

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD MARCH 20, 2012, 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  
Jesse Dowling, Council Member  
Tim Elinski, Council Member  
Ruben Jauregui, Council Member  
Linda Norman, Council Member  
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Marianne Jiménez, City Clerk  
Steve Horton, City Attorney  
Iris Dobler, Human Resource Manager  
Morgan Scott, Development Services Operations Manager

PLEDGE OF ALLEGIANCE

Ron Luce, Commander of the Bert Black VFW Post 7400, led the Pledge and was presented a certificate of appreciation by Mayor Joens.

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 Fire Chief Mike Casson plans to retire on May 23, 2012.

Mayor Joens announced the following:

- On March 31 the Verde Valley Senior Center is sponsoring the March a Mile for Meals which starts at 9 a.m. Registration for a team begins at 8 a.m.
- March 9 she attended the viewing for former council member, Duane Kirby, and then attended the retirement party for Kathy Davis who retired as superintendent of our local National Parks.
- March 10 she attended the Clemenceau Centennial Fashion show and there were a lot of old time families that were modeling clothes from 100 years back. After the

fashion show she attended Duane Kirby's funeral at Faith Lutheran Church.

- March 15 she met with Leonard Miller who works for the Cottonwood-Oak Creek School District and they were all working on a Teacher Appreciation Week the first week of May.
- March 16 she attended the Yavapai County Mayors/Managers/Supervisors/Nation and Tribe meeting; Tom Thurman, County Supervisor, talked about regional economic cooperation.
- On March 17 was the Flywheelers Show and her husband was involved with the tractor pull.

#### PROCLAMATION—WELCOME HOME VIETNAM VETERANS DAY

Mayor Joens proclaimed March 30, 2012, as Welcome Home Vietnam Veterans Day.

Ron Luce, Commander of the Bert Black VFW Post 7400, reviewed the events that would take place for this year's recognition of all Vietnam veterans of the Verde Valley on March 30.

#### PRESENTATION REGARDING THE COCONINO NATIONAL FOREST'S TRAVEL MANAGEMENT RULE (TMR) BY JODY NICKERSON, OHV PROGRAM COORDINATOR

Ms. Nickerson gave a presentation regarding the Coconino National Forest's Travel Management Rule 2005, that requires the designation of roads, trails, and areas open to motor vehicle use on all national forests and grasslands. Designated roads, trails, and areas will be identified on the Motor Vehicle Use Map (a free map that is updated every year), motor vehicle use off of the designated system is prohibited. Cross country travel is not allowed and any travel off of a designated road or trail is considered cross country travel.

#### CALL TO THE PUBLIC

Mr. Bob Oliphant, of Cottonwood, stated he had a short article from the Verde Independent of February 21. In it the city manager told the reporter that the city was outbid by the Verde Valley Medical Center during the recent trustee sale for a new city hall. He asked that the city accurately provide answers to these questions: There seems to be some confusion as to whether the city did or did not bid—that is the first question. Second, if the city did bid when was that bid authorized by the council? Who voted on the council for and against making such an offer? What was the amount of the bid the city placed on the Rough Cut facility? Finally, where in the city's current budget is the money coming from? If the city did bid on the project citizens would ask that there be a very clear statement in response to these questions.

#### APPROVAL OF MINUTES—Strategic Planning Meeting of January 23, 2012, & Regular Meeting of March 6, 2012

Mayor Joens stated on the strategic planning meeting minutes, she had one correction on

her opening statement on Page 1, and asked that the City Clerk check the recording. It should have said that the City Manager had frozen 12 positions, but we didn't have to let anyone go.

Council Member Elinski moved to approve the minutes with the correction on the opening statement of the strategic retreat minutes. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

#### UNFINISHED BUSINESS

##### CONTRACT EXTENSION WITH TRAFFIC SAFETY INC. FOR CITY STREET STRIPING SERVICES

Mr. Scott stated at the last council meeting staff brought forward the option of renewing the current contract for street striping. At that meeting several questions were brought forward which were contained verbatim in the packet which he handed out to the council.

