

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD NOVEMBER 2, 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  
Dan Lueder, General Services Manager  
Jody Fanning, Chief of Police

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Jim Moeny, a member of the Airport Commission. 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

Doug Bartosh, City Manager made the following announcements:

- November 10, 2010 is the grand opening of the Business Assistance Center.
- November 13, 2010 is the Walkin' on Main event.

Vice Mayor Pfeifer announced that she attended the West Sedona School Carnival on October 23, 2010, in place of Mayor Joens.

Council Member Kirby announced he had attended the NAGOG regional meeting on Thursday and the NAGOG Head Start Committee Meeting in the afternoon, and then an open house. He also attended the Business Assistance Center grand opening on November 10.

Council Member Pratt stated that he attended the monthly coffee talk last Wednesday.

Mayor Joens commented that members of the public interested in running for the City Council should speak with Marianne Jiménez, City Clerk.

Mayor Joens then announced the following events she had attended:

- She read to the Head-Start kids last Thursday.
- She attended the First Annual Yavapai College Fundraiser for student scholarships in the evening
- On Friday Ann Kirkpatrick visited Old Town and she joined her in a tour of the Old Town shops.
- On Saturday attended a fundraiser for the Compassionate Friends, an equestrian event at the Equestrian Center, and a skate event at Riverfront Park.
- She attended a dinner for Habitat for Humanity in Page Springs.

#### CALL TO THE PUBLIC

Fred Piper stated they had a very good turnout at the Airfest and thanked everyone that put it on. He appreciated being honored as he was one of two from the European field that was there. As he stood there thinking about being honored, he thought of his friends that had flown their last mission who he named, and he couldn't think of him being honored without a little honor going out to those that had flown their last mission. He also raised issue with the City not having a proper tribute during Veteran's Day by not having flags put out and flying on the streets of Cottonwood.

Mayor Joens pointed out that the Fire Department has put extra flags out on Veteran's Day at the Civic Center, and thanked him for his comments.

Jeanice Allen addressed the Council regarding the environmental impact of the dog park on her home. Her main concern was with the odor, noise and number of people present. She requested that the dog park be moved to another location.

Mayor Joens requested Mr. Bartosh meet with her to discuss her concerns.

#### INFORMATIONAL PRESENTATION BY REPRESENTATIVES OF CATHOLIC CHARITIES REGARDING THE VOLUNTEER INDIVIDUAL TAX ASSISTANCE PROGRAM

Rita Bramley and Carol Quasula from Catholic Charities informed the Council that last year Catholic Charities started the Volunteer Individual Tax Assistance Program (VITA) to provide tax preparation for people making \$48,000 or less and completed approximately 65 tax returns. This year they were asking the public for more volunteers for the program.

#### APPROVAL OF MINUTES—WORK SESSION OF OCTOBER 12, 2010

Council Member Kirby moved to approve the minutes of October 12, 2010. The motion was seconded by Council Member Elinski, and passed unanimously.

Mayor Joens stated if it was the pleasure of the Council she would like to move the last item on the agenda before the Claims and Adjustment to the next item because they had someone here from Prescott who had a long trip home and it shouldn't take very long.

PERMISSION FOR THE CITY MANAGER TO SERVE AS A LAW ENFORCEMENT TRAINER ON THE TOPIC OF ETHICS, IN PARTNERSHIP WITH THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. Bartosh stated he had received a request invitation from the Yavapai County Attorney, Sheila Polk, who had been largely involved with the Holocaust Museum since 2006 and had brought training to judges and prosecutors in this state and there was a desire to expand that in to law enforcement as well.

