

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD JANUARY 3, 2012, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. BRIEF SUMMARY OF CURRENT EVENTS BY MAYOR, CITY COUNCIL AND/OR CITY MANAGER--THE PUBLIC BODY DOES NOT PROPOSE, DISCUSS, DELIBERATE OR TAKE LEGAL ACTION ON ANY MATTER BROUGHT UP DURING THIS SUMMARY UNLESS THE SPECIFIC MATTER IS PROPERLY NOTICED FOR LEGAL ACTION.
- V. CALL TO THE PUBLIC--This portion of the agenda is set aside for the public to address the Council regarding an item that is not listed on the agenda for discussion. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.H.) Comments are limited to a 5 minute time period.
- VI. PROCLAMATION--DECLARING THE MARTIN LUTHER KING, JR., HOLIDAY AS A DAY OF SERVICE IN COTTONWOOD.
- VII. INTRODUCTION OF NEW EMPLOYEES--TYLER KEPPLER, IT TECHNICIAN
- VIII. APPROVAL OF MINUTES--Regular Meeting of 12/6/11.

Comments regarding agenda items are limited to a 5 minute time period per speaker.
- IX. OLD BUSINESS--None.
- X. CONSENT AGENDA--None.
- XI. NEW BUSINESS--The following items are for Council discussion, consideration, and possible legal action.
 1. RESOLUTION NUMBER 2622--APPOINTING A MEMBER TO THE SENIOR COMMISSION.
 2. RESOLUTION NUMBER 2623--APPOINTING A MEMBER TO THE SENIOR COMMISSION.

A G E N D A
January 3, 2012/Page 2

3. RESOLUTION NUMBER 2624--APPOINTING A MEMBER TO THE SENIOR COMMISSION.
 4. RESOLUTION NUMBER 2625-- APPOINTING A MEMBER TO THE AIRPORT COMMISSION.
 5. RESOLUTION NUMBER 2626--APPOINTING A MEMBER TO THE LIBRARY BOARD.
 6. RESOLUTION NUMBER 2627--APPOINTING A MEMBER TO THE LIBRARY BOARD.
 7. RESOLUTION NUMBER 2628--APPOINTING A MEMBER TO THE LIBRARY BOARD.
 8. RESOLUTION NUMBER 2629--APPOINTING A MEMBER TO THE LIBRARY BOARD.
 9. APPROVAL OF A NEW ADMINISTRATIVE ASSISTANT STAFF POSITION FOR THE ECONOMIC DEVELOPMENT DEPARTMENT AND THE VERDE VALLEY BUSINESS ASSISTANCE CENTER.
 10. TERMINATION OF THE INTERGOVERNMENTAL AGREEMENT WITH THE NORTHERN ARIZONA INTERGOVERNMENTAL TRANSPORTATION AUTHORITY FOR THE OPERATION AND MANAGEMENT OF THE COTTONWOOD AREA TRANSIT (CAT) SYSTEM.
 11. ORDINANCE NUMBER 583--AMENDING TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.64 PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL ANALOGUES; AND DECLARING AN EMERGENCY.
 12. APPROVAL OF A TRAIL EASEMENT FROM AGRO INVESTMENTS, LLC, IN THE VICINITY OF DEL MONTE WASH TO PROVIDE A NON-MOTORIZED PUBLIC ACCESS TRAIL.
 13. APPROVAL OF THE USE OF TWO CITY EASEMENTS AS MULTI-USE CONNECTOR PATHWAYS BETWEEN 10TH AND 12TH STREETS ALONG ELM AND DATE STREET'S RIGHT-OF-WAYS FOR USE BY PEDESTRIANS AND BICYCLISTS.
- XII. CLAIMS & ADJUSTMENTS

A G E N D A
January 3, 2012/Page 3

XIII. EXECUTIVE SESSION - PURSUANT TO A.R.S. §38-431.03.A.7 THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE POSSIBLE PURCHASE OF REAL PROPERTY.

XIV. ADJOURNMENT

Pursuant to A.R.S. § 38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03.(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9 , subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.



P R O C L A M A T I O N

Whereas, Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

Whereas, Dr. King's teaching can continue to guide and inspire us in addressing challenges in our communities; and

Whereas, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King, Jr., to serve their neighbors and communities on the King Holiday; and

Whereas, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and nation needs, bring our citizens together, and strengthen our communities and nation; and

Whereas, the King Day of Service is the only federal holiday commemorated as a natural day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

Whereas, King Day of Service projects are being organized by a committee of non-profits, community organizations and entities including Serve Yavapai, Beaver Creek Adult Center, Beaver Creek Kiwanis, Beaver Creek School, Community Counts, Friends of the Well, Prescott College; and

Whereas, citizens of Cottonwood have an opportunity to participate in events throughout our county on the King Day of Service, January 16, 2012, as well as support ongoing volunteer needs and commit to meaningful service throughout the year;

NOW, THEREFORE, I, Mayor Diane Joens of Cottonwood proclaim the Martin Luther King, Jr., Holiday as a Day of Service in Cottonwood, and call upon the people of Cottonwood to pay tribute to the life and works of Dr. Martin Luther King, Jr., through participation in community service projects on Martin Luther King Day and throughout the year.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Cottonwood, Arizona, this 3rd day of January 2012.

Diane Joens, Mayor

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012
Subject: Appointments to Senior Commission
Department: Human Resources
From: Iris Dobler, Human Resources Manager

REQUESTED ACTION

Council consideration of appointing three members to the Senior Commission.

If the Council desires to approve this item the suggested motions are:

"I move to approve Resolution Number 2622 appointing _____ to the Senior Commission to fill a three-year term of a general public member."

"I move to approve Resolution Number 2623 appointing _____ to the Senior Commission to fill a two-year term of a general public member."

"I move to approve Resolution Number 2624 appointing _____ to the Senior Commission to fill a two-year term of a general public member."

BACKGROUND

Jake Gonzales, whose "general public" seat expired December 18, 2011, has decided not to re-apply for the Senior Commission. And, there are two additional seats which expired December 18, 2011. One seat is for a three-year term, to expire January 4, 2015; two seats are for two-year terms, to expire January 4, 2014.

Applications have been received from the following individuals: Max Brown, Beverly Emerson and John O'Neill. Both Mr. Brown and Mr. O'Neill are currently members of this Commission, and are requesting re-appointment to the Senior Commission.

Max D. Brown has served on the Sr. Commission since it began, and has expressed an interest in continuing to serve on it for a new term. Max is or has been involved with serving senior

citizens through the Verde Valley Senior Center, Meals-on-Wheels and as an AARP tax counselor. He has also volunteered his time in various community organizations, including a “drug-free” residential neighborhood coalition.

Beverly Emerson has lived in Verde Village 5 for 13-1/2 years. She has many years of customer service, training and management experience, having worked as a manager or supervisor at multiple businesses, including Nieman Marcus and Federated Stores, at several hospitals, and owned her own business. She is a member of the Verde Valley Voices; was the 1st Program Coordinator at Yavapai County Cooperative Extension; and worked the past 12 years as liaison for the Arizona Highlands Garden Conferences to the Coconino, Gila, and Navajo counties (having given 3000 volunteer hours). She also helped develop the Master Gardener Association of Yavapai County.

John O’Neill has served on this Commission for two years. He has lived in the Verde Valley 33 years, and currently works for the Clarkdale Library. John currently volunteers with the Cottonwood Library Friends Group, and recently finished a three-week Medicare Workshop through OLLI, sponsored by Yavapai Community College. While working at the Cottonwood Public Library, they partnered multiple times with the Clemenceau Heritage Museum to bring programs and displays to Cottonwood. They also worked with the New Visions Academy, Mingus Union High School and the Verde Valley Camera Club to provide public art experiences.

JUSTIFICATION/BENEFIT/ISSUES

N/A

COST/FUNDING SOURCE

N/A

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Applications from Max Brown, Beverly Emerson and John O’Neill.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0060 x217
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Senior Com
(BOARD/COMMISSION/COMMITTEE)

NAME Brown Maxie
(Last) (First) (Middle)

MAILING ADDRESS PO Box 3176 Cottonwood AZ 86320
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 2121 Greengsue Dr Clarkdale AZ 86324
(Number & Street) (City) (State) (Zip)

HOME PHONE 928 639 2840 WORK/MESSAGE PHONE 928 2549176

EMAIL ADDRESS: luchsingerbrown@yahoo.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____

Education Col. / 6 yr.

Work Experience Many

Application for (Board/Commission/Committee)
Page 2

Please describe your qualifications for serving on Board/Commission/Committee: _____
on the commission since started

List any community service organizations or projects you have been involved with (include a brief description of activities):

Have you ever been convicted of, or pled "no contest" to **any** crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? _____ YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

Signature Mark Brown Date 12/7/11

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0060 x217
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR SENIOR COMMISSION
(BOARD/COMMISSION/COMMITTEE)

NAME EMERSON BEVERLY J.
(Last) (First) (Middle)

MAILING ADDRESS 2068 S. WRANGLERS WAY COTTONWOOD, AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS SAME
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-646-0379 WORK/MESSAGE PHONE SAME

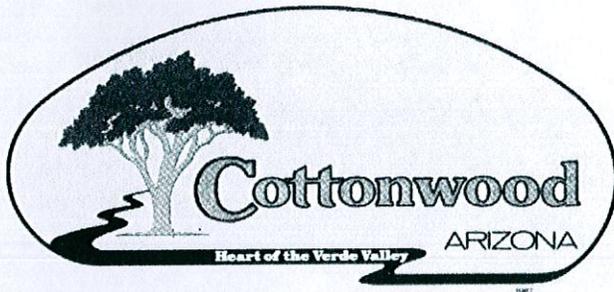
EMAIL ADDRESS: BJEMERSON11@JUNO.COM.

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____
VERDE VALLEY VOICES - FIRST 2 YRS.
DRIVER'S LICENSE -

Education HIGH SCHOOL - SOME COLLEGE

Work Experience RETIRED SALES MGR - NIEMAN MARCUS - SAN DIEGO - CA.
FEDERATED STORES - CA., IVAC CORPORATION - SAN DIEGO -
OWNER - THE TURNING POINT - SAN DIEGO - SO. NEVADA MEMORIAL
HOSPITAL - LAS VEGAS - MESA LUTHERAN HOSPITAL - (SUPE -
ADMIN. SERVICES)



CITY OF COTTONWOOD
 816 NORTH MAIN STREET
 COTTONWOOD, AZ 86326
 Phone (928) 340-2717
 Fax (928) 634-3727
 Revised January 11, 2010

APPLICATION FOR SENIOR COMMISSION
 (BOARD/COMMISSION/COMMITTEE)

NAME O'NEIL JOHN ROBERT
 (Last) (First) (Middle)

MAILING ADDRESS PO Box 714 CLARKDALE AZ 86324
 (Route or Box) (City) (State) (Zip)

STREET ADDRESS 405 MAIN CLARKDALE AZ 86324
 (Number & Street) (City) (State) (Zip)

HOME PHONE 928-634-7553 WORK/MESSAGE PHONE NONE

EMAIL ADDRESS: ONEIL.JOHN.R@GMAIL.COM (FIRST CHARACTER IS A ZERO)

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____

25 yr member of the American Library Association

Education BA'S IN ENGLISH LITERATURE & ENGLISH EDUCATION - EASTERN WASHINGTON UNIV.

Work Experience 29 1/2 YEARS CITY OF COTTONWOOD. 15 YEARS - CONSTRUCTION WORK

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I AM A SENIOR AND I CURRENTLY DO VOLUNTEER WORK WITH THE COTTONWOOD LIBRARY FRIENDS GROUP AND PERFORM PAID WORK FOR THE CLARKDALE LIBRARY. I JUST FINISHED A THREE-WEEK MEDICARE WORKSHOP THRU THE OSHER LIFE- LONG LEARNING INSTITUTE (OLLI) SPONSORED BY YAVAPAI COM. COLLEGE

List any community service organizations or projects you have been involved with (include a brief description of activities):

AT THE LIBRARY WE PARTNERED MULTIPLE TIMES WITH THE CLEMENCEAU HERITAGE MUSEUM TO BRING PROGRAMS AND DISPLAYS TO COTTONWOOD. WE ALSO WORKED WITH THE NEW VISIONS ACADEMY, MINGUS UNION H.S AND THE VERDE VALLEY CAMERA CLUB TO PROVIDE PUBLIC ART EXPERIENCES

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? _____ YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

No

Signature John R. O'Neil

Date 10-25-11

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.

