

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JUNE 9, 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 budget work session to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Marianne Jiménez, City Clerk
Rudy Rodriguez, Finance Director	Tim Costello, City Engineer
George Gehlert, Community Development Director	Dan Lueder, Utilities Director
Charlie Scully, Planner	Morgan Scott, Staff Engineer
Jody Fanning, Police Chief	Kyla Allen, Executive Assistant

ITEMS FOR DISCUSSION, DELIBERATION AND POSSIBLE DIRECTION TO STAFF:

PRESENTATION BY ED BANTEL FROM SOUTHWEST RISK REGARDING CERTIFICATES OF INSURANCE REQUIREMENTS FOR PUBLIC AND PRIVATE EVENTS HELD AT CITY FACILITIES

Mr. Bantel stated people had the idea when they came onto the City's premises when they're doing an event, that they were covered by the City's liability policy. That was not true. You can only cover the town, employees, and volunteers. When vendors came and did an activity or use your facilities, they needed to have insurance enough to cover that event. If they did not have that insurance, the City left itself very vulnerable. He had several programs in place to make the insurance quite reasonable for vendors. It was called the Tennant User Liability Insurance Policy (TULIP), and was developed through the National League of Cities. This was how it worked. You have a vendor who wants to use your facilities and who didn't have insurance. They could go on line, give our code, what they were doing, and obtain a premium which could be paid by credit card. They then got the \$1 million policy, and the City got a copy as well, automatically becoming an insured on the policy. Using a park for a wedding party of 75 people, would cost \$75 for a \$1 million policy. If they wanted liquor, the cost would be an additional \$75. He strongly recommended this type of insurance be used in such cases.

Mayor Joens asked if this was for Farmers' Market and that sort of thing.

Mr. Bantel stated, yes.

Mayor Joens asked if it was per event or for the whole season.

Mr. Bantel stated they could do whatever they wanted. He did not mean normal family use of facilities such as parks for kids' birthday parties or barbeques. He meant organized facilities, where there might be a large crowd, a band, liquor, wedding receptions, etc.

Mayor Joens asked what if the City was sponsoring the event like the Farmers Market. Did participants still have to pay for insurance?

Mr. Bantel stated yes. That was how insurance worked. You were covered. If they were too and someone slipped and fell, and they had insurance, it would cover the accident and you too. If they did not have insurance, your policy covered you but the claim went against you and it should not.

Council Member Elinski asked if we currently required concessionaires at the Farmers Market to have insurance.

Mr. Rodriguez stated currently we did not. It was something we were getting ready to work on because it was important to protect city assets.

Vice Mayor Pfeifer stated it was really difficult for a lot of companies to get additional insured people on their certificates. She recommended TUILIPS as beneficial to the people who want to use our facilities as well as to the city.

Council Member Elinski asked if it was the plan to have a form for this as part of the application for the Farmers' Market.

Mr. Rodriguez stated details would be ironed out at the next meeting with the Farmers Market group.

PROPOSED AMENDMENTS TO THE ZONING CODE REGARDING NEW DEFINITIONS FOR GROUP HOMES, BOARDING HOUSES AND SIMILAR SPECIAL NEEDS HOUSING TYPES

Mr. Scully stated this item was first presented to the Council last month. It had been considered over the past two years at many meetings by the Planning & Zoning Commission (P&ZC). It pertained to how the Zoning Ordinance addressed a variety of types of group homes which was not well covered currently by the Zoning Code. This would provide guidance for this type of home. One public concern has been group homes for the handicapped, particularly those for people in recovery from drug or alcohol abuse. These were covered under the Fair Housing Act which forbids discrimination in housing, including

people with disabilities. It specifically did not include people currently abusing drugs or alcohol or those convicted of their illegal manufacture, sex offenders, juvenile offenders or people with severe mental illness. Others with physical or mental handicaps or behavioral disorders were allowed to live where they wanted without regulation. There was no State license required for recovery homes. Registration was permitted. There were spacing requirements to be maintained between such facilities, and clustering of such facilities was not thought desirable.

Council Member Pratt stated this was very comprehensive and made sense.

Council Member Smith stated that any group by keeping their numbers to 10 or less would be regarded as a family and would avoid regulation by the city. There would be no one checking, or allowed to check on these facilities. There would be no requirement to declare the business, because any ten people could be considered a family.

Council Member Kirby stated whether you talked about a boarding house or a group home, or a correctional transitional facility, they were all the same thing. You couldn't ask what people's handicap was, you couldn't register what the handicap was and you couldn't know what the handicap was. What you got, boiled down, was boarding houses.

