

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 16, 2010, 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  
Tim Elinski, Council Member  
Duane Kirby, Council Member  
Linda Norman, Council Member  
Terence Pratt, Council Member  
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Marianne Jiménez, City Clerk  
Steve Horton, City Attorney  
Mike Casson, Fire Chief  
John O'Neil, Library Director  
Roger Biggs, Utilities Administrative Manager  
George Gehlert, Director of the Community Development  
Richard Faust, Community Services General Manager  
Shirley Scott, Transportation Manager

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Roger Biggs, Utilities Administrative Manager. Mayor Joens presented him with a certificate of appreciation for leading the Pledge of Allegiance.

BRIEF SUMMARY OF CURRENT EVENTS BY MAYOR, CITY COUNCIL AND/OR CITY MANAGER

Mr. Bartosh announced to the following:

- The Grand opening of the Business Assistance Center and the Walkin' on Main event were successful and he thanked staff for putting them together.
- The Disc Golf Tournament was very successful.
- The Grand Canyon Pro-Rodeo event was held at the Fairgrounds.
- A youth football tournament was held at Mingus High, with 16 teams and 23 cheerleading squads.
- The Stuff the Bus program with CAT was held and raised 1400 pounds of food and a hundred dollars in cash donations.

- Sarah Ferguson was in town last week in Old Town.

Council Member Pratt stated that he attended the Walkin' on Main event too, and it was very good for the community.

Council Member Kirby stated he attended the Business Assistance Center grand opening.

Mayor Joens announced the following:

- Catholic Charities was looking for volunteer tax preparers for the VITA program.
- On Saturday November 6 she attended the Fit Kids 5K walk.
- On Saturday November 6, she attended the Pine Shadows Coffee talk with Vice Mayor Pfeifer, Council Member Kirby and Dan Lueder and they gave an update on the Water Reclamation Facility and the 12th Street – Mingus projects.
- She attended a Public Safety Retirement Board meeting.
- She attended the BAC grand opening.
- She attended the Walkin' on Main event.
- She attended the Verde River Basin partnership meeting

Council Member Kirby stated he had to leave the BAC grand opening early to attend a funeral for Bob Deval, who was the former school superintendent in Clarkdale.

Mr. Bartosh stated he done an interview with Council Member Kirby and Margie Beach about the history of Cottonwood for "Inside Cottonwood."

#### INFORMATIONAL UPDATE REGARDING THE HOURS OF OPERATION CHANGE AT THE COTTONWOOD LIBRARY

Mr. O'Neil informed the Council that the hours of the library had been changed to 9-6 on Tuesday, Wednesday, Thursday, and Friday, and Saturday from 10-2, and believed the hours would be in place for the next 18 months. The library circulated a survey about the services regarding the library and read comments from the cards as follows:

- Check out books, read books
- Check out books, read books, read magazines, use internet, play with toys, do homework, nice kind workers, provide free snacks, more movies and comic books
- Check out books, movies, play with toys and puzzles, has a lot toys and puzzles and comic books, wants ice cream
- Use the internet, more time on the internet, costume contest, cotton candy, snacks.
- Check out books, attend programs, my children love playing with toys, suggested social time with baby.

He further stated he had received complaints about parking.

Council Member Smith asked Mr. O'Neil about the book drop not being open.

Mr. O'Neil stated the book drop had not been open since 1995, which was a reaction to strange behavior from someone and he did not feel comfortable about opening the drop box again.

#### CALL TO THE PUBLIC

Kami Mulcaire, from Cornville, stated she had received a letter dated November 4th, from the City Manager, Doug Bartosh. She had requested copies of the video tapes that were referenced in the letter and asked how Mr. Bartosh had reached his decision. Chief Fanning had assaulted one of her drivers. She had been very adamant that the YCSO handle this case, and not a sergeant of the Cottonwood Police Department. The Chief of Police had no right to pull this truck over. There were no signs posted on Main Street. Her driver drove up Main Street and then up Cherry and pulled into their private driveway and was accosted by Chief Fanning, who was standing on the truck drivers running board screaming in his window to get to the DOT stop. She had asked Sgt. Braxton for the audio and video of that morning and was told that the City Manager had not released that information. It was ridiculous that the City Manager answered to the Council, and she was unable to get the answers that she wanted. There were two complaints filed; one by her and one by her driver. This driver was pushed by the Chief of Police. This was unacceptable to her and (the investigation) should not have been handled by Cottonwood PD, not when you have the Chief of Police involved. She wanted to know how many stops the Chief of Police made that day for other trucks that did not make the correct stop. She also wanted to know how often Chief Fanning worked on traffic stops.

#### PRESENTATION OF A PLAQUE OF APPRECIATION TO YAVAPAI BROADCASTING

Mayor Joens stated the presentation to Yavapai Broadcasting was tabled until the next regular meeting.

