

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD DECEMBER 18, 2012, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

CALL TO ORDER AND ROLL CALL

Mayor Joens called the regular meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

COUNCIL MEMBERS ABSENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
Tim Elinski, Council Member
Ruben Jauregui, Council Member
Terence Pratt, Council Member
Linda Norman, Council Member
Jesse Dowling, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Steve Horton, City Attorney
Debbie Breitreutz, Waste Water Superintendent
Dan Lueder, Development Services General Manager
Gary Eisenga, Police Commander
Morgan Scott, Development Services Operations Manager
Timothy Bishop, Firefighter
Michael Kuykendall, Fire Department Chief

PLEDGE OF ALLEGIANCE

Firefighter Tim Bishop led the pledge.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Bartosh stated Chief Fanning assigned police officers to all of the schools to be there in the morning following the tragedy back in Connecticut. Some of the kids have been appreciative and brought out cards to the police officers and he read one of the cards. Our next electronic recycling and document shredding is scheduled for February 23, and we will get some more details on that as that date draws closer.

Mayor Joens announced the following:

- We had a Habitat for Humanity ground breaking for the Bonner family in Verde Village and Vice Mayor Pfeifer was there also.
- She was asked to be a judge at the 17th Annual Christmas Dinner at Evangelical

Worship Center on December 9.

- On December 10 we had the Crestview HOA meeting where they discussed the General Plan, water, and 12th Street and traffic coming through their subdivision.
- We continue to meet with the VFW and others in planning the Vietnam Veterans Wall which will be here in the Verde Valley on March 28-March 31. On Saturday March 30, we will be having welcome home Vietnam Veterans' event at Cottonwood Kids park. We still need about \$3,000 more and Community Counts is collecting the money if anyone wishes to help out with that.
- The Chamber Mixer was last Thursday night and it was a great event.
- On Friday there was a Greater Arizona Mayor's meeting in Clarkdale and Tom Belshi from the Arizona League of Cities and Towns came and gave a presentation on some really challenging things that we are expecting from the legislature this year.
- She attended the Yes the Ark dance on Saturday.

Ms. Jimenez reminded the Council and the public that for the months of January, February and March council meetings would be held at the public safety meeting rooms due to the Council Chambers reconstruction project that will begin in January. The January 1 meeting was canceled due to New Year's Day.

INTRODUCTION OF NEW EMPLOYEES--FIREFIGHTER TIMOTHY BISHOP

Chief Kuykendall introduced new Firefighter, Timothy Bishop.

CALL TO THE PUBLIC

Fred Piper, a Cottonwood resident, stated here to answer the gentleman who is the president of the bicycle coalition and he asked the council to send letters out to ADOT and supervisors to get the roads paved better, better shoulders, better surfaces for their bicycles. As far as he knows they don't pay any insurance and bicycles you see out on the roads are not up to quality; they have no lights, no insurance, no nothing and they are legal to ride on the road. He does not believe that there is a place on a high speed road such as 260, I-17 for a slow moving bicycle that is not even equipped to even be on the road to start with. He is asking to take into consideration sending a letter to ADOT and the Supervisors to put a minimum speed on these high speed highways.

Fire Chief Nazih M. Hazime of the Verde Valley Fire District stated he passed out an invitation to a meeting that is taking place January 30 and 31 that will allow them to get informed and educated in regards to joint sharing services. This came about when he was attending a meeting with the Fire Chiefs Association in Arizona and he witnessed these two gentlemen that spoke in regards to joint powers of authority and merging consolidation, sharing services in general and how it all can work for different districts. He was impressed with the presentation and he contacted the gentlemen and asked if they would be interested in coming out and making a presentation to eight different agencies in the Verde Valley and they agreed to do it at no cost. They could look at sharing more services than what we are sharing right now.

