

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JUNE 15, 2010, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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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

COUNCIL MEMBER ABSENT

Darold Smith, Council Member  
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Rudy Rodriguez, Administrative Services General Manager  
Gary Eisenga, Police Commander  
Kyla Allen, Executive Assistant to the City Manager  
Anna Kirton, Court Clerk  
Mike Casson, Fire Chief

Steve Horton, City Attorney  
Douglas LaSota, Magistrate  
Tim Costello, City Engineer  
Shirley Scott, CAT Manager  
Richard Smith, Deputy Clerk

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Ms. Paula Kelly, a member of the Senior Commission.

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 made the following announcements:

- Friday at 10 a.m. would be the grand opening of the pool and there would be free swimming that afternoon.
- This week, the chip seal program would start for collector streets such as Fir, 12th, Willard, and Cove Parkway.
- The Verde Valley Leadership Class completed a gazebo in front of the Boys and Girls Club.
- Until the monsoons start the Fire Department had stopped issuing burn permits.

Council Member Kirby made the following announcements:

- The Area Agency on Aging would be having a hearing on a reauthorization for the next

three years to be held at the Senior Center on Thursday, June 17, at 11 a.m.

- June 24, he would be in Flagstaff for the NACOG regional council meeting and the NACOG Head Start meeting which followed.

Mayor Joens made the following announcements:

- On June 5 she attended the Verde Valley Medical Center Copper Ball held at Tlaquepaque. The proceeds were to go to Fit Kids and it was sponsored by the Foundation.
- On June 12 she and Debra LaFrance from the Town of Clarkdale, travelled to Flagstaff to the Hart Prairie Preserve. The Stewards of Public Lands received recognition and a plaque as a conservation organization of the year from the Arizona Wildlife Foundation.
- Sunday she attended the Verde Valley Medical Center's Cancer Survivors Luncheon.
- On Thursday she would attend the Verde Front/Forest Service management plan meeting. She would also attend Council Member Kirby's presentation at the Senior Center.
- Friday would be the outdoor pool grand opening event. Afterwards she would go to Prescott Valley for a Yavapai County mayor/manager meeting. Later, there would be a forum for the candidates for governor in Prescott.

Council Member Kirby stated he had received in the past week two or three presentations on use of the computer for doing our minutes and agendas and all our presentations. He forwarded that information both to Mr. Bartosh and Ms. Jiménez. He hoped something would come of that and there would be some movement in that area. He was alright with what was being done now but it was cumbersome.

Mayor Joens stated it was very different than it had always been and getting used to it was sometimes a lot of work. She and the City Manager talked about that at their last meeting.

#### CALL TO THE PUBLIC

There were no comments from the public.

#### APPROVAL OF MINUTES—Regular Meeting of June 1, 2010

Council Member Elinski moved to approve the minutes. Council Member Norman seconded the motion, which carried unanimously.

#### OLD BUSINESS—None

#### NEW BUSINESS

RESOLUTION NUMBER 2512—DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED: ADMINISTRATION OF THE INTERNATIONAL BUILDING CODE, 2009 EDITION; INTERNATIONAL BUILDING CODE, 2009 EDITION; INTERNATIONAL FUEL GAS CODE, 2009 EDITION; INTERNATIONAL PLUMBING CODE; 2009 EDITION; NATIONAL ELECTRICAL CODE, 2008 EDITION; INTERNATIONAL MECHANICAL CODE, 2009 EDITION; AND

**INTERNATIONAL FIRE CODE, 2009 EDITION**

Mr. Bartosh stated it was asked that the Council table this. Through some additional review it was found there were still some items which needed to be changed.

Mayor Joens stated for the benefit of the viewing public, they were going to discuss the International Building Code.

Council Member Kirby moved to table Resolution Number 2512 and Ordinance Number 564. The motion was seconded by Council Member Elinski, and carried unanimously.