#### UNFINISHED BUSINESS

#### ORDINANCE NUMBER 567—AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, BACKFLOW PROTECTION AND PREVENTION CODE, TO TITLE 13, PUBLIC SERVICE; SECOND & FINAL READING

Mayor Joens stated Dan Lueder was called back home on a family emergency and Roger Biggs would be presenting this item.

Mr. Biggs stated adoption of a local backflow ordinance as proposed should help to reduce the confusion for water costumers and better protect the water system from water contamination without imposing undue hardship on water customers.

He then gave a PowerPoint presentation explaining backflow devices and the different types of fertilizer injectors and backflow device installations. He then showed the letter that the

utility department sent out to home owners regarding the certification process and read the letter. He also read the emails he had received from Scottsdale, Flagstaff, and Gilbert regarding their backflow device policies. They all required backflow devices be installed when fertilizer injectors were being used.

Council Member Smith asked Mr. Biggs about the emails from the different cities and if the cities would ask the homeowners to remove a backflow device if they just had a drip irrigation system.

Mr. Biggs stated the best answer to that would be to work out a solution with the homeowners or Home Owners Association.

Council Member Smith asked Mr. Biggs if they had ever asked the other cities if they have ever asked a homeowner to remove a backflow device from a drip system for any reason.

Mr. Biggs stated a drip system did not present a backflow hazard and the homeowner had the option to remove the backflow device.

Council Member Pratt stated he had done his homework on this issue and that he did listen to the public. This was a very hard decision and Dan Lueder was seeking to protect the water system.

Council Member Elinski moved to approve Ordinance Number 567, adding a set of backflow contamination protection and prevention regulations to the Cottonwood City Code. The motion was seconded by Council Member Kirby, and carried with a dissenting vote by Council Member Smith.

Mayor Joens requested the City Clerk read Ordinance Number 567 by title only:

ORDINANCE NUMBER 567

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD CITY CODE BY ADDING A NEW SECTION 13.28, *BACKFLOW PROTECTION AND PREVENTION CODE*, TO TITLE 13.

ORDINANCE NUMBER 568--AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.60, FIREWORKS, TO TITLE 8, HEALTH AND SAFETY; SECOND & FINAL READING

Chief Casson presented Ordinance Number 568 to the Council regarding the use of permissible consumer fireworks within the city limits and prohibiting the sale of fireworks by persons under the age of 16. He stated the new state statute would be in effect on November 30, 2010. The Council was briefed at the work session of October 12, and held the first reading of the new Ordinance at the regular meeting of November 2.

Council Member Pratt stated this was important for the city and was exactly what the Council asked for and thanked Chief Casson.

Council Member Pratt then moved to approve Ordinance Number 568. The motion was seconded Council Member Norman and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance 568 by title only:

ORDINANCE NUMBER 568

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD BY ADDING A NEW CHAPTER 8.60, FIREWORKS, TO TITLE 8, HEALTH AND SAFETY.

CONSENT AGENDA

NEW LIQUOR LICENSE APPLICATION FOR ROBIN BREAN, OWNER/AGENT FOR THE BLAZIN' M RANCH II (CHUCK WAGON COWBOY DINNER RANCH SHOW) LOCATED AT 1875 MABERY RANCH ROAD

NEW LIQUOR LICENSE APPLICATION FOR ROBIN BREAN, OWNER/AGENT FOR THE BLAZIN' M RANCH II (BOOTLEGGERS GIFT STORE) LOCATED AT 1875 MABERY RANCH ROAD

NEW LIQUOR LICENSE APPLICATION FOR JAMES NEWBERRY, OWNER/AGENT OF THE VINEYARD WINE BAR LOCATED AT 1001 NORTH MAIN STREET

NEW LIQUOR LICENSE APPLICATION FOR LISA PENDER, OWNER/AGENT OF THE RENDEZVOUS IN OLD TOWN LOCATED AT 777 NORTH MAIN STREET

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATION FOR BARBARA PREDMORE, APPLICANT FOR ALCANTARA, LLC FOR EVENTS TO BE HELD AT THE BLAZIN' M RANCH LOCATED AT 1875 MABERY RANCH ROAD, ON NOVEMBER 17, 19, 20, 24, 26, AND 27, 2010

RESOLUTION NUMBER 2548--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY TO PROVIDE FUNDING TO THE CITY'S POLICE DEPARTMENT

Council Member Kirby moved to approve the consent agenda as presented. The motion was seconded by Council Member Smith, and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2548 by title only:

RESOLUTION NUMBER 2548

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY TO PROVIDE FUNDING TO THE CITY'S POLICE DEPARTMENT.

NEW BUSINESS

RELEASE OF THE \$6,000 FINANCIAL ASSURANCE HELD FOR THE COMPLETION OF IMPROVEMENTS IN THE KINDRA HEIGHTS SUBDIVISION

Mr. Gehlert informed the Council this was a request for a refund of a \$6,000 check assurance that was held for the completion of the Kindra Heights Subdivision. The subdivision had been completed and he recommended the \$6,000 be refunded to the developer.

Council Member Pratt stated he didn't see why we wouldn't support this item.