Mr. Scully stated the only issue was you could not have someone connected with controlled substances.

Mayor Joens asked how much information could be legally asked about a disability.

Mr. Horton stated in the context of a particular use that we believed pertained to the Zoning Ordinance, we could, as part of the investigation, ask the operator, owner, or landlord of the facility to provide us with information that would show either that the use followed the Zoning Ordinance or they were entitled to an exemption from that ordinance under the Fair Housing Act provisions. As a part of the generic registration process it would be inappropriate to extract a great deal of calculated information.

Further discussion touched on the nature of a family, what could be done about complaints against such a facility, and living conditions in such facilities.

Vice Mayor Pfeifer stated she did not see a whole lot of protection for tenants here.

Mr. Scully stated the Rental Code limited inspections to those where we were invited in. There were no standards for boarding houses. There were parking requirements. Mayor Joens asked if it was correct that ten people could move in together, call themselves a family, and that would not be considered a boarding house.

Mr. Scully stated you could have as many as the Building Code allowed living together. Since we didn't now have any laws, what this tried to do was get the tightest possible approach that we could. We would see what happened. We would have a way to track it

and be able to deal with issues as they arose.

Mayor Joens stated if there were impacts to the neighborhood, there were things we could do.

Council Member Pratt stated if people were supervised there would be some accountability.

Council Member Smith stated families had no supervisors.

Council Member Pratt stated if the Probation Department was doing the supervision there would be some accountability.

Mr. Scully stated we had no way to track that. Once something was adopted we could say we had an ordinance with which people had to legally comply.

Mr. Horton stated there was a difference between the probationer model, which would be a rooming house, and a family of unrelated persons living together in a single house. If it were an enterprise accepting referrals, it more closely resembled a boarding house than a family dwelling.

Mayor Joens asked if anyone from the public wished to speak. No one did.

Mayor Joens stated direction was to proceed with any changes and for it to be brought to the Council for consideration as an ordinance.

PRELIMINARY DESIGN CONCEPT FOR THE STREET IMPROVEMENTS TO WEST MINGUS AVENUE FROM 89A TO WILLARD STREET

Mr. Costello stated a neighborhood meeting was held last week regarding this project. There were no major concerns. A plan for access to businesses during construction was not yet finished but access would always be made possible.

Mr. Jim Bennett, of SWI, gave a presentation showing drawings of the 2,500 foot long, 80 foot wide section of roadway on the Nackard property which would be the latest segment of improving Mingus Avenue. The alignment would remain the same but it would be repaved with a center turn lane. Mr. Nackard had requested any additional right-of-way to be taken come from the north side, when the time came for negotiating that. The roadway would include curb and gutter, bike lanes, and a center turn lane. It could all be fit into the existing 60 foot wide right-of-way, if necessary, though 80 feet was preferred.

Council Member Elinski asked if negotiations for additional right-of-way would occur as properties along the road began to be developed.

Mr. Costello stated, yes.

Council Member Elinski asked if we ever envisioned another lane there.

Mr. Costello stated, not at this time but we wanted additional right-of-way to allow for possible future expansion.

Council Member Kirby asked how wide the travel lanes and left turn lanes were.

Mr. Costello stated the travel lanes would be 11 feet wide and the left turn lane 12, with 5 feet for each bike lane.

Mayor Joens asked if the developer would pay for any of the sidewalks.

Mr. Costello stated that was one of the questions we had. There were no plans for immediate development, especially on the north side.

Vice Mayor Pfeifer asked if we had talked to Mr. Anthony Lozano about the right-of-way on his property.

Mr. Costello stated, no. First we wanted to complete this step and have the Council's approval for the design before going ahead with other issues.

Mayor Joens asked if anyone from the public wished to speak. No one chose to.

Mr. Bennett stated that regarding the intersection at Willard and Mingus, a four-way stop with four lanes was considered unfeasible. The alternatives were either a traffic light or roundabout. A traffic light would increase the intersection's capacity by about fifty percent and maintain viable traffic flow for 10 years. A roundabout's capacity would be double that and give viable capacity for 15 years. A light would cost \$100,000 for equipment and the same amount again for installation. A one lane roundabout would be more cost but give more serviceability. Now, during the design phase, was the time to consider options for the acquisition of the additional right-of-way needed with either option, so that implementation could more easily occur in the future when feasible.

Council Member Norman asked if school busses could get through the roundabout.

Mr. Bennett stated a semi-trailer could negotiate it. Part of the \$20,000-\$50,000 additional costs included pedestrian safety islands which were absent in the traffic light configuration.

