



**Sierra Vista City Council**  
Meeting Agenda  
March 8, 2018

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**Call to Order**

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

**Roll Call**

**Invocation**

**Pledge of Allegiance** - Brownie Girl Scout Troop 419, Junior Girl Scout Troop 104 and Cadette/Senior Girl Scout Troop 1224

**Item 1** Acceptance of the Agenda

**Awards and Presentations**

Proclamation declaring March 11 through 17, 2018 as the 106<sup>h</sup> year of Girl Scouts in the United States

**City Manager's Report:** Upcoming Meetings, Bid Openings and Bid Awards

**Public Hearings**

**Item 2** Consideration of funding applications for FY 2018-19 Community Development Block Grant (CDBG) Annual Action Plan

**New Business**

**Item 3** Approval of the City Council Regular Meeting Minutes of February 22, 2018

**Item 4** Resolution 2018-023, Approval to amend the Comprehensive Fiscal Policy

**Item 5** Resolution 2018-024, Intergovernmental Agreement with the Arizona Department of Housing Office of Manufactured Housing

**Item 6** Resolution 2018-025, Appointment to the Commission on Disability Issues of Jane C. Strain, said term to expire December 31, 2018 and Stuart Carter, said term to expire December 31, 2019

**Item 7** Resolution 2018-026, Appointment to the Sierra Vista Airport Commission of Arthur Weisberger, said term to expire December 31, 2019

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

**Call to the Public**

**Comments and Requests of the Council**

**Adjournment**

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March 8, 2018

Memorandum to: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

From: Matt McLachlan, Director, Community Development

Subject: PUBLIC HEARING  
Consideration of funding applications for FY 2018-19  
Community Development Block Grant (CDBG) Annual Action Plan

REQUESTED ACTION:

Provide Staff with feedback and direction on funding applications for inclusion in Sierra Vista's FY 2018-19 CDBG Annual Action Plan.

INITIATED BY: City of Sierra Vista

BACKGROUND:

In 2013, the City of Sierra Vista entered the Community Development Block Grant (CDBG) entitlement program as a direct recipient of annual grant funding from the U.S. Department of Housing and Urban Development (HUD). The program was authorized under Title I of the Housing and Community Development Act of 1974 and is one of the longest continuously run programs at HUD. The Community Development Department administers the CDBG program and presents proposals and recommendations to the City Council, advisory boards, and the general public.

The primary national objectives of the program are the development of **viable communities**, principally for low and moderate income (LMI) persons, through;

- *Decent Housing*
- *Suitable Living Environment*
- *Expanded Economic Opportunity*

All CDBG activities must result in **one** of the following:

- *Benefit low and moderate income (LMI) persons;*
- *Prevent or eliminate slum and blight; or*
- *Meet an urgent need having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.*

## Consolidated Plan

The City adopted the Sierra Vista Consolidated Plan in 2014 following an extensive community engagement process. The Consolidated Plan is a five-year planning document required by HUD detailing how the City plans to invest its resources to meet ongoing affordable housing, community development, economic development, and public service needs.

According to the Consolidated Plan, the needs in the target areas are numerous and varied. The principal needs are 1) housing rehabilitation for both owner and renter units; 2) public improvements to improve/revitalize neighborhoods; 3) rental assistance for extremely low-income households threatened with homelessness; 4) programs for youth and elderly; and 5) assisting the homeless.<sup>1</sup>

## City of Sierra Vista Annual Action Plan

Each year, the City is required to prepare an Annual Action Plan that is submitted to HUD. The plan outlines the programs and activities that the City will undertake in the coming year to implement the strategies of the Consolidated Plan. Specifically, the Plan describes how CDBG funds will be expended over the course of the year in meeting stated objectives.

The process begins with a "Notice of Funding Availability" requesting applications for proposed projects from public service agencies. At least two public meetings are held in the community to receive input and respond to questions. The project submittals will be reviewed by Staff to determine whether the project meets the stated criteria and is eligible for CDBG funding, and will then forward all eligible projects to the City Council for consideration and tentative selection at a work session. Following the work session, interested citizens and public agencies will be invited to a public hearing before City Council upon which the final selection of projects to be included in the City's Annual Action Plan will be decided. Staff will draft the Action Plan based on Council's direction and make the Plan available to the public for the prescribed 30-day public review period. Following the public review period, the City Council will consider the approval of final Annual Action Plan for submission to HUD after considering any public comments that are received.

As was the case last year, the City has not yet received an official estimate from HUD prior to the City Council evaluating funding requests for inclusion in the Annual Action Plan for the upcoming fiscal year. The Administration's budget continues to propose eliminating CDBG spending. Congress has not completed the appropriations process for HUD's FY 2018 appropriation. The City has been notified that HUD cannot predict when its FY 2018 appropriations bill will be enacted and when it will be able to announce FY 2018 allocation amounts. **Grantees are advised not to submit their action plan until after the FY 2018 allocations have been announced. The City may delay its submission of its annual action plan to HUD until 60 days after the date allocations are announced, or until August 16, 2018 (whichever comes first).** This delay will give the City time to revise its action plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

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<sup>1</sup> Page 4, Sierra Vista Consolidated Plan

## SUPPLEMENT TO ORIGINAL MEMO

### Consideration of funding applications for FY 2018-19 Community Development Block Grant (CDBG) Annual Action Plan

Question. The Wellness Connections Working Well Project is requesting funding for a part-time working well special assistance coordinator. Is there a rule that the service provider demonstrate their ability to sustain the position for a period of time after the CDBG funding has ended?

Answer. There is no specific rule or requirements for an entity to show sustained funding for the position for a period of time after CDBG funding has ended. But, CDBG funds are not intended to sustain a program for an indefinite period of time. One thing to consider while reviewing project proposals is whether the CDBG funds being requested will provide an agency with the ability to grow capacity and services with the goal of becoming self-sustaining. According to the applicant, Wellness Connections intends to raise the necessary funds during the program year to continue the position after the CDBG funding expires. They will address this subject as part of their presentation to City Council.

24 CFR 570.201(e)(1)

(e) *Public services.* Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under §570.207(b)(4)), homebuyer downpayment assistance, or recreational needs. If housing counseling, as defined in 24 CFR 5.100, is provided, it must be carried out in accordance with 24 CFR 5.111. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

FY 2018 Tentative Annual Action Plan Schedule

The Notice of Funding Availability was published on February 8, 2018, in the Sierra Vista Herald. Notices were also sent directly to continuum of care providers and other public agencies requesting applications.

<b>TENTATIVE SCHEDULE</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>
<b>Outreach</b>				
Notice of Funding Availability Published	8th			
Email Notice and Applications sent to Public Service Agencies	8th			
Community Meeting at City Hall	15th			
Continuum of Care Meeting Announcement	21st			
<b>Council Hearings</b>				
Public Hearing #1, Agency Requests, Council Chambers @ 5:00 P.M.		8th		
Public Hearing #2, DRAFT Annual Action Plan (Commencing 30-Day Review Period)		22nd		
Public Hearing #3, Annual Action Plan Adoption				10th
Submit Annual Action Plan to HUD for Review				15th

**NOTE: These dates may change based on when the Federal Budget is approved and the City of Sierra Vista receives its FY 2018 CDBG allocation notification from HUD.**

## Agency Funding Requests

Through the solicitation process, the City received two requests for funding from outside public service agencies. Attached are their applications with supporting documentation. Each organization has been invited to present their request to the City Council at the Work Session.

