

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MARCH 3, 2009, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the regular meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
James Chapman, Council Member
Tim Elinski, Council Member
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Steve Horton, City Attorney
Marianne Jiménez, City Clerk	Shirley Scott, Transit Manager
Tim Costello, City Engineer	Charlie Scully, Planner
George Gehlert, Community Development Director	

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Janae Allen, a middle school pupil.

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

Mr. Bartosh stated the primary topic of next Tuesday's work session would be setting goals and priorities as the beginning part of the budget process. Thursday there would be a special council meeting at 4 p.m. at the Public Safety Building.

Council Member Kirby stated last Thursday he attended the Northern Arizona Council of Governments (NACOG) regional council meeting at which the budget of the Area Agency on Ageing and Head Start was approved. That same day he attended, together with Council Member Norman, a meeting of the Senior Commission and an intergovernmental meeting in Sedona. At the NACOG meeting he was given a copy of the book *Building Bridges to Business*. The Prevention of Elder Abuse Coalition meeting in Cottonwood would be held Wednesday in Cottonwood Village at 11:30 a.m.

Mayor Joens stated she had learned that Child Enforcement Services would be closing their office in the Verde Valley and moving to Prescott. She was present at an event hosted by Ann Kirkpatrick at the Ledbetter Law Firm last Saturday attended by representatives of organizations for seniors and the developmentally disabled such as Yes the Arc, who expressed concern about the reduction of funds available for the services they provide. She also attended a meeting of ADOT in Camp Verde at which she learned that resurfacing would be done on State Route 89A from Western Drive to the Main Street intersection. She asked Mr. Costello to give an update

Mr. Costello stated ADOT reported on all the projects they were doing in the Verde Valley. Pavement preservation would be done from Main Street up to the new portion of highway at Western Drive. The work would be done at night and traffic would be restricted. The tentative start date would be in April and the work would take 6-8 weeks. The old pavement material milled in the repaving process would be used by the city for other projects within the city.

Mayor Joens stated there was some questioning by residents of Camp Verde about why State Route 260 was not being widened to four lanes as it had been in Cottonwood. Passing lanes and other safety upgrades would be added by ADOT to that portion of the highway. Mr. Bartosh would work to put that on a five-year plan in the future. She attended a meeting with the Prescott National Forest Plan Revision which was important for Cottonwood to have a say in. Note was made of the smoke problem arising from controlled burns as part of forest restoration. Other issues discussed were riparian areas, the Verde River, recreation management, and the forest as watershed. She went to the Legislature for a meeting of the Arizona Association of Economic Development. She spoke with Senator Pierce and Representatives Mason and Tobin. There was currently a bill in the legislature which, if passed, would prohibit fire sprinkler systems in residential units. She discussed how bad such an idea was and asked them to fight against it. She also discussed the positive economic impact that state parks have on the economy of the Verde Valley and the importance of funding those parks. Mr. Casey Rooney put the case for not shutting down the Department of Commerce, because it was so important for rural areas. The Verde Valley Senior Center Association was planning a Mayor's March a Mile for Meals which she urged people to donate to.

CALL TO THE PUBLIC

Mr. Steven Castillo, of 1227 East Cochise Street, stated that while sidewalks, curbs, and gutters were nice; on narrow streets like Cochise they were inappropriate because their installation forced cars to park further into the street, narrowing the traffic lanes.

PRESENTATION OF RED CROSS MONTH PROCLAMATION TO REPRESENTATIVES OF THE RED CROSS

Mayor Joens read the proclamation declared at the last Council meeting and presented a copy of it to a representative of the Red Cross.

APPROVAL OF MINUTES—Work Session of January 8, 2009; Work Session of January 13, 2009; Special Work Session of February 5, 2009; Special Meeting of February 10, 2009; Work Session of February 10, 2009; Regular Meeting of February 17, 2009

Council Member Kirby stated the minutes of February 17, 2009, on page 14 did not reflect adequately his passion for a new county. Surely, some of what he said should be recorded in the minutes which did not even reflect that anything was felt except acquiescence to looking for more information.

