

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 19, 2013, AT 6:00 P.M., AT THE PUBLIC SAFETY BUILDING, 191 SOUTH 6TH 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

Karen Pfeifer, Vice Mayor
Ruben Jauregui, Council Member
Terence Pratt, Council Member
Linda Norman, Council Member
Jesse Dowling, Council Member

COUNCIL MEMBERS ABSENT

Diane Joens, Mayor
Tim Elinski, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Marianne Jiménez, City Clerk
Steve Horton, City Attorney
George Gehlert, Planner
Morgan Scott, Development Services Operations Manager
Dan Lueder, Development Services General Manager

PLEDGE OF ALLEGIANCE

Fire Inspector Steve Trautman led the Pledge of Allegiance.

BRIEF SUMMARY OF CURRENT EVENTS

Mr. Bartosh announced the following: They had a very nice high school rodeo championship this weekend and probably had about 1,500 people in attendance; the new dog park parking area was complete; and the old Gardner house and one of the outbuildings was torn down last week.

INTRODUCTION OF NEW EMPLOYEES - MARK GERMAN, PUBLIC WORKS MAINTENANCE TECHNICIAN; STEVE TRAUTMAN, FIRE INSPECTOR; AND NICK GARCIA, FIREFIGHTER

The following new employees were introduced: Mark German, Public Works Maintenance Technician; Steve Trautman, Fire Inspector; and Nick Garcia, Firefighter.

CALL TO THE PUBLIC

Elaine Brown, a resident of the Village of Oak Creek, addressed the council regarding her concerns of the hazards of cell phone towers and the new APS smart meters that she stated were a detriment to one's health. She indicated that many cities and towns had passed

ordinances banning smart meters and cell phone towers in their communities and if anyone wanted more information regarding this they could email her at emb@juno.com and she would send them more information.

APPROVAL OF MINUTES—Special Meetings of January 15 and February 12, 2013 and February 12, 2013

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

UNFINISHED BUSINESS

ORDINANCE NUMBER 592--AMENDING THE MUNICIPAL CODE BY DELETING TITLE 6 ANIMALS, IN ITS ENTIRETY; ADDING A NEW TITLE 6, ANIMALS; AND AMENDING SECTION 1.12.010 OF THE MUNICIPAL CODE; SECOND READING.

Council Member Pratt stated we really did discuss this and Autumn and Al Ponce did a lot of work on it. She seemed to have deleted the things we were concerned about and added the things they were concerned about. He thought it was a good ordinance.

There were no further comments made by the Council or the audience regarding the ordinance.

Council Member Pratt moved to approve Ordinance Number 592. The motion was seconded by Council Member Norman, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Ordinance Number 592 by title only.

ORDINANCE NUMBER 592

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE MUNICIPAL CODE BY DELETING TITLE 6 ANIMALS, IN ITS ENTIRETY; ADDING A NEW TITLE 6, ANIMALS; AND AMENDING SECTION 1.12.010 OF THE MUNICIPAL CODE.

CONSENT AGENDA

EXTENSION OF THE HAULING SERVICES AGREEMENT WITH WASTE MANAGEMENT, INC., FOR THE COTTONWOOD WASTE TRANSFER STATION

Vice Mayor Pfeifer stated this item was going to be tabled and brought back at a later date.

LIQUOR LICENSE APPLICATION FOR CHRISTOPHER L. DOBROWOLSKI, APPLICANT FOR THE NEW SCHOOLHOUSE RESTAURANT LOCATED AT 202 NORTH MAIN STREET

Council Member Pratt moved to approve item number two on the Consent Agenda. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

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

RESOLUTION NUMBER 2681--APPOINTING AN ADMINISTRATIVE HEARING OFFICER.

Mr. Gehlert stated the Administrative Hearing Officer presides over the review of zoning enforcement in the city; specifically in regards to those matters that are out of compliance and need to be further reviewed at the hearing level. This was an appointment to a two-year term. He then read the duties required of a Hearing Officer. There were two applications for the position; one from the existing Hearing Officer, Linda Hobson, and Edward Walker.