RESOLUTION NUMBER 2622

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER OF THE SENIOR COMMISSION AND ESTABLISHING _____ TERM OF OFFICE.

WHEREAS, on January 2, 2008, the City Council established a Senior Commission to promote, support, and enhance the lives of senior citizens, so as to recognize, address and deliver the optimum level of services and safety to senior citizens, and to more fully incorporate and engage senior citizens into the community so as to more fully avail all citizens the opportunity to share in the myriad of experiences, skills and capabilities senior citizens bring to the community as a whole; and

WHEREAS, the term of John O'Neill as a member of the Cottonwood Senior Commission (representing a general member of the public, at least 55 years of age) expired on December 18, 2011; and

WHEREAS, it therefore is necessary to appoint a new member to said Commission in order to maintain the requisite number of seven members.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA:

THAT, in accordance with Section 2.104.030 of the City Code, _____, is hereby appointed a member of the City of Cottonwood's Senior Commission for a three-year term which expires January 4, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steve Horton, Esq., City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Resolution Number 2625--Appointing a Member to the Airport Commission.

Department: Airport

From: Morgan Scott, Development Services Operations Manager

REQUESTED ACTION

Consider appointing a new member to the Airport Commission.

If the Council desires to approve this item the suggested motion is: I move to approve Resolution Number 2625, appointing _____ to the Airport Commission to fill the remainder of a three-year term which expires July 1, 2014.

BACKGROUND

In July of 2011 The City of Cottonwood accepted applications for the three openings on the Airport Commission. Three applicants were chosen for the openings from a total of six applicants. Doug Palmquist recently resigned from his position leaving an opening on the Commission. The last applications for openings on the Commission were received less than 6 months ago and two of the remaining three applicants still desire to be considered for the position. Staff recommends that the new appointment be chosen from the remaining three applicants.

The three applicants are: Robert Eckhoff, William Jensen, and Ronald Krumm. Both Mr. Jensen and Mr. Krumm have been contacted and still desire to be considered for the position. Mr. Eckhoff has asked that he no longer be considered for the position.

The remaining members of the Airport Commission have recommended Mr. Ronald Krumm for the position at the December 15, 2011 Airport Commission Meeting.

JUSTIFICATION/BENEFITS/ISSUES

There was a concern expressed with not re-advertising this position publicly, but City staff has found that using the recent applications is an acceptable method of filling the new opening. No specification is given in Commission bylaws concerning the time period during which applications remain active.

COST/FUNDING SOURCE

There is no cost associated with the appointment of this position.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

Applications

RESOLUTION NUMBER 2623

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING _____ A MEMBER OF THE COTTONWOOD SENIOR COMMISSION AND ESTABLISHING _____ TERM OF OFFICE.

WHEREAS, on January 2, 2008, the City Council established a Senior Commission to promote, support, and enhance the lives of senior citizens, so as to recognize, address and deliver the optimum level of services and safety to senior citizens, and to more fully incorporate and engage senior citizens into the community so as to more fully avail all citizens the opportunity to share in the myriad of experiences, skills and capabilities senior citizens bring to the community as a whole; and

WHEREAS, the term of Jake Gonzales as a member of the Cottonwood Senior Commission, (representing a general member of the public, at least 55 years of age) expired on December 18, 2011; and

WHEREAS, it therefore is necessary to appoint a new member to said Commission in order to maintain the requisite number of seven members.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY ARIZONA:

THAT, in accordance with Section 2.104.060 of the Municipal Code of the City of Cottonwood, _____ is hereby appointed a member of the Cottonwood Senior Commission, for a two-year term expiring January 4, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq., City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2624

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING _____ A MEMBER OF THE COTTONWOOD SENIOR COMMISSION AND ESTABLISHING _____ TERM OF OFFICE.

WHEREAS, on January 2, 2008, the City Council established a Senior Commission to promote, support, and enhance the lives of senior citizens, so as to recognize, address and deliver the optimum level of services and safety to senior citizens, and to more fully incorporate and engage senior citizens into the community so as to more fully avail all citizens the opportunity to share in the myriad of experiences, skills and capabilities senior citizens bring to the community as a whole.

WHEREAS, the term of Max D. Brown as a member of the Cottonwood Senior Commission (representing a general member of the public, at least 55 years of age) expired December 18, 2011; and

WHEREAS, it therefore is necessary to appoint a new member to said Commission in order to maintain the requisite number of seven members.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY ARIZONA:

THAT, in accordance with Section 2.104.060 of the Municipal Code of the City of Cottonwood, _____, is hereby appointed a member of the Cottonwood Senior Commission to serve a two-year term expiring January 4, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq., City Attorney

Marianne Jiménez, City Clerk



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0060 x217
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR AIRPORT COMMISSION
(BOARD/COMMISSION/COMMITTEE)

NAME JENSEN William "BILL" H.
(Last) (First) (Middle)

MAILING ADDRESS P.O. Box 1064 Jerome AZ 86331
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 772 East Ave., No 2, Jerome AZ 86331
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-710-7270 WORK/MESSAGE PHONE 634-7943
(Town of Jerome)

EMAIL ADDRESS: w@jensen.org
OR zoning@tojaz.us

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. Licensed airplane tail wheel
pilot and own two 1960 Cessnas: a C-150
and a C-175. I rent Cottonwood airport
shade hangar space number 3.

single engine,
high performance,

Education B.S., Law; Juris Doctor; many management
seminars & classes.

Work Experience 33 years working for eight city
and county jurisdictions in California and
Arizona in Community Development type
departments as building inspector, plans examiner,
Chief Building official (Yavapai County) and
currently as Jerome Town Planner.

(Please continue on reverse side)

Application for (Board/Commission/Committee)
Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I am an active pilot owning two Cessnas. Have been a Cottonwood Airport user for 10+ years. One reason I moved to the Verde Valley is because I like the Cottonwood Airport. I have eaten many, P52 many donuts and coffee on Saturdays over many years at the A/P
List any community service organizations or projects you have been involved with (include a brief description of activities):

For last 10 years, and currently, I am Secretary/Treasurer of Howard Mesa Property Owners Association; have been officer including President of Grand Canyon Chapter of Int'l Conference of Building Officials.

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? _____ YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

NO, I am a resident of Jerome.

Signature Wm Jensen
Wm, "Bill" Jensen

Date June 26, 2011

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview

Council meetings are held the first and third Tuesd under the City Council tab on the City website: www



Founded 1876
Incorporated 1893

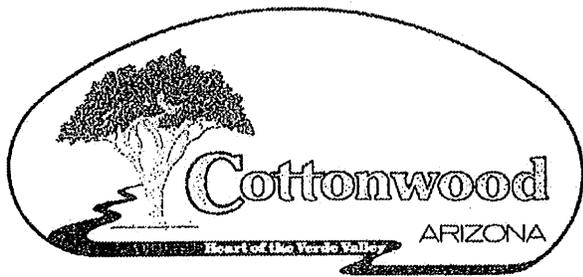
Town of Jerome
P.O. Box 335, Jerome, Arizona 86331

Bill Jensen, B.S., J.D., CBO
Zoning Administrator/
Historic Preservation Officer

zoning@tojaz.us

Office 928.634.7943 Fax 928.634.0715

Respect For the Past Looking To The Future



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0060 x217
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Airport Commission
(BOARD/COMMISSION/COMMITTEE)

NAME Krumm Ronald Francis
(Last) (First) (Middle)

MAILING ADDRESS PO Box 3547 Cottonwood AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 1155 E. High Desert Ln, Cottonwood AZ 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-646-7364 WORK/MESSAGE PHONE 646-7364

EMAIL ADDRESS: barbkrum@msn.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____
Private Pilot License
AOPA Member

Education HS Diploma - Grinnell, Iowa BA - Univ of Northern Iowa,
MS - Univ of Wisconsin - Milwaukee, PhD Course Work -
Univ of Minnesota

Work Experience 1969-71 VA Hospital, Minneapolis, 1971-91 University
of Minnesota, 1991-2002 Dept of Admin, State of
Minnesota

Application for (Board/Commission/Committee)
Page 2

Please describe your qualifications for serving on Board/Commission/Committee: _____

Hold a private pilot license; interested in the development of the Cottonwood Airport

List any community service organizations or projects you have been involved with (include a brief description of activities):

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? _____ YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

Yes, since August 15, 2003

Signature Ronald F. Krumm

Date July 7, 2011

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.

RESOLUTION NUMBER 2625

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING _____ A MEMBER OF THE COTTONWOOD AIRPORT COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.

WHEREAS, on May 1, 2007, the City Council established an Airport Commission to promote, support, and enhance the Cottonwood municipal airport and its operation, so as to deliver the optimum of services and safety to the users of the airport and the citizens of Cottonwood; and

WHEREAS, Doug Pa`mquist has resigned as a member of the Cottonwood Airport Commission whose term expires July 1, 2014; and

WHEREAS, it therefore is necessary to appoint a member to the Airport Commission in order to maintain the requisite number of members on said commission.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY ARIZONA:

THAT, _____ is hereby appointed a member of the Cottonwood Airport Commission to fill the remainder of a three-year term which expires July 1, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Resolution Numbers 2626-2629 – Appointing Members to the Library Board.

Department: Cottonwood Public Library

From: Richard Faust, Community Services General Manager

REQUESTED ACTION

Appointments to fill vacant seats on the Library Board by resolution.

If the Council desires to approve this item the suggested motion is:

“I move to approve Resolution Number 2626 appointing _____ a member of the Library Board for a three-year term expiring January 4, 2015.”

“I move to approve Resolution Number 2627 appointing _____ a member of the Library Board for a three-year term expiring January 4, 2015.”

“I move to approve Resolution Number 2628 appointing _____ a member of the Library Board for a three-year term expiring January 4, 2015.”

“I move to approve Resolution Number 2629 appointing _____ a member of the Library Board for a three-year term expiring January 4, 2015.”

BACKGROUND

Four (4) Library Board terms of office has expired as follows:

<u>Citizen Name</u>	<u>Date of Term Expiration</u>
• Dede Ewald	1/4/2012
• Elizabeth (Liz) Fuller	1/4/2012

- Susan Hawley 1/4/2012
- Mary Eichman 1/4/2012

The Human Resource Manager advertised the above vacancies on the Library Board in the local newspapers. Dede Ewald and Elizabeth (Liz) Fuller have expressed their desire to continue working another term and have requested Council consideration for reappointment. Mary Eichman chose to not reapply for an additional term. Iris Dobler received three (3) additional applications:

- Susan Hawley
- Margaret (Margo) Mitchell
- Constance Gilmore

All applicants except Susan Hawley reside within the city limits of Cottonwood as per the requirements of the current ordinance. Please note that Susan Hawley has been on the Library Board for 25 years, however she has moved outside of the city limits.

Please see the attached copies of Board applications from the five (5) applicants for the four (4) open positions.

JUSTIFICATION/BENEFITS/ISSUES

Issue: fill vacancies on the Library Board according to requirements by City Code for a seven member board body.

