

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 18, 2011, 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  
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  
Matthew McLean, Deputy Clerk  
Steve Horton, City Attorney  
Rudy Rodriguez, Administrative Services General Manager  
George Gehlert, Community Development Director  
Mike Casson, Fire Chief  
Jody Fanning, Chief of Police  
Charlie Scully, Long-Range Planner

PLEDGE OF ALLEGIANCE

Duane Kirby led the Pledge of Allegiance. Mayor Joens thanked him for leading the pledge.

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 the Airfest was very successful. The Junior Pro Rodeo was at the Verde Valley Fairgrounds last Friday and Saturday. This coming weekend was the Fall Classic Professional Disc Golf Tournament. Friday night will be the Police and Fire department charity basketball tournament.

Council Member Pratt stated he attended the Governor's Regional Educational Forum in Prescott.

Council Member Dowling stated he attended the independent redistricting meeting in Prescott Valley.

Council Member Elinski stated last Wednesday there was a Historic Preservation Commission meeting. They had requested a presentation on different cities' websites and how they promoted their historic district. The Commission asked him to encourage the Council to take a hard look at the city's website which they feel there is a lot that is lacking and they would like to encourage us to work on it some more.

Vice Mayor Pfeifer stated she and Council Member Norman attended the Water Festival.

Mayor Joens stated she and her niece Brandi traveled to the Hualapai Tribe's Grand Canyon West, rode in the helicopter down into the canyon, rode in a pontoon boat and walked on the Skywalk. She attended a presentation where First Things First gave a check of \$3,897,571 for programs in Yavapai County for ages of birth to 5 years of age. Casey Rooney and she met with Joan Bourque, who wants to apply for grants to promote the arts and bring art to the community's children. She attended the employee and volunteer picnic. She attended a Sunny Heartley concert and welcomed the square dancers from all over the state to the Cottonwood Roadrunners Square Dance Festival. She attended a presentation at the Northern Arizona VA Healthcare System in Prescott.

CALL TO THE PUBLIC—No comments were made.

#### INTRODUCTION OF NEW EMPLOYEES

Council tabled this item.

#### APPROVAL OF MINUTES—BUDGET WORK SESSIONS OF JUNE 6, 8, AND 13, 2011; REGULAR MEETING OF OCTOBER 4, 2011

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

#### ORDINANCE NUMBER 579—AMENDING SECTION 404.O: ANIMALS AND PETS OF THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SUB-SECTION a. TO SECTION O. 1. HOUSEHOLD PETS; AMENDING SUB-SECTION 2. SHOW ANIMALS, OF SECTION 404. O. ANIMALS AND PETS; ADDING A NEW SUB-SECTION 8., TO SECTION 413.B: R-1 ZONE (PERMITTED USES); ADDING A NEW SUB-SECTION 11. TO SECTION 414. B: R-2 ZONE (PERMITTED USES); ADDING A NEW SUB-SECTION 13. TO SECTION 416.B: R-4 ZONE (PERMITTED USES); AND ADDING A NEW SUB-SECTION 12. TO SECTION 417.B: MH ZONE (PERMITTED USES); SECOND AND FINAL READING

Mr. Gehlert stated the ordinance is to allow the keeping of chickens in residential R-1, R-2, R-4 and MH zones; a containment area must be 15 feet from an adjacent property line; allows the slaughter of chickens outside and allows the raising of 12 chickens. The

ordinance will be an amendment to the Planning and Zoning Code. Before keeping chickens a resident must first obtain a permit from the Community Development Department. This would be the second and final reading.

Council Member Pratt moved to approve Ordinance Number 579. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the Deputy Clerk read Ordinance Number 579 by title only.

#### ORDINANCE NUMBER 579

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING SECTION 404.O: ANIMALS AND PETS OF THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SUB-SECTION a. to SECTION O. 1. HOUSEHOLD PETS; AMENDING SUB-SECTION 2. SHOW ANIMALS, OF SECTION 404. O. ANIMALS AND PETS; ADDING A NEW SUB-SECTION 8., TO SECTION 413.B: R-1 ZONE (PERMITTED USES); ADDING A NEW SUB-SECTION 11. TO SECTION 414. B: R-2 ZONE (PERMITTED USES); ADDING A NEW SUB-SECTION 15. TO SECTION 416.B: R-4 ZONE (PERMITTED USES); AND ADDING A NEW SUB-SECTION 12. TO SECTION 417.B: MH ZONE (PERMITTED USES).