APPROVAL OF MINUTES--Special Work Session of October 30, 2012, Regular Meeting of November 6, 2012, Special Meeting of November 13, 2012, and Work Session of November 13, 2012

Mayor Joens stated she had spoken with Ms. Jimenez and would like to table the November 6 minutes.

Council Member Pratt moved to approve the minutes of the special work session of October 30, 2012, special meeting of November 13, 2012 and work session of November 13, 2012. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

OLD BUSINESS

ORDINANCE NUMBER 591--AMENDING TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS, OF THE MUNICIPAL CODE BY DELETING CHAPTER 5.04, BUSINESS LICENSES, AND ADDING A NEW CHAPTER 5.04, BUSINESS REGISTRATION; REGULATIONS; SECOND & FINAL READING

Mr. Rodriguez stated this was brought up a couple of meetings ago and basically what we are doing is making adjustments to our business registration fees. Currently we charge \$20 for a basic fee. The council's packet contained a comparison chart of business registration fees that shows the other communities in the Verde Valley and northern Arizona area and they could clearly see that we have been really low. What we are proposing is an in-between range; not the lowest and obviously not the highest range out there. The notice of intent to increase fees was posted on our website for the 60 day required period which contains both the current rate and the proposed rate we are requesting the council approve. He pointed out that this is not a business license, it is just a registration. If they do any type of business within Cottonwood they should have a business registration. All 501c(3) and charitable organizations or religious organizations will be allowed a 50 percent discount on their fees. There is a 25 percent late fee if they do not renew their registration on a timely basis. Besides the fee changes we are also looking at prorating the fees based on a half year versus quarterly that we do now. Then we are looking to make sure that these businesses are paying everything that is due to the city via taxes or fees or anything of that sort, and to pay any fees that are due before they can get a registration. Any business found operating without a business license for a year will be assessed a full year for the business registration fee plus the penalty. Currently they walk in mid-year and they have been operating the whole year and we have given them a discount. These fees don't cover the cost that it takes to get these registrations out there. We have been holding off sending our annual letter that usually goes out in November until this passed, so we will have a flurry of activity out of the finance department as we try and send all of these notices out and try to collect in a relatively short period of time.

Council Member Elinski stated under the special classifications it has massage parlors, palmists and fortune tellers at \$500 per year and asked why that was so much more

expensive.

Mr. Rodriguez stated traditionally you don't want those businesses in town. Massage parlors seem to cause a little bit of a problem. These are probably two of the big ones that we don't encourage, hence the higher fees.

Vice Mayor Pfeifer stated there are masseuses in town that are different than a massage parlor.

Vice Mayor Pfeifer moved to approve Ordinance Number 591. The motion was seconded by Council Member Pratt and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance Number 591 by title only.

ORDINANCE NUMBER 591

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS, OF THE MUNICIPAL CODE BY DELETING CHAPTER 5.04, BUSINESS LICENSES, AND ADDING A NEW CHAPTER 5.04, BUSINESS REGISTRATION; REGULATIONS.

CONSENT AGENDA

LIQUOR LICENSE APPLICATION FOR ERIC S. JURISIN, APPLICANT FOR THE NEW BOCCE RESTAURANT/BAR TO BE LOCATED AT 1060 NORTH MAIN STREET

AWARD OF BID FOR CITY FACILITIES CUSTODIAL/JANITORIAL MAINTENANCE SERVICES

Vice Mayor Pfeifer moved to approve the consent agenda. The motion was seconded by Council Member Elinski and carried unanimously.

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

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY LANA TOLLESON, APPLICANT FOR THE COTTONWOOD CHAMBER OF COMMERCE, FOR THE ANNUAL CHAMBER BANQUET SCHEDULED FOR JANUARY 25, 2013, AT THE COTTONWOOD RECREATION CENTER

Vice Mayor Pfeifer declared a conflict of interest as she is employed by the Chamber, and Council Member Pratt declared a conflict of interest as he is on the Chamber board. Both stepped down from the dais.

