asked is when we went over there to look at the property with another local business that does the excavating, he's the one who brought up the idea of abandoning the cull de sac to make enough room, like the mayor said, for the leech fields and everything else.

MOTION by Councilmember Hritz, **SECOND** by Councilmember Green to table abandonment of North Saddleback Circle cull de sac to Old West Investments.

ROLL CALL VOTE:	Mayor Pro-Tem Regan	Yes
	Councilmember Goodspeed	Absent
	Councilmember Green	Yes
	Councilmember Hritz	Yes
	Mayor Escapule	Yes

MOTION: Carried

D. DISCUSSION AND/OR ACTION: Approval of special use permit from PAC Tour for Annual PAC Tour Desert Camp. Requesting to use the following.

Thursday, March 18, 2025.

- RV/Bus Parking Lot at the corner of 6th and Toughnut St., from 10 AM to 3:30 PM to provide lunch and mechanical support to 30 cyclists. PAC will have a 15 Passenger Van, Utility Trailer, folding picnic chairs, and an 8' x 8' pop-up tent.

MOTION by Mayor Pro Tem Regan, **SECOND** by Councilmember Hritz to approve special use permit from PAC Tour for Annual PAC Tour Desert Camp for Thursday, March 18, 2025.

DISCUSSION: None

ROLL CALL VOTE:	Mayor Pro-Tem Regan	Yes
	Councilmember Goodspeed	Absent
	Councilmember Green	Yes
	Councilmember Hritz	Yes
	Mayor Escapule	Yes

MOTION: Carried

E. DISCUSSION AND/OR ACTION: Approval of special use permit from High Lonesome Ranch POA for Annual POA Meeting. Requesting the following:

Saturday, March 22, 2025.

- Schieffelin Hall, from 10 AM to 2 PM, to conduct annual resident meeting.

MOTION by Councilmember Green, **SECOND** by Mayor Pro-Tem Regan to approve special use permit from High Lonesome Ranch POA for Annual POA Meeting for Saturday, March 22, 2025.

DISCUSSION: None
VOTE: 3-Yes/0-No/1-Abstain/1-Absent
MOTION: Carried

F. DISCUSSION AND/OR ACTION: Approval of special use permit from Good Enough Mine for Annual Schieffelin Days and Tombstone Donkey Dash. Requesting to use the following. Saturday, April 5, 2025.

- Allen Street between 4th and 6th from 5 AM to 4 PM for street activities, including donkey races and pie eating contest.
- Allen Street between 6th and 3rd Steets from 3 PM to 3:15 PM for Donkey Costume Contest Parade. Donkeys will walk from Toughnut Mine to 6th Street.
- 5th Street between Allen and Toughnut Streets on 5 AM to 4 PM.

MOTION by Mayor Pro Tem Regan, **SECOND** by Councilmember Hritz to approve special use permit from Good Enough Mine for Annual Schieffelin Days and Tombstone Donkey Dash for Saturday, April 5, 2025.

DISCUSSION: None

ROLL CALL VOTE:	Mayor Pro-Tem Regan	Yes
	Councilmember Goodspeed	Absent
	Councilmember Green	Yes
	Councilmember Hritz	Yes
	Mayor Escapule	Yes

MOTION: Carried

G. DISCUSSION AND/OR ACTION: Approval of special use permit from Tombstone Vigilantes for Annual Showdown. Requesting the following:

Beginning at 9AM, Saturday, August 30 to 5 PM, Sunday, August 31, 2025.

- Schieffelin Park for youth activities.
- Art Gallery Parking Lot for Corn Hole Tournament
- Allen Street between 4th and 5th for re-enactments.

MOTION by Councilmember Hritz, **SECOND** by Mayor Pro-Tem Regan to approve special use permit from Tombstone Vigilantes for Annual Showdown, Saturday, August 30 to Sunday, August 31, 2025.

DISCUSSION: None

ROLL CALL VOTE:	Mayor Pro-Tem Regan	Yes
	Councilmember Goodspeed	Absent
	Councilmember Green	Yes
	Councilmember Hritz	Yes
	Mayor Escapule	Yes

MOTION: Carried

H. DISCUSSION AND/OR ACTION: Approval of special use permit from American Legion for Annual Combat Veteran and St. Patrick's Event. Requesting the following:

Saturday, March 15, 2025 from 7 AM to 6 PM.

