

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD DECEMBER 17, 2013, 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 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
Randy Garrison, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Matt McLean, Deputy Clerk
Steve Horton, City Attorney
Morgan Scott, Development Services Operations Manager
Bruce Morrow, Transit Manager
Dan Lueder, Development Services General Manager
Jody Fanning, Police Chief

PLEDGE OF ALLEGIANCE

Council Member Elinski led the Pledge.

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 library has new carpet; last Saturday was the annual "Shop with a Cop;" and Friday at the recreation center they will be doing "Toys for Tots."

Council Member Pratt stated on December 7 he had the honor to be the emcee for the Verde Valley Voices concert, and on December 8 he had the honor to be the emcee for the Cottonwood Community Band concert.

Mayor Joens stated she interviewed Daryl and Pat Dierks from the Rising Hope Food Pantry for Channel 2; she attended the Larry Green open house and ribbon cutting for the new Hyundai building; December 7 was the Christmas parade, the Chocolate Walk, the Cottonwood Village open house, the Verde Valley Voices concert, and the Christmas Tree lighting ceremony; on the 8th she attended the EF Production celebration of Christmas; staff members, Council Member Garrison and she met with the Crestview Homeowners on December 9; she attended the public safety personal retirement board meeting, and the alternate pension and benefit plan board meeting and the board of directors voted to disband the board of trust; on Saturday she participated in Shop with a Cop; on Wednesday the 18th there was a ribbon cutting for Cottonwood Modern Dentistry.

Council Member Pratt stated on Friday he attended the one year anniversary of Orion's Flour Garden Café.

INTRODUCTION OF NEW EMPLOYEES – Emily Reed, Communications Specialist; Danny Figueroa, Police Officer

Chief Fanning introduced Ms. Reed and Officer Figueroa.

PRESENTATION REGARDING THE PROPOSED NEW ROUTES FOR THE COTTONWOOD AREA TRANSIT AND VERDE LYNX SYSTEMS

Mr. Morrow gave a presentation on the new routes for the Cottonwood Area Transit System. Part of the new system was creating a new blue route that will serve the Verde Village areas that is the result of the funding the city has received from the County. The blue route will have four runs a day; twice in the morning and twice in the afternoon. There will be four total routes now; a blue, yellow, green and red and will have a 45 minute run between routes. The old time was an hour. The new route schedules are available at the normal city locations as well as the website. Staff created an all access pass that is good on both CATs and Lynx.

Council Member Elinski asked if we can have those routes and schedules posted on the bus stops somewhere.

Mr. Morrow stated currently we can't, but staff is looking for some alternatives.

Catherine Puerta asked where the monthly passes can be purchased.

Mr. Morrow stated they can be purchased at the recreation center, the finance department, Clarkdale town hall, and at the finance offices in Sedona.

Mayor Joens requested that we move the consent agenda up since it would be nice to get Casey home at a decent hour tonight.

CONSENT AGENDA

APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS FOR THE YAVAPAI COUNTY BUSINESS ASSISTANCE CENTER

RESOLUTION NUMBER 2728 - RE-APPOINTING MARK HOBSON AS A MEMBER OF THE MUNICIPAL PROPERTY CORPORATION AND ESTABLISHING HIS NEW TERM OF OFFICE

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

Mayor Joens requested the Deputy Clerk read Resolution Number 2728 by title only.

RESOLUTION NUMBER 2728

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING MARK HOBSON A MEMBER OF THE CITY'S MUNICIPAL PROPERTY CORPORATION.

CALL TO THE PUBLIC

Lani Wyatt, from Cottonwood, thanked the staff, especially Morgan Scott, for all the work they have done in showing her around and expressed her concerns that the sidewalks are still not being kept in good condition, and suggested they use the court ordered community service workers.

Ruth Stanks announced there are Community Legal Services available free of charge and passed out some brochures.

Mayor Joens requested that item number one under new business be heard now.

DISCUSSION AND DIRECTION TO STAFF REGARDING OFFPREMISE SIGNS

Mr. Lueder stated the current city code does not allow off premise signs and we have been contacted by business owners that said their business is being impacted because people can't really find their restaurants or businesses. Staff looked into the possibility of having some off-premises signs that would be regulated by the city. At the November 18 Planning and Zoning Commission meeting the consensus of the commission was they would appreciate this type of sign. Mr. Lueder then showed the council an example of the sign. Staff's concept is the city would install the sign and then the business would be responsible for procuring the individual placards. The one place they have requested a sign is the area of Villa and 89A since there are businesses back there that can't have off premises signs. Staff would put together some sign examples for the Planning and Zoning Commission and get their approval on the sign and the location, and then offer the businesses in the area a chance to buy an individual placard that would identify their business and give directions to

get to it. Another area a sign may be beneficial would be Justin Drive in the industrial park. The cost to the city would be for the basic sign and installation of about \$500.

