

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 13, 2009, AT 6 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the 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	A. Douglas LaSota, Magistrate
Steve Horton, City Attorney	Gary Eisenga, Police Commander
Jon Rolph, VISTA Housing Rehab Program Manager	Charlie Scully, Planner
Kyla Allen, Executive Assistant to the City Manager	Richard Smith, Deputy Clerk

PROPOSED ESTABLISHMENT OF A HISTORIC PRESERVATION PROGRAM FOR THE CITY

Mr. Gehlert stated staff had examined the mechanics of a historic preservation program for the City of Cottonwood. Mr. Rolph had been looking into financial opportunities that could be part of that. Staff and citizens had expressed an interest in such a program. Nine years ago the City created a Historic District, and obtained such a state designation in May 2000. A number of studies had documented the existence of historic structures in the city, some of which were referenced in the Council packets. A number of those structures had already been lost. The city's General Plan supported the notion of historic preservation. It addressed older areas of the city as being beneficial and contributing to a sense of community. The function this evening was to determine the level of interest and whether the Council wished to pursue the subject, and if so, how far. He stated it could be a full blown program or some kind of a plan that involved additional codes that would have an impact on development or it could simply be the assembling and staffing of a commission with the time and cost that it entailed.

Mr. Scully presented a PowerPoint depicting Old Town and its older structures. The majority of residents were not native to the area and there was a question of what history meant to people. The question was whether to involve local government in some role in historic preservation. An inventory was done 25 years ago of historic buildings and structures in

Cottonwood, at least 50 years old, which showed 87 buildings or structures that were significant enough to warrant more research and 49 that met the age requirement but didn't otherwise qualify because of alterations. A new inventory was needed since in the intervening 25 years many of these buildings had disappeared. The criteria were an age of at least 50 years and significance in architectural quality, or its association with a personage, or an important event occurring at the site. One goal could be to get properties listed on the National Register of Historic Places which was a federal program and a part of the National Park Service. Also, every state had a state historic preservation office (SHPO). The representative from Arizona's SHPO was scheduled to talk tonight about its programs but had been prevented from coming due to an injury.

In 2000 the Cottonwood Commercial Historic District was established, comprised mainly of the commercial properties fronting Main Street between the two stone bridges in Old Town. It was important to understand that being in a district or being listed on the National Register by itself did not place any restrictions, rules, or guidelines on any property. What could be done was to enact ordinances locally which would require holding public hearings and then setting standards or guidelines.

One of the programs available was to help local communities with the goal of knowing what was here, protecting those resources, and helping property owners through a Certified Local Government Program (CLGP). It was authorized through the National Park Service and through the SHPO. There were criteria which it was necessary to meet to become part of that program. CLGP was a national program with over 1,600 participating communities, 28 in Arizona. There was an application process through the state office. They provided set-aside funds and there was technical assistance available. It was up to each city to decide how exactly to craft their application. Several things were required to get in this program. We would have to appoint a historic preservation commission, have a program to identify ongoing historic properties, and have an ordinance to deal with this. There must be ample opportunity for public input throughout the process. A commission would have 5 or 7 members. If there were plans for development and renovation in the historic district, the commission would review those plans as well as lead advocacy and promotion.

The Council Chambers building was in the district and listed on the national register. The Civic Center was not listed because at the time of the listing it was not yet 50 years old but it could now be listed. There were federal funds and state heritage funds available. City Hall and the old post office were already 50 years old but were not usually thought of as historic.

Council Member Kirby asked about some buildings that went back a ways but had been renovated to the point where the original couldn't be recognized. One of those was where the Senior Center now is.

Mr. Scully stated the old school building was one of the great structures in town and was still in use. There was an understanding in historic preservation that buildings evolved and it caused debate among preservationists. The smelter machine shop (Senior Center) may still qualify even though it may not meet specific criteria, but it had historic context. There were

ten buildings currently listed on the national register. Two were houses that had since been demolished, one here in Old Town. There were five or six in the complex of the old United Verde Extension administrative center and there were a number of interesting houses that were well maintained in the Old Town area.