FY 18-19 AGENCY FUNDING REQUESTS	
<b>CITY PROJECTS</b>	<b>ESTIMATED COST</b>
SULGER DRAINAGE STUDY	\$70,000
ADA SIDEWALK RAMPS <sup>(1)</sup>	TBD
PHASE 1 DEMOLITION - FORMER PUBLIC WORKS YARD ON NORTH AVENUE	\$60,000
PUBLIC MURAL ON WATER STORAGE TANK ON SE CORNER OF DENMAN AVE. & CANYON DRIVE	\$10,000
<b>CITY PROJECT TOTAL</b>	<b>\$140,000</b>
<b>OUTSIDE AGENCY PROGRAM SERVICES (MAX. 15% OF ANNUAL APPORTIONMENT)</b>	<b>RECOMMENDED AMOUNT</b>
BOYS AND GIRLS CLUB	
AFTER SCHOOL PROGRAM SCHOLARSHIPS	\$15,000
WELLNESS CONNECTIONS WORKING WELL PROJECT	
SPECIAL ASSISTANCE FUND	\$10,300
WORKING WELL SPECIAL ASSISTANCE COORDINATOR	\$4,700
<b>PROGRAM SERVICES TOTAL</b>	<b>\$30,000</b>
<b>CDBG PROGRAM ADMINISTRATION</b>	<b>\$30,000</b>
<b>OVERALL TOTAL</b>	<b>\$200,000</b>

<sup>(1)</sup>Any increase funding to match actual allocation amounts will be applied to constructing sidewalk ramps to conform with the Americans with Disabilities Act.

<sup>(2)</sup> Any decrease below the funding estimate to be applied on an equal percentage basis across all funding request.



Sierra Vista City Council  
Meeting Minutes  
[February 22, 2018](#)

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Mayor Mueller called the February 22, 2108 City Council Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present  
Mayor Pro Tem Alesia Ash – present  
Council Member Bob Blanchard – present  
Council Member Gwen Calhoun – present  
Council Member Rachel Gray – present  
Council Member Craig Mount – present  
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Nathan Williams, City Attorney  
Adam Thrasher, Police Chief  
Ron York, Fire Chief  
Jill Adams, City Clerk  
Laura Wilson, Leisure and Library Services Director  
Sharon Flissar, Public Works Director  
Matt McLachlan, Community Development Director  
Jeff Pregler, Planner  
Judy Hector, Marketing and Public Affairs Manager  
Tony Boone, Economic Development Manager  
Mike Cline, Management Analyst  
Abe Rubio, IT Manager

Invocation – Pastor Joe White, Calvary Chapel, conducted the invocation.

Pledge of Allegiance - Council Member Gray lead the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Blanchard moved that the agenda for the Regular City Council Meeting of February 22, 2018, be approved. Council Member Wolfe seconded the motion. The motion unanimously carried.

Awards and Presentations

Council Member Blanchard presented Greg, Maryann and David Petit, owners of Petit's Auto Care, a plaque in recognition as the City Council Business for the Month of February. Mr. Petit thanked his wife, his father, who started the business with him, and the City of Sierra Vista for the support.

City Manager's Report: Mr. Potucek announced the upcoming work session scheduled for March 6, 2018, at 3:00 p.m. in Council Chambers regarding the normal update, reported on a meeting of the Southeast Arizona Communications Center Board, Joint Powers Authority that he chairs, where it was noted that the project is on track to be implemented and up and operational in June. The Southeast Arizona Communications Center is looking forward to a visit from the Governor in the interim to be able to thank the State for its support. He further stated that things are moving smoothly now and staff will work through the issues as they come up.

## Public Hearings

[Item 2](#) Resolution 2018 -015, Development Code Text Amendment Article 151.02.004, Definitions-Agricultural Animals, 30-day public comment period

Council Member Mount moved that Resolution 2018-015, Development Code Text Amendment Article 151.02.004, Definitions-Agricultural Animals, 30-day public comment period, be approved. Council Member Calhoun seconded the motion.

Mayor Mueller explained that Items two and three are similar. The first one deals specifically with removing chickens from the list of agricultural animals in the Development Code, with the main issue being item three.

Mr. Pregler clarified that there would only be one presentation for both resolutions because the two resolutions are similar regarding the potential code amendments for domestic fowl.

Currently the Development Code only allows chickens and ducks within Urban Zoning Districts that has been in place 15 to 20 years since the Development Code came into effect. In 2012, there was a movement for code amendments to be approved to allow chickens in residential zoning districts; however, given the number of opposition that process was halted. In 2017, the City was approached by members of the public to once again amend the City Code to allow domestic fowl in residential zoning districts and on December 12, 2017, at a City Council Work Session, staff was given direction to proceed with the code amendments.

Mr. Pregler pointed out that the amendments are per the proponents' recommendations and not necessarily staff's recommendation. The Planning and Zoning Commission held two public hearings on the amendments, one on January 16, 2018 and the other on February 6, 2018 where they recommended approval with a vote of 3/2 with additional recommendations. The amendments are as follows:

Definition - The amendment has to do with the definition of domestic fowl as chickens are currently defined as agricultural animals. This amendment would remove chickens from the definition and relocate them under the City Code and define them as domestic fowl, which will be defined as being limited to ducks and female chickens.

Location - Requirements indicate that fowl would be limited to properties that include single family residential detached dwellings in Single Family Residential Zoning Districts, Multifamily Residential Zoning Districts and the zoning districts that allow mobile homes.

Mr. Pregler noted that the Sulger Subdivision is within a zoning district that allows mobile homes. He further noted that over 50 percent of the lots in the community are 8,000 square feet or less.

Setbacks - Hen houses/coops/runs shall be located no closer than five feet from a property line or 20 feet from a residence on an adjacent property.

Quantity - There shall be one domestic fowl for every 1,000 square feet on the lot that houses the domestic fowl.

Mr. Pregler noted that the Planning and Zoning Commission recommended that there be one fowl for every 2,000 square feet with a total cap of 20 fowl per property.

Noise and odors - Roosters are prohibited and the property shall be maintained so that odors related to the domestic fowl are not detectable at the property boundaries and the sale of eggs or other products derived from the fowl are also prohibited on the property.

Containment - Fowl shall be kept in a secure henhouse/coop/run during non-daylight hours and when unsupervised, the yard area must be enclosed with opaque fencing that is adequate to contain the fowl on the property and the size of the henhouse/coop/run shall not be less than four square feet per fowl.

Living Conditions - Henhouses/coop/runs shall be impermeable to rodents, birds and predators and designed to prevent the harboring of animals underneath the structures. They shall be kept in a neat clean condition with dry bedding and regular removal of waste materials. The feed or other items likely to attract rodents shall be kept in secured and protected containers except for the constant water supply for the fowl.

Registration/Licensing - domestic fowl shall be banded using tags provided by the Sierra Vista Animal Control in order to give them individual identification numbers, which would then be associated with contact information

Mr. Pregler explained that the tagging is so that if the fowl were to escape and picked up, the Shelter would be able to contact the property owner. The Planning and Zoning Commission recommended that the fowl comply with the requirements of the National Poultry Improvement Plan, a plan that regulates, monitors and tests chickens for diseases. This is a voluntary program within the State; however, it is geared towards commercial breeders, which must have 30 chickens or more to qualify. There is a federal regulation that states that any chickens that come into Arizona have to meet this requirement.

Mr. Pregler stated that he spoke to some of the local feed stores and he was told that the chickens that they receive have been through the National Poultry Improvement Plan; but the Planning and Zoning Commission felt that this was a necessary recommendation in order to minimize the spread of diseases.

Sunset Provision - The Planning and Zoning Commission recommended a three-year sunset provision to be included in the Ordinance.

Mr. Pregler explained that the sunset clause would not necessarily be in the 30-day public record; but it would be during the Ordinance phase of the amendment process.

Mr. Pregler stated that the proposed amendments went before the Planning and Zoning Commission, where four citizens spoke in favor of the amendments on January 16, 2018 and two spoke in favor on February 6, 2018. The City has also received a number of written public

comments both in favor and in opposition. There were 50 in support along with a petition with over 200 signatures and 35 in opposition. Those in opposition have cited decrease in property values, noise/odors, the attraction of predators/rodents and the general philosophy that chickens, ducks and fowl in general should be rural/agricultural areas and not necessarily in urban areas.

Council Member Mount addressed the people in opposition that cited decreases in property values and stated that the property values in Sierra Vista, without chickens being allowed, have had some problems over the last several years. Mr. Potucek added that it seems to him that market and economic forces drive property values more so than any individual actions that the Council may take.

