

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 15, 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	Marianne Jiménez, City Clerk
Steve Horton, City Attorney	Scott Mangarpan, Project Manager
Tom Whitmer, Natural Resources Director	Jason Blunt, Utility Technician
Howard Harkey, Public Works/Parks & Buildings Maintenance Manager	
Javier S. Anguano, Parks & Building Maintenance Worker	
Jonathan Watt, Parks & Building Maintenance Worker	
Larry Craig, Public Works Maintenance Worker	
David Ayers, Public Works Maintenance Worker	
Jim Wixom, Public Works/Utilities Maintenance Specialist	
Rudy Rodriguez, Administrative Services General Manager	
Kirsten Lennon, Accounting & Budget Manager	
Dan Lueder, Development Services General Manager	
Roger Biggs, Utilities Department Administrative Manager	
Richard Faust, Community Services General Manager	
Jason Little, Recreation Manager	

PLEDGE OF ALLEGIANCE

Jim Wixom, a former Parks & Recreation Commission member and the city's Public Works/Utilities Maintenance Specialist, led the Pledge and was presented a certificate of appreciation by the Mayor.

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 announced the following: The Walkin' on Main event this weekend was very successful; on Saturday the library held a National Gaming Day for board and video games that drew multi-generational participants; the recreation center would be closed during the week of November 20-26 for annual maintenance; this next weekend was the Fit Kids 5K and 10K run at Riverfront Park at 9 a.m.; and December 3 was the Christmas Parade and Chocolate Walk.

Mayor Joens stated at the Fit Kids race the Mayor and Council would be there with a booth helping children plant little container gardens and invited everyone to attend.

Council Member Pratt stated he attended the Walkin' on Main event and talked to quite a few people who came from out of town specifically for the event and it was another event which Cottonwood was getting to be known for.

Mayor Joens announced the following: The Vice Mayor, Council Member Norman, and she attended the Arizona Independent Redistricting Committee meeting held in Cottonwood on November 2; on November 3 she attended the CHYWRMS environmental meeting which was part of the Yavapai County Water Advisory Committee; on November 3 she met with Deborah Emmanuel of the Verde Food Council who updated her on the organization's work; on November 4 the Administrative Services Manager, Rudy Rodriguez, and she met with the Senior Center board for a general discussion of the services the Center offered the citizens of Cottonwood; she attended the Cottonwood Fire Department's youth program that Lt. Troy Hoke and his wife Amy started a year or two ago and observed what they did with the youth; the City Manager, Fire Chief, and she attended a health care summit called by the Verde Valley Medical Center where the CEO explained some of the changes coming in health care and how they are going to impact our community; she attended the National Cities and Towns conference and came back with some new ideas and learned a lot from the seminars she attended; today was America Recycles Day; and Cottonwood citizen Barb DuPont and she drove out to Verde Earthworks to visit with Kate Blevins and take a tour of their facility.

#### CALL TO THE PUBLIC

Frank Leupold thanked the Council for his reappointment to the city's Municipal Property Corporation board.

#### PRESENTATION OF PLAQUES TO MIKE DOWNES, PAUL WURZER AND MARSHALL MARTIN FOR THEIR CONTRIBUTIONS TO THE DESIGN AND CONSTRUCTION OF THE COTTONWOOD DISC GOLF COURSE

Mayor Joens, Dan Lueder, and Doug Bartosh, presented plaques to Mike Downes, Paul Wurzer, and Marshall Martin for their contributions to the design and construction of the Cottonwood disc golf course

#### PRESENTATION OF PLAQUE FROM MATFORCE TO THE CITY IN APPRECIATION FOR ITS CONTRIBUTIONS AND SUPPORT TO ELIMINATE SUBSTANCE ABUSE AND ITS EFFECTS

Mayor Joens stated MatForce had presented the city with a plaque in appreciation for its contributions and support to eliminate substance abuse.

PRESENTATION OF A PLAQUE OF APPRECIATION TO LDS CHURCH FOR THE “LOOKING GOOD COTTONWOOD” CLEANUP

Mayor Joens, Vice Mayor Pfeifer, and Mr. Bartosh presented Chris Taylor from the LDS church a plaque for the cleanup event in the city Mr. Stokes and members of the LDS congregation held.