Vice Mayor Pfeifer asked if both applicants were present, and Mr. Gehlert stated Mr. Walker was not.

Linda Hobson addressed the council and reviewed her history as the city's first Administrative Hearing Officer and why she was interested in continuing to serve in this position.

Council Member Pratt stated everything he had heard about this whole process and the compliance and the way the board has worked together was positive. He did think they had two really well qualified people, but we have somebody who knows the history and the experience. He commended her for stepping up to the plate once again.

Council Member Jauregui stated he believed Mrs. Hobson has the qualifications and the experience for this position.

Council Member Jauregui then moved to approve Resolution Number 2681 appointing Linda Hobson as administrative hearing officer for a two-year term ending February 20, 2015. The motion was seconded by Council Member Pratt, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2681, inserting the name of Linda Hobson.

RESOLUTION NUMBER 2681

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING LINDA HOBSON AS THE ADMINISTRATIVE HEARING OFFICER FOR THE CITY.

RESOLUTION NUMBERS 2682, 2683, AND 2684, APPOINTING MEMBERS TO THE PLANNING

AND ZONING COMMISSION

Mr. Gehlert stated this pertained to three appointments to the Planning & Zoning Commission that were currently available. The seats were currently held by Diane Lovett, Jean Wilder, and Robert Williams. They had all expressed a desire to be reappointed and there were no other applicants at this time.

Council Member Pratt stated he had heard good things about these folks, they were willing to step up again, and all three candidates were eminently qualified and know the history of the city.

Diane Lovett, Jean Wilder, and Robert Williams addressed the council and stated why they wished to be reappointed to the Planning & Zoning Commission.

Council Member Pratt moved to approve Resolution Number 2682, appointing Diane Lovett to the Planning & Zoning Commission and establishing her term of office; Resolution Number 2683 appointing Jean Wilder to the Planning & Zoning Commission and establishing her term of office; and Resolution Number 2684 appointing Robert Williams to the Planning & Zoning Commission and establishing his term of office. The motion was seconded by Council Member Dowling, and carried unanimously.

Vice Mayor Pfeifer requested the City Clerk read Resolution Number 2682, 2683, and 2684 inserting Diane Lovett, Jean Wilder, and Bob Williams names.

RESOLUTION NUMBER 2682

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING DIANE LOVETT A MEMBER OF THE PLANNING AND ZONING COMMISSION AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2683

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING JEAN WILDER A MEMBER OF THE PLANNING AND ZONING COMMISSION AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2682

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING ROBERT WILLIAMS A MEMBER OF THE PLANNING AND ZONING COMMISSION AND ESTABLISHING HIS TERM OF OFFICE.

ELIMINATION OF THE WATER CONNECTION FEE IMPLEMENTED AS PART OF THE PURCHASE AGREEMENT FOR THE COTTONWOOD WATER WORKS COMPANY

Mr. Lueder stated as a requirement of the 2006 purchase of the Cottonwood Water Works systems the city contractually agreed to pay a \$1,500 growth premium to the former owners for each revenue producing connection that was hooked up to the city's water system. That agreement has now sunset and staff discussed it with finance and because this was basically a pass-through cost he was recommending the council abolish this fee at this time.

Council Member Jauregui stated when they were in the process of purchasing this water company this was one of the things that really stuck in his craw, but in order to get this deal done we went ahead and went with it. This caused a lot of concern with our community members and he was very happy to see this sunset.

Mr. Darold Smith addressed the council and stated he had two questions. Since that had sunset and if a citizen applied back in September, October, or November, and they paid the \$1,500 fee and they were not hooked up would they get that fee back? The other question is because the city never got that money in the first place, it was a pass-through, will the city bring that back as revenue for themselves?