Council Member Mount asked Mr. Pregler if the people who are asking for this, not asking for any reduction in the actual standards of the current Code, Chapter 90 or 93 when it comes to noise and odor enforcement. He also asked him if, in his opinion, the recommendations on how the coops are maintained help safe guard the concern with the public regarding predators. Mr. Pregler stated that there are no requests for reduction of standards with regard to noise and odor enforcement. He added that during his research, he looked at other communities and this is a standard condition to try to reduce/minimize the attraction of predators and rodents.

Council Member Mount stated that he agrees that fowl are agricultural animals with the exception of the Metropolitan Planning Organization's status, given the size and position within the State and the amount of people that are in the City because the City is considered a rural community by some definition at least if not by most.

Council Member Gray asked about the letters of support and objection. Mr. Pregler stated that the letters went directly to the Mayor and Council and they are in the Council's Reading Room.

Council Member Blanchard asked if peacocks are considered a domestic fowl. Mr. Pregler stated that under the proposed definition, they would not be considered domestic fowl.

Mr. Pregler stated that at the work session the City Manager stated that he is not in support of the amendments. Staff also has no recommendations of the proposed amendments as these are coming from the proponents. He then pointed out Exhibit A that has to do with Resolution 2018-016, which has the proponents' proposed amendments and the Planning and Zoning Commission's proposed amendments.

Council Member Gray asked if the staff included Animal Control's opinion. Mr. Pregler stated that the Department worked with Animal Control on a number of these issues. Animal Control was very supportive of the banding issues and some of their thoughts were integrated into some of the language. In terms of staff, the Community Development has no recommendation.

Mayor Mueller opened the public hearing at 5:21 p.m.

Robert Weierman spoke in favor of allowing City residents to have chickens in their back yards because as taxpaying citizens, they have the right to do whatever they want on their property as long as it causes no harm to themselves or others. He added that he is opposed to arbitrary restrictions and regulations imposed by city governments.

Amy Weierman spoke about the benefits of owning chickens and explained trends, health issues and provided salmonella statistics.

Daniel Weierman provided facts about chickens and other animal nuisances;

Lucas Baer stated that he started off by residing in the County; but was not told that his property would be annexed into the City. He added that he choose to reside in the County because he wanted to have a garden and own chickens, as they take care of the insect issues. He added that this is a rights issue and that the proposed amendments will benefit everyone in the community.

Roxanna McGinnis voiced her support to allow chickens in back yards and provided her personal experience with chickens in other cities. She further stated that the City is very diverse and there are a great deal of rural areas within the City.

Markessa Graber stated that she started this a year ago and had no idea of what would happen. She then talked about another outlook, the animal welfare perspective and not the perspective that is paid for by the commercial food industry (displayed slides of chickens being over crowded in a factory and the regulations).

Andrae Newcomb talked about predators, diversity and communication.

Lex Herron stated that he chose to live in the City and not the country because he did not want to have animals around where he lived. He then asked that gated communities be exempt from the ordinance or allow them to have their CC&R's restrict fowl. Mayor Mueller explained that CC&R's and gated communities are private agreements between land owners and their associations and those will remain in effect.

Gail White stated that she is in favor of having chickens and talked about her personal experience with chickens due to something that the USDA put out years ago. She also talked about victory gardens that were suggested during World War II so that families could support themselves during times of economic crisis and not go to social welfare services.

In response to Council Member Blanchard, Mayor Mueller explained that the vote would put the amendments out for a 30-day public comment period.

Council Member Mount stated that items two and three are closely aligned and asked if the Planning and Zoning conditions were included in the amendment that is before Council. Mayor Mueller explained that the item being considered is item two, to take chickens off of the agricultural animals in the Development Code.

The motion carried unanimously.

[Item 3](#) Resolution 2018-016, City Code Text Amendment Chapter 90, Animals-Domestic Fowl, 30-day public comment period

Council Member Mount moved that Resolution 2018-016, City Code Text Amendment Chapter 90, Animals-Domestic Fowl, 30-day public comment period, be approved. Council Member Calhoun seconded the motion.

Mr. Pregler stated that there are no additional comments. Mayor Mueller opened the public hearing to which there were no comments made.

Council Member Mount asked if the presentation includes staff and the proponents' recommendations; but not the Planning and Zoning Commission's recommendations. Mr. Pregler noted that Exhibit A contains amendments that relate to the proponents' recommendations as well as three separate recommendations by the Planning and Zoning Commission.

In response to Mayor Mueller, Mr. Potucek explained that this is a different situation than what is usually dealt with because generally items that are brought before Council by the public or other petitioners go to staff for research. Staff then drafts the proposed language for Council to consider, make amendments and etc.; but that did not happen in this case. There is a set of items that were brought to Council by the proponents that Council directed staff to consider at a meeting, which now are before Council. The Planning and Zoning Commission took a look at it because it deals with code amendments and has made some other recommendations.

Mr. Potucek further explained that Council has the option to amend the items by either adding or taking out the Planning and Zoning Commission's recommendations. Council may also amend what is proposed and then add Planning and Zoning Commission's recommendations or others brought before them.

Mayor Pro Tem Ash asked for clarification on the banding issue because at the work session, she felt that the banding issue might be burdensome to community members and Animal Control. Mr. Pregler stated that Animal Control felt that is was a way to not only monitor the amount of fowl per property; but it also provides identification for the chickens and their owners' contact information.

Mayor Mueller stated that the National Poultry Improvement Plan certification does not make sense because the chickens that are available for commercial purchase in Arizona have already been certified through that plan.

Council Member Gray asked about remanded chickens and the process that will be used by Animal Control. Mr. Potucek stated that he is not recommending approval; but in listening to the public, he thinks that some very good points were made with regards to the arbitrariness of some of the recommendations. They add to the enforcement burden of both the staff and Animal Control if the City were to get complaints about chickens from neighbors in the future.

Council Member Gray stated that it is not just about enforcement and asked if the Animal Control's facility will be able to handle remanded chickens. Council Member Calhoun noted that at the work session, it was noted that there are two sanctuaries in the area that can take them.

Council Member Gray added that there are many dog and cat rescue operations; but the shelter is still overrun and that is her concern. Council Member Mount stated that before putting staff to the task, Council has to decide if this is going to be allowed and have the issue go out for a 30-day comment period in order for the public to weigh in. He added that other cities, large and small, have gone down this same path and he does not know if it is Council's responsibility to question how staff enforces law/code and the actual work that takes place. Council needs to understand the intrinsic legal polices and see if it is clear, executable and precise. Mayor Mueller added that the cost associated with it should be a part of this as well.

Council Member Mount stated that he agrees with Mayor Mueller in that the National Poultry Improvement Plan certification is not appropriate for this level of provision as it is already there and it is voluntary. He added that he would not weigh in on the sunset provision and lastly,

noted that there should not be a square foot limit as the proponents are not asking for any reduction in the City's standards for noise, odor and etc.; but there should be a cap as that would be prudent.

Mayor Mueller stated that he believes that a square foot limit is needed as well as a cap and noted that 20 fowl is too many. He reiterated that the National Poultry Improvement Plan requirement does not make sense and added that whether there is a sunset or not is good with him as Council can address this issue at any time in the future.

In response to Mayor Mueller, Mr. Potucek stated that he believes that Council can have an amendment to add the items that Council discussed. Council may also change the amount of fowl as part of the amendment. Mr. McLachlan noted that the Planning and Zoning Commission's recommendation was one domestic fowl per 2,000 square feet of lot area. The proponents' recommendation was one domestic fowl per 1,000 square feet of lot area.

Mr. Potucek stated that the amendment can be to take the proponents' one for every 1,000 square feet and cap that at eight so that if there is an SFR8 property, the property owners would be allowed up to eight fowl and if they have a property over that, it would still be capped at eight.

Council Member Mount stated that he likes the idea of one domestic fowl for 1,000 square feet and the idea of generally capping it at eight along with a very clear waiver process for people, who have larger properties or families, to increase the cap.

Council Member Gray asked if a 4,500 square foot lot would be allowed four chickens and a 10,000 square foot lot would still be allowed only eight chickens unless they got a waiver approving more chickens. Council Member Mount stated that she is correct and added that it is progress as he believes that it would be a good step forward from zero. Council Member Blanchard stated that eight is good with him.