Mayor Joens stated he had said he felt very emotional about it and that was printed in the paper.

Council Member Kirby stated it was not printed in the minutes of the meeting.

Mayor Joens asked if he would like to ask the City Clerk to do a more *verbatim* account about what he had said and asked if he wanted to pull the minutes.

Council Member Kirby stated he would not agree to the minutes.

Mayor Joens stated those of February 17, 2009 would be pulled. She asked how he felt about the other minutes.

Council Member Kirby moved to adopt the other minutes as presented. The motion was seconded by Council Member Elinski. Mayor Joens stated it was leaving out the minutes of February 17, 2009. The motion carried unanimously.

UNFINISHED BUSINESS—None

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.

APPROVAL OF FINAL PAY REQUEST FOR ARIZONA EARTHMOVERS FOR THE AIRPORT PERIMETER ROAD PROJECT

APPROVAL OF PAY REQUEST NUMBERS 9 AND 10 FOR ARIZONA EARTHMOVERS AND ACCEPTANCE OF THE WILLARD STREET EXTENSION PROJECT

APPROVAL OF PAY APPLICATION NUMBER 5 FOR THE AIRFIELD ELECTRIC UPGRADE PROJECT AT THE COTTONWOOD AIRPORT

Mayor Joens asked if any Council Member or members of the public wished to pull any item for separate discussion. There were no requests to do so.

Vice Mayor Pfeifer moved to approve the consent agenda. Council Member Norman seconded the motion, which carried unanimously.

NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

APPROVAL OF IMPLEMENTING THE COTTONWOOD AREA TRANSIT CITIZEN REVIEW COMMISSION'S RECOMMENDATIONS PERTAINING TO THE COTTONWOOD AREA TRANSIT SYSTEM

Mr. Jeff Mielbeck, head of the Northern Arizona Intergovernmental Public Transit Authority (NAIPTA) stated four months ago the citizens review commission made its preliminary recommendations. What was needed now was to formalize those requests and obtain formal support for the recommendations. These included improving Cottonwood Area Transit (CAT) productivity without increasing program costs by limiting Dial-A-Ride service to citizens who were unable to ride a fixed bus route, converting the deviated route Catch-A-Ride system into a fixed route system, and adding a third fixed route system with 30-minute frequency to serve the core area of Cottonwood. By providing CAT service differently, Cottonwood could meet the mobility needs of its most vulnerable citizens and serve more people without increasing overall program expenses. It was estimated that annual ridership would double within 3 years without additional program expense. Consideration would be given to regional expansion in collaboration with other communities and to providing additional fixed route service on Saturday. CAT was at capacity with its Dial-A-Ride service model. By creating an eligibility screening program for it, service could continue to be provided to those most in need while using existing resources to provide more productive fixed route transit for the general public. NAIPTA employed an eligibility worker and a para-transit manager capable of training CAT staff and conducting an eligibility process at no cost to the City of Cottonwood. It was possible that changes would result in some non-disabled citizens currently eligible to use Dial-A-Ride, not being eligible to do so under the new guidelines.

Mayor Joens asked what the criteria would be for determining eligibility.

Mr. Mielbeck stated it was defined by law in the Americans with Disabilities Act (ADA). People would be eligible for a Dial-A-Ride van to come to their house if they were 0.75 miles from a fixed route and prevented from riding a bus. Requests were determined on a case-by-case basis. The ADA intention was to provide for independence, inclusion, and accessibility for people with disabilities but not to create a separate system for them.

Mayor Joens stated eligibility work required time and resources that the City was lacking.

Mr. Mielbeck stated that staff in Flagstaff, together with Ms. Scott and Ms. Conway could make arrangements to handle the necessary details.