Ms. Polk state this was a program she was very excited about and had been passionate about since 2006 when she had an opportunity to go to the United States Holocaust Memorial Museum and participate in a training for law enforcement called "Lessons of the Holocaust for Law Enforcement". The course at the museum consisted of two parts: a guided tour of the exhibit and then going into a classroom for a contemporary discussion. The course examined the role of law enforcement's counterpart in pre-Nazi Germany and looks at what happened to law enforcement and how was it that law enforcement went from being the defenders and protectors of our citizens to becoming the right hand men and women of Hitler's troops. The course looks at what can we do today to make sure such a thing never happens here and examines what our personal responsibility day in and day out as we go about doing our job to protect the community, but at the same time protecting the rights and privileges of all individuals in our society. She had been partnering with the Holocaust Museum for the past four years to bring that training to prosecutors in Arizona, and then they brought it to Arizona's judges. One of her goals was to bring that training to law enforcement here in Yavapai County. She brought up the idea with the police chiefs at one of their meetings and as a result the police chiefs were taken back to the Museum last October. Chief Fanning was one of the chiefs that participated in the training. They partnered with the Jewish Community Foundation for the greater Prescott area who were helping assist with getting the chiefs back to the Museum. After the chiefs and sheriff visited the Museum they unanimously voted to work with the Museum to figure out how we could bring the training to all of our troops. The Museum saw Yavapai County as a leader in this regard and very much wanted to work with them to bring that training from the Museum out to our local level. This model had not been developed before and because there were not enough trainers at the Museum to come to Yavapai County and train all 500 of our police officers, they developed with them a model that would allow us to have a local trainer, which was where Mr. Bartosh came in. They needed to identify who their local facilitator/trainer would be. They had the unanimous support of all of the police chiefs and the sheriff for Mr. Bartosh to be their trainer. The plan was they would do training once a month and it would rotate between the east and west side of the county. It would be hosted by different law enforcement agencies. The time commitment would be whatever was involved to get the participants registered and then one day a month for training. Once all

the police officers in Yavapai County were trained, the plan after that was every six months to offer the training to pick up new officers who had come on board with respective agencies to get them trained. She was excited that Cottonwood and the Council would be partners with them and the Museum in helping to develop and bring to every law enforcement in Yavapai County, and ultimately law enforcement across the United States a very impactful, amazing, ethics program.

Council Member Pratt stated that Doug Bartosh would make a wonderful educator and this training was very useful and he approved of it.

Mr. Bartosh stated that his current position as City Manager came first, and he was willing to serve as the Law Enforcement Trainer.

Chief Fanning stated the training was one of the most impactful trainings he had attended. He attended it twice and was one of the classes you go through with the FBI national academy and then he went back with the chiefs and attended it again. The first time he went through it he was very much awestruck because there was so much, and the second time he actually learned something because he was able to absorb it. It was very impactful on how it showed that the police were leading and protecting the community, then they were a partner with the S.S., and then they were behind the S.S.

Council Member Pratt moved to authorize the City Manager to serve as a law enforcement trainer in the topic of ethics working in partnership with law enforcement agencies throughout Yavapai County and the United States Holocaust Memorial Museum. The motion was seconded by Vice-Mayor Pfeifer, and carried unanimously.

#### UNFINISHED BUSINESS

#### RESOLUTION NUMBER 2546--DECLARING THAT CERTAIN DOCUMENT ENTITLED "CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE (AS REVISED)" TO BE A PUBLIC RECORD

Mr. Horton stated there was nothing substantive that was changed from prior discussion or presentations. They found there was some language in the first section that was removed that referenced the "sole discretion" of the utility department. As a practical matter, Legislatures like this Council legislate and subordinates and departments and agencies administer that legislation, so there was nothing particularly unusual about that language but they found that phrase to be a bit of a lightning rod. At the City Manager's direction they decided to remove that and then there were some editorial things that were cleaned up, which is why they were coming back for another first reading.

Council Member Smith questioned if it was just a substantive change why didn't they just start over with this. He noticed a lot of changes in the Back Flow Prevention Code. What he was questioning was he wanted to discuss some sections that were taken out concerning the plumbing code they did not discuss last time and questioned if they could discuss it this

time.

Mr. Horton stated they could.

Council Member Pratt stated what they were doing here on this first part of unfinished business was declaring this to be a public record so it could be opened for discussion with the potential of becoming an ordinance.