COST/FUNDING SOURCE

N/A

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

Five (5) attachments as follows:

- Applications from Dede Ewald, Elizabeth (Liz) Fuller, Margaret (Margo) Mitchell, Constance Gilmore and Susan Hawley.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 340-2717
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR COTTONWOOD LIBRARY BOARD
(BOARD/COMMISSION/COMMITTEE)

NAME EWALD DIANE GRAY
(Last) (First) (Middle)

MAILING ADDRESS 29 E. Fir COTTONWOOD AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS " " " "
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-634-8516 WORK/MESSAGE PHONE —

EMAIL ADDRESS: —

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____

Alpha Omicron Pi - (U. of Minn. - 1943-2011 - Life member)
Alpha Delta Kappa - International Teaching Sorority - 26 yrs.

Education UNIVERSITY OF MINNESOTA - 1942-45

Work Experience SPECIAL ED. AIDE - TEMPE PUBLIC SCHOOLS - 1976-79
SPECIAL ED. AIDE - C.O.C. - 1979-1989
AMERICAN FIELD SERVICE - 1960-68

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: COTTONWOOD
LIBRARY VOLUNTEER FOR 30 YRS - BOARD MEMBER -
BOOKMARTS MEMBER (LIFE)
FOCAL MEMBER

List any community service organizations or projects you have been involved with (include a brief description of activities):

GPSA & MPLS. GIRL SCOUT COUNCIL - 25 YRS
LEADER - SERVICE UNIT LEADER - COMMUNITY ASSN. CH. - AND
COUNCIL VICE PRES.
CHILDREN'S HOSPITAL - MPLS. - 10 YRS. - V.V.M.C. - VOLUNTEER 2 1/2 YRS.

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? _____ YES _____ NO

Does the City of Cottonwood employ any relative of yours? _____ YES _____ NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

YES - 32 YEARS

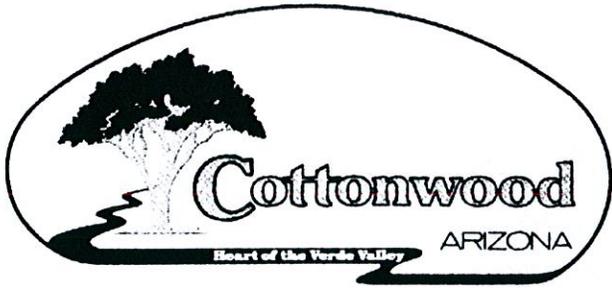
Signature Diane Gray Ewald

Date 10/29/2011

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 340-2717
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Cottonwood Library Board
(BOARD/COMMISSION/COMMITTEE)

NAME Fuller Elizabeth
(Last) (First) (Middle)

MAILING ADDRESS PO Box 2166 Cottonwood AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 15 N. 17th Cottonwood AZ 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-649-0000 WORK/MESSAGE PHONE _____

EMAIL ADDRESS: ahaliz@yahoo.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc.
Teaching certificates in Utah & California

Education BA + 60 hours. BA in history and Spanish. Added to teaching certificate - English

Work Experience Taught High School in AZ, 5th grade in Calif for a total of 15 years. Worked for Kelly Services in New Mexico and at N.M.S.U. as a program facilitator for an engineering program in partnership with universities in Northern Mexico. Am now working for Gordon & Gordon, P.H.C.

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I am
currently serving on this board. I love to read and I
want Cottonwood to continue the wonderful service to the
public by the library.

List any community service organizations or projects you have been involved with (include a brief description of activities):

Have you ever been convicted of, or pled "no contest" to any crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

About 10 years

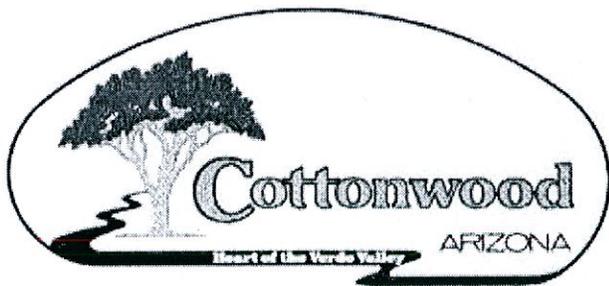
Signature Elizabeth Fuller

Date 11-30-2011

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 634-0060 x217
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Cottonwood Public Library Board
(BOARD/COMMISSION/COMMITTEE)

NAME Gilmore Constance B.
(Last) (First) (Middle)

MAILING ADDRESS 504 N. Organ Pipe St. Cottonwood AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS Same as above
(Number & Street) (City) (State) (Zip)

^{cell} HOME PHONE 928-451-2487 WORK/MESSAGE PHONE same

EMAIL ADDRESS: cbdgil@gmail.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. (retired)

Education B.A. English, M.A. History - Colorado State Unvisity
B.S. Elementary Education, M.S. Instructional Media/Library Media Mngt. -
University of Wyoming

Work Experience Yavapai College faculty/administrator - 2001-2011
(recently retired, currently teaching part-time); Clarkdale - Jerome School
Dist - Librarian 1999-2001; Cottonwood - Oak Creek School District -
District Librarian 1992-1999; Arapahoe School District, Arapahoe, WY -
Librarian 1990-1992.

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I have been a passionate library patron since childhood and worked in libraries beginning in college until my faculty employment at Yavapai College. I understand the importance of our library to the cultural well-being of our community. I would like to give back to our town by serving on this Board.

List any community service organizations or projects you have been involved with (include a brief description of activities):

Friends of Verde Arts, Greater Verde Valley Chapter, Yavapai College Foundation - secretary/treasurer; volunteer Clarkdale Home tour (2010, 2011); Verde River Citizens Alliance (newsletter co-editor); Yavapai College - Verde Valley Campus - numerous projects + activities.

Have you ever been convicted of, or pled "no contest" to **any** crime, including any convictions that were later set aside or expunged? _____ YES X NO

Does the City of Cottonwood employ any relative of yours? _____ YES X NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

Yes, I have resided in Cottonwood since 1992.

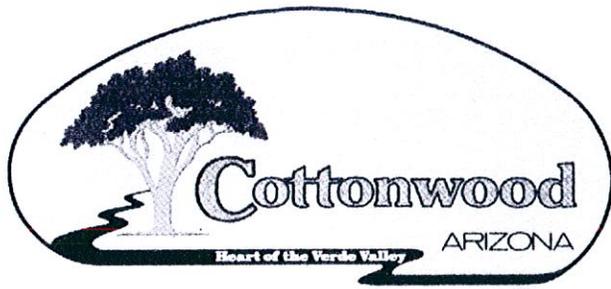
Signature Conrad B. Gher

Date 12/6/11

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 340-2717
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Library Board

(BOARD/COMMISSION/COMMITTEE)

NAME Hawley Susan E.
(Last) (First) (Middle)

MAILING ADDRESS PO Box 689 Cornville Az 86325
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 11575 Purple Sage Rd Cornville Az 86325
(Number & Street) (City) (State) (Zip)

HOME PHONE 634-9098 WORK/MESSAGE PHONE _____

EMAIL ADDRESS: lostman@commspeed.net

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____

Education BA Anthropology & Navajo studies

Work Experience Clark Memorial Library 2002-2009
Safeway Floral Dept. 2000-2002

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: _____

Volunteer Cottonwood Public Library 32 years
Represent people in unincorporated areas who are
served by Cottonwood Public

List any community service organizations or projects you have been involved with (include a brief description of activities):

Library Board over 25 years

Have you ever been convicted of, or pled "no contest" to **any** crime, including any convictions that were later set aside or expunged? _____ YES NO

Does the City of Cottonwood employ any relative of yours? _____ YES NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

no resident previously 28 years

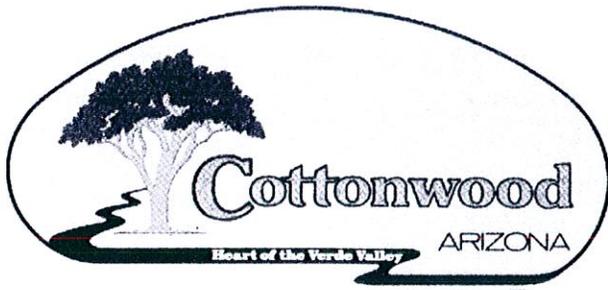
Signature Susan Hawley

Date 11/29/11

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.



CITY OF COTTONWOOD
816 NORTH MAIN STREET
COTTONWOOD, AZ 86326
Phone (928) 340-2717
Fax (928) 634-3727
Revised January 11, 2010

APPLICATION FOR Library Board
(BOARD/COMMISSION/COMMITTEE)

NAME Mitchell Margo (Margaret) Linda
(Last) (First) (Middle)

MAILING ADDRESS 314 S. Wild Horse Way, Cottonwood, AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 314 S. Wild Horse Way, Cottonwood, AZ 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-639-0879 WORK/MESSAGE PHONE n/a

EMAIL ADDRESS: ml.mitchell62@gmail.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc.
Oil Painters of America
Sedona Art Center Member, Juried Artist

Education 1 year of college + assorted college classes in the
intervening years.

Work Experience Banking - 13 years - includes data processing work as
computer programmer, project leader, systems analyst

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I have a good grasp of the overall library organization & the function it fills for the community. This would assist me in understanding issues pertaining to needs of the library & its patrons.

List any community service organizations or projects you have been involved with (include a brief description of activities):

Volunteer for Verde Valley Birding & Nature Festival - 3 yrs - helped organize event (advance planning) & work on update of VVBNF website.
Volunteer for Cottonwood Library - 4 yrs - front desk & writing articles for qtrly newsletter.

Have you ever been convicted of, or pled "no contest" to **any** crime, including any convictions that were later set aside or expunged? _____ YES X NO

Does the City of Cottonwood employ any relative of yours? _____ YES X NO

Are you currently a resident of Cottonwood? If so, how long have you been a resident of the City?

Signature Margaret L. Mitchell

Date 11/20/2011

NOTE: All applicants are strongly encouraged to attend the Council meeting at which their application will be considered. It is important for Council members to be able to assess applicants' qualifications and backgrounds during the selection process, and be able to ask questions for clarification.

Generally, the Council will conduct a brief interview process during the Council meeting.

Council meetings are held the first and third Tuesday of every month. Council agendas can be found under the City Council tab on the City website: www.cottonwoodaz.gov.

RESOLUTION NUMBER 2626

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HER TERM OF OFFICE.

WHEREAS, the term of DeDe Ewald as a member of the Library Board of the City of Cottonwood expires January 4, 2012; and

WHEREAS, it therefore is necessary to appoint a new member to said Board in order to maintain the requisite number of members.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA:

THAT, in accordance with Section 2.52.020 of the Municipal Code of the City of Cottonwood, _____, a resident of the City of Cottonwood, is hereby appointed a member of the Library Board, to serve a three-year term expiring January 4, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2627

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HER TERM OF OFFICE.

WHEREAS, the term of Elizabeth Fuller as a member of the Library Board of the City of Cottonwood expires January 4, 2012; and

WHEREAS, it therefore is necessary to appoint a new member to said Board in order to maintain the requisite number of members.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA:

THAT, in accordance with Section 2.52.020 of the Municipal Code of the City of Cottonwood, _____, a resident of the City of Cottonwood, is hereby appointed a member of the Library Board, to serve a three-year term expiring January 4, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2628

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HER TERM OF OFFICE.

WHEREAS, the term of Susan Hawley as a member of the Library Board of the City of Cottonwood expires January 4, 2012; and

WHEREAS, it therefore is necessary to appoint a new member to said Board in order to maintain the requisite number of members.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA:

THAT, in accordance with Section 2.52.020 of the City Code of the City of Cottonwood, _____, a resident of the City of Cottonwood, is hereby appointed a member of the Library Board, to serve a three-year term expiring January 4, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2629

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ AS A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HER TERM OF OFFICE.

WHEREAS, the term of Mary Eichman as a member of the Library Board of the City of Cottonwood expires January 4, 2012; and

WHEREAS, it therefore is necessary to appoint a new member to said Board in order to maintain the requisite number of members.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA:

THAT, in accordance with Section 2.52.020 of the City Code of the City of Cottonwood, _____ a resident of the City of Cottonwood, is hereby appointed a member of the Library Board, to serve a three-year term expiring January 4, 2015.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF JANUARY 2012.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2011
Subject: Administrative Assistant – Economic Development
Department: Economic Development
From: Casey Rooney

REQUESTED ACTION

Approving hiring of an Administrative Assistant to support Economic Development and the Business Assistance Center operations.