**ORDINANCE NUMBER 564—AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW SECTION TITLED ADMINISTRATION OF THE INTERNATIONAL BUILDING CODE, 2009 EDITION, TO CHAPTER 15.08 BUILDING CODE, AND AMENDING CHAPTER 15.08 BUILDING CODE, SECTIONS 15.08.010 INTERNATIONAL BUILDING CODE, 15.08.050, INTERNATIONAL RESIDENTIAL CODE, AND SECTION 15.08.060 INTERNATIONAL FUEL GAS CODE; CHAPTER 15.12 PLUMBING CODE, CHAPTER 15.16 ELECTRICAL CODE, CHAPTER 15.20 MECHANICAL CODE, AND CHAPTER 15.24 FIRE CODE, OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE COTTONWOOD MUNICIPAL CODE.**

**RESOLUTION NUMBER 2510—APPOINTING ANNA KIRTON AS A CIVIL TRAFFIC HEARING OFFICER**

Judge LaSota stated the court's senior clerk, who was a Civil Traffic Hearing Officer (CTHO), resigned her position, leaving no CTHO to assist at the window and be able to have a judicial hearing officer presence immediately as planned. Ms. Kirton had been with the court for six months. She had previous experience with law offices and gotten a great deal of experience here over the last six months. She had rapidly moved along to the point she had been sent earlier than expected to CTHO school, which she recently successfully completed. He asked the Council to appoint her at this time. She had a bachelor's degree in psychology from the University of Arizona. If he was in court, or busy, she could rule on motions to continue, requests for extensions of time, and things of that nature. They were getting a lot more traffic tickets lately and she had been doing a great job handling those as well.

Ms. Kirton stated she had really enjoyed working with the court since she was hired in November. She was really happy to be given the opportunity to go to the Civil Traffic Hearing Officer training, and she looked forward to taking on any new duties that would be there if she were appointed.

Council Member Kirby moved to approve Resolution Number 2510, appointing Ms. Anna Kirton as Civil Traffic Hearing Officer. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2510 by title only.

**RESOLUTION NUMBER 2510**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD,  
ARIZONA, APPOINTING ANNA M. KIRTON AS A CIVIL TRAFFIC VIOLATION HEARING  
OFFICER AND ESTABLISHING HER TERM OF OFFICE.**

**AUTHORIZATION TO HIRE A COURT CLERK ABOVE MID-RANGE LEVEL**

Judge LaSota stated they lost their senior clerk. After a one week posting for the position they did not gain the results they had hoped for in trying to get an experienced clerk because of the limited salary. The crucial reason for needing an experienced clerk for the position was Ms. Kirton had been here six months and the new clerk had been here approximately a month. They had the need for some senior experience. Ms. Kirton had picked up quite a bit in the past six months, but there were a lot of areas that took months, sometimes years, to pick up handling some of these cases. Their volume was now double what it used to be from last year. They needed to make sure they could have someone who could come in and hit the ground running without several months of training. This was the same issue raised before when the Council allowed the previous clerk to receive an increase from the mid-point position. He was asking it be opened up to the same salary the court clerk was getting now, which was no increase in the overall budget or the proposed budget for next year. It would give the flexibility if they found somebody that had the experience they needed to pay them the same as was paid the last court clerk. There were a couple clerks that were quite interested from other areas such as Prescott and Prescott Valley who decided not to apply because of the lower salary. Out of the current crop of applicants there was one experienced clerk and they would see if she was willing to start at the higher salary. If they got an experienced clerk they needed the flexibility to offer what the previous clerk was making, so he was asking for the Council's support and approval.

Council Member Kirby stated it seemed reasonable to him if you were going to hire somebody with experience, you were going to have to pay for it.

Council Member Elinski stated he would agree with Council Member Kirby that it seemed reasonable as long as the experience level was the same as what the last clerk offered.

Judge LaSota stated if they got someone that didn't have experience they would go with the lower salary. It was only if they needed to pay that kind of salary to get the right kind of person in.

Council Member Elinski stated it was difficult as Council Members because they wanted to bring everybody's salaries up. To hand pick one position above the mid-point was a difficult decision, but it did make sense in this case.