A discussion ensued using the demolished Stromm House as an example of the cost of bringing back to life old structures.

Council Member Elinski stated the City should have some financial capability to be able to purchase homes, or at least sway a decision. The Stromm house was one of the most significant residential homes in Cottonwood. They had a report that said it would be difficult if not impossible to restore it, but it was always possible to restore structures. He had gone through it and believed it could have been restored. It was just a matter of money.

Council Member Kirby stated we needed to consider providing some kind of a basis of funding for the preservation of historic structures. There were times when people just couldn't afford to do it by themselves and we would be able to offer assistance.

Council Member Elinski stated it was important to get involved in the CLPG. The City needed to be able to put up some money in such a situation as the Stromm house.

Mr. Scully stated there could be other matching funds through other programs when they were refunded. There may be something so significant we could tap into federal funds instead of the heritage funds. That would be something to review through this process with a commission that could find out what all the options were.

Mr. Rolph stated there was pending federal legislation that would allow federal tax credits now for the rehabilitation of historic homes. Right now there were tax credits for commercial buildings and there was a reduction in state property tax for historic districts.

Council Member Smith asked why not proceed to give staff direction to go ahead and continue on with this and establish a commission.

Ms. Helga Freund, of Cornville, stated she had been Main Street Manager when the Historic District was established. She encouraged the Council to consider this proposal seriously. It might be possible to have on the books that any house that was abandoned for a certain number of years, the City could do something about it. There was a study done of every building in Old Town which the City should have a copy of, by Pat Stein in 1999. He had identified each building, which ones were historic, or would contribute to the historic district, and which ones had too many renovations to be covered. Since that time there had been a number of renovations and changes. Some of those buildings no longer qualified. The City could encourage store owners, if they were going to renovate, to try to do it on a historic basis so they wouldn't lose their historic status. There were ways the City could pass some laws to be a little bit more strict regarding the adherence to maintaining the historic district.

Mr. Scully stated the inventory was on file at Planning & Zoning.

Council Member Elinski stated he was really interested in pursuing this. He was willing to assist in making it happen, to get an *ad hoc* group together that would not require Council appointment right off. It would gauge public opinion and determine if the community wanted a full blown commission. He was willing to work with staff to try and make that happen.

Mayor Joens asked how the Council felt about this and if Council Member Elinski would report back to the Council in two months.

Council Member Elinski stated, he would, prior to the holidays.

Mayor Joens stated she really liked the idea of the commission and would be willing to give Council Member Elinski a couple of months to get some citizens together and, if the City Manager approved, work with staff and continue on. The direction she was heard from the Council was Council Member Elinski and the City Manager would work together to get a citizens group together and that Council Member Elinski had been attempting this past year to get direction from citizens, and would use this background information as a tool.

Council Member Elinski asked if it would still be possible to set up a meeting with the SHPO.

Mr. Rolph stated he would assist with that.

PROPOSED AMENDMENTS TO SECTION 407., LANDSCAPE REQUIREMENTS, OF THE ZONING ORDINANCE

Mr. Gehlert stated it had already been several months since the Planning and Zoning Commission (PZC) recommended approval of a series of amendments to the Landscape Code which was a portion of the City of Cottonwood Zoning Ordinance, specifically Section 407. Simply put, the old Landscape Code was replaced with something new that was intended to be far more conservation friendly in terms of water use. It also dealt with intelligent ways of using landscaping. The new Code basically identified a couple different biomes in the City: one being the riverside area, and the other (all the rest) Upper Sonoran chaparral. The recommendations were an attempt to make more intelligent use of landscaping on sites.

The old Code established a kind of ratio between plant counts and the size of the property. Now we look more along the lines of the streetscape itself and how to make good use of landscaping between buildings, islands, the parking lots, and how to break up masses of pavement, and so on.