Council Member Dowling moved to recommend approval of a special event liquor license

submitted by Lana Tolleson, applicant for the Cottonwood Chamber of Commerce, for the annual chamber banquet scheduled for January 25, 2013, at the Cottonwood Recreation Center. The motion was seconded by Council Member Elinski and carried.

Vice Mayor Pfeifer and Council Member Pratt returned to the dais.

AWARD OF BID FOR THE CENTRIFUGE LOADING PAD IMPROVEMENT PROJECT FOR THE WASTEWATER TREATMENT PLANT

Ms. Breitzkreutz stated she is recommending that the Job Order Contract (JOC) be awarded to Tiffany Construction in the amount of \$64,009.43 for the construction of the wastewater centrifuge loading pad improvements. Funds for this project were appropriated in this year's fiscal budget under capital improvements. The concrete adjacent to the centrifuge building is severely deteriorated, and this area is where we do the loading and unloading of the 22 ton containers that we send out for biosolids hauling. The condition of the concrete and steel running plates currently created vehicular, pedestrian, and operational safety hazards and our engineering department has designed a different type of system.

Council Member Pratt moved to approve the JOC bid from Tiffany Construction in the amount of \$64,009.43 for the construction of the wastewater treatment plant centrifuge loading pad improvements. The motion was seconded by Council Member Norman and carried unanimously.

ADDITIONAL OPTIONS AND INFORMATION PERTAINING TO THE COTTONWOOD DOG PARK

Mr. Scott stated the council is considering some issues with the location of the dog park. At the September 11 meeting the Council decided to leave the park at its current location, but consider improvements to the park. There have been some improvements that have already been made at the park; the gate has been oiled and padded, and the hours have been cut back so the park closes at 8:00.

Mayor Joens asked if we changed the time for it be closed starting at 5:30 to 6:00 in the winter since it is dark out.

Mr. Scott stated we can look into that if that is what the council wishes.

Mayor Joens stated it seems to her that there is no need to be in the dog park after dark.

Mr. Scott stated the police department also added extra patrols at the park, hopefully to keep noise down, and signs have been placed throughout the park to encourage owners to encourage their dogs to be quiet. There used to be a dirt driveway south of the dog park between the dog park and the residences to the south that has been removed to try and reduce the noise of dogs barking. The dog training area used to be at the south end of the park and the training dogs tend to be quieter so we moved them further north. A complaint was brought forward about the smell. We have moved the large dumpster outside of the

park and put a smaller trash can inside the park and it is emptied daily. Those are the improvements done so far. Other possible improvements to the park include an earth berm to the south with a fence with acoustic material. Another option the council asked us to consider was rearranging the dog park. The dog park itself is about 300 feet long, so we got a cost estimate for the berm and the fence that was only 300 feet long. A 550 foot long, 6 foot tall dirt berm, with a 6 foot tall fence on top of it with an acoustic absorbing material added to that fence would cost approximately \$32,000. If it was shortened to about 300 feet, that same barrier would cost approximately \$17,700. The third option was to rearrange the dog park. The smaller dog training areas are in the southeast area of the dog park. The idea was to move that to the northwest portion of the park farthest from the residential areas. If we were to do that the cost would be about \$5,600 and that would include slats around the two smaller dog areas.

Council Member Jauregui asked if the berm would be any quieter if it was longer in that area.

Mr. Scott stated the base of it will be approximately 24 feet wide regardless of how long it is.

Council Member Jauregui asked if making it longer was going to make it quieter.

Mr. Scott stated you could assume that it will block more noise for the residence to the north.

Mayor Joens stated looking at the map it should protect more residences with a longer fence.

Mr. Scott stated there is one other item staff needed direction from the Council which was where the money is coming from.

Mr. Bartosh stated we could give the council some options on that.

Council Member Pratt stated he thought it came from the Council Contingency fund.