Council Member Jauregui stated for clarification, we are just talking about two sites.

Mr. Lueder stated we are talking about one site, but for any future sites it would go the Planning and Zoning Commission for their approval.

Council Member Pratt stated he can stand fully behind this.

Council Member Elinski thinks we can do it tastefully as well. He would like to have it included in the branding study that we are doing now so we have some consistency.

Mr. Lueder stated we can hold off on the identifying sign on the top of the sign until the branding is done.

Mayor Joens stated she would like to see it done sooner.

Council Member Garrison stated the example that was shown tends to be high traffic tourist destinations and what we are providing signage for is not. It seems like the town is being overrun with signs, and that area in particular at Villa is already so congested with things on the street with multiple signs that just adding another one is going to add more noise to the mix. He would like to look at creating better traffic flow down Villa and Cove Parkway and would like to see a traffic count done before the sign went up and after the sign went up to see if the sign improves traffic flow into that area before we start adding more of them around town.

Mr. Lueder stated we can do the traffic count, but disagreed that area is overrun with signs. This would be just out of the ADOT right-of-way on Villa and Elm. The business owners will tell us if it is working or not.

Council Member Elinski stated he agrees that a traffic count would quantify what impact if any it has.

Dan Mabery, from Cottonwood, stated he is interested in signage for offsite subdivisions, and many other cities and towns have provisions for those types of signs, but Cottonwood does not allow it.

The Council directed staff to talk with Mr. Mabery about it.

The Council then directed staff to move forward with this particular item for Villa with the concession that there would be a traffic count before and after the sign went up.

APPROVAL OF MINUTES—REGULAR MEETING OF DECEMBER 3, 2013

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

UNFINISHED BUSINESS

ORDINANCE 604--AMENDING THE MUNICIPAL CODE BY ADDING A NEW TITLE 16, CIVIL UNIONS; SECOND AND FINAL READING

Mayor Joens asked the public if they would agree to lower the speaking time down to three minutes, and the public agreed.

Council Member Pratt moved that we go to three minutes for public input on item number one under unfinished business per person. The motion was seconded by Council Member Elinski and was carried unanimously.

Mayor Joens stated all of the emails that she has received from the public have been forwarded to the City Clerk's office to be part of the public record, and appreciates all of the comments that we have received. This is an ordinance that would create a register that would allow committed couples, opposite sexes or same sex, to register their relationship with the City Clerk, file a list or description of legal documents relating to their property, health care, and other important matters between them. Some communities have taken a copy of the documents, but then those documents would be a public record, and the council felt it would be much better just to give a list of items that the couple felt were important to them.

Council Member Pratt stated he wanted to remind everyone at the beginning of this meeting we all recited a pledge that ended with the words, "with liberty and justice for all." Not just for a few people. After the last meeting he did a lot of research. People had referred to our forefathers saying that they didn't envision this. Most historians would tell you that our forefathers were really deists which is a lot different than some modern day Christians. They based their decisions on reason, not their faith, and faith couldn't enter into decisions that affected all of our citizens. He then read a quote by Thomas Jefferson as follows, "Because religious belief or non-belief is such an important part of every person's life, freedom of religion affects every individual. Religious institutions that use government power in support of themselves and force their views on persons of other faiths or of no faith undermine all of our civil rights. Moreover, state support of an established religion tends to make the clergy unresponsive to their own people and leads to corruption within religion itself. Erecting the wall of separation between church and state, therefore, is absolutely essential within a free society."

Mayor Joens opened the floor to the public.

The following people spoke in opposition to the ordinance: Jay Parkison, Reverend Jack

Pease, Jalon Peters, Judy Cowan, Pat Lieder, Rose Sperry and John Mitchell.

The following people spoke in favor to the ordinance: Al Pivnick, Carla Hover, Greg Luckey, David Geralino, Priscilla Hardin, Susan Hughes, Dina Dantanitz, Marc Luckey, Charles Barrett, Christine Barag, Pam Clark, Jen Morris, Darold Smith, Sam Hightower, Joellin Dahlin, Arlene and Gene O'Sullivan, Mitch Levy, Sheree Anderson, Chris Zellner, Rachel Sappington, and Bradley Blalock

Council Member Dowling pointed out the "under god" phrase was not part of the pledge until the 1950s.