Mr. McLachlan asked who would grant the waiver and its criteria. He also asked if the waiver would be administrative subject to a neighbor sign off because it can also go through Council with a recommendation from the Planning and Zoning Commission with objective criteria. Council Member Mount suggested making the ideas a part of the 30-day comment process. He added that he likes the idea of people that are asking for more than the standard to have their neighbors sign off on it as it is a fair compromise and it should walk through the normal waiver process through the Community Development Department.

Council Member Gray stated that there are still a great deal of unanswered questions and noted that she is not sure that she is ready to put this out to a 30-day public comment period. Council Member Gray moved to table Resolution 2018-016, City Code Text Amendment Chapter 90, Animals-Domestic Fowl for further review. The motion failed for lack of a second.

Council Member Mount moved to amend the Planning and Zoning's recommendations to one domestic fowl for every 1,000 square feet, not to exceed eight hens without a waiver, with the understanding that the waiver has to be worked out. Council Member Gray seconded the motion.

Council Member Gray asked if this amendment is going to a 30-day public comment period. Mayor Mueller stated that she is correct. Council Member Gray noted that she is going to vote in favor of a 30-day public hearing and hope that the questions get answered; but she is still

opposed to having fowl in the city limits. She added that she believes in the purity of having the 30-day comment period.

The motion carried unanimously.

Mayor Mueller stepped out of the chair and moved to remove the Planning and Zoning's recommendation regarding poultry registration with the National Poultry Improvement Plan. Council Member Mount seconded the motion. The motion carried unanimously.

Council Member Mount moved to remove the Planning and Zoning's recommendation for a sunset provision. Council Member Gray seconded the motion. The motion carried, 6/1, Council Member Calhoun casting the dissenting vote.

In response to Mr. McLachlan, Mayor Mueller stated that the banding was removed per his motion to remove the National Poultry Improvement Plan certification. Mayor Pro Tem Ash and Council Member Mount noted that the banding requirement was a separate requirement as part of the base document.

Council Member Mount moved to remove any provisions for the banding of domestic fowl provided by the Sierra Vista Animal Control. Council Member Gray seconded the motion. The motion carried, 6/1. Mayor Pro Tem Ash casting the dissenting vote.

The motion to approve Resolution 2018-016, City Code Text Amendment Chapter 90, Animals-Domestic Fowl, 30-day public comment period, as amended was unanimously approved.

New Business

[Item 4](#) Approval of the City Council Regular Meeting Minutes of February 8, 2018

Council Member Gray moved that the City Council Regular Meeting Minutes of February 8, 2018, be approved. Council Member Mount seconded the motion. The motion unanimously carried.

[Item 5](#) Resolution 2018-017, Conveyance of 314 N. 2nd Street (APN 106-71-200) to Cochise College Foundation for Educational Purposes

Council Member Calhoun moved that Resolution 2018-017, conveyance of 314 N. 2nd Street (APN 106-71-200) to Cochise College Foundation for educational purposes, be approved. Council Member Mount seconded the motion.

Mr. McLachlan stated the Cochise College Foundation has expressed an interest in undertaking a much needed redevelopment on a parcel of land that the City acquired through the Balmer Settlement Agreement. The subject property is located on the west side of 2nd Street, north and south of Tacoma Street that was formerly used as a trailer park. The site is part of the Second Addition of the Fry Town Site Subdivision, composed of two 60 foot wide and 140 foot deep platted lots, which can be built upon individually with single family homes. The property is currently within a county enclave that is under consideration for annexation.

The Foundation proposes to construct two single story, three bedroom, two bath homes that are approximately 1,250 square feet over the course of two academic school years. The first home will be started in the fall. This endeavor will provide students enrolled in a one-year

certificate program with real world, hands-on experience with all work being supervised by a local licensed contractor. Each home would be sold at market rate and any profits being retained would be for subsequent projects. The program is being supported by several local contractors, who are struggling to find and hire trained workers. On the public side, the City will see the benefit of a revitalized property in a neighborhood suffering from disinvestment and for these reasons, the Department recommends that the Council convey said property to the Cochise College Foundation.

Council Member Calhoun stated that she recalls Council approving the arrangement that was made around the Balmer properties and asked why the property is being conveyed to the Foundation. Mr. Potucek explained that the proposal was brought to the Council by the County to enter into the Fry Cleanup Program. The properties were to be cleaned and readied for potential sale or to be given to a nonprofit, i.e., the Cochise College Foundation. He further explained that the value of the lots are low and so the City would be unable to recoup the funds for the cleanup. The City is looking at the public benefit of getting properties cleaned up and improved by working with the College Foundation to train future students for suitable employment.

Mayor Mueller added that the properties will get back on the tax rolls, even though it may be minimal and noted that the reason that the properties were available in the first place was due to the previous owner's tax issues. Council Member Calhoun stated that she is in favor of this; but wanted the issue clarified for the public.

The motion unanimously carried.

[Item 6](#) Resolution 2018-018, Appointment of Rebecca Bjork and George Broxton III to the Tourism Commission, said terms to expire December 31, 2019

Council Member Gray moved that Resolution 2018-018, appointment of Rebecca Bjork and George Broxton III to the Tourism Commission, said terms to expire December 31, 2019, be approved. Council Member Mount seconded the motion. The motion unanimously carried.

[Item 7](#) Resolution 2018-019, Appointment of Teresa Longmore and Kelly Norris to the Commission on Disability Issues, said terms to expire December 31, 2019

Mayor Pro Tem Ash moved that Resolution 2018-019, appointment of Teresa Longmore and Kelly Norris to the Commission on Disability Issues, said terms to expire December 31, 2019, be approved. Council Member Gray seconded the motion. The motion unanimously carried.

[Item 8](#) Resolution 2018-020, Appointment of Caulyne Barron to the Sierra Vista Library Advisory Commission, said term to expire December 31, 2019

Council Member Gray moved that Resolution 2018-020, appointment of Caulyne Barron to the Sierra Vista Library Advisory Commission, said term to expire December 31, 2019, be approved. Council Member Blanchard seconded the motion. The motion unanimously carried.

[Item 9](#) Resolution 2018-021, Appointment of Kristen Welch to the Arts and Humanities Commission, said term to expire December 31, 2019

Council Member Mount moved that Resolution 2018-021, appointment of Kristen Welch to the Arts and Humanities Commission, said term to expire December 31, 2019, be approved. Council Member Calhoun seconded the motion. The motion unanimously carried.

[Item 10](#) Resolution 2018-022, Authorization to Proceed with Legal Action

Mayor Pro Tem Ash moved that Resolution 2018-022, authorization to proceed with legal action, be approved. Council Member Council Member Mount seconded the motion. The motion unanimously carried.

Call to the Public

Nephi Petitt spoke about school security and added that he has been circulating a petition.

Comments and Requests of the Council

Council Member Blanchard had nothing to report.

Council Member Wolfe had nothing to report.

Council Member Gray had nothing to report.

Council Member Calhoun thanked the people that have offered their time to serve on commissions because it is very important to the community as it is a way to have community input. She also thanked Mr. Petitt, who spoke about school safety as that is foremost on everyone's minds and added that everyone has various solutions to this issue; but believes that everyone needs to come together to figure out what will work out best in the community and further on in the State. She then put in a plug for the March for Mental Health that the Southeast Arizona Branch National Alliance of Mental Illness is going to conduct on April 21, 2018 at the Rothery Education Center. She also announced that the West End Commission has been working on the West End Fair, which will be held on May 5, 2018.