Mr. Costello stated there was no money budgeted for this aspect of the project.

Mr. Scott stated two alternate designs had been prepared. He asked if the bid documents should include sidewalks, curbs, and gutters as a bid alternate, and if it should be done now or later.

Council consensus was for the project to be completed with sidewalks.

Discussion followed regarding the idea of trading the 1.4 acres of well sites for an equal amount of right-of-way.

Mr. Lueder stated the cost of dismantling and moving the existing storage tanks was as much or more than constructing new ones. Current construction would result in the abandonment of that site by the end of the year. Trading properties would pose no operational issues.

Council consensus was we should try now to obtain all the right-of-way we needed to complete the street. Negotiations should be commenced to determine what the land owners wanted.

REORGANIZATION OF CITY DEPARTMENTS

Mr. Bartosh stated this had been discussed once before. Since the last meeting, meetings with staff had been conducted, particularly with those staff members who would be moving to Development Services: Public Works, Park Maintenance, and Planning. We were at the point of moving forward. There were associated costs with the creation of managers for the new areas of about \$45,000. There would be resultant savings of \$250,000, not all due to the reorganization. The arsenic manager would save about \$130,000. The utilities engineer would save a minimum of \$100,000. The change of the Human Resources Director position to that of a manager reporting to the Finance Director had saved \$40,000. This plan would not happen overnight. It would be implemented over a period of six to twelve months. There were accompanying slides projected to illustrate the main points. He continued, changes needed to be made to try to create more efficiencies and to make sure processes worked for the citizens and staff as well. Streamlining of reporting and accountability was part of the reorganization's purpose, so that not all decisions had to be made at the director level but could be made by managers. For example, he currently received 16 direct reports, some from people he never saw. One of the critical things in customer service was responsiveness. He wanted to make sure he had mechanisms in place to make sure we always responded. Another concern was coordination of major infrastructure projects. Everyone impacted by such a project should know what was going on and have input to help ensure it was the best project that it could be. So too, we needed to make sure the right people were managing the projects. Developers should have one stop shopping as far as paying fees. They should not have to go to Planning & Zoning to pay some fees, and Utilities to pay others. The idea was to economize. We were looking at having a facility that housed all those functions. We hoped to avoid layoffs by maximizing the money we had. Job descriptions would be redone and reviewed so that when a compensation study was done accurate comparisons with other cities could be made. Sixteen departments were being consolidated into six areas which reported to him.

Mayor Joens stated the Code would have to be changed for the Library position.

Council Member Smith stated he wanted the City Clerk to report directly to the City Council.

Mayor Joens stated she had sent an e-mail for that to be discussed.

Mr. Bartosh stated staff had indicated a preference for the opportunities this plan presented for cross-training and advancement within the organization.

Council Member Elinski asked if the attrition savings presented were due to staff's dislike of the plan.

Mr. Bartosh stated most were for normal retirement since this was an aging organization but one employee did threaten to resign if the plan was implemented.

Council Member Pratt stated it was important for the Council to give him the trust he needed to implement the plan. Adjustments might be necessary and Mr. Bartosh had recognized that.

Council Member Elinski stated he had concerns about the minimal amount of opportunity for promotion.

Mr. Bartosh stated this created opportunities for staff to advance to higher levels. It provided opportunities for cross-training and obtaining certifications.

Council Member Elinski asked what his role would be in creating job descriptions for the new positions and how the hiring process would go. Would they be opened up for internal advancement first?

Mr. Bartosh stated he would base his decisions on what he saw as a person's ability to do the job. He did not see it as a competitive process but as rewarding people who had done a good job and had the skills to be able to fulfill the requirements.

Council Member Elinski stated Mr. Lueder ran a department that was based off enterprise funds. He was concerned that he was a self proclaimed bully and although that worked in an enterprise situation, putting him over other departments that didn't turn a profit was worrying.

Mr. Lueder stated although he was now in utilities he has been in government for 34 years and been a department head over parks and recreation, building, public works, streets, and sanitation. He had been asked to help, and undertake a challenge. He resented the public image that he was a bully and an intimidator and did not manage that way. If it was thought he was not the right person for this job, at least don't toss the idea.

Council Member Elinski stated being tough in contract negotiations was what was needed. But putting those criteria over another department was his concern. He asked if Mr. Lueder felt he could do it since not every department was run the same way.

Mr. Lueder stated the Mayor and City Clerk, when she was Acting City Manager, had seen him deal with annexation issues and contract issues. He modified what he did based on what needed to be done. He had been successful throughout his career in getting a consensus. The bottom line was he was asked to step forward and he had done so. Part of what you paid him and every other department head was to get the best value for the City. He had no concerns that he could do the job and bring the staff around to that way of thinking.