ORDINANCE NUMBER 580--AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SUB SECTION 406. G. REGULATIONS APPLICABLE TO PARKING IN THE "COTTONWOOD COMMERCIAL HISTORIC DISTRICT" TO SECTION 406. PARKING AND LOADING REQUIREMENTS; ADDING A NEW SUB SECTION 406. B. 7., EXCEPTIONS FOR USES LOCATED NEAR PUBLIC PARKING LOTS; AND ADDING A NEW SUB SECTION 406. E. 6. EXEMPT USES (PERTAINING TO OFF-STREET LOADING REQUIREMENTS); SECOND AND FINAL READING

Mr. Scully presented Ordinance Number 580 which would lift the requirement that commercial properties in Old Town provide off-street parking. The city would provide public parking in Old Town.

Vice Mayor Pfeifer moved to approve Ordinance Number 580 approving amendments to the City Zoning Ordinance, Section 406, regarding parking requirements in the Old Town commercial area. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the Deputy Clerk read Ordinance Number 580 by title only.

#### ORDINANCE NUMBER 580

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING

ORDINANCE BY ADDING A NEW SUB SECTION 406. G. REGULATIONS APPLICABLE TO PARKING IN THE "COTTONWOOD COMMERCIAL HISTORIC DISTRICT" TO SECTION 406. PARKING AND LOADING REQUIREMENTS; ADDING A NEW SUB SECTION 406. B. 7., EXCEPTIONS FOR USES LOCATED NEAR PUBLIC PARKING LOTS; AND ADDING A NEW SUB SECTION 406. E. 6. EXEMPT USES (PERTAINING TO OFF-STREET LOADING REQUIREMENTS).

ORDINANCE NUMBER 581--AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY DELETING SUBSECTION 22. SIGN, POLITICAL, AND ADDING A NEW SUBSECTION 405. B. 22. SIGN, POLITICAL AND CAMPAIGN; AMENDING SECTION 405. E. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS., BY ADDING A NEW SUBSECTION 14. POLITICAL AND CAMPAIGN SIGNS, AND 15. POLITICAL AND CAMPAIGN SIGNS LOCATED IN CITY RIGHTS-OF-WAY; AND DELETING SUBSECTION 405. G. 6. POLITICAL SIGNS; SECOND AND FINAL READING

Mr. Scully presented Ordinance Number 581 which would allow relatively large political and campaign signs to be located within city right-of-ways. This would be in conformation with new state law. The Council could declare certain areas in the future to be political sign free zones, but it has to be dealing with tourism and hotels.

Mayor Joens stated she is protesting this item. For state officials to think they know better than we do about what is best for our community and they have no clue. They want less government but they continue to pass laws like this. She questioned how a 32 square foot sign in the city right-of-way was going to be something beneficial for our community.

Duane Kirby stated this is one of several laws passed by the state legislature without any input from the cities, and he proposed that the city ignore the state law until they sue the city.

Vice Mayor Pfeifer moved to approve Ordinance Number 581 approving amendments to the City Zoning Ordinance Section 405 regarding political signs, under protest. The motion was seconded by Council Member Pratt, under protest, and carried with a dissenting vote by Mayor Joens.

Mayor Joens requested the Deputy Clerk read Ordinance 581 by title only.

ORDINANCE NUMBER 581

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY DELETING SUBSECTION 405.B.22. SIGN, POLITICAL, AND ADDING A NEW SUBSECTION 405. B.22. SIGN, POLITICAL AND CAMPAIGN; AMENDING SECTION 405. E. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS., BY ADDING A NEW SUBSECTION 14. POLITICAL AND CAMPAIGN SIGNS, AND 15. POLITICAL AND CAMPAIGN SIGNS LOCATED IN CITY RIGHTS-

OF-WAY; AND DELETING SUBSECTION 405. G. 6. POLITICAL SIGNS.