Mayor Joens stated under cost funding source, it says general fund.

Mr. Bartosh stated we also have the capital reserve that we can use as well.

Council Member Pratt stated he has heard from a lot of people that use the dog park and they really appreciate it, but he also feels strongly for the neighbor that had issues with it. No one should have to deal with those disturbances. Hopefully if we go with the sound barrier that will really solve it all and that neighbor can live in peace. The city has acted in good faith and he hopes the public recognizes that.

Council Member Elinski stated he wondered if we couldn't maybe take this in stages as well. He questioned if it would be possible to install the berm and then put the fence up

afterwards and split it up between two years because there aren't enough funds in the council contingency to do it all at once.

Mayor Joens stated she would prefer not to take the money from council contingency. That was the council's money if there are emergencies or something that the council wants to do.

Council Member Elinski stated even if it comes from the capital improvement fund or from the general fund, if we were to break it up it would be easier.

Mayor Joens stated she thinks we just need to get it done.

Vice Mayor Pfeifer asked by reconfiguring the dog park, how much farther from the residences would it put the noise.

Mr. Scott stated the closed portion of the dog park to the nearest residences to the south is approximately 75 feet. The gate is approximately 165 feet from the property. If we moved it to the far northwest corner it will be about 300 feet.

Vice Mayor Pfeifer stated she likes that idea.

Mayor Joens stated the berm might be enough to solve the problem but if it is not enough, then it should be expedited.

Council Member Elinski stated he agrees and we are making efforts to solve the problem. It is a lot of money and a lot of money to pull from nowhere because it is not budgeted. Just take it in baby steps to solve the problem we might not need to install the fence and still satisfy the neighbors. Ultimately that is what we want to satisfy is the neighbors' complaints. They are valid complaints, but if we don't have to spend as much money and everyone is satisfied then that is great.

Mr. Scott stated staging it would add slightly to the cost. The cost estimate assumes that the six foot fence is put up on twelve foot poles, so the foundation is in existing ground today, not in a compacted berm. We could put up a berm and come back later if we needed to add a fence and dig out just a portion for poles. It would add a slight cost, but was doable if that is what council would like to do.

Jeanice Allen addressed the Council and stated some of the things that have been said is that they fixed the squeaking gate; it was a clanking gate. There is no one complaining but her. She is getting all the noise across the whole acre. The dog park now has more people coming to it. Some of the people that are coming to it are very rude. When that parking lot fills up over there, and she is higher than the dog park, everything that is said in a regular talking tone echoes right into her yard. There are nicer places the council could have moved it and it would have been cheaper to move it. She doesn't know where they came up with these god awful prices for things. She has had realtors look at her house for the last two weeks because she intends to sell her home. They don't know how bad it is because none of

them live there. At times it gets so loud she can't even carry on a conversation and at times she can't hear her television. She has noticed it has been a little bit better because there seems to be people in the park kind of monitoring it. They could move it down the road or move it over to the soccer field and it is already there and it's a nice property. Nobody wants a dog park next to their house that close. She would like to see the council move it. She had seen them come up with stuff little by little; fix a little here, a little there. The signs didn't do a thing. The little dogs echo even louder now and the little dogs are over where the people come in.

Darold Smith stated he was down there the other day and all those trees are barren so it is just wide open.

Mayor Joens stated the question today is which improvements the council wishes to do.

Council Member Elinski stated he would like to see us reconfigure the inside to get the small dogs fenced off with a shorter version of the berm to see how far that gets us with satisfying the complaints.

Council Member Jauregui stated he likes the shorter berm since we are dealing with one homeowner. As stated before, no else has complained about this. For the money involved to stretch out another 250 feet we are not accomplishing anything. It could go a long ways to mitigate some of that sound that we are reportedly having.

Mayor Joens stated she was thinking of the longer one, but what he said makes a lot of sense.

Council Member Jauregui stated he is also thinking of the cost.