Mayor Joens stated the Council had invested quite a bit of funds in the court to try to get it up to speed and they were down one position there. The request didn't seem unreasonable to her.

Council Member Kirby moved to allow the court to hire a desired clerk candidate above the mid-point with a set starting pay of up to \$16 per hour or \$33,280 per year. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

ADVANCE IN AID OF CONSTRUCTION (AIAC) SETTLEMENT AGREEMENT WITH JAMES SITTNER AND S&B CONSTRUCTION, INC.

Mr. Rodriguez stated they had been working with Mr. James Sittner to try and settle some of the Advance In Aid of Construction (AIAC) agreements. When the city acquired Cottonwood Water Works (CWW), there were a number of these agreements in place. These agreements were a way private water companies were able to develop infrastructure with the developer putting up the infrastructure or money first. They would set up an agreement whereby the water company paid them back depending on the amount of revenue that particular developer brought in. The City of Cottonwood did not do that and did not plan on getting into these types of agreements. The city allowed them to put it up and when they were done with the development, they went ahead and assigned title to us and the city maintained it forever. When the city acquired CWW, rather than having to deal with these, it went ahead and kept these agreements. This was one such agreement. Mr. Sittner had two AIACs, #133 and #181. Both started at two different points in time. The total amount of the two agreements was around \$47,000. Their last payout was August 2009 and they still had a balance of \$33,271.49. Mr. Sittner wanted to go ahead and settle this as there was no way he was going to be able to recover the entire \$33,271.49 remaining on the balance. Staff took what was happening currently in the market and extended it out to the end of their agreement and came up with a number of \$11,200 as a settlement amount. Mr. Sittner agreed that would be sufficient. He asked the Council to approve the settlement agreement for \$11,200 for these two particular AIACs.

Council Member Kirby asked if this was kind of the reverse of an impact fee. Instead of them paying us to develop the city was paying them to develop.

Mr. Rodriguez stated yes. CWW had asked the developer to pay for everything up front. In our case the city asked them to build the infrastructure and then assign it to us to maintain.

Mr. Horton stated the way these advances worked, authorized under the Administrative Code for the Utilities, a developer would build a chunk of infrastructure that would not only serve their development, but benefit the rest of the utility. Other people could tie into that, so it benefitted the utility overall. The agreement was such that you could pay out a certain portion of the revenues derived from that extension of the infrastructure for a certain period of time. The city inherited about 4-5 dozen of these when we bought CWW. The city agreed as part of that purchase to assume those obligations to pay out over time, through the sunset dates of each individual agreement, those amounts that were calculated based on a percentage of the revenues that came into the water utility by virtue of that particular piece of infrastructure.

Mayor Joens asked if the city had bonded for this expense or did it come from utility income.

Mr. Rodriguez stated the city did not bond for these particular expenses. It expected to pay out some of them. Traditionally the full balance was not paid out.

Council Member Elinski asked if Mr. Sittner could wait to receive it over time in the amount of \$22,000 or get it now for \$11,000.

Mr. Rodriguez stated he would never receive that much, even if he waited until the end of the terms. If you looked at the terms on these particular agreements, one of them had a 15-year term which ended September 12. That was #133 with a balance of \$13,000. The city was still paying about \$600-\$700 a year. The next three years it would not come anywhere near that amount. Staff wanted to go ahead and settle and he had agreed to that. In this particular case he would never regain his full investment because the time remaining was relatively short.

Mr. Horton stated that was the case with most of these because the amount set was a cap which was the amount the developer invested in the infrastructure. It was the most they could ever get back. As a practical matter, much more often than not, they wouldn't get that.

Vice Mayor Pfeifer moved that the City of Cottonwood approve an AIAC settlement with James Sittner and S&B General Contractors, Inc., for agreements #133 and #181 in the amount of \$11,200 and authorizing the City Attorney, City Manager, and Administrative Services General Manager to negotiate the final terms of the agreement. The motion was seconded by Council Member Norman and carried unanimously.