If the Council desires to approve this item the recommended motion is:

I move to approve the hiring of an Administrative Assistant to support Economic Development and the Business Assistance Center operations.

BACKGROUND

The Economic Development Department has taken on the extra duties associated with running the Business Assistance Center (BAC). The BAC is a city sponsored operation in partnership with the Northern Arizona Council of Governments (NACOG), designed to support the entrepreneurial activities of our business community. NACOG has been a supportive partner in this venture. Because of their grant responsibilities, they can only provide staff funding for 6 months at a time. Their mission is to help provide meaningful training, leading to sustainable and permanent employment for the placements at the BAC. At the end of the 6 month assignment, the employees at the BAC have been forced to leave because of the NACOG grant requirements. The BAC has had 2 different assistants to date. Both assistants have done a great job and have not been a financial burden to the city. Each time (every 6 months) a new assistant comes onboard, the Economic Development Director has to retrain the new assistant. Starting in February, the process will begin again with a new assistant if we do not hire a full-time city employee as an assistant. The long term goal of the BAC is to become a revenue generator through contract training and short term office rental. Other forms of sustainable income may come from a Verde Valley regional funding approach for the BAC.

The Economic Development Director asks for council approval of this request. Approval will free up the Director to pursue other opportunities for business expansion in Cottonwood.

JUSTIFICATION/BENEFITS/ISSUE

The Economic Development Director and Department assumed more responsibility associated with the administration of the BAC. The BAC has survived the startup phase associated with any new business enterprise. It is becoming recognized as a support tool for our business community. New small entrepreneurial and tax-paying businesses are being established in part as a result of BAC. The BAC is providing consulting services, training, office space, technology and associated support free of charge. In the future, the BAC will be providing these services based on a fee for service basis, designed to partially subsidize the operations of the facility. More and more clients are demanding the time and resources associated with the BAC.

An Administrative Assistant will contribute to the day-to-day routine administration of the BAC. It is important that a good qualified and friendly assistant be at the front desk each and every day to support the expanding efforts of the Economic Development Director to grow the economy of Cottonwood.

This full-time new hire will have a longer term perspective and dedication to the growth of the BAC and economic development in general.

COST/FUNDING SOURCE

This is a new city funded position. The minimum salary range is a grade 21 for an annual salary of \$24,877 plus the cost of the benefits. Even though this position was not budgeted, the city realized salary savings from the reclassification of the former city engineer position in the amount of \$35,000 annually. This position would be funded from the General Fund and increasingly subsidized by revenue generated through the BAC by fees and financial from other jurisdictions who benefit from the use of the BAC.

REVIEWED BY:

City Manager: _____ City Attorney: _____

ATTACHMENTS:

Job Description - Administrative Assistant - Economic Development

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Formal Announcement to NAIPTA (Northern Arizona Intergovernmental Public Transportation Authority) - Termination of IGA - 180 Day Notice

Department: Community Services (CAT - Cottonwood Area Transit System)

From: Richard Faust, Community Services General Manager

REQUESTED ACTION

Staff requests Council approval to formally terminate the City of Cottonwood/Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Service IGA III, per Section 5. "Term and Termination" of the original IGA document.

If the Council desires to approve this item the suggested motion is:

"I move to approve termination of the City of Cottonwood Service IGA III with the Northern Arizona Intergovernmental Transportation Authority as per Section 5.3 of the Service Agreement document."

BACKGROUND

On November 16, 2010, Council authorized the City of Cottonwood/Northern Arizona Intergovernmental Public Transportation Authority Service IGA III thereby approving the transition of all CAT Public Transportation services to be managed by NAIPTA beginning January 1, 2011.

On September 13, 2011 Cottonwood staff was asked to attend a meeting with Sedona staff to discuss problematic situations which had developed within their organization involving NAIPTA, plus explore the potential of Cottonwood reintegration of CAT and possibly the Verde Lynx operations as well.

At the October 11, 2011 City Council Work Session, Council agreed unanimously that exploration of potential reintegration of the CAT Transportation system would be a positive

opportunity for the citizens of Cottonwood and surrounding communities. Staff was requested to pursue further review with other stakeholders along with State of Arizona ADOT authorities for discussion purposes.

At the November 15, 2011 regular meeting of the City Council, Council authorized a "Memorandum of Understanding" with the City of Sedona regarding transportation services along with directing staff to apply for Section 5311 Rural Transportation funding as required by the State of Arizona ADOT for federal transportation funding.

On December 2, 2011, staff completed all Section 5311 ADOT Rural Transportation fund grant documents and submitted within timeframes identified. Support letters from other stakeholders were submitted to the State of Arizona pertaining to the Grant documentation along with incredible support from State ADOT officials during this entire process.

According to our current Service IGA III Contract document with NAIPTA, the City of Cottonwood placed into the document the following language in Section 5: **Term and Termination:**

5.3. *"Either Party may terminate this Agreement by giving the other Party one hundred eighty (180) days written notice of termination. NAIPTA will not incur any further obligation on behalf of Cottonwood after receipt of a written notice of termination. Cottonwood will pay NAIPTA for services rendered and capital assets acquired prior to the date of termination.*

5.4. *In the event of termination of this Service IGA III pursuant to Section 6.4 of the Master IGA and/or Section 5.2 or 5.3 of this Service IGA III, NAIPTA shall transfer and/or return to Cottonwood any and all funds and capital equipment held and/or used for the operation of the CAT system, including but not limited to grant funds (subject to any applicable grant requirements and restrictions), unexpended operating reserves (as set forth in Section 3.2.2 above), vehicles, electronics, and furniture reasonably necessary for Cottonwood to operate the CAT system at then-existing service levels, and in the same or similar manner as it did immediately prior to the implementation of this Service IGA III.*

JUSTIFICATION/BENEFIT/ISSUES

Pertaining to the desires of the City Council towards the issue of reintegration of the CAT System along with the MOU with the City of Sedona and recent application of 5311 Rural Transportation Grant funding, it was felt that formal termination of the IGA document should move expeditiously for full termination by July 12, 2012 whereby formal notification of termination would take place by January 15, 2012, thereby meeting the 180 day requirement.

Originally the City had discussed and had approval by Mr. Jeff Meilbeck, NAIPTA General Manager requesting NAIPTA continue with a contract extension until September 30, 2012 due to the Federal fiscal cycle beginning on October 1, 2012. However, it should be noted that Mr. Meilbeck expressly requested full termination of all NAIPTA activities involving the IGA whereby NAIPTA management and administration of CAT and Lynx operations would cease from their end on June 30, 2012. This was discussed in a meeting with both Sedona City

Manager, Sedona staff along with Doug Bartosh and Rudy Rodriguez present on December 1, 2011.

COST/FUNDING SOURCE

Funding and revenue sources will be determined at a later date as Staff negotiates with State ADOT Transportation & Planning Division as to amounts of Federal/State shared funding available for start-up operations of both CAT and Verde Lynx for July 1, 2012. Negotiations of funding are a normal process each year with State ADOT authorities in February and March involving all 5311 Rural Transportation funds available to applicants. Currently the city paid approximately \$220,000 for the CAT system operation/administration and approximately \$44,000 in costs for the Verde Lynx operation. Total costs absorbed by the city for transportation system services should be similar to the 2011/2012 fiscal year operations/administrative costs. Staff is hopeful that with increased ridership numbers on both CAT and the Verde Lynx systems, costs should be offset somewhat by additional fare revenues as well as federal match dollars.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- City of Cottonwood/Northern Arizona Intergovernmental Public Transportation Authority - Service IGA III

CITY OF COTTONWOOD/NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC
TRANSPORTATION AUTHORITY

SERVICE IGA III

This Service IGA ("Service IGA III") is made and entered into effective as of the 1st day of June, 2011 (the "Effective Date"), by and between the Northern Arizona Intergovernmental Public Transportation Authority, a body politic and corporate of the State of Arizona ("NAIPTA"), and the City of Cottonwood, an Arizona municipal corporation ("Cottonwood"). NAIPTA and Cottonwood may be referred to in this Service IGA III collectively as the Parties, and each individually as a Party. All capitalized terms not defined in this Service IGA III, shall have the meaning ascribed to them in Service IGA II.

RECITALS

A. NAIPTA is an intergovernmental public transportation authority formed pursuant to Arizona Revised Statutes ("A.R.S.") Section 28-9101 et seq. (the "Authorizing Legislation"), and that certain Master IGA dated March 14, 2006 by and between Coconino County; Yavapai County; the City of Flagstaff; the City of Sedona; Northern Arizona University; and the City of Cottonwood.

B. Cottonwood has operated its own transit system since 1986, under the name Cottonwood Area Transit ("CAT").

C. On or about March 1, 2008, the Parties entered into a Service IGA ("Service IGA I") pursuant to which NAIPTA agreed to provide certain grant administration, planning and management services to Cottonwood; and to lease certain real property from Cottonwood (the "Cottonwood Property") for the purpose of constructing a Joint Transit Facility. The Parties anticipated that Cottonwood's Area Transit CAT, would eventually be merged into the NAIPTA system for the purpose of achieving fiscal, operational and administrative efficiencies.

D. On or about August 17, 2010, the Parties entered into a second Service IGA (Service IGA II") pursuant to which NAIPTA agreed to continue to provide certain grant administration, facility and information technology services to Cottonwood and Cottonwood agreed to provide certain grant management, project management and funding to NAIPTA. The Parties also agreed to postpone the planned merger of CAT into the NAIPTA system.

E. On or about August 22, 2007, the Parties entered into a lease for the Cottonwood Property (the "Ground Lease"), and NAIPTA has constructed, furnished and is maintaining the Joint Transit Facility on the Cottonwood Property. The original Term of the Ground Lease was twenty-five (25) years, commencing February 1, 2007 and ending January 31, 2032. On or about October 7, 2008, the Ground Lease Term was extended for an additional twenty-five (25) years and will end on January 31, 2057 (the "Final Expiration Date"). The Ground Lease provides that upon the Final Expiration Date, the Joint Transit Facility shall become the property of Cottonwood, at no further cost to Cottonwood. In the event that the Ground Lease is terminated prior to the Final Expiration Date, NAIPTA shall be compensated as set forth in the Ground Lease.

F. The Parties now wish to provide for the merger of CAT into the NAIPTA system pursuant to the terms of this Service IGA III and for current and future grant management services. Pursuant to the terms of Service IGA I and Service IGA II, NAIPTA has applied for and is the recipient of certain federal grants for the benefit of Cottonwood (the "Grant Funds"). It is the intention of the Parties that the Grant Funds, as defined in Service IGA II, shall be administered as set forth in Service IGA II. Grant funds awarded after the effective date of Service IGA II are referred to herein as "Future Grant Funds" and shall be applied for and administered as set forth in this Service IGA III.

G. Cottonwood anticipates continuing to support existing service and local matching fund levels as identified in this Service IGA III. In the event that service levels decrease and/or local matching fund levels required to maintain existing service levels materially increase, the Parties understand that Cottonwood has the right to terminate this Service IGA III pursuant to Section 5, and to the terms of the Master IGA.

H. The Parties desire to enter into this Service IGA III to provide the terms and conditions pursuant to which NAIPTA will provide services to Cottonwood, to clarify responsibilities for the management and administration of Future Grant Funds, and to provide for the merger of CAT into the NAIPTA system.

I. The Parties are authorized to enter into this Service IGA III by the provisions of A.R.S. § 28-9121 *et seq.* and the Master IGA.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Merger

1.1. NAIPTA's Responsibilities.

1.1.1. Commencing on January 1, 2011 NAIPTA will operate and manage the CAT System. NAIPTA has opened recruitment for the positions necessary to operate and manage the CAT System to CAT Employees. The recruitment will be conducted pursuant to the NAIPTA Personnel Policy, except as otherwise specifically set out in this Section 1.1 and offers will be extended to the successful applicants, contingent on the execution of this Service IGA III by both Parties.