Ms. Scott stated this was a working document and changes could be expected. Routes were

to be determined in about 3 weeks, and completed before July 1st.

Mayor Joens asked if little children, currently being picked up, would have to walk.

Ms. Scott replied yes.

Mayor Joens asked what arrangements would be made for the heat. Elders who might not be otherwise physically disabled might not be able to tolerate the heat.

Mr. Mielbeck stated there was conditional eligibility available.

Ms. Scott stated many elderly people utilized services early in the day to avoid the heat.

Mayor Joens asked about fixed routes in the county since it was not mentioned as a signatory.

Mr. Mielbeck stated that oversight would be corrected.

Mayor Joens stated adding Camp Verde to the system in the future was a great idea but hoped Cottonwood would not be expected to make up the financial difference for such service.

Mr. Mielbeck stated that was a subject for the future. It was hoped, based on past results, that federal assistance could be obtained.

Council Member Kirby asked if service would be provided to Pine Shadows where the highway was more than 0.75 miles away from homes.

Ms. Scott stated permits would be required to use the state highway. Users of the system there would likely qualify.

Mr. Mielbeck stated the requirements would be flexible with qualifications as well as routes.

Council Member Elinski asked about partnering with the casino in Camp Verde.

Mr. Mielbeck stated there was the possibility of looking to them as a funding partner.

Mayor Joens stated it was admirable that the intent was to reduce the per trip cost. She asked if any members of the public wished to address this issue. None did.

Council Member Norman moved to approve implementing The Cottonwood Area Transit Citizen Review Commission's recommendations pertaining to the Cottonwood Area Transit System. The motion was seconded by Council Member Kirby, and carried unanimously.

ORDINANCE NUMBER 542—AMENDING THE MUNICIPAL CODE OF THE CITY OF

COTTONWOOD BY ADDING A NEW CHAPTER 8.52, REGULATION OF FIREPLACES AND WOOD-BURNING DEVICES, TO TITLE 8, HEALTH AND SAFETY; FIRST READING

Mr. Scully stated this would be the first reading for amendments to the Municipal Code which added a new chapter for fireplaces and wood burning devices. There were definitions and the regulations similar to those which state law applied to large urban areas. For new construction, it mandated wood stove inserts or gas log type features and inspections. The required certified wood stoves emitted only about 10 percent of the air pollution of older types of stoves. Existing older units would not be subject to regulation. Burning of trash or other items was prohibited by state law but was difficult to regulate.

Council Member Pratt stated Chief Casson previously said that burning trash was against state law. Such amendments were long overdue to preserve the quality of life here.

Council Member Elinski stated that although he had previously stated some reservations, he was now behind this measure 100 percent.

Mayor Joens stated, for the public record, that while the smell of wood smoke evoked fond memories for many, for others it was a danger signal. She was one of those impacted by it. It affected populations most at risk—the senior citizen category. It also affected infants, children, pregnant women, senior citizens, cigarette smokers, ex-smokers such as herself, anyone who suffered from allergies, asthma, bronchitis, emphysema, pneumonia, and other heart and lung illnesses. Even the healthiest people were not recommended to be out when the smoke was thick. As we grow we want a future without increasing problems.

Council Member Chapman asked if anything could be done about pollution put out by existing wood burning stoves.

Mayor Joens replied the ordinance required retrofitting if changes were made.

Council Member Kirby stated the ordinance appeared to be complete and adequate to today's needs. The first reading should be conducted.

Mayor Joens asked if there were comments from the public regarding this matter. There were none. She asked the City Clerk to read Ordinance Number 542 by title only.

ORDINANCE NUMBER 542

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.52, REGULATION OF FIREPLACES AND WOOD-BURNING DEVICES, TO TITLE 8, HEALTH AND SAFETY.

Mayor Joens asked if there would be any objection to moving item 8 (Gaming Revenue) up and discussing it now. There were no objections.

