

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 15, 2013, 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 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
Randy Garrison, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, City Attorney
Matt McLean, Deputy Clerk
Charlie Scully, Planner
Dan Lueder, Development Services General Manager
Morgan Scott, Development Services Operations Manager
Charlie Mackey, Electrician
Rudy Rodriguez, Administrative Services General Manager

PLEDGE OF ALLEGIANCE

County Attorney Sheila Polk led the Pledge of Allegiance.

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

Mayor Joens stated she attended the Yavapai College presentation about the 10-year plan for the college, and she believed the ballots went out today for the Cottonwood-Oak Creek School and Mingus Union High School override election.

PROCLAMATIONS--PROCLAIMING OCTOBER 16, 2013, AS NATIONAL FERAL CAT DAY,
PROCLAIMING THE WEEK OF OCTOBER 20-26, 2013, AS CITIES AND TOWNS WEEK, &
RECOGNIZING THE CONTRIBUTIONS OF OUR EMERGENCY ROOM NURSES

Mayor Joens proclaimed October 16, 2013, as "National Feral Cat Day in Cottonwood," the week of October 20-26, 2013, as "Cities and Towns Week," and presented the "Recognizing the Contributions of our Emergency Room Nurses" proclamation to Sherry Alton, Director of the Emergency Department at the Verde Valley Medical Center.

EMPLOYEE OF THE QUARTER AWARD FOR THE THIRD QUARTER--MORGAN SCOTT, DEVELOPMENT SERVICES OPERATIONS MANAGER

Mr. Lueder reviewed why Morgan Scott had been selected to receive the Employee of the Quarter award and Mr. Scott was presented with a check and plaque.

EMPLOYEE SAFETY QUARTERLY AWARD FOR THE THIRD QUARTER--CHARLIE MACKEY, ELECTRICIAN

Mr. Lueder reviewed why Charlie Mackey had been nominated and selected to receive the Employee Safety Quarterly award and Mr. Mackey was presented with a check and plaque.

PRESENTATIONS

PLAQUE OF APPRECIATION FROM THE BOYS & GIRLS CLUB

Representatives from the Boys & Girls Club presented the council with a Helping Hand plaque of appreciation for their financial support of the Boys & Girls Club.

COUNTY ATTORNEY SHEILA POLK--"MARIJUANA HARMLESS? THINK AGAIN."

Ms. Polk played a video and made a PowerPoint presentation on the harmful effects caused by marijuana use.

CALL TO THE PUBLIC

Lani Wyatt stated she wanted to remind everybody, including Rudy, how important it is to take serious the (condition of) sidewalks and driveways.

Patrice Rohmer, a Cottonwood resident, stated she hoped the council received the DVD of "Take Back Your Power" and watched it. There was a recent inquiry into whether the city would be any authority to ban the installation of Smart Meters. During an AARP Town Hall conference call with the Arizona Corporation Commission on utilities, Commissioner Brenda Burns explained how individuals and groups can actively get involved with issues regulated by the commission. One of the processes is to file a motion for intervention. Many cities and counties in California as well as other states are filing for a motion to intervene regarding matters of Smart Meters. Rate payers should be allowed to opt out without being forced to pay a fee to not have a nuisance put on their property. Without the city's active participation the utility is not going to act. It is up to us to create a Smart Meter Free Zone to protect our health. She requested to put the Smart Meters on the agenda and make a presentation to

the council on the specifics of Smart Meters, and that we intervene on behalf of the citizens in order to create a clean environment for all of our citizens of Cottonwood.

Sondraya Bradley, a member of the Cottonwood Smart Meter Awareness Group, invited the council to attend a free showing of the movie "Take Back Your Power" on Thursday at the Verde Village Clubhouse at 6 p.m. Her concern was there was no independent safety tests done on Smart Meters nor were there any independent studies proving these meters were safe for long term exposure for the entire population. What they did know for sure about Smart Meters was the World Health Organization classified microwave radiation as a Class IIB potential carcinogen on May 31, 2011. It is recorded that the Arizona Corporation Commission does not require anyone to have a Smart Meter who does not desire to have one. She was also concerned that Smart Meters violate our privacy. She was requesting that the council, as policy makers, make a stand for them. She was requesting that the council immediately put this on their next agenda to pass an ordinance prohibiting the installation of wireless Smart Meters by utility companies and their agents until such time as it is proven safe for the community.