1.1.2. For all CAT Employees hired by NAIPTA, NAIPTA will credit accruals of leave time in accordance with the Accrual Information (as defined in Section 1.2.2) to the Employee's NAIPTA accrual account, and will recognize the Employee's date of hire by CAT, for leave accrual and seniority purposes.

1.1.3. Employment with NAIPTA for the successful applicants will commence at 12:01 a.m., January 1, 2011.

1.2. Cottonwood Responsibilities.

1.2.1. Effective midnight, December 31, 2010, Cottonwood will terminate employment of all CAT Employees pursuant to Cottonwood policies and applicable laws. Cottonwood acknowledges that it is responsible for any and all claims that may arise as a result of such termination of employment.

1.2.2. For all CAT Employees hired by NAIPTA, Cottonwood will calculate leave accrual as of December 31, 2010 (the "Accrual Information"), and upon receipt of a signed release from the Employee, will provide the Accrual Information to NAIPTA.

1.2.3. Effective 12:01 AM January 1, 2011, Cottonwood will transfer vehicle, electronics and furniture capital assets necessary to operate the CAT system to NAIPTA as itemized in Exhibit ___. Cottonwood will be responsible for providing signed documents for vehicle title transfer and other capital equipment as necessary to complete such transfers.

2. Service

2.1. NAIPTA's Responsibilities:

2.1.1. NAIPTA will provide fixed route transit service and paratransit services the ("Transportation Services") in compliance with the Americans with Disabilities Act (the "ADA") and in accordance with the Verde Valley Rural Transit Five Year Plan, adopted in May, 2009, as it may be amended from time to time by written agreement of the Parties (the "Verde Valley Plan"). All Transportation Services are subject to the annual appropriation of funds by Cottonwood through its annual budget process and can also be impacted by funding shortfalls from other participant providers (Clarkdale or Yavapai County) through reductions of local match fund contributions.

2.1.2. Transportation Services include maintenance and repair of all vehicles owned by NAIPTA but shall not include maintenance and repair of bus shelters, which shall be provided by Cottonwood.

2.1.3. NAIPTA and Cottonwood will jointly determine, set and amend the fare structure for transit services provided in this Agreement. NAIPTA will provide administrative services, equipment, personnel and management services necessary to provide Cottonwood with acceptable levels of bus service in a fixed route system as annually approved in the Cottonwood Budget process.

2.1.4. NAIPTA will consult with Cottonwood regularly regarding the development, evaluation, and adjustment of services.

2.1.5. NAIPTA will apply for and manage Future Grant Funds, including but not limited to FTA and State administered funds, including but not limited to Bus and Bus Facility Funds (5309), Rural Transit Funds (5311), Job Access Reverse Commute Funds (5316), New Freedom Funds (5317), American Recovery and Reinvestment Act funds (ARRA) and Local Transportation Assistance Fund II (LTAF II), in

every year in which they are available, and for the full amount to which Cottonwood may be entitled.

2.1.6. NAIPTA will manage FTA and State administered Public Transit Grants as available and appropriate for the development, operation, improvement, and maintenance of the CAT system.

2.1.7. NAIPTA is the Grantee of certain Grant Funds for the benefit of Cottonwood, and administers the Grant Funds as set forth in Service IGA II. NAIPTA will continue to administer the Grant Funds pursuant to the provisions of Service IGA II until such Funds have been expended or otherwise allocated.

2.2. Cottonwood's Responsibilities:

2.2.1. Cottonwood will review in a timely fashion and approve as appropriate all documents prepared by NAIPTA as part of the grant application processes, and submitted to Cottonwood for review.

2.2.2. Cottonwood will assist in the acquisition of needed rights of way, and in the implementation of road improvements and traffic controls as necessary for the operation of the CAT system.

2.2.3. Cottonwood will comply with NAIPTA procurement practices, ridership tabulations requirements, accident reporting, recordkeeping, vehicle maintenance, and drug testing requirements as set forth in Service IGA II, until that IGA is terminated, as provided herein.

2.2.4. Cottonwood will pay its share of the Local Match Funds and fulfill its other obligations in regard to the Grant Funds and Future Grant Funds, as set forth in Service IGA II and this Service IGA III, including but not limited to the provision of local revenues and/or in-kind services necessary to leverage and draw down federal, state and/or county grant funds for the benefit and operation of the CAT system.

3. Compensation

3.1. NAIPTA's Responsibilities

3.1.1 NAIPTA will submit for Cottonwood's review and approval no later than February 28th of each year, a one-year line-item budget for capital and operating requirements for Transportation Services. The budgets, as approved by the Cottonwood City Council, are referred to in this Service IGA III as the "CAT Operating Budget" and the "CAT Capital Budget."

3.1.2 NAIPTA will submit Transportation Services financial statements to Cottonwood showing actual to budget performance on a quarterly basis within 60 days after the end of each quarter.

3.1.3 NAIPTA will submit an invoice to Cottonwood, on or before the 5th day of each month, based on one-twelfth (1/12th) of the annual CAT Operating Budget, excluding capital expenditures. Capital expenditures shall be billed to Cottonwood on actual cash flow requirements of NAIPTA. No transfer between line items or programs, or

acquisition of single items, in excess of ten percent (10%) of the budget or \$10,000.00, whichever is smaller, is permitted without the written consent of Cottonwood.

3.1.4 NAIPTA may earn interest on the monies received from Cottonwood, but all interest must accrue to the benefit of the CAT system.

3.1.5 Notwithstanding any other provision of this agreement, in the event that Cottonwood determines, in its sole and sound discretion, that it cannot meet the operating and capital budgets proposed by NAIPTA, and/or that the service levels proposed by NAIPTA at those budget amounts are insufficient, the parties shall confer in good faith to revise the budgets, required local share contributions, and/or service levels to meet the requirements of both parties. Should the parties be unable to reach agreement on any matters concerning funding and/or service levels, either party may terminate and withdraw from this Service IGA III upon 60 days' written notice to the other, in which case NAIPTA shall promptly transfer and/or return to Cottonwood any and all funds and capital equipment held and/or used for the operation of the CAT system, including but not limited to grant funds (subject to any applicable grant requirements and restrictions), unexpended operating reserves (as set forth in Section 3.2.2 below), vehicles, electronics, and furniture reasonably necessary for Cottonwood to operate the CAT system at then-existing service levels, and in the same or similar manner as it did immediately prior to the implementation of this Service IGA III.

3.2. Cottonwood's Responsibilities

3.2.1. Cottonwood will pay NAIPTA one-twelfth (1/12th) of the annual CAT Operating Budget on or before the 15th day of each month, commencing January 15, 2011.

3.2.2. In addition to the amounts described in Section 3.2.1 above, on or before January 1, 2011, Cottonwood shall transfer an amount equal to the greater of one-month's worth of operating expenses or \$90,000.00 to NAIPTA as Operating Reserves to be held, managed and expended by NAIPTA solely for the benefit of the CAT system (the "CAT Operating Reserve Fund"). Thereafter, Cottonwood shall make additional contributions to the CAT Operating Reserve Fund as funds become available until the fund has a balance of three month's worth of operating reserves, provided, however, that the fund shall have three month's worth of reserves by or before June 30, 2011, and shall thereafter be maintained at that level throughout the Term of this Service IGA III. Provided, however, that should NAIPTA require operating reserves in excess of the then-existing balance of the Operating Reserve Fund prior to June 30, 2011 in order to maintain current service levels, Cottonwood will either provide those funds, or NAIPTA may reduce service levels in order to address the shortfall.

3.2.3. Pay NAIPTA the sum of \$1.00 annually for Cottonwood's use of the Joint Transit Facility, Personal Property and Services, no later than July 30 of each year.

4. Joint Transit Facility, Furnishings, Computer Equipment and Network. NAIPTA has constructed, furnished, and will maintain the Joint Transit Facility on the Cottonwood Property, including furniture, computer and network equipment (collectively

the "Joint Transfer Facility Property"). Pursuant to the terms of the Ground Lease, NAIPTA has possession and control of the Joint Transit Facility Property until the Final Expiration Date.

5. Term and Termination.

5.1. Service IGA II. Service IGA II, as and to the extent modified by this Service IGA III, shall remain in full force and effect until the such time as all the Grant Funds have been expended or otherwise allocated and the Merger is complete, whichever is later. The Parties intend and agree that there will be some overlap between the Term of Service IGA II and this Service IGA III. Until such time as the Grant Funds have been expended or otherwise allocated, the Grant Funds will be managed and paid for as set forth in Service IGA II.

5.2. Service IGA III. This Service IGA III shall be effective from and after the Effective Date, and shall be for an initial term of three (3) years, and shall automatically renew for two (2) one (1) year terms, unless one Party notifies the other Party at least 90 days prior to the expiration of a Term, of that Party's intention to terminate this Service IGA III at the end of that Term. At least 90 days prior to the commencement of each Term, the Parties shall agree on and approve budgets for on-going expenses for the new Term, which, once approved by both Parties, shall be considered to be incorporated into this Service IGA III by reference.

5.3. Either Party may terminate this Agreement by giving the other Party one hundred and eighty (180) days written notice of termination. NAIPTA will not incur any further obligation on behalf of Cottonwood after receipt of a written notice of termination. Cottonwood will pay NAIPTA for services rendered and capital assets acquired prior to the date of termination.

5.4. In the event of termination of this Service IGA III pursuant to Section 6.4 of the Master IGA and/or Section 5.2 or 5.3 of this Service IGA III, NAIPTA shall transfer and/or return to Cottonwood any and all funds and capital equipment held and/or used for the operation of the CAT system, including but not limited to grant funds (subject to any applicable grant requirements and restrictions), unexpended operating reserves (as set forth in Section 3.2.2 above), vehicles, electronics, and furniture reasonably necessary for Cottonwood to operate the CAT system at then-existing service levels, and in the same or similar manner as it did immediately prior to the implementation of this Service IGA III.

6. Records and Audit Rights. Each Party's work and accounting records (hard copy, as well as computer readable data, and any other supporting evidence deemed necessary by the other Party to substantiate charges and claims related to this Service IGA III) shall be open to inspection and subject to audit and/or reproduction by authorized representatives of the other Party, to adequately permit evaluation and verification of the performance and cost of the work, and to conduct and prepare all audits and reports required by law. Representatives of each Party shall be afforded access, at all reasonable times and places, to all of the other Party's records and personnel, pursuant to the provisions of this Section, throughout the term of this Service IGA III (including Renewal Terms), and for a period of five (5) years after last or final payment. General Provisions.

air courier or express services or, if mailed, ten (10) days after the notice is deposited in the United States mail as above provided, and on the delivery date indicated on receipt, if delivered by certified or registered mail. Any time period stated in a notice shall be computed from the time the notice is deemed received. Notices sent by facsimile transmission shall also be sent by regular mail to the recipient at the above address. This requirement for duplicate notice is not intended to change the effective date of the notice sent by facsimile transmission.

6.7. Force Majeure. Neither Party shall be responsible for delays or failures in performance resulting from acts beyond their control. Such acts shall include, but not be limited to, acts of God, riots, acts of war, epidemics, governmental regulations imposed after the fact, fire, communication line failures or power failures.

6.8. Advertising. No advertising or publicity concerning NAIPTA using any contractor's or subcontractor's services shall be undertaken without prior written approval of such advertising or publicity by NAIPTA's Executive Director.

6.9. Counterparts. This Service IGA III may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Service IGA III shall be deemed to possess the full force and effect of the original.

6.10. Severability. If any term or provision of this Service IGA III shall be found to be illegal or unenforceable, then notwithstanding such illegality or unenforceability, this Service IGA III shall remain in full force and effect, and such term or provision shall be deemed to be deleted.