Mr. Bartosh stated in essence what they were doing was starting over with a new resolution declaring it a public record, and if they would notice the next item was a first reading, so for all intents and purposes they were starting over.

Council Member Pratt moved to approve Resolution Number 2546 declaring that certain document entitled "City of Cottonwood Backflow Protection and Prevention Code (as revised)" to be a public record. The motion was seconded by Council Member Elinski, and carried with an abstaining vote by Council Member Smith.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2546 by title only:

RESOLUTION NUMBER 2546

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "CITY OF COTTONWOOD BACKFLOW PROTECTION AND PREVENTION CODE" TO BE A PUBLIC RECORD.

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; FIRST READING

Mr. Lueder stated at a previous meeting where this item was discussed it was requested they explain a little bit about backflow, and proceeded with a PowerPoint presentation explaining the different types of backflow devices. The fertilizer injectors that were installed at Cottonwood Ranch was very rare, but if you talk to regulatory people, backflow testers, and water operators, if there is a fertilizer injector there is a huge possibility of someone putting something in there and having back siphonage because it was right next to the (water) meter. One thing he wanted to clear up was there was no inspection cost from the city whatsoever. If staff went out once and gave technical advice, or if they went out two or three times to inspect it there was no charge. The only charge would be if you kept your backflow device and it had to be certified. When backflow devices were removed they would go out and verify it had been removed and give the resident a copy of that if they wished for their files. Removal of the fertilizer injector negated having to have the backflow device. They did recommend to people if they were going to have the fertilizer device taken out and they no longer needed a backflow device to take that unit out because the pressure vacuum breakers were very susceptible to leakage and breakage.

He had done some checking regarding the four particular entities that were previously brought up; the City of Scottsdale, Flagstaff, Gilbert, and Peoria, and the circumstances in which they provided annual testing for backflow device testing. There had been a lot of talk that we were going to require 9,000 backflow devices, and he had seen stories on-line that we were going to make people that we allowed to take them out put them back in. The reality was as of this afternoon when he checked they had processed 397 residences that they had gone out and inspected and were working with them; 337 of those had removed the fertilizer injector and therefore negated the need to have the backflow device tested.

Mr. Lueder then read a portion of Section R18 of the Arizona Administrative Code, which he stated pretty much governed everything a certified operator does and everything a public water supply does, regarding the definition of a certified operator and direct responsible charge (the person who day to day in charge of decision making responsibility for a facility). Every licensed operator was required to follow these statutes, but one of them had to be on file as the responsible operator in charge, who was our Operations Manager, Michael McCarbery. Debbie Brietkreuz, his wastewater superintendent, was the responsible operator on the wastewater plant. What we operated under was "an operator makes all decisions about process control system integrity regarding water quality or water quantity that affects public health, however, an administrator who is not a certified operator may make a planning decision regarding water quality or water quantity if the decision is not a direct operational process control or system integrity decision that affects public health". This was the state law. Right now the City of Cottonwood had 13 people on staff that were certified as water operators. His name was not there. We also had 14 people on staff that were certified in water. It was a collaborative effort when they made decisions. They sat down and talked about this. The role he was in now, his days of making day to day decisions of what happened in the field was not practical for him to do. Right now all but 3 people on his water staff were certified. He had inspectors that were certified and also had a professional engineer that reviewed this and a staff engineer. That was why when sole discretion came up it was not sole discretion. The utility department made decisions based on consensus. Somebody had to be the responsible one, but they gave input to everybody out there. The idea that we had a utilities czar or backflow czar that was going out there and making all these decisions did not happen.

Council Member Smith stated they just adopted the International Plumbing Code 2009 and what he was curious about was Section 312.10 "Inspection and testing of backflow prevention assemblies shall comply with Section 312.10.1, annual inspection shall be made of all backflow prevention assemblies and airgaps to determine whether they are operable". He questioned by getting rid of this did this protect the city more.