Council Member Mount thanked the public for the discussion about chickens and stated that this is an exercise in finding a compromise as a community and not zero sum that the Council makes. He added that he feels that all too often, Council is left with choices of all or nothing and he does not know if that necessarily represents a community of people, who have a very diverse set of opinion and values. He further stated several Council Members were very appreciative of the way that Markessa Graeber brought up the subject about chickens because she was very professional, dedicated and did a great deal of research/work. This sets a very clear use case of how the public and the City can work together to solve problems. He also noted that he is aware of people stating that the Council is spending too much time talking about chickens; but believes that Council should talk about issues and learn to talk to each other and take those best practices and apply them to big problems that everyone faces as a community. Not everyone will get what they want in this exercise, unlimited chickens; but at the same time, chickens probably should be considered. There are a great deal of administrative questions, which will not be right initially; but Council has the ability to go back. In closing, he thanked the people who have volunteered to be on a commission and added that the Cultural Diversity Commission is in need of members. Lastly, he stated that he missed the Council Work Session on Tuesday, February 20, 2018 due to the Global United States Special Operations Command Symposium in Tampa, Florida. He reported that at the Symposium, he was lucky to hear a number of speakers, i.e., General Talib al Kemani from Iraq, responsible for leading the Iraqi

offensive against ISIS and the other terrorist that had taken over his country. He noted that it was prudent to bring this up because the General profusely thanked two groups of people for their service. Another speaker was the Special Operations Community that brought up the Intelligence Community and with that being nested at Fort Huachuca, Sierra Vista and with those that have connections back into that community, he thought that it was prudent to bring that back and relay to the community that the work has truly changed an entire country's history.

Mayor Pro Tem Ash gave a shout out to the young people in attendance, boy scouts and Daniel Weierman, who did a great job presenting to Council and noted that she believes that it is great to get engaged at a young age. She then announced the Youth Arts Festival, a free event hosted by the Arts and Humanities Commission scheduled for Saturday, February 25, 2018 at Cochise College from 10:00 a.m. until 3:00 p.m.

Mayor Mueller thanked everyone present for the great discussion on an issue that is of interest to the community. He added that he is sure that Council will come to an accommodation during the next couple of months for folks that moved to the City, a suburban area, who did not expect to have chickens as their next door neighbors, and for the folks that may want to raise chickens.

Adjournment

Mayor Mueller adjourned the February 22, 2018 Sierra Vista City Council Meeting at 6:42 p.m.

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Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

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Jill Adams, City Clerk

March 1, 2018

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: David J. Felix, CPA  
Finance Manager

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
RESOLUTION 2018-023  
Comprehensive Fiscal Policy

RECOMMENDATION:

The City Manager recommends approval.

INITIATED BY:

David J. Felix, CPA, Finance Manager

BACKGROUND:

In 2008 the City Council adopted a Comprehensive Fiscal Policy for the City, meeting one of its strategic objectives. It first amended the policy in 2010 due to changes in the City's Sewer Reimbursement Policy.

ANALYSIS:

The main update to the policy is defining the specific usage for any excess General Fund revenues over expenditures. Staff has been following the Council's verbal guidelines; but this update formalizes those guidelines.

BUDGET IMPACT:

The specific usage for any excess General Fund revenues over expenditures.

ATTACHMENTS:

Comprehensive Fiscal Policy

RESOLUTION 2018-023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, ADOPTING A COMPREHENSIVE POLICY AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista has adopted a comprehensive fiscal policy; and

WHEREAS, the City has reviewed the current fiscal policy; and

WHEREAS, it is in the best interest of this City to update and amend the adopted comprehensive fiscal policy as needed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

An amended comprehensive financial policy for the City of Sierra Vista is hereby established.

SECTION 2

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carryout the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF  
THE CITY OF SIERRA VISTA, ARIZONA, THIS 8<sup>th</sup> DAY OF MARCH, 2018.

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FREDERICK W. MUELLER  
Mayor

ATTEST:

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JILL ADAMS  
City Clerk

APPROVED AS TO FORM:

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NATHAN J. WILLIAMS  
City Attorney

PREPARED BY:  
DAVID J. FELIX, CPA  
FINANCE MANAGER

RESOLUTION 2018-023  
PAGE TWO OF TWO

## Authority

The City Manager is directed and authorized to carry out this financial policy. The City Manager may delegate the authority of this policy.

## Basis of Accounting

The City's annual budget, capital improvement program and annual financial report shall conform to all current state statutes and regulations and be in conformance with currently promulgated governmental accounting "generally accepted accounting principles."

## Basis of Budgeting

In most cases, the City's basis of budgeting conforms to the City's basis of accounting. Exceptions follow:

- a) Compensated absences liabilities expected to be liquidated with expendable available financial resources become accrued as earned by employees (GAAP) as opposed to being expended when paid (Budget).
- b) Principal payments on long-term debt within the Enterprise Funds get applied to the outstanding liability (GAAP) as opposed to being expended (Budget).
- c) Enterprise Funds capital outlay gets recorded as assets (GAAP) as opposed to expenditures (Budget).

## Financial Publications

The City shall publish an annual budget and comprehensive annual financial report ("CAFR"). The City's CAFR shall be reviewed by a certified independent auditor and include the auditor's opinion within the published financial report.

## Budget Timeline

Arizona Revised Statutes establish certain key dates for the adoption of the City's budget. These dates currently are:

- Adoption of tentative budget – on or before the third Monday of July
- Adoption of final budget – on or before the first Monday of August
- Adoption of property tax levy – on or before the third Monday of August

Based on City Council's meeting schedule, the City strives to meet the below timeline:

- Adoption of tentative budget – on the second Council meeting of June
- Adoption of final budget – on the second Council meeting of July
- Adoption of property tax levy – on the first Council meeting of August

## Revenue and Expenditure Estimates

The City's revenue and expenditure estimates shall be based upon all relevant economic, demographic and City Council policy data and information and will be done in a conservative, but realistic manner. The City will monitor revenues and expenditures periodically throughout the fiscal year and make periodic reports of the current budgetary status to the City Council.

## End-of-Year Encumbrances

All projects and encumbrances that carry forward into a new fiscal year shall have their related expenditures paid for from new fiscal year revenues. At the end of the fiscal year, all unspent budgeted funds shall be transferred to the fund's fund balance.

## Capital Maintenance

The City recognizes the importance of maintaining its capital assets and the impact appropriate maintenance expenses can have on the annual budget. Therefore, the City shall establish a five (5) year capital maintenance plan that covers all of the City's capital assets and maintains them at a sufficient level to protect the City's investment, minimize future replacement and maintenance costs, and maintain service levels. The plan shall be reviewed and updated annually. During the annual budget process, the following year's maintenance projects shall be prioritized. The maintenance projects included in the following year's budget shall be based on the prioritized list and available funding.

## Cost recovery

The City has established various policies regarding the cost recovery of certain fees and charges. This policy unifies and establishes the City's cost recovery targets as follows:

Building Permit and Development Processing fees – 100% of direct costs and 15% of overhead costs.

Leisure Class Fees – 100% of direct expenditures.

Aquatics Facility fees – 50% of direct salary and operating & maintenance costs, excluding utilities and Capital maintenance.

Fuel charges – 100% of purchase price plus a per gallon flowage fee to cover the infrastructure and maintenance costs of the fuel system.

Fleet parts and labor charges – 100% of direct costs plus an overhead charge to cover the indirect costs of providing the service.

In addition, any program or event that is expected to require financial subsidy of the General Fund of at least \$10,000 shall be identified and analyzed during the annual budgeting process.

### **Fund/Cash Balances**

The City recognizes the importance of maintaining adequate financial resources to mitigate the negative effect of economic downturns and unforeseen events on its service delivery. Given the fundamental difference between the governmental accounting standards used for the General Fund and accrual basis of accounting used for the enterprise funds, the City will use a fund balance target for the General Fund and cash balance targets for the sewer and refuse funds.

Most of the City's special revenue funds depend upon General Fund transfers for operations. Therefore, the City shall strive to maintain an unreserved General Fund balance equal to two months of General Fund expenditures and operating transfers out.

The sewer and refuse funds shall establish cash balance reserve funds equal to two months of expenses, including allocations in.