6.11. Filing. Upon execution this Service IGA III shall be filed with the Arizona Secretary of State.

6.12. Conflict of Interest. This Service IGA III may be terminated for conflict of interest pursuant to A.R.S. § 38-511.

6.13. Authority. Each Party hereby warrants and represents that it has full power and authority to enter into and perform this Service IGA III, and that that person signing on behalf of each has been properly authorized and empowered to enter this Service IGA III. Each Party further acknowledges that it has read this Service IGA III, understands it, and agrees to be bound by it.

6.14. Compliance with Immigration Laws and Regulations. Pursuant to the provisions of A.R.S. §41-4401, each Party warrants to the other Party that the warranting Party and all its subconsultants are in compliance with all Federal Immigration laws and regulations that relate to their employees and with the E-Verify Program under A.R.S. §23-214(A). Each Party acknowledges that a breach of this warranty by the warranting Party or any of its subconsultants is a material breach of this Service IGA III subject to penalties up to and including termination of this Service IGA III or any subcontract. Each Party retains the legal right to inspect the papers of any employee of the other Party or any subconsultant who works on this Service IGA III to ensure compliance with this warranty.

A Party may conduct random verification of the employment records of the other Party and any of its subconsultants to ensure compliance with this warranty.

A Party will not consider the other Party or any of its subconsultants in material breach of the foregoing warranty if the warranting Party and its subconsultants establish that they have complied with the employment verification provisions prescribed by 8 USCA § 1324(a) and (b) of the Federal Immigration and Nationality Act and the e-verify requirements prescribed by Arizona Revised Statutes § 23-214(A).

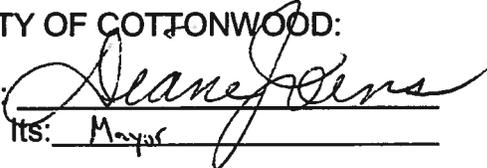
The provisions of this Article must be included in any contract a Party enters into with any and all of its subconsultants who provide services under this Service IGA III or any subcontract. As used in this Section, "services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

6.15. Prohibition of Doing Business with Sudan and Iran. Pursuant to A.R.S. §§35-391.06 and 35-393-06, each Party hereby certifies to the other Party that the certifying Party does not have "scrutinized" business operations, as defined in A.R.S. §§35-391 and 35-393, in either Sudan or Iran. The certifying Party acknowledges that, in the event either of the certifications contained in this paragraph is determined by the other Party to be false, that Party may terminate this Service IGA III and exercise other remedies as provided by law, in accordance with A.R.S. §§35-391.06 and 35-393-06.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the Effective Date set forth above.

CITY OF COTTONWOOD:

By: 
Its: Mayor

NAIPTA:

By: 
Its: Chair of Board of Directors

ATTEST:


Marianne Jimenez
Cottonwood City Clerk

ATTEST:


Sheri Torres
NAIPTA Clerk of the Board

Date November 18, 2010

Date December 7, 2010

PROPER FORM AND AUTHORITY

This First Amendment has, prior to its execution, been submitted to the attorney for each Party, who has determined that the agreement is in proper form and is within the powers and authority granted under the laws of this state to such Party.

Dated this 29 day of Nov., 2010

Dated this 3rd day of December, 2010

By: 
City of Cottonwood Attorney

By: 
NAIPTA General Counsel

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Ordinance Number 584 - Banning the Possession, Use and Sale of "Bath Salts" and Other Chemically Similar Synthetic Drugs

Department: Administration

From: Doug Bartosh, City Manager

REQUESTED ACTION

Approval of Ordinance Number 584 (with an emergency clause), which would immediately ban the possession, use and sale of "bath salts" and other similar synthetic drugs.

SUGGESTED MOTION:

"I move to approve Ordinance Number 584, banning the possession, use and sale of "bath salts" and other chemically similar synthetic drugs in the City of Cottonwood, and declaring an emergency."

BACKGROUND

During the last several years, cities across the country have been plagued with a new variety of synthetic drugs that are marketed under the names Bath Salts, Window Cleaner, Vanilla Sky, Ivory Wave, White Girl, and other labels that are being used for "recreational" purposes. These synthetic drugs are proving dangerous, especially to our youth, who use the drug to get "high" with the potential for dangerous side effects. The U. S. Drug Enforcement Administration has reported that the effects of these substances include agitation, insomnia, irritability, dizziness, depression, paranoia, delusions, suicidal thoughts, seizures and panic attacks. Also common are impaired perceptions of reality, reduced motor control and the inability to think clearly. According to Sergeant James Gregory, who supervises our local Partners Against Narcotics Traffic Task Force: "We are seeing the use of bath salts in our day-to-day operations. Interviews with local drug offenders indicate that the effects of bath salts are the same as methamphetamine, but with hallucinations, extreme anger, and uncontrollable physical anxiety. This is definitely an up-and-coming issue that needs to be addressed sooner than later." Finally, a Verde Valley mother, who wishes to remain

anonymous, almost lost her teenage daughter to bath salts. She says, "The drug is a horrible, horrible thing. It changed my daughter drastically, mentally and physically. She lost 35 pounds. She was bleeding from her nose and ears. People justify it because it is legal, but it is worse than meth."

This fall, five middle school students in Cottonwood were transported to the medical center after exhibiting behavior consistent with bath salts consumption. The students were treated and released with continuing concerns about the residual effects. The City Manager was contacted shortly after this event by the Superintendent of the Cottonwood Oak Creek School District asking if the City could do something to ban these substances.

The Mayor, City Manager and Police Chief recently met with a group of concerned residents and merchants in Old Town where a local store currently sells a product called "Window Cleaner," which appears to be the same or similar to bath salts in terms of its intended market and its psychotropic effects. They report finding numerous empty packages of this product throughout the Old Town area especially in the area of Pima and Main Streets as well as in the grass play area behind City Hall. They also reported people hanging around the store early in the morning waiting for the store to open and suspicious people hanging around in the area late at night. They are concerned that their safety is being compromised by the presence of this drug in their neighborhood, especially as it relates to young people who play in the area. One resident stated that he felt Old Town was returning to the days when methamphetamines were readily available in Old Town and he did not want to return to that era with these new synthetic drugs. They are taking steps to educate themselves and expressed strong support for a law banning bath salts, glass cleaner, and other synthetic drugs.

The federal government has enacted a ban on three specific chemical substances that are frequently marketed as bath salts this fall, but our police chief spoke with local representatives of the Drug Enforcement Administration who told him that the enforcement provisions were very difficult in the federal law and enforcement at the local level was unlikely.

MATForce has strongly pursued state legislation to also ban these substances under state law. It appears such legislation may be introduced at the beginning of this next legislative session but there is no guarantee that such a law will pass and how soon it will take effect if it is passed. A local ordinance will allow for more immediate action by our police department and it will also send the message to our state legislature that this is an issue that needs their attention. This is also a product that may change formulas rapidly and with the ability to more quickly change local laws we may be able to adjust our ordinance accordingly rather than waiting for the federal or state government to act.

Federal law also provides that substances which are substantially similar to controlled substances in their chemical structure, and/or which produce similar harmful effects as controlled substances and which are intended for human consumption are treated the same as controlled substances, and the proposed ordinance adopts this concept of "controlled substance analogues."

JUSTIFICATION/BENEFIT/ISSUES

Research and the experience of law enforcement have shown that bath salts and similar synthetic drugs have been proven to have harmful effects to people using the product, particularly young people. Both the state and federal governments have recognized these substances as a threat to the health and safety of our communities. Both merchants and residents in the Old Town area are very concerned about the impact these substances are having in their neighborhood. The shop selling the product has experienced an armed robbery, a burglary, and shoplifting, and residents are concerned about the people who are attracted to purchase and use these substances. The residents report finding many empty packages of "window cleaner" (a substance which is believed to be chemically similar to bath salts, and which reportedly induces similar harmful effects) strewn throughout Old Town including in the park used by many young people.

COST/FUNDING SOURCE

The only anticipated costs associated with the passage of this ordinance will be the cost of enforcement, which the police department is prepared to undertake with existing staffing; and the associated cost of prosecution, if necessary - which may require thorough chemical analyses of substances that are believed to be identical or chemically similar to bath salts and marketed under different names, such as window cleaner.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Ordinance 584

ORDINANCE NUMBER 583

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.64 PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL ANALOGUES, AND DECLARING AN EMERGENCY.

WHEREAS, products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), and 3,4-ethylenedioxypropylvalerone (MDPV) and/or their chemical analogues, and marketed under labels that include "bath salts," "incense," "window cleaner," "potpourri," "plant fertilizer," and "insect repellent" among other names have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled, or otherwise introduced into the human body; and

WHEREAS, the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV), and their chemical analogues makes users agitated, delusional, paranoid, and violent; and

WHEREAS, the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV) and their chemical analogues is sending children and adults to emergency rooms in Yavapai County and across the United States in alarming numbers, including Cottonwood, Arizona youth; and

WHEREAS, the 57 poison control centers in the United States received 303 calls in 2010 and more than 4,720 calls in the first eight (8) months of 2011 relating to the use of products containing the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV); and

WHEREAS, the United States Drug Enforcement Agency has listed the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), 3,4-ethylenedioxypropylvalerone (MDPV) as Schedule I drugs under the federal Controlled Substances Act; and

WHEREAS, the Mayor and City Council of the City of Cottonwood find that the abuse of the chemicals 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), and 3,4-ethylenedioxypropylvalerone (MDPV) and their chemical analogues constitutes a public health and safety emergency for the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THAT TITLE 8, HEALTH AND SAFETY, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, IS AMENDED BY ADDING A NEW CHAPTER 8.64 PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL ANALOGUES AS FOLLOWS:

Section 1: That a new Chapter 8.64 Prohibiting the Possession, Use, Sale and Display of Certain Federally Controlled Dangerous Substances and their chemical Analogues is added to Title 8, Health and Safety, as follows:

Chapter 8.64

PROHIBITING THE POSSESSION, USE, SALE AND DISPLAY OF CERTAIN
FEDERALLY CONTROLLED DANGEROUS SUBSTANCES AND THEIR CHEMICAL
ANALOGUES

Sections:

8.64.010 Violation

That it shall be unlawful for any person or entity to possess, sell, transfer, use or display or offer for sale any product or substance containing 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-methylenedioxypropylvalerone (MDPV); or any other product or substance that would constitute a "controlled substance analogue" of any of those chemicals under 21 U.S.C. Section 802(32).

8.64.020 Penalty

That any person or entity violating any provision of this Ordinance shall be guilty of a Class 1 misdemeanor punishable by a fine of up to \$2,500, incarceration of up to 6 months, or both; with each day during which any violation of this Ordinance is committed, continued or permitted constituting a separate offense.

Section 2: That in order to preserve the public health and safety, an emergency is hereby declared to exist, and this Ordinance shall become immediately effective upon its approval by no less than three-fourths of the members of the City Council, taken by ayes and noes, and its approval by the Mayor.

ORDINANCE NUMBER 583

Page 3

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA. THIS 3RD DAY OF JANUARY, 2012.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steve Horton, City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Approval of Trail Easement from Agro Investments, LLC, near Del Monte Wash

Department: Community Development

From: Charlie Scully, AICP, Long-Range Planner

REQUESTED ACTION

Consider approval of a proposed easement to allow non-motorized public trail for recreational use across private property through a portion of Del Monte Wash.

If the Council desires to approve this item, the suggested motion is: I move to approve the acceptance of an easement across property owned by Agro Investments LLC, in the vicinity of Del Monte Wash to provide a non-motorized public access trail.

BACKGROUND

As part of the city's trail planning efforts, a non-motorized, public access recreational trail easement was requested from Andy Groseta on behalf of Agro Investments, LLC, to allow the City to install and maintain a trail on a portion of property in Cottonwood, as follows:

Del Monte Wash

A relatively short easement of approximately 200 feet in length is being requested so as to allow a portion of a proposed trail project to be located across private property within Del Monte Wash. The proposed easement would connect State Route 89A southeast of the roundabout at Verde Heights Drive with private property to the north also located within the wash corridor. The trail would be located on a natural bench, or flat area, located above the bottom of the wash channel and outside the floodway. The easement is located in proximity to the box culverts under SR 89A. This link is a part of a potential trail system that would generally follow the wash corridor to connect to the Old Town area at Balboa Street. Future agreements with others will be necessary to accomplish this goal.