Mr. Lueder stated Mr. Smith may be confusing the impact fee and connection fee. The connection fee is not paid until such time as the water service gets turned on. The impact fee is paid at the time you pull your building permit. Anybody from this point, should the council approve this tonight, who requests their meter be installed and the water connection turned on will not pay the fee. The second one (question) was somewhat rhetorical because we can't look to the future and see what future councils will do with these.

Vice Mayor Pfeifer questioned Mr. Smith if this answered his questions, and he indicated it did.

Council Member Jauregui moved to eliminate the \$1,500 water connection fee currently charged to new water connections. The motion was seconded by Council Member Norman, and carried unanimously.

Mr. Lueder stated the growth premium did not sunset until January 24 of this year.

CHANGE ORDER NUMBER 1 FOR JACKSON KINSI CONSTRUCTORS FOR INSTALLATION OF A NEW WINDSOCK POLE AT THE COTTONWOOD AIRPORT AS PART OF THE AIRPORT BEACON AND WINDSOCK REPLACEMENT PROJECT

Mr. Lueder stated the council previously approved the beacon and windsock project and it was as staff was meeting with the contractor and looking at the new windsock installation that they came to the realization that the existing foundation and pole may not be sufficient for this bigger light and sock. They worked with the contractor and received a cost of

\$4,794.71 for the new foundation and pole.

Council Member Pratt stated it sounded like it was a safety issue.

Mr. Horton stated he had not had an opportunity to speak with Mr. Lueder about this. The one consideration he might be able to address the council with is this project is under the FAA grant, and if we were to seek FAA contribution for the funding we would need their approval for the increased cost ahead of time, and he did not know if that was discussed and considered.

Mr. Lueder stated it wasn't.

Vice Mayor Pfeifer questioned if we still had to do that and get the FAA approval.

Mr. Horton replied if you want the project to go up now then you can approve it tonight. If you want to send staff back to have the conversation with the FAA about the FAA paying 90 percent of the cost of the project, then that would be direction to staff to bring this back. He apologized for not having a chance to talk to Morgan about that.

Mr. Lueder stated his experience with the FAA was this would probably delay the project by several months. Mr. Scott did indicate we do have some savings in the existing budget from some other maintenance items that would fund this so it wouldn't put us over budget. He thought we had been working on this particular grant for 18-24 months. While he appreciated the counselor's idea, in reality the FAA takes quite a while.

Vice Mayor Pfeifer stated we need to get it safe now.

Council Member Norman moved to approve change order number 1 with Jackson Kinsi Constructors for the amount of \$4,794.71 for installation of a new windsock pole. The motion was seconded by Council Member Pratt, and carried unanimously.

ORDINANCE NUMBER 594--AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 105 ACRES IN SIZE (QUAIL CANYON SUBDIVISIONS, UNITS I & II;) SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF R-1L-70 (RESIDENTIAL/SINGLE FAMILY) TO PAD (PLANNED AREA DEVELOPMENT); FIRST READING

Mr. Gehlert stated this pertains to the Quail Canyon subdivision located just south of Quail Springs Ranch Road somewhat west of the state trust block. The subdivision was annexed by the city in 2011 and we have yet to establish city zoning on the property. The current zoning was R-1L-70 under Yavapai County and the proposal would be to rezone it to Planned Area Development (PAD.) The reason for the Planned Area Development designation proposal has to do with the fact that we have a series of parcels out there that are encumbered by wash corridors and rendered less usable than they would be otherwise. In the plating that was conducted by Yavapai County several years ago that was an issue that

came up, but there was never any action to try and dedicate any kind of open area to accommodate the wash corridor. Subsequently, they were divided by property boundaries and what we have are a series of parcels with building envelopes that are crowded by the corridors, so they were proposing the establishment of a site plan through the Planned Area Development zoning that would adjust those building envelopes that would move them away from the wash corridors and make the sites more usable. This was reviewed by the Planning and Zoning Commission on January 28, and the commission recommended approval of the zoning change subject to the stipulations outlined under Ordinance Number 594. He then read the stipulations as follows: 1.) That an exception is approved (subject to Sec. 424.B.15) relieving the requirement to submit a Master Development Plan on the basis that the subdivision is already platted and fully developed and was accepted by the City as part of the annexation which occurred in 2011; and in the interest of protecting the integrity of the existing wash corridors; 2.) That the residential sites be developed in conformance with the letter of intent, dated 12-28-12; and with the associated site plan; 3.) That disclosure statements be recorded for all affected parcels and all adjoining parcels acknowledging the adjusted building envelopes.