PRESENTATION OF A CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO RUDY RODRIGUEZ, ADMINISTRATIVE SERVICES GENERAL MANAGER, FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION FOR THE CITY’S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2010

Mr. Rodriguez stated even though he received the accolades for the Certificate of Achievement, it was Kirsten Lennon, the Accounting & Budget Manager, who was the lead person for the auditors for the past five years and had been instrumental in making sure we stayed on track with all the major changes that have happened in governmental accounting over the last few years and he thought it proper that she should share some of the spotlight.

Mayor Joens, Council Member Norman, and Mr. Bartosh then presented the plaque to Mr. Rodriguez and Ms. Lennon.

INTRODUCTION OF NEW EMPLOYEES

The following new employees were introduced: Tom Whitmer, Natural Resources Director; Jason Blunt, Utility Technician; Javier S. Anguano, Parks & Building Maintenance Worker; Larry Craig, Public Works Maintenance Worker; David Ayers, Public Works Maintenance Worker; and Jonathan Watt, Parks & Building Maintenance Worker.

APPROVAL OF MINUTES—Regular Meeting of 11/1/11

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

OLD BUSINESS—None

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.

EXTENSION OF PREMISES LIQUOR LICENSE PERMIT FOR ERIC S. GLOMSKI, LICENSEE FOR ARIZONA STRONGHOLD VINEYARDS, LLC, LOCATED AT 1021 & 1023 NORTH MAIN STREET.

NEW LIQUOR LICENSE APPLICATION FOR JAMES E. NEWBERRY, APPLICANT FOR THE VINEYARD WINE BAR, LLC, LOCATED AT 1001 NORTH MAIN STREET

Council Member Pratt 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 2615—APPOINTING MEMBERS TO THE YOUTH COMMISSION

Jason Little stated the Youth Commission was requesting Council consideration to fill seven vacated seats on the Commission. The seven individuals selected by the Commission for appointment to the Commission went through a stringent review and interview process.

Youth Commission members Andrew Hickey and Emma Schraner explained the interview process and introduced the following individuals who were being recommended for appointment who in turn introduced themselves to the Council: Brooke Lindsey, Makenzie Mabery, Josh Lance, Lacey O'Connell, Parker Kleck, and Shaylor Dowling. Robert Valentine was not able to attend the meeting.

Council Member Dowling stated he had asked the City Attorney if he had to declare a conflict of interest as his daughter was one of the applicants and Mr. Horton had indicated he did not.

Council Member Dowling moved to approve Resolution Number 2615 appointing members to the Cottonwood Youth Commission. The motion was seconded by Council Member Pratt, and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2615 by title only.

RESOLUTION NUMBER 2615

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING YOUTH COMMISSION MEMBERS AND ESTABLISHING THEIR TERMS OF OFFICE.

MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SEDONA REGARDING TRANSPORTATION SERVICES

Mayor Joens stated if it was the pleasure of the Council she would like to move the NAIPTA (Northern Arizona Intergovernmental Public Transportation Authority) item up to the next item because Jeff Mielback was here and had to travel back to Flagstaff.

Council Member Norman declared a conflict of interest on this item as she served on the NAIPTA board.

Mr. Faust stated at a work session the Council directed staff to look into the possibility of the reintegration of CAT and Verde Lynx under the management by the City of Cottonwood. Sedona expressed concerns that they would like to see a more localized transportation system and were interested in having Cottonwood be the provider of the system. The Sedona City Council approved a Memorandum of Understanding (MOU) (to provide a locally controlled transportation system to serve the needs of both communities) at a meeting held on November 8, which staff felt would be able to serve as documentation to ADOT for either Cottonwood or NAIPTA to apply for federal funding for the next fiscal year. An application for the 2013 funding fiscal year had to be submitted the first week of December. The proposed MOU was not intended to provide all the specific terms and conditions of the agreement between Sedona and Cottonwood. Staff had held discussion with Jeff Mielbeck, NAIPTA General Manager, who was present this evening, to discuss issues and concerns that this be a very positive opportunity for our communities, the Verde Valley, as well as the Yavapai County area.

Mayor Joens stated she had received one email from a very concerned senior and conversing via email with Mr. Faust and Mr. Bartosh she knew they had plans to keep our citizens updated on whatever happens, which she thought was very important.