JUSTIFICATION/BENEFIT/ISSUES

Trails provide economic, environmental, social and public health benefits. Residents and visitors will be able to use the trail for recreation, exercise, visiting the natural area, and for walking and bicycling between neighborhoods. The Cottonwood General Plan indicates wash corridors as appropriate locations for trails since those portions of the natural wash corridors which function as flood and drainage areas are more likely to be maintained as undeveloped open space in association with any future development of the properties.

COST/FUNDING SOURCE

There are no current or future costs anticipated from the property owner for any activity related to this easement or related future uses. The City would be responsible for any related costs, including construction, maintenance and enforcement. At this time the easement request has no specific costs for the City. There could be different cost issues associated with future trail development for the complete project depending on the type of trail or features that may be constructed. Potential funding sources could be from grants, donations, volunteers or other general sources to be determined at a later date. A natural surface trail constructed of native materials could be created with relatively low costs. Obtaining the right of access granted by this easement is necessary to allow the complete project to be considered.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Proposed Trail Easement with related map Exhibits.
- Summary of Arizona Recreational Use Statute relating to liability protection for private property owner.

TRAIL CORRIDOR ACCESS EASEMENT AGREEMENT

THIS AGREEMENT is made and entered into this 21 day of December, 2011, by and between AGRO INVESTMENTS, ("Grantor"), and the CITY OF COTTONWOOD, a municipal corporation of the State of Arizona. ("Grantee").

RECITALS

WHEREAS, Grantor is the owner of certain real property in Yavapai County, Arizona, more particularly described on **Exhibit A**, attached hereto and by this reference incorporated herein ("the Property"); and

WHEREAS, the Property lies between properties across which will be established a public trail easement that comprises part of a public trail system that is of significant interest and value to Grantee and the general public; and

WHEREAS, Grantor desires to donate to Grantee an easement across a portion of the Property for purposes of preserving open space and establishing a public, non-motorized trail that will connect a planned public trails on nearby lands and thereby provide for and preserve open space and recreational opportunities and assist in shaping the character, and direction of development of the City of Cottonwood; and

WHEREAS, Grantee is a "public body," authorized to acquire interests in real property for purposes of providing or preserving open space land values and recreational opportunities;

NOW, THEREFORE, it is agreed as follows:

1. Grant of Easement.

In consideration of the sum of one (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, The Grantor, AGRO INVESTMENTS, Hereby grants unto the Grantee, THE CITY OF COTTONWOOD, a trail easement ("the Easement") on, over and across the Property shown on the map attached hereto as **Exhibit B**, and by this reference incorporated herein, for the duration and purpose set forth herein below and consisting of the rights hereinafter enumerated.

2. Duration.

The Easement is granted in perpetuity and shall run with the land so as to be forever binding upon the parties hereto and their respective heirs, personal representatives, administrators, successors and assigns.

3. Purpose.

The purpose of this Easement is to preserve and maintain the area within the Easement boundary ("Easement Corridor") as open space and for use, preservation and maintenance of a right-of-way for a public, non-motorized trail for the use and benefit of the Grantee and the general public.

4. Rights Conveyed.

The rights and corresponding obligations conveyed by this Easement are as follows:

- A. To maintain the Easement Corridor as open space free from man-made improvements except as otherwise provided herein;
- B. To establish a public non-motorized trail with a trail tread not to exceed six feet (6') in width centered within a twelve feet (12") wide Easement Corridor. The purpose of the Easement Corridor shall be to allow the Grantee to remove, alter or trim vegetation and make such topographical changes as are consistent with and reasonably necessary to promote the Purposes of this Easement;
- C. To lay out, mark, develop, construct, maintain or relocate a trail or foot path within the Easement Corridor;
- D. To make minor topographical changes to the Property within the Easement Corridor for the necessity and convenience of locating a trail;
- E. To establish and maintain appropriate signage within the Easement Corridor marking the trail and providing directions or other appropriate information in connection with the trail;
- F. To establish and maintain a limited number of benches and waste receptacles that may be installed at the trailhead and/or locations along the trail;
- G. To enter upon the Easement Corridor for all reasonable and necessary construction, maintenance and repair of the trail and Easement Corridor;
- H. To manage vegetation within the Easement Corridor through selective planting and/or removal of trees, shrubs, grasses or exotic or noxious plant species in order to maintain and enhance the scenic, natural, ecological and open space values of the Easement Corridor; and
- I. To maintain the Easement Corridor in a good, clean and sanitary condition, free from waste or litter and any condition that is offensive to the public health, safety or welfare or that constitutes a nuisance.

5. Limitation on Use of the Easement.

Except for motorized or battery propelled wheelchairs, public access on, over or across the Easement is limited to access by foot or other non-motorized means. Use of motor vehicles within the Easement Corridor is prohibited, except for motor vehicles used by Grantee for purposes of construction or maintenance of any trail that may be established within the Easement Corridor, or for emergency access for wildfire and structural fire suppression and to facilitate search and rescue operations.

6. Trail Location.

The trail shall be located within a non-exclusive perpetual blanket trail easement maintained on portions of parcels of land described in Book 56 Page 57 of Land Surveys of the Official Records of Yavapai County, Arizona. While the location of the Trail is generally described in attached Exhibit B, the precise location shall be fixed on the ground by mutual agreement of Grantee and Grantor, and marked by flags, signs or otherwise along the perimeter of the Trail by Grantee. The Trail location may be altered from time to time with the written consent of Grantor and Grantee. Any such change in the layout of the trail shall be shown on a revised Exhibit B, which shall be recorded in the land records of Yavapai County, Arizona. The Trail shall be located in a manner consistent with the Purposes of this Easement. The initial location of the trail shall be within twelve feet (12') of the top of the south bank of the wash.

7. Fees.

No fees shall be charged for use of the Easement by the general public.

8. Liability/Indemnification.

To the extent allowed by law, Grantor shall enjoy the limitations on legal liability involving recreational use of the Easement or trail as provided for in §33-1551 of the Arizona Revised Statutes. Notwithstanding the foregoing sentence, Grantee agrees to indemnify and hold Grantor harmless from claims arising out of any act or omission of Grantee, its invitees, licensees, employees or agents in connection with the establishment and/or use of the Easement.

9. Grantor's Representations.

Grantor represents that he is the current owner in fee title to the Property, and that he has full legal authority to grant this Easement to Grantee free of liability for any lien or encumbrance previously placed thereon by Grantor or any other person or party.

10. Retained Rights.

Except for the rights expressly conveyed to Grantee hereunder, Grantor reserves to himself, his personal representatives, heirs, successors and assigns all other rights arising out of ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property not expressly prohibited herein and not inconsistent with the terms of this Easement, including, without limitation, the following enumerated rights:

- A. A right-of-way on, over and across the Easement for purposes of ingress, egress, construction of a roadway and placement of underground utilities for the benefit of the Property and adjacent property that is or may hereafter be acquired by Grantor, the location of said right-of-way to be designated by Grantor at a future date; and
- B. To relocate (but not terminate) the Easement as described herein, provided that Grantor shall first give Grantee reasonable, advance notice of Grantor's intention to

relocate the Easement and the Grantee agrees with the new location. The Grantee shall enjoy all rights conveyed herein with respect to the Easement as relocated.

11. Enforcement.

This Agreement may be enforced by any means or remedy available at law or in equity, including the remedy of specific performance.

12. Acceptance.

By its signature set forth below, Grantee hereby accepts the foregoing grant of this Trail Access Easement subject to the terms and conditions herein contained.

13. Binding Effect.

This Agreement extends to and is binding upon the parties and their respective heirs, personal representatives, successors and assigns.

DATED this 21 day of December, 2011.

GRANTOR:

Agro Investments, LLC

By: Its Manager

Mingus Mountain Enterprises, LLC

By: 

P. Andrew Groseta, as Manager

GRANTEE:

City of Cottonwood

By:

Mayor Diane Joens

APPROVED AS TO FORM:

Steve Horton, Esq.
City Attorney

ATTEST:

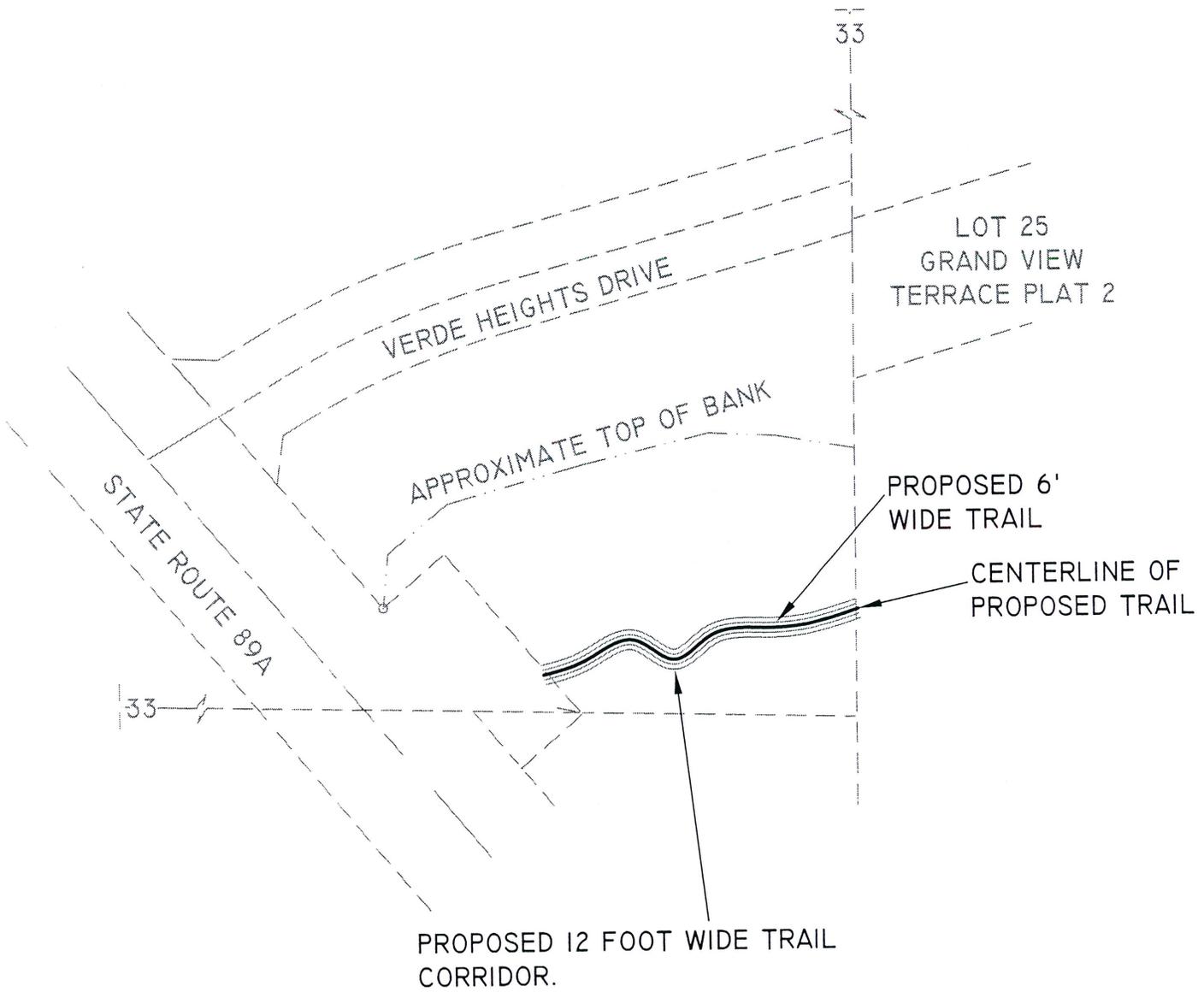
Marianne Jiménez
City Clerk

EXHIBIT A

A parcel of land located within the North Half of Section 33, Township 16 North, Range 3 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona being more particularly described as follows:

A parcel of land as described in Book 56 of land surveys, page 57 of the Official Records of Yavapai County Arizona.