Vice Mayor Pfeifer asked if there were any questions or comments from the council or audience, and there were none. She stated this was the first reading and requested the City Clerk read Ordinance Number 594 by title only.

ORDINANCE NUMBER 594

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR A PARCEL OF LAND TOTALING APPROXIMATELY 105 ACRES IN SIZE (QUAIL CANYON SUBDIVISIONS, UNITS I & II;) SO AS TO CHANGE CERTAIN DISTRICT BOUNDARIES AND CLASSIFICATIONS THEREOF FROM THE PRESENT ZONING OF R-1L-70 (RESIDENTIAL/SINGLE FAMILY) TO PAD (PLANNED AREA DEVELOPMENT).

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY LANA TOLLESON, APPLICANT FOR THE COTTONWOOD CHAMBER OF COMMERCE, FOR THREE BUSINESS MIXERS SCHEDULED FOR MARCH 21, 2013, AT 301 W. 89A; APRIL 18, 2013, AT 1750 E. VILLA DRIVE, SUITE A; AND MAY 16, 2013, AT 747 N. MAIN STREET

Vice Mayor Pfeifer stated Linda Norman was going to take this because she had a conflict and was going to recues herself.

Council Member Pratt stated he also had a conflict.

Mr. Horton stated we just lost our quorum.

Vice Mayor Pfeifer stated she worked for the Chamber and Council Member Pratt was just on the board, and questioned if that made a difference.

Mr. Horton stated he thought it was up to them individually to declare a conflict. He thought as between them the Vice Mayor, a paid employee of the Chamber, had the most direct interest.

After discussion regarding whether to table this item and if the Chamber would have enough time to process the applications if it was tabled, Mr. Horton stated it was up to Mr. Pratt on whether or not he wanted to declare a conflict.

Council Member Pratt stated he did not want to be in violation of the law, and Mr. Horton stated he did not think he had a statutory conflict.

Council Member Norman questioned Ms. Tolleson if she wanted to make a comment on this, and she did not.

Council Member Dowling moved to recommend approval of the special event liquor license application submitted by Lana Tolleson, applicant for the Cottonwood Chamber of Commerce, for Chamber mixers scheduled for March 21, 2013, April 18, 2013, and May 16, 2013. The motion was seconded by Council Member Norman, and carried.

RESOLUTION NUMBER 2685--SUPPORTING ARIZONA HOUSE BILL 2338 AND THE CREATION OF REGIONAL WATER AUGMENTATION AUTHORITIES

Vice Mayor Pfeifer returned to her seat and stated this item was going to be tabled as the legislative committee was still in session. Nothing had been decided and Tom Whitmer got back with us and recommended this resolution be tabled.

CLAIMS & ADJUSTMENTS

Council Member Dowling declared a conflict as his employer was listed on the claims.

Council Member Norman moved to pay the claims and adjustments. The motion was seconded by Council Member Pratt, and carried unanimously.

PURSUANT TO A.R.S. 38-431.03(A)(7) THE COUNCIL MAY VOTE TO GO INTO EXECUTIVE SESSION FOR DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY

Council Member Dowling moved to go into executive session. The motion was seconded by Council Member Norman, and carried unanimously.

The council moved into the police department conference room for the executive session.

After discussion with the city attorney under executive session, the council returned to the meeting room.

Council Member Dowling moved to return to regular session. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

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

ADJOURNMENT

Council Member Pratt moved to adjourn. The motion was seconded by Council Member Norman, and carried unanimously. The regular meeting adjourned at 7:32 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 February 19, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date