The new format looked at more of the actual conditions of a site. It also broke out the plants a little bit into native and non-native species. The new plan made sure that people didn't plant riparian plants in areas that required a lot of irrigation.

Mayor Joens asked if the trees actually did cool heat islands.

Mr. Scully stated, overall, yes but there had to be the right kind of shade cover with a minimum growing area to prevent roots from getting cooked. The whole point of having landscape was to provide a quality environment. Landscaping would be part of the design review process and would not just be formulaic, and water conservation had to be a key part of this whole strategy.

Council Member Smith asked if this was going to apply to home owners.

Mr. Scully stated only if you were in a Planned Area Development that has its own landscape plan.

Mayor Joens stated the CEDC had a committee on sustainability which she and the City Manager were members of. One of the things the committee was charged to do in the next year was to create policies that protected the Verde River. Rainwater harvesting might be something to bring to Council to talk about and to discuss a policy for protection of the river.

Council Member Smith asked if some of the master gardeners had helped with this plan.

Mr. Gehlert stated it had been sent to a number of professionals; the plant nursery, the cooperative extension, the master gardener program, which in turn sent it to all its members in Yavapai County. They got responses on particular plant issues.

Council Member Pratt expressed his support of the policy and its water conservation measures.

Mayor Joens stated we would be bringing things to Council before the year is up. She was hearing from Council it was a good thing, and it was time to move forward with it.

ESTABLISHING A DIVERSION/DEFERRED PROSECUTION FEE FOR THE MUNICIPAL COURT

Judge LaSota stated the money that was spent on the hourly rates with the prosecutor's office and with staff costs needed to be assessed. They were assessed in most of the other Verde Valley justice courts and city courts, as well as most courts in Maricopa County. Most of these cases were for people who were in fact guilty and should have some punishment more than just the \$10 surcharge court enhancement fee. What a lot of the other courts were doing was imposing \$185-\$200 diversion fees. Ten dollars would go to the court enhancement fund fee, \$5 would go to the state, pursuant to 12-114 which was a surcharge for the administrative office of the courts for their judicial enhancement fund fees. Basically, out of every assessed \$200 diversion fee, \$185 would go to the City, \$10 to the court as the court enhancement fund, pursuant to the City ordinance, and \$5 to the administrative office of the courts. Now, the appropriate fee would be around a \$200. It would give some room to grow into the future and account for inflation without the Council's

need to amend it every year or two.

Mayor Joens asked if this would be a way for users of the services of the court to help pay for expenses.

Judge LaSota stated, yes. If there were a diversion program that made someone go to an alcohol abuse class or something like that for 8 hours there would be an \$18.40 charge imposed, \$10 of which went to the court fund and \$8.40 to the state.

Council Member Smith stated he was all for it.

Council Member Pratt stated it was a good idea. People should have to pay for the court's time. Deferred prosecution was good, but people creating the need for it should pay, not tax payers.

Mayor Joens stated it seemed like it was another way to show consequences for behavior. The Council's direction would be to proceed and bring this back for the first reading of the applicable ordinance.

PROPOSED REVISIONS TO TITLE 10 OF THE MUNICIPAL CODE, CONCERNING PARKING, TOWING AND IMPOUNDMENT OF MOTORIZED VEHICLES; ABANDONED/INOPERABLE VEHICLES; CIVIL TRAFFIC REGULATIONS; THE USE AND REGULATION OF ALTERNATIVE MOTORIZED AND NON-MOTORIZED VEHICLES SUCH AS BICYCLES, SKATEBOARDS AND OFF-HIGHWAY VEHICLES; AND OTHER RELATED REGULATIONS

Commander Eisenga stated currently definitions in our Code regarding parking were very vague. There was no heading with definitions similar to that found in the A.R.S. for the State Statutes. With regard to private and public streets there was some confusion about enforcement. Currently police could not enforce criminal acts on private streets even though they might be open to and used by the public. To clarify issues like what constituted a public street or private street, definitions had now been created. This would allow consistent enforcement.