EXHIBIT B



PROPOSED TRAIL EASEMENT

NOT TO SCALE

THIS SKETCH IS NOT MEANT TO BE USED AS A LEGAL DOCUMENT. IT IS MERELY MEANT TO PROVIDE A GRAPHIC REPRESENTATION OF THE LOCATION OF THE TRAIL



NOT TO SCALE

Arizona Recreational Use Statute: Arizona Revised Statutes

33-1551. Duty of owner, lessee or occupant of premises to recreational or educational users; liability; definitions

A. A public or private owner, easement holder, lessee or occupant of premises is not liable to a recreational or educational user except upon a showing that the owner, easement holder, lessee or occupant was guilty of willful, malicious or grossly negligent conduct which was a direct cause of the injury to the recreational or educational user.

B. This section does not limit the liability which otherwise exists for maintaining an attractive nuisance, except with respect to dams, channels, canals and lateral ditches used for flood control, agricultural, industrial, metallurgical or municipal purposes.

C. As used in this section:

1. "Educational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to enter upon premises to participate in an educational program, including but not limited to, the viewing of historical, natural, archaeological or scientific sights. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.

2. "Grossly negligent" means a knowing or reckless indifference to the health and safety of others.

3. "Premises" means agricultural, range, open space, park, flood control, mining, forest or railroad lands, and any other similar lands, wherever located, which are available to a recreational or educational user, including, but not limited to, paved or unpaved multi-use trails and special purpose roads or trails not open to automotive use by the public and any building, improvement, fixture, water conveyance system, body of water, channel, canal or lateral, road, trail or structure on such lands.

4. "Recreational user" means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter upon premises to hunt, fish, trap, camp, hike, ride, exercise, swim or engage in similar pursuits. The purchase of a state hunting, trapping or fishing license is not the payment of an admission fee or any other consideration as provided in this section. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: January 3, 2012

Subject: Proposal to construct two multi-use pathways on City easements for bicycle "connector" paths

Department: Community Development

From: Nichole Arbeiter, Planner

REQUESTED ACTION

Consider approval of the use of two City easements as multi-use "connector" pathways between 10th and 12th Streets along the Elm and Date Street rights of way for recreational use including bicycling.

If the Council desires to approve this item the suggested motion is:

I move to approve the development by City volunteers, of two multi-use pathways between 10th and 12th Streets along Elm and Date Street rights of way for use by pedestrians and bicyclists.

BACKGROUND

In responding to the City Council's 2011 Strategic Initiatives City staff has been taking steps to implement the 2009 Bicycle Plan, and the addition of two bicycle "connector" paths directly relates to the following recommendation found on page 18:

ENG - 9: Determine where short off-street paths will help make it easier for cyclists to move around the City, and may in some cases even make cycling a more convenient mode of transportation than using a car.

At the November 10, 2011 Bicycle Advisory Committee meeting, committee members and staff analyzed areas where potential connections could be made to help improve the City's overall bike system. The committee identified six locations and the following two locations were listed high on the priority list due to the fact that their construction could be done quickly and with the help of local volunteers:

1st Priority: Date Street right of way between 10th and 12th

- City owns right-of-way.
- Challenge: Path is through a residential driveway. City Staff will discuss this proposal with the surrounding property owners.
- Will provide a vital linkage to 12th Street which will be a popular bicycle thoroughfare after the improvement project is completed.

2nd Priority: Elm Street right of way between 10th and 12th

- City owns right-of-way.
- Challenge: Path is along a natural wash.
- Idea mentioned specifically in Bicycle Plan.
- Will complete Elm Street as a viable pedestrian route to the busy commercial area at the SR 260/Hwy 89A intersection.

The Bicycle Advisory Committee would like the opportunity to organize volunteers with the necessary tools to help with the construction of these paths. The committee has also requested that any permitting fees associated with construction of the path be waived. City staff will work with the Human Resources department to ensure the required workers compensation insurance is gathered for anybody agreeing to volunteer with the City for this project.

JUSTIFICATION/BENEFITS/ISSUES

The completion of the proposed pathways would improve circulation and connectivity in regards to bicycle and pedestrian paths around the City of Cottonwood. The community will benefit by having an increased convenience to utilize bicycling as a viable and convenient form of transportation. This project will complete a step towards the implementation of the City’s Bicycle Plan, as well as be beneficial to our success in achieving a Bicycle Friendly Community designation in 2012.

COST/FUNDING SOURCE

All labor and materials will be provided by City volunteers.

REVIEWED BY:

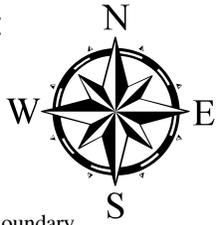
City Manager: _____

City Attorney: _____

ATTACHMENTS

- Aerial map displaying City easements

1 inch = 400 feet

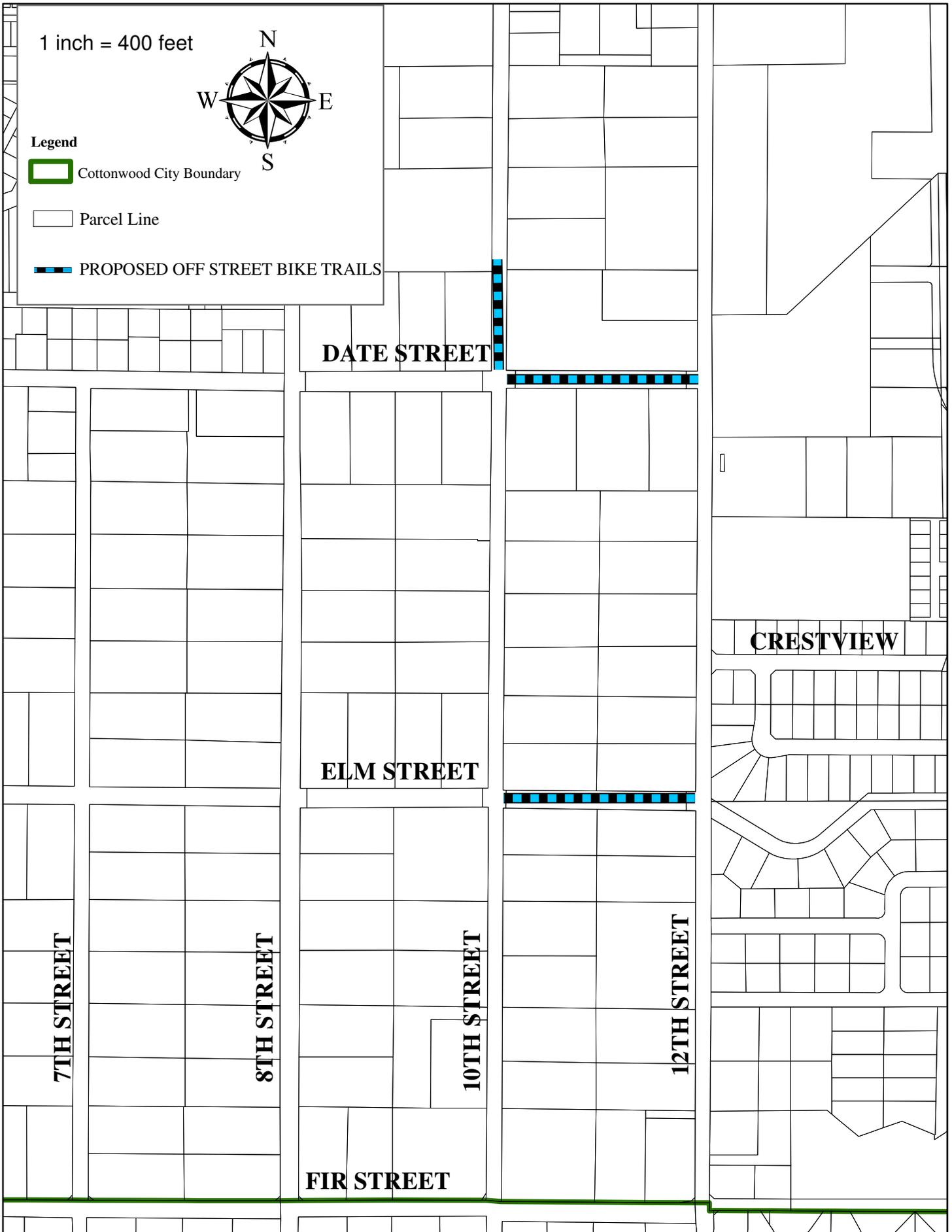


Legend

 Cottonwood City Boundary

 Parcel Line

 PROPOSED OFF STREET BIKE TRAILS



COTTONWOOD BIKE TRAILS

1 inch = 400 feet



Legend

 Cottonwood City Boundary

 Parcel Line

 PROPOSED OFF STREET BIKE TRAILS



COTTONWOOD BIKE TRAILS

CLAIMS REPORT OF JANUARY 3, 2012

FUND TOTAL	VENDOR NAME	DESCRIPTION	TOTAL \$0.00
CLAIMS EXCEPTIONS REPORT OF JANUARY 3, 2012			
FUND	VENDOR NAME	DESCRIPTION	TOTAL
All	City of Cottonwood	Payroll 12/09/2011	\$402,003.73
All	City of Cottonwood	Payroll 12/23/2011	\$387,780.83
All	APS	Utilities	\$82,361.08
Gen	ABC Body Shop	Vehicle Repair Claim#13012545	\$5,326.55
Gen	CDW Government	Computer supplies	\$8,645.88
Utilities	Fergusons	Supplies	\$30,095.76
Utilities	Hennessy Mechanical Sales, LLC	PO 18996 Repair pump	\$12,064.55
Gen	Sedona Fire District	Dispatching PO 18981 and telecom services	\$11,082.43
Utilities	Tiffany Cosntruction, Inc	PO 19036 Electric Conduit	\$8,173.00
Gen	Sutton Law PC	Prosecuting Atty November	\$7,000.00
All	United Fuel	Fuel	\$7,939.39
All	Unisource	Utilities	\$7,985.52
All	Az Municipal Risk Retention Pool	Liability Insurance	\$91,267.25
Gen	AZ State Treasurer	Fines November 2011	\$14,522.46
Utilities	D&K Farming	Sludge Disposal PO 19045	\$7,260.24
Gen	Fit Tech Inc	Repair of Treadmills PO 19042	\$5,291.43
Utilities	Hanson Aggregates	Aggregates and PO 19031	\$7,508.07
HURF	Mulcaire & Sons Contracting	PO 19029 Installing line	\$35,158.35
All	AZ Public Employers Health Pool	Insurance Premiums December	\$137,300.93
Gen	Larry Green Chevrolet	Sales Tax	\$7,200.80
Capital	National Business Furniture	Clerks Office Furniture PO19034	\$7,288.75
All	United Fuel	Fuel	\$8,429.06
Gen	VV Chamber of Commerce	Bed Tax November 2011	\$11,925.45
All	APS	Utilities	\$16,283.29
HURF	International Surfacing Systems	PO 19049 Pavement Preservation	\$514,417.01
HURF	Lawyers Title Inc.	Right of Way-Hoffbauer Revocable Trust	\$7,735.00
Gen	Richardsons LLC	Custodial Rec Center & City wide	\$18,960.96
Utilities	Rocky Construction LLC	PO 19054 Fir Street Water Main	\$9,095.56
Gen	Suntrust	Lease Payment 01/2012	\$45,000.00
Gen	US Postmaster	Postage Utilities	\$5,350.00
Gen	Zions National Bank	Lease Payment 01/2012	\$42,028.70
TOTAL			\$1,962,482.03