



**CITY OF TOMBSTONE
P.O. BOX 339 TOMBSTONE, AZ 85638
(520) 457-2202**

**REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 8, 2013
7:00 P.M.
SCHIEFFELIN HALL
(CORNER OF FREMONT AND FOURTH STREET)**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the Mayor and Common Council and the general public that a **Regular Council Meeting** will be held on **Tuesday, October 8, 2013**.

The **Regular Council Meeting** is open to the public and will be held at Schieffelin Hall on the corner of Fremont and Fourth Street at **7:00 P. M.**

The Council may vote to hold an Executive Session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S. 38-431.03(A)(3).

AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES

-Regular Council Meeting & Public Hearing on Bond Referendum - September 17, 2013

V. PUBLIC COMMENT

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

VI. OLD BUSINESS

- A. DISCUSSION AND/OR ACTION:** Request of a Special Use Permit for the Cold Iron Gym for their 2013 Deadlift Shootout Powerlifting Meet to be held on Saturday, October 26, 2013, on Allen Street between 5th and 6th Street starting at approximately 10:00 a.m.

VII. NEW BUSINESS

- A. DISCUSSION AND OR ACTION:** Approval of Accounts Payable in the amount of \$ 99,258.05 (September 1, 2013 through September 30, 2013).
- B. DISCUSSION AND/OR ACTION:** Request by Sacred Heart Church and Knights of Columbus for the use of Medigovich Field and the Concession stand for October 18, 19, & 20th, 2013 for "Tombstone's Family Fun Helldorado Days Event. Activities include softball tournament and food booth. Activities to begin at 8:00 a.m. and continue throughout the day till evening.
- C. DISCUSSION AND/OR ACTION:** Request from the Tombstone Volunteer Fire Department for a table to be set up in front of 426 E. Allen Street, to sell merchandise on October 18th, 19th and 20th, 2013.
- D. DISCUSSION AND/OR ACTION:** Request from the Tombstone Volunteer Fire Department for use of the City Park on October 31st, 2013, from 12:00 Noon to 10:00 p.m. for their annual children's Halloween Event.
- E. DISCUSSION AND/OR ACTION:** Approval of Resolution 11-2013, by the Mayor and Common Council, City of Tombstone, County of Cochise, State of Arizona, a Resolution accepting membership in the Rural Arizona Group Health Trust.
- F. DISCUSSION AND/OR ACTION:** Zoning change to B-1 for Block 106 due to transitional use of Lots 17 and 18 with ADOT imposed setbacks of a 130' for Highway access.
- G. DISCUSSION AND/OR ACTION:** Request from Dennis Minchella of Kokopelli Winery, for a Wine Fair Liquor License for Saturday, November 2, 2013 from 11:00 a.m. to 5:00 p.m. and Sunday, November 3, 2013 from 11:00 a.m. to 5:00 p.m., to be held at 15 N. 4th Street.

- H. DISCUSSION AND/OR ACTION:** Request from Cory Whalin of Su Vino Winery, for a Wine Fair Liquor License for Saturday, November 2, from 11:00 a.m. to 5:00 p.m. and Sunday, November 3, 2013 from 11:00 a.m. to 5:00 p.m., to be held at 15 N. 4th Street.
- I. DISCUSSION AND/OR ACTION:** Request from Karyl Lee Wilhelm of Wilhelm Family Vineyards, for a Wine Fair Liquor License for Saturday, November 2, 2013 from 11:00 a.m. to 5:00 p.m. and Sunday, November 3, 2013 from 11:00 a.m. to 5:00 p.m., to be held at 15 N. 4th Street.
- J. DISCUSSION AND/OR ACTION:** Request from John M. McLoughlin, of Cellar 433, for a Wine Fair Liquor License for Saturday, November 2, 2013 from 11:00 a.m. to 5:00 p.m. and Sunday, November 3, from 11:00 a.m. to 5:00 p.m., to be held at 15 N. 4th Street.
- K. DISCUSSION AND/OR ACTION:** Request from Jeffrey Dean Manning, of Kief Joshua Vineyards for a Wine Fair Liquor License for Saturday, November 2, 2013 from 11:00 a.m. to 5:00 p.m. and Sunday, November 3, 2013 from 11:00 a.m. to 5:00 p.m., to be held at 15 N. 4th Street.
- L. DISCUSSION AND/OR ACTION:** Approving and authorizing the City Attorney to pursue litigation and any appeals in the Tombstone v Beatty case CV201200499 concerning the Superior Court's Judgments and Orders dated November 5, 2012 and December 11, 2012 and ratifying all of the efforts made by the city attorney thus far in pursuing litigation in CV201200499 and the appeal in 2 CA-CV 2013-0018. A copy of the Notice of Appeal and Superior Court's Judgements and Orders dated November 5, 2012 and December 11, 2012 are enclosed in the packet and are available at City Hall and a copy of the briefs filed with the Court of Appeals are available at City Hall and at the Court of Appeals in Tucson, Arizona. On December 18, 2012, the Tombstone City Council held a meeting which included an Executive Session for consultation with the City's attorney and the discussion of pending litigation with the Beatty Guest Ranch. Tombstone's Notice of Appeal was filed on January 4, 2013, within 30 days after Tombstone's request for a new trial was denied, by Order of December 11, 2012. It was Council's belief at that time that the appeal was simply a continuation of the litigation that is till pending in Superior Court and that no additional authorization was necessary. To the extent that Council approval is necessary to pursue Tombstone's property and water rights against the Beattys, the United States or any other party or agency of the United States or State of Arizona, the Council is ratifying the actions of it city attorney and representatives of the Goldwater institute. Copies of all pleading and other papers are of public record and may be obtained from the Cochise County Superior Court.

M. DISCUSSION AND/OR ACTION: Approving and authorizing the City Attorney and the Goldwater Institute to pursue litigation and any appeal in the Tombstone v United States case 4:11-cv-00845-FRZ and ratifying all of the efforts made by the City Attorney, other attorney's and experts working with him as well as the Goldwater Institute thus far in pursuing Tombstone Water rights litigation in Federal District Court and any appellate courts. To the extent that Council approval is necessary to pursue Tombstone's property and water rights against the United States or any other party or agency of the United States or State of Arizona, the Council is ratifying the actions of its City Attorney and representatives of the Goldwater institute. Copies of all pleading and other papers are of public record and may be obtained from <http://www.pacer.gov>.

VIII. MOTION TO ADJOURN:

Stephen Schmidt, Mayor

Posted: 10/ 7/2013

Persons with disabilities may request a reasonable accommodation by contacting City Hall at (520) 457-2202. Requests should be made as early as possible to allow time to arrange the accommodation.