Vice Mayor Pfeifer stated if we are going to quote the government and the pledge of allegiance in all of that, we have the right to respectfully disagree. We all have our rights and a right to our own opinions. We still need to stay respectful when this vote is over, and we all have a right to our opinions and it doesn't mean that anyone is prejudice if they don't go along with what she thinks or with what you think.

Council Member Pratt stated "under god" was added to the pledge in 1954 and it really was a response to McCarthyism, and would like to reiterate "with liberty and justice for all." Our country didn't always live up to that. For instance it wasn't until 1920 that women received their civil rights, and it wasn't until the 60s that a lot of minorities couldn't even vote or dine in the same places he did. It makes him proud to be an American that we are fluid enough to make these changes.

Mayor Joens she did a little bit of research on representative forms of government and what that means, and that is the kind of government that our forefathers set up.

Council Member Elinski stated he fully supports this ordinance and believes what they were discussing is about equality. We are all Americans and one thing that we have worked really hard is for greater equality for all of our citizenry. He is just supporting and spreading equality.

Council Member Jauregui stated we are not going to try and change anyone's mind. He also understands that Ordinance 604 really is a small step forward in recognizing equality for everyone. There are certain areas in the country where we are all not equal in, and some of these things have to be defined.

Council Member Dowling moved to approve Ordinance Number 604, amending the Municipal Code by adding a new Title 16, "Civil Unions." The motion was seconded by Council Member Jauregui.

Mayor Joens asked the council for a show of hands for a vote of yes and Council Members Dowling, Elinski, Pratt, Jauregui, Garrison and Mayor Joens raised their hands.

Mayor Joens asked for a show of hands voting no and Vice Mayor Pfeifer raised her hand.

Mr. Horton recommended that the vote tally be read into the record.

Mayor Joens stated the vote was 6-1, six yes and one no. She then requested the Deputy Clerk read Ordinance 604 by title only.

ORDINANCE NUMBER 604

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY ADDING A NEW TITLE 16, CIVIL UNIONS.

NEW BUSINESS

RESOLUTION NUMBER 2726 - APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF TRANSPORTATION, AND THE YAVAPAI APACHE NATION, YAVAPAI COUNTY, THE CITY OF SEDONA, AND THE TOWNS OF CAMP VERDE, CLARKDALE, AND JEROME, FOR APPROVAL OF INTERSECTION ACCESS POINTS FOR THE PROPOSED IMPROVEMENTS ON STATE ROUTE 260 FROM THOUSAND TRAILS TO I-17

Mr. Scott stated this is ADOT's proposal to improve State Route 260 from Wilshire Drive into Cottonwood at Thousand Trails. Of the proposed seven intersections, Thousand Trails is the only one completely within Cottonwood. They are proposing five roundabouts and two what they call left turn restriction intersections. They want all private development to put in right turn only driveways, up to a quarter mile increments. He showed the council a typical cross section of the proposed roadway and the shoulders which will be 8-10 feet. The newer section will not be worked on, but they will keep that in mind and consider it in the future.

Mayor Joens stated it does talk about installing and improving bicycle accommodations between and within Cottonwood and Camp Verde during the design and construction of the project wherever feasible. Funding in the amount of \$66 million was allocated to this project, so this resolution will help us to intercede for bicyclists if there is funding available.

Council Member Pratt stated this was the plan that was presented to us and thinks we have all bought into it.

Sheree Anderson, from Cottonwood, asked if it was really important that there was five roundabouts and if it would be more beneficial to start out with two.

Council Member Garrison stated the discussion started years ago at fourteen intersections, so seven roundabouts is a dramatic improvement. This seems to be the most responsible movement towards improving the safety on that road. It would be nice to not have any roundabouts or any intersections between Clarkdale and I-17, but that is never going to happen.

Mr. Scott stated ADOT needs to keep legal access to everyone that owns property on that road, so ADOT staff worked very hard to get the minimum number of intersections but still keep legal access.

Catherine Puerta stated she lives near Cherry where the light currently stands and prefers the roundabouts, but thinks the improvements are meant to drive traffic down 279 which is unpaved and has caused problems for her car and asked if ADOT is going to improve that road.

Mr. Scott stated as far as using ADOT funds to improve a non-ADOT road, that may be very difficult and most of that road is within the Camp Verde boundary.

Council Member Pratt moved to approve Resolution 2726. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens asked the Deputy Clerk to read Resolution Number 2726 by title only.

