

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MARCH 16, 2010, 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  
Tim Elinski, Council Member  
Duane Kirby, Council Member  
Linda Norman, Council Member  
Darold Smith, Council Member

COUNCIL MEMBER ABSENT

Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Marianne Jiménez, City Clerk  
Steve Horton, City Attorney  
Kyla Allen, Exec. Asst. to City Manager

Dan Lueder, Utilities Director  
Tim Costello, Public Works Director  
Jody Fanning, Police Chief

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by J.C. Lawler, a sophomore at Mingus Union High School. Mayor Joens presented J.C. with a certificate of appreciation for his participation.

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 passed around a sample of the signs that were to be placed above street drains so people would know they should not pollute them because they drained into the Verde River. This was an item on the Council's Strategic Plan. Notification had been received that on April 11 a new wine tasting room, Arizona Stronghold, would hold a grand opening, and they were hoping to show the documentary, *Blood into Wine*, at the Civic Center. By that time there should be a second wine tasting room by Pillsbury Winery at what was formally Little Lisa's. He reminded everyone about the employee/volunteer celebration which was planned for March 26 at the new recreation center at 1 p.m.

Vice Mayor Pfeifer stated the March Against Meth parade would be held March 27 at 10 a.m., starting at the Middle School. There would be free hot dogs and hamburgers for the public and other activities at Riverfront Park after the parade.

Mayor Joens stated the Mingus Union High School car show was that same day.

Council Member Kirby stated the results of the Area Agency on Aging planning session for the future and a hearing on the results of that planning session would be held in Prescott Valley on Wednesday, March 24 at 10:30 a.m. at their civic center. This would be a hearing to determine how people felt about the plan which they had made and was considered very important as it was a major function of NACOG.

Council Member Elinski announced there had been another historic preservation meeting and Mr. Frankeberger, State Historic Preservation Officer, attended. It was very educational and informative and it was thought that a historic preservation commission would soon be formed.

Mayor Joens stated she had attended on March 1 the Governor's blue ribbon panel on water sustainability. There were five different committees and if any Council Member was interested in serving on one to let her know. These were: public participation, public perception and acceptance, regulations and permitting, infrastructure retrofit, water conservation recycling efficiency energy nexus, and economic funding. Tomorrow there would be a meeting of the Yavapai County Water Advisory Committee at 2 p.m. here in Cottonwood. The Verde Watershed Association would meet at 10 a.m. in the County building to discuss the Wild and Scenic River designation for the Upper Verde River. The Pine Shadows Coffee Talk would be held April 3 starting at 8:00 a.m. She also reminded citizens to fill out their census forms and the importance of it to their community since the distribution of federal money was based on census returns to direct funds to communities. She, Mr. Bartosh, and Ms. Allen were interviewed on "Inside the City" to talk about the census.

Mr. Bartosh stated after "Inside the City" there was an interview with Tim Costello and Mr. Al Gradijan about roundabouts and the airport, as well as the new airport appreciation day that was called Air Fest that would be held October 16.

Mayor Joens stated another event on March 20 was March a Mile for Meals at the Senior Center. Friday, Saturday, and Sunday would be the days of the Fly Wheelers Show at the fairgrounds and Ms. Allen would be there with census information.

#### CALL TO THE PUBLIC

Mr. Al Gradijan stated he and his wife had taken a tour of the new recreation center and were blown away. He thanked everyone that was involved and stated they did a great job.

#### PROCLAMATIONS—RED CROSS MONTH & SUBSTANCE ABUSE AWARENESS MONTH

Mayor Joens read a Proclamation declaring March 2010 as Red Cross Month in Cottonwood and presented the representative from the local Red Cross, Laura Sutton, with the Proclamation.

Mayor Joens, with the assistance of Vice Mayor Pfeifer, read a Proclamation declaring April 2010 as Substance Abuse Awareness Month.

INFORMATION REGARDING THE VERDE VALLEY LEADERSHIP—CLASS III LEGACY PROJECT AT THE BOYS & GIRLS CLUB

Ms. Allen informed the Council that the Verde Valley Leadership Class III of which she had been a member, had decided to create a community legacy project to memorialize their class. The project decided upon was the placement of a gazebo at the Boys & Girls Club.

APPROVAL OF MINUTES—Special Joint Meeting of 8/14/09, Work Session of 10/13/09, Council Retreat 10/29/09 and Regular Meeting of 3/2/10

Mayor Joens stated she had one possible correction on page 10, fifth paragraph, of the August 14 joint meeting minutes where it stated, “Mayor Joens stated she would like to see Clarkdale de-annex the Ruskin land trade and put it back into the Forest Service’s hands.” She stated she may have said that and hoped she didn’t because it would always be in the Forest Service’s hands until they decided what to do with it. She requested the City Clerk check the tape to see if this was what she said and if that was what she said, the minutes had to be left as written, but if that was not what she said, she asked that they be corrected.