Before the financial statements are completed and issued for the fiscal year, the City shall project what the General Fund reserve change will be. If this change is positive, staff shall recommend to Council where the increase should be applied. Fund balance increases may be used for:

- Increasing fund balance
- Set aside to pay down Capital debt
- Pay down retirement liabilities
- Pay cash for Capital projects
- Cover emergency expenses
- Pay for strategic plan items

### **Capital Improvements**

Planning for the future capital needs of the City is a key element to long-term financial success. In order to be proactive to future capital needs, the City will develop and maintain a ten (10) year capital improvement plan. This plan shall be divided into two parts. The first part shall cover anticipated capital needs during years one (1) through five (5). All new capital projects the City sees a demand for within this timeframe shall be included in this list. The information presented for each project shall include the project's name, a detailed description of the project, a description of how the project ties into the Council's strategic plan, the year in which the project is expected to start

construction and the estimated ongoing annual operating costs. The second part of the capital improvement plan shall cover years six (6) through ten (10). The information presented in this part shall include longer term projects estimated to be potentially funded by impact development fees.

### **Debt Service Issuance and Limitations**

The City understands the balance between using debt to fund its capital needs and the impact of debt service requirements on future years' resources.

The City will not use long-term debt financing to finance current operations or projects that should be financed from current revenues or resources. The City will first attempt to utilize "pay-as-you-go" capital funding and/or the use of operating funds or impact fees where applicable.

Depending upon the type and purpose of a project, the expected life of the asset and other factors, the City will analyze the best financing method to use including, but are not limited to, lease-purchase contracts, revenue bonds, general obligation bonds, excise tax revenue bonds, state loans, federal loans and bonds issued by the Municipal Property Corporation. The term of the financing shall not exceed the life expectancy of the asset.

The City shall keep its General Obligation bonded indebtedness within the State of Arizona's Constitution limits. The limit currently is 20% of secondary assessed value for projects involving water, wastewater, public safety, streets, open space, and recreation facility improvements. The limit is currently 6% of secondary assessed valuation for any other project.

The City's current debt service coverage ratio on its Municipal Property Corporation (transaction privilege tax) bonds is four (4) times revenue to debt service. Given the lack of control of State Shared Revenues, which are pledged revenues to the City's excise tax bonds, the City shall strive to maintain a six (6) times coverage ratio on the excise tax bonded debt.

To ensure independence, the City's Financial Advisor shall not be allowed to bid on, nor underwrite any, City debt issues.

The City will consider the purchase of municipal bond insurance when it is financially advantageous to do so.

The City will consider retiring outstanding bonds prior to maturity when it is economically advantageous and fiscally prudent to do so.



## **Bond Rating Goals**

The City's bond rating has a direct effect on its cost of capital. The City will maintain regular contact with rating agencies through meetings and visits on and off site. The City shall strive to maintain an investment grade bond rating by all three bond rating agencies, and, when possible to, attempt to achieve an upgrade to existing bond ratings from the three agencies.

## **Investments**

Earning investment income on the City's cash balances is an important component of its overall revenue package. The primary objectives, in order of priority, of the City's investment policy shall be safety, liquidity and yield. The City shall use the 'prudent person' standard when evaluating investment options and shall abide by all Federal and State laws regarding the investment of public funds. Currently, Arizona Revised Statutes § 35-323 lists the authorized securities the City may invest in. Under no circumstances shall the City use public funds for speculative purposes. The investment of bond proceeds shall, at all times, be consistent with state statutes and bond covenants.

## **Human resources**

Employees are a key resource of the City. Given the importance they play in service delivery, the City wishes to attract and retain quality personnel. Two key factors employees, and potential employees, look at when deciding whether to stay at or come work for the City are the wages and growth opportunities it offers. Therefore, the City shall pay a competitive market wage and develop and maintain an employee development program.

The City shall maintain a class and compensation plan and shall periodically update said plan and make every effort to stay competitive and strive to fund the plan.

The City shall review its organizational structure annually to ensure efficient service delivery.

## **Procurement**

The City shall strive to obtain the best value for its dollar when procuring goods and services. The City shall adopt a procurement code and develop policies and procedures that encourage full and open competition in the procurement process. To assist in obtaining the best value, the City may enter into cooperative purchasing agreements with other governmental entities and purchase items under other governmental contracts.

March 1, 2018

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP, Director  
Community Development

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
RESOLUTION 2018-024  
Intergovernmental Agreement with the Arizona Department of  
Housing Office of Manufactured Housing

RECOMMENDATION:

The City Manager recommends approval.  
The Director of Community Development recommends approval.

INITIATED BY: The Arizona Department of Housing Office of Manufactured Housing

BACKGROUND:

The City, or the County doing inspections for the City, has had an intergovernmental agreement (IGA) with the State of Arizona Office of Manufactured Housing (OMH) since 1979. For the majority of that time the City contracted with Cochise County for inspections of mobile home installations. Approximately 11 years ago the City ended that contract and began performing the inspections for manufactured homes and offices relocated or moved into the City.

ANALYSIS:

The construction of manufactured buildings is regulated by the State OMH. However, the installation, including foundation work and utility connections, is regulated and inspected by local governments. The Community Development Building division performs these inspections. To continue to ensure the health and safety of residents and businesses utilizing manufactured buildings, it is in the best interest of the City to continue this process.

The agreement affects manufactured homes, factory-built buildings, mobile homes, and the installation of the same.

Approval of this IGA for a period of five years will enable the City to maintain the relationship with OMH and to regulate and inspect the installation of manufactured buildings within the City.

BUDGET IMPACT:

To date in calendar year 2018, the City has permitted 0 manufactured homes and 0 factory-built office building. In 2017 there were nine manufactured homes permitted. In 2016 there were 4 manufactured homes permitted. As such, the impact on building inspection staff is minimal.

ATTACHMENTS:

The IGA is attached as Exhibit A.

RESOLUTION 2018-024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPROVING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE STATE OF ARIZONA DEPARTMENT OF HOUSING OFFICE OF MANUFACTURED HOUSING, AND THE CITY OF SIERRA VISTA TO ALLOW THE CITY TO PERFORM BUILDING INSPECTIONS ON MANUFACTURED BUILDINGS LOCATED IN THE CITY AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to Arizona Revised Statutes; and

WHEREAS, the State wishes to convey installation and inspection responsibilities to the City; and

WHEREAS, the City and State agree that the installation and inspection of manufactured buildings is in the best interest of the public's health, safety and welfare; and

WHEREAS, the City agrees that providing installation and inspection permitting services is in the best interest of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of entering into Intergovernmental Agreements, most recently affirmed by resolution, be, and hereby is, reaffirmed.

SECTION 2

That the Intergovernmental Agreement between the State of Arizona Department of Housing Office of Manufactured Housing and the City of Sierra Vista, attached as Exhibit A, is hereby approved.

SECTION 3

The City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF MARCH, 2018.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JILL ADAMS  
City Clerk

\_\_\_\_\_  
NATHAN J. WILLIAMS  
City Attorney

Prepared by:  
Matt McLachlan, AICP  
Director, Community Director

**AGREEMENT**

**BETWEEN**

**ARIZONA DEPARTMENT OF HOUSING  
OFFICE OF MANUFACTURED HOUSING**

**AND**

**CITY OF SIERRA VISTA**

**TO ENFORCE INSTALLATION STANDARDS**

This **AGREEMENT** (“Agreement”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **ARIZONA DEPARTMENT OF HOUSING, OFFICE OF MANUFACTURED HOUSING** (“OMH”) and the City of Sierra Vista (“Agency”).

**WHEREAS**, pursuant to A.R.S. § 41-4002 the purpose of OMH is to maintain standards of quality and safety for manufactured homes, factory-built buildings, mobile homes, and the installation of the same.