Mayor Joens asked if the council would agree to take it out of the capital funds that we have budgeted.

Council Member Pratt stated yes.

Council Member Elinski moved to construct an earthen berm, 6 foot tall berm, 300 foot in length for \$11,600 and reconfigure the park as discussed as option number one in the amount of \$5,639. The motion was seconded by Vice Mayor Pfeifer.

Council Member Elinski stated in the motion it should come out of capital improvement.

Mr. Bartosh stated the other question the council talked about the hours. He is wondering if what we need to do is just make the hours dawn to dusk.

Council Member Pratt stated he agrees with that.

Mayor Joens stated there is really no reason why anybody should be there in the dark.

Mr. Bartosh stated it is almost a little bit of a liability for us when people are in there at night without lighting.

Chief Fanning stated the only issue with the dawn to dusk is the legality of what is dawn and what is dusk. There are no defined terms, so as law enforcement it is really hard for them to enforce. If we had hours it is much easier for them to enforce.

Mayor Joens suggested that the city manager and his staff post some specific hours based on when it is light out and have winter and summer hours as needed. She would like to see it open until 8:00 in the summer and not closed at 5:30 all the time.

Mr. Bartosh stated in the terms of trying to get some direction, he asked what is the earliest we would want people in there.

Council Member Jauregui stated the hours could be modified. Whatever hours we put on this now, if it is not working out, the hours can be modified.

Mr. Bartosh stated he is almost thinking of starting permanent hours in the morning at 7:00 and fluctuate the evening hours. So the hours now would be 7:00 to 5:00 and summer hours would be 7:00 to 8:00.

Mr. Horton stated the council could authorize the city manager to establish the hours for the dog park.

Council Member Elinski amended his motion to add that money should come from the capital improvement fund and also authorize the city manager to establish winter and summers hours for the dog park. The amended motion was seconded by Vice Mayor Pfeifer and carried unanimously.

RESOLUTION NUMBER 2675--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF PUBLIC SAFETY TO ENHANCE LAW ENFORCEMENT SERVICES CONCERNING THE CRIMINAL ACTIVITIES OF STREET GANGS

Chief Fanning stated what they are asking for is the approval to sign an IGA (intergovernmental agreement) with the Department of Public Safety to join them and receive funding from them for the officer that we are going to assign to the GIITEM unit which is the gang and immigration intelligence team enforcement mission. This team is designed to primarily deal with our street gangs, outlaw motorcycle gangs, and all of those types of people. These officers are trained to do the enforcement, the investigations, and it is a task force very similar to our narcotics task force but they primarily only target the street gangs and outlaw motorcycle gangs, prison gangs, and Aryan brotherhood. The Department of Transportation reimburses us for 75 percent of the officer's wages and currently they have salary savings from other officers to cover the other 25 percent.

Council Member Elinski questioned if the idea is to bring on a new employee or bring on an existing officer into this position.

Chief Fanning stated we will be bringing on a new employee and if something happens within three to four years, this officer would disappear via attrition.

Council Member Elinski questioned if we wouldn't be looking at a huge increase in the budget on this.

Mr. Bartosh stated Chief Fanning has worked with Mr. Rodriguez on this and it has his stamp of approval.

Council Member Elinski stated a few years back we had our graffiti examined and it didn't have any indication that there was any gang activity present in Cottonwood.

Chief Fanning stated the street element gang is not heavy in Cottonwood but there is gang activity. A couple of years ago we had to extremely heightened at the fair because of a reported gang shooting which we found to be credible, however, the people that were supposed to do it were denied access to the fair grounds. We didn't know about it till after. We do have gang activity; it is not your typical street gang of LA or south Phoenix, but they are out there. We have an increasing number of outlaw motorcycle gang members in the Verde Valley and in our Community. We are next to the last county to have the GIITEM task force. Everybody has one but us.