DISTRIBUTION OF PROPOSITION 202 GAMING REVENUES RECEIVED FROM THE YAVAPAI-APACHE NATION

Mr. Bartosh stated on January 4th, we received Proposition 202 funding from the Yavapai-Apache Nation in the amount of \$56,000 with the request we pass it through to Mingus High School for their tutoring program. Our legal counsel had indicated that such pass throughs do not meet the intent of Proposition 202 or the relevant A.R.S. statute. Local mayors and city managers had met with the Nation to discuss their concern regarding this matter. Meetings would be set up later this year to discuss appropriate ways to distribute such monies so that we would not be in conflict with the intent of the statute. In the spirit of cooperation with the Nation and because of the school's need for these funds to continue its tutoring program, staff recommended passing these funds through as requested, with the understanding that next year arrangements would be made with the Nation to meet the intent of the A.R.S.

Council Member Pratt stated that if the pass through could be done without breaking the law, it should be done because the program was too important.

Council Member Elinski stated we did not want to hurt tutoring efforts, but the pass through request created an awkward situation for the City. He asked what the worst case scenario could be.

Mr. Horton stated Mr. Bartosh had adequately expressed the current difficulty. There was a conflict between the codification in Title 5 of Proposition 202, its language and intent, and use of the money for public service which was not one of the traditionally designated functions of municipal government. This would be the second funding cycle this had been addressed. We are not unique; other cities and towns did the same transfers. It would not present a worst case legal consequence. The consequences were political and could affect community relations.

Council Member Pratt stated the wording of Proposition 202 was specific about where the money could go and said nothing about education.

Mr. Horton stated tribes had an option of putting the money into a fund or donating it to local governments, but either way lost control of it. The specified public purposes of the money were for mitigating the impacts of gaming, economic development, or public safety. Public education was not one of them, as that was the purpose of other political subdivisions.

Mayor Joens asked if it was correct that quite a bit of money from this proposition went to schools anyway.

Mr. Horton stated, yes. Other shared revenues are directed into a state fund for classroom size reduction, dropout prevention, and other designated purposes of education.

Council Member Kirby stated the city had the right to do what was not prohibited by state law.

Mr. Horton stated municipalities could do that which it was authorized to do by constitutional statute and those things that were reasonably necessary and inferred in order to accomplish those things. There was a way to see this as being not improper. There was also a way of seeing this as problematic. The focus was on how likely it was that this community or any another would be compelled to justify this in front of a judge. The act would have to be challenged and brought into court and later the Court of Appeals. It was unlikely but could not be ruled out that it wouldn't happen. The actions of the Council would be defended, but it was probably not the best way to look at it in order to justify going ahead and passing through the money. It was not the most consistent with the way the statute reads or its intent. There was no disagreement about this with other local Verde Valley government attorneys.

Mr. Bartosh stated the money was unexpected and there would not be any impact on the city's deficit by doing a pass through.

Mayor Joens opened the floor for public comment.

Ms. Shelley Kitchen, of 307 East Aspen, stated she was a counselor at Mingus Union High School, specifically involved as a liaison with the Yavapai-Apache Nation who had funded this amount for over 10 years. The school could not otherwise fund programs these funds paid for, including a one-on-one tutoring program, her position as a counselor for Native American students and coordinator of pregnant and parenting programs, and the Strife and Fife program, the Native American Club, as well as various other student activities and awards.

Council Member Kirby asked if the tutoring program was only for Native Americans.

Ms. Kitchen stated the only thing that was exclusively for Native Americans was the counseling program. All other programs and activities were school-wide, including the Native American Club.

Mr. Horton stated that should the Council do the pass through, his recommendation was that the Council should make a finding that the program that would get the money would be of benefit to the general public.

Council Member Pratt moved that since the pass through of the money would benefit not just the Native American students, but the general public as well, that the Council approve the pass through of the distribution of the Proposition 202 gaming revenues to Mingus Union High School. The motion was seconded by Vice Mayor Pfeifer, and carried

unanimously.

