

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD NOVEMBER 1, 2011, 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. INTRODUCTION OF NEW EMPLOYEES--Robert Stokes, Firefighter/EMT.
- VII. APPROVAL OF MINUTES--Special Meeting of 10/6/11, and Regular Meeting of 10/18/11.
Comments regarding agenda items are limited to a 5 minute time period per speaker.
- VIII. OLD BUSINESS
 1. ORDINANCE NUMBER 575--APPROVING THE TRANSFER OF A CABLE TELEVISION LICENSE FROM NPG CABLE, INC., TO NPG CABLE, LLC D/B/A SUDDENLINK COMMUNICATIONS IN CONNECTION WITH THE SALE AND CORPORATE RESTRUCTURING OF THE COMPANY; AND SETTING NPG/SUDDENLINK'S PERFORMANCE BOND AT \$5,000.00; SECOND & FINAL READING.
- IX. CONSENT AGENDA--The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
 1. WINE FESTIVAL SPECIAL LIQUOR LICENSES FOR THE WALKIN' ON MAIN EVENT SCHEDULED FOR NOVEMBER 12, 2011, IN OLD TOWN.
- X. NEW BUSINESS--The following items are for Council discussion, consideration, and possible legal action.

A G E N D A
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1. RESOLUTION NUMBER 2613—APPOINTING A MEMBER TO THE HISTORIC PRESERVATION COMMISSION.
2. RESOLUTION NUMBER 2614—APPOINTING A MEMBER TO THE HISTORIC PRESERVATION COMMISSION.
3. HISTORIC PRESERVATION COMMISSION REQUEST FOR APPROVAL TO SUBMIT NEWSPAPER ARTICLE SERIES REGARDING HISTORIC PROPERTIES IN COTTONWOOD.
4. CONSENT OF ASSIGNMENT OF LEASEHOLD RIGHTS TO HIGH FIVE HANGARS CONDOMINIUMS UNIT NO. 5 FROM BACKUS FAMILY INVESTMENTS, LLC, TO CHRISTOPHER S. BURNS, (“LESSEE”); AND COLLATERAL ASSIGNMENT OF LESSEE’S LEASEHOLD INTEREST TO THE MILLAR LIVING TRUST.
5. SPECIAL EVENT LIQUOR LICENSE FOR THE GOLDEN COBRA FITNESS CENTER SUBMITTED BY RICHARD T. WILLIAMS.

XI. CLAIMS & ADJUSTMENTS

XII. 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.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 1, 2011

Subject: Ordinance 575 - Approving the Transfer of a Cable Television License from NPG Cable, Inc., to NPG Cable, LLC d/b/a Suddenlink Communications in Connection with the Sale and Corporate Restructuring of the Company; and Setting NPG/Suddenlink's Performance Bond at \$5,000.00 - Second Reading

Department: Legal; Administration

From: Steve Horton, City Attorney

REQUESTED ACTION

Adoption and second reading of Ordinance Number 575, approving the transfer of a cable television license from NPG Cable, Inc., to NPG Cable, LLC d/b/a Suddenlink Communications in connection with the sale and corporate restructuring of the company; and setting NPG/Suddenlink's performance bond at \$5,000.00.

Suggested Motion: Move to approve Ordinance 575.

BACKGROUND/JUSTIFICATION/BENEFIT/ISSUES

NPG Cable, Inc. has been transferred to Cequel Communications, LLC dba Suddenlink Communications in a stock sale, and its corporate structure has been changed into that of a limited liability company, or LLC. Under Section 5.12.030.D of the City Code, the transfer of NPG's cable license from NPG's former parent company to its current corporate parent requires Council approval, expressed by ordinance.

In connection with the approval process, the parties have also successfully conferred for the purpose of having NPG receive Yavapai Broadcasting Company's feed and provide over NPG Channel 4 the same local government-access programming - including City Council meetings and programs that originate at YBC's Cottonwood studio - that is currently carried on Cable One's Channel 2. This arrangement is the subject of a separate agreement that was approved

by Council on October 18, 2011, and has been signed by Suddenlink. And contrary to our previous understanding, it now appears that City Council meetings and other local government programming will be broadcast throughout much of NPG's Verde Valley broadcast area, including Verde Village.

COST/FUNDING SOURCE

N/A

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Ordinance Number 575

ORDINANCE NUMBER 575

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, GRANTING CONDITIONAL APPROVAL FOR THE CHANGE IN CONTROL OF THE CABLE TELEVISION LICENSE PRESENTLY HELD BY NPG CABLE, INC., TO NPG CABLE LLC PURSUANT TO A CHANGE IN THE OWNERSHIP, CONTROL AND CORPORATE STRUCTURE OF NPG; AND SETTING THE AMOUNT OF THE PERFORMANCE BOND REQUIRED BY SECTION 5.12.100 OF THE COTTONWOOD MUNICIPAL CODE AT FIVE THOUSAND DOLLARS.

WHEREAS, NPG Cable, Inc. ("NPG Cable") owned, operated, and maintained a cable television system serving the City of Cottonwood ("City") pursuant to a cable television license issued by the City in accordance with Chapter 5.12 of the Municipal Code; and

WHEREAS, the City has been advised that News-Press & Gazette Company ("NPG"), the parent company of NPG Cable, has entered into a Stock Purchase Agreement with Cequel Communications, LLC, d/b/a Suddenlink Communications ("Suddenlink") through which, among other things, NPG sold to Suddenlink all of the issued and outstanding capital stock of NPG Cable ("Transaction"); and

WHEREAS, the City has been further advised that, effective as of the date of the closing of the Transaction, Suddenlink converted, by way of merger into a wholly-owned subsidiary of Suddenlink, NPG Cable from a corporation to a limited liability company named NPG Cable, LLC, d/b/a Suddenlink Communications ("Conversion"); and

WHEREAS, pursuant to Section 5.12.030.D of the Municipal Code, the City Council must approve any actual change in control of the license; and

WHEREAS, NPG Cable and Suddenlink have requested the approval of the City Council, expressed by ordinance, for the actual change in control of the license in connection with the Transaction and Conversion as it relates to the license in accordance with the requirements of the license and applicable law, and have filed with the City an application on FCC Form 394 that includes relevant information concerning the Transaction and the legal, technical and financial qualifications of Suddenlink; and

WHEREAS, upon review of the legal, financial and technical qualifications of Suddenlink, the City Council has determined that NPG Cable and Suddenlink have met or are able to meet all the requirements of the City to obtain approval of the change in control of the license; and

ORDINANCE NUMBER 575

Page 2

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the change in control of the license and the Conversion as it relates to the license, subject to the conditions set forth in Sections 3 and 4 of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. The City Council hereby conditionally approves the change in control of the license in connection with the Transaction and the Conversion as it relates to the license, all in accordance with the terms of the license and applicable law.

Section 2. The City Council confirms that the license was properly granted or assigned or transferred to NPG Cable.

Section 3. NPG Cable, LLC, as the licensee, shall comply with the provisions of Sections 5.12.100 (performance bond), and 5.12.110 (liability insurance and indemnification) of said Chapter 5.12 of the Municipal Code. The amount of the bond required pursuant to Section 5.12.100 shall be five thousand dollars (\$5,000.00).

Section 4. The City Council's approval of the change in control of the license in connection with the Transaction and the Conversion as it relates to the license is contingent upon and shall be effective immediately following the City's receipt of NPG Cable, LLC's written acknowledgement and legally binding covenant to comply with all of the provisions of Section 3 of this Ordinance and Chapter 5.12 of the City Code, such covenant to be delivered in a form satisfactory to the City.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 1ST DAY OF NOVEMBER, 2011.

Diane Joens, Mayor

ATTEST:

APPROVED AS TO FORM:

Marianne Jiménez, City Clerk

Steve Horton, City Attorney

GOVERNMENT-ACCESS CHANNEL AGREEMENT

This Government-Access Channel Agreement (“Agreement”) is made and entered into as of the _____ day of October, 2011, by and between NPG Cable, LLC, d/b/a Suddenlink Communications (“Suddenlink”), and the City of Cottonwood, Arizona, an Arizona municipal corporation (“City”).

RECITALS

- A. The City has the authority to issue, renew, and transfer cable television licenses pursuant to Chapter 5.12 of the Municipal Code of the City of Cottonwood.
- B. The City Council has determined that it is in the best interest of the City to expand public access to government services and meetings through the use of local government-access channels.
- C. As part of the license approval process, the Parties have discussed the need for a dedicated local government-access channel to be provided by Suddenlink for the benefit of the City.

IN CONSIDERATION of the mutual promises, covenants and conditions herein set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Suddenlink and the City hereby agree as follows:

1. Suddenlink shall provide local/government access channel capacity in the Basic Service Tier in the form of one dedicated local government access channel (“Channel”) operating on NPG Cable Channel 4 that will be managed by the City or such other entity as the City may designate; provided, however, that if and when NPG Cable Channel 2 becomes available, Suddenlink will notify the City and provide it with the opportunity to direct that Suddenlink’s government-access programming be carried on Channel 2 instead.
2. Subject to applicable laws and regulations, Suddenlink shall deliver to its City subscribers the local government-access programming it receives via the internet from Yavapai Broadcasting Corporation (“YBC”). Suddenlink may also deliver this programming to other subscribers in the Verde Valley.
3. In the event that, for whatever reason, Suddenlink finds it necessary to move the local Channel to another channel on the same cable system, the cost associated with such a move shall be the responsibility of Suddenlink. If this move is required, a ninety (90) day written notice shall be provided to the City.
4. All of the terms and conditions of Chapter 5.12 of the Municipal Code of the City of Cottonwood are incorporated by reference in this Agreement and made a part hereof as though fully set forth herein, and Suddenlink, by accepting and operating under a license from the City, specifically agrees to all the applicable provisions of the City Code and the requirements set forth in this Agreement.

5. This Agreement is subject to cancellation pursuant to the provisions of Arizona Revised Statutes Section 38-511. The parties hereby warrant that to the best of their knowledge and belief, there are no circumstances that would implicate this statute.

Entered into effective the _____ day of October, 2011

NPG Cable, LLC, d/b/a Suddenlink Communications:

John Fuhler
Senior Vice President
Fiscal Operations

City of Cottonwood:

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: November 1, 2011

Subject: Walkin' on Main Wine Tasting

Department: Parks & Recreation Department

From: Jason Little, Recreation Manager - Verde Valley Wine Consortium

REQUESTED ACTION

Verde Valley Wine Consortium, in conjunction with the "Walkin' on Main" Special Event Program (State Centennial Celebration event) dated November 12th, 2011, requests the approval of five (5) participating winery applications for Wine Festival/Fair Licensure.

BACKGROUND

The Verde Valley Wine Consortium promotes the local wine industry through advancement, promotion and advocating the industry region-wide/state wide and nationwide. The Consortium will be facilitating the wine tasting at the up-coming "Walk' in on Main" Event to raise funds to support their mission and vision statement. Each winery (similar to last year's event) that participates will provide the city with an application for wine festival license that will be presented to the Council for approval, and once approved sent to the AZ Department of Liquor for final approval. The participating wineries (identified below) will provide a Certificate of Insurance naming the City of Cottonwood/Wine Consortium additionally insured, and post the event license issued by the Arizona Department of Liquor at each booth. At the entrance to the wine garden, ID's will be checked to make sure each person entering is of legal age to consume alcohol. The Wine Consortium will assume these responsibilities, and organize the wine tasting portion of Walkin' on Main Event.

- Alcantara Winery
- Javelina Leap Winery
- Pillsbury Winery
- Dionysian Winery
- Page Springs Winery

JUSTIFICATION/BENEFIT/ISSUES

The Verde Valley Wine Consortium facilitates the wine tasting portion of Walkin' on Main as a fundraiser for their organization, which goes towards promoting, advocating and expanding

the local wine industry. It also provides a service to the event that attracts more participants, and in turn brings more people to Old Town Cottonwood. Each winery is very aware of the requirements set by the AZ. Department of Liquor, and the Wine Consortium has facilitated the Walkin' on Main wine tasting program in the past with no issues. The Consortium must insure that all AZ Department of Liquor laws are followed as prescribed by statute.

COST/FUNDING SOURCE

The funding for this is being provided by the Verde Valley Wine Consortium. They are purchasing the tickets, wine glasses, and any other cost associated with the wine tasting program associated with Walkin' on Main.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Arizona Department of Liquor License - Wine Festival Application - Alcantara Winery
- Arizona Department of Liquor License - Wine Festival Application - Javalina Leap Winery
- Arizona Department of Liquor License - Wine Festival Application - Pillsbury Winery
- Arizona Department of Liquor - Wine Festival Application - Dionysian Winery
- Arizona Department of Liquor - Wine Festival Application - Page Springs Winery

State of Arizona Department of Liquor Licenses and Control
 800 W. Washington, 5th Floor
 Phoenix, AZ 85007
 www.azliquor.gov
 (602)542-5141

APPLICATION FOR WINE FESTIVAL LICENSE/WINE FAIR LICENSE

FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: Predmore Barbara
Last First Middle

2. Business Name: Alcantara Vineyard D.F.W. Lic#: 13133010
(Domestic Farm Winery License #)

3. Location of Festival: 827 N. Main St. (located on Main St.) Arizona Yavapai 86326
(Physical location - Do not use PO Box) City County Zip

4. Mailing Address: PO BOX 64 Cottonwood AZ 86326
City State Zip

5. Date and hours of festival:

DATE	DAY OF WEEK	HOURS FROM	HOURS TO
<u>11/12/11</u>	<u>Saturday</u>	<u>11:00 a.m.</u> a.m./p.m.	<u>5:00 p.m.</u> a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.

6. Name and address of site owner: City of Cottonwood
Last First Middle

827 N. Main St. Cottonwood Arizona 86326
Address City State Zip

7. Phone Numbers: (928) 639-3200 (928) 649 8463 (928) 830 0764
Site Owner Applicant's Business Applicant's Residence

* Disabled individuals requiring special accommodation, please call (602) 542-9027.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES NO
9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products **ONLY**? YES NO
10. How many wine festival licenses have you applied for this calendar year, including this one? 13

Give the total number of days you have held licensed wine festivals this year 25

11. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

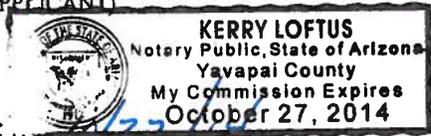
5 _____ # Police Fencing
 _____ # Security personnel Barriers

The Cottonwood Police Department will handle the security for Walkin' on Main. If additional security is needed than dispatch will send more officers.

12. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your wine festival/fair licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

I, Barbara Pedmore, hereby declare that I am the APPLICANT filing this application. I
 (Print full name)
 have read the application and the contents and all statements are true, correct and complete.

X Barbara Pedmore State of Arizona County of Yavapai
 (Signature of APPLICANT) The foregoing instrument was acknowledged before me this



18th day of October 2011
 Day Month Year

My commission expires on: 10/27/14 (Signature of NOTARY PUBLIC)

*** FOR USE BY LOCAL GOVERNING AUTHORITY ONLY ***

I, _____, hereby APPROVE DISAPPROVE this application on behalf of
 (Government Official)

 (City, Town, or County) (Title) X (Signature of OFFICIAL)

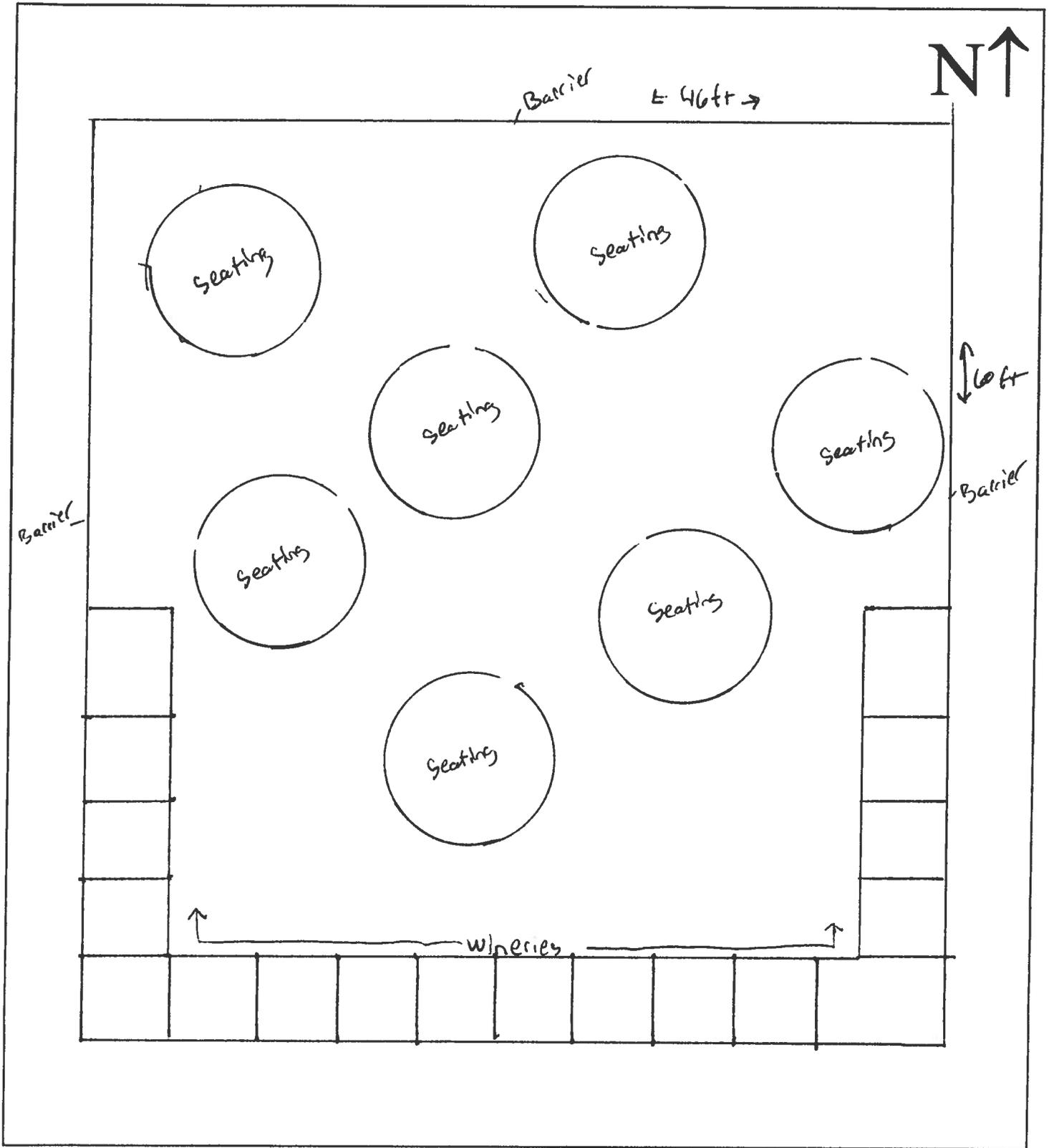
*** FOR USE BY DLLC ONLY ***

APPROVED DISAPPROVED

By: _____ Date: _____

WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
(Show dimensions, serving areas, and label type of enclosure and security positions)



State of Arizona Department of Liquor Licenses and Control
 800 W. Washington, 5th Floor
 Phoenix, AZ 85007
 www.azliquor.gov
 (602)542-5141

APPLICATION FOR WINE FESTIVAL LICENSE/WINE FAIR LICENSE

FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: SNAPP RODNEY FLETCHER
Last First Middle

2. Business Name: JAVELINA LEAP ESTATE VINEYARDS F.W. Lic#: 13133009
(Domestic Farm Winery License #)

3. Location of Festival: 827 N. Main St. (located on Main St.) Arizona Yavapai 86326
(Physical location - Do not use PO Box) City County Zip

4. Mailing Address: 1565 N. PAGE SPRINGS RD COTTONWOOD AZ 86325
City State Zip

5. Date and hours of festival:

<u>DATE</u>	<u>DAY OF WEEK</u>	<u>HOURS FROM</u>	<u>HOURS TO</u>
<u>11/12/11</u>	<u>Saturday</u>	<u>11:00 a.m.</u> a.m./p.m.	<u>5:00 p.m.</u> a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.

6. Name and address of site owner: City of Cottonwood
Last First Middle
827 N. Main St. Cottonwood Arizona 86326
Address City State Zip

7. Phone Numbers: (928) 639-3200 (928) 649-2681 (928) 774-0394
Site Owner Applicant's Business Applicant's Residence

* Disabled individuals requiring special accommodation, please call (602) 542-9027.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES NO
9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products **ONLY**? YES NO
10. How many wine festival licenses have you applied for this calendar year, including this one? 13

Give the total number of days you have held licensed wine festivals this year 21

11. What security and control measures will you take to prevent violations of state liquor laws at this event?
 (List type and number of security/police personnel and type of fencing or control barriers if applicable)

5 _____ # Police Fencing
 _____ # Security personnel Barriers

The Cottonwood Police Department will handle the security for Walkin' on Main. If additional security is needed than dispatch will send more officers.

12. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your wine festival/fair licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

I, RODNEY FLETCHER SNAPP, hereby declare that I am the APPLICANT filing this application. I
 (Print full name)
 have read the application and the contents and all statements are true, correct and complete.

X _____
 (Signature of APPLICANT)

State of Arizona County of Yavapai
 The foregoing instrument was acknowledged before me this
20th day of October 2011,
 Day Month Year

My commission expires on: 9/26/15

Debra K Olson
 (Signature of NOTARY PUBLIC)
 Debra K. Olson
 NOTARY PUBLIC - ARIZONA
 YAVAPAI COUNTY
 My Commission Expires
 September 26, 2015

*** FOR USE BY LOCAL GOVERNING AUTHORITY ONLY ***

I, _____, hereby APPROVE DISAPPROVE this application on behalf of
 (Government Official)

 (City, Town, or County) (Title) X (Signature of OFFICIAL)

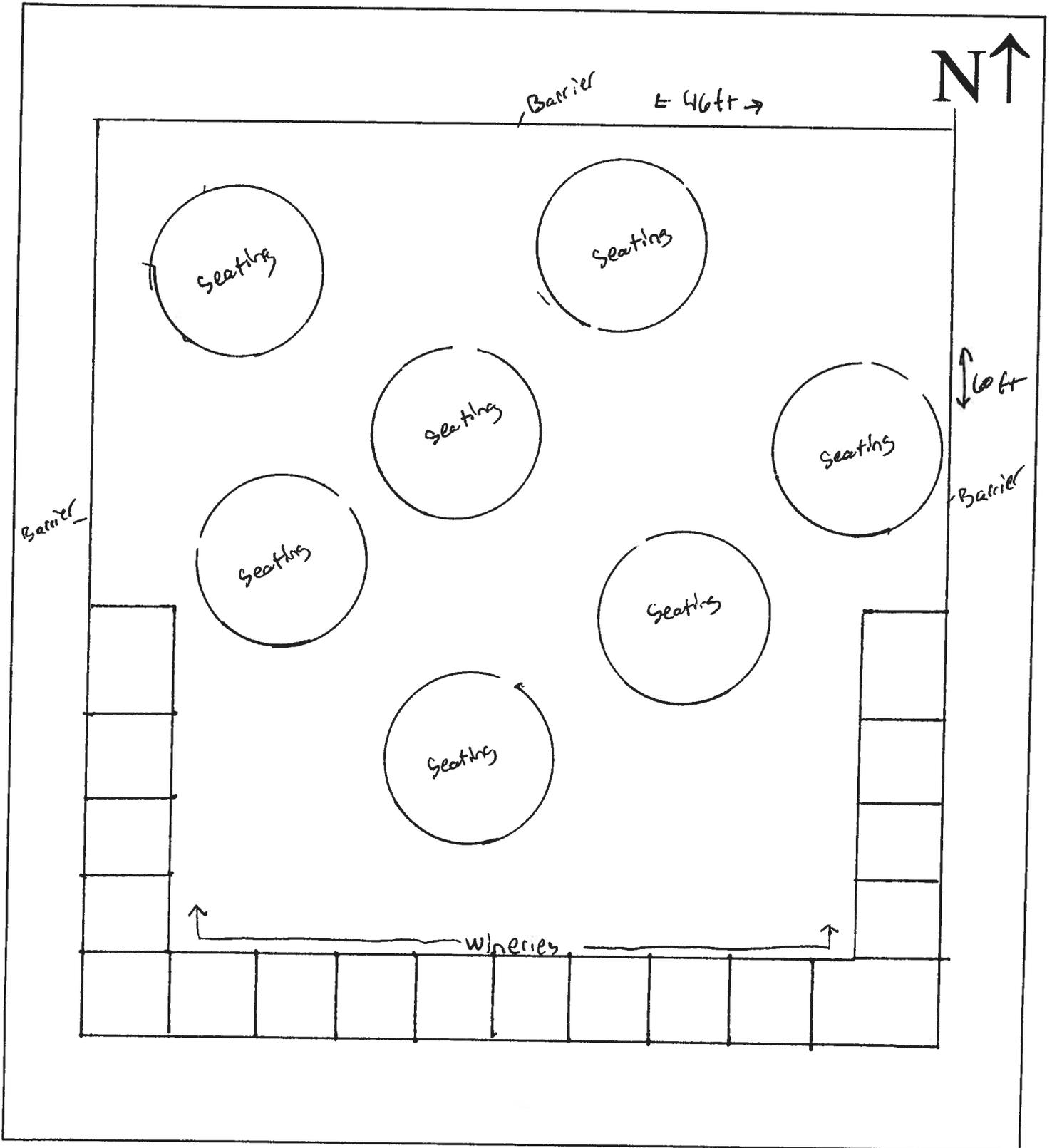
*** FOR USE BY DLLC ONLY ***

APPROVED DISAPPROVED

By: _____ Date: _____

WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
(Show dimensions, serving areas, and label type of enclosure and security positions)



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FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: Inono Jeronica Shea
Last First Middle

2. Business Name: Pillbury Wine Company D.F.W. Lic#: 13133021
(Domestic Farm Winery License #)

3. Location of Festival: 827 N. Main St. (located on Main St.) Arizona Yavapai 86326
(Physical location - Do not use PO Box) City County Zip

4. Mailing Address: _____
City State Zip

5. Date and hours of festival:

DATE	DAY OF WEEK	HOURS FROM	HOURS TO
11/12/11	Saturday	11:00 a.m. _____ a.m./p.m.	5:00 p.m. _____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
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_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.

6. Name and address of site owner: City of Cottonwood
Last First Middle

827 N. Main St. Cottonwood Arizona 86326
Address City State Zip

7. Phone Numbers: (928) 639-3200 (____) _____ (____) _____
Site Owner Applicant's Business Applicant's Residence

* Disabled individuals requiring special accommodation, please call (602) 542-9027.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES NO

9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products ONLY? YES NO

10. How many wine festival licenses have you applied for this calendar year, including this one? 3

Give the total number of days you have held licensed wine festivals this year 2

11. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

5 # Police Fencing
 # Security personnel Barriers

The Cottonwood Police Department will handle the security for Walkin' on Main. If additional security is needed than dispatch will send more officers.

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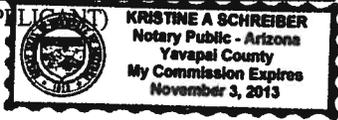
I, Veronica Irons, hereby declare that I am the APPLICANT filing this application. I
(Print full name)

have read the application and the contents and all statements are true, correct and complete.