Council Member Elinski moved to approve the minutes. The motion was seconded by Council Member Norman, and carried unanimously.

OLD BUSINESS—None

CONSENT AGENDA

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATIONS FROM CADUCEUS CELLARS, L.L.C.; FREITAS VINEYARD; JEROME WINERY, INC.; PAGE SPRINGS CELLARS; PILLSBURY WINE COMPANY; AND OAK CREEK CELLARS FOR A WINE FESTIVAL EVENT AT THE OLD TOWN CENTER FOR THE ARTS SCHEDULED FOR APRIL 17, 2010

SPECIAL EVENT LIQUOR LICENSE APPLICATION FROM BUENA VISTA CHILDREN’S SERVICES FOR AN EVENT SCHEDULED FOR APRIL 24, 2010, AT RIVERFRONT PARK IN COTTONWOOD

Council Member Kirby requested item number to be pulled from the consent agenda for discussion.

Mayor Joens requested a motion for item number one. Council Member Norman so moved. Motion was seconded by Council Member Smith, which carried.

SPECIAL EVENT LIQUOR LICENSE APPLICATION FROM BUENA VISTA CHILDREN’S SERVICES FOR AN EVENT SCHEDULED FOR APRIL 24, 2010, AT RIVERFRONT PARK IN COTTONWOOD

Council Member Kirby stated he wanted to continue to object to people having liquor licenses at children's events. Liquor was not a very good means of promoting events that were supposed to benefit children. He did not believe in it and wanted to be able to vote no on this item. He thought the Council was too loose with its approval of liquor licenses for children's activities.

Mayor Joens questioned whether children would actually be at this activity.

Ms. Jiménez stated the application indicated it was a fundraising event to raise money for child abuse prevention.

Mr. Kirby stated they were going use liquor as a means to stop child abuse. That was an oxymoron in his view.

Council Member Elinski moved to approve consent agenda item number two. The motion was seconded by Council Member Smith, and carried with a dissenting vote by Council Member Kirby.

#### NEW BUSINESS

##### ACCEPTANCE OF A UTILITY EASEMENT (WATERLINE) FROM ALLEN & KATHY PHILLIPS

Mr. Lueder stated on November 3, 2009, the Council considered the purchase of the Quail Canyon Water System. One provision was obtaining reasonable and recordable easements. Mr. and Mrs. Phillips had agreed to an easement of 23 feet which would allow the Quail Canyon Water System to connect to city lines in Verde Village Unit 6 at no cost to the city for the grant of the easement.

Council Member Smith stated he was against the purchase of the Quail Canyon System and the easement because of the cost involved.

Council Member Kirby stated he had objected to the purchase as well unless there could be clear and recordable easements all the way to Unit 6.

Mr. Lueder stated the next item addressed the rest of the easements and the findings of the City Attorney and engineers.

Council Member Kirby moved to accept the 23 foot easement dedication across assessor's parcel number 406-15-450H for installation of a water transmission main. The motion was seconded by Council Member Elinski, and carried with a dissenting vote by Council Member Smith.

##### APPROVAL OF AN ASSET PURCHASE AND SALE AGREEMENT FOR THE QUAIL CANYON WATER SYSTEM FROM QUAIL CANYON PARTNERS, L.L.C.

Mr. Lueder stated at the November 3, 2009, Council meeting the Council moved to enter into negotiations for a sales agreement which was now before the Council for consideration. The portion of the needed easement not acquired from the Phillips family was under the control of APS and the city would be allowed to put a water line there. A sales agreement had been negotiated which would allow the process of taking ownership of the Quail Canyon Water System.

Mr. Horton stated with APS the city was not getting an easement, but a permit to encroach upon and be in APS' easement, sharing it with them for the purpose of putting in a water main. The responsibility and liability we assumed would be based on the things we did or did not do. The original indemnity language proposed could have been interpreted to make us liable for things we were not responsible for. As a result, the language had been changed.

Mayor Joens stated looking at the issue of the two wells discussed at prior meetings, the city could dig new ones with no guarantee of finding water. The city knew what it was purchasing and the water did not need arsenic remediation. The purchase made good common sense.

Mr. Lueder stated that at the November 3, 2009 meeting, staff indicated the need for a new water source for Units 6 and 7. The options were the purchase of the Quail Canyon system or drilling for a new source of water. The cost of that would have been in the \$600,000 range with no guarantee of any supply. Staff was directed to conduct negotiations for the purchase of the existing system. This well would now be the second highest yielding well in the system.

