

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 8, 2013, 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 special meeting to order at 5:00 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  
Randy Garrison, Council Member

COUNCIL MEMBERS ABSENT

Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Matthew McLean, Deputy Clerk  
Steve Horton, City Attorney  
Dan Lueder, Development Service General Manager

PRESENTATION REGARDING THE VERDE RIVER BLUE TRAIL

Doug Von Gausig, Clarkdale Mayor, gave a lengthy presentation of the Verde River Blue Trail plan, which would create a map of the Verde River and help promote and protect it. He asked for a letter of support from the Council for the project.

Gary Mitchell, president of the Yavapai Cattle Growers Association, spoke against it since it appears similar to the Blue Ways project on the east coast and those states back east are having problems with it. Agriculture is losing the water rights.

Andy Grosetta, from the Cottonwood Ditch Association, spoke against the plan and using the river for recreational use. He would not like the river to be federally protected since it would limit the use of the river for agriculture purposes. If people use it, then they will abuse it.

Mr. Von Gausig stated he didn't want the Council to confuse this project with Blue Ways. Blue Trails has no federal jurisdiction over the project.

Max Castillo, from Arizona State Parks, spoke against the project and stated they have never contacted Arizona State Parks about this project. If we get more people out here it will be abused more and beat the river corridor to pieces. He can't support the plan the way it is drafted.

Mayor Joens stated one issue she does have, and why she called the Verde Valley leaders together, was that she was concerned for years and years we talked about the greenway and that was Dead Horse Ranch and the greenway. Then the greenway was extended a couple of years ago to Camp Verde. So now there is no mention of the greenway and it is all something we have worked hard for and doesn't want the greenway left out.

#### CITY RECOGNITION OF CIVIL UNIONS/DOMESTIC PARTNERSHIPS FOR CERTAIN PURPOSES

Mr. Horton stated he has provided the ordinances adopted recently by Bisbee, Tucson, Jerome and Sedona, and clarified what they don't do and they don't require anybody to do what they don't want to do, and it doesn't sanction any kind of conduct. What they do is create a registry. A civil union or domestic partnership is without regard to gender of participating individuals, so it can be a same sex couple or an opposite sex couple. It is just a couple of consenting adults who have made a commitment to each other who are not legally married under the laws of the state. These ordinances provide a registry whereby these civil unions or partnerships can file an acknowledgement of that relationship along with a list of important legal instruments, except in Bisbee's case you don't have to file the legal instruments and he thinks it makes sense. Another area they address is employee benefits, and Cottonwood's employee manual already prohibits discrimination in hiring decisions based on sexual orientation and prohibit any discrimination in the administration of employee benefits. Another area they address is the availability and the accessibility of city facilities and services, and they are basically treated as married couples. Lastly, they deal with healthcare and hospital visitation. The Tucson ordinance also includes sexual orientation in its anti-housing discrimination clause.

Council Member Elinski asked if a same sex couple can receive health benefits under the city policy.

Mr. Horton stated the city belongs to a health pool and they allow the registration of domestic partnerships and they extend spousal benefits to those partners.

Council Member Garrison asked for Mr. Horton's recommendation on how to handle this.

Mr. Horton suggested allowing the city to accept a list of the related documents in the domestic partnership, but not keep track of the documents themselves, since if we accepted the documents then they could become a public record.

Council Member Elinski stated he is excited that we are looking at this and is in favor of it. He is concerned about the city's ability to govern hospitals.

Mr. Horton stated it is a pretty innocuous provision because of the way it is written, it asks that the domestic partners be treated as partners as long as the spouse that is being treated at the facility consents. So really it speaks to the patient's discretion and control. Mr. Bartosh spoke with the CEO of the medical center and they have no problem with that provision.

Mayor Joens stated the Supreme Court did look at some issues with the Proposition 8 ruling in California, and different entities are saying that they are not discriminating in these areas. She questioned as far as fair housing goes, because of that ruling, would that have already changed to add those situations.

Mr. Horton stated he would have to look at that. Under the fair housing act, sexual orientation is not a recognized classification.