Mayor Joens asked the public if they had any comments on this item.

Mike Mulcaire, owner and developer of Kindra Heights, asked the Council and Mr. Gehlert why the final plat of the subdivision had not been approved yet. He was under the impression this item was for the approval of the final plat of the subdivision and release of his funds.

Mr. Gehlert stated the original plating process occurred in 2005 and the Council approved the final plat at that point. There were stipulations of approval that Mr. Mulcaire may be addressing and need to be followed up on. All the stipulations had been met at that time. The amendment that occurred in 2006 was related to a plat boundary. The subdivision plat had been recorded.

Mr. Mulcaire stated he needed the final approval of the plat or he could not sell a house.

Mr. Gehlert stated he believed there was nothing outstanding.

Mr. Horton stated he would research this again to verify if the final plat had been approved or not.

Deniss Bayless, Mike Mulcaire's attorney, asked if the Council approved the final plat, that it be put in writing.

Mr. Horton stated he would speak to Mr. Bayless regarding the final approval after the meeting and he would research the 2005 action and follow up on the stipulations. When

Kindra Heights was approved there were conditions of final plat approval and there would be a document from 2005 regarding final approval.

Mr. Bayless stated the last stipulation they were told would be the dedication of the roadway which had been done, and had been signed and recorded.

Mr. Horton stated that he would review the final plat approval with staff and communicate with Mr. Bayless.

Council Member Smith asked if it would be appropriate to release the \$6,000 without the final plat approval.

Mr. Horton stated releasing the \$6,000 was appropriate, since all requirements for release had been met.

Council Member Pratt moved to release the \$6,000 financial assurance held for the completion of the Kindra Heights Subdivision. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

RESOLUTION NUMBER 2549—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY (“NAIPTA”) FOR THE MERGER OF THE COTTONWOOD AREA TRANSIT (“CAT”) SYSTEM INTO THE NAIPTA SYSTEM

Mr. Faust presented for final approval the merger of the Cottonwood Area Transit system into the Northern Arizona Intergovernmental Public Transportation Authority. This had been worked on for the past year. NAIPTA had been very knowledgeable and very helpful in seeking out grants, including \$80,000 in funding for the merger.

Council Member Pratt stated all the Council’s questions had been answered and this had been recommended for approval.

Mayor Joens stated that NAIPTA had given us very good service.

Mr. Faust stated that he would continue to work on TAC and as a liaison between the City Manager and NAIPTA.

Council Member Norman stated Jeff Meilback had mentioned to her that NAIPTA had been looking for a Cottonwood citizen to serve on the TAC board, and asked for a volunteer that resided within the City limits of Cottonwood to serve on the TAC board.

Mr. Faust stated the next meeting of the TAC board was scheduled for the first Thursday in January, 2011 in Flagstaff.

Council Member Kirby asked about the two different IGA agreements that were in the

Council's packets.

Mr. Horton stated that one IGA was the redline version listing the changes that had been done since last presented to Council and the clean version was the one being approved. The effective date for the IGA was January 1, 2011.

Ms. Scott spoke to the Council stating the merger had been happening for a long time and the staff was very excited about it.

Council Member Norman moved to approve Resolution Number 2549 approving the Intergovernmental Agreement with NAIPTA regarding the transition of all CAT public transportation services on January 1, 2011. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

Mayor Joens requested City Clerk read Resolution Number 2549 by title only:

RESOLUTION NUMBER 2549

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA ("CITY"), APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY ("NAIPTA").

RESOLUTION NUMBER 2550--DESIGNATING THE ELECTION DATE AND PURPOSE OF ELECTION; DESIGNATING THE DEADLINE FOR VOTER REGISTRATION; AND DESIGNATING THE PLACE AND THE LAST DATE FOR CANDIDATES TO FILE NOMINATION PAPERS

Ms. Jiménez stated Resolution Number 2550 designated the election date and final date for candidates to file nomination papers. The Primary election was set for March 8, 2011, and the General election was scheduled for May 17, 2011.

Council Member Smith moved to recommend approval of Resolution Number 2550. The motion was seconded by Council Member Pratt, and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2550 by title only.

RESOLUTION NUMBER 2550

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DESIGNATING THE ELECTION DATE AND PURPOSE OF ELECTION; DESIGNATING THE DEADLINE FOR VOTER REGISTRATION; AND DESIGNATING THE PLACE AND THE LAST DATE FOR CANDIDATES TO FILE NOMINATION PAPERS.

CLAIMS & ADJUSTMENTS

Council Member Kirby moved to pay the Claims and Adjustments as presented. The motion was seconded by Council Member Smith, and carried unanimously.

ADJOURNMENT

Council Member Kirby moved to adjourn. The motion was seconded by Mayor Joens, and carried unanimously. The regular meeting adjourned at 7:25 p.m.

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Diane Joens, Mayor

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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 16, 2010. I further certify that the meeting was duly called, and that a quorum was present.

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Marianne Jiménez, City Clerk

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Date