Council Member Norman moved to approve the sales agreement for the purchase of the Quail Canyon Water System in the amount of \$850,000 and authorize the Mayor to execute the agreement. The motion was seconded by Vice Mayor Pfeifer, and carried with a dissenting vote by Council Member Smith.

ORDINANCE NUMBER 559—AMENDING THE COTTONWOOD MUNICIPAL AIRPORT OPERATING RULES; FIRST READING

Mr. Costello stated changes were being sought for operating rules at the airport. In all, 15 sections of the Operating Rules had been amended. Most were clarifications while several could be considered new rules.

Council Member Smith asked about landing fees.

Mr. Costello stated no fees were imposed for use of the airport until an aircraft was tied for more than ten days.

Council Member Elinski asked if the 7 day notice to owners to move aircraft if requested by the Airport Commission was sufficient to allow them to do so.

Mr. Costello stated the 7 days was the minimum. The types of activities that would cause

this to happen were pavement work or the Airport Appreciation Day event. It was intended that notification to owners would be made as far in advance of a scheduled event as possible.

Mr. Al Gradijan, Airport Commission Chairman, stated most of the changes were made to conform the language of the city's rules to that of the FAA.

Mayor Joens stated at the time of the adoption of the Airport Rules there had been concern that the rules would impair the airport. She asked if, in his opinion, that was the case.

Mr. Gradijan stated he did not believe so.

Mayor Joens requested the City Clerk to read the first reading of Ordinance number 559 by title only.

#### ORDINANCE NUMBER 559

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD MUNICIPAL AIRPORT OPERATING RULES.

#### RENEWAL OF THE UNDERGROUND UTILITY JOB ORDER CONTRACTING (JOC) CONTRACT

Mr. Lueder stated the Council had previously approved a JOC contract with three local contractors. It had worked successfully resulting in projects being completed in a timely and cost effective manner. The JOC contract contained a clause for permitting two renewals, the first of which staff now requested the Council to consider and approve.

Council Member Elinski asked when the contract had to be done over completely with a Request for Qualifications (RFQ) for the selection of the three providers.

Mr. Lueder stated if the Council approved the two extensions it would expire in November 2011. At that time the RFQ process would be implemented and a new contract implemented.

Council Member Smith moved to approve the first renewal of the underground utility job order contracting contract. The motion was seconded by Council Member Kirby, and carried unanimously.

#### RESOLUTION NUMBER 2504—APPROVING THE SUBMITTAL OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY POLICE DEPARTMENT GRANT FOR DUI TASK FORCE DETAIL, SELECTIVE TRAFFIC ENFORCEMENT, UNDERAGE DRINKING ENFORCEMENT DETAIL AND MEDIA EQUIPMENT FOR EDUCATIONAL PRESENTATIONS

Chief Fanning stated staff had put in a request for a grant from the Governor's Office of

Highway Safety (GOHS) for \$27,600 to help cover costs of DUI Detail overtime and the underage consumption program to stop the sale of alcohol to minors. It was also for selective enforcement at problem traffic areas. A laptop computer and projector for \$1,800 were requested for educational programs at schools. This was solely funded by GOHS.

Council Member Elinski moved to approve Resolution Number 2504. The motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2504 by title only.

#### RESOLUTION NUMBER 2504

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING THE SUBMITTAL OF A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR FISCAL YEAR 2011.

#### APPROVING THE SUBMITTAL OF A REQUEST FOR GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY FOR POLICE DEPARTMENT MOBILE AND PORTABLE RADIOS

Chief Fanning stated this was a grant submission for \$51,093 for portable radios for officers and car radios so the department could be in compliance with federal requirements for P25 and narrow bandwidth communications. Funds could only be used for radios, not chargers or microphones. The additional \$6,500 needed for those would be covered from the department's budget. Staff requested Council's approval of the grant submission.

Council Member Kirby moved to approve the submission of the application to the Arizona Department of Homeland Security, SHSGP, for mobile and portable radio equipment grant application. The motion was seconded by Council Member Norman, and carried unanimously.

#### CLAIMS & ADJUSTMENTS

Council Member Kirby moved to pay the claims and adjustments.

Council Member Smith asked if this was to be the last time payments were made to Mangum, Wall.

Mr. Horton stated, no. Some prosecution bills were still under review.

The motion was seconded by Council Member Elinski, and carried unanimously.

#### ADJOURNMENT

Council Member Smith moved to adjourn. The motion was seconded by Council Member Kirby, and carried unanimously. The regular meeting adjourned at 7:15 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 regular meeting of the City Council of the City of Cottonwood held on March 16, 2010. I further certify that the meeting was duly called, and that a quorum was present.

---

Marianne Jiménez, City Clerk

---

Date