Patricia Lieder, from Cottonwood, spoke against it and reminded the council that the citizens of Arizona voted on this issue and stated we didn't want this.

Judy Cowan, from Cottonwood, spoke against it and would like it placed on a ballot for a popular vote.

Vic N, from Cottonwood, was neutral on the issue but is glad it was being discussed.

Greg Luckey, the president of Verde Valley Pride, spoke in favor of it and stated it is mostly symbolic and doesn't have any impact on the city financially.

Mayor Joens stated we did vote on this as a state in 2006 that marriage is between one man and one woman. What the city is talking about here is not marriage, and in fact Tom Horne stated that in the cities that did approve it, it did not work against the law and the vote that the people held. There is discrimination and it makes her sad that they have to live their lives not being treated respectfully.

Council Member Jauregui stated it is a good step forward and we live in the 21st century and it is time to treat people equally as human beings. He would like to see it on the next agenda or the one shortly after.

Mayor Joens stated that would depend on our city attorney's ability to do that.

Council Member Elinski stated his only concern was that filing with the city would become a public document and he didn't know if any marriage license is a public document.

Mayor Joens stated licenses are.

Council Member Elinski stated he is concerned about the amount of information that he would have to file with the City Clerk.

Mr. Horton stated the registry is completely voluntary and its sole purpose is to allow people to make a public record of their commitment in a relationship.

Mayor Joens stated Pope Francis has even given some direction as to who are we to judge.

Someone from the audience asked how it would be dissolved.

Mr. Horton stated a notice would need to be filed with the City Clerk that the union is dissolved.

Council Member Garrison stated Sedona requires them to pull it out or file a dissolution document similar to a divorce proceeding. The way he sees this is it is not about unions so much as it is about anti-discriminatory practices. The problem with Jerome's is they specifically pull out classes of individuals. He sees this as a more non-discriminatory practice.

Vice Mayor Pfeifer stated in the military, an engaged couple, if he goes overseas or she goes overseas, and they are killed, the person at this point here, whether they are straight or gay, are not entitled to anything from that person that has been killed and asked how this affects that.

Mr. Horton stated it doesn't. Nothing the city can or would do would affect the actual property rights.

Vice Mayor Pfeifer stated through our insurance pool there is no discrimination, and asked why we are here in regards to that.

Mr. Horton stated that is for the council to discuss and decide.

Mr. Luckey stated that is for the city employees, but for those that are not, there is no coverage at all.

Council Member Dowling stated to deny the existence of this is to deny reality and we need to put together the best parts of the different ordinances and draft one that we could appreciate as a city and then decide as the council on how to proceed with that. We may all know somebody of an alternate persuasion and he has a daughter that he would like to walk down the aisle someday and have the same recognition as any other person.

Mayor Joens stated the majority thoughts are that the city needs to look at non-discrimination and we would direct our attorney to create it.

Council Member Dowling stated Sedona has the best option.

Mayor Joens stated Sedona's was well written and covers the rights of human beings to be respected and be not discriminated against. She stated the direction she has heard is to go ahead and submit a proposed ordinance for more comments from the public and the council and have more discussions on the topic.

#### PROPOSED TRAFFIC CALMING ISLAND IN OLD TOWN

Mr. Lueder showed a traffic calming island to be placed in Old Town between Cactus Street and the bridge on Main Street. The island will have a speed limit sign to hopefully slow the

traffic into Old Town and it will cost about \$5,500. Staff is also proposing a flashing sign that measures the speed of the oncoming car and flashes if they are going over the speed limit. The flashing sign adds about \$2,500 to the project.

Council Member Elinski asked how it will be dressed.

Mr. Lueder stated it will probably be concrete with landscape rocks in the middle and they are trying to stay away from any plantings since they would need to water it.

Council Member Garrison asked how well the flashing sign will handle traffic.

Mr. Lueder stated it will handle it well and we will have the option to protect it somewhat. There are some other ones that instead of having the speed limit flash have the lights on the outside that will flash. The sign is solar powered.

Council Member Elinski stated he is concerned about the flashing of the sign since there are residents that might be annoyed by it.