NEW BUSINESS—The following items are for Council discussion, consideration, and possible legal action.

AGREEMENT FOR THE RIGHT-OF-WAY AND DRAINAGE EASEMENT FROM THE ARIZONA CONFERENCE CORPORATION OF SEVENTH DAY ADVENTISTS FOR THE WEST MINGUS AVENUE RECONSTRUCTION PROJECT

Mr. Lueder stated staff would be bringing a series of these forward to obtain the final easements to bid on this project. This one required quite a bit of right-of-way purchase. The total payment of \$12,814 is for a combination of property, drainage easement, and stipend to move the sign that is currently in front of the property.

Council Member Elinski moved to approve the purchase agreement for the right-of-way with the Arizona Conference Corporation of Seventh Day Adventists. The motion was seconded by Council Member Norman and carried unanimously.

RESOLUTION NUMBER 2612— DECLARING THE CITY'S INTENT TO CONSTRUCT A NEW WASTEWATER TREATMENT FACILITY AT RIVERFRONT PARK, AND APPROVING A PRECONSTRUCTION SERVICES AGREEMENT WITH PCL CONSTRUCTION, INC.

Mr. Lueder stated in March of 2007, former City Manager Brian Mickelsen had an idea about wastewater satellite plants. This would allow the city to use reclaimed water where it would have the most benefit without pumping great distances. There has been numerous presentations, feasibility studies and workshop discussions. In fall of 2010, the Council expressed interest at looking for a design/build concept for this project. On October 20, 2010, a presentation was given to the Council from firms specializing in design/build. On November 9, 2010, Council directed staff to proceed with the design/build statement of qualifications solicitation. Staff received 13 responses. A selection committee consisting of utility engineer Troy Odell, project manager Scott Mangarpan, utility administrative manager Roger Biggs and licensed contractor Bob Backus, reviewed and scored the submissions. The top five were called back for interviews. The top candidate selected was PCL Construction, Inc. Staff has negotiated a scope of work and cost and pre-construction services. The Council would be approving the pre-construction services contract. PCL would meet with their subcontractors and come back to Council with a guaranteed maximum price. There will be two public forums held during the design phase, similar to the 12th Street project. The pre-construction services would not exceed \$911,717. This project will be built two feet above the five hundred year flood plain and have a flood wall around it. It will also be a teaching and learning center.

Council Member Pratt stated we have talked about this, we asked that they make sure it is 100 percent solar, and they did; we wanted an educational facility, and they did that. We talked about having it so it would remove pharmaceuticals from the water, and they did that. He was impressed with the project and environmentally and economically it was sound and

it was going to save water.

Council Member Jauregui asked Mr. Lueder how they arrived at where to locate this plant.

Mr. Lueder stated they knew that the Riverfront area was starving for water. Right now they are using water out of the Cottonwood ditch which is very tough to pump and they have to filter it. They looked at six different sites around Riverfront. The particular site they looked at they liked because it was right next to lift station three and is overgrown with bamboo and paradise trees and requires the least amount of fill to raise it above the flood plain. There are three separate lines that come in there and we could capture all the water right there. It is also the one that is farthest away from the Verde River.

Council Member Jauregui asked if that area has ever flooded before.

Mr. Lueder stated not at the level they were going to build this.

Council Member Jauregui stated he doesn't have a problem with the design; he has a problem with the location of this plant because of the history of that area with flooding. His concern is that any project that puts the Verde River at any risk is unacceptable.

Mr. Lueder stated they have recognized that and he has operated a plant that flooded out in Kachina Village and never wanted to see that again. Recently Yavapai County reissued their flood plains and they have very current information. The plant will be built up so if there is a flood it will be up out of the flood plain. It will be up on a level basically with the Cottonwood ditch which is out of the 500 year flood plain.

Council Member Jauregui asked Mr. Lueder if he would say it was guaranteed that this plant would never be breached.

