

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD AUGUST 3, 2010, AT 4:00 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 4:15 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Tim Elinski, Council Member (arrived at 4:46 p.m.)
Duane Kirby, Council Member (arrived at 4:17 p.m.)
Linda Norman, Council Member
Terence Pratt, Council Member (arrived at 4:29 p.m.)
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Steve Horton, City Attorney
Marianne Jiménez, City Clerk	Jody Fanning, Police Chief
George Gehlert, Community Development Director	Morgan Scott, Staff Engineer
Rudy Rodriguez, Administrative Services General Manager	
Mike Casson, Fire Chief	
Richard Faust, Community Services General Manager	

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Linda Hobson, a former Council Member, Vice Mayor, and Mayor of Cottonwood. Mayor Joens and Vice Mayor Pfeifer presented Ms. Hobson with a certificate for her 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 stated last weekend the Cottonwood Clippers sponsored their regional swim meet. There were 300 participants and 500 in attendance. Chief Casson had reported that all the new firefighters hired last year had completed their probationary period except for one who had been injured and was off duty for awhile.

Vice Mayor Pfeifer stated last Tuesday the Chamber of Commerce had a multi-Chamber regional board meeting and after that there was 400 plus at the regional mixer at Blazin'-M Ranch. She also had wonderful news that her son was in North Carolina, not Afghanistan.

Council Member Kirby stated he had been working for several days on the Area Agency on Aging Advisory Council's new by-laws, and he had consulted with the Head Start people on bus service for schools that are not directly associated with the public school system to provide transportation for kindergarten children.

Mayor Joens announced the following:

- A Coffee Talk was held at the new recreation center on July 21. It was attended by herself, Council Member Kirby and Mr. Bartosh, as well as by staff members. Mr. Bartosh gave an update on streets that would be worked on this year and a review of the community survey that had been sent out. Barbara and Terese DuPont brought photos of the new flood control wall and fence near Aspen Shadows which the neighborhood was very pleased with.
- On July 22 she attended an open house at New Visions Academy and visited with Ms. Ann Shaw and staff.
- The City had been presented with a check in the amount of \$50,000 from Adolfsen and Peterson, construction managers at risk, for the Recreation Center. The funds were to be used for special needs children and after school programs. Vice Mayor Pfeifer and Council Members Kirby, Norman, and Pratt attended.
- The local Moose Lodge was chosen to host their Supreme Governor George W. McCullough III from Moose International, Mooseheart, Illinois. They recognized local firefighters and police and gave "Tommy Moose" stuffed animals to local police, fire, and emergency personnel for use in trauma cases they encountered. They also issued a check for \$250 to Rainbow Acres.
- On July 26 she attended a Fit Kids meeting at the hospital. She was also a guest at Toastmasters where Mr. Robert Salkind received recognition by the VFW from the Philippines government for service to our country in WWII along with other veterans who were also recognized. Later, she attended a sustainable agriculture meeting held in Camp Verde. The committee was looking at issues including regulation and policy, arable land, technical skills, production, marketing, capital and credit, wholesaling, and distribution to consumers, with their goal being to promote agricultural economic development in the Verde Valley, and to provide our own food locally.
- On July 27 she joined Carol Quasula and Laura Toussaint of Catholic Charities to learn about how they marketed their services enabling them to be able to send speakers into the community to talk about their services, not only in Cottonwood, but throughout the state.
- Also on July 27 she & Mr. Bartosh had lunch with Evelyn Casula and Sally Odette of APS to discuss the Business Assistance Center and how APS might partner with the

city and NACOG for furniture or other needs.

- On July 28 she attended and spoke at Dr. Jay Fleishman's memorial service.
- On July 29 the city had a flag raising ceremony at City Hall to begin flying the Prisoner of War/Missing in Action flag. Vice Mayor Pfeifer and Council Members Kirby, Pratt, Norman and Smith attended, as well as Mr. Bartosh and staff members. The Veterans of Foreign Wars Color Guard was led by Commander of the Color Guard Art Gallegos who raised the POW flag. American Legion Commander Bill Crawford and officers also attended.
- Also on July 29 she attended a promotion ceremony for Sgt. Kevin Murie. Officer Cory Shilling had been recognized by Arizona Mothers Against Drunk Driving as Officer of the Year.
- On July 30 she attended with Vice Mayor Pfeifer and Council Members Norman and Smith and Mr. Bartosh the dedication ceremony and open house at the new municipal court building.

CALL TO THE PUBLIC

There were no comments from the public.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO MRS. RICHARD KEVIN FOR MR. KEVIN'S SERVICE AS A MEMBER OF THE PLANNING & ZONING COMMISSION

Mr. Gehlert reviewed the late Mr. Richard Kevin's nearly eight years of service on the Planning & Zoning Commission.