Council Member Pratt stated it seems to him that we should be proactive before it is a major problem.

Mayor Joens stated she would support it also.

Council Member Norman moved to approve Resolution 2675 authorizing the city manager and chief of police to sign an IGA with DPS to provide a police officer to the gang and immigration and intelligence team enforcement mission task force with reimbursement for 75 percent to the City of Cottonwood. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens requested the City Clerk read Resolution 2675 by title only.

RESOLUTION NUMBER 2675

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF PUBLIC SAFETY TO ENHANCE LAW ENFORCEMENT SERVICES CONCERNING THE CRIMINAL ACTIVITIES OF STREET GANGS.

EXTENSION OF THE DEADLINE FOR THE SATISFACTION OF THE CONDITIONS OF THE FINAL PLAT FOR COPPERGATE BUSINESS PARK, LOCATED AT THE WESTERN EXTENSION OF ALAMOS DRIVE (APN 406-32-082E, 083J, 084B, 084C, 087, 019E.)

Council Member Dowling declared a conflict of interest on this item as he worked on this project, and he stepped down from the dais.

Mr. Gehlert stated the Coppergate subdivision was originally approved by the city council in 2009 and it is composed of eight lots and about 16 acres. It is somewhat north of Blackhills Drive just beyond the extension of Alamos. This was reviewed most recently by the council in 2011 at which time the Council renewed the final plat for a period of one year. At this point the plat is not yet recorded, there are no assurances that have been posted, and there are no improvements on the property. At this time staff is highlighting that we will also be needing submittal of additional grading and drainage information. We are recommending approval of final plat for a period of one year subject to the additional stipulations of approval.

Mayor Joens stated it is pretty self-explanatory and she read through all the stipulations from the original time she read about this a few years back.

Vice Mayor Pfeifer moved to extend the deadline for the satisfaction of the conditions of final plat approval for the Coppergate business park until December 18, 2013, subject to the original stipulations. The motion was seconded by Council Member Elinski and carried unanimously.

RESOLUTION NUMBER 2676--DECLARING THAT CERTAIN DOCUMENT ENTITLED "SECTION 309., HILLSIDE DEVELOPMENT STANDARDS" TO BE A PUBLIC RECORD

Mr. Jimenez stated Resolution Number 2676 declares Section 309., Hillside Development Standards a public record. This resolution will be posted on the city's website and available in the City Clerk's office.

Council Member Elinski moved to approve Resolution 2676. The motion was seconded by Mayor Joens and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2676 by title only.

RESOLUTION NUMBER 2676

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED "SECTION 309. HILLSIDE DEVELOPMENT STANDARDS" TO BE A PUBLIC RECORD.

ORDINANCE NUMBER 593--AMENDING ARTICLE III, PROCEDURES, OF THE COTTONWOOD

ZONING ORDINANCE BY ADDING A NEW SECTION 309. HILLSIDE DEVELOPMENT STANDARDS; FIRST READING

Mr. Scully stated this was first discussed in 2006 in relation to some projects that were going on. The question was how you can have development in a way that is compatible with the landscape and provides protection for the landscape that allows for reasonable views for the property owner and developer. In 2007 at a joint session with the planning and zoning commission the Mayor recommended that the council look into this issue more and see what would happen with developing an ordinance. Staff worked on the initial development of the ordinance in 2008. In 2009 the Council put this issue as one of the strategic initiatives for the city to work on. In 2010 there were more meetings and draft ordinances. In July and August this issue was also considered. At the meeting in August there were some questions about some flexibility and a waiver for small changes that could happen that would be up to 10 percent based on criteria for height and setback coverage in various quantities that was included in there. This ordinance is crafted in a way that is very similar to many other cities, and there is a reference list to other cities in Arizona. A couple of years ago hard copies were mailed out to a list of developers, engineers, registered land surveyors, large land owners and large scale builders in the region. There were no formal responses besides some informal comments. The planning and zoning commission has seen it numerous times and they are recommending it move forward. There are two big parts to the way it is structured. One is designed based standards and one is development based or formula based regarding the impacts. The design has to do with what happens visually; what it looks like when you're doing a cut and fill, or when you're building a retaining wall versus a sharp cut into the hillside. The second part of the formula is regarding how you develop and making sure that if you have residential development you are not restricting somebody's existing rights and that it is not going to restrict somebody's ability. It is very commonly done and it does require additional steps, starting with an analysis of the hillside, and an engineering analysis of the slope through topographic studies. It is pretty much the same ordinance the Council has seen for several years with the addition of the waiver.