Mr. Lueder stated he won't guarantee that, but we would have our hands full trying to save Old Town if it gets anywhere near this plant. Old Town is below the 500 year flood plain. Based on the best science we have we are taking it several steps above what ADEQ says we have to do. We have taken it up out of the floodplain and then taken a couple of extra steps and around the exterior of the building of the tanks where it could be a problem flooding out we've put a floodwall.

Council Member Jauregui asked what other sites were looked at besides this site in Riverfront Park.

Mr. Lueder stated we looked at a site out towards On the Greens and the Kindra Heights area, but you were not getting the flows you have here. Lift Station 3 has three major lines running into it. They could not find a complaint about odor from Lift Station 3 from the last 20 years and Lift Station 3 is raw sewage untreated. Part of the design is to put armor around Lift Station 3. When they looked at the project they had found where they could use reclaim and gravity to our advantage. They also looked at the cemetery, but there was not

enough room there. If the plant was at another location, they would have to pump the sewage to the new plant.

Council Member Jauregui stated there are a number of people that are concerned about this project, and asked if there were any petitions or records as to how many people are opposed to this project at this site.

Mr. Lueder stated he knew there were some petitions turned in, but he didn't believe those were so much opposed to the park as they wanted the Council to do more study on it and the Council had had them study this in depth. They have to obtain 20 permits for this. They have talked with Yavapai County Flood, ADEQ, NACOG, Air Control and other agencies. This isn't something the city by itself can permit; this is going to go through regulatory review.

Council Member Jauregui asked if we would still be pumping the solids uphill.

Mr. Lueder stated we would be pumping a very small amount. The project would cut down the average 300,000 per day to 6,000 per day in solids.

Mayor Joens stated the money that was used to purchase all of the lands was from wastewater enterprise funds. Riverfront Park was always intended to be a wastewater plant and never a park.

Mr. Bartosh stated one of the big problems is perception with almost anything we do. This is not similar to the plants in Clarkdale or the one up on Mingus; this plant would be all enclosed and be really very secure. There is an example of this in the middle of the city in Scottsdale that is right on their green belt, which is their major floodway through the city. It just looks like another building that is right next to a residential area.

Council Member Elinski stated he agrees with Council Member Jauregui. From the beginning he was concerned about the location and will always be uncomfortable and uneasy with it, but the more facts he receives about the findings and the studies and everything we have done due diligence wise to find out if that is going to work, he is much more comfortable with it. He does believe if that facility were ever to flood it would be devastating to Cottonwood and Old Town specifically, but he feels it would take an epic storm to really breach the barrier and he saw way more benefits than shortfalls.

Council Member Pratt stated he has talked with the former Mayor when that land was bought and that is exactly what it was bought for. If you do research there are similar plants built in similar places in Minnesota and Georgia and has seen that the technology today will protect the plant.

Council Member Dowling stated since he has an engineering background, he has really pored over this project. He attended the ADEQ presentations and they were very impressed. The areas of concerns he was looking at where if the treatment levels were possible, and were there existing systems as examples we could look at for proofs of the concept. We are

putting three advanced concepts into one unit. He is concerned about the ongoing costs for the system. All of his concerns have been or are being addressed. All the contractors involved are top notch. The lift station hasn't been flooded in twenty years and most people don't even know it exists. Overall, he thinks it is a good idea.

Vice Mayor Pfeifer stated some of these concerns about locations and it hasn't flooded yet are concerns she heard twenty years ago and how crazy the city is for pumping it uphill. We can do it cleaner and better.

Council Member Norman stated she was surprised that a lot of plants across the country are close to water.

Mr. Lueder stated a lot of plants across the county are built near water because of flow of gravity and they would have a ready discharge point. Most of the plants he has been associated with have been on a river or creek or wash.

Mayor Joens stated she has been attending water meetings for 10 or 11 years now and everything this plant is, is what they have been discussing the past 10 years about future water supply. She believes that the Council is being so responsible to treat for pharmaceuticals and it costs a price and protects the water stream. Wastewater would become a future water supply and it is a responsible thing to do for the future.

Mr. Lueder stated he believes within 10-15 years we will be drinking reclaimed water. It will keep Arizona viable.