Mr. Lueder stated if they recalled they did pass the International Plumbing and Building Code, which contained 5-6 pages of exceptions we took to that code which was anything that was either contrary to a City Code or redundant. The International Plumbing Code was not recognized by ADEQ as far as a regulatory book.

Council Member Smith questioned if he removed the backflow assemblies left out of the code when they passed it, and Mr. Lueder stated it was not at that time.

Council Member Smith then stated he had no problem with a fertilizer injector having to have a backflow device. His question was why were they taking away the section that says "the potable water supply to a water irrigation system shall be protected."

Mayor Joens stated that was what it said in our new policy too, and read an excerpt from Section 13.28.020, and questioned the other Council Members if when they read this they thought this was covered.

Council Member Elinski stated he believed it did.

Mayor Joens stated we were creating a code for the city that takes all of these into consideration and comes up with the best thing for Cottonwood.

Council Member Smith stated we went for years with backflow devices. Now the situation was we were saying if you have an irrigation system, virtually everybody in Cottonwood Ranch had an irrigation system, and take the fertilizer injector out you do not need a backflow device. He questioned if that was correct.

Mr. Lueder stated that was not correct. What they were saying was a lawn irrigation system. A drip system was not a lawn irrigation system.

Council Member Smith asked Mr. Lueder for a definition of a lawn irrigation system.

Mr. Lueder stated a lawn irrigation system was something with a pop-up spring irrigation. A drip system was designed by the diameter and hydraulics of it, and normally would have somewhat of an air gap in there. The potential for backflow for a drip system was virtually non-existent and had been backed up by ADEQ. He had provided the Council with documentation on that before.

Council Member Kirby stated he has been involved in these things for years and years. If there was any possibility of contamination it should require a backflow device, if there was no possibility we didn't. To him it was a simple matter and it was not something they needed to spend a lot of time discussing.

Council Member Elinski stated he would agree with Council Member Kirby. He thought staff had laid it out quite clearly and they were taking the steps necessary to protect all of our customers' water supply. It seemed that there were very few homes left that we needed to inspect and educate, and staff had taken great leaps forward with that as well. For him it was pretty cut and dry what they were trying to do.

Mr. Lueder stated outside of Cottonwood Ranch they had approximately 8,000 other connections and 113 backflow devices. It was rare that they were put in. The other reason

he wanted to put it up here was these 13 people and himself were both criminally and civilly liable if there was a backflow device, and they were going to err on the side of caution.

After further discussion regarding backflow devices, Council Member Smith stated you do not take out backflow devices just because. The utility department said if you take out your fertilizer injector then you can take out your backflow device if you so desire or you can keep it and have it inspected annually.

Mr. Lueder stated what they told people was they did not have to have them inspected anymore. If people wanted to leave it in the city was not going to require you to inspect it if you take the fertilizer injector out. They never told people that complied with Title 18 that they had to have them inspected. What they were recommended was this was another piece of equipment that can break and cause leakage. They were never told that they had to take them out or they had to have them tested if they were not required.

Council Member Smith stated what he was upset about was we were taking backflow devices out and we should not be taking backflow devices out. You do not take out backflow devices just because. Everything was fine, and like Mr. Bartosh's letter said, somebody has filed a lawsuit, so we are changing the code because of the lawsuit.

Mayor Joens stated they were trying to create a code for everyone so there didn't have to be questions about whether to sue or not.

Vice Mayor Pfeifer stated they had sat there and argued this point for many months, with letters to the editor, a lawsuit--the whole nine yards. The Council was being attacked and their staff was being attacked by a group that attacked them anyway no matter what they did. They were trying to make it right and do the right thing for all of the citizens of Cottonwood and protect our water supply. If there was a problem and somebody ended up paying a \$600 bill when it should \$125 because they had a leak in the wrong spot and they didn't get it inspected then we were going to get sued for the difference. The Council was trying to protect the citizens and they continually got harassed by the group and she had had enough.

Mr. Lueder stated they were trying to take the burden off the residents. The 300 plus they had done now was an annual cost savings of over \$17,000 a year each and every year. We were walking a tight rope between protecting the water supply, which those 13 people and himself were committed to doing, and easing the burden on our residents.