RESOLUTION NUMBER 2430--DECLARING THAT CERTAIN DOCUMENT ENTITLED SECTION 9.12.010, NOISE REGULATIONS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE A PUBLIC RECORD

Mr. Scully stated the next two items were related. The Resolution was to declare a public record for Ordinance 543 which would amend the Municipal Code by deleting the existing section pertaining to noise and replacing it with a new section. It was more specific in that it covered animals and vehicles, listed exemptions, and addressed construction for the first time. Most cities already had standards that were similar to those being proposed in this ordinance.

Council Member Kirby stated that it would be necessary to pass Resolution Number 2430 in order to later pass Ordinance Number 543.

Mr. Max Castillo, of 1227 East Cochise Street, stated the Main and Mingus Neighborhood Block Watch fully supported the noise ordinance. He asked if there were to be mandatory fines for first offenses or a tiered fine structure.

Council Member Pratt stated the ordinance read that anyone who violated it would be guilty of a misdemeanor and could be punished by a fine not to exceed \$2,500.

Mr. Bartosh stated that typically a judge would use a range of fines allowed up to and including 6 months in jail. Most likely, subsequent offenses would elicit larger fines.

Mr. Castillo asked if there was anything that affected landlords.

Mr. Bartosh stated that was clearly covered in the unruly gathering ordinance.

Mayor Joens asked if there should not be discussion about having provisions affecting landlords in this ordinance.

Mr. Bartosh stated it would be covered by the other ordinance even if only one person was involved.

Council Member Chapman stated the unruly ordinance applied to gatherings of 5 or more people.

Mr. Bob Richards, of 1495 East Crestview Drive, asked if all motorcycles had loud mufflers because if they did, they ought to have an exclusion from the ordinance's provisions.

Council Member Elinski stated with regard to answering Mr. Castillo, the ordinance addressed violations as misdemeanors which were criminal. He asked if it was easier to administer fines if it was a civil matter rather than a criminal matter.

Mr. Horton stated it was a choice whether to enforce civilly or criminally. The difference was that a violator in a criminal matter would be cited into municipal court, and subject to prosecution, conviction, and sentencing.

Council Member Elinski asked if it might not be easier to utilize the services of the Hearing Officer.

Mr. Bartosh stated that generally these matters were considered criminal offenses.

Council Member Pratt, answering Mr. Richard's question, stated that while motorcycles were often noisy, there were standards they were supposed to adhere to and methods of checking whether they met the regulations or not.

Vice Mayor Pfeifer stated the ordinance prohibited the modification of motorcycle mufflers.

Mayor Joens asked if landlord provisions could be added to the ordinance.

Mr. Horton stated there was no legal reason why a landlord could not be held accountable, so long as there was enough due process: notice, opportunity to be heard, opportunity to contest, et cetera.

Council Member Elinski stated a better place for such provisions would be in the rental ordinance.

Mayor Joens asked if it was already addressed there.

Mr. Bartosh stated it might fit better in the unruly gathering ordinance.

Mr. Horton stated extending the definition of unruly gathering to be just a single person was possible.

Mr. Bartosh stated the intent of that ordinance was to deal with an unruly location, both the tenant and the landlord.

Council Member Kirby moved to adopt Resolution Number 2430. The motion was seconded by Council Member Pratt, and carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2430 by title only.

RESOLUTION NUMBER 2430

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED

SECTION 9.12.010, NOISE REGULATIONS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE A PUBLIC RECORD.

ORDINANCE NUMBER 543—AMENDING THE MUNICIPAL CODE, CHAPTER 9.12, OFFENSES AGAINST PUBLIC PEACE, BY DELETING SECTION 9.12.010 NOISE, IN ITS ENTIRETY AND ADDING A NEW SECTION 9.12.010, NOISE REGULATIONS; FIRST READING

Mayor Joens stated the concern about landlords had not yet been addressed and asked if changes were needed.