Mr. Lueder stated they do come with a night/day sensor so it will tone down at night.

Council Member Elinski stated this is the gateway on this end into Old Town and we have talked about doing something a little more decorative that will serve a dual purpose and introduce folks into the historic district. He would hate to drive up and see a chunk of concrete with a flashing sign on it and then enter the really nice historic district of Old Town.

Mr. Lueder stated he doesn't anticipate pouring normal color concrete on this. Part of the issue is we don't have a lot of width. Mr. Lueder asked Mr. Bartosh if the flashing speed sign is really effective.

Mr. Bartosh stated it is for a while and then when people get used to it, they start ignoring it. He wondered if the lighting will cause neighbors to complain.

Council Member Elinski understood that we need to slow down the traffic in that area, but he is sensitive to improving the street scape. He doesn't like the flashing speed sign.

Mr. Bartosh stated the most calming thing is the island itself and some proper landscaping without water that makes it look like it narrows the road.

Council Member Dowling stated people will use that island for pedestrian travel and recommend that a portion of it have pavers and no dispersible material on it.

Mr. Lueder stated they could put stamp concrete on the inside there and possibly a planter of some type that grows and staff can hand water on occasion.

Council Member Garrison stated he would like to see something that is inviting into Old

Town and suggested the flashing speed sign be mobile and put up for a couple of weeks or a month and then taken down. Then we could move the sign around town.

Council Member Dowling stated we would need to bolt it down.

Council Member Garrison stated he would also like to remove the pedestrian crossing signs from the middle of the street in Old Town.

Council Member Dowling suggested we work with the font and color on the sign, so we don't just have the sterile standard sign and more old timey and put a nice welcome to Old Town sign.

Council Member Elinski suggested it match the theme of the archway by the jail trail.

Mr. Lueder stated for clarification they will look for some colored stamped concrete, a mobile flashing sign that can be moved around, historic speed limit sign and work with the wrought iron theme that we can use in the middle, and a planter on either side with desert landscaping.

Council Member Garrison suggested a max speed sign instead with the old glass reflectors on it.

Mr. Bartosh stated when we do have traffic control signs they have to meet certain criteria.

Council Member Elinski likes the detachable idea.

Mayor Joens stated make it artsy and antiequey in the character of Old Town.

#### LOCATION FOR THE DESIGN AND CONSTRUCTION OF A NEW CITY HALL

Mr. Bartosh stated they are narrowing down the possible locations on a new city hall. We are now down to two sites. One is behind the current city hall in the activity park in Old Town and the other site is across from Hog Wild that Mr. Nackard owns. If we used the site behind city hall we will probably need to move the Boys and Girls Club. He was looking for final direction on which site to use. The opportunity with Mr. Nackard is to trade his property for the Council Chambers, City Clerk's office, Finance, and City Hall. He would turn those into retail properties after the city moves out of them. By using the Nackard property, he thinks it would help extend Old Town.

Mayor Joens asked how much damage we would cause by drawing traffic away from the center of Old Town.

Mr. Bartosh stated it depends on what you think the boundaries of Old Town are, and we would still be technically in Old Town. We might attract a little more traffic than we do now and it might improve traffic with the additional retail establishments.

Council Member Elinski stated he would almost see this as being a benefit to the citizens because Old Town is getting more and more congested. The bulk of the traffic he sees in Old Town is tourist traffic. He has a concern about the timing of everything if we do the trade with Nackard, which he favors, and he thinks that Nackard would expect us to vacate these buildings fairly quickly or we would be on the line for paying him rent.

Mr. Bartosh stated while we do have some funding set aside to do these capital projects, Mr. Rodriguez would like to finance it and keep our reserves. Mr. Rodriguez feels comfortable that we can finance this and afford the payments with the retiring of the loans we had out.

Council Member Elinski stated he would like to discuss this with Mr. Rodriguez since we have the recreation center and if we do finance this out it will limit how much we can finance in the future.

Mayor Joens stated she would like to have a good meeting area since it is so frustrating to have meetings in the Council Chambers now and we don't have enough room here.