Council Member Elinski stated he had brought his concerns up because of what he had heard from others and what he himself had thought of. It was his job to express those concerns. One other concern he had was the cross training of the animal control officer as an enforcement officer. He currently drove a police vehicle and wore a police uniform. The impression was that he is a policeman. He was concerned that if a code enforcement officer were to cite someone while wearing that uniform the perception would be that he was a policeman. Something should be done about the uniform to make his appearance less intimidating.

Chief Fanning stated the animal control officer's uniform was different from the police. The idea behind the uniform was professional appearance. The wording on the vehicle could be changed to read "Ordinance Enforcement". The uniform should stay to keep the image we were trying to portray.

Mr. Bartosh stated he too had heard some of that from people who were misinformed and said the enforcement officer would be searching houses for code violations. Personal interactions accounted for 95 percent of it. On the other hand, we had heard from people in Planning regarding code enforcement who felt insecure approaching some houses. Sometimes the uniform could be a benefit in that people saw the authority and decided to comply rather than confront. If there was confrontation the enforcement officer had easy access to the police department. It was a matter to be looked into.

Council Member Elinski stated some enforcement officers in other cities carried weapons and he didn't want to see a uniformed officer telling someone to mow their grass.

Chief Fanning stated they would not carry weapons. If there was a situation of removing a troubled dog from a troubled owner, police officers would come to assist.

Mayor Joens stated Council Member Elinski's concern was that citizens had rights and should be treated respectfully.

Chief Fanning stated it would be difficult to find anyone who had ever complained about Mr. Ponce. He would specialize in animal control and the other position in code enforcement. Mr. Ponce would be back-up and cross-trained to cover code enforcement during vacation periods or time off.

Mayor Joens asked if there would be weekend coverage.

Chief Fanning stated, yes, 24/7.

Council Member Smith stated he would like it on the record that he had had many, many conversations with Mr. Lueder before in Planning and Zoning and as a private citizen, and he had never incurred anything that was disrespectful or suggested he was a bully. All he had ever heard was what a great job he was doing. He had dealt with him on the Planning & Zoning Commission. He felt very strongly that Mr. Lueder was stepping right up to the plate. He would endorse him wholeheartedly.

Mr. Bartosh stated with regard to the Code Enforcement Officer II, we were first and foremost a value driven organization. Our first value was we treated people with respect and dignity. We were going to a more pro-active approach with code enforcement. In the past we have only responded if there was a complaint. Now, if we saw a problem we would take action before there was a complaint, whether it was graffiti, weeds in the yard, or broken down cars. We really wouldn't get a handle on blighted areas if we didn't take a more pro-active approach.

Mayor Joens stated she was proud of staff because they did treat people with respect.

Council Member Kirby stated he supported Council Member Smith's suggestion to move the City Clerk to be directly under the Council.

Mayor Joens stated her research showed that many cities were organized that way, including Prescott, Prescott Valley, Florence, and Scottsdale. If we went this route, she thought the Clerk should be offered a contract similar to one that was offered the City Manager. Not every city did that but it would provide the Clerk some protection. She asked what kind of duties would be included. The Clerk ran the meetings, the elections, took care of Council needs, and delegated tasks to others.

Council Member Pratt stated we could check the job descriptions of those cities that had their clerks reporting directly to city councils.

Vice Mayor Pfeifer stated it would help the City Manager's Executive Assistant too if the Council were to be able to go to the Clerk for its needs. It might also allow the Clerk time to participate in continuing education classes the way other employees are able to.

Mayor Joens stated this would actually add to the Clerk's work load. To allow time for continuing education we would have to ensure there was coverage for any time she was gone.

Council Member Kirby asked if there was a job description for the Clerk.

Ms. Jiménez stated there was and she distributed a handout for the Council including excerpts from the City Code regarding the City Clerk's powers and duties. Also included was

the State statute regarding appointed officers, one of whom was the City Clerk. There was a list of general duties of city clerks nationwide. It was fifty-fifty ratio for city clerks serving directly under city councils or city managers. Several decades ago Cottonwood's Town Manager also served as the Town Clerk. As the town grew, two positions were created. Across the board, the duties of the Clerk were working with the City Council, preparing agendas, preparing and posting notices, preparing the minutes, being the official record keepers for the city, attesting the mayor's signature on all records, running elections, preparing ballots and publicity pamphlets, and managing all the city or town's permanent records.