Council Member Pratt suggested checking to see if those concerns were met in another ordinance. If so, it would not be needed in this ordinance.

Mayor Joens directed the City Manger and staff to check into the matter to determine if another ordinance contained the desired provisions.

Mr. Bartosh stated if it was not covered somewhere, it would be put into this ordinance and brought back for another first reading.

Mayor Joens asked the City Clerk to read the first reading of Ordinance Number 543 by title only.

ORDINANCE NUMBER 543

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, BY DELETING SECTION 9.12.010, NOISE, IN ITS ENTIRETY AND ADDING A NEW SECTION 9.12.010, NOISE REGULATIONS.

RESOLUTION NUMBER 2431—DECLARING THOSE CERTAIN DOCUMENTS ENTITLED SECTION 104. PLANNING AND ZONING COMMISSION, AND SECTION 304. DESIGN REVIEW, PERTAINING TO THE COTTONWOOD ZONING ORDINANCE TO BE PUBLIC RECORDS

Mr. Scully stated the next two items were related. The Resolution declared a portion of the amendments to the Zoning Ordinance a public record, while Ordinance Number 544 proposed to amend the Zoning Ordinance by changing the way the Development Review Board and development review process were currently addressed. Currently there was a separate Development Review Board, addressed through Section 106. Administration, of the Zoning Ordinance. There is also a Development Review section in the Procedures section. It was proposed to delete the Development Review Board, change the function to Design Review and have those functions addressed by the Planning and Zoning Commission (P&ZC). There were other updates and amendments to clarify what design review was and what the criteria would be would be for the board's authorization to approve or deny proposals. The additional language was designed to help the P&ZC, staff, and the applicant understand what the process was. It also amended the establishment of the P&ZC,

addressing the qualification and composition of its members. Two members would now have design based backgrounds, similar to the Development Review Board. There were also technical additions which addressed meeting attendance and duties.

Mayor Joens asked if the Planning & Zoning Commission and the Design Review Board (DRB) could take down a mountain without the permission of the City Council.

Mr. Scully stated the section of the ordinance regarding site grading remained unchanged and was under the review of the P&ZC.

Mayor Joens asked how that could be changed since she did not believe that mountains should be taken down or washes filled in without the permission of elected officials.

Mr. Scully stated it was already the case for rezoning and planned area development (PAD). There would be few cases otherwise.

Vice Mayor Pfeifer asked how long it had been since a discussion occurred about having a hillside ordinance and whether staff was working on such an ordinance.

Mr. Scully stated work had been started on it.

Mayor Joens stated hills should not be mowed down without elected people's permission. She did not want the P&ZC or DRB to decide to do that. The Council should make that decision.

Council Member Chapman asked if this had always been the domain of the P&ZC and DRB, in terms of filling in washes and grading hills.

Mr. Gehlert stated following the Grey Fox and Mesquite Springs projects there was a conversation about grading and having a code for it. What followed was an amendment to the DRB code specifically establishing their review of grading. Changes to the Code had been started but remained unfinished.

Mayor Joens asked if the Council found out about something that might not come before them, didn't they have the legal right to put in on an agenda and discuss it.

Mr. Gehlert stated the Code defined the process. The DRB would review a plan and make a determination.

Council Member Pratt stated that built into this was an appeal process under Design Review, Section F, allowing an applicant to appeal to the City Council.

Council Member Elinski asked where the line would be drawn. It should be a priority to look at the grading and hillside ordinance and try to figure out how a good ordinance could be put together that we would trust was bullet proof enough to be handed over to a commission.

Mayor Joens stated that would be fine with her so long as the indiscriminate mowing down of mountains was prohibited.

Council Member Kirby stated we had assigned these tasks to commissions and boards. If we were not going to let them do their job, we shouldn't have done it in the first place. This was something they were prepared to defend if they were appealed. We had what they needed.

Council Member Elinski stated we could set policy to make sure the ordinance reflected our desire.