Council Member Jauregui asked what the price would be to buy the Nackard property outright instead of doing the trade.

Mr. Bartosh stated we haven't talked about what the actual cost would be.

Mr. Nackard stated it is on the market for \$1.5 million.

Mr. Bartosh stated we are looking at a straight across trade based on valuations that are around \$650-\$690,000 for both properties.

Council Member Jauregui stated if we buy it outright, then we can move at a slower pace and we will not be in a position where we have to move quickly and get the other place erected.

Mr. Horton stated the discussions that had taken place contemplated that the city would be able to occupy the current facilities during design and construction rent free between 18-24 months, and then beyond that we would talk about some rent.

Mr. Nackard stated the \$1.5 million is the asking price and he hasn't had any offers, so he doesn't know what he would take.

Mayor Joens asked what Mr. Nackard's thoughts are for Old Town once he owned these properties.

Mr. Nackard stated he would lease the buildings to users and whatever is legal within the district.

Council Member Garrison asked Mr. Lueder if the infrastructure is adequate to provide

service to that property.

Mr. Lueder stated it is. With the interconnect they put into the gravity tank and the improvements they had up here we can probably easily meet the fire flows and have the option of coming off of Willard.

Council Member Garrison stated he has problems with getting rid of the current City Hall regardless of the legal wrangling to take the encumbrances off those properties. Those properties went through three different title holders with the stipulation that it would remain public land, and doesn't think we should come along and change the wishes of those parties. He thinks they were given to be public space and they need to remain public space.

Council Member Elinski stated he thinks it would be wise for the city to get out of the real estate business entirely. We have too many properties and do too little to maintain them and we have historic properties that would be better served in the private sector for restoration efforts.

Vice Mayor Pfeifer asked if we kept City Hall how it would affect the trade.

Mr. Bartosh stated would either have to come up with other property or come up with cash.

Mayor Joens stated we could also consider tearing it down and having that whole area be a grass place for the public to sit and enjoy.

Council Member Elinski stated it is an historic building and has a great history.

Mr. Horton stated that building was given to the trustees of the town for park or public or civic purposes and then it was going to revert back to the mining company grantor or their successors or assigns. The mining company was dissolved and we did a quiet title action and asked the court to declare that clause and we didn't know who the beneficiaries of that reverter would be.

Council Member Elinski stated the community changes and the people's perception of what the property should be used for changes, and barring any public outcry it should remain public space.

Council Member Garrison stated he would like to see that space opened up for a public space and maybe start by removing the property at the back.

Vice Mayor Pfeifer stated if we decided to keep that building, we could turn it into an Old Town museum.

Council Member Jauregui stated he would like to continue this conversation with Mr. Rodriguez since he doesn't know if we have the money available for this.

Mr. Nackard stated of all the buildings that the city has, he likes the City Hall the least. It looks out of place now.

Mr. Horton stated if we get to a point where the exchange is not substantially equal in value, then it is no longer an exchange authorized by ordinance, it is going to be a public bid process. Otherwise we can't sell a property unless we advertise for bids.

Council Member Dowling suggested replacing City Hall with the old Parks and Recreation building in the exchange with Mr. Nackard.

Mr. Bartosh stated Mr. Nackard went and looked at it and decided he wasn't interested in it.

Council Member Dowling stated he doesn't like the time table either but we shouldn't just ignore opportunities based on their time table. We need to evaluate it as responsibly as we can.

Mayor Joens stated this has been a longtime discussion.

Council Member Elinski stated we have narrowed in on a property but aren't clear on a timeline. We would like Mr. Rodriguez here to say it was okay, and questioned what is the cash price for the Nackard property.

Mr. Bartosh stated some of the questions that need to be answered are if we should pay cash outright or do some other trade that meets the state statutes, and once we get it, can we afford a new City Hall and how quickly we could get it built.

Council agreed.

#### ADJOURNMENT

The work session adjourned at 7:32 p.m.

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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 work session of the City Council of the City of Cottonwood held on October 8, 2013. I further certify that the meeting was duly called, and that a quorum was present.

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Matthew McLean, Deputy Clerk

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Date