- 2nd Street between Allen and Toughnut Streets to extend parking lot.
- South side of Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Mayor Pro Tem Regan, **SECOND** by Councilmember Hritz, to approve special use permit from American Legion for Annual Combat Veteran and St. Patrick's Event on Saturday, March 15, 2025.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- I. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for Annual Brian Terry Ride. Requesting the following:

Saturday, April 19, 2025 from 7 AM to 6 PM.

- 2nd Street between Allen and Toughnut Streets to extend parking lot.
- South side of Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Mayor Pro Tem Regan, **SECOND** by Councilmember Hritz, to approve special use permit from American Legion for Brian Terry Ride on Saturday, April 19, 2025.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- J. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for Annual Bikers for Boots Requesting the following:

Saturday, May 3, 2025 from 7 AM to 6 PM.

- 2nd Street between Allen and Toughnut Streets to extend parking lot.
- South side of Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Councilmember Hritz, **SECOND** by Councilmember Green, to approve special use permit from American Legion for Bikers for Boots Event on Saturday, May 3, 2025.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- K. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for Annual Memorial Day Ceremony. Requesting the following:

Monday, May 26, 2025 from 8 AM to 11:30 AM.

- Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Councilmember Green, **SECOND** by Councilmember Hritz, to approve special use permit from American Legion Annual Memorial Day Ceremony on Monday, May 26, 2025.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- L. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for Annual Silver Rose Event. Requesting the following:

Saturday, October 4, 2025 from 7 AM to 6 PM.

- 2nd Street between Allen and Toughnut Streets to extend parking lot.

- South side of Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Councilmember Hritz, **SECOND** by Councilmember Green, to approve special use permit from American Legion for Annual Silver Rose Event on Saturday, October 4, 2025.

DISCUSSION: None

ROLL CALL VOTE:	Mayor Pro-Tem Regan	Yes
	Councilmember Goodspeed	Absent
	Councilmember Green	Yes
	Councilmember Hritz	Yes
	Mayor Escapule	Yes

MOTION: Carried

M. DISCUSSION AND/OR ACTION: Approval of special use permit from American Legion for Annual Veteran’s Day. Requesting the following:

Tuesday, November 11, 2025 from 7 AM to 6 PM.

- Allen Street between 2nd Street and American Legion Driveway for bike show.

MOTION by Councilmember Hritz, **SECOND** by Mayor Pro-Tem Regan, to approve special use permit from American Legion for Annual Veteran’s Day Event on Tuesday, November 11, 2025.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

N. DISCUSSION AND/OR ACTION: Approval of Arizona Liquor of Extension of Premises for American Legion. Permit will be good from March 15, 2025 to September 12, 2025.

MOTION by Councilmember Green, **SECOND** by Councilmember Hritz, to approve Arizona Liquor of Extension of Premises for American Legion. Permit will be good from March 15, 2025 to September 12, 2025.

DISCUSSION:

Councilmember Hritz: I do. Is this a common practice for it to expand that long of a time?

Mayor Escapule: Yes.

Councilmember Hritz: Okay. This is the insurance document that falls with that. This is only for between the Legion and their little picnic area? They gave maps for everything else and I wasn't sure what area the extension allowed for?

Mayor Escapule: I think that they're referring to is the area in the back.

Councilmember Hritz: The picnic area.

City Clerk Presti: It's the parking lot.

Mayor Escapule: And their parking lot.

City Clerk Presti: Yes.

Mayor Escapule: They can travel out the back door, go over to the picnic area and then back in.

Councilmember Hritz: Is this for anyone to do it any day of that time frame or is it only during those events?

Mayor Escapule: It's whatever their license allows them to do during this event?

City Clerk Presti: It's during that time frame.

Councilmember Hritz: That time frame.

City Clerk Presti: Yes.

ROLL CALL VOTE:

Mayor Pro-Tem Regan	Yes
Councilmember Goodspeed	Absent
Councilmember Green	Yes
Councilmember Hritz	Yes
Mayor Escapule	Yes

MOTION: Carried

VIII. MOTION TO ADJOURN

MOTION by Mayor Pro-Tem Regan **SECOND** by Councilmember Hritz, to adjourn the Regular Council Meeting for Tuesday, January 14, 2025.

Dustin Escapule, Mayor

Charissa Presti, Interim, City Clerk