Mayor Joens stated she agrees and believes that this plant would be the first baby step.

Mr. Lueder stated staff will look at obtaining grant money for the project, but they can't proceed with that until they have a design.

Bob Oliphant, a resident of Cottonwood, stated this was the wrong time and too much money for a city of this size and urged the Council to put it to the public for a vote.

Duane Kirby, a resident of Cottonwood, stated this was a good project since it would protect the lift station that is there, it is an educational facility, and the money had already been set aside for the project.

Mayor Joens stated according to our documentation they received it would have a solar monitoring display, a wastewater treatment display, riparian habitat display, and solar subscription service link to the city's website for the monitoring of the solar voltaic systems.

Council Member Dowling stated everyday is a voting day for the citizens in Cottonwood. The Council is reachable via email or phone. He has not had an overwhelming outpouring of "votes" from the citizens against this project. He has received questions and concerns. He appreciates all the public's passion and hopes it can be redirected into a positive fashion.

Vice Mayor Pfeifer stated Brian Mickelsen was a fantastic City Manager with a vision for the City of Cottonwood. His name will never be forgotten in Cottonwood.

Vice Mayor Pfeifer proudly moved to approve Resolution 2612 authorizing the construction of a new water reclamation facility at Riverfront Park; and approving the preconstruction services agreement with PCL, Inc., subject to final review and approval of the agreement by the City Attorney. The motion was seconded by Council Member Norman and carried with a dissenting vote by Council Member Jauregui.

Mayor Joens requested the Deputy Clerk read Resolution Number 2612 by title only.

RESOLUTION NUMBER 2612

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THE CITY'S INTENT TO CONSTRUCT A NEW WASTEWATER TREATMENT FACILITY AT RIVERFRONT PARK, AND APPROVING A PRECONSTRUCTION SERVICES AGREEMENT WITH PCL CONSTRUCTION, INC.

ORDINANCE NUMBER 575--APPROVING THE TRANSFER OF A CABLE TELEVISION LICENSE FROM NPG CABLE, INC., TO NPG CABLE, LLC D/B/A SUDDENLINK COMMUNICATIONS IN CONNECTION WITH THE SALE AND CORPORATE RESTRUCTURING OF THE COMPANY; AND SETTING NPG/SUDDENLINK'S PERFORMANCE BOND AT \$5,000.00; FIRST READING

Mr. Horton informed the Council that NPG Cable, Inc., had transferred their cable service to NPG Cable, LLC doing business as Suddenlink Communications. Due to that, the city has to transfer the existing cable television franchise agreement by Ordinance. There is an agreement in the works to bring this signal from Yavapai Broadcasting to several more households in their system. This is the first reading.

Mayor Joens asked if the entire Verde Village would be included.

Mr. Horton stated his understanding is this will only include access to households within the city limits.

Mayor Joens stated she would like to see Verde Village be able to receive the Council meetings via television.

Mayor Joens requested the Deputy Clerk read Ordinance Number 575 by title only.

ORDINANCE NUMBER 575

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, GRANTING CONDITIONAL APPROVAL FOR THE CHANGE IN CONTROL OF

THE CABLE TELEVISION LICENSE PRESENTLY HELD BY NPG CABLE, INC., TO NPG CABLE LLC PURSUANT TO A CHANGE IN THE OWNERSHIP, CONTROL AND CORPORATE STRUCTURE OF NPG; AND SETTING THE AMOUNT OF THE PERFORMANCE BOND REQUIRED BY SECTION 5.12.100 OF THE COTTONWOOD MUNICIPAL CODE AT FIVE THOUSAND DOLLARS.

CLAIMS & ADJUSTMENTS

Mr. Bartosh stated this list of expenditures includes a portion of our payment to Arizona Department of Water Resources that was mandated by the legislature this year.

Council Member Pratt moved to pay the Claims and Adjustments. The motion was seconded by Council Member Elinski 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 7:50 pm.

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Diane Joens, Mayor

ATTEST:

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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 18, 2011. I further certify that the meeting was duly called, and that a quorum was present.

\_\_\_\_\_  
Matthew McLean, Deputy Clerk

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Date