Council Member Pratt stated we have talked about this a lot and it is an important ordinance in both terms of aesthetics and preventing erosion. It is very complete and it is good to see it is in line with numerous other towns and cities. He thinks this is a good ordinance and it is important for us and appreciates all of Mr. Scully's hard work on this.

Mayor Joens stated when she became Mayor she was worried about the view shed and protecting the view shed and being respectful to our beautiful Verde Valley. She asked Council Member Elinski and Dowling what they thought of the ordinance.

Council Member Dowling stated like Mr. Scully said, a lot of those lots are going to require an engineer and a surveyor and normally as a matter of those professions, you do generate slope analysis diagrams and you try and suit whatever the municipality has requested. The software today has that in it. When you try applying a formula to something not everything fits a formula; you are going to have some odd situations that it doesn't fit. As long as you

have a system that is reasonable to work through that, that is a good thing.

Council Member Elinski stated he agrees with everything Council Member Dowling said and it is important to understand that we are talking about large plots of land and it doesn't apply to single family residential, so if somebody wanted to buy a single lot they don't have to start this enormous process and he thinks that's a really good part of this ordinance.

Mayor Joens questioned as we get closer to the mountain we have pieces of land that have some beautiful hills and knolls on them and if we can just mow them down.

Council Member Elinski stated not according to this, no. He likes the density transfer part of this process too. It does make it appealing when a developer has bought a large chunk of land that has some hills and flatter areas that are 20 percent or less they can transfer density. It is an ordinance that developers would be happy to see.

After further discussion regarding development in sloped areas, Mayor Joens asked if there was any property that it applies to.

Council Member Elinski stated in Grey Fox there are areas that would certainly have that issue. There are not too many areas where this might apply here, but why would we want to prohibit a developer if they didn't want to disturb the slope that much and they still wanted to develop the property.

Council Member Dowling stated in some cases like that they may utilize engineering and building materials for a retaining wall. So they can go in and instead of spending money on cutting and sloping, you can go in and put a retaining wall and not actually disturb as much. So if someone really wants to develop a piece of property, they will probably end up developing it.

After a brief discussion regarding the buildings in Jerome that were built into the hillsides, Mayor Joens requested the City Clerk read Ordinance 593 by title only.

ORDINANCE NUMBER 593

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING ARTICLE III, PROCEDURES, OF THE COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 309. HILLSIDE DEVELOPMENT STANDARDS.

CLAIMS & ADJUSTMENTS

Council Member Dowling declared a conflict of interest on this item as his employer was on the claims list.

Council Member Pratt moved to pay the claims. The motion was seconded by Council

Member Norman and carried.

EXECUTIVE SESSION - PURSUANT TO A.R.S. § 38-431.03. (A.)(7.) THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE POSSIBLE PURCHASE OF REAL PROPERTY

Mayor Joens moved to move into executive session. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Vice Mayor Pfeifer moved to resume into regular session. The motion was seconded by Council Member Norman and carried unanimously.

The council held no discussion nor took any action on this item under open session.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Jauregui and carried unanimously.

The regular meeting adjourned at 8:09 p.m.

Diane Joens, Mayor

ATTEST:

Marianne Jiménez, City Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of Cottonwood held on December 18, 2012. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date