The first question focused on ADOT Construction Standards Section 708, in particular Section 11, and the requirement that the city engineer do an official rating on existing painting after 180 days and if that was done. He stated the last paragraph of Section 708-2.01.E.11 indicates the road service test may be waived at the option of the engineer or evaluated for a period of time less than 180 days. The engineer didn't see any reason to have this test as there was nothing wrong with the existing paint.

Question two was regarding Section 708.2.01 e-1 and the colors that are used in street painting being tested against federal standards. He stated staff did test the color and it did pass that standard.

Question three was what other tests did the city run to ensure the quality of paint used in the striping in this contract met the provisions of ADOT 708 during the past 12 months. He stated staff completed many tests all per ASTM standards which is a federal standard.

Question four was if the 21 streets listed under Section 8 of the contract were the only streets in which striping will occur, and that some of these streets appear to have been recently painted. He stated this is a biannual striping, so all of our city streets that are striped (21 streets) get painted twice a year.

Question five was if there are any other streets that were left off. He stated the streets listed in the contract are the only streets that have striping.

Bob Oliphant stated he appreciated receiving the information from the city regarding the striping and the striping that is planned. He questioned if there was a written policy regarding when the city decides to paint stripes, sidewalks, or at stop signs on busy streets. In some places they are painted and other places they are not.

Mr. Scott stated we do not have our own city policy, we use federal standards. If there is any

specific instance which a council member or a member of the public would like to see a crosswalk installed, there are federal studies so staff can determine whether a crosswalk is warranted or a double stripe is warranted.

Council Member Dowling stated when a street is designed and laid out, the requirements for striping are usually established at that point given the type of street it is and its use and intended service level. Usually the city engineering department at that point would say what had to be striped. Normally the stripes are there for a reason and there is a warrant for it.

Mr. Bartosh stated there are probably very few cities that actually have policies other than they follow the federal standards.

Council Member Dowling moved to approve the renewal of the existing contract with Traffic Safety, Inc., for a one year extension. The motion was seconded by Council Member Norman, and carried unanimously.

CONSENT AGENDA—No items.

#### NEW BUSINESS

#### AWARD OF BID FOR THE RENOVATION AND ADA (AMERICANS WITH DISABILITY ACT) UPGRADES OF THE OLD TOWN JAIL LOCATED AT 1101 NORTH MAIN STREET

Mr. Mangarpan stated this was a request for approval to award the bid for the renovation of the Old Town Jail which included a lot of different maintenance items and ADA upgrades to the facility with the intent of making it presentable and leasing it. He then reviewed the work covered under the contract. JE Bowen Construction, LLC was the low bidder on the project at \$50,600. Staff is working with the city attorney on the final construction contract.

Mayor Joens asked if it has gone before the Historic Commission.

Mr. Mangarpan stated it was presented to them as a sample project.

Mayor Joens stated she wished the addition could match the existing building so it looks like one building.

Mr. Mangarpan stated the mortar wash will grey out the bricks, so it will hopefully match the existing river rocks.

Mr. Bartosh stated when this was taken to the Historic Commission, folks from the state historical office attended. Even the slump block is historic and everything we are doing will maintain its historic integrity.

Council Member Jauregui stated in a lot of ways he would hate to see the city go into the business of being a landlord and competing with the private sector. He would hope that

when the time comes to move someone in there that we would give greater consideration to non-profits and such to occupy that building.

Mayor Joens stated the other way to look at it is that you are providing an opportunity for a business to have a business.

Council Member Elinski stated he is excited that we are doing this and glad to see the City of Cottonwood taking care of its older buildings.

Council Member Pratt moved to award the bid for the renovation and ADA upgrades of the Old Town Jail to JE Bowen Construction, LLC in the amount of \$50,600, subject to final review and approval of the construction contract by the city attorney. The motion was seconded by Council Member Dowling, and carried unanimously.

#### AMENDED SERVICE AGREEMENT WITH SMARTWORKS PLUS FOR PHASED RETIREMENT SERVICES

Mrs. Dobler stated staff was requesting the council approve this amended service agreement that has been in effect since April 6, 2010. There were a couple of changes that Mr. Horton recommended to update and bring it to current standards of the law, which were the legal Arizona workers act and the prohibition on doing business with Sudan and Iran.

Mayor Joens asked if this business covers the Workman's Comp.

Mrs. Dobler stated yes, because the people that work for them are their employees and the city is contracting with them.