Debra Geddie urged the council to look into the ill effects of health from Smart Meters. Dr. Klinghardt has found in working with people and studying them for 10 years that after having Smart Meters installed, 6 months later there was quite a change and had detrimental quality of the cells. She hoped the council would take responsibility for their health.

Rebecca Drake, a resident of 12th Street, wanted to bring it to their attention that some parts of the road were going to be elevated and a few of the low areas are going to severely impact some properties. They have been working with the public works staff, but it was still a stressful situation and unwelcoming the way it was going to change the front of the property and the things they had to do to deal with it. She wanted the council to be aware of this.

APPROVAL OF MINUTES—SPECIAL MEETING OF SEPTEMBER 10, WORK SESSION OF SEPTEMBER 10, SPECIAL WORK SESSION OF SEPTEMBER 26, AND REGULAR MEETING OF OCTOBER 1, 2013.

Mayor Joens stated she would like to pull the September 10 minutes for the next meeting. They got the draft version rather than the final.

Council Member Elinski moved to approve the minutes of the special meeting of September 10 and the special work session of September 26 and the regular meeting of October 1, 2013. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

UNFINISHED BUSINESS

ORDINANCE NUMBER 601—AMENDING THE CITY'S ZONING ORDINANCE BY AMENDING SECTIONS 405, B., DEFINITIONS, AND 405, E., 2., FLASHING SIGNS, AND ADDING A NEW

SECTION 405., E. 16., ELECTRONIC MESSAGE DISPLAY SIGNS; SECOND AND FINAL READING

Mr. Scully stated this was the second reading of the ordinance and was an amendment to the Zoning Ordinance. It adds a new section allowing electronic signs that are part of commercial developments.

Mayor Joens asked if there were any comments on this item, and there were none.

Council Member Pratt moved to approve Ordinance Number 601. The motion was seconded by Council Member Elinski, and carried unanimously.

Mayor Joens requested the Deputy Clerk read Ordinance Number 601 by title only.

ORDINANCE NUMBER 601

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE CITY'S ZONING ORDINANCE BY AMENDING SECTIONS 405, B., DEFINITIONS, AND 405, E., 2., FLASHING SIGNS, AND ADDING A NEW SECTION 405., E. 16., ELECTRONIC MESSAGE DISPLAY SIGNS.

RENEWAL OF THE CONTRACT WITH WASTE MANAGEMENT FOR SOLID WASTE HAULING SERVICES FOR THE COTTONWOOD TRANSFER STATION

Mr. Scott stated the city had gone out for bid for our waste hauling service for our transfer station. At that time Waste Management had taken some exceptions to the bid and council directed staff to try and work with them to come up with a solution. He explained the three exceptions that were worked out. Waste Management was the low bidder and staff recommended awarding the bid to them.

Mr. Black from Waste Management thanked the council for the opportunity for their attorney to work with Mr. Horton to get this resolved.

Vice Mayor Pfeifer moved to renew the contract with Waste Management Incorporated for solid waste hauling services. The motion was seconded by Council Member Garrison, and carried unanimously.

AWARD OF CONTRACT FOR CITY RECYCLING SERVICES

Mr. Scott stated this item had been tabled previously and the council had asked staff to go back to the companies that had submitted a proposal for the city's recycling services for a final best offer with a few new conditions which were: how would their proposal be changed if the site was moved to the 6th Street location, whether the company would be willing and able to provide (electronic) recycling services along with everything else, and reduce the

amount of time for the contract period. Two companies did provide a final and best offer; Patriot out of Dewey, and Waste Management. Waste Management preferred the more secure site of Mingus Avenue but they would move it to the 6th Street site given a few conditions; the city would be responsible for security and any illegally dumped items. They were willing to provide electronics recycling; however, they have a few concerns about just placing a bin out on 6th Street because of private information contained on computers and other electronic devices. Their recommendation was to keep that portion at the transfer station where it would be secured. They offered a rebate on quite a few electronic devices with the exception of the old large screen TVs which they would charge us \$6.00 each. If we choose to go that direction we may want to look at installing fees at the transfer station to pass that fee onto the user.