X [Signature]
(Signature of APPLICANT)

State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this
21ST day of October, 2011
Day Month Year



My commission expires on: 11/3/2013 Kristine A Schreiber
(Signature of NOTARY PUBLIC)

*** FOR USE BY LOCAL GOVERNING AUTHORITY ONLY ***

I, _____, hereby APPROVE DISAPPROVE this application on behalf of
(Government Official)

(City, Town, or County) (Title) X (Signature of OFFICIAL)

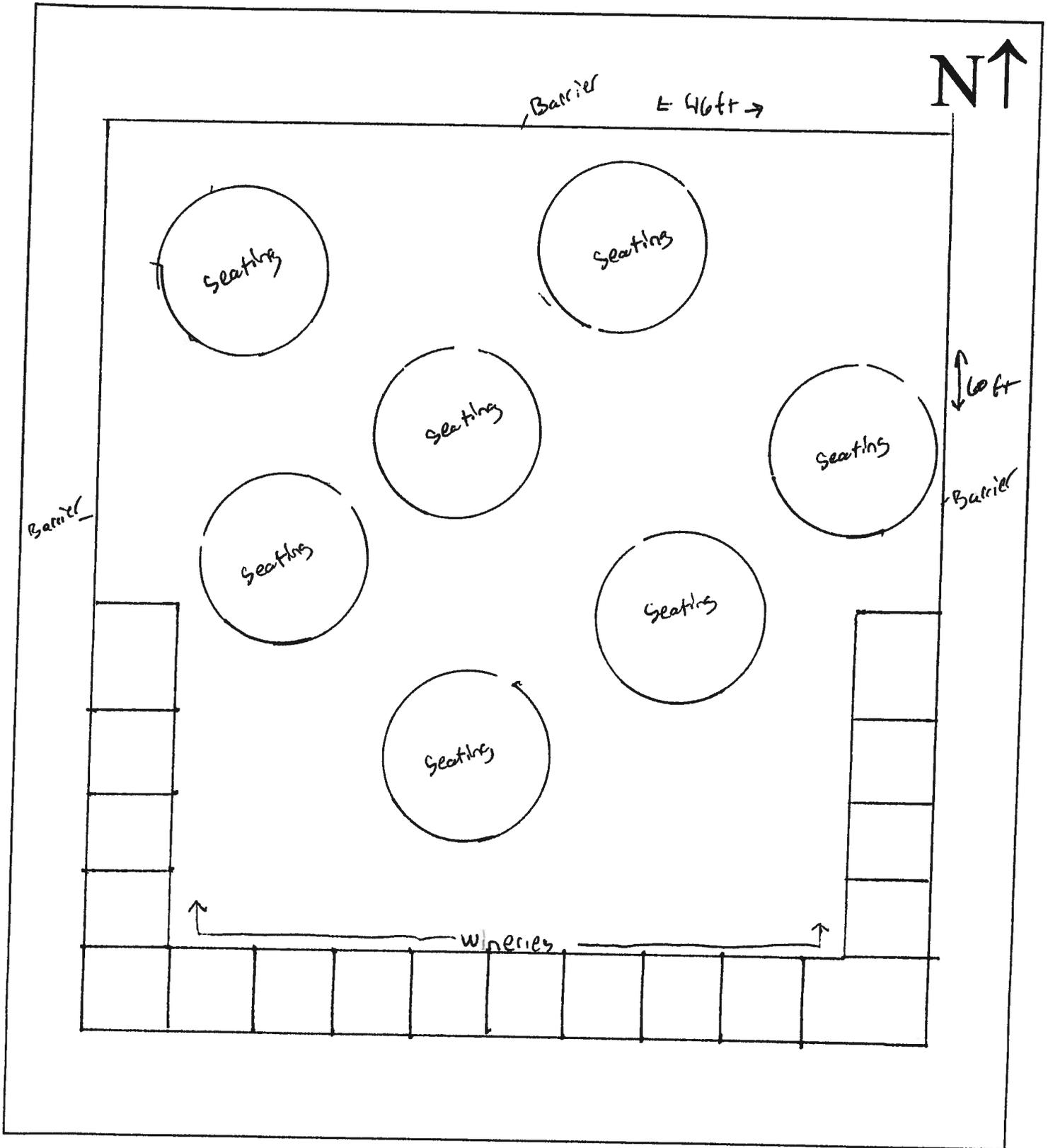
*** FOR USE BY DLLC ONLY ***

APPROVED DISAPPROVED

By: _____ Date: _____

WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
(Show dimensions, serving areas, and label type of enclosure and security positions)



Walkin on Main

928-639-3200 Hezelian

State of Arizona Department of Liquor Licenses and Control
800 W. Washington, 5th Floor
Phoenix, AZ 85007
www.azliquor.gov
(602)542-5141

APPLICATION FOR WINE FESTIVAL LICENSE/WINE FAIR LICENSE

FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: BAKER SARORA JOE
Last First Middle

2. Business Name: Wine Cellar D.F.W. Lic#: 13133024
(Domestic Farm Winery License #)

3. Location of Festival: 827 N. Main St. (located on Main St.) Arizona Yavapai 86326
(Physical location - Do not use PO Box) City County Zip

4. Mailing Address: 1029 Main St. Cottonwood AZ 86326
City State Zip

5. Date and hours of festival:

DATE	DAY OF WEEK	HOURS FROM	HOURS TO
<u>11/12/11</u>	<u>Saturday</u>	<u>11:00 a.m.</u> a.m./p.m.	<u>5:00 p.m.</u> a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.

6. Name and address of site owner: City of Cottonwood
Last First Middle
827 N. Main St. Cottonwood Arizona 86326
Address City State Zip

7. Phone Numbers: (928) 639-3200 (928) 649-0444 (928) 639-4505
Site Owner Applicant's Business Applicant's Residence

* Disabled individuals requiring special accommodation, please call (602) 542-9027.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES NO
9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products ONLY? YES NO
10. How many wine festival licenses have you applied for this calendar year, including this one? 1

Give the total number of days you have held licensed wine festivals this year 0

11. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

5 # Police Fencing
 # Security personnel Barriers

The Cottonwood Police Department will handle the security for Walkin' on Main. If additional security is needed than dispatch will send more officers.

12. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your wine festival/fair licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

I, SANDRA JOE BAKER, hereby declare that I am the APPLICANT filing this application. I
 (Print full name)

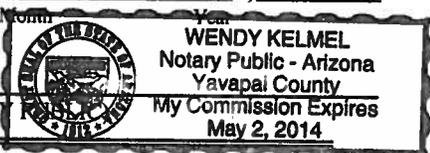
have read the application and the contents and all statements are true, correct and complete.

Sandra Joe Baker
 (Signature of APPLICANT)

State of Arizona County of Yavapai
 The foregoing instrument was acknowledged before me this

21st day of October, 2011
 Day Month Year

My commission expires on: May 2, 2014

Wendy Kelmel
 (Signature of NOTARY)


*** FOR USE BY LOCAL GOVERNING AUTHORITY ONLY ***

I, _____, hereby APPROVE DISAPPROVE this application on behalf of
 (Government Official)

 (City, Town, or County) (Title) X (Signature of OFFICIAL)

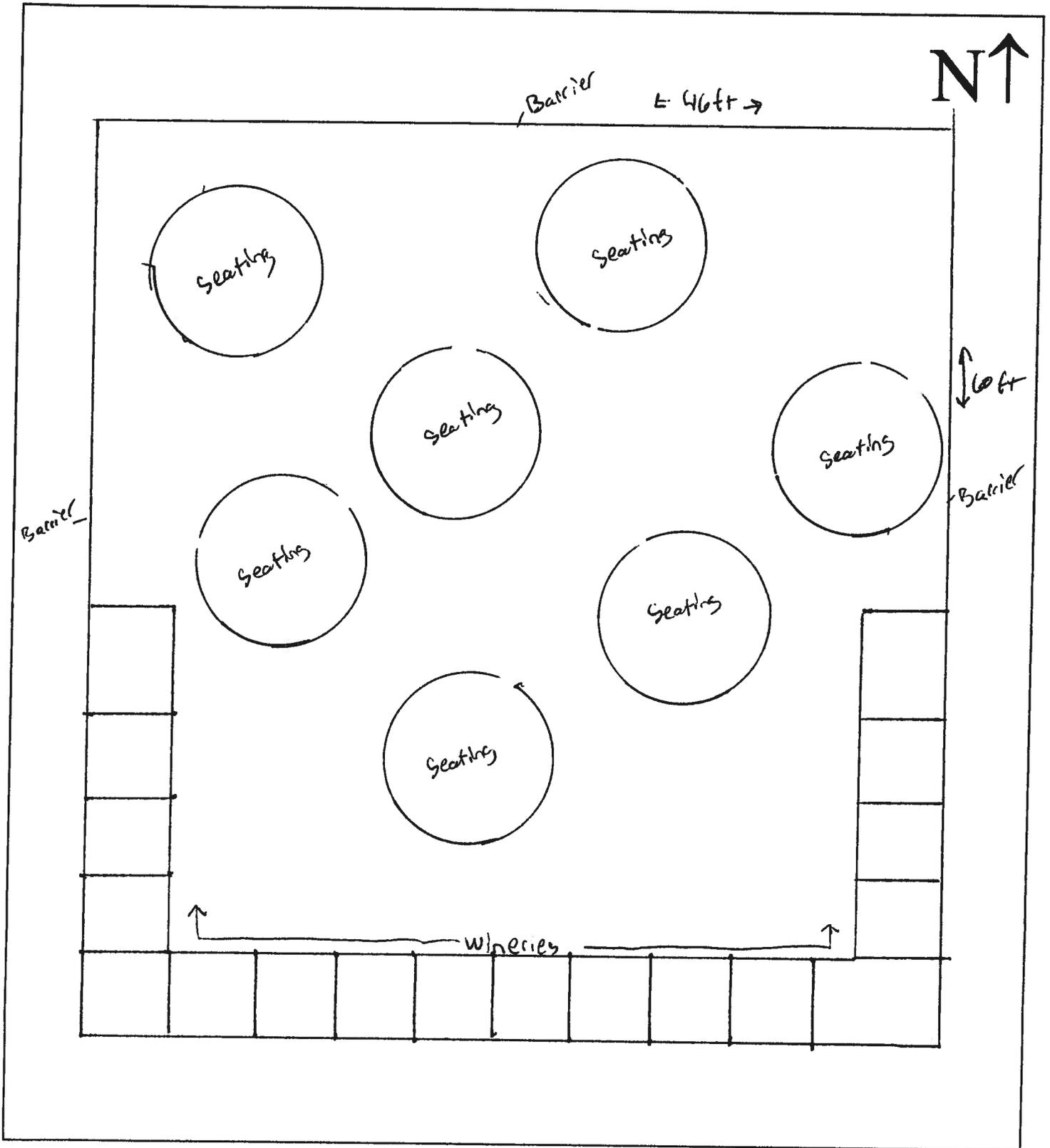
*** FOR USE BY DLLC ONLY ***

APPROVED DISAPPROVED

By: _____ Date: _____

WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
(Show dimensions, serving areas, and label type of enclosure and security positions)



State of Arizona Department of Liquor Licenses and Control
 800 W. Washington, 5th Floor
 Phoenix, AZ 85007
 www.azliquor.gov
 (602)542-5141

APPLICATION FOR WINE FESTIVAL LICENSE/WINE FAIR LICENSE

FEE = \$15.00 per event

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. 44-6852)

A separate license is needed when days are not consecutive. Only twenty-five (25) licenses per calendar year for up to seventy-five calendar days may be issued, excluding sanctioned county or state fair licenses.

1. Applicant's Name: Glomski Eric Steven
Last First Middle

2. Business Name: Page Springs Cellars D.F.W. Lic#: 13133004
(Domestic Farm Winery License #)

3. Location of Festival: 827 N. Main St. (located on Main St.) Arizona Yavapai 86326
(Physical location - Do not use PO Box) City County Zip

4. Mailing Address: 1500 N. Page Springs rd. Cornville Az 86325
City State Zip

5. Date and hours of festival:

DATE	DAY OF WEEK	HOURS FROM	HOURS TO
11/12/11	Saturday	11:00 a.m. a.m./p.m.	5:00 p.m. a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.
_____	_____	_____ a.m./p.m.	_____ a.m./p.m.

6. Name and address of site owner: City of Cottonwood
Last First Middle

827 N. Main St. Cottonwood Arizona 86326
Address City State Zip

7. Phone Numbers: (928) 639-3200 (928) 639-3004 (928) 301-0977
Site Owner Applicant's Business Applicant's Residence

* Disabled individuals requiring special accommodation, please call (602) 542-9027.

8. Has the festival site owner given permission for use of the site and for the sale of spirituous liquors? YES NO
9. Are the spirituous liquors to be sold or served Arizona Domestic Farm Winery Products ONLY? YES NO
10. How many wine festival licenses have you applied for this calendar year, including this one? 14
- Give the total number of days you have held licensed wine festivals this year 27

11. What security and control measures will you take to prevent violations of state liquor laws at this event?
 (List type and number of security/police personnel and type of fencing or control barriers if applicable)

5 _____ # Police Fencing
 _____ # Security personnel Barriers

The Cottonwood Police Department will handle the security for Walkin' on Main. If additional security is needed than dispatch will send more officers.

12. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your wine festival/fair licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

I, Eric Steven Glomski, hereby declare that I am the APPLICANT filing this application. I
 (Print full name)
 have read the application and the contents and all statements are true, correct and complete.

X [Signature]
 (Signature of APPLICANT)

State of Arizona County of Yavapai
 The foregoing instrument was acknowledged before me this
10 day of October 2011
 Day Month Year

[Signature]
 (Signature of NOTARY PUBLIC)

LISA N. RHODES
 Notary Public - Arizona
 Yavapai County
 My Comm. Expires Jul 5, 2014
 My commission expires on: July 5, 2014

*** FOR USE BY LOCAL GOVERNING AUTHORITY ONLY ***

I, _____, hereby APPROVE DISAPPROVE this application on behalf of
 (Government Official)

 (City, Town, or County) (Title) X (Signature of OFFICIAL)

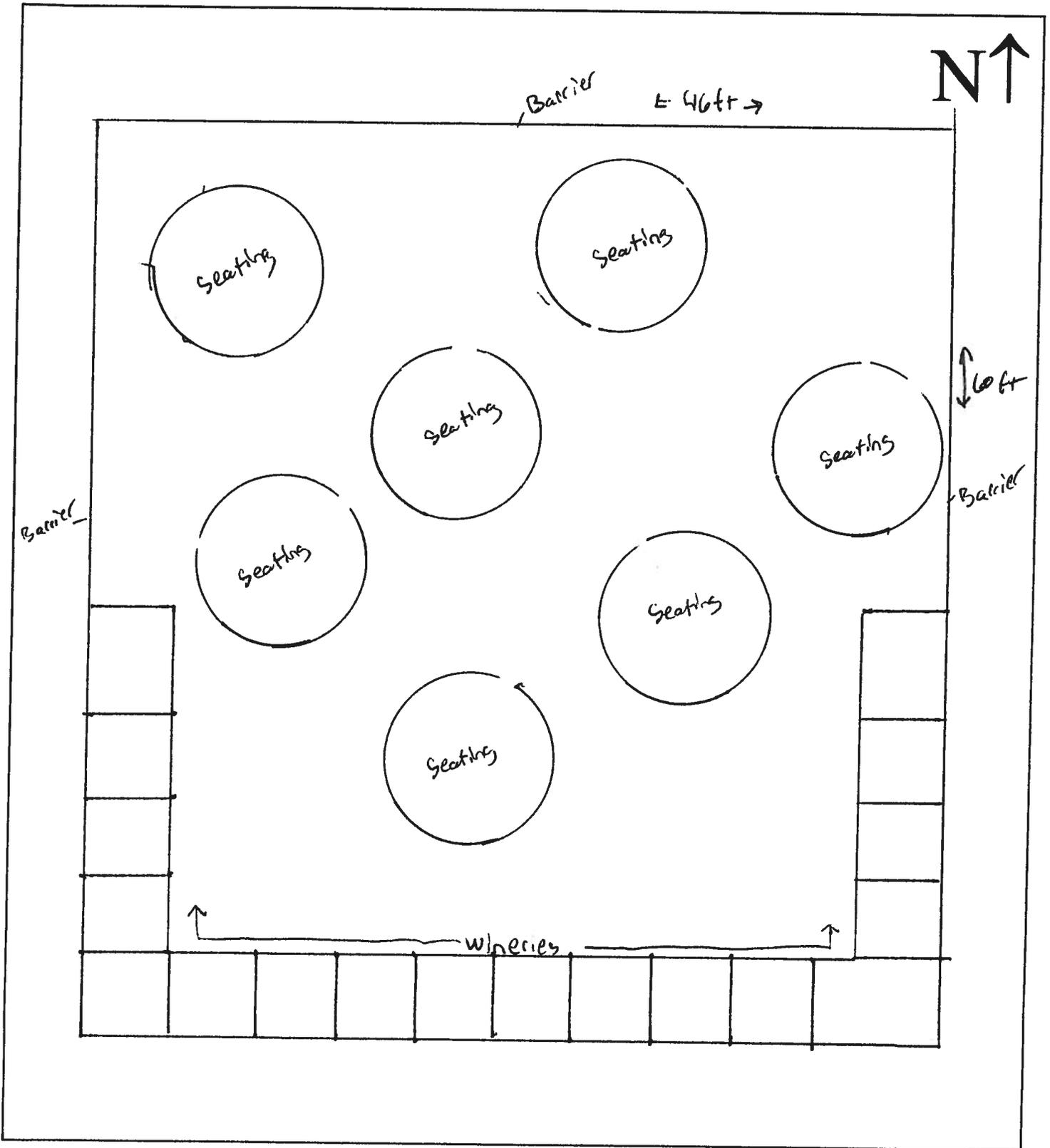
*** FOR USE BY DLLC ONLY ***

APPROVED DISAPPROVED

By: _____ Date: _____

WINE FESTIVAL/FAIR LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.
(Show dimensions, serving areas, and label type of enclosure and security positions)



City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 1, 2011

Subject: Historic Preservation Commission Appointments

Department: Community Development

From: Charlie Scully, Staff Representative for HPC

REQUESTED ACTION

Appointment of two (2) seats on the Historic Preservation Commission.

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

"I move to approve Resolution Number 2613 appointing _____ to the Historic Preservation Commission for a three-year term which expires November 3, 2014."

"I move to approve Resolution Number 2614 appointing _____ to the Historic Preservation Commission for a three-year term which expires November 3, 2014."

BACKGROUND

There are five (5) applicants for two (2) seats on Historic Preservation Commission, including those presently occupied by Ryan Bigelow and Carol Anne Warren, who has decided not to re-apply.

The Historic Preservation Commission has been meeting for almost a year. Work is progressing to establish the primary program elements, including the Historic Preservation Ordinance, which establishes the framework for the preservation of historic properties, and the update of the historic resources inventory for the city, which will identify all properties that are 50 years old or older.

In addition, the Commission is involved with various activities that promote education and awareness of historic preservation in Cottonwood. The anticipated work program for the next year will include the continued effort to establish the technical documents necessary to implement the program, including design review procedures for historic properties, as well as continued efforts to promote education and awareness of the benefits of historic preservation.

The HPC seats are currently held by:

1. Tim Elinski (Chair)	Term Expires:	11-3-13
2. Greg Ruland (Vice-Chair)	Term Expires:	11-3-12
3. Annabel Sclippa	Term Expires:	11-3-12
4. Glenda Farley	Term Expires:	11-3-13
5. Karen Leff	Term Expires:	11-3-13
6. Ryan Bigelow	Term Expires	11-3-11
7. Carol Anne Warren	Term Expires	11-3-11 (not reapplying)

The commission opening was advertised as required and five applications were received. The Council has the option to make the appointments or to continue seeking applicants. Candidates for the position include the following: (There are two openings)

Applicants

- Ryan Bigelow
- June Dupee-Kahalley
- Melinda Schrambling
- Shirley Pogany
- Connie Fisher

JUSTIFICATION/BENEFITS/ISSUES

The Historic Preservation Commission is comprised of seven members, at least five of whom shall be residents of the city, and two of whom need not be residents of the city, provided they have substantial ties to the city, such as owning real property, owning a business, being employed within the city limits, or based on other factors deemed relevant by the city council. Commission members serve for terms of three years.

Prospective members should have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a historic preservation organization, employment or volunteer activity in the field of historic preservation, professional experience in architecture, real estate or construction activities related to historic preservation, educational background in a related field, or other serious interest in the field.

To the extent possible, it is desirable that at least two members have professional experience in the field of architecture, planning, history, archaeology, or restoration construction. This is one of the requirements for qualifying for the Certified Local Government (CLG) program for historic preservation, which is a goal of this commission.

Note: The ordinance establishing the Commission permits 2 members to live outside of Cottonwood as long as they meet the criteria described, such as being employed within the city limits. Currently there are two members who live outside the city limits, including Greg Ruland (Verde Village) and Ryan Bigelow (Verde Santa Fe). Ryan Bigelow is up for reappointment. Shirley Pogany lives in Clarkdale but is employed in Cottonwood. The others live in Cottonwood.

IMPLEMENTATION

The City Clerk will administer the oath of office to the appointees prior to the next Historic Preservation Commission meeting.

REVIEWED BY:

City Manager: _____

City Attorney: _____

ATTACHMENTS

- Applications and background material from five applicants.
- Resolution Number 2613
- Resolution Number 2614

RESOLUTION NUMBER 2613

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER THE CITY'S HISTORIC PRESERVATION COMMISSION AND ESTABLISHING _____ TERM OF OFFICE.

WHEREAS, the City Council created a Historic Preservation Commission for the City of Cottonwood for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the City of Cottonwood; and

WHEREAS, the initial one-year term of Ryan Bigelow as a member of the Historic Preservation Commission is due to expire November 3, 2011; and

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

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 Historic Preservation Commission for a three-year term which expires November 3, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF NOVEMBER 2011.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

RESOLUTION NUMBER 2614

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING _____ A MEMBER THE CITY'S HISTORIC PRESERVATION COMMISSION AND ESTABLISHING _____ TERM OF OFFICE.

WHEREAS, the City Council created a Historic Preservation Commission for the City of Cottonwood for the identification, evaluation, protection, preservation, and enhancement of historic properties that have significance for the City of Cottonwood; and

WHEREAS, the initial one-year term of Carol Anne Warren as a member of the Historic Preservation Commission is due to expire November 3, 2011; and

WHEREAS, it therefore is necessary to appoint a member to the Historic Preservation 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 Historic Preservation Commission for a three-year term which expires November 3, 2014.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 1ST DAY OF NOVEMBER 2011.

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 COTTONWOOD HISTORIC PRESERVATION BOARD
(BOARD/COMMISSION/COMMITTEE) COMMISSIONER

NAME FISHER, CONSTANCE LEE
(Last) (First) (Middle)

MAILING ADDRESS ~~1223~~ same
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 1223 E. GRAHAM ST. COTTONWOOD AZ 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 623-850-4007 WORK/MESSAGE PHONE —

EMAIL ADDRESS: CONNIELEE MARIE @ HOTMAIL.COM

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. —

Education ART MAJOR, TRITON COLLEGE RIVER FOREST, IL

Work Experience FREE-LANCE ARTIST SINCE 1972 IN
CHICAGO, SAN FRANCISCO, SEATTLE/TACOMA, PHOENIX
& NORTHERN AZ (AND WITH THE INTERNET-VIRTUALLY EVERYWHERE)
CONNIELEEMARIE@E.COM

Application for (Board/Commission/Committee)
Page 2

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

I HAVE HAD AN INTEREST IN HISTORICAL ARCHITECTURE
SINCE I LIVED IN OAK PARK, ILL (HOME OF FRANK LLOYD WRIGHT
+ MANY OF HIS BUILDINGS) IN 1973,

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

HEADED A MONTHLY COMMUNITY GROUP IN PHOENIX FOR 12 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?

YES, I BOUGHT A HISTORIC 1930'S HOUSE IN 2005

Signature Constance Fisher

Date Oct 6, 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.

October, 20, 2011

City of Cottonwood

Attention: Human Resources

Please note that your announcement regarding the open volunteer opportunity with the Historic Preservation Commission was in the October 19, 2011 edition of the Verde Independent newspaper.

The announcement stated that applications for this position would be accepted until 3:00pm, October 19, 2011, which was of course, the same day as the announcement was posted in the newspaper.

Most people work until 5:00pm or later on weekdays and therefore, would not have been able to even read your announcement until after the 3:00pm deadline to apply. Perhaps in the future you can post the announcement several days before the deadline in order that people have a bit more time to contemplate their decision or to prepare their application and other necessary documents to apply.

I hope that you will still accept my application because I am very interested in becoming a member of the Historic Preservation Commission of Cottonwood. History, as you will see from my resume, is very important to me and I have worked hard to preserve history for future generations and hope that I will have the opportunity to continue in this endeavor.

Thank you for your time and consideration. I look forward to hearing from you.

Sincerely,



Shirley R. Pogany



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 Historic Preservation Commission
(BOARD/COMMISSION/COMMITTEE)

NAME Pogany Shirley R.
(Last) (First) (Middle)

MAILING ADDRESS 990 Hillcrest Dr. #3 Clarkdale, AZ. 86324
(Route or Box) (City) (State) (Zip)

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

HOME PHONE 928-254-1745 WORK/MESSAGE PHONE 928-634-3711 #3

EMAIL ADDRESS: poganyrose@yahoo.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. Licensed - Quickbooks, Windows, Outlook

Education BAU - BA Comparative Religion, BS History, Minor-Biology - Graduated 1995

Work Experience Currently employed at Safeway in Deli, Cottonwood.
see attached Resume for more details

Application for (Board/Commission/Committee)
Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I have a degree in History and have worked over 10 yrs in preservation of history. I have lived in Northern AZ more than 25 yrs and in the Cottonwood area for 4 1/2 yrs.

List any community service organizations or projects you have been involved with (include a brief description of activities): To date, none but I feel this opportunity is a good starting place for me and a chance to share my knowledge and love of History, as well as helping to preserve the unique history of our area.

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?

I live in Clarkdale but work in Cottonwood. Lived in Cottonwood 2006-2008.

Signature Shirley D Pogorny

Date 10/20/11

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.

Shirley R. Pogany
928-254-1745 - cell
poganyrose@yahoo.com

Proven outstanding capabilities in organizing, creating and maintaining efficiency, resulting in time and monetary savings with increased productivity, successfully accomplishing set goals. Excellent skills in attention to detail and record keeping, written and oral communication, leading to accurate and simplified retrieval of information, enhanced communication between departments, higher productivity, and employee satisfaction with ongoing positive results.

PROFESSIONAL EXPERIENCE

Safeway

2010 to Present

Cottonwood, AZ

Deli Department

Preparing all food products for the deli, including slicing meats and cheeses, making signature sandwiches, soups and salads, baking and frying chicken.
Regularly involved in high volume and fast paced customer service providing quality products for deli customers
Extensive cleaning of ovens, fryers, and machinery
Daily using deli machinery including meat slicer, cheese slicer, computer weight scale and cash register

WIS International, Arizona

2009-2010

Inventory Specialist

Completed inventory for major store chains all over Arizona.
Assisted in producing detailed profit and loss statements using information gained through a hand-held computer and scanning device
Lead a small crew of inventory specialist in a specific department in major retail store chain
Actively involved in producing highest production numbers and hours in the company
Certified company van driver

Jerome Historical Society, Jerome, AZ

2007-2009

Office Manager, Administrator

Managed all daily office activities including, billing and invoicing for Jerome State Historic Park, The Mine Museum Gift Shop and The Parts Room store.
Completed and filed forms for state and federal taxes
Arranged bi-weekly employee meetings
Managed a department of nine employees
Completed all payroll duties for department
Presented comprehensive and detailed reports for monthly board of directors meetings.
Monitored all rental properties, both residential and retail
Answered written and verbal inquiries from the public
Assisted the archivist with research projects and logged items into the archive database

Helped with grant tracking and sending reports to grant providers
Actively planned and carried out special events including the yearly Ghost Walk and Jerome Town Copper Ball

Burbank Dog and Cat Hospital, Burbank, CA

2005-2007

Office Assistant

Assisted Veterinarian with caretaking of animals including lab tests, surgeries, feeding and cleaning
Filled and distributed pharmaceutical prescriptions
Made and tracked appointments using specialized medical office software
Helped with filing, billing and collecting patient fees

Survivors of the Shoah Visual History Foundation, Burbank, CA.

1996-2005

Cataloguing Department Supervisor, Administrative Supervisor

1999-2005

Monitored health and safety issues for employees and insured that worker's compensation repetitive injury cases were referred promptly to Human Resources.
Managed a rotating video archive library that contained an excess of 1500 tapes per day.
Assigned and tracked project codes to specific grant hours and special collections, facilitating detailed financial reporting by allocating every hour of employee work time.
Produced weekly statistical production reports showing numbers of completed indexed testimonies, as well as, those remaining to be indexed. Reports submitted to Board of Directors.
Managed a department of more than forty employees
Completed and submitted payroll for department

Cataloguer/Historical Content Analyst

1996-1999

Annotated over 325 video taped testimonies from Holocaust survivors, divided testimonies into coherent segments while writing brief descriptions of topics discussed.
Assigned index terms to each testimony using a hierarchy of keywords.
Wrote summaries for each testimony and conducted research on specific historical issues.
Participated in software testing, building and maintaining an ontology of terms.

Liaison

1996-1997

Worked directly with Human Resources department to coordinate bi-monthly sessions with volunteer counselor for Cataloguing department employees.

Faith Goldman, Torrence, CA.

2000-2001

Transcribed audio taped interviews for Ms. Goldman's book.
Edited written materials and grant proposals.
Utilized excellent written communication skills including, grammar, spelling and advanced typing speed.

Alan Weissman Photography, Studio City, CA.

2000

Managed correspondence with clients
Organized photo studio resulting in increased creativity for photographer and client satisfaction.
Performed accurate data entry, filing, special projects and tasks

EDUCATIONAL BACKGROUND

Northern Arizona University, Flagstaff, AZ.

Bachelor's of Arts Degree, Comparative Religion
Bachelor's of Science Degree, History with focus in WWII European History
Minor, Biology
Graduated December 1995

Intuit Education and Certification Program, Phoenix, AZ. 2008

Certificate of Completion: Quickbooks

Computer Techniques Inc. Los Angeles, CA. 1998

Certificate of Completion: Windows 98, Outlook 97

ADDITIONAL SKILLS and SPECIAL PROJECTS

Computers

Word Perfect, Microsoft - all applications and programs, Filemaker Pro, Specialized 4D Sybase program, Corel Photoshop, WindowsLive Movie Maker, data entry, email, internet, FAX

Tutoring

College English
High School and College level Biology
High School and College level History

Facing History in Ourselves

Provided video taped segments of Holocaust survivors discussing experiences in the Warsaw Ghetto in Poland from 1941 to 1943
Indexed segments of video tape, specifically those dealing with the Warsaw Ghetto Uprising
Specific and accurate indexing resulted in an educational program with accompanying textbook for use in middle school and high school classrooms.
Conducted Holocaust history related research for the production of eight documentary films in five different languages, one of which also has accompanying textbook.

VOLUNTEER WORK, Cottonwood, AZ

- Driving Senior Citizens to grocery, doctor appointments and other errands of necessity
- Cleaning houses for Senior Citizens
- Hair cutting and styling for Senior Citizens



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 Historical Preservation Committee
(BOARD/COMMISSION/COMMITTEE)

NAME Schrambling Melinda
(Last) (First) (Middle)

MAILING ADDRESS P.O. Box 743 Cottonwood Az 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 1131 Ocotillo Dr. Cottonwood Az 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 928-203-6258 WORK/MESSAGE PHONE same

EMAIL ADDRESS: melinda.schrambling@gmail.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. Real Estate 1976-2011

Education Sn. Ed Leadership - B.S. Sociology

Work Experience Real Estate, Teaching, Business Owner

Application for (Board/Commission/Committee)
Page 2

Please describe your qualifications for serving on Board/Commission/Committee: I am a Historian by nature. I have lived in the Verde Valley for 36 years, and personally been involved with its growth through my Real Estate practice. I am also an avid photographer, and documented many of the changes through my photos, and the old times who I have relationships with, through Business and friendships.

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

My family was instrumental in the development of the motorcycle park south of Town, known as Hayfield draw. My husband and I taught soccer, and helped with all school events as our children were growing up in both Cornville + Cottonwood Area.

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 - 36 years.

Signature Melinda Schramling

Date 10-12-11

"My son now owns the home he grew up in and has restored it to its original Beauty. We believe in preservation and family roots."

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.

Resume
Melinda Schrambling
P.O. Box 743
Cottonwood, Az 86326
Phone (928) 203-6258
MelindaSchrambling@gmail.com

Education

May, 2002 Bachelor of Science, Sociology

May, 2004 Master of Education, Leadership

May, 2007 Master of Education, Technology

Substitute Teaching

Cottonwood Schools 2002-2008
Mingus Union High School 2008-2011

Certifications

CTE Business and Marketing
CTE Industrial and Emerging Technologies

Pima Community College

2004-2005

Fall/2004

Marriage & Family

Introduction to Sociology

Spring/2005

Introduction to Sociology

Human Sexuality

Summer/2005

Treatment of Substance of Substance Abuser

Substance Abuse Prevention

Introduction to Social Welfare

Political & Legal Aspects of Drug Use

Eastern Arizona College

2005-2006

Fall/2005

Family and Marriage

Gender Identity

Spring/2006

Introduction to Sociology

Social Problems

Coconino Community College

Fall 2006- 2011

Business Ethics

Human Development

Business/Owner

1993-2004

Office/Books/Billing

Real Estate 1976-2011

Contracts/ Financing/Sales

Honors

Graduated with Distinction: Masters in Educational Leadership

Skills

I have worked in business for over 30 years and have a Master's degree in Leadership and in Technology from Northern Arizona University. I have also taught Sociology and Social Service classes in the classroom. In the Community College I used ITV monitoring to three different locations, with classrooms of approximately 100 students, and I am certified to do on-line teaching and instruction. I have worked in the Mental Health field teaching Domestic Violence, Anger Management and Substance abuse classes. I have worked with cultural diverse groups and taught Family and Marriage, Parenting, and Substance Abuse, Cultural diversity, Gender identity, Human sexuality, Business Ethics, and Human Development courses. I focus on motivational encouragement and goal planning techniques in the classroom.

I have conducted individual and group family, marriage, parenting, domestic violence and substance abuse counseling. I have been a substitute teacher for the Cottonwood Schools and I have a passion for seeing students do well in life. I encourage students to take an interest and a passion for what they will do after graduating from high school and college.

I enjoy teaching education classes in the College and encourage entrepreneurial thinking in my classroom. I have a passion for teaching and for mentoring student success in education.

Professional and Community Activities

Working with parents and kids in drug court, and doing volunteer work in the community.

Hobbies

My Hobbies are: Camping, hiking, reading, photography. I have a passion for keeping account of Historical Events both in my family and in my community.

Academic History

Coolidge High School 1966-1970

Yavapai College 1979-1986

Northern Arizona University 1996-2007

Coconino Community College 2009-2011

References

William Wright
Educational Leadership Chair
Northern Arizona University
College of Education
P.O. Box 5774
Flagstaff, Az 86001
Phone (928) 523-5098
e-mail: bill.wright@nau.edu

Joe Martin
Associate Professor
Northern Arizona University
College of Education
P.O. Box 5774
Flagstaff, Az 86011
Phone (928) 523-5933
e-mail: joseph.martin@nau.edu

Jim Johnson
Dean of Instruction
Pima Community College
Community Campus
401 North Bonita Ave.
Tucson, Az 85709-5045
Phone (520) 206-3996
e-mail: jejohnson@pima.edu

Paul Holbrook
Business Department Chair
Coconino Community College
2700 Lone Tree Dr.
Flagstaff, AZ 86001
Phone (928-226-4248)
Paul.Holbrook@coconino.edu



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 Historic Preservation
(BOARD/COMMISSION/COMMITTEE)

NAME Kahalley June Dupe
(Last) (First) (Middle)

MAILING ADDRESS 710 N 8th St Cottonwood AZ 86326
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 710 N 8th St. Cottonwood AZ 86326
(Number & Street) (City) (State) (Zip)

HOME PHONE 593-0240 WORK/MESSAGE PHONE 254-0630

EMAIL ADDRESS: JDKwriter@yahoo.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc. _____

See reverse side

Education _____

Work Experience _____

(Please continue on reverse side)

JUNE DUPEE-KAHALLEY

WRITER/RESEARCHER

710 North 8th Street, Cottonwood, AZ, 86326

Phone: 928-593-0240

Cell: 928-254-0630

E-Mail: jdkwriter@yahoo.com

EXPERIENCE/BACKGROUND

FREELANCE WRITER AND PHOTOGRAPHER - Over 25 years

- History and Travel Articles
- Ghostwriting
- Brochures
- Resumes
- Policies and Procedure Manuals
- Technical Articles
- Academic Research
- Editor and Assistant to Excel Instructor, UNLV, NV, Creative Writing Course
- Contributing Author to "The International Dictionary of University Histories"
- Volunteer Grant Writer for the United Way and other Non-Profit Organizations
- Instructor of Various Courses Community College Southern Nevada and Yavapai College, Clarkdale Campus, AZ
- Written Several Historical Booklets About Southwest: Self-Published
- Wrote Published Articles in Western Magazines
- Wrote and Published various Newsletters

AFFILIATED ASSOCIATIONS

- Member of Christian Writers Guild, Hume, CA
- Member of Cassell Network of Writers
- Member of Las Vegas, NV Writers Guild
- Member of Freelance Writers Association
- Life-Time Member of International Freelance Photographers Association
- Past Member of Clark Count Community Development Advisory Committee, Nevada.
- Past Member of Mountain Springs, NV, Town Advisory Board
- Member of Moose Ladies Organization

Application for (Board/Commission/Committee)
Page 2

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

_____ see page 1 reverse side _____

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

Previous ~~positions~~ member Cottonwood Library Board member
Archive Records manager 12/8 to 12/9 letter of
thankyou for service

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 2002 _____

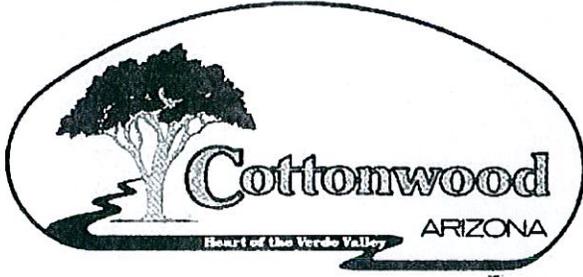
Signature Jane Dupre-Katally Date 10/3/11

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.

11-10-11P12:12 RCVD



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 Historic Preservation Commission
(BOARD/COMMISSION/COMMITTEE)

NAME Bigelow _____ Ryan _____ William _____
(Last) (First) (Middle)

MAILING ADDRESS 4964 E Catalina Ct Cornville AZ 86325
(Route or Box) (City) (State) (Zip)

STREET ADDRESS 4964 E Catalina Ct Cornville AZ 86325
(Number & Street) (City) (State) (Zip)

HOME PHONE 202-7694 WORK/MESSAGE PHONE 639-3200

EMAIL ADDRESS: ryan_bigelow@hotmail.com

PLEASE TYPE OR PRINT CLEARLY IN INK ONLY.

Professional Memberships, Registrations, Licenses, Etc.: Arizona Parks and Recreation Association

Education: BS History

Work Experience: City of Cottonwood since 2007

(Please continue on reverse side)

Application for (Board/Commission/Committee)

Page 2

Please describe your qualifications for serving on Board/Commission/Committee: BS in History

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

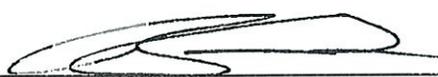
Brian Mickelse Memorial

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?

No

Signature  _____ Date 10/10/11

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, Arizona
City Council Agenda Communication



Meeting Date: November 1, 2011

Subject: Historic Preservation Commission request for approval to submit newspaper article series regarding historic properties in Cottonwood.

Department: Community Development

From: Charlie Scully, Staff Representative to Historic Preservation Commission

REQUESTED ACTION

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

"I move to approve the Historic Preservation Commission's request to submit a series of monthly newspaper articles featuring various historic properties in Cottonwood."

BACKGROUND

The Historic Preservation Commission was established by the City Council in 2010 and began meeting in January 2011. Their purpose is to "make recommendations to the City Council and have the authority to implement recommendations adopted by the City Council" for the "identification, evaluation, protection, preservation and enhancement of historic properties that have significance for the City of Cottonwood."

JUSTIFICATION/BENEFIT/ISSUES

Promoting public awareness of historic preservation is part of the program for the Commission. Commission members contacted the publisher of the Verde Independent and obtained support for the proposal to publish a monthly feature focusing on individual historic properties. The articles provide information on the historic background of the property and provide an update on the current use.

Samples of three articles are attached. The Commission will review each article in advance at their regular meetings. The staff representative to the Commission and City Manager will also review and approve each article in advance. The City Council is being asked to approve the program to allow the Commission to produce and publish the articles on behalf of the City.

COST/FUNDING SOURCE

There is no cost to the City.

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Sample Articles:

- Contreras Pool Hall, 908 N. Cactus Street
- Arizona Stronghold Vineyards Tasting Room, 1021-1023 N Main Street
- Jim & Ellen’s Rock Shop, 1017-1019 N Main Street

THEN AND NOW

A series of articles looking at historic buildings in Cottonwood to bring historic value awareness to the public for the Centennial. Presented by the Historic Preservation Commission of Cottonwood.

THEN: H. A Arnold Building

NOW: Arizona Stronghold Vineyards Tasting Room
1021-1023 N Main St in Old Town Cottonwood

According to the Cottonwood Commercial Historic District Designation report of 1999, what now houses the Arizona Stronghold Vineyards Tasting Room has been home to a car garage, jewelry shop, beauty shop, salon and gift shop from 1920 to 1999.

In 1920, Alonzo Mason sold the property to Harry Garrison. Harry opened the Harry Garrison Garage, which was running smooth until 1923 when Harry shot and killed Robert L. Johnson in a nearby pool hall. As he awaited trial, the truth was uncovered, and Harry, having to unveil why none of the other Garrisons in town knew him as family, disclosed that he was really Harry Garrison Hall. He had changed his name when he moved to town, trying to cover up a shady past. Mr. H. Garrison Hall transferred the interest to Ethel Terah Hall, but research doesn't define what happened with the property for the next couple of years.

In 1925, Herman A. Arnold, who had purchased the property, wrecked the old building and had a new one built. Thus its name, the H. A. Arnold Building. The builders, Joe and Roy Bigelow built it fit for the garage it became. H. A. Arnold remained in the business, selling Firestone tires, auto parts, and Red Crown gasoline, until 1941. During this time, he remodeled the front in 1929, and a different canopy was added in the late 1930s or 40s.

By the 1950s the interior had been remodeled and partitioned into two shops. As well, a recessed central entry was completed. This is the current front we all recognize as the entry to Arizona Stronghold Vineyards Tasting Room. In the north half, Dugger's Jewelry sold watches, diamonds and more, and in the 1960s there was a beauty shop. In 1999, the building was shared by Billie's Salon and A Shoppe for All Seasons.

Since 2010, it has operated as the ASV Tasting Room. Utilizing both halves as one operation, the space holds lounge areas, a communal table, the wine serving bar area, wine products and apparel, and its walls are adorned with local paintings. A flat-screen TV rotates between showcasing videos of the owners Maynard Keenan and Eric Glomski in a loop of *Blood Into Wine*, the documentary, or is available for the younger at heart to play on the Play Station III.

For historic preservation value notation, the architectural style of the building is 20th Century Commercial. As of its National Register of Historic Places listing from May 18, 2000, it is defined by the symmetrical massing, transom doors and windows, and original twin vents in the parapet. Also to note was the pressed-metal sheeting in brick pattern on the underside of the flat canopy.

Source: Historic Property Inventory Form; P. Stein, Arizona Preservation Consultants; 1999.
Phone interview: Kevin Grubb, ASV Tasting Room employee

THEN AND NOW

A series of articles looking at historic buildings in Cottonwood to bring historic value awareness to the public for the Arizona Centennial 2012.

Presented by the City of Cottonwood Historic Preservation Commission.

THEN: Contreras Pool Hall

NOW: Residence

908 North Cactus Street in Old Town Cottonwood

The Contreras Pool Hall, now addressed as 908 North Cactus Street, was built in 1904 and is the oldest commercial building still existing in Cottonwood. The one-story stucco is long and narrow, and was constructed in the Commercial Style that was commonly used in this area through the 1920s. Decorative turned posts support a shed roof over the porch, which is complimented by the false front. Originally there was a chimney on the north side. In 1966 it was converted into a building for residential use.

Julio Contreras, owner of the pool hall, became a documented contributor to Cottonwood's moonshine and bootlegging history when he was arrested and pled guilty to the charges of manufacturing and selling prohibited liquor. In May of 1930 Julio Contreras paid a fine of \$600 for possession of 6 gallons and 20 pints of "white mule," and 15 additional cases of home brew, plus a coil and crocks.

The City of Cottonwood was the recipient of a 1985-1986 National Park Service grant-in-aid through the Arizona State Historic Preservation Office. These funds, matched by the City of Cottonwood, were used to hire the historic preservation firm Linda Laird and Associates out of Tuscon to complete an historic research survey of the area. The resulting *Historic Resources Inventory: Cottonwood, Arizona* lists 10 sites in Cottonwood on the National Historic Register of Historic Places (published September 19, 1986).

Sources:

Historic Resources Inventory: Cottonwood, Arizona; by Linda Laird and Associates; S.018, S.019.

Prescott Evening Courier; Thursday, May 8, 1930; p. 2, col. 2; Saturday, May 10, 1930; p.1, col. 1.

THEN AND NOW

A series of articles looking at historic buildings in Cottonwood to bring historic value awareness to the public for the Arizona Centennial 2012.

Presented by the City of Cottonwood Historic Preservation Commission.

THEN: Jim Haskins Motors and Lindner Motors (both were a Chevron Gas Station)

NOW: Jim & Ellen's Rock-N-Shop

1017-1019 N Main St in Old Town Cottonwood

1017 -1019 N Main St were built in 1928 and 1936. One thing these locations do share in common: motor vehicles. It was the era of the automobile. Originally 1017-1019 were car dealerships and gas pumps. In it's history, the building was also a Sears, an antique mall and an artist co-op. Today it is Jim & Ellen's Rock-N-Shop.

It began as Jim Haskins Motors. The Dodge-Plymouth dealership had gas pumps in the front and sold Chevrolets by about 1952. The building became Lindner Motors by 1953, and expanded its sales to Chevrolet, Oldsmobile and Pontiac. It continued to have Chevron gas pumps in front.

In the 1970s a Sears occupied the property, and then during the 1980s it transitioned to an antique mall, and later an artist co-op.

Today as Jim & Ellen's Rock-N-Shop it is home to an eclectic range of Mexican imports, Native American jewelry, Native American pottery, rocks, rock equipment, and decorative rugs. Open 7 days a week, 9-6, it may be holding the most consistent and expansive hours in it's history.

For historic preservation value notation, the building is 20th Century Commercial. As of the 1999 inventory, it continued to hold this standing, even with multiple alterations over time, because it continued to convey a sense of the original building form. As a car dealership it had 3 large street front openings. The central one had a canopy to cover the gas pump island, and inside from that was the office area. Drive-in auto service bays were the 2 openings to either side of the gas pump island. Later, the drive-in bays were partially enclosed with wood and glass, after the gas pumps were removed. It is thought that the large plate glass windows were installed when it was Sears.

The roof is still the original flat roof with scissor-trusses creating a high ceiling on the interior, exposed trusses to the back, and a lower tongue and groove ceiling in front. This creates a welcoming open feel and a grandiose space for the wonderful collection of goods for sale it houses today.

Source: Historic Property Inventory Form; P. Stein, Arizona Preservation Consultants; 1999.

Phone interview: Ellen of Jim & Ellen's Rock-N-Shop

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 1, 2011

Subject: Consent of Assignment of Leasehold Rights to High Five Hangars Condominiums Unit No. 5 from Backus Family Investments, LLC, to Christopher S. Burns ("Lessee"); and Collateral Assignment of Lessee's Leasehold Interest to The Millar Living Trust

Department: Legal

From: Steve Horton, City Attorney

REQUESTED ACTION

Council consideration of a proposed Consent of Assignment of High Five Hangars Condominiums Unit No. 5 from Backus Family Investments, LLC, to Christopher S. Burns ("Lessee"); and Collateral Assignment of Lessee's Leasehold Interest in Favor of The Millar Living Trust.

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

"I move to approve the proposed Consent of Assignment of High Five Hangars Condominiums Unit No. 5 from Backus Family Investments, LLC, to Christopher S. Burns ("Lessee"); and the Collateral Assignment of Lessee's Leasehold Interest in Favor of The Millar Living Trust."

BACKGROUND

By prior action, both the Council and the Planning and Zoning Commission have approved the conversion of a 5-unit hangar development located on Lot 135 of Cottonwood Airpark Tract One, Parts B and C into a condominium-style development. The project was constructed by Backus Family Investments ("BFI"). Under this arrangement, BFI was allowed to transfer its leasehold rights to the common areas of the project (which is everything but the interior space of the individual condominium units) to an entity known as the High Five Condominium Association, which has a Board of Directors that manages the development in a manner that is similar to a residential condominium. BFI is now in the process of marketing

and selling the individual condominium units (including the leasehold rights associated with those units) to subsequent purchasers, who will then become members of the Association, and Lessees of the City under the Ground Lease.

In accordance with the Council's previous direction, the documents have been drafted so as to require Council approval of all transfers of individual condominium units, both from BFI to the initial purchasers, and from initial purchasers to subsequent purchasers throughout the Term of the Lease.

Specifically, the *Consent of Assignment* authorizes BFI to transfer its lease rights in Condominium Unit No. 5 to purchaser Christopher S. Burns. The *Collateral Assignment* gives the Millar Living Trust a security interest in Mr. Burns' leasehold rights (and certain other rights) in exchange for providing financing for Mr. Burns' purchase of the Unit.

JUSTIFICATION/BENEFIT/ISSUES

Both the Council and the Planning and Zoning Commission have approved the conversion of the High Five Hangars project to a condominium-style project, and these documents will allow the developer of the project to sell one of the five condominium units created pursuant to that conversion, subject to the City's continuing rights as Owner and Lessor of the real property on which the project sits.

COST/FUNDING SOURCE

N/A

REVIEWED BY

City Manager: _____

City Attorney: _____

ATTACHMENTS

Assignment of Tenant Rights from BFI to Christopher S. Burns
Proposed Consent of Assignment
Proposed Collateral Assignment

When recorded return to:
City of Cottonwood
827 North Main Street
Cottonwood, AZ 86326

**ASSIGNMENT OF TENANT RIGHTS IN
HIGH FIVE CONDOMINIUMS UNIT #5**

This "Assignment" is legally binding between the parties described below as of _____, 2011 (the "Effective Date").

BACKGROUND

The Ground Lease

A. The City of Cottonwood, formerly known as the Town of Cottonwood, an Arizona municipality, is the "Landlord" under a Ground Lease Agreement dated May 5, 1983 to encourage economic development of the Cottonwood Airport property to further economic development within the City of Cottonwood.

B. Cottonwood Airpark L.C. is the successor in interest to Cottonwood Airpark I, L.C. as successor in interest to Cottonwood Airpark, Inc., which was originally named as "Tenant" under the Ground Lease Agreement.

C. A memorandum of the Ground Lease dated May 23, 1983 was recorded January 4, 1984 in Book 1597 Pages 576-581 and thereafter corrected by an instrument recorded July 1, 1985 in Book 1734, pages 11-15 of the records of the Yavapai County Recorder (the "Memorandum of Ground Lease").

D. The Ground Lease Agreement was amended by the First Amendment dated November 30, 1983; the Second Amendment dated March 12, 1985; the Third Amendment dated August 21, 1985; the Fourth Amendment dated February 7, 1989; and the Fifth Amendment dated January 1, 1993; the Sixth Amendment dated July 5, 1994; the Seventh Amendment dated September 16, 1997; the Eighth Amendment recorded December 22, 1998, in Book 3626, Page 140; the Ninth Amendment recorded October 1, 2001, in Book 3867, Page 214; the Tenth Amendment recorded March 17, 2003, in Book 4011, Page 367; the Eleventh Amendment recorded July 20, 2005, in Book 4288, Page 640; the Twelfth Amendment recorded July 20, 2005, in Book 4288, Page 644; the Thirteenth Amendment recorded July 20, 2005, in Book 4288, Page 649; the Fourteenth Amendment recorded January 20, 2006, in Book 4356, Page 475; the Fifteenth Amendment recorded August 21, 2006, in Book 4427, Page 538; the Sixteenth Amendment which was recorded September 3, 2008, in Book 4619, Page 633; and the Seventeenth Amendment which was recorded on February 27, 2009, in Book B-4651, Page 879.. The Ground Lease Agreement and all Amendments are collectively referred

to as the "Ground Lease".

E. Thereafter by Assignment, recorded January 20th, 2006, in Book 4356 , page 473 of Official Records, CALC assigned an interest as Tenant under the Ground Lease of approximately 8.91 acres located south of Lot #122 of the Replat Cottonwood Airpark Tract One Parts A&B described on the Results of Survey performed by SEC dated June 16th, 2005, together with all rights, privileges, easements, appurtenances and improvements thereon to Backus Family Investments, L.L.C. an Arizona Limited Liability Company

F. The CITY OF COTTONWOOD and BACKUS FAMILY INVESTMENTS thereafter subdivided the above mentioned parcel of land which is now legally described as COTTONWOOD AIRPARK TRACT ONE -PARTS B & C, recorded in the offices of the Yavapai County Recorder at Book 58, Page 57. Dated, March 13th, 2007

G. Backus Family Investments, LLC, hereafter referred to as ("BFI") with the consent of the City of Cottonwood, as Recorded in the Official Records of Yavapai County, Book 4758, Page 624, has submitted the lease of lot #135 of Cottonwood Airpark Tract One-Parts B&C to the condominium form of ownership, as a Leasehold Condominium, pursuant to A.R.S. # 33-1216, et seq., and has Recorded the Original Ground Lease March 1st, 2011, in the official records of Yavapai County Book 4794, Page 649 and submitted the Lease to the terms and conditions of the Declaration of Leasehold condominium, Recorded in the official records of Yavapai County Book 4807, Page 941 Specifically, the Lease of the Common Areas designated in the Plat attached to the Declaration of Leasehold Condominium has been assigned to High Five Hangars Owners Association, Inc. It is contemplated that in the future, Units 1 through 5, designated in said Plat., shall be transferred to purchasers of said Units from BFI; however, it is specifically understood and agreed that the City of Cottonwood must consent to each of said transfers, and all subsequent transfers.

ASSIGNMENT

Now, therefore, for valuable consideration received, the parties agree that:

1. Incorporation by Reference. The facts, circumstances, descriptions and definitions contained in the Background section of this Assignment are hereby incorporated by reference as an integral part of this Assignment, as are all Exhibits.

2. Assignment. As of the Effective Date, BFI hereby sets over, assigns and transfers to Assignee all of BFI's rights as Tenant to Unit #5 of the above mentioned Units designated in said Plat. Specifically Unit #5, Parcel # 406-08-068E of The High Five Hangars Condominium Plat. BFI hereby specifically reserves all other rights to all other parcels which it possesses as Tenant under the Ground Lease.

3. Acceptance of Assignment and Indemnity. By signing below, ASSIGNEE hereby accepts the assignment of all BFI's rights, duties, obligations and undertakings under the Ground Lease as to the Assigned Unit #5 designated in the Plat attached to the Declaration of Leasehold condominium and agrees to fully and faithfully perform all duties, obligations and responsibilities arising thereunder. Assignee hereby agrees to indemnify, defend and hold Landlord, BFI, its Members, Managers, attorneys and accountants harmless for, from and against all costs, claims or charges arising from the Ground Lease relating to the Assigned unit or from the Assigned unit arising after the Effective Date of this Assignment.

4. Legal Fees. If either party finds it necessary to employ legal counsel or to bring an action at law, at equity, or other proceeding against the other party to enforce or interpret any of the terms, covenants or conditions of this Assignment, then the prevailing party shall be paid its costs and actual attorneys' fees by the losing party, including those incurred in mediation, arbitration, on appeal, if any, and those incurred in Federal bankruptcy court. If judgment is secured by the prevailing party, then all costs and fees shall be included in that judgment which judgment shall bear interest at 12% per year until paid in full.

5. No Other Obligations. Except as stated herein, there are no other warranties, representations, promises or obligations on the part of BFI to ASSIGNEE. The Assigned Unit, the improvements, if any, located thereon and the Assigned Unit is transferred in "as-is" and "where-is" condition. This transfer and assignment is made without warranty or representation of any kind or nature by BFI or its agents or the City of Cottonwood or its agents. Assignee is relying on its own investigation and evaluation for the suitability of the Assigned Unit for its uses. No statements or promises concerning the condition of the Assigned Unit, the suitability of the Assigned Unit for the intended use, the condition of the air, water, ground, economic conditions, future development of the Airpark, air service, or any other fact have been made by any employee or agent of Backus Family Investments, LLC, or any other agent, member or representative of BFI. Assignee is relying solely and exclusively on its own independent evaluation and investigation regarding the price and terms for acquisition of this Assigned Unit. Assignee acknowledges that it has received a true and complete copy of the Ground Lease as amended and as defined above and that it must deal directly with the City as its Landlord for all matters arising after the Effective Date.

6. Notices. All notices, consents, approvals, waivers or other items given or required to be given by one party to the other shall be in writing; these "Notices" shall be delivered by one of these methods:

- a. If personally delivered, then notice is effective on the next business day following receipt; or
- b. If delivered by mail, Notice is deemed given and delivered 72 hours after being deposited in any duly authorized United States mail depository, postage prepaid, registered or certified, return receipt requested; or

- a. If sent by a reputable overnight courier service (e.g., Federal Express), addressed as set forth below, the Notice shall be deemed effective on the next business day following receipt, as evidenced by the receipt obtained by the courier service.
- b. If sent by telecopier to the phone number listed below, then Notice shall be deemed delivered on the next business day following receipt, as evidenced by a successful transmission report.
- c. Notice to an attorney is not complete until the next business day following actual receipt; addresses and fax numbers for an attorney should be confirmed by checking with the Arizona State Bar Association in Phoenix, Arizona. Notice addresses shall be changed by providing the new address to all of the other parties in conformance with these provisions.

All Notices shall be addressed as indicated below:

If to BFI : c/o Craig D. Backus, Member- Manager
 841 Lanny Lane
 Clarkdale, AZ 86324
 Fax: 928-639-2890

If to Landlord: City of Cottonwood.
 825 North Main Street
 Cottonwood AZ. 86326

If to Assignee: Christopher S. Burns
 1110 Old Jerome Highway
 Clarkdale, AZ 86334

7. Further Documentation. Each party agrees in good faith to execute such further or additional documents as become necessary or appropriate to carry out the intent and purpose of this Agreement.

8. Counterparts and Facsimiles. This Agreement may be executed by facsimile or in any number of counterparts, each of which shall be an original but all of which together shall constitute one and the same instrument.

ASSIGNEE:
Christopher S. Burns

By its authorized signatory:

By _____
 Christopher S. Burns

STATE OF ARIZONA)
) ss.
County of Yavapai)

Before me, the undersigned Notary Public, on this ____ day of _____, 2011, personally appeared **Christopher S. Burns**, who is personally known to me (or satisfactorily proved to me) to be the person who executed the foregoing, acknowledging that he executed the same for the purposes therein contained, being authorized so to do.

Notary Public

My Commission Expires:

BFI:
BACKUS FAMILY INVESTMENTS,
an Arizona limited liability company
by its authorized signatory:

By _____
Craig D. Backus
Member-Manager

STATE OF ARIZONA)
) ss.
County of Maricopa)

Before me, the undersigned Notary Public, on this ____ day of _____, 2011, personally appeared Craig D. Backus an authorized signatory of High Five Hangars Owners Association Inc. a Tax Exempt Arizona non-profit Corporation, who is personally known to me (or satisfactorily proved himself to be) the person who executed the foregoing, acknowledging that he executed the same for the purposes therein contained, being authorized so to do.

Notary Public

My Commission Expires:

“CONSENT”

**CONSENT OF CITY OF COTTONWOOD TO
ASSIGNMENT OF TENANT RIGHTS IN
Unit # 5, OF THE HIGH FIVE HANGARS CONDOMINIUMS
PARCEL NUMBER 406-08-068E**

When recorded return to:
City Clerk
City of Cottonwood
827 North Main Street
Cottonwood, AZ 86362

CONSENT OF CITY OF COTTONWOOD TO
ASSIGNMENT OF TENANT RIGHTS IN
UNIT #5 OF THE HIGH FIVE HANGARS CONDOMINIUMS
PARCEL NUMBER 406-08-068E

Once fully executed, this Consent is legally binding as of _____
_____ 2011 (the "Effective Date").

BACKGROUND

The Ground Lease

- A. The City of Cottonwood, formerly known as the Town of Cottonwood, an Arizona municipality, is the "Landlord" under a Ground Lease Agreement dated May 5, 1983, which seeks to serve the public interest by providing opportunities for industrial development, and by promoting economic development and the creation of new employment opportunities.
- B. Cottonwood Airpark L.C. ("CALC") is the successor in interest to Cottonwood Airpark I, L.C. as successor in interest to Cottonwood Airpark, Inc., which was originally named as "Tenant" under the Ground Lease Agreement.
- C. A memorandum of the Ground Lease dated May 23, 1983, was recorded January 4, 1984 in Book 1597, pages 576-581 and thereafter corrected by an instrument recorded July 1, 1985 in Book 1734, pages 11-15 of the records of the Yavapai County Recorder (the "Memorandum of Ground Lease").
- D. The Ground Lease Agreement recorded in Book 4797, Page 649; which was amended by the First Amendment dated November 30, 1983; the Second Amendment dated March 12, 1985; the Third Amendment dated August 21, 1985; the Fourth Amendment dated February 7, 1989; and the Fifth Amendment dated January 1, 1993; the Sixth Amendment dated July 5, 1994; the Seventh Amendment dated September 16, 1997; the Eighth Amendment recorded December 22, 1998, in Book 3626, Page 140; the Ninth Amendment recorded October 1, 2001, in Book 3867, Page 214; the Tenth Amendment recorded March 17, 2003, in Book 4011, Page 367; the Eleventh Amendment recorded July 20, 2005, in Book 4288, Page 640; the

Twelfth Amendment recorded July 20, 2005, in Book 4288, Page 644; the Thirteenth Amendment recorded July 20, 2005, in Book 4288, Page 649; the Fourteenth Amendment recorded January 20, 2006, in Book 4356, Page 475; the Fifteenth Amendment recorded August 21, 2006, in Book 4427, Page 538; the Sixteenth Amendment which was recorded September 3, 2008, in Book 4619, Page 633; and the Seventeenth Amendment which was recorded on February 27, 2009, in Book B-4651, Page 879. The Ground Lease Agreement and all Amendments are collectively referred to as the "Ground Lease".

- E. Thereafter by Assignment, recorded January 20, 2006, in Book 4356, Page 473 of Official Records, CALC assigned an interest as tenant under the Ground Lease of approximately 8.91 acres located south of Lot #122 of the Replat of Cottonwood Airpark Tract One Parts A & B described on the Results of Survey performed by SEC dated June 16, 2005, together with all rights, privileges, easements, appurtenances and improvements thereon to Backus Family Investments, L.L.C. an Arizona Limited Liability Company.
- F. The City of Cottonwood and Backus Family Investments thereafter subdivided the above mentioned parcel of land which is now legally described as Cottonwood Airpark Tract One-Parts B & C, recorded in the office of the Yavapai County Recorder in Book 59, Page 57, dated March 13, 2007.
- G. Backus Family Investments, L.L.C., ("BFI") and with the Consent of the City of Cottonwood, as Recorded in the Official Records of Yavapai County, Book 4758 Page 624, has submitted the Lease of Lot # 135 of the Cottonwood Airpark Track One-Parts B&C to the condominium form of ownership, as a Leasehold Condominium, pursuant to A.R.S. § 33-1216, *et seq.*, and has submitted the Lease to the terms and conditions of the Declaration of Leasehold Condominium, as Recorded in the Official Records of Yavapai County, Book 4807 Page 941. Specifically, the Lease of the Common Areas designated in the Plat attached to the Declaration of Leasehold Condominium has been assigned to High Five Hangars Owners Association, Inc. It is contemplated that in the future, Units 1 through 5, designated in said Plat, shall be transferred to purchasers of said Units from BFI; however, it is specifically understood and agreed that the City of Cottonwood must consent to each of said transfers, and all subsequent transfers.
- H. The Ground Lease requires the written consent of the City of Cottonwood to the assignment by BFI of its rights as Tenant under the Ground Lease to ASSIGNEE. The City of Cottonwood has indicated that it will grant its consent to this transaction by execution and delivery of this Consent, in

consideration for and subject to the covenants and conditions recited below.

I. Landlord, BFI and ASSIGNEE hereby specifically reaffirm the following language from the First Amended Ground Lease dated May 5, 1983:

a. The City of Cottonwood ("Landlord") is an Arizona municipality which seeks to serve the public interest by providing opportunities for industrial development, and by promoting economic development and the creation of new employment opportunities.

b. Landlord and Tenant jointly will serve the public interest by providing residents of Cottonwood with access to improved job opportunities on the property.

AGREEMENT

Now, therefore, for valuable consideration received, The City of Cottonwood agrees that:

1. Consent. The City of Cottonwood hereby consents to the Assignment by BFI to ASSIGNEE of its rights under the Ground Lease to Unit # 5 of The High Five Hangars Condominiums as designated in the Condominium Plat and Declaration of Leasehold Condominium and further described as 668 S. Airpark Road, Unit #5, Cottonwood, AZ 86326, and parcel number 406-08-068E. Such consent to be effective upon execution of this instrument by ASSIGNEE, provided, however, that during the entire Term of the Lease and any extensions thereof, any and all transfers of individual condominium units shall be subject to review and approval by the Cottonwood City Council.
2. Acceptance of Assignment and Promise to Perform. By its signature below, ASSIGNEE hereby accepts, reaffirms and agrees to faithfully perform all of BFI's duties, obligations and undertakings with respect to the Unit.
3. Release. In exchange for ASSIGNEE's faithful performance hereunder, and as of Effective Date of this Agreement, the City as Landlord under the Ground Lease, hereby:
 - 3.1 Certifies that formal approval of the Assignment to ASSIGNEE is hereby granted by the City;
 - 3.2 Acknowledges and agrees that BFI has assigned its rights, duties and obligations to the Unit as designated in the Condominium Plat and Declaration of Leasehold Condominium to ASSIGNEE.

Landlord agrees to look solely to ASSIGNEE and the High Five Hangars Owners Association for collection of all rents and other amounts arising from the Ground Lease for the Unit after the Effective Date of this Consent and releases BFI (and its predecessors) as Tenant from all obligations or duties arising under the Ground Lease relative to the Unit;

- 3.3 Acknowledges receipt of all rent and other amounts owed by Tenant to Landlord under the Ground Lease with respect to the Unit as of the Effective Date;
 - 3.4 Ratifies, affirms and confirms the validity of all other terms and conditions of the Ground Lease;
 - 3.5 Confirms that, to Landlord's knowledge, there are no uncured defaults or breaches by Tenant under the Ground Lease;
 - 3.6 Agrees that the property taxes for the Unit shall be separately assessed and paid by ASSIGNEE;
 - 3.7 Acknowledges that ASSIGNEE may encumber its leasehold interest in the Unit to Purchase or construct certain improvements which may be subject to an encumbrance in favor of a Lender. Landlord agrees to provide notice to the Lender and in the event of a default by ASSIGNEE under the Ground Lease pertaining to the Unit if requested by such Lender, and will execute a separate instrument to that effect if asked to do so.
 - 3.8 Acknowledges that pursuant to Section 20 of the Ground Lease the address for the Tenant under the Unit is;
1110 Old Jerome Highway, Clarkdale, AZ 86334
 - 3.9 NAME OF ASSIGNEE: Christopher S. Burns
 - 3.10 Affirms that the Term of the Lease to the Lot runs until December 31, 2033.
4. Ratification of Ground Lease with Respect to the Unit. Except as modified herein, the terms and conditions contained in the Ground Lease with respect to the Unit are hereby ratified, confirmed and continue in full force and effect. The Term Commencement date of December 1983 began a 25-year term as to certain portions of the Lease and a 50- year Term as to certain other portions. The Lease also granted options for renewal. The parties intend to ratify and affirm the length of the Term and of all other rights and obligations under the Ground Lease with respect to the Unit. The parties represent that to the best of their knowledge and belief, there

are no other amendments, modifications, supplements or other agreements or understandings with respect to the subject matter of this Consent (i.e., the Unit) except for those identified herein. The City as Landlord further acknowledges (i) that BFI as Tenant has paid all rent due with respect to the Unit, and (ii) that, to the City's knowledge, BFI has fully performed all of its obligations and is in good standing under the Ground Lease with respect to the Unit.

5. Further Documentation. The City agrees in good faith to execute such further or additional documents as become necessary or appropriate to carry out the intent and purpose of this Consent.
6. Counterparts and Facsimiles. This Consent may be executed by facsimile or in any number of counterparts, each of which shall be an original but all of which together shall constitute one and the same instrument.

This Consent is legally binding as of the Effective Date regardless of the actual date of signing, provided that it shall not take effect until it is fully executed by both the City and ASSIGNEE.

The undersigned Representatives of the City of Cottonwood hereby personally affirm and certify that there has been full compliance with all requirements for approval of the Assignment by the City and do further affirm and certify that this Consent is hereby approved, ratified and accepted by the City of Cottonwood.

THE CITY OF COTTONWOOD:

Diane Joens, Mayor

Approved as to Form:

Attest:

Steve Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

The undersigned ASSIGNEE hereby personally affirms and accepts the duties of ASSIGNEE as outlined above.

NAME OF ASSIGNEE:

Christopher S. Burns

By: _____

Christopher S. Burns

Date: _____

State of Arizona)

) ss.

County of Yavapai)

On this the _____ of _____, 2011, before me, the undersigned Notary Public, personally appeared Christopher S. Burns, who is personally known to me or satisfactorily proved himself to be the person who executed the foregoing Consent, acknowledging that he executed the same for the purposes therein contained, being authorized so to do.

Notary Public

My Commission Expires:

When Recorded Return To:
The Millar Living Trust
618 Airpark Road
Cottonwood, AZ 86326

**COLLATERAL ASSIGNMENT OF LESSEE'S LEASEHOLD INTEREST
AND CONSENT**

DATE: _____, 2011

LENDER: **The Millar Living Trust**
618 S. Airpark Road
Cottonwood, Arizona 86326 (“LENDER”)

LESSEE: **Christopher S. Burns** (“LESSEE”)

LESSOR: **City of Cottonwood, an Arizona Municipality** (“LESSOR”)

OBLIGATION SECURED: This Collateral Assignment of Leasehold (“Assignment”) is granted to secure:

That certain promissory note, (Note) dated _____, 2011, executed by Christopher S. Burns, (Lessee) payable to the order of Lender, which evidences a loan (Loan) to Christopher S. Burns in the amount of \$**96,400.00** plus interest, as provided in the Note, and all extensions, renewals, modifications or substitutions thereof.

Lessee's performance under the terms in the Note: Lessee's performance of any terms in this Assignment, and lessee's performance of any terms in that certain leasehold deed of trust, and security agreement which secures, or otherwise relates to the Note.

LEASEHOLD PROPERTY (“PROPERTY”)

That certain real property situated in Yavapai County, Arizona and more particularly described as:
Unit #5 of the High Five Hangars Condominium as designated in the Condominium Plat and Declaration of Leasehold Condominium and further described as 668 S. Airpark Road, Unit #5, Cottonwood, AZ 86326 and parcel number 406-08-068E

according to the plat of record in the office of the County Recorder, Yavapai County, Arizona, recorded in Book 63 of Maps & Plats, page 43.

RECORDING DATA

COTTONWOOD AIRPARK, L.C., an Arizona Limited Liability Company, formerly known as COTTONWOOD AIRPARK I, L.C., an Arizona Limited Liability Company, Successor by mesne instruments to COTTONWOOD AIRPARK, INC., as Lessee under the terms, conditions and stipulations of that unrecorded lease dated May 5, 1983, as disclosed by Memorandum of Lease by and between the TOWN OF COTTONWOOD, an Arizona Municipality (Lessor) and COTTONWOOD AIRPARK, INC. (Lessee); Term of 25 years for airport related area and 50 years for all other tracts, dated May 23, 1983, recorded January 4, 1984 in Book 1597 of Official Records, page 576; in Memorandum of Lease recorded May 3, 1984 in Book 1627 of Official Records, page 66; and in various amendments thereto (recorded and unrecorded).

Subsequently the Lessee's interest was assigned to BACKUS FAMILY INVESTMENTS, L.L.C., an Arizona Limited Liability Company by Assignment dated March 17th, 2003, and recorded in Book 4011, Page 368, in Official Records of the Yavapai County Recorder.

Backus Family Investments, LLC, with the consent of the City of Cottonwood, as Recorded in the Official Records of Yavapai County, Book 4758, Page 624, has submitted the lease of lot #135 of Cottonwood Airpark Tract One-Parts B&C to the condominium form of ownership, as a Leasehold Condominium, pursuant to A.R.S. # 33-1216, et seq., and has Recorded the Original Ground Lease March 1st, 2011, in the official records of Yavapai County Book 4794, Page 649 and submitted the Lease to the terms and conditions of the Declaration of Leasehold condominium, Recorded in the official records of Yavapai County Book 4807, Page 941 Specifically, the Lease of the Common Areas designated in the Plat attached to the Declaration of Leasehold Condominium and Recorded in the official records of Yavapai County Book 63, Page 43 has been assigned to High Five Hangars Owners Association, Inc. It is contemplated that in the future, Units 1 through 5, designated in said Plat., shall be transferred to purchasers of said Units from BFI; however, it is specifically understood and agreed that the City of Cottonwood must consent to each of said transfers, and all subsequent transfers.

Backus Family Investments, LLC has assigned its lessee's interest of Unit #5 of the High Five Hangars Condominium (the "Unit") to Christopher S. Burns by Assignment dated _____, and recorded in Book _____, Page _____, in Official Records of Yavapai County Recorder.

RECITALS

- A. The City of Cottonwood owns the underlying fee interest and is the Lessor of the real property described as Unit #5 of the High Five Hangars Condominium (the "Unit") according to the plat of record in the office of the County Recorder, Yavapai County, Arizona, recorded in Book 63 of Maps & Plats, page 43.
- B. Lessee has applied for a Loan from Lender. Lender is willing to make the Loan if Lessee collaterally assigns its interest in the Lease to Lender as security for the Loan and if Lessor acknowledges and consents to such an assignment. Such an assignment requires the consent of Lessor.
- C. To induce Lender to make the Loan, continue to extend credit to Lessee, and accept the assignment of the Lease as security for the Note, the parties have entered into the following:

AGREEMENTS:

- 1. To secure the Note, Lessee assigns, transfers, and grants a security interest in and to all of Lessee's rights, title and interest in the Lease and Lessee's leasehold estate in the Property to Lender as security for the Note, with the consent of Lessor, for the remainder of the term of the Lease, together with all renewals, extensions or substitutions thereof. Lessee will not modify, terminate or substitute the Lease without the prior written consent of Lender.
- 2. Lessor shall not alter, amend or modify the Lease without the prior written consent of Lender. Lessor, without incurring any liability on said Loan to Lessee, consents to the collateral assignment. In the event this assignment is invoked by Lender, it shall become the substitute lessee under the Lease and perform the obligations of the Lessee. Lessor further agrees to allow Lender, after assigning the Lease from Lessee to Lender, to reassign the Lease pursuant to Section 12 of the Lease to another person or

assumption of all of Lessee's obligations under the Lease by a party approved by Lessor, Lessor shall release Lender from any further obligation hereunder.

3. Upon the occurrence of an Event of Default under the Lease, whether it be monetary or non-monetary, Lessor shall notify Lessee and Lender in writing of the nature and occurrence of any Event of Default and of the period of time permitted by the Lease for the remedy thereof pursuant to Section 17 of the Lease. Lessee agrees that an Event of Default under the Lease shall be default under the Loan. Lender agrees that it will notify Lessor of any default of Lessee under the loan as well as for any foreclosure or other actions taken in response to a default by the Lessee under the Loan.

4. Any lien relative to the Lessee's Leasehold that Lessor may now have or that arises in the future is and shall be subordinate and inferior to Lender's security interest, lien or mortgage on the subject property pursuant to Section 9 of the Lease.

5. This Agreement shall inure to the benefit of and bind the heirs, personal representatives, successors and assigns of the parties; provided however, that Lessee may not assign, transfer or delegate any of the rights or obligations under this Agreement.

LENDER: THE MILLAR LIVING TRUST

By: _____
Mark Millar

LESSEE: Christopher S. Burns

By: _____
Christopher S. Burns

LESSOR: CITY OF COTTONWOOD, an Arizona municipality

By: _____
Diane Joens, City Mayor

Attest:

By : _____
Marianne Jimenez, City Clerk

Approved as to Form Only

By: _____
Steven B. Horton
City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 1, 2011

Subject: Special Event Liquor License for Golden Cobra Center of Fitness (Richard T. Williams, Applicant).

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Council consideration and recommendation of approval or denial of a Special Event Liquor License Application submitted by Richard T. Williams, applicant for the Golden Cobra Center of Fitness.

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

"I move to recommend approval of the Special Event Liquor License Application submitted by Richard T. Williams, applicant for the Golden Cobra Center, for an event scheduled for November 5, 2011."

BACKGROUND

Richard T. Williams submitted a Special Event Liquor License application on behalf of the Golden Cobra Center for a fundraiser event scheduled for November 5, 2011.

JUSTIFICATION/BENEFITS/ISSUES

All Special Event Liquor License applications that are submitted to the Arizona Department of Liquor Licenses & Control (ADLLC) for events held in the City of Cottonwood are presented to the Council for its recommendation of approval or denial of the application. The Council's recommendation is taken into consideration by the ADLLC prior to their final approval of the application.

COST/FUNDING SOURCE

N/A

REVIEWED BY

City Manager: _____ City Attorney: _____

ATTACHMENTS

- Application from Richard T. Williams

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix, Arizona 85007-2934
(602) 542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day for 1-10 day events only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

**NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
PLEASE ALLOW 10 BUSINESS DAYS FOR PROCESSING.**

**Application must be approved by local government before submission to Department of Liquor Licenses and Control. (Section #20)

DLLC USE ONLY
LICENSE #

1. Name of Organization: Golden Cobra Center of Fitness INC.

2. Non-Profit/I.R.S. Tax Exempt Number: 26-1965634

3. The organization is a: (check one box only)

- Charitable
 Fraternal (must have regular membership and in existence for over 5 years)
 Civic
 Religious
 Political Party, Ballot Measure, or Campaign Committee

4. What is the purpose of this event? on-site consumption
 off-site consumption (auction)
 both

Fundraiser event for the center trip to West Coast Classic

5. Location of the event: 24 main street Golden Cobra gym Cottonwood YAVAPAI 86326

Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Williams Richard Thomas 7/2/65

Last First Middle Date of Birth

7. Applicant's Mailing Address: PO Box 4583 Camp Verde AZ 86322

Street City State Zip

8. Phone Numbers: (928) 300 0281 (928) 300 0281 (928) 567-2110

Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (Remember: you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>NOV 5th</u>	<u>Saturday</u>	<u>2:00 PM</u>	<u>11:00 PM</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

*Disabled individuals requiring special accommodations, please call (602) 542-9027

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 2 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Golden Cobra Center of Fitness INC 100%
Address PO Box 4583 Camp Verde AZ 86322 Percentage
Name _____ Percentage
Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

Police Fencing
 # Security personnel Barriers

~~Cottonwood Police Department will be notified. There will be personal security on premises & the event area will be controlled by fencing & barriers.~~
Cottonwood Police Department will be notified. There will be personal security on premises & the event area will be controlled by fencing & barriers.

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

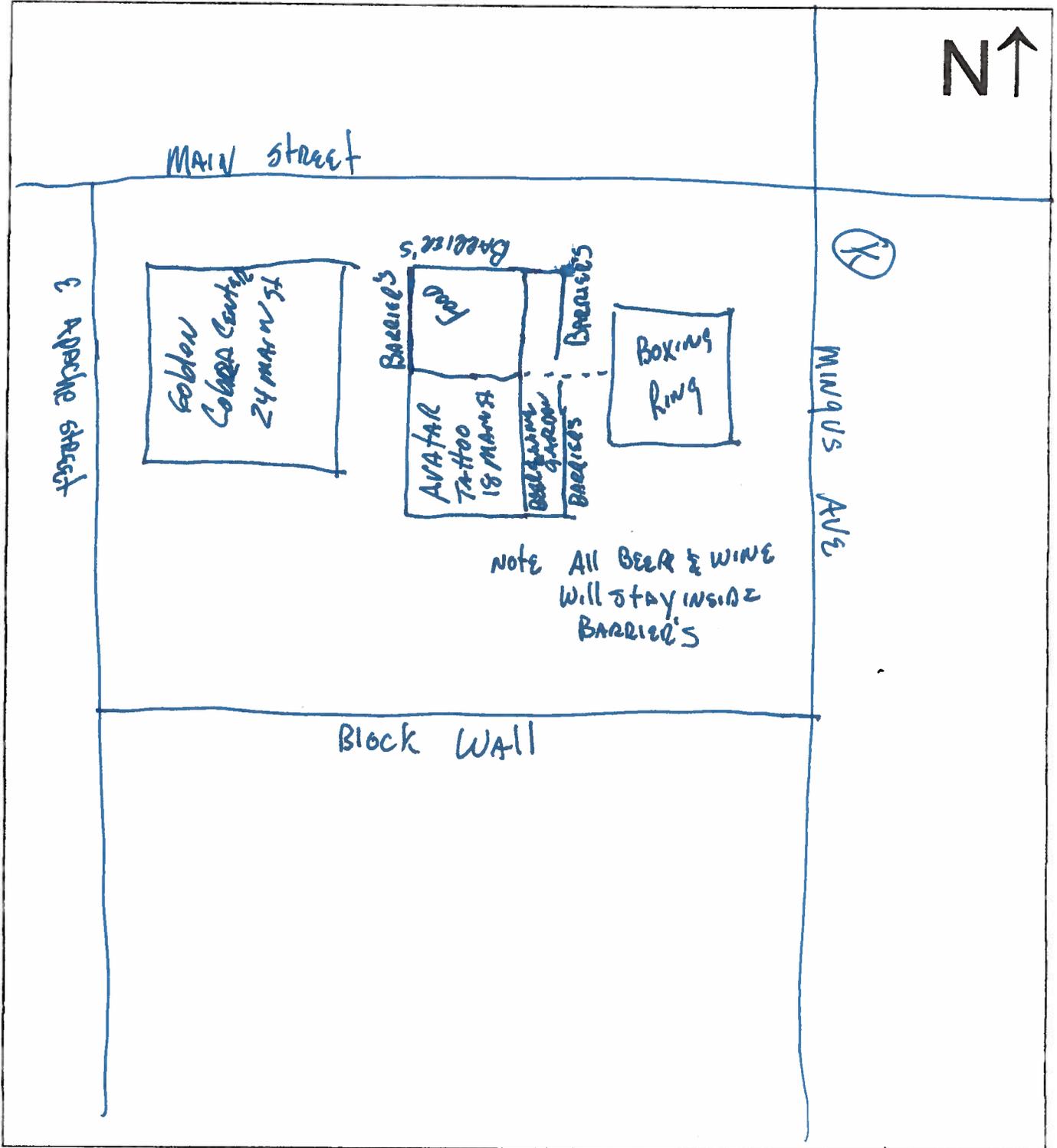
(ATTACH COPY OF AGREEMENT)

Name of Business () Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

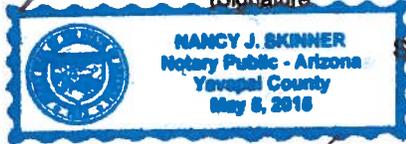
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Richard Williams declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] President 10/21/11 (928) 300 0281
 (Signature) (Title/Position) (Date) (Phone #)



State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this

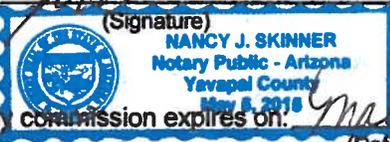
21st October 2011
 Day Month Year

My Commission expires on: May 5, 2015 Nancy J. Skinner
 (Date) (Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Richard Williams declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] State of Arizona County of Yavapai
 The foregoing instrument was acknowledged before me this



21st October 2011
 Day Month Year

My commission expires on: May 5, 2015 Nancy J. Skinner
 (Date) (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
 (Government Official) (Title)
 on behalf of _____
 (City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

 (Employee) (Date)

APPROVED DISAPPROVED BY: _____

 (Title) (Date)

CLAIMS REPORT OF November 1, 2011

FUND TOTAL	VENDOR NAME	DESCRIPTION	TOTAL \$0.00
-----------------------	--------------------	--------------------	-------------------------

CLAIMS EXCEPTIONS REPORT OF November 1, 2011

FUND	VENDOR NAME	DESCRIPTION	TOTAL
All	City of Cottonwood	Payroll 10/28/11	\$433,355.69
Utility	Asphalt Paving and Supply, Inc.	PO 18963 Mingus to Pine Shadows	\$37,823.44
Airport	Ascent Aviation Group, Inc.	Fuel	\$31,957.15
All	AZ Municipal Risk Retention Pool	Quarterly Work Comp Insurance	\$50,586.00
Gen	Cottonwood Metal Products	PO 19013 City Hall Air Conditioning	\$6,761.19
Gen	Larry Green	Sales Tax Reimbursement	\$24,420.89
Gen	VV Chamber	Bed Tax	\$7,027.13
All	APS	Utilities	\$17,479.72
All	AZ Dept of Unclaimed Revenues	Unclaimed Property	\$11,625.34
All	AZ Public Employers Health Pool	October Insurance Premiums	\$137,092.97
Gen Utility	CDW Government, Inc.	Avl Design, Patrol Batteries,	\$5,517.80
All	Cottonwood Municipal Utilities	Utilities-Water	\$6,146.98
Utility	DC Frost	UVT and UV parts and ballasts	\$6,198.54
HURF	Pender Engineering	PO 18573 12th Street	\$6,274.97
All	United Fuel	Fuel	\$8,612.07
TOTAL			\$790,879.88