Mr. Horton stated these are leased employees, so they would be employees of the vendor.

Council Member Pratt moved to approve the amended service agreement with Smartworks Plus for phased retirement services. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

#### SERVICE AGREEMENT WITH EDUCATIONAL SERVICES, INC., FOR PHASED RETIREMENT SERVICES

Mrs. Dobler stated this was an additional company that the city or retired employees could work with. By adding an extra provider, the city will have two phased retirement programs available to select from when the city has a need for an experienced individual with institutional knowledge that is retired through any of the state retirement systems. This program is a cost savings program to keep key retired employees working for Cottonwood.

Vice Mayor Pfeifer moved to approve the service agreement with Educational Services, Inc., (ESI) for phased retirement services. The motion was seconded by Council Member Norman, and carried unanimously.

REQUEST TO DISBAND THE CITY'S SELF-INSURANCE TRUST BOARD (AKA EMPLOYEE BENEFITS TRUST BOARD)

Mrs. Dobler stated approximately a year and a half ago Mr. Rodriguez asked that she become involved with this board. They met once during that time and she realized there was less to work with on it and asked him if she could recommend to the council that this board be disbanded. The original purposes the board was set up for no longer exist. It was created in 1985 to provide and maintain death and/or accident and health benefits. Since that time the city has gone away from being self-insured and needing the services of a board to oversee its health insurance and benefits programs, to becoming a member of the pool (Arizona Public Employees Health Pool). The funds have almost all been used and were originally from employee contributions that were made when it was covering the health insurance plan. There is currently a fund balance of about \$60,000, which after the middle of April or so the amount will be reduced to approximately \$35,000 for someone who is currently on the short-term disability plan. The only thing the money is currently being used for is the short-term disability plan. When that \$35,000 has been expended there are no more funds available or going into this particular trust. Mr. Horton found that the board could be disbanded as long as the money was put into a general fund that is tracked and used only for the short-term disability plan.

Council Member Elinski asked if we get rid of this fund where would employees go to get coverage.

Mrs. Dobler stated before we had this available a lot of our employees were enrolled in an AFLAC short-term disability plan that was still available or they could go to some other private insurer.

Council Member Norman moved to disband the self-insurance trust board effective March 21, 2012, and direct staff to transfer the remaining trust balance into the general fund to be used to fund the short-term disability program until the balance is expended. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

CITY COUNCIL'S 2012 VISION, MISSION STATEMENT, AND STRATEGIC INITIATIVES

Mr. Bartosh stated the council met on January 23 to update the Vision, Mission, and Strategic Initiatives for the city. They were bringing them back to the council for any further corrections or updates that needed to be made to the plan and get the council's approval.

Mayor Joens stated they had talked about how the Cottonwood Chamber was working on a regional local campaign, but we had talked about doing one for Cottonwood. What it said under "Build and retain a diversified economy," the second from the last one talked about working with the Chamber of Commerce to promote a buy local campaign, but it didn't say anything about doing one for Cottonwood.

Mr. Bartosh stated actually that is what this is; to work with our Chamber of Commerce to

promote a “buy local.”

After further discussion regarding a local “shop Cottonwood” effort, Council Member Pratt stated he would like to see a separate “shop Cottonwood.”

Mr. Bartosh stated he would create another initiative that would strictly cover Cottonwood.

Following discussion regarding the Chamber’s regional efforts, Council Member Pratt moved to approve the City Council’s 2012 Vision, Mission Statement, and Strategic Initiatives with the few amendments suggested. The motion was seconded by Council Member Dowling, and carried unanimously.

REQUEST FOR COUNCIL CONTINGENCY FUNDS TO BE USED FOR COMPLIMENTARY DUMPING PASSES, EMPLOYEE OVERTIME, AND OTHER OPERATIONAL EXPENSES FOR THE FIRST ANNUAL LOOKING GOOD COTTONWOOD CITY-WIDE SPRING CLEANUP