Mayor Joens asked if we had thought about if we would charge in-city and out-of-city rates because she assumed everybody in the upper Verde Valley will probably use the service.

Mr. Scott stated right now the transfer station does charge in-city and out-of-city rates based on checking drivers licenses.

Council Member Pratt stated it looks like our concerns were answered and he understood having the electronic recycling at a secured site.

Mayor Joens stated we really wouldn't need the big cleanups anymore; they can drop it off anytime which is more convenient for the public.

Mr. Scott questioned if that was the direction the council would like to go.

Council Member Pratt stated yes, and Council Member Dowling stated pursue having it on a regular bases, but we may still require a year of cleanups.

Mr. Bartosh stated we would not do the annual electronics cleanup because it would be available year round, and do community cleanups.

Council Member Garrison stated he would like to start back with the idea of moving it from 6th Street up to their transfer station and he was in line with making that movement. He had a problem with trying to continue using that site with the perception that it's already going to be dirty and trashed as it is, plus the additional burden it was going to place on staff to have to maintain that. He liked the idea of having electronics up there and did not have a problem passing the cost for electronics to the consumer and did not know if we needed to have an in-town, out-of-town rate on that. He would rather see this (contract) pushed out a year or two with the idea of once we come to terms with trash collection this would become changed or we would relook at the contract at that point.

Mayor Joens stated she would not be comfortable with going for two years. Shorter was better because you can always renew it.

Mr. Scott stated the way it was written now is 6 months is a minimum and then you go on a month to month basis after that.

Mr. Bartosh stated there is a clause in the contract that allows us to discontinue.

Council Member Pratt stated his concern with moving all the recycling up to the transfer station is he thought we would see less recycling and make it more of a burden on our citizens. Sixth Street is a good site and it wouldn't take much to lock it up at night. He talked to a lot of people and they prefer to be able to go to that site rather than the transfer station because of the access.

Mayor Joens stated she agreed with him. The 6th Street site was centrally located in the community and was convenient.

Mr. Bartosh stated it was going to be an issue because we were going to have to check it every day and was an added responsibility that we use maintenance staff that was already stretched. The issue of closing it was going to be tougher because we got away from closing the cemetery and closing the parks because we didn't have somebody available with a vehicle to go around and do that. We can do it, but it's probably going to take somebody out of the recreation center or some other location to make that happen. He was sure they wouldn't want to close it before 7 or 8 o'clock at night.

Council Member Dowling stated he saw seven drop off locations for Sedona Recycles in the Verde Village/Cottonwood area. He felt it was possibly redundant. We want to provide convenience but we have seven other places for people to drop stuff at. We have to balance out convenience versus the other half of it. He had a hard time justifying creating an eighth in the same space we've already got it that is already reporting having problems with cleanup and maintenance.

Vice Mayor Pfeifer stated she agreed with Jesse. They were already up there dumping their trash and if they are really interested in recycling they can make it one trip.

Council Member Elinski stated he agreed with Randy. If we're going to be locking it up at night it was going to be as inaccessible during those hours as the compactor station would be and having staff already up there to monitor everything makes sense. There are plenty of other locations throughout town for folks to recycle and he saw this as a band aid until we can discuss a city-wide recycling and trash hauling effort that makes better sense than continually juggling locations and giving out six month contracts. In fairness the vendor the contract should be for one year, and understood we had the option to extend it up to two years. He would like not to have to visit this in six months.

Council Member Garrison stated if we leave it at 6th Street we were just going to be trading off the cost of the contract for the cost of the additional labor to have to maintain it and \$20,000 will look cheap when it's all said and done. Moving it up to a site where it's more readily managed and can be kept track of would be the right move all the way around.

Mr. Horton stated if the council wants to authorize a contract for a longer period it locks in the price. If we contract for six months and then go month to month then we don't have the price certainty.

After further discussion regarding the contract period, Mr. Scott questioned if the council wanted to do glass and electronics, which the consensus of the council was yes.