Mayor Joens, Council Member Pratt, and Mr. Gehlert presented Mrs. Kevin with a certificate of appreciation for Mr. Kevin's years of service as a member of the Planning and Zoning Commission.

APPROVAL OF MINUTES—SPECIAL WORK SESSION OF JULY 8, 2010, REGULAR MEETINGS OF JULY 6 AND JULY 20, 2010

Council Member Kirby stated on page 17 of the July 20 minutes the word "interested" was missing from the paragraph about companies who might wish to locate here.

Council Member Kirby moved to adopt the minutes as amended. Council Member Smith seconded the motion.

Mayor Joens stated page 6 of the minutes of July 6 should read "NEPA" instead of "EPA". On page 8 it read "added under Special Revenues Fund Expenditures was \$458,000 for solar panels at the airport". She believed it was \$92,000 for solar panels at the airport and

the other would be for the recreation center and asked that the tape be checked.

The motion carried.

OLD BUSINESS

ORDINANCE NUMBER 565--AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY REPEALING SECTION 2.88.020, CONTRACT PROCEDURES FOR PROFESSIONAL SERVICES; SECOND & FINAL READING

Mr. Horton stated this would be the second reading of an ordinance that would repeal an archaic provision of the Municipal Code not being used now about the procurement of professional services. Two weeks ago the Council approved a revision to the Financial Operations Guide with respect to procurements, which were the guidelines staff referred to when conducting procurements on behalf of the city. There may come a time when different city departments wanted to maintain lists of professionals upon whom to call to provide certain services, but it did not seem that was something in use, appropriate, or necessary for the city right now.

Mayor Joens asked if there were any comments from the public, and there were none.

Council Member Kirby moved to approve Ordinance Number 565 repealing Section 2.88.020 of the Cottonwood Municipal Code. Council Member Norman seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read the second reading of Ordinance Number 565 by title only.

ORDINANCE NUMBER 565

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY REPEALING SECTION 2.88.020, CONTRACT PROCEDURES FOR PROFESSIONAL SERVICES.

ORDINANCE NUMBER 566--AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 2.108, HISTORIC PRESERVATION COMMISSION, TO TITLE 2, ADMINISTRATION AND PERSONNEL; SECOND & FINAL READING

Mr. Bartosh stated this would be the second and final reading of this ordinance. It was the first step in becoming a Certified Local Government which would make the city eligible for grants for historic preservation.

Mayor Joens asked if there were any comments from the public, and there were none.

Council Member Elinski moved to approve Ordinance Number 566. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read the second reading of Ordinance Number 566 by title only.

ORDINANCE NUMBER 566

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 2.108, HISTORIC PRESERVATION COMMISSION, TO TITLE 2, ADMINISTRATION AND PERSONNEL.

CONSENT AGENDA

RESOLUTION NUMBER 2528--APPROVING THE SUBMITTAL OF AN APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR ARIZONA TRANSPORTATION ENHANCEMENT PROGRAM ROUND 18 GRANT FUNDING TO CONSTRUCT A SIDEWALK ALONG THE EAST SIDE OF STATE ROUTE 260 BETWEEN FIR STREET AND DEL RIO DRIVE

Council Member Smith requested this item be pulled from the consent agenda for discussion, and asked why there was not any multi-lane or bicycle lanes put in.

Mr. Scott stated the original cost estimate was for a multi-use path from Western Drive to Fir Street. The grant was only for \$1 million, which was not enough to cover it and it had been scaled back. In the future, the project would be divided into even smaller pieces to provide for a multi-use path.

Mayor Joens stated it was just a grant application but she would like to have it discussed.

Mr. Scott stated this application was for a federally funded grant through ADOT for beautification and multi-modal transportation. It would provide a link from Verde Valley Manor to the major commercial part of town.

Council Member Smith moved to approve Resolution Number 2528 committing the city to the requirements below (contained in the staff memo) and direct city staff to apply for the 2010 Transportation Enhancement Grant sponsored by ADOT and FHWA. Council Member Norman seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2528 by title only.

RESOLUTION NUMBER 2528

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING THE SUBMITTAL OF

AN APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR ARIZONA TRANSPORTATION ENHANCEMENT PROGRAM ROUND 18 GRANT FUNDING TO CONSTRUCT A SIDEWALK ALONG THE EAST SIDE OF STATE ROUTE 260 BETWEEN FIR STREET AND DEL RIO DRIVE.

NEW BUSINESS

DEMONSTRATION OF CrimeReports, A CRIME MAPPING NETWORK

Chief Fanning stated he would demonstrate a new program the police department was using called CrimeReports.com. Its \$1,200 annual cost was being paid for with RICO (Racketeer Influenced & Corrupt Organizations Act) money and was accessible to anyone through the internet. It would soon be linked to the city's and the Chamber of Commerce's web pages. He demonstrated how to use the program and utilize the information provided, which was updated every 24 hours.