#### APPROVAL TO PURCHASE TWO BUSES FOR THE COTTONWOOD AREA TRANSIT

Ms. Scott stated this was to consider approval of the purchase of two 2010 ARBOC buses purchased in May. NAIPTA was the grantee at the time they went through the policies and procedures to purchase the buses. In May the city took the responsibility to take that grant over again, so the Council had to approve purchasing these buses. It was on a 93/7 match with the city. The city would not have to pay sales tax on these buses because CAT was public transportation. The federal share would be \$248,133 and the local share for the city was \$18,676. These would replace the 2005 buses in our fleet.

Council Member Kirby moved to approve the Cottonwood Area Transit purchase of two 2010 ARBOC Chevy Bus GM-4500, 19 ambulatory or 15+2 wheelchair passenger mini buses. Council Member Elinski seconded the motion, which carried unanimously.

#### RESOLUTION NUMBER 2513—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CLARKDALE FOR DISPATCHING SERVICES

Commander Eisenga stated this resolution was an intergovernmental agreement (IGA) with Clarkdale. It hadn't changed except for slight wording alterations where the city had included being able to dispatch a rotational towing service. We had been doing this for Clarkdale the entire time. It had been informal but agreed that whenever they had an accident or arrested a drunk driver, we would dispatch from our rotation a tow company to their location.

Council Member Kirby asked if this was for normal dispatching as well as accident dispatching, or anything that required police attention.

Commander Eisenga stated yes. The addition was for rotational towing service. It had always

been informal so staff had just added that wording.

Council Member Norman moved to approve Resolution Number 2513 approving an intergovernmental agreement with the Town of Clarkdale for police dispatching services. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2513 by title only.

**RESOLUTION NUMBER 2513**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CLARKDALE, ARIZONA, FOR POLICE DISPATCHING.**

**RESOLUTION NUMBER 2514—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF JEROME FOR DISPATCHING SERVICES**

Commander Eisenga stated this was basically the same as the Clarkdale agreement. The city had been doing dispatching for Jerome for several years and had added the wording about rotational towing.

Council Member Kirby moved to approve Resolution Number 2514 approving the intergovernmental agreement with the Town of Jerome for police dispatching services. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2514 by title only.

**RESOLUTION NUMBER 2514**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF JEROME, ARIZONA, FOR POLICE DISPATCHING.**

**ADOPTION OF ROTATIONAL TOWING SERVICES FEE SCHEDULE**

Commander Eisenga stated for several years the city had been dispatching rotational towing services and included all 7 local companies that would abide by our agreement. Included in the new agreement was a fee schedule that capped the rate tow companies could charge. It was not fair for a customer that when the city called a tow company it might charge a high fee and another person might get a tow company that charged a lot less. What had been done was to cap the rate for the tow companies so that everybody was treated the same. In doing this, he had surveyed the 7 local towing companies, took an average of their rates, and set a fee schedule. He was asking for approval for the rotational towing service fee schedule.

Council Member Kirby stated he could not believe there were 7 towing companies in Cottonwood.

Commander Eisenga stated there were three more who wanted to get on the list. They were on hold at this point because the rotational agreement was under revision. We were their bread and butter when we called them for accidents, abandoned vehicles, stalled vehicles, plus 30-day impounds for drunk drivers or vehicles where there was no licensed driver or no insurance. A.R.S. capped that service at \$15 a day, but it added up.

Vice Mayor Pfeifer moved to approve the rotational towing service fee schedule as presented. Council Member Kirby seconded the motion, which carried unanimously.

**RESOLUTION NUMBER 2515—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH DEAD HORSE RANCH STATE PARK FOR DISPATCHING SERVICES**

Commander Eisenga stated we had been doing dispatching services for Dead Horse. Calls were of a limited number but the park was within the city limits of Cottonwood. This was a request to continue dispatching for them, but also that we would add the ability to enter warrants. If they had an arrest and someone didn't show, we could actually enter those warrants locally. It would give them the ability to run a criminal history check and increased their ability to do their job. We normally went and checked out those locations anyway.