Council Member Smith asked if an officer saw a stop sign violation in Cottonwood Ranch could he go ahead and issue the driver a ticket.

Commander Eisenga stated, yes, those were dedicated city streets.

Council Member Smith stated the CCR's directed homeowners could not park on the street in front of their home for more than 24 hours. He asked who had authority if it was a dedicated city street.

Commander Eisenga stated the city could enforce the parking infractions contained in its Code. It would not enforce the homeowners' association rules. Whatever group was there would be responsible to enforce those regulations.

Council Member Kirby stated he lived in Pine Shadows with all private streets. There were stop signs and speed limits which were very rarely observed by anybody. He asked who was responsible for enforcement if there was no property owners' association.

Commander Eisenga stated it was difficult in such areas. The proposed changes would also allow the city to do enforcement in those areas. If they were open to the public, police would be able to go in and enforce traffic rules. Gated communities would be exempt.

Council Member Pratt stated parking violations had certain distances from intersections designated and asked about how that might be applied in Old Town.

Commander Eisenga stated most of those distances were the same as elsewhere and they followed A.R.S. statutes.

Mayor Joens asked that he explain OHV licensing and where they were and were not permitted.

Commander Eisenga stated under the new law for OHVs, now any dirt bike, not just enduro motorcycles with or without headlights, had to have a registration plate even if the majority of its use was off road. Equipment standards were per A.R.S. statutes. In the third paragraph where it said "off limits area designation" at the bottom of page 18, the City would designate off limit areas by approving a map delineating those areas by resolution of the Council. There were going to be areas where we didn't want off road vehicles such as in State Trust lands and the lands the City intended to annex. Those would have to be marked out by your Zoning Department.

Council Member Kirby asked if they were going to have to license golf carts.

Commander Eisenga stated his understanding was they probably would.

Mr. Horton stated he would have to look into it if they were operating on public streets.

Commander Eisenga stated they were now operating on private streets but they were subject to our Code. Off highway use defined the vehicles which were specifically designed for off highway use and a golf cart might not fit that definition. It might apply if private roads were included in the city's enforcement.

Council Member Smith asked how it would be enforced if there were private roads, as in Pine Shadows, and there were golf carts and they had to be licensed.

Commander Eisenga stated the definition that we had for private roads would allow us to enforce things that were in this Code on any private road that was open to the public.

Vice Mayor Pfeifer stated insurance offices were having a hard time with off highway

vehicles. They were saying they had to be registered for roads but some insurance companies would not insure them if they were registered for roads, but some companies would not insure them if they were registered for roads. A lot of it was because even on private roads one sometimes had to cross a public road if only to get to the other side of a golf course. A lot of people were confused because they said they had to register them to have a title and yet insurance companies were saying they could not be insured if it was registered for on the road.

Commander Eisenga stated they were specified through the MVD as off road vehicles. There was a designated tag that specified that. Their equipment was minimal compared to what was needed for on-road vehicles, so they were specifically registered as an off-road vehicle and were not to be operated on roadways. Just because they had a headlight or even turn signals, they were still designated as off road vehicles.

He had passed out copies of Prescott's fines. Sedona had parking violations at \$82, handicapped parking violations were \$97, and any violation not listed on their schedule was \$77. There was nothing set now for Cottonwood for parking violations. At the bottom of the fine schedule he had \$40 for the presumptive fine for anything not listed, that may not quite be enough.

A discussion ensued about allocations of funds resulting from fines which would be \$10 to the court, 84 percent surcharge to the state and the balance to remain for the City.

Mr. Horton stated he would want to write the City ordinance to assess the City fines and let the Statute operate.

After further discussion, the Council's direction was to proceed and bring it back in the form of an ordinance for Council discussion and public input.

ADJOURNMENT

Mayor Joens moved to adjourn. Council Member Kirby seconded the motion, which carried unanimously. The work session ended at 8:13 p.m.

Diane Joens, Mayor

Richard Smith, Deputy Clerk