Mr. Mielbeck stated Coconino County Supervisor, Chairman of the Board, Matt Ryan, wanted to be here tonight but had a supervisor's meeting and asked him to relay on his behalf and on behalf of the board the following message which Mr. Mielbeck read: "NAIPTA has always enjoyed our relationship with Cottonwood and our shared success. Working together we have improved capital infrastructure, increased the efficiency and effectiveness of CAT service and launched the Verde Lynx commuter route. However, growth and change are upon us, we understand you have a decision to make and if you choose to go a separate way we respect your decision, we wish you continued success and beyond that we wish you well."

Mr. Mielbeck continued by stating as NAIPTA's general manager he could understand and appreciate their city manager's interest in moving in this direction with a specific Verde Valley focus. We have had a lot of success together over the years and he wished them continued success from this point forward.

Mayor Joens stated they appreciated the many nights he lost sleep over his job trying to get us all together, and we knew how hard he worked and they appreciated him.

Matt Carpenter, from ADOT, stated he managed the grant source they were speaking of tonight which were rural formula monies grants for this type of system. In the future Cottonwood would have its own separate application which NAIPTA had been gracious to provide some assistance for that with Richard and the rest of the Council's staff. From the state's standpoint they supported whatever choice was made.

Mr. Bartosh stated to make it clear what staff was asking approval for from the Council was if the Council agrees to assume the management of CAT again, we were required by the intergovernmental agreement to provide NAIPTA with a 180 day notice of that termination which would normally occur around January. However, we had had discussions about retaining NAIPTA until October 1 so it coincides with the federal budget year.

Council Member Pratt moved to approve the Memorandum of Understanding regarding transportation services between the cities of Cottonwood and Sedona, and direct staff to apply for 5311 rural transportation funding as required by the State of Arizona. The motion was seconded by Vice Mayor Pfeifer, and carried.

#### AWARD OF BID FOR BIOSOLIDS HAULING AND DISPOSAL

Mr. Biggs stated he was asking the Council to consider awarding the bid for biosolids hauling and disposal to D&K Enterprises LLC, in the amount of \$52 a ton for land application and \$55 for landfill disposal. Bids were solicited and two were received by the deadline; one from D&K and the other from Waste Management. After review of the bids staff determined that D&K Enterprises was the most economical selection for biosolids disposal.

Council Member Elinski moved to award the bid to D&K Farming Enterprises for biosolids hauling and disposal. The motion was seconded by Mayor Joens, and carried unanimously.

#### AWARD OF A CONSTRUCTION CONTRACT TO BALANCED HEATING AND AIR CONDITIONING FOR THE REPLACEMENT OF TWO ROOFTOP HVAC PACKAGE UNITS AT THE COTTONWOOD PUBLIC LIBRARY

Mr. Mangarpan stated they were replacing two of the units on the roof of the old part of the library which were original units to the library over 20 years old and needed to be replaced. Five bids were received and the lowest bid was from Balanced Heating & Air Conditioning. The funding for this was being provided by one of the energy grants the city received which would cover the entire expense.

Council Member Dowling moved to award a construction contract to Balanced Heating & Air Conditioning for the replacement of two roof top package units at the Cottonwood Public Library in the amount of \$18,790, subject to final approval of the contract by the City Attorney. The motion was seconded by Council Member Norman, and carried unanimously.

#### USE OF THE CITY OF COTTONWOOD'S VACANT PARKS & RECREATION BUILDING LOCATED AT 791 NORTH MAIN STREET TO THE ADOPT-FOR-LIFE CENTER FOR ANIMALS FOR USE AS A BOUTIQUE THRIFT STORE

Mr. Bartosh stated we received a report from the Humane Society, now operating as Adopt for Life Center, about some financial struggles they were having related to a large extent probably to the economy. They have since hired a new full-time executive director and had a

fairly new board who has done a great job of reassessing their financial situation. One of the areas they were showing losses in was their thrift store which was located in the Clemenceau Plaza. They were paying a tremendous amount of rent for that facility which was contributing largely to their bottom line being in the red. They withdrew from that lease and were in need of another facility. They expressed interest in the old Parks and Recreation building and they were willing to put in some elbow grease and the city would do what we can to help them as well. This was a lease similar to the Boys & Girls Club for a dollar a year up to five years, however, if the city decides to do something else with that building in the meantime we would work with them to try and get them relocated. Hopefully they will eventually be able to get off on their own and pay whatever the going rent is for another facility. During these tough times and some of the other expenses they were faced with in terms of building maintenance and repair at their facility this would probably be a good no cost investment for the city to help them get back on their feet to where they really are solvent. The benefit of this was if they were not there to do this the city was probably going to have to do it and it was a wise investment for the city to keep them operational.