**WHEREAS**, A.R.S. § 41-4004 (B) (5) directs OMH to enter into agreements with local enforcement agencies to enforce the installation standards in their respective jurisdictions consistent with the installation standards of OMH; and

**WHEREAS**, it is the desire of both parties to eliminate unnecessary duplication of inspections regarding installation standards within the Agency’s jurisdiction;

**NOW, THEREFORE**, in consideration of the premises and mutual promises and undertakings herein contained, and for other good and valuable consideration, the parties agree as follows:

1. Monitoring and Enforcement. For the duration of this Agreement, the Agency will monitor and enforce the installation standards set forth in A.R.S. § 41-4004 (B) (4) and A.A.C. R4-34-102 as they apply to installation standards and accessory structures.
2. Term. The term of this Agreement shall be for five (5) years from the date of this Agreement.
3. Standards of Performance. In exercising the authority delegated hereunder the Agency shall perform to the same standards of performance that the law imposes upon OMH in exercising the authority described in section 1 hereof. In addition, the Agency shall not approve any installation unless the installer affixes a State Insignia of Approval as required by A.A.C. R4-34-802 (A) and pays to the Agency the fee established by OMH pursuant to the authority by A.A.C. R4-34-501 and as permitted by A.A.C. R4-34-506.
4. Monthly Reporting. The Agency in this Agreement shall submit a Monthly IGA Report to OMH. A copy of each closed mobile home/HUD manufactured home or FBB permit shall be submitted with the monthly report. The monthly report with copies of permits shall be submitted

by mail, fax, or email, on or before the 15<sup>th</sup> of the following month. OMH will provide the monthly report format which will require the following be collected and documented:

- a. ARZ HUD label number(s) or FBB manufacturers insignia number
- b. Unit serial number
- c. Installation insignia or FBB plan approval number
- d. Address of installation
- e. Date of approved final installation inspection

5. Fees Charged by the Agency. Permit fees charged by the Agency shall be the same as the Fee Schedule created by OMH pursuant to its authority under A.R.S. § 41-4010 (A) (4) and A.A.C. R4-34-501 and no more than permitted by R4-34-801(E). All fees collected by the Agency shall be kept by the Agency as compensation for the services performed by the Agency under this agreement. The Agency shall not be entitled to any other compensation for services rendered by it under this Agreement.

6. Termination. Either party may terminate this Agreement at any time without cause by giving the other party thirty (30) days written notice prior to the date of termination. Additionally, OMH may terminate this Agreement immediately and without notice, if OMH determines that the installation standards required in the Agreement are not being maintained, or that local fees are not consistent with the inspection fees established by the Board of Manufactured Housing.

7. Qualifications of Personnel. The personnel that perform the functions delegated to the Agency in paragraph 1 hereof shall each have no less than one year of experience as a building code inspector or manufactured housing installation inspector.

8. Inspector Training. All Agency Inspectors performing under this Agreement shall participate in required initial and/or periodic training as set and coordinated by the State.

9. Duties of OMH. Should OMH require inspections of any portion of the installation of mobile, manufactured homes, accessory structures or factory built buildings not required by the Rules referred to herein and not covered under this Agreement, OMH shall be responsible for the inspections and enforcement thereof.

10. Notices. All notices shall be mailed or delivered to the party to receive such notice to the following address.

- a. If intended for OMH to:

Arizona Department of Housing  
Office of Manufactured Housing  
1110 West Washington, Suite #280  
Phoenix, AZ 85007-2935

Attn: Debra Blake  
Title: Deputy Director  
Phone: (602) 364-1022

b. If intended for Agency, to:

City of Sierra Vista  
1011 N Coronado Dr  
Sierra Vista, Arizona 85635

Attn: Bruce Alarie  
Title: Acting Building Administrator  
Phone: (520) 458-3315

11. Interpretation and Amendments. This Agreement contains the entire agreement between the parties hereto. This Agreement shall not be amended or modified in any manner, except by an instrument in writing signed by the parties hereto.

12. Headings. Headings are for convenience only and are not to be construed as part of this Agreement.

13. Invalidity of a Term. The parties agree that in the event any term, covenant or conditions herein contained should be held to be invalid or void, the invalidity of any such term, covenant or condition shall in no way affect any other term, covenant or condition of this Agreement.

14. Dispute. In the event of any dispute between the parties under this Agreement, the parties agree that they shall submit the dispute to arbitration pursuant to A.R.S. §§ 12-133(D) and 12-1518.

15. Inspection and Audit. Pursuant to A.R.S. §§ 35-214 and 35-215, all books, accounts, reports, files and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement. Such records shall be produced at the Auditor General's Office or such other office as the parties hereto may mutually agree within a reasonable time after request.

16. Conflict of Interest. The parties acknowledge that this Agreement is subject to cancellation by the Governor of Arizona pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein.

17. Prohibition Against Discrimination. In the event that it applies, the parties agree to comply with the Arizona Governor's Executive Order No. 2009-09.

18. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona. The exclusive venue for any litigation, arbitration, administrative hearing or the like concerning this Agreement or any matter arising therefrom shall be in Maricopa County, State of Arizona.

19. Unavailability of Funding. Every payment or financial obligation of the parties under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by any party at the end of the period for which funds are available. No liability shall accrue to any party in the event this provision is exercised,

and neither the OMH or Agency shall be obligated or liable for any future payments nor for any damages as a result of termination under this paragraph.

20. E-verify. To the extent applicable under A.R.S. § 41-4401, each party and its respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). Each party has the right to inspect the papers of the other party or its subcontractors participating in this Agreement and may result in the termination of the Agreement by a non-breaching party under terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement and have executed this Agreement the day, month and year first written above.

ARIZONA DEPARTMENT OF HOUSING:

CITY OF SIERRA VISTA:

Names: \_\_\_\_\_  
Carol Ditmore, Interim Director  
Arizona Department of Housing

Name: \_\_\_\_\_  
Rick Mueller, Mayor

\_\_\_\_\_  
Debra Blake, Deputy Director  
Arizona Department of Housing  
Office of Manufactured Housing

ATTEST: \_\_\_\_\_  
Jill Adams, City Clerk

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

This Intergovernmental Agreement has been reviewed by the undersigned attorney for the Agency who has determined that it is in appropriate form and within the powers and authority granted by law to the Agency designed herein.

BY: \_\_\_\_\_  
Nathan J Williams, City Attorney

This Intergovernmental Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers granted under the laws of the State of Arizona to those Parties to the Agreement represented by the Attorney General.

Dated this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

BY: \_\_\_\_\_  
Valerie L. Marciano, Esq.  
Assistant Attorney General

March 8, 2018

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Matt McLachlan, AICP, Director  
Department of Community Development

FROM: Jeff Pregler  
Senior Planner, AICP

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
Resolution 2018-025  
Appointment to the Commission on Disability Issues

RECOMMENDATIONS:

None

INITIATED BY:

Commission on Disability Issues.

BACKGROUND:

The Commission on Disability Issues (CoDI) currently has two vacancies. Two members from the public, Jane Strain and Stuart Carter have submitted an application for membership to the Commission. Jane Strain's term will expire on December 31, 2018 and Stuart Carter's term will expire on December 31, 2019.

BUDGET APPROPRIATION:

Not applicable.

Attachments

RESOLUTION 2018-025

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE CITY COUNCIL'S SETTLED POLICY ON BOARDS AND COMMISSIONS; APPOINTING JANE STRAIN, SAID TERM TO EXPIRE ON DECEMBER 31, 2018 AND STUART CARTER, SAID TERM TO EXPIRE ON DECEMBER 31, 2019 TO THE COMMISSION ON DISABILITY ISSUES; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created a Commission on Disability Issues; and

WHEREAS, there are currently two vacancies on the Commission, and

WHEREAS, members of the public have requested to become new members of the Commission on Disability Issues;

WHEREAS, this resolution will affirm settled policy of the City Council, filling vacancies and reappointing members on boards and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

The City Council reaffirms its settled policy on reappointments to boards and commissions.

SECTION 2

The City Council hereby appoints Jane Strain, said term to expire December 31, 2018 and Stuart Carter, said term to expire on December 31, 2019, to the Commission on Disability Issues.

SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF MARCH 2018.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

ATTEST:

\_\_\_\_\_  
JILL ADAMS  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
NATHAN J. WILLIAMS  
City Attorney

PREPARED BY:  
Jeff Pregler  
Senior Planner



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - www.SierravistaAz.gov

## APPLICATION TO CITY BOARD/COMMISSION

DATE: 16 February 2018

BOARD/COMMISSION: Commission on Disability Issues

NAME: Jane C Strain TELEPHONE: \_\_\_\_\_ (ONE P  
\_\_\_\_\_  
(HOME)

E-MAIL ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: Sierra Vista ZIP: 85635

MAILING ADDRESS: SAB/

CITY RESIDENT? yes REGISTERED TO VOTE IN CITY? yes

EDUCATION: Master Educational Psychology, University of Arizona

OCCUPATION: Retired, US Army Signal Corp. Major  
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: Serve on Cochise Community College, Learning Board Trustee Since 1998. Serve on Friends of SV Animal Shelter, Inc. Serve as Chair of Statewide Community College Trustees Organization. Active Church member: Sierra Evangelical Lutheran Church. Hero - Brubaker Fellow.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: \_\_\_\_\_

May 91 or more recently moved to Sierra Vista. She had lived in Wichita Falls Texas for 70 years. This was a difficult change. The two positive experiences were both with the city; bus transportation and audio books program at library. I would like to learn more.