Mayor Joens stated it seemed this type of partnership was what Dead Horse Ranch State Park was thinking about when they asked us to annex them. It was great to be able to partner and help out wherever we could.

Commander Eisenga stated there was a separate IGA and Holder Record of Agreement talking about holding the warrants and keeping those locally in our dispatch center. There was a Holder Record of Agreement and a Memorandum that went with it. It was a little more lengthy than Clarkdale's or Jerome's Intergovernmental Agreements.

Mayor Joens stated it sounded like it made good sense and it would be a lot more efficient and even safer to handle it that way.

Mr. Bartosh stated the Council should be aware we also provided dispatch services for Yavapai College as well.

Council Member Elinski moved to approve Resolution Number 2515. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2515 by title only.

**RESOLUTION NUMBER 2515**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE PARKS BOARD, FOR EMERGENCY DISPATCHING SERVICES FOR DEAD HORSE RANCH STATE PARK.**

**RESOLUTION NUMBER 2516—APPOINTING A MEMBER TO THE AIRPORT COMMISSION**

**RESOLUTION NUMBER 2517—APPOINTING A MEMBER TO THE AIRPORT COMMISSION**

**RESOLUTION NUMBER 2518—APPOINTING A MEMBER TO THE AIRPORT COMMISSION**

Mr. Costello stated there would be three resolutions. There were three current members of the Cottonwood Airport Commission whose terms would expire July 1. Those were Al Gradijan, Chairman; Jim Moeny, Vice Chairman; and member Allyson Waak. We advertised the vacancies and received three back from Al Gradijan, Marv Lamer, and Jim Moeny. There were two different types of commissioners. Five on the Board were required to have aviation knowledge or be tenants, and a requirement for one member was to be a city resident, not necessarily having aviation knowledge. In the past that was Jim Moeny and he would again be that member. Mr. Gradijan and Mr. Moeny were in attendance. Mr. Lamer had another engagement, and expressed his desire to be on the Board and his regret he could not be here tonight.

Council Member Kirby asked if the three positions we were filling were the only ones that came open.

Mr. Costello stated the commission had staggered terms, so three came up.

Mayor Joens stated she was very disappointed that Ms. Waak apparently chose not to reapply for the commission. She did a great job. She would like to have an agenda item in the future to thank her and give her a plaque for her service.

Mr. Costello stated she, in fact, did complete her full three year term.

Council Member Kirby moved to approve Resolution Number 2516 appointing Al Gradijan to the Airport Commission, Resolution Number 2517 appointing Marv Lamer to the Airport Commission, and Resolution Number 2518 appointing Jim Moeny to the Airport Commission. The motion was seconded by Council Member Norman and carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2516, 2517, and 2518 by titles only.

**RESOLUTION NUMBER 2516**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING AL GRADIJAN A MEMBER OF THE COTTONWOOD AIRPORT COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.**

**RESOLUTION NUMBER 2517**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD,**

**YAVAPAI COUNTY, ARIZONA, APPOINTING MARV LAMER A MEMBER OF THE COTTONWOOD AIRPORT COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.**

**RESOLUTION NUMBER 2518**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING JIM MOENY A MEMBER OF THE COTTONWOOD AIRPORT COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.**

Mayor Joens stated on behalf of the Council, she wished to express thanks to the two candidates in attendance.

**CLAIMS & ADJUSTMENTS**

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

**ADJOURNMENT**

Council Member Kirby moved to adjourn. Council Member Norman seconded the motion, which carried unanimously. The regular meeting adjourned at 6:48 p.m.

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Diane Joens, Mayor

**ATTEST:**

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Richard Smith, Deputy 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 June 15, 2010. I further certify that the meeting was duly called, and that a quorum was present.

\_\_\_\_\_  
Marianne Jiménez, City Clerk

\_\_\_\_\_  
Date