Mayor Joens then opened the floor for public comments.

Dr. Richard Killen stated there were people here in town that were certified and experts not only in the water department, but himself included, and a number of associations in this area. He did some calculations on the impact of fertilizer on the water supply and it would be almost negligible. He thought it was a good idea to take these fertilizer devices off. He did not know what side of the argument to fall on, but would offer his services if needed.

Bob Oliphant stated his thesis was the financial cost to citizens when a government threatens to destroy their homes. Information had been circulated that the city's new backflow ordinance would save \$16,000, and in his judgment that was correct. This Ordinance, if approved, would impose an annual license fee, or new tax, or whatever you call it, on a homeowner singled out by the city for an annual inspection. The City says it had found 61 home owners so far, and the annual fee was \$25 to \$50. This group alone would be paying something around \$65,000 over the next 20 years; that was hardly a savings of \$16,000. Mr. Garrison installed a state of the art backflow protection system that had protected Cottonwood residents without incident, as far as he knew, for 11 years. Mr. Garrison understood the potential for contamination from this water, in his (Mr. Oliphant's) judgment he did his job well and the city had undone a lot of that good work. Information circulated in the city said it had saved homeowners thousands of dollars already because they no longer had backflow preventers on their homes. So far it had cost 336 homeowners, who were threatened with having their water turned off and their homes destroyed if they did not pull out these devices, which would cost \$100 or more. Estimates were they paid out \$20,000 to \$33,000 because of the city's discretionary action. And then all the people that purchased homes in Cottonwood Ranch paid at least \$200 to put in backflow protections and now they had lost that investment. The city had raised water rates and increased the sales tax to its maximum, had millions of dollars of water reserves it hadn't spend yet, spent millions on buildings, and was now singling out Cottonwood Ranch homeowners based on what was the sole and total discretion of its water utility department. Overall, this would cost Cottonwood homeowners somewhere from \$150,000 to possibly \$250,000 in direct and indirect costs before the city finished. And in the end they would have actually created the potential remote possibility for water contamination because of the unprotected cross connections that will lie beneath the ground for years, and years, and years.

Richard Kiessel stated that he had post graduate degrees in mechanical engineering and naval engineering. He was also a licensed professional engineer and had spent 30 years approximately in the business of regulating mechanical systems, including piping systems, and pressure vessels. He thought he knew what a regulation should be. In reading these proposed rules there were no criteria by which he as a private citizen, or if he was the city employee who was to impose them, could make a valued judgment as to whether or not a system was meeting the code. He would call this "rule by ad hoc".

Ed Lawhorn addressed the Council stating that he received a letter from the Utility department stating that he had to remove his backflow device and be inspected by the city. He asked if the Council if they approved the letters and removal of the backflow devices.

Mayor Joens stated the Council's position was to set policy for the city to follow and did not oversee the day-to-day operation, since that would be micromanaging.

Mr. Lawhorn asked if any other home owners were sent letters or just Cottonwood Ranch.

Mayor Joens stated that the Utility Department had identified 113 homes that required backflow devices and were still in the process of identifying all the homes.

Mr. Lueder stated that the utility department sent a letter out asking for it to be tested, not telling them they had to remove it. They had never told anyone they had to remove it nor had they ever told anyone that they signed off on the removal of the fertilizer injector. The letter that went out was the standard one they had been sending out, and if you looked at the cross connection control manual and the state recommendations, it was a letter that many other towns used.

Ron Smith stated he was in charge of the backflow prevention for Ajo, Arizona. Back then they only had backflows on all commercial, municipal, and industrial (buildings). The few that were on residential were the ones that had swimming pools, livestock tanks, but the backflow wasn't required for someone that had a sprinkler system. He could understand the possibility of a problem with a fertilizer injector. They had to have those injectors removed from 300 and some odd residences. What Mr. Lueder did not tell them was those injectors had a backflow device on them, so he removed that protection when he had that done.