Mayor Joens stated this was on the Council’s Strategic Plan, which was “Looking Good Cottonwood.” There was a group of citizen volunteers, most under the umbrella of the For Our City Cottonwood, and community partners that wanted to engage in a major city-wide cleanup on April 14. Lots of different ideas were talked about, but the one that was close to the mayor’s heart was promoting cleaning up the city. They would all be meeting at Evangel Church on Mingus and the church was going to provide the coffee and donuts for the volunteers. They were dividing the city into four sections and asking volunteers to pick up garbage in the city rights-of-ways and city streets. The volunteers would bring back the bags of garbage to the church and Brent Deal has offered a couple of dump trucks to haul the debris they collected away. The funds she was asking for would be used for dumping fees, and handing out a free pass for dumping to citizens that were observed cleaning up their lawn. The church had volunteered to pay for the food to feed the volunteers, so she did not need any money for that. They were collaborating with Supervisor Davis on this and the county would have four dumpsters at the clubhouse in Verde Village. Also on that day the county would be providing a free slash drop off for all county residents at the Camp Verde dump for free. There would be a hazardous waste recycling event on the same day at the Verde Valley Roads Department on Cherry Creek Road from 8 to 12.

Council Member Elinski asked if she was asking for \$5,000 to cover dumping fees.

Mayor Joens stated yes, for dumping fees or any other expenses that might pop up, or for staff overtime to pick up heavy items.

Council Member Pratt moved to authorize the mayor and council to expend up to \$5,000 for the Looking Good Cottonwood April 14 city-wide cleanup. The motion was seconded by Council Member Elinski, and carried unanimously.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY STEVE M. WALKER, APPLICANT FOR THE YAVAPAI COLLEGE FOUNDATION, FOR AN EVENT SCHEDULED FOR APRIL 13, 2012, AT THE COTTONWOOD RECREATION CENTER LOCATED AT 150 SOUTH 6TH STREET

Ms. Jimenez stated a Special Event Liquor License had been submitted by Steve M. Walker, applicant for the Yavapai College Foundation, who was going to hold a charitable event scheduled at the recreation center on April 13.

Council Member Pratt stated the foundation did a terrific job of supporting the college, and questioned what the special event was.

Janet Kelly, president of Verde Valley Leadership, stated the event was to raise funds to keep the leadership group sustainable. Seventy five percent of the funds raised were going to Verde Valley Leadership and the other 25 percent would go back to the foundation in hopes they would establish a scholarship fund for Verde Valley Leadership.

Vice Mayor Pfeifer moved to recommend approval of the Special Event Liquor License application submitted by Steve M. Walker, applicant for the Yavapai College Foundation, for an event scheduled for April 13, 2012, at the Cottonwood Recreation Center. The motion was seconded by Council Member Norman, and carried unanimously.

YAVAPAI/MAIN STREET QUIET TITLE ACTION – SETTLEMENT AGREEMENT WITH THE GREEN FAMILY TRUST

Mr. Horton stated one of the obstacles in the course of acquiring the Gardner property in Old Town was staff had identified some issues with the county's official property records in that area. Specifically, it appears that the county assessor mistakenly attached a portion of Yavapai Street, as well as a small strip of land bordering Main Street, to an adjacent parcel owned by Ed Green and a family trust controlled by him. Mr. Green paid taxes on the property for a number of years, even though there is no evidence in the record that the property belongs to Mr. Green. The city made a number of good faith attempts to resolve this issue with Mr. Green directly, but those efforts were either rebuffed or met with what staff determined to be unreasonable demands for compensation. Following those unsuccessful efforts, the city engaged local attorney Shiloh Hoggard to file a "quiet title" action in superior court, at which the city was prepared to establish its legal right to the disputed property. While the action was pending, the parties renewed their discussions regarding possible settlement. Those discussions resulted in the proposed settlement under which Mr. Green will waive any claims he has to the property in exchange for \$11,000. Staff intended to continue with the quiet title action and if nobody came in to assert an interest in this property then we could request the court issue a judicial declaration that this property is in the city's name for the public benefit.

After further discussion regarding the quiet title action, Council Member Elinski moved to approve the settlement agreement with the Green Family Trust, and authorize the Mayor to

execute the agreement and any additional documents required to carry out the intent of the agreement. The motion was seconded by Council Member Dowling and carried unanimously.

#### CLAIMS & ADJUSTMENTS

Council Member Norman moved to pay the claims and adjustments. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

#### ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously. The regular meeting adjourned at 8:05 p.m.