Council Member Garrison moved to award the contract to Waste Management, to move the facility for recycling to their Mingus Avenue site for a term of not less than a year up to two years. The motion was seconded by Mayor Joens, which carried with a dissenting vote by Council Member Pratt.

Mr. Bartosh stated for a point of clarification, the site was actually our site now and we operate that.

Council Member Garrison moved to amend the motion to the city's transfer site on Mingus Avenue. The amendment was seconded by Mayor Joens, and carried unanimously.

CONSENT AGENDA

ACCEPTANCE OF A QUIT CLAIM DEED FROM VERDE PLAZA ASSOCIATES FOR APPROXIMATELY 338 FEET OF RIGHT-OFWAY ON 7TH STREET NORTH OF ASPEN STREET

APPROVAL OF CONTRACT NUMBER 130501-01 WITH THE STATE OF ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR FUNDING FOR THE PURCHASE AND INSTALLATION OF AUDIO/VISUAL EQUIPMENT FOR THE NEW EMERGENCY OPERATIONS CENTER

APPROVING CONTRACT NUMBER 2014-PT-024 WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR OVERTIME EXPENSES INCURRED BY THE COTTONWOOD POLICE DEPARTMENT DURING SELECTIVE TRAFFIC ENFORCEMENT PATROL DETAILS

APPROVAL OF CONTRACT NUMBER 2014-PT-061 WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDING IN THE AMOUNT OF \$4,682 TO PURCHASE A MOBILE RADAR VEHICLE COUNTER FOR THE COTTONWOOD POLICE DEPARTMENT

APPROVING CONTRACT NUMBER 2014-AL-041 WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR GRANT FUNDS TO PURCHASE FIVE PORTABLE BREATH TESTERS AND MOUTHPIECES FOR THE COTTONWOOD POLICE DEPARTMENT

APPROVING CONTRACT NUMBER 2014-AL-018 WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR OVERTIME EXPENSES INCURRED BY THE COTTONWOOD POLICE DEPARTMENT DURING DUI PATROLS

RESOLUTION NUMBER 2717--APPROVING A CERTIFIED LOCAL GOVERNMENT PARTICIPANT AGREEMENT WITH THE ARIZONA STATE PARKS BOARD

Council Member Dowling moved to approve the consent agenda. The motion was seconded by Council Member Elinski, and carried unanimously.

Mr. Horton stated they just noticed there was a mis-numbering of the resolution numbers. The resolution in number seven will actually be Resolution Number 2718, which will be corrected.

The motion carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2718 by title only.

RESOLUTION NUMBER 2718

APPROVING A CERTIFIED LOCAL GOVERNMENT PARTICIPANT AGREEMENT
WITH THE ARIZONA STATE PARKS BOARD.

NEW BUSINESS

RESOLUTION NUMBER 2718--APPOINTING A MEMBER TO THE HISTORIC PRESERVATION
COMMISSION TO FILL THE REMAINDER OF A TERM WHICH EXPIRES NOVEMBER 3, 2014

Mayor Joens requested to pull this item as two people who applied have withdrawn.

RESOLUTION NUMBER 2720--AMENDING THE CITY'S FINANCIAL OPERATION GUIDE BY
DELETING SECTION XV, LONGEVITY COMPENSATION POLICY, AND ADDING A NEW SECTION
XV, LONGEVITY COMPENSATION POLICY

Mr. Rodriguez stated part of our budget discussions this year was continuing to finalize the different aspects of our compensation study. The last aspect we had was the longevity plan. We had a current policy in place that was implemented in October of 2007 which was suspended because of the economy. One of the changes in the new policy is it is capped at \$1,250 because of the updated compensation study. The new program was considerably simpler and they would like to have the council approve this one. The rates were in the policy that was attached to the council communication. This item was discussed at length a week ago.

Mayor Joens questioned number II.D., where it states, "Years of continuous full time service will be calculated as of June 30, time off payroll does not count toward years of service and military service and unpaid leave as listed," and what other communities do about military service and are we penalizing people because they are serving our country.