Bill Dwyer stated that he had been the president of the home owner's association for Cottonwood Ranch. He wanted to talk about the idea of sole discretion. This was not any reflection on Dan Lueder; his dealings with Dan had always been very professional and satisfactory to him. He was concerned about when Dan's successor walked in. He downloaded the ordinance today and as had been mentioned the sole discretion had been removed, but questioned where did the discretion lie now and in the future.

Mr. Horton stated that the Council had to make a policy choice, and some communities have decided to make adoption for a more restrictive code regarding backflow devices. There was a proposed code today, and the Council could approve it, reject it, revise it, and the public had opportunity to inform the Council that some parts need to be changed.

Mr. Bartosh explained that some city employees have discretion beyond the Council or City Manager's approval, citing the Police Chief as an example. The Council and City Manager could make corrections when the employee's performance of duties was not acceptable, up to and including removal. Mr. Bartosh also stated that if the City Manager fails in his duties, the Council had the discretion to remove him.

Mayor Joens stated that she believed the Council was ultimately in charge, since the Council sets the policy and hired the City Manager and expected the City Manager to follow that policy on a day to day basis. It was not proper for the Council to interfere with the City Manager to ensure that the policy was performed correctly on a day to day basis. The Council had seen some very great results from Mr. Bartosh and his staff, and she believed that Cottonwood was one of the best managed cities in the state.

Mr. Dwyer asked the Council if they would authorize Mr. Bartosh or Mr. Lueder to raise the water rates.

Mayor Joens stated absolutely not.

Mr. Dwyer was stating he was looking at the future and different employees.

Council Member Pratt stated if it was in the future then the City Council would have step up. For people to get their job done they had to have some discretion, which was why they hired experienced people, but there did need to be somebody watching.

Mr. Lueder stated this was a legal, technical, and moral question here. R184215 subsection F. "Each backflow prevention assembly required by this section shall be tested at least annually or more frequently if directed by the public water system or the department." There was no discretion. If it was required it had to be tested. Technically, how were you going to know it was working if you didn't test it. His department had worked with ADEQ, who realized the enormity of the problem and that they were working for a resolution. Our goal here was to protect the water supply while at the same time minimizing the cost.

Mayor Joens then 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.

CONSENT AGENDA

LIQUOR LICENSE APPLICATION FOR THE OLD TOWN RED ROOSTER CAFÉ LOCATED AT 901 N. MAIN STREET (OWNER/AGENT SHANE D. SMITH)

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATIONS FOR PAGE SPRINGS CELLARS (ERIC GLOMSKI, APPLICANT) FOR AN EVENT SCHEDULED FOR NOVEMBER 20, 2010, AT THE OLD TOWN CENTER FOR THE ARTS LOCATED AT 633 N. 5TH STREET

RESOLUTION NUMBER 2545—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF CLARKDALE FOR THE HIGHWAY 89A BLACKHILLS DRIVE TO CEMENT PLANT ROAD SIDEWALK ENHANCEMENT PROJECT

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

NEW BUSINESS

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 FIREWORKS ORDINANCE; FIRST READING

Chief Casson stated this was a result of the House Bill 2246 that was signed into law allowing permissible consumer fireworks in the State of Arizona. The new law also allowed cities and towns to establish their own rules regulating, and up to banning, consumer based fireworks. A work session was held on October 12, and after considerable discussion about the state statute, the Council directed staff to bring forth an ordinance banning the use of permissible fireworks within the city limits and prohibiting the sale of fireworks by persons under the age of 16.

After brief discussion regarding the prohibition of the sale of fireworks by persons under the age of 16, Mayor Joens requested the City Clerk to read Ordinance Number 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.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the Claims and Adjustments. The motion was seconded by Council Member Kirby, and carried unanimously.

ADJOURNMENT

Council Member Kirby moved to adjourn. The motion was seconded by Council Member Smith, and carried unanimously. The regular meeting adjourned at 7:55 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 2, 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