Council Member Elinski asked if there was something similar for the fire department.

Chief Fanning stated he did not know. This one was started several years ago and had recently come to the attention of the police department. Sergeants were required daily, at shift changes, to view it to keep abreast of the latest crime developments.

CONSENT OF ASSIGNMENT OF TENANT RIGHTS FROM BACKUS FAMILY INVESTMENTS, LLC, TO HIGH FIVE HANGARS OWNERS ASSOCIATION, INC., AND DECLARATION OF LEASEHOLD CONDOMINIUM FOR LOT 135 AT COTTONWOOD AIRPARK

Mr. Horton stated these would be two related actions tied to another action the Council previously took to accommodate the applicant's desire to convert this five airplane hangar development into condominiums. Planning & Zoning previously approved a plat for a condominium structure which was where the air space would be. The structures and common spaces such as the outside grounds, would be held by an association of which the individual unit owners would be members. The Council previously approved an assignment of the leasehold rights to the entire project to the condominium association which had not been recorded. The Council was being asked to approve this consent which allowed the leasehold rights of the common areas to be transferred to the hangers association and the individual units would be held by the developer and be sold directly to purchasers for value. The declaration of condominium was something that was provided for and required by the Horizontal Properties Regime Act that said the city as lessor needed to offer its consent to the conversion to condominiums when it owned the underlying ground. This was a leasehold condominium which provided certain disclosures to purchasers about what happened at the end of the lease to the property and what rights they did and did not have, while preserving the city's rights as lessor.

Council Member Elinski questioned what will happen when the city gets the land and all the developments back.

Mr. Horton said what would likely happen, and this went back to the whole Airpark lease, was there will probably go be a discussion between the owner, the city as lessor of the real property, and the current tenant lessee about renewing the lease. The property value would be greatly increased from what it was in 1983 when it was bare dirt. The city would be the owner and potential lessor of a developed piece of property. The lease rate would likely be considerably richer. The documents also contemplate not a right of first refusal, but the right to renew on negotiated terms, will go to the current lessee.

Council Member Kirby stated if no agreement can be reached with the Backus family all of this reverts back to the city.

Mr. Horton stated in a hundred years from the original lease date with all the renewals built into it the city is the owner, but the documents also contemplate that the city will look to the current lessee first to negotiate a new lease. In the absence of an agreement going forward, then it's the city's property.

Council Member Pratt moved to approve the proposed declaration of leasehold condominium for Lot Number 135 of Cottonwood Airpark, Tract One, Parts B and C, the revised consent of assignment of leasehold rights as to the common areas of the High Five Hangars Condominium Development from Backus Family Investments, LLC, to High Five Hangars Owners Association, Inc. Council Member Kirby seconded the motion, which carried, with a dissenting vote by Council Member Smith.

RESOLUTION NUMBER 2529--APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY (NAIPTA)

Mr. Bartosh stated as the Council may recall, we were in the process of merging CAT with NAIPTA when we ran into some financial concerns, primarily related to the economy, the loss of our LTAP (Local Technical Assistance Program) funds, and the stability of our contributing partners in terms of their financial commitment. It was decided between our staff and NAIPTA to postpone the merger and in so doing that it was agreed there was a need for an intergovernmental agreement that laid out the responsibilities because we did have some overlapping grants that NAIPTA had acquired and were managing for us. The transit facility was acquired through grants obtained by NAIPTA and they were working out an agreement in terms of using that building through the IGA and also the computer system. This was intended to be a temporary IGA that potentially gets us to a merger where at that point staff would bring back an IGA to the Council and present it at that time. There was still a lot of discussion that had to go on in terms of how this happens, when it happens, and those kinds of things. At this point this was a good course to take in terms of making the separation and making sure everything was lined out. The city would resume management of CAT along with these grants that NAIPTA received. If it was appropriate and the time presented itself, then staff would come back to the Council with the possibility of a merger at a later date.

Mayor Joens stated it seemed to her it was very detailed and laid out who was going to do what.

Mr. Horton stated this was the product of a lot of meetings that first were trending toward the merger, but also were able to identify a lot of things that were going on in anticipation of the merger on a less formal basis, so this also memorialized all the different arrangements the city had with NAIPTA.

Mayor Joens asked if there were any comments from the public, and there were none.

Council Member Norman moved to approve Resolution Number 2529 authorizing a new intergovernmental agreement between the City of Cottonwood and NAIPTA. Council Member Smith seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2529 by title only.

RESOLUTION NUMBER 2529

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA ("CITY"), APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY (NAIPTA).

ADJOURNMENT

Council Member Kirby moved to adjourn. Council Member Norman seconded the motion, which carried unanimously. The regular meeting adjourned at 5:17 p.m.

Diane Joens, Mayor

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 August 3, 2010. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date