Mr. Rodriguez stated they were all over the board. It was difficult to try to go ahead and have some sort of a standard out there. Some do compensate, others do not, and some don't have one at all. The way we view it is we are looking at the tenure they have with the City of Cottonwood and the institutional knowledge they have with the city. Any type of unpaid

services to the city be it military or otherwise, they were not adding any more to their institutional knowledge.

Mr. Horton stated there was federal law on anti-discrimination against folks that are serving in the military; it's called USERA (Uniform Services Employment Re-Employment Rights Act) as long as you treat folks who are or were in the military the same as all your other employees and don't penalize them for any service you're not running afoul of federal law.

Mayor Jones stated so if someone goes into the military we're holding their job, and questioned if that was correct.

Mr. Rodriguez replied yes.

Mayor Joens then questioned how the council felt about that.

Council Member Pratt stated he would like to eliminate that part of it and would like them to get credit for that time.

Mayor Joens and Vice Mayor Pfeifer agreed.

Council Member Elinski stated he understood what we were essentially paying them for is their years of service in the institution and the knowledge that goes along with that and he could go both ways in this.

Mayor Joens asked for comments from the public and there were none.

Council Member Pratt moved to approve Resolution Number 2720 amending section II.D. to eliminate the phrase "military service." The motion was seconded by Vice Mayor Pfeifer, and carried.

Mayor Joens requested the Deputy Clerk read Resolution Number 2720 by title only.

RESOLUTION NUMBER 2720

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY'S FINANCIAL OPERATION GUIDE BY DELETING THE CURRENT SECTION XV, LONGEVITY COMPENSATION POLICY, AND ADDING A NEW SECTION XV, LONGEVITY COMPENSATION POLICY.

PURCHASE AND CANCELLATION OF LEASE AGREEMENTS FOR ARSENIC REMEDIATION EQUIPMENT

Mr. Lueder stated when we awarded the original contract for arsenic remediation equipment a decision was made to lease that equipment because technology at that time was still

developing. Some of the medias we receive through our lease have changed. The leases were for five years and when the first lease came up on well 8-2, Environgen inquired whether we wanted to purchase that particular unit. There were prices established in the lease agreement that after five years there was a certain purchase price. That morphed into a discussion of maybe we should buy them all now. We presented these concepts to the council in an executive session and the council directed us to move forward. The benefit to the city and its rate payers of purchasing these systems now is we will save an excess of \$590,000 in lease payments that were contractually bound to. It also allows us to break ties with a company that has been difficult to deal with and has gone through many changes. When Environgen came back with their price of two million dollars they also threw the three coagulation/filtration systems in which had an end of lease market value in the contract of about \$770,000. After negotiating with the company, we would pay them two million dollars for all 17 arsenic remediation units and the city would pay no lease payments after September 30 which would save another \$17,000 in lease payments.

Council Member Pratt stated he sees that the funding comes from the water system reserve funds and we have enough money in there for that.

Mr. Rodriguez stated it would come from our capital reserves. Currently, the water system does not have the resources to do that.

Council Member Pratt moved to authorize the city's purchase of the arsenic removal equipment the city is currently leasing from Environgen Technologies for a total purchase price of \$2,000,000, subject to the negotiation of a final form of purchase and lease termination agreement that is satisfactory to the city manager, city attorney, administrative services general manager, and development services general manager. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

RESOLUTION NUMBER 2721--DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE PURCHASE OF THE WATER UTILITY'S ARSENIC REMOVAL SYSTEMS

Mr. Rodriguez stated besides the \$590,000 savings we'll have on lease payments, the total savings for the water utility will be over a million dollars over a five year period. We will be financing about \$2,000,000 to replenish the capital improvements fund. He explained the savings the purchase would produce versus going on with lease payments.

After brief discussion regarding the financial institution funding for the purchase, Council Member Elinski moved to approve Resolution Number 2721. The motion was seconded by Mayor Joens, and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2721 by title only.

RESOLUTION NUMBER 2721

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE PURCHASE OF THE WATER UTILITY'S ARSENIC SYSTEMS.

CLAIMS AND ADJUSTMENTS

Vice Mayor Pfeifer moved to pay the Claims. The motion was seconded by Council Member Dowling, 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 8:45 p.m.

Diane Joens, Mayor

ATTEST:

Matthew McLean, 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 October 15, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date