

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 7, 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

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

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Matt McLean, Deputy Clerk
Steve Horton, City Attorney
Dan Lueder, Development Services General Manager
Morgan Scott, Development Services Operations Manager
Rudy Rodriguez, Administrative Services General Manager
Douglas LaSota, Magistrate Judge
Kirsten Lennon, Accounting/Budget Manager
Vanessa Ward, Library Manager

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Bobbie Gooslin, and she was presented with a certificate of appreciation by Mayor Joens for leading 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 reported the new transit transfer station in front of the library was now being used that was dedicated last week; the new Adopt for Life center's PAWS Boutique grand opening was held last week and they attracted 1,000 customers that day; the ridership numbers for December and January were still up even with the removal of the green line; our new fire engine 411 was in service now and everyone was welcome to go visit it; our water line to Pine Shadows was now operational; he reminded everyone that in recognition of the

state's 100 year anniversary on February 14 at 2:14 p.m. throughout the state there will be a bell ringing and we will be meeting at the recreation center that day to ring the bells; the E-Waste cleanup was this Saturday from 9-1 at the public works facility; and there is an annexation petition process going on in Verde Santa Fe and to date they had collected 137 petitions representing 157 properties.

Council Member Dowling stated he attended the ribbon cutting at the Adopt for Life, and the centennial event at the Civic Center.

Vice Mayor Pfeifer stated she also attended both events.

Mayor Joens announced the following:

- She was invited by Yavapai College President Penny Willis to participate in a forum for community leaders called "Yavapai College Today, Next Year, and Beyond."
- She attended the senior commission meeting and they were planning for their next Prime Time Fair.
- At the Chamber Dinner/Dance our city manager was recognized for his past year of service on the board and Council Member Terrence Pratt was sworn in as a new board member.
- The Vice Mayor, Council Member Norman, and she attended a chamber ambassador ribbon cutting for the Candy Corral in Old Town.
- Council Member Norman and she attended the grand opening and ribbon cutting for the transit transfer pull through station at the Cottonwood library.
- She met with Mike Worden, coordinator for "For Our City Cottonwood" to talk about a city-wide April 14 cleanup.
- She met with Dan Lueder, Bob Rothrock, Jan Albright, and Chris Jenson to talk about a rain water harvesting project on one of the city's properties and we are looking at the City Clerk's building as a project for public education.
- On the Inside Cottonwood show she interviewed Edessa Carr from the UofA extension service and she talked about Project Wet, how to test private wells and other timely water topics.
- She attended the Arizona Town Hall about energy and the gist of the meeting is that Arizona's energy future is now.
- Saturday night she attended the centennial birthday party at the Civic Center.
- She attended the Arizona state historian, Marshall Trimble, event at the Old Town Center for the Arts in honor of the state's 100th birthday.

CALL TO THE PUBLIC

There were no comments from the public.

PRESENTATION OF PLAQUE OF APPRECIATION TO FORMER LIBRARY BOARD MEMBER SUSAN HAWLEY

Susan Hawley, a former library board member, was presented a plaque by Mayor Joens, Council Member Pratt, and Doug Bartosh, for her 21 years of service as a library board member.

PRESENTATION OF THE EMPLOYEE OF THE QUARTER AWