

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, TO BE HELD NOVEMBER 2, 2010, 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.A.(H).) Comments are limited to a 5 minute time period.
- VI. INFORMATIONAL PRESENTATION BY REPRESENTATIVES OF CATHOLIC CHARITIES REGARDING THE VOLUNTEER INDIVIDUAL TAX ASSISTANCE PROGRAM.
- VII. APPROVAL OF MINUTES—WORK SESSION OF OCTOBER 12, 2010.

Comments regarding items listed on the agenda are limited to a 5 minute time period per speaker.

- VIII. UNFINISHED BUSINESS.
 1. RESOLUTION NUMBER 2546—DECLARING THAT CERTAIN DOCUMENT ENTITLED “CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE (AS REVISED)” TO BE A PUBLIC RECORD.
 2. ORDINANCE NUMBER 567—AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, BACKFLOW PROTECTION AND PREVENTION CODE, TO TITLE 13, PUBLIC SERVICE; FIRST 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. LIQUOR LICENSE APPLICATION FOR THE OLD TOWN RED ROOSTER CAFÉ LOCATED AT 901 N. MAIN STREET (OWNER/AGENT SHANE D. SMITH).

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2. WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATIONS FOR PAGE SPRINGS CELLARS (ERIC GLOMSKI, APPLICANT) FOR AN EVENT SCHEDULED FOR NOVEMBER 20, 2010, AT THE OLD TOWN CENTER FOR THE ARTS LOCATED AT 633 N. 5TH STREET.
 3. RESOLUTION NUMBER 2545—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF CLARKDALE FOR THE HIGHWAY 89A BLACKHILLS DRIVE TO CEMENT PLANT ROAD SIDEWALK ENHANCEMENT PROJECT.
- X. NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.
1. ORDINANCE NUMBER 568—AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.60, FIREWORKS, TO TITLE 8, HEALTH AND SAFETY FIREWORKS ORDINANCE; FIRST READING.
 2. PERMISSION FOR THE CITY MANAGER TO SERVE AS A LAW ENFORCEMENT TRAINER ON THE TOPIC OF ETHICS, IN PARTNERSHIP WITH THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM.
- XI. CLAIMS & ADJUSTMENTS.
- XII. ADJOURNMENT.

Pursuant to A.R.S. § 38-431.02(B) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) (7) for discussion and consultation for legal advice or negotiations for the purchase, sale or lease of real property with the City Attorney.

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.

RESOLUTION NUMBER 2546

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE" TO BE A PUBLIC RECORD.

WHEREAS, the Mayor and City Council of the City of Cottonwood, Yavapai County, Arizona, have determined that it is in the public interest to consider amending Title 13, Public Services, of the Cottonwood Municipal Code, by adding a new Section 13.28, relating to the protection of City's water system from backflow contamination through unprotected cross-connections, as recommended by City staff.

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

Section 1: Declaration of Public Record. That certain document known as the "City of Cottonwood Backflow Protection and Prevention Code" is hereby declared to be a public record.

Section 2: Copies with City Clerk. Three copies of the aforementioned Code are ordered to remain on file with the City Clerk.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA THIS 2ND DAY OF NOVEMBER 2010.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steve Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk

Chapter 13.28 BACKFLOW PROTECTION AND PREVENTION CODE

13.28.010 Backflow prevention required.

A. An approved backflow prevention method shall be utilized or installed at every service connection to a customer's water system when the utility department determines the potable water supplied by the public potable water system may be subject to contamination, pollution or other deterioration in sanitary quality by conditions within the customer's water system.

B. The backflow prevention method to be utilized or installed shall be determined by the utility department. The method required by the department shall be sufficient to protect against the potential degree of hazard, as determined by the department, to the public potable water supply from the customer's water system.

13.28.020 Hazard potential.

The degrees of hazard potential to the public potable water supply and system from a customer's water supply system shall be determined using the following hazard factors:

A. *Health*: Any condition, device or practice which in the judgment of the utility department, may create a danger to the health and well-being of the potable water consumers.

B. *Plumbing*: A plumbing type cross-connection that is not properly protected by an approved backflow prevention method.

C. *Pollution*: An actual or potential threat to the physical facilities of the public potable water supply system or to the public potable water supply which could constitute a nuisance or could cause damage to the system or its appurtenances.

D. *System*: An actual or potential threat which may cause damage to the physical facilities of the public potable water supply system or which may have a detrimental effect on the quality of the potable water in the system.

13.28.030 Backflow prevention methods; approved; list.

A. A backflow prevention method is any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which the utility department may require.

1. *Air gap*: The unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of said tank, plumbing fixture or other device. An approved air gap shall be at least double the diameter of the supply pipe or faucet and in no case less than one (1) inch.

2. *Reduced pressure principle assembly (hereinafter "RP")*: An assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

3. *Double check valve assembly (hereinafter "DC")*: An assembly composed of two (2) independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.

4. *Pressure vacuum breaker assembly (hereinafter "PVB")*: An assembly containing an independently operating, located check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly.

13.28.040 Backflow assembly installation requirements; location.

- A. Backflow prevention assemblies shall be installed by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the city, at the service connection. The assembly shall have a diameter at least equal to the diameter of the service connection.
- B. The assembly shall be in an accessible location approved by the utility department. Backflow assemblies shall be installed above ground.

13.28.050 Inspections.

A customer's water system shall be available for inspection by authorized personnel of the utility department. The inspection shall be conducted to determine whether any cross-connections or other hazard potentials exist and to determine compliance with this article.

13.28.060 Test; maintenance; records.

- A. The customer shall have a certified inspector test and service their backflow prevention assemblies at least once a year. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall have any necessary repairs performed, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition. Failure by the customer to have their backflow device test annually shall be grounds for discontinuance of water service.
- B. If the utility department or customer learns or discovers, during the interim period between tests, that an assembly is defective or in unsatisfactory operating condition, the customer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition.
- C. Testing shall be performed by a person who is currently certified as a "general" tester by the California-Nevada Section of the American Water Works Association (CA-NV Section, AWWA), the Arizona State Environmental Technical Training (ASETT) Center, or other certifying authority approved by the utility department.
- D. The customer shall maintain records, on forms approved by the utility department, of the results of all tests and all servicing, repairs, overhauls or replacements of the backflow prevention assembly. A copy of the records shall be promptly submitted to the department after completion of the activity for which the record is made.

13.28.070 Discontinuance of water service; notice.

- A. The department may disconnect water service to any user who refuses entry or access to water department inspectors for inspection pursuant to Section 13.28.050. Water service may also be disconnected if the customer fails to have their backflow prevention assembly tested and certified annually.
- B. If the department discovers that a user has not installed a required backflow prevention assembly or that a backflow prevention assembly has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the user's water system, the service connection shall be disconnected if the situation is not

remedied within the time specified in the notice sent to the user as described in subsection D below. The service connection shall not be restored until the condition is remedied.

- C. Prior to disconnecting any service connection because a condition set forth in subsection A above exists, the department shall send a notice, by certified mail, to the customer describing the condition and notifying the user that the condition must be remedied within thirty (30) days after mailing of the notice by the department. If such condition is not remedied within the thirty-day period, the department shall send a second notice, by certified mail, to the user notifying the customer that water service will be disconnected in ten (10) days if the condition is not remedied within such time period.
- D. The department may disconnect, without notice, water service to any user when the department discovers that the user's water system is contaminating the public potable water supply.

13.28.080 Retroactive application.

- A. The provisions of this division shall apply to all new and existing water customers.
- B. Backflow prevention assemblies installed prior to enactment of this ordinance, and which do not comply with the requirements set forth in this division, shall be replaced with assemblies which comply with the standards set forth herein.

13.28.090 Plan review.

All backflow prevention assemblies which will be installed shall be shown and specified on all required building and engineering plans. City approval of the intended assembly installation is required prior to issuance of any building or engineering permit.

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010

Subject: Backflow Protection and Prevention Ordinance (Revised)

Department: City Attorney, Utilities

From: Steve Horton
Dan Lueder

REQUESTED ACTION

First reading of a revised form of Ordinance Number 567, which will add a set of backflow contamination protection and prevention regulations to the City Code.

**If the Council desires to approve this item, the suggested motion is:
N/A. First Reading.**

BACKGROUND

Protection of potable water supplies from backflow contamination is regulated at the state level by Arizona Administrative Code R18-4-215. While it is not required that municipalities adopt local rules governing backflow protection, local regulation is explicitly allowed by the regulation, and many communities throughout the state that operate public water systems have chosen to do so.

Moreover, the lack of a local ordinance clarifying the City's duty and authority in this area appears to have created some confusion among customers, and has spawned one pending lawsuit.

The adoption of the ordinance as proposed should help clarify the City's duties, responsibilities and authority in this area, and will vest day to day authority and discretion to provide for and ensure the continued safety of the City's water supply in the City's Water Utility and its certified system operators, which is where that authority properly belongs.

The revised version of the Ordinance currently before the Council contains some clarifying format and editorial changes from the prior version, and removes the phrase "at its sole discretion" from Section 13.28.010.A (referring to the utility department), to make it clear that

while the utility department will be vested with the discretion to make the initial determinations regarding whether and what kind of backflow prevention may be required, it remains accountable to the City Manager and City Council in the exercise of that discretion.

JUSTIFICATION/BENEFITS/ISSUES

A public water system is required by the Arizona Administrative Code to protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow-prevention assemblies. While adoption of a specific ordinance by a municipal water provider is not required, adoption of a local backflow ordinance as proposed should help reduce the confusion for water customers, and better enable the City's Water Utility to continue to protect the water system from backflow contamination, without imposing unnecessary and undue hardship on the system's customers.

COST/FUNDING SOURCE

N/A

REVIEWED BY:

City Manager: ✓ DB

City Attorney: ✓ SH

ATTACHMENTS

Ordinance Number 567

ORDINANCE NUMBER 567

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, *BACKFLOW PROTECTION AND PREVENTION CODE*, TO TITLE 13.

WHEREAS, Arizona Administrative Code Section R18-4-215.A requires a public water system to protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow prevention assemblies; and

WHEREAS, Arizona Administrative Code Section R18-4-215.E provides that “[n]othing contained in this Section shall prevent a public water system from requiring the use of a higher level of protection than the level required by this subsection”; and

WHEREAS, Arizona Administrative Code Section R18-4-215.E.1 authorizes public water systems to make installation of required backflow prevention assemblies a condition of water service; and

WHEREAS, the City Council finds it necessary, appropriate, and in furtherance of the public health and safety to adopt specific local regulations to aid in the prevention of contamination of the public water supply through unprotected cross-connections and/or the failure of backflow prevention devices, and to vest all lawful and proper local authority and discretion over backflow protection and prevention in the City’s Water Utility; and

WHEREAS, those certain regulations collectively referred to as the *City of Cottonwood Backflow Protection and Prevention Code* were declared to be a public record on October 5, 2010 by Resolution Number 2546, which Resolution also provided that three copies of said Code were to remain on file with the City Clerk from and after that date.

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

Section 1. That the *City of Cottonwood Backflow Protection and Prevention Code* is hereby approved and adopted in its entirety as if fully set forth in this Ordinance.

Section 2. That the *City of Cottonwood Backflow Protection and Prevention Code* shall be codified at Section 13.28 of the Cottonwood City Code.

Section 3. That the following provisions of the International Plumbing Code (2009 Edition), as previously adopted by the City Council are hereby repealed, and of no further force and effect: Section 312, *Inspection and Testing of Backflow Prevention Assemblies*; and Section 608.16.5, *Connections to Lawn Irrigation Systems*.

Section 4. That the following provisions of the International Residential Code for One- and Two-Family Dwellings (2009 Edition), as previously adopted by the City Council are hereby repealed, and of no further force and effect: Section P2503.8, *Inspection and Testing of Backflow Prevention Devices*; Section 2902.3, *Backflow Protection*; Section P2902.5.3, *Lawn Irrigation Systems*; and Section P2902.5.4, *Connections to Automatic Fire Sprinkler Systems*.

Section 5. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS _____ DAY OF NOVEMBER 2010.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010

Subject: New Liquor License Application for Shane D. Smith, Owner/ Agent of the Old Town Red Rooster Café.

Department: City Clerk

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Council consideration of recommending approval or denial of a new Liquor License Application for Shane D. Smith, Owner/ Agent of the Red Rooster Café located at 901 North Main Street.

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

"I move to recommend approval of the new liquor license application for Shane D. Smith, Owner/ Applicant for the Old Town Red Rooster Café located at 901 North Main Street."

BACKGROUND

A new Liquor License Application was received from the Arizona Department of Liquor Licenses & Control for Shane D. Smith, Owner/ Applicant for the Old Town Red Rooster Café located at 901 North Main Street in Old Town Cottonwood. The application notice was posted for 20 days and no comments for or against the application have been received.

JUSTIFICATION/BENEFITS/ISSUE

All Liquor License applications that are submitted to the Arizona Department of Liquor Licenses & Control (ADLLC) for establishments located within 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.

REVIEWED BY:

City Manager:  City Attorney: 

ATTACHMENTS

- Copy of the Liquor License Application for Shane D. Smith.

Arizona Department of Liquor Licenses and Control
 800 West Washington, 5th Floor
 Phoenix, Arizona 85007
 www.azliquor.gov
 602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE/DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): #12 12133476

1. Type of License(s): Restaurant Department Use Only \$ _____
 2. Total fees attached: \$ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- 1. Owner/Agent's Name: Mr. Smith Shane Pickens Douglas
(Insert one name ONLY to appear on license) Last First Middle
- 2. Corp./Partnership/L.L.C.: Old Town Red Rooster Cafe LLC B104489
(Exactly as it appears on Articles of Inc. or Articles of Org.)
- 3. Business Name: Old Town Red Rooster Cafe B1037114
(Exactly as it appears on the exterior of premises)
- 4. Principal Street Location: 901 N. Main St Cottonwood Yavapai 86326
(Do not use PO Box Number) City County Zip
- 5. Business Phone: 928 649 8100 Daytime Contact: Shane Smith
- 6. Is the business located within the incorporated limits of the above city or town? YES NO
- 7. Mailing Address: 901 N. Main St Cottonwood AZ 86326
City State Zip
- 8. Price paid for license only bar, beer and wine, or liquor store: Type _____ \$ _____ Type _____ \$ _____

DEPARTMENT USE ONLY					
Fees:	<u>100</u>	<u>100</u>	_____	_____	<u>48.00</u>
	Application	Interim Permit	Agent Change	Club	Finger Prints \$
					<u>248.00</u>
					TOTAL OF ALL FEES
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Accepted by:	<u>M.C</u>	Date:	<u>10/5/2010</u>	Lic. #	<u>12133476</u>

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 1233372
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, DEBRA L. AUGUSTA-COHEN
(Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

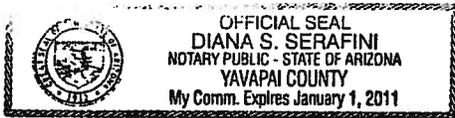
X Debra L. Augusta-Cohen
(Signature)

State of ARIZ County of YAVAPAI

The foregoing instrument was acknowledged before me this

28 day of Sept, 2010
 Day Month Year

My commission expires on: 1-1-2011



Diana S. Serafini
(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

10 OCT 5 149, LIC, RM1007

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Sid Town Red Rooster Cafe LLC
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 8/18/2010 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: L-1622200-1 Date authorized to do business in AZ: 8/23/2010
4. AZ L.L.C. File No: L-1622200-1 Date authorized to do business in AZ: 8/23/2010
5. Is Corp./L.L.C. Non-profit? YES NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Smith	Shane		manager	504 N. ocotillo st	Cottonwood AZ 86326
Tennent	Jeannie		manager	P.O Box 1012	Clarkdale AZ 86324

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Smith	Shane		50	504 N. ocotillo st	Cottonwood AZ 86326
Tennent	Jeannie		50	P.O Box 1012	Clarkdale AZ 86324

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? YES NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

- 1. Current Business: Name _____
(Exactly as it appears on license) Address _____
- 2. New Business: Name _____
(Physical Street Location) Address _____
- 3. License Type: _____ License Number: _____
- 4. If more than one license to be transferred: License Type: _____ License Number: _____
- 5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

10 OCT 5 11:10 AM '07

- 1. Distance to nearest school: 4000 ft. Name of school Cottonwood Elementary School
Address 301 W. Willard St, Cottonwood AZ 86326
City, State, Zip
- 2. Distance to nearest church: 6200 ft. Name of church Cottonwood Christian Assembly
Address 750 E. Mingus Ave, Cottonwood AZ 86326
City, State, Zip
- 3. I am the: Lessee Sublessee Owner Purchaser (of premises)
- 4. If the premises is leased give lessors: Name Lee Addis
Address E. Vanderhoef Ln. Cottonwood AZ 86326
City, State, Zip
- 4a. Monthly rental/lease rate \$ 1400⁰⁰ What is the remaining length of the lease 5 yrs. 0 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ Default or other _____
(give details - attach additional sheet if necessary)
- 5. What is the total business indebtedness for this license/location excluding the lease? \$ 0
Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- 6. What type of business will this license be used for (be specific)? Restaurant

SECTION 13 - continued

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # 12133372 (exactly as it appears on license) Name F-Stop Restaurant + Gallery
Debra Lynne Aulet-Cohen

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
If yes, give the name of licensee, Agent or a company name:

Auleta-Cohen Debra Lynne and license #: 12133372
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

[Signature]
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

SOS
applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
If yes, what is your estimated opening date? October 13, 2010
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

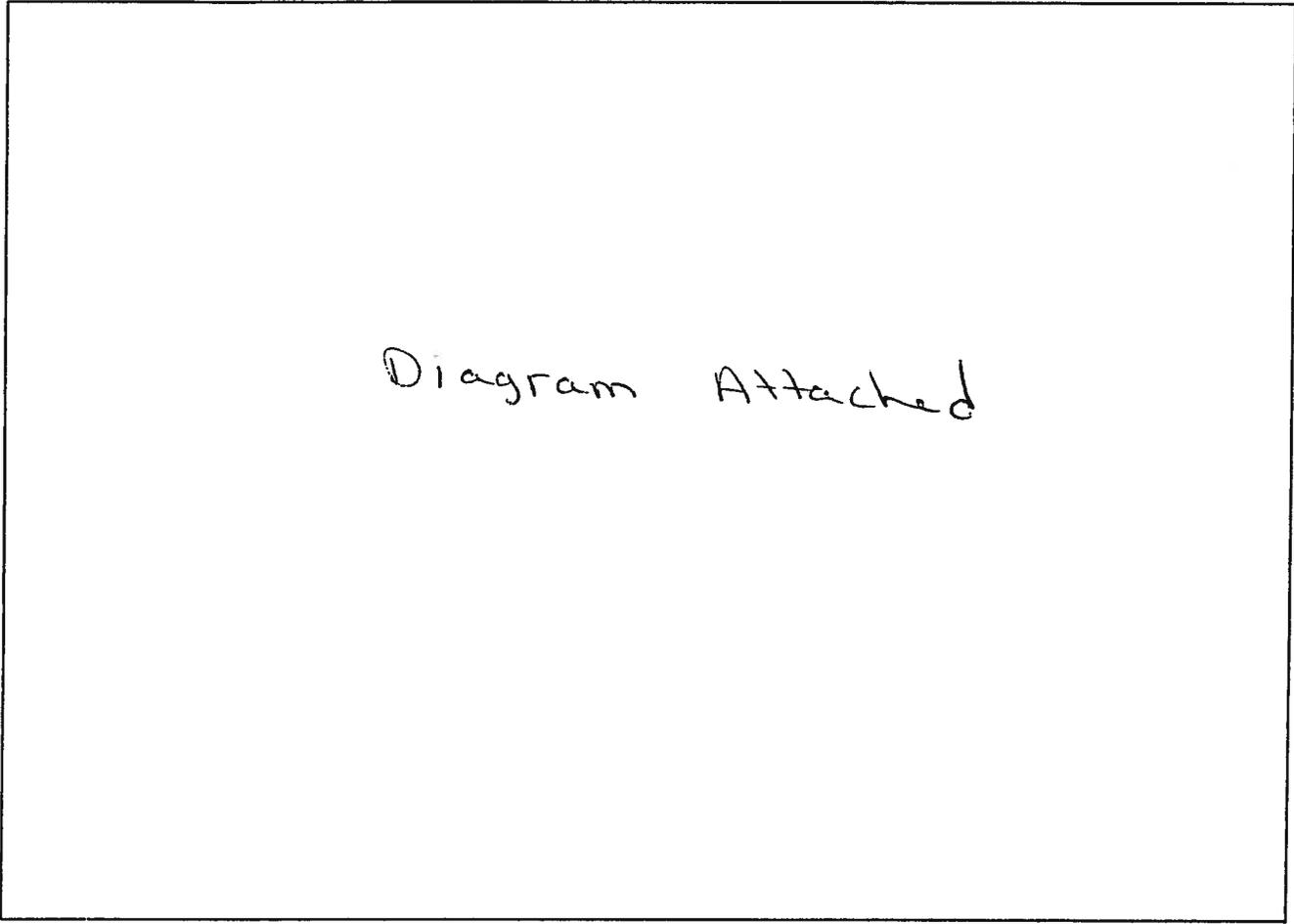
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

SOS
applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



10 OCT 5 11:41 AM '07

SECTION 16 Signature Block

I, Shane Smith, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

[Signature]
(signature of applicant listed in Section 4, Question 1)

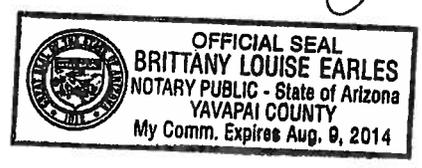
State of Arizona County of Yavapai

The foregoing instrument was acknowledged before me this

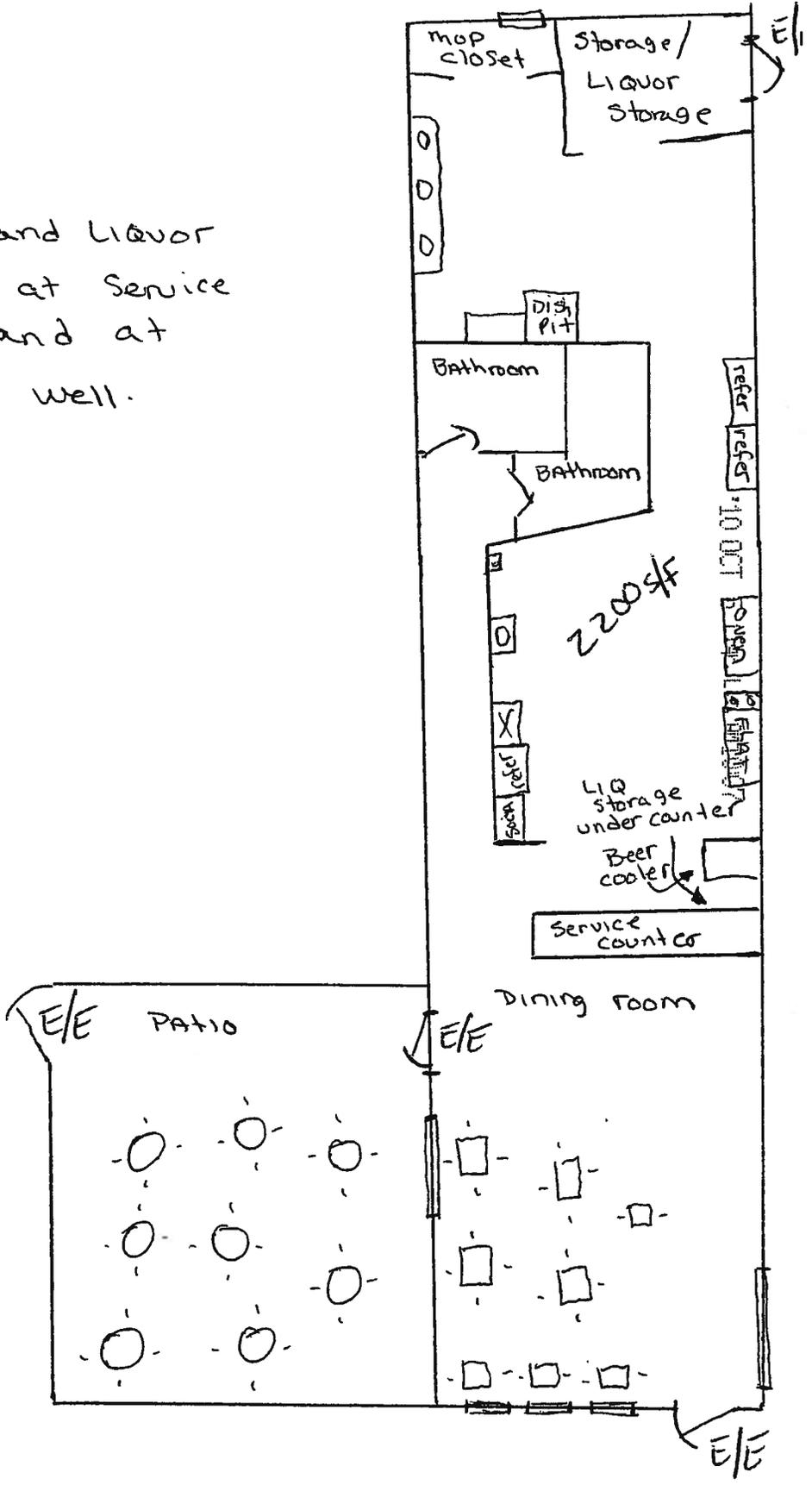
29 of Sept, 2010
Day Month Year

[Signature]
signature of NOTARY PUBLIC

My commission expires on : 9 Aug 2014
Day Month Year



Beer, wine and LIQUOR
to be sold at Service
counter and at
tables as well.



City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010

Subject: **Wine Festival/Wine Fair Liquor License Application for Eric Glomski, Applicant for Page Springs Cellars.**

Department: City Clerk's Office

From: Marianne Jiménez, City Clerk

REQUESTED ACTION

Recommendation of approval or denial by the City Council for a Wine Festival/Wine Fair Liquor License Application submitted by Eric Glomski, applicant for Page Springs Cellars for an event scheduled for November 20, 2010, at the Old Town Center for the Arts located at 633 North 5th Street.

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

"I move to recommend approval of the Wine Festival/Wine Fair Liquor License Application submitted by Eric Glomski, applicant for Page Springs Cellars for an event scheduled for November 20, 2010, at the Old Town Center for the Arts"

BACKGROUND

Eric Glomski, applicant for Page Springs Cellars, is requesting approval of a Wine Festival/Wine Fair Liquor License Application for an event scheduled for November 20, 2010, at the Old Town Center for the Arts located at 633 North 5th Street.

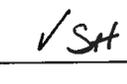
JUSTIFICATION / BENEFITS / ISSUES

All Wine Festival/Wine Fair 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

- ◆ Wine Festival application for Eric Glomski.

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: 633 N. 5th st. Cottonwood 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
<u>11/20/10</u>	<u>Saturday</u>	<u>5:30</u> a.m./ <u>(p.m.)</u>	<u>9:30</u> a.m./ <u>(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.

6. Name and address of site owner: Eaton William
Last First Middle

633 N. 5th st Cottonwood Az. 86326
Address City State Zip

7. Phone Numbers: (480) 225-6566 (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? 20

Give the total number of days you have held licensed wine festivals this year 38

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)

2 # Police Fencing
2 # Security personnel Barriers (indoors)

two security personnel will be at the entrance and exit to check id's and ensure no open containers leave the building.

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] State of Arizona County of Yavapai
 The foregoing instrument was acknowledged before me this
14 day of October, 2010
 Day Month Year
 My commission expires on: July 5, 2014
[Signature] (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)

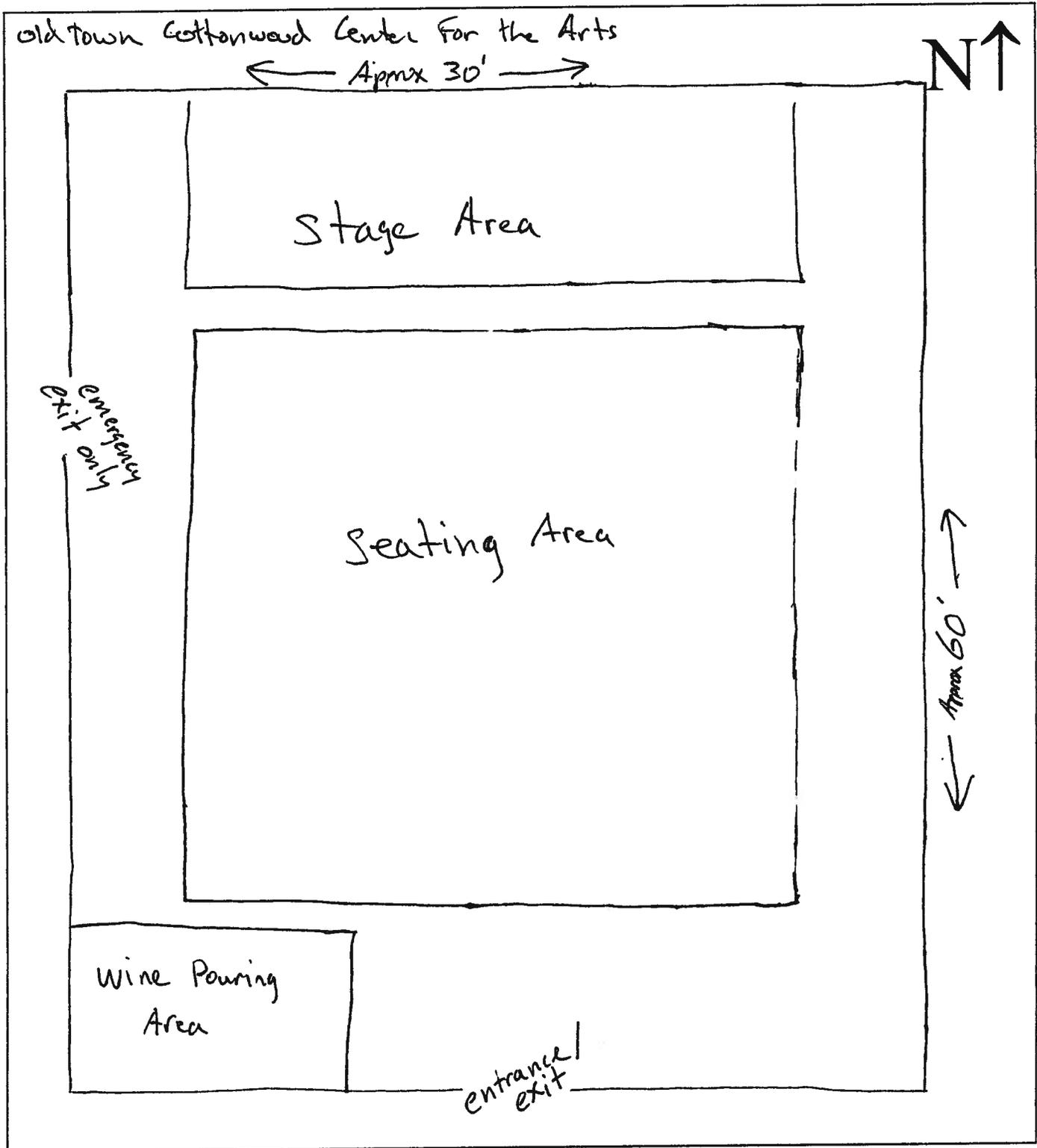
*** FOR USE BY DLLC ONLY ***

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)



City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010

Subject: IGA for HWY 89A Sidewalk Enhancement

Department: Development Services

From: Dan Lueder

REQUESTED ACTION

Consider approval of an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) and the Town of Clarkdale for the Hwy 89A Blackhills Drive to Cement Plant Road sidewalk enhancement project.

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

"I move to approve the IGA with ADOT and the town of Clarkdale for the Hwy 89A Blackhills Drive to Cement Plant Road sidewalk enhancement project."

BACKGROUND

ADOT was recently awarded a Federal Highway Administration (FHWA) grant in the amount of \$1,415,250 to fund the design and construction of sidewalk and related enhancements along SR 89A within State existing right-of-way, from MP 349.0 - MP 351.2 (Blackhills Drive to Cement Plant Road). The sidewalks would be constructed on both sides of Hwy 89A and the enhancements will include improvements to the interior of the roundabouts. Plans and specifications have been completed and ADOT is ready to advertise this project for bids once the IGA is fully executed. The Town of Clarkdale Council approved this IGA at their last meeting and upon approval by the Cottonwood City Council the IGA would be forwarded to ADOT for their execution.

JUSTIFICATION/BENEFITS/ISSUES

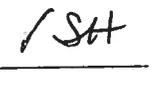
The roadway improvements made to HWY 89A in the area of this proposed enhancement are lacking sidewalks or paths which creates a potentially dangerous situation for pedestrians. This IGA will allow for installation of sidewalks on both sides of HWY 89A and dramatically increase the safety of pedestrians. The cost to the City would only be routine maintenance for the sidewalks such as cleaning and debris removal and repair of the sidewalk and railings should they become damaged for that portion within the city's corporate boundaries.

COST/FUNDING SOURCE

N/A

REVIEWED BY:

City Manager: 

City Attorney: 

ATTACHMENTS

Resolution Number 2545

IGA

RESOLUTION NUMBER 2545

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT AMONG THE STATE OF ARIZONA, THE TOWN OF CLARKDALE AND THE CITY OF COTTONWOOD FOR THE DESIGN AND CONSTRUCTION OF SIDEWALK AND RELATED ENHANCEMENTS ALONG STATE ROUTE 89A FROM MILE POST 349.0 THROUGH MILE POST 351.2.

WHEREAS, the construction of sidewalks and related enhancements along SR 89A from Mile Post 349.0 through 351.1 between the City of Cottonwood and the Town of Clarkdale will benefit both communities; and

WHEREAS, the State is empowered by A.R.S. § 28-401 to enter into this Agreement; and

WHEREAS, the Town of Clarkdale is empowered by A.R.S. § 9-240 to enter into this Agreement;

WHEREAS, the City of Cottonwood is empowered by A.R.S. § 48-572 to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THAT THE INTERGOVERNMENTAL AGREEMENT AMONG THE STATE OF ARIZONA, THE TOWN OF CLARKDALE AND THE CITY OF COTTONWOOD IS HEREBY APPROVED.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 2ND DAY OF NOVEMBER 2010.

Diane Joens, Mayor

RESOLUTION NUMBER 2545

ATTEST:

Marianne Jiménez, City Clerk

APPROVED AS TO FORM:

Steven B. Horton, Esq.
City Attorney

ADOT File No.: IGA/JPA 10-111-1
AG Contract No.: P001 2010 003367
Project: Sidewalk and related
improvements
Project No.: TEA-A89-A(206)A
Section: SR 89A, between Cottonwood
and Clarkdale, MP 349.0 – MP 351.2
COG/MPO TIP Item No.: n/a
TRACS No.: H8165 01C
Budget Source Item No.: Federal
closeout Project of Opportunity funds,
13511; \$1,415,250.00

INTERGOVERNMENTAL AGREEMENT

AMONG
THE STATE OF ARIZONA
AND
TOWN OF CLARKDALE
AND
CITY OF COTTONWOOD

THIS AGREEMENT is entered into this date _____, 2010, pursuant to the Arizona Revised Statutes § 11-951 through § 11-954, as amended, among the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State"), the TOWN OF CLARKDALE, acting by and through its MAYOR and TOWN COUNCIL (the "Town"), and the CITY OF COTTONWOOD, acting by and through its MAYOR and CITY COUNCIL (the "City") . The State, the Town and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement on behalf of the Town.
3. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement on behalf of the City.
4. The State will administer and fund the design and construction of sidewalk and related enhancements along SR 89A within State existing right-of-way, from MP 349.0 – MP 351.2. Related enhancements will include visual enhancements in the roundabouts, all of which the Town and City will maintain completely, collectively hereinafter referred to as the "Project." The estimated Project cost is \$1,415,250.00.
5. The Parties hereby agree to and acknowledge the following conditions: **a)** any estimated monetary amounts referenced in this Agreement are subject to change and can change significantly before completion of the Project; **b)** the Parties shall perform their responsibilities consistent with this Agreement; and **c)** any change or modification to the Project will only occur with the written consent of all Parties.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Be the authorized agent for the Town and City. Submit a program to the FHWA containing the above-mentioned Project with the recommendation that it be approved for design and construction funding.

b. On behalf of the Town and City, enter into a project Agreement with FHWA covering the work embraced in said Project and request the maximum authorized Federal funds available, including design, construction and construction administration costs. Should costs exceed the maximum Federal funds available, it is understood and agreed that the State will be responsible for any excess costs, with the exception of any City or Town-requested change orders or scope changes.

c. Prepare design plans, specifications (PS&E's) and other such documents and services required for the construction bidding and construction of the Project and incorporate comments from the Town and City as appropriate.

d. Proceed to advertise for, receive and open bids subject to the concurrence of FHWA, the Town and the City plus enter into a contract(s) with a firm(s) to whom the award is made for the construction of the Project. Administer all contracts for the Project, making all payments to the consultant(s) and contractor(s).

e. Not be obligated to maintain said Project, should the Town or City fail to budget or provide for perpetual maintenance as set forth in this Agreement.

2. The Town will:

a. Review design plans, specifications (PS&E's) and other such documents and services required for the construction bidding and construction of the Project and provide comments to the State as appropriate.

b. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the Town. Such changes require the prior approval of the State, and the Town will pay such costs within thirty (30) days of receipt of an invoice from the State.

c. Upon completion of construction, the Town shall provide for, at its own cost, perpetual maintenance of all Project sidewalks, handrails and visual enhancements within its jurisdiction and Project limits. Perpetual maintenance refers to all maintenance, including but is not limited to: minor maintenance such as sweeping and keeping sidewalk areas clear of debris and safe for pedestrians, and major maintenance such as replacement of ramps, handrails or sidewalk areas behind the curb, if damaged.

d. Conduct all maintenance work in a manner to minimize traffic congestion and interference with through-traffic. All traffic control will meet the requirements of the most recent Arizona Department of Transportation's "Uniform Traffic Control Manual".

e. Obtain, per established procedures of the State's Prescott District Permit Office, a valid annual citywide blanket Encroachment Permit for the routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights of way. Agree, that any new construction or installation shall require a separate permit as per the Prescott District's established procedures.

f. Obtain, per established procedures of the State's Prescott District Permit Office, a valid Encroachment Permit for visual enhancements, either constructed with the Project or after completion of said Project.

3. The City will:

a. Review design plans, specifications (PS&E's) and other such documents and services required for the construction bidding and construction of the Project and provide comments to the State as appropriate.

b. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State, and the City will pay such costs within thirty (30) days of receipt of an invoice from the State.

c. Upon completion of construction, the City shall provide for, at its own cost, perpetual maintenance of all Project sidewalks, handrails and visual enhancements within its jurisdiction and Project limits. Perpetual maintenance refers to all maintenance, including but is not limited to: minor maintenance such as sweeping and keeping sidewalk areas clear of debris and safe for pedestrians, and major maintenance such as replacement of ramps, handrails or sidewalk areas behind the curb, if damaged.

d. Conduct all maintenance work in a manner to minimize traffic congestion and interference with through-traffic. All traffic control will meet the requirements of the most recent Arizona Department of Transportation's "Uniform Traffic Control Manual".

e. Obtain, per established procedures of the State's Prescott District Permit Office, a valid annual citywide blanket Encroachment Permit for the routine/normal maintenance and emergency maintenance work provided by the City within the State's rights of way. Agree, that any new construction or installation shall require a separate permit as per the Prescott District's established procedures.

f. Obtain, per established procedures of the State's Prescott District Permit Office, a valid Encroachment Permit for visual enhancements, either constructed with the Project or after completion of said Project.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said project and related deposits or reimbursement, except any provisions for maintenance and indemnification shall survive any termination of this Agreement. Further, this Agreement may be cancelled at any time prior to the award of the project construction contract, upon thirty days (30) written notice to the other parties. It is understood and agreed that, in the event the Town or City terminates this Agreement, the State shall in no way be obligated to maintain said Project.

2. Each party (as "indemnitor") agrees to indemnify, defend, and hold harmless other parties (as "indemnitee") from and against any and all claims, losses, liability, costs or other expenses (including, but not limited to, reasonable attorneys' fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death), property damage and any other claims (including, but not limited to, claims of derivative or vicarious liability), which are caused by the act, omission, negligence, misconduct or other fault of the indemnitor, its officers, officials, agents, employees or volunteers.

3. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

4. The cost of the Project under this Agreement includes applicable indirect costs approved by the Federal Highway Administration (FHWA).

5. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

6. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes § 35-214 and § 35-215 shall apply to this Agreement.

7. In the event of any controversy which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

8. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Town of Clarkdale
Attn: Public Works Director
890 Main Street
Clarkdale, Arizona 86324
(928) 639-2550
(928) 693-2559Fax

City of Cottonwood
Attn: Utility Engineer
111 North Main Street
Cottonwood, AZ 86326
(928) 634-0186
(928) 639-4254 Fax

9. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

10. Non-Availability of Funds: Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

11. Compliance requirements for Arizona Revised Statutes § 41-4401—immigration laws and E-Verify requirement:

a. The City and Town warrant compliance with all Federal immigration laws and regulations relating to employees and warrant their compliance with Arizona Revised Statutes § 23-214, Subsection A.

b. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract, and the City and Town may be subject to penalties up to and including termination of the Agreement.

c. The State retains the legal right to inspect the papers of any employee who works on the Project to ensure that the City and Town or their subcontractors are complying with the warranty under paragraph (a).

12. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes § 35-391 and/or § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

13. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

TOWN OF CLARKDALE

STATE OF ARIZONA

Department of Transportation

By _____
DOUG VON GAUSIG
Mayor

By _____
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

ATTEST:

Initial Draft 7/1/10 ghc
ADOT District Comments 7/27/10 & 8/24/10
AG approved 9/22/10

By _____
KATHY BAINBRIDGE
Town Clerk

CITY OF COTTONWOOD

By _____
DIANE JOENS
Mayor

ATTEST:

By _____
MARIANNE JIMENEZ
City Clerk

IGA/JPA 10-111-I

ATTORNEY APPROVAL FORM FOR THE TOWN OF CLARKDALE

I have reviewed the above referenced Intergovernmental Agreement among the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, the TOWN OF CLARKDALE, and the CITY OF COTTONWOOD, an Agreement among public agencies which has been reviewed pursuant to Arizona Revised Statutes § 11-951 through § 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State and City to enter into this Agreement.

DATED this _____ day of _____, 2010.

Robert Pecharich Town Attorney

IGA/JPA 10-111-I

ATTORNEY APPROVAL FORM FOR THE CITY OF COTTONWOOD

I have reviewed the above referenced Intergovernmental Agreement among the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, the TOWN OF CLARKDALE, and the CITY OF COTTONWOOD, an Agreement among public agencies which has been reviewed pursuant to Arizona Revised Statutes § 11-951 through § 11-954, and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State and Town to enter into this Agreement.

DATED this _____ day of _____, 2010.

Steve Horton, City Attorney

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010

Subject: **Ordinance # 568 - - Banning the Use of "Consumer Fireworks" within the City Limits of Cottonwood**

Department: Fire

From: Fire Chief Mike Casson, Fire Marshal Rick Contreras

REQUESTED ACTION

At the October 12, 2010 work session, Council directed staff to prepare an ordinance banning the use of "permissible consumer fireworks" within the City limits of Cottonwood and prohibiting the sale of same by persons under the age of 16.

If the Council desires to approve this item the suggested motion is: First reading of Ordinance at this time, no motion required.

BACKGROUND

On May 10, 2010, the Governor signed into law, House Bill 2246 amending A.R.S. Sections §§36-1601, 36-1605, 36-1606, 37-623.02 and Title 36, Chapter 13, Article 1, and adding Sections 36-1609 and 36-1610 effective November 30, 2010 relating to Fireworks. This law allows for the sale and use of certain "permissible consumer fireworks". This law also authorizes the State Fire Marshal to adopt rules regarding the sale of these fireworks and requires retailers to comply with those rules. Sales of such fireworks are prohibited to persons under the age of 16.

Under this new law, cities and towns may regulate or prohibit the use of "permissible consumer fireworks" within their corporate limits by passing a local ordinance or resolution. The local regulation cannot prohibit the sale of such fireworks within the city or town, but it can prescribe requirements for their use or prohibit their use altogether within the city's or town's corporate limits

Council was briefed by staff at a work session on October 12th and then considered a number of different possible restrictions up to and including a complete ban on "permissible consumer fireworks" within the City limits of Cottonwood.

After a request for input from the public and discussion by council members, staff was directed to bring forth an ordinance banning the use of "permissible consumer fireworks" within the City limits of Cottonwood. Staff was also directed to include a provision in the ordinance prohibiting the sale of "permissible consumer fireworks" by persons under the age of 16.

Other communities in the area, including Clarkdale, Jerome, Camp Verde, Sedona, Prescott, Prescott Valley, and Dewey-Humboldt, have or are expected to enact similar provisions regulating or prohibiting the use of "permissible consumer fireworks" within their corporate limits. Counties may regulate them in unincorporated areas during times of reasonable risk of wildfires in the immediate county.

JUSTIFICATION/BENEFITS/ISSUES

- Community values at risk; Dangers to life, limb and property
- Perennial issues with dry vegetation, low humidity, winds and ease of ignition
- Rapid development and spread of fire caused by fireworks in our vegetative terrain

COST/FUNDING SOURCE N/A

REVIEWED BY:

City Manager: _____

City Attorney: ✓ SH

ATTACHMENTS Ordinance # 568

ORDINANCE NUMBER 568

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.60, FIREWORKS, TO TITLE 8, HEALTH AND SAFETY.

WHEREAS, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the City of Cottonwood and its residents; and

WHEREAS, the Mayor and Council desire to prevent fire hazards which threaten the safety of individuals and private and public improvements, including residential, commercial and industrial dwellings; and

WHEREAS, due to the dry/desert like conditions, risk of wildfires, and terrain of the community there is a danger of fire with the use of consumer fireworks in the community that can cause significant harm to the community and its residents.

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

Section 1: That a new Chapter 8.60 is hereby added to Title 8, HEALTH AND SAFETY, of the Cottonwood Municipal Code, as follows:

Chapter 8.60

FIREWORKS

Sections:

8.60.010 Definitions.

8.60.020 Fireworks prohibited; exceptions.

8.60.030 Sale of Fireworks.

8.60.040 Posting of signs by persons engaged in the sale of fireworks; civil penalty.

8.60.050 Authority to enforce violations of this article; means of enforcement.

8.60.060 Liability for emergency responses related to use of fireworks; definitions.

8.60.070 Penalty.

8.60.010 Definitions. The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Consumer firework" means those fireworks defined by Arizona Revised Statutes Section 36-1601.

"Display firework" means those fireworks defined by Arizona Revised Statutes Section 36-1601.

"Fireworks" means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statutes Section 36-1601.

"Novelty items" means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona Revised Statutes Section 36-1601.

"Permissible consumer fireworks" means those fireworks as defined by Arizona Revised Statutes Section 36-1601 that may be sold within the city even where the use of those items has been prohibited.

"Supervised public display" means a monitored performance of display fireworks open to the public and authorized by permit by the Fire Marshal or his designee.

8.60.020 Fireworks prohibited; exceptions. A. Except as otherwise provided in this Chapter 8.60, the use, discharge or ignition of fireworks within the City of Cottonwood is prohibited, provided, however, that nothing in this Chapter shall be construed to prohibit the use, discharge or ignition of "novelty items" as defined in Section 8.60.010 above, or the occurrence of a permitted, supervised public display of fireworks.

B. Permits to conduct a supervised public display of fireworks may be issued by the Fire Marshal or his designee. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of High Fire Danger warnings. The Fire Marshal has the authority to impose reasonable conditions on any permits granted, and to revoke any permit for any reason deemed necessary to protect persons or property.

C. Failure to comply with any permit requirements issued by the Fire Marshal is a civil offense punishable by a fine not to exceed two hundred and fifty dollars for a first offense, and five hundred dollars for a second and each subsequent offense. A third offense under this Section 8.60.020 may be charged as a misdemeanor punishable in accordance with Section 1.12.010 of this Code.

8.60.030 Sale of Fireworks. A. No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen years of age, and no person under the age of sixteen may engage or assist in the sale of permissible consumer fireworks to any other person.

B. No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

8.60.040 Posting of signs by persons engaged in the sale of fireworks; civil penalty. A. Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

1. The use of any fireworks, including permissible consumer fireworks (except for novelty items as defined in Section 8.60.010 of this Chapter) within the City limits of Cottonwood is prohibited.

2. Consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

B. Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.

C. The Fire Marshal or his designee shall develop rules and/or regulations concerning the size and color of the required signs and may develop a model sign. The required sign regulations and any model sign shall be posted on the City's website and filed with the Clerk's office.

D. Failure to comply with subparts A and B of this section is a civil offense punishable by a fine not to exceed two hundred and fifty dollars for a first offense, and five hundred dollars for a second and each subsequent offense. A third offense under this Section 8.60.040 may be charged as a misdemeanor punishable in accordance with Section 1.12.010 of this Code.

8.60.050 Authority to enforce violations of this article; means of enforcement.

A. The Fire Marshal or designee, a City peace officer, or the City Attorney may issue civil complaints to enforce violations of this section designated as civil offenses.

B. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

8.60.060 Liability for emergency responses related to use of fireworks; definitions. A. A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and

explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart A of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

C. For the purposes of this section:

1. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

2. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

8.60.070 Penalty. The penalty for violating any prohibition or requirement imposed by this Chapter is a civil offense punishable by a fine not to exceed two hundred and fifty dollars for a first offense, and five hundred dollars for a second and each subsequent offense. Provided, however, that a third offense under this Chapter 8.60 may be charged as a misdemeanor punishable in accordance with Section 1.12.010 of this Code.

Section 2. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS ____ DAY OF NOVEMBER 2010.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq., City Attorney

Marianne Jiménez, City Clerk

City of Cottonwood, Arizona
City Council Agenda Communication



Meeting Date: November 2, 2010
Subject: **Request for the City Manager to Serve as a Law Enforcement Trainer**
Department: Administration
From: Doug Bartosh, City Manager

REQUESTED ACTION

The City Manager is requesting permission from the City Council to serve as a law enforcement trainer on the topic of ethics in partnership with the United States Holocaust Memorial Museum.

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

I authorize the City Manager to serve as a law enforcement trainer in the topic of ethics working in partnership with law enforcement agencies throughout Yavapai County and the United States Holocaust Memorial Museum.

BACKGROUND

The Yavapai County Attorney, Sheila Polk, has been very involved with the Holocaust Museum in Washington, D.C. during the last several years and their program related to ethics for government officials. Ms. Polk has brought such training to Arizona for Judges and Prosecutors and the training has been very well received by the participants. Last year, she was able to obtain sponsorship to take most of the Yavapai County Police Chiefs to Washington to participate in the training as well. Based on the Chiefs' experiences, there was a desire both on the part of the Chiefs and the museum to make this ethics training available for all law enforcement officers in Yavapai County. Due to my experience in law enforcement, I was solicited by Ms. Polk to serve as the trainer for this new ethics program. My expenses would be paid to travel to Washington to participate in the training program and learn more about the Holocaust through the museum. This training would take approximately one week. I would then be called upon one to two days per month to train police officers around Yavapai County.

JUSTIFICATION/BENEFITS/ISSUES

We have all been educated and recognize the horrific events of the Holocaust and it is important as a Nation and as government officials that we understand the circumstances that led to so many officials condoning these criminal activities of their government. Certainly in Nazi Germany, local police participated in these crimes and through understanding the circumstances and lack of ethics involved in their participation we hope to prevent such a tragedy from occurring in this country by educating our government officials, particularly our law enforcement officials, regarding the circumstances and mindset that leads to these lapses in ethical behavior. This training will provide the officers with an ethical perspective relating to the most explosive issues of law enforcement such as racial profiling, immigration enforcement, selective enforcement, civil rights violations, use of force, etc.

If I am authorized to take on this additional responsibility this will be the first time that a non-museum person will be providing this training to law enforcement personnel. The museum has a desire to use Yavapai County as the pilot for this training program with the intent of expanding it throughout the Nation. Cottonwood and Yavapai County will be recognized nationally as leader for this critically important training.

COST/FUNDING SOURCE

There is no cost to the city other than my time. If authorized this will be an additional responsibility that I will assume understanding that my first role and responsibility is to the City as the City Manager. I will ensure there is no impact on the business of the City or the Council.

REVIEWED BY:

City Manager: _____

City Attorney: ✓ SH

ATTACHMENTS

CLAIMS REPORT OF NOVEMBER 2, 2010			
FUND	VENDOR NAME	DESCRIPTION	TOTAL
TOTAL			\$0.00
CLAIMS EXCEPTIONS REPORT OF NOVEMBER 2, 2010			
FUND	VENDOR NAME	DESCRIPTION	TOTAL
All	City of Cottonwood	PAY DATE 10/29/2010	\$401,940.10
All	Arizona Public Employers Health Pool	October Premiums	\$135,141.81
All	AZ Dept of Revenue-Unclaimed Property	Unclaimed Property 2010	\$14,239.25
Utility	Environgen Technologies	Arsenic PO 18881	\$27,259.24
Gen	Larry Green Chevy	Sales Tax and Vehicle Maintenance	\$8,948.91
Hurf	R&T Repair	Hurf Vehicle Maintenance	\$5,019.45
Gen	Robert Gaffney Jr.	Prosecuting Atty Fees	\$7,000.00
Utility	Town of Clarkdale	Arsenic Processing	\$6,378.75
Gen	VV Chamber of Commerce	Bed Tax September 2010	\$9,047.56
Utility	Yavapai Fence	Fence install at VSF	\$9,114.00
Utility	Del Webb Conventry Homes	AIAC #118 refund 2009-10	\$42,128.34
Utility	CW Properties LLC	AIAC #175	\$5,483.46
Utility	GRL Inc	AIAC #173	\$5,915.60
Utility	CW Elm Street Properties	AIAC #179	\$5,360.86
All	APS	Utilities	\$18,042.13
Gen	AZ Dept of Economic Security	Unemployment Insurance	\$6,870.78
All	United Fuel and Energy	Fuel	\$10,694.59
Utility	US Postmaster	Postage Meter	\$5,350.00
Utility	Yavapai Title	Growth Premium 3rd Qtr 2010	6,000.00
TOTAL			\$729,934.83