Mayor Joens asked, what if Council Member Norman was working on NAIPTA and needed a letter and asked you for her help? Or I did? Or our travel plans? What did you see the Clerk's role in those types of things?

Ms. Jiménez stated in the past the City Clerk had assisted the City Manager, the Mayor, and the City Council. The current City Manager saw the need for an assistant and part of the job description for that assistant was to assist the City Council. That was when some of the things the Clerk previously had done for the Council had been given over to the Executive Assistant such as travel, setting up meetings and Coffee Talks. Those used to be the duties assumed by the Clerk. Tasks changed with new mayors and council members. The former mayor had the Clerk set his schedule, received his e-mail, and write his correspondence. It depended on the council in office at the time. There was an ebb and flow of duties. Some cities and towns specifically stated the Clerk was the Secretary for the Council. It also depended on staff size. In some cities and towns the mayor and council had their own secretary, as did the city manager. Each city was different.

Council Member Smith stated the Clerk should be directly under the City Council. He approved of the rest of the reorganization.
Mayor Joens stated the Executive Assistant had helped her and done a wonderful job. It would still take teamwork.

Mr. Bartosh stated this would not change the way we operated at all. It was time to discuss how best to divide the different functions. The other thing that he was committed to was trying was to try to find a way to fund a full time receptionist.

Mayor Joens stated she would like to bring that up to the Council. For years the administrative services office of the city had operated on a shoestring. The Town Clerk's office in Camp Verde had four employees. Clarkdale had more than two, or used to. It seemed the Council needed to accommodate that office. The assistant city clerk was the receptionist. That was difficult and left the Clerk covering for lunches. We paid the Clerk a lot of money to cover the lunch period. Paying someone less money for coverage would allow her to get her work done.

Council Member Elinski stated he could see us doing that after we had done a compensation study. He realized it was important to bring on a receptionist, but there was a

hiring freeze now and to bring on someone new and not bring up anyone else's pay might not be so good.

Council Member Pratt stated he supported having the City Clerk report to the Council and he would like to see a full time receptionist which would allow the City Clerk to train her assistant which she couldn't do now because he acted as a receptionist.

Ms. Jiménez stated training the deputy had been difficult. The purpose of a deputy clerk was to step in to cover and assume the duties of the city clerk when she was unavailable or out of the office.

Mr. Bartosh stated we were doing double the meetings done in the past. The other change would be to separate the City Clerk's budget from that of the City Manager.

Vice Mayor Pfeifer asked if the Finance Director should be consulted about this.

Mr. Rodriguez stated the separation was fine. Adding a staff member should be postponed until we saw how we were doing under the new budget.

Mr. Bartosh stated it would not be an additional position. We would try to find this from within if we could. If we couldn't find it from existing resources, then we would come back next year, or mid-year and talk to the Council about it.

Mayor Joens stated there might be a position in another department that might not be needed or needed as much as this was, so we could accommodate this need. When you brought in your executive assistant or when the assistant city manager changed to natural resource director, there were not big impacts.

Council Member Kirby asked why we could not have Ms. Yeager fill the position since she was already trained, having worked part-time.

Mr. Bartosh stated that was a possibility. It was a matter of finding the money to do it.

Mayor Joens asked if it was unanimously felt that the Council desired to place the City Clerk under the Council and the consensus of the Council was yes.

Direction was given to the Clerk, Manager and Finance Director to look at some of the ideas of how we could come up with a receptionist and have a solution for this budget.

Mayor Joens asked if the Council supported the other reorganization.

Council Member Pratt stated he did. It was important to trust the City Manager.

Council Member Kirby stated he would be watching things very carefully.

Council Member Elinski stated he supported many elements but had great concern about it as a whole.

Vice Mayor Pfeifer stated her concerns had been changed to support.

Council Member Norman stated her concerns had also been changed to support. She liked the idea of taking it slowly.

Council Member Smith stated he supported the changes.

Mayor Joens stated she had had serious concerns. The fact was that Mr. Bartosh had gone back to staff, tried to get their buy-in, and explained the reasoning after a year of evaluation. And there was the example of his reorganization of the police department to support his judgment. She still had some concerns and expected, as concerns were shared, changes would be made as necessary to make it work best to serve the citizens while being respectful of staff.

The general consensus of the Council was support with reservations and direction was to make it work well.

ADJOURNMENT

Council Member Smith moved to adjourn. Council Member Kirby seconded the motion, which carried unanimously. The work session concluded at 8:44 p.m.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a work session of the City Council of the City of Cottonwood held on June 9, 2009. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date