REFERENCES: 1. Judy Nigrac \_\_\_\_\_  
(NAME)  
2. Sheila delke Heidman \_\_\_\_\_  
(NAME)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

Jane Strain  
(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office - 08/29/05



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - [www.SierravistaAz.gov](http://www.SierravistaAz.gov)

## APPLICATION TO CITY BOARD/COMMISSION

DATE: 27 FEBRUARY 2018

BOARD/COMMISSION: Commission on Disability Issues

NAME: STUART S. (STU) CARTER

TELEPHONE: [REDACTED] (HOME) [REDACTED] (CELL)

E-MAIL ADDRESS: [REDACTED]

ADDRESS: [REDACTED] CITY: SIERRA VISTA ZIP: 85650

MAILING ADDRESS: SAME AS ABOVE

CITY RESIDENT? YES REGISTERED TO VOTE IN CITY? YES

EDUCATION: M.S. AERONAUTICAL SCIENCE, EMBREY-RIDDLE AERONAUTICAL UNIVERSITY, DATONA BEACH, FL; B.A. COMPUTER SCIENCE, UNIVERSITY OF CALIFORNIA, BERLELEY

OCCUPATION: USAF RETIRED (30-YEARS), AIR FORCE/US ARMY CIVIL SERVANT RETIRED (15-YEARS)  
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: VICE CHAIR, THEN CHAIRMAN, GREATER SIERRA VISTA UNITED VETERANS COUNCIL (2009-2015); COUNCIL MEMBER, THEN CO-CHAIRMAN, FT HUACHUCA RETIREE COUNCIL (2011-PRESENT); VICE PRESIDENT, THEN PRESIDENT, AIR FORCE ASSOCIATION, COCHISE CHAPTER 107 (2008-2017); FOUNDER/PRESIDENT, VELOVETS SIERRA VISTA (501C3) – 2016-PRESENT; PRESIDENT, COCHISE BICYCLE ADVOCATES (2016-PRESENT); FOUNDER/CHAIRMAN, SKY ISLAND TOUR (FOR THE NATIONAL ALLIANCE ON MENTAL ILLNESS, SOUTHEASTERN ARIZONA) (2016-PRESENT); VICE PRESIDENT, VOLUNTER INTERFAITH CARE GIVER PROGRAM (VICAP) (501C3) (2016-PRESENT); VICE PRESIDENT, SOUTHERN ARIZONA VETERANS MEMORIAL CEMETERY FOUNDATION (501C3) (SAVMCF), 2017-PRESENT; VICE PRESIDENT&DESIGN COMMITTEE CHAIRMAN, SIERRA VISTA VETERANS MEMORIAL IMPROVEMENT FOUNDATION (SVVMIF) (501C3), 2016-2017).  
MORE IF NEEDED...

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: BEING A 70% DISABLED VETERAN, LEADER IN VETERAN ACTIVITIES SINCE MY ARRIVAL IN 2006, ADVISOR TO THE COMMANDING GENERAL, USAIOE ON CYCLING AND PHYSICAL FITNESS, MEMBER OF FT HUACHUCA COUNCIL ON PHYSICAL FITNESS, PRESIDENT OF THE COCHISE BICYCLE ADVOCATES AND FOUNDER OF VELOVETE SIERRA VISTA, I MAY BE UNIQUELY QUALIFIED TO BLEND BEING PHYSICALLY DISABLED WITH ACTUALLY DOING SOMETHING TO HELP DISABLED PEOPLE TO IMPROVE THEIR QUALITY OF LIFE (PHYSICALLY AND MENTALLY). I KNOW JAME STRAIN VERY WELL, AND SHE ASKED ME LAST SATURDAY IF I'D JOIN. SO, I AM APPLYING.

REFERENCES: MAYOR MUELER, WES HEWITT, VICTORIA YARBROUGH, MATT MCLACHLAN; ALESIA ASH; ANYONE IN THE CYCLING COMMUNITY; JUDY TRITZ (NAMI SEAZ); OTHERS.

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - [www.SierravistaAz.gov](http://www.SierravistaAz.gov)

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

A handwritten signature in black ink, appearing to read "Steve Bart", is written over a horizontal line.

(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office – 08/29/05 (27 Feb 18)

February 23, 2018

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: Sharon G. Flissar, Director of Public Works

SUBJECT: Request for Agenda Item Placement  
Resolution 2018- 026, Appointing Arthur Weisberger  
to the Sierra Vista Airport Commission

Recommendation:

The City Manager recommends approval.  
The Director of Public Works recommends approval.

Initiated by:

Sierra Vista Airport Commission

Background

Arthur Weisberger previously served on the Airport Commission prior to “termining out” in 2016. After his term came to an end, he continued his involvement by becoming an associate member of the commission. He is now eligible for appointment since he has not been a full member for more than a year. Arthur applied for appointment, and the Airport Commission recommended to approve and forward his application to the City Council at its meeting on February 21<sup>st</sup>. With the appointment of Arthur Weisberger, there will be one remaining vacancy on the Airport Commission.

Budget Appropriations:

Not applicable.

Attachment

RESOLUTION 2018-026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPOINTING ARTHUR WEISBERGER TO THE SIERRA VISTA AIRPORT COMMISSION, SAID TERM TO EXPIRE DECEMBER 31, 2019, AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created an Airport Commission for the purpose of advising the Mayor and City Council on matters relating to airport issues; and

WHEREAS, an application has been received to fill an upcoming vacancy, and it is in the best interest of the citizens to have a full complement of Airport Commission members to address airport concerns; and

WHEREAS, the commission has recommended to appoint Arthur Weisberger to fill a vacancy on the commission;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City Council policy to make appointments to boards and commissions when qualified applicants are available is hereby reaffirmed.

SECTION 2

The City Council hereby appoints Arthur Weisberger to the Sierra Vista Airport Commission, said term to expire December 31, 2019.

SECTION 3

The City Manager, City Clerk, and City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF MARCH, 2018.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

Approval as to Form:

Attest:

\_\_\_\_\_  
NATHAN J. WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

Prepared by:  
Sharon G. Flissar, Director of Public Works



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - www.ci.sierra-vista.az.us

## APPLICATION TO CITY BOARD/COMMISSION

DATE: 2 FEBRUARY 2018

BOARD/COMMISSION: AIRPORT COMMISSION

NAME: ARTHUR J. WEISBERGER TELEPHONE: [REDACTED] (ONE PER FORM)  
(HOME) (WORK)

E-MAIL ADDRESS: [REDACTED]

ADDRESS: [REDACTED] CITY: SIERRA VISTA ZIP: 85635

MAILING ADDRESS: AS ABOVE

CITY RESIDENT?  REGISTERED TO VOTE IN CITY?

EDUCATION: BA IN JOURNALISM

OCCUPATION: RETIRED 26 YEARS DETECTIVE DIVISION NYPD  
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: \_\_\_\_\_

AIRPORT TENANT SEARCH & RESCUE CIVIL AIR PATROL RANGE SAFETY OFFICER  
AT THE SIERRA VISTA SHOOTING RANGE

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: I HAVE BEEN A MEMBER OF THE  
AIRPORT COMMISSION FOR SEVERAL YEARS

REFERENCES: 1. \_\_\_\_\_  
(NAME) (ADDRESS) (PHONE)

2. \_\_\_\_\_  
(NAME) (ADDRESS) (PHONE)

**THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.**

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

Arthur J. Weisberger

(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office - 08/29/05