Council Kirby asked if we were going to build a new hillside ordinance.

Council Member Elinski stated this had been discussed in the past and put on the back burner. It needed to be brought forward before construction began again. That was what would be developed, since the good land had already been taken.

Vice Mayor Pfeifer stated it would help Planning & Zoning to clarify what the wishes of the Council were, instead of them trying to guess what the Council wanted.

Mayor Joens stated direction was to create an ordinance that explained the Council's desire in regard to the natural resources of the community. Her concern was for mountains and washes.

Council Member Pratt stated in the grading criteria section, the language was a little bit arbitrary and not very specific.

Council Member Kirby stated staff needed to be directed to prepare a hillside and wash ordinance. In the meantime, we needed to go ahead with what we had and declare this section a public record as proposed in Resolution 2431.

Mayor Joens asked if any member of the public wished to speak regarding this matter. No one did.

Council Member Kirby moved to approve Resolution Number 2431. Council Member Elinski seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2431 by title only.

RESOLUTION NUMBER 2431

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THOSE CERTAIN DOCUMENTS ENTITLED SECTION 104. PLANNING AND ZONING COMMISSION, AND

SECTION 304. DESIGN REVIEW, PERTAINING TO THE COTTONWOOD ZONING ORDINANCE TO BE PUBLIC RECORDS.

ORDINANCE NUMBER 544—AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY DELETING SECTION 106., DEVELOPMENT REVIEW BOARD, IN ITS ENTIRETY; AND DELETING SECTION 104., PLANNING AND ZONING COMMISSION, IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 104. PLANNING AND ZONING COMMISSION; AND DELETING SECTION 304., DEVELOPMENT REVIEW, IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 304., DESIGN REVIEW; FIRST READING

Mr. Gehlert stated there were changes this ordinance aimed to accomplish by passing the design review process to the Planning & Zoning Commission, including designating that at least 2 members had design review backgrounds and that members who missed 3 meetings within a calendar year would be required to be reappointment by the Council.

Mayor Joens asked the City Clerk to read the first reading of Ordinance Number 544 by title only.

ORDINANCE NUMBER 544

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY DELETING SECTION 106., DEVELOPMENT REVIEW BOARD, IN ITS ENTIRETY; AND DELETING SECTION 104., PLANNING AND ZONING COMMISSION, IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 104. PLANNING AND ZONING COMMISSION; AND DELETING SECTION 304., DEVELOPMENT REVIEW, IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 304., DESIGN REVIEW.

ORDINANCE NUMBER 545—AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY AMENDING CHAPTER 2.56 PLANNING AND ZONING COMMISSION, SECTION 2.56.010 ESTABLISHED-COMPOSITION-MEMBERSHIP; AND SECTION 2.56.020 POWERS AND DUTIES; AND BY DELETING CHAPTER 2.60 DEVELOPMENT REVIEW BOARD, IN ITS ENTIRETY; FIRST READING

Mayor Joens asked if there were any public comments on this item. There were none.

Mayor Joens then asked the City Clerk to read the first reading of Ordinance Number 544 by title only.

ORDINANCE NUMBER 545

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY

AMENDING CHAPTER 2.56 PLANNING AND ZONING COMMISSION, SECTION 2.56.010 ESTABLISHED-COMPOSITION-MEMBERSHIP; AND SECTION 2.56.020 POWERS AND DUTIES; AND BY DELETING CHAPTER 2.60 DEVELOPMENT REVIEW BOARD, IN ITS ENTIRETY.

CLAIMS & ADJUSTMENTS

Council Member Elinski moved to pay the claims. Council Member Norman seconded the motion, which carried unanimously.

ADJOURNMENT

Council Member Kirby moved to adjourn. Mayor Joens seconded the motion, which carried unanimously.

The regular meeting adjourned at 8:25 p.m.

Diane Joens, Mayor

Marianne Jiménez, City Clerk