Council Member Pratt stated he agreed totally. He had seen the reorganization and they had a great presence in the community and were fulfilling a need, and if the city could do anything to help them out he recommended they do so.

Mayor Joens stated the term of the lease was five years and questioned what if some big deal happened back there and they were going to pave the street and move things around.

Mr. Bartosh stated it was a one year lease for five years maximum and was renewed each year.

Mr. Horton stated if it was the Council's pleasure to make this a one year renewable lease for up to five years, the way the current lease was structured there was a term certain of five years and they could add that to the motion.

Mayor Joens stated they could change it to year by year, but five years before we would have to renew it. She liked that better than just the set five years.

Mr. Bartosh stated he did not catch that and that would be his recommendation.

Mayor Joens stated they wanted to make sure it was tidy outside and they did not have a bunch of piles of stuff outdoors. She thought it was a great idea and use of the building.

Council Member Norman moved to approve the lease of the vacant Parks and Recreation Building located at 791 North Main Street for the Adopt for Life Center for Animals for use as a boutique thrift store at the cost of \$1 annually, with the changes that were discussed. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

ORDINANCE NUMBER 582--APPROVING AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY AND CLEMENCEAU TOWNSITE, LLC, AND DECLARING AN

## EMERGENCY

Mr. Lueder stated West Mingus Avenue from SR89A to Willard was going to be designed as a three lane collector street with a roundabout at Willard. The city owned two parcels adjacent to the Clemenceau Townsite LLC property, which the Council had previously authorized decommissioning the water facilities located on the property. The two city owned parcels totaled approximately 1.44 acres and the parcels being obtained from Clemenceau LLC were about 2.36 acres so the city could build Mingus Avenue to city standards and have the proper right-of-ways. In addition to the city obtaining more property than we were giving up, Mr. Nackard also agreed to abandon the three wells according to ADWR (Arizona Department of Water Resources) standards and remove all of the remaining facilities on the property which would save the city money. The construction of the improvements on Mingus Avenue were time sensitive because of the roundabout going in by the school having to be done during the summer months. The reason staff was requesting Council approval of the ordinance by emergency was prior to being able to start the road construction they had to relocate all of the above ground utilities and would like to get that started relatively quickly.

Mayor Joens stated this was something that Mr. Lueder had been working on for some time since he decommissioned those wells.

Council Member Pratt moved to approve Ordinance Number 582 authorizing a land exchange agreement with Clemenceau Township LLC, to provide right-of-way for the West Mingus Avenue reconstruction project and declaring an emergency. The motion was seconded by Council Member Elinski, and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance Number 582 by title only, and declaring an emergency.

### ORDINANCE NUMBER 582

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY AND CLEMENCEAU TOWNSITE, LLC, AND DECLARING AN EMERGENCY.

### CONSENT OF ASSIGNMENT OF LEASEHOLD RIGHTS TO HIGH FIVE HANGARS CONDOMINIUMS UNIT NO. 4 FROM BACKUS FAMILY INVESTMENTS, LLC, TO NATALE A. OR RHONDA H. MAFFARI

Mr. Horton stated Mr. Backus was asking for the Council's consent for the assignment of a condominium unit for the High Five development. We had asked the Backus' to make the textural change discussed at the last meeting which was in the assignment document which they had done.

Mr. Bob Backus stated Mr. and Mrs. Maffari had a business in Alaska and had purchased a

house on Quail Run and were now purchasing a hangar. They were really nice people and had been in the area quite a bit over the past 30 years and were making a more permanent move.

Vice Mayor Pfeifer moved to approve the proposed Consent of Assignment of High Five Hangars condominium unit number 4 from Backus Family Investments LLC, to Natale A. Maffari or Rhonda H. Maffari, lessees.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the Claims and Adjustments. The motion was seconded by Council Member Norman, 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 7:36 p.m.

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Diane Joens, Mayor

ATTEST:

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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 15, 2011. I further certify that the meeting was duly called, and that a quorum was present.

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Marianne Jiménez, Deputy Clerk

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Date