RESOLUTION NUMBER 2726

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA; THE YAVAPAI-APACHE NATION; YAVAPAI COUNTY; THE CITY OF SEDONA; AND THE TOWNS OF CAMP VERDE, CLARKDALE, AND JEROME, CONCERNING PROPOSED IMPROVEMENTS TO STATE ROUTE 260 BETWEEN THOUSAND TRAILS AND I-17; AND ENCOURAGING THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONSIDER INSTALLING AND IMPROVING BICYCLE ACCOMODATIONS BETWEEN AND WITHIN COTTONWOOD AND CAMP VERDE DURING THE DESIGN AND CONSTRUCTION OF THE PROJECT WHEREVER FEASIBLE.

RESOLUTION NUMBER 2727--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAIAPACHE NATION FOR PUBLIC TRANSPORATION SERVICES

Mr. Morrow stated the Yavapai Apache Nation has their buses. What this agreement does is allows them to use our bus stops and allows us to transfer our people onto their buses.

Council Member Pratt stated this is a no brainer and anything that improves public transportation in the Valley is good for all our cities and towns.

Council Member Elinski moved to approve Resolution Number 2727. The motion was seconded by Council Member Dowling and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2727 by title only.

RESOLUTION NUMBER 2727

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI-APACHE NATION FOR PUBLIC TRANSPORTATION SERVICES.

PROPOSED AGREEMENT FOR PARTIAL COST-SHARING FOR THE MAINTENANCE AND REPAIR OF THE LEDBETTER LAW/OLD TOWN SIGN

Mr. Horton stated when the council gave direction to staff several years ago to add some funding for the Old Town Association to help with the cost of rehabilitating the Old Town Cottonwood sign in front of Mr. Ledbetter's law office, there was discussion but not direction regarding the necessary maintenance for the sign. Significant maintenance wasn't required until recently, and staff was approached by Mr. Ledbetter's office asking for the city's share on the cost. What staff proposed is that the city shares in the cost up to a \$1,000 a year.

Council Member Jauregui asked how many times the sign needed to be repaired or refurbished.

Mr. Horton stated it was originally discussed in 2009 and this is the first time this has come up since then. What the requirements going forward are, he doesn't think that anybody would want to hazard a guess. He believed it was good to put a cap on the city's annual contribution.

Council Member Dowling asked if it would be cumulative.

Mr. Horton stated it does not roll over. We would contribute up to a \$1,000 for each fiscal year.

Council Member Elinski asked if this should be supervised through the Old Town Association and felt if we could increase their funding and pass it through them it would be better. He has hesitations of giving money to the Ledbetter law firm or any private business. His view at the time was we needed to preserve the sign since they were going to cut it down and it is a benefit to Cottonwood.

Mr. Horton stated that is a legitimate way to view this. There was a concern about giving the gift of public funds and benefiting a private party, but the consensus of the council at that time was there was a public benefit to having that sign there.

Council Member Pratt stated he did put Old Town on the sign, and it is kind of a public/private partnership and has no problems with this issue.

Council Member Garrison stated having the sign is great and is such a great marketing tool for Cottonwood. His concern is where it gets paid from and being paid through the Old Town

Association becomes problematic in that we would have to adjust our donation to them. He thinks it would be better to be paid with our bed tax.

Mayor Joens stated the bed tax is paid by the hotels and wondered if they would like that idea.

Council Member Garrison stated when we are advertising Cottonwood that is people staying in beds.

Mayor Joens stated she considers it a private/public partnership and is comfortable with the city using this expense and it is a valid expense. That sign is a very important landmark and she is comfortable with the proposal written as is.

Council Member Pratt stated about every picture included in an article about Cottonwood is a picture with the street with that sign. It is a public landmark and could almost be part of our branding.

Council Member Pratt moved to approve the proposed agreement for partial cost-sharing for the maintenance and repair of the Ledbetter Law/Old Town sign. The motion was seconded by Mayor Joens and carried unanimously.

CLAIMS AND ADJUSTMENTS

Council Member Garrison stated every month we have the same ones (claims) keep coming over and over again, professional services, and was kind of curious where we tally that up and determine what we are getting for our money, specifically the Brown and Brown Law.

Mr. Rodriguez stated Brown and Brown will probably continue for some time. It has been questioned by our city attorney. All the other items are partial payments and we have consultants that don't bill us all at once.

Mr. Bartosh stated we would sit down with any council member who has questions about these specifics.

Mayor Joens stated she reads every item on the check register and she questions them if she has a concern.

Council Member Elinski moved to pay the claims. The motion was seconded by Council Member Jauregui and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Garrison and carried unanimously. The regular meeting adjourned at 9:05 p.m.

Diane Joens, Mayor

ATTEST:

Matthew McLean, Deputy 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 12, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date