

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 1, 2011, 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 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

COUNCIL MEMBERS ABSENT

Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Steve Horton, City Attorney
Mike Casson, Fire Chief
Robert Stokes, Firefighter/EMT
Charlie Scully, Planner

PLEDGE OF ALLEGIANCE

Maggie Astill, one of several NAU nursing students who were hoping to help implement positive change in the community of Cottonwood, led the Pledge and was presented a certificate of appreciation by Mayor Joens.

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 if you drove around town this week you noticed a whole bunch of orange trash bags all over the place and Mr. Stokes and his congregation were out making Cottonwood look good. Walkin' on Main was scheduled for November 12 in Old Town Cottonwood; and there was a meeting scheduled tomorrow at 11 at the recreation center regarding redistricting.

Council Member Dowling stated on October 22 he attended a garden container class which was part of the Let's Move program; last Friday the Mingus Union High School football made it to the state playoffs and the first game was on Friday in Show Low; and he thanked Mr.

Bartosh and city staff for placing crosswalk signs at Willard and Main.

Vice Mayor Pfeifer stated Cottonwood was honored with a plaque from MatForce for the city's contribution and support the Council and citizens give to MatForce.

Mayor Joens announced the following: At the last Yavapai County Water Advisory Committee meeting she was nominated to serve as co-chair and will serve with Council Member Lora Lea Nye of Prescott Valley; on the 19th Casey Rooney and she met with Teri Drew of NACOG, Ginger Johnson of Yavapai College, and Bill Bolin to discuss the Business Assistance Centers in Prescott and Cottonwood; at the last Cottonwood Police Department Citizens' Academy class, they learned firsthand about the SWAT team and the kind of service they provide our citizens; she attended the Verde Valley Cyclists picnic and shared with them what the city is doing to promote the program with our new planner, Nikki Arbeiter; Supervisor Chip Davis gave a good talk on the State of the County at the Chamber luncheon on October 25; on Thursday she and the Vice Mayor met with 12 Northern Arizona University nursing students to discuss a project concerning substance abuse; she went to NACOG last Thursday and stayed for a meeting with ADOT officials who gave an update on construction projects including those planned for the Verde Valley.

CALL TO THE PUBLIC

Richard Corey, from the Celebration of Youth Foundation who was trying to support and help the homeless people here in Cottonwood, stated there were many families living on the street in cars and by the river. He came to see if the City Council could get involved and be supportive of their effort to create a homeless shelter.

INTRODUCTION OF NEW EMPLOYEES

Chief Casson introduced the new Firefighter/EMT, Robert Stokes.

APPROVAL OF MINUTES—Special Meeting of 10/6/11 and Regular Meeting of 10/18/11.

Council Member Norman moved to approve the minutes as read. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

OLD BUSINESS

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; SECOND & FINAL READING

Mr. Horton stated this was the second reading of an ordinance that will allow NPG to continue operating in Cottonwood with its cable franchise. Our code requires approval of the

Council by ordinance whenever the ownership of the franchisee changes. Since the last time this was discussed we had received some optimistic news that we think the reach of the local access NPG will carry may go into Verde Village.

After brief discussion regarding the channel number assigned to NPG, Council Member Elinski moved to approve Ordinance Number 575. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

Mayor Joens requested the City 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.

CONSENT AGENDA--The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

WINE FESTIVAL SPECIAL LIQUOR LICENSES FOR THE WALKIN' ON MAIN EVENT SCHEDULED FOR NOVEMBER 12, 2011, IN OLD TOWN

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

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

RESOLUTION NUMBER 2613--APPOINTING A MEMBER TO THE HISTORIC PRESERVATION COMMISSION

Council Member Elinski declared a conflict of interest on this item as he is a member of the Historic Preservation Commission, and he stepped down from the dais.

Mr. Scully stated they had four applicants for two seats on the Historic Preservation Commission. Melinda Schrambling withdrew her application. One of the applicants, Ryan Bigelow, was requesting to be reappointed. He pointed out this was one of the commissions that allows non-residents to serve on the commission if they have some connection with Cottonwood, but only allows two members to be non-residents. They currently had two

members that were non-residents and they would have to choose between either Ryan Bigelow or Shirley Pogany. He had received a message from Ms. Pogany stating she could not make tonight's meeting due to her work schedule and that she was still interested in being appointed.

Applicants Connie Fisher and Ryan Bigelow addressed the Council and stated why they wanted to serve on the commission and what their qualifications were.

Council Member Jauregui stated in keeping with what the Council had done in the past, he moved to reappoint Ryan Bigelow to the commission, and approve Resolution Number 2613. The motion was seconded by Mayor Joens, and carried.

Mayor Joens requested the City Clerk read Resolution Number 2613 by title only.

RESOLUTION NUMBER 2613

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING RYAN BIGELOW A MEMBER THE CITY'S HISTORIC PRESERVATION COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.

RESOLUTION NUMBER 2614—APPOINTING A MEMBER TO THE HISTORIC PRESERVATION COMMISSION

Council Member Elinski declared a conflict of interest on this item as he is a member of the Historic Preservation Commission.

Vice Mayor Pfeifer moved to appoint Connie Fisher with Resolution Number 2614 appointing her on to the Historic Preservation Commission. The motion was seconded by Council Member Dowling, and carried.

RESOLUTION NUMBER 2614

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING CONNIE FISHER A MEMBER THE CITY'S HISTORIC PRESERVATION COMMISSION AND ESTABLISHING HER TERM OF OFFICE.

Mayor Joens requested Mr. Bartosh ask his staff to call those who were not appointed and let them know.

HISTORIC PRESERVATION COMMISSION REQUEST FOR APPROVAL TO SUBMIT NEWSPAPER ARTICLE SERIES REGARDING HISTORIC PROPERTIES IN COTTONWOOD

Council Member Elinski declared a conflict of interest on this item as he is a member of the

Historic Preservation Commission.

Mr. Scully stated this was a request from the Historic Preservation Commission to sponsor a series of newspaper articles in the local newspaper on a monthly basis. Part of the duties of the commission was to identify historic properties and set up the methods to review development proposals and deal with the building and the physical part of historic preservation. An important part of that was education and awareness and this was a program designed to give another dimension to that. These articles were put together by Annabel Scippa and future articles would be reviewed by staff and the City Manager.

Mayor Joens stated they were great articles and the public would find them interesting. She wondered if with the articles they could submit the before and after photos of the buildings if they had them.

Mr. Scully stated there was some room for photos.

Mayor Joens asked if they were going to submit them to one paper or both, and Mr. Scully stated they had an arrangement with the Verde Independent to do a monthly featured series.

Mayor Joens then stated she thought it was a good idea, which was echoed by the other Council Members.

Mary Eichman, a Cottonwood resident, stated if the newspaper did not claim ownership or rights to the articles it would be a good thing for the city to make a book out of them.

Vice Mayor Pfeifer moved to approve the Historic Preservation Commission's request to submit a series of monthly newspaper articles featuring various historic properties in Cottonwood. The motion was seconded by Council Member Norman, and carried.

CONSENT OF ASSIGNMENT OF LEASEHOLD RIGHTS TO HIGH FIVE HANGARS CONDOMINIUMS UNIT NO. 5 FROM BACKUS FAMILY INVESTMENTS, LLC, TO CHRISTOPHER S. BURNS, ("LESSEE"); AND COLLATERAL ASSIGNMENT OF LESSEE'S LEASEHOLD INTEREST TO THE MILLAR LIVING TRUST

Mr. Horton stated this concerned Mr. Backus' development at the Airpark which the Planning Zoning Commission and Council previously approved. In furtherance of that development, Mr. Backus was in the process of marketing and selling the condominium units themselves now that the project has been constructed and the condominium structure approved by Council. He believed Unit 5 was the subject of a prior consent and that sale might have fallen through. Mr. Backus had another purchaser for that long term lease who would become the city's new Lessee and that individual would become a member of the condominium association Mr. Backus' company formed.

Mr. Bob Backus addressed the Council and stated Chris Burns, who was going to purchase

this unit, was out of town. Mr. Burns trained helicopter pilots in all of the western United States for hospitals and his wife was a doctor here in town.

Mr. Bob Oliphant, a Cottonwood resident, addressed a technical discrepancy in the two legal documents that were in the material posted to the Cottonwood website. The Assignment of Tenants Rights, paragraph A, incorrectly stated the requirement of the Ground Lease, and paragraph A in the Consent of Assignment correctly stated the purpose of this transfer. He requested they be specifically, correctly, conformed as to paragraph A of the Consent.

Mayor Joens stated she saw it says 825 N. Main Street and questioned if that should be 827.

Ms. Jiménez stated it was a typo and would be corrected to read 827.

Council Member Norman moved to approve the proposed Consent of Assignment of High Five Hangars Condominiums Unit #5 from Backus Family Investments, LLC, to Christopher S. Burns, Lessee, and the Collateral Assignment of Lessee's leasehold interest in favor of the Millar Living Trust, with the review of our attorney. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

SPECIAL EVENT LIQUOR LICENSE FOR THE GOLDEN COBRA FITNESS CENTER SUBMITTED BY RICHARD T. WILLIAMS

Council Member Jauregui declared a conflict of interest on this item as he is associated with the Golden Cobra Fitness Center.

Ms. Jiménez stated this request was for recommendation of approval or denial of a special event liquor license application submitted by the Golden Cobra Center of Fitness for a fundraiser scheduled for this Saturday at 2 p.m.

Council Member Dowling moved to recommend approval of the special event liquor license application submitted by Richard T. Williams, applicant for the Golden Cobra Center for an event scheduled for November 5, 2011. The motion was seconded by Council Member Elinski, and carried.

CLAIMS & ADJUSTMENTS

Mayor Joens questioned what the state check for \$11,625.34 for unclaimed property was for.

Mr. Bartosh stated he would find out and email the Council.

Vice Mayor Pfeifer moved to pay the Claims. 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 6:50 p.m.

Diane Joens, Mayor

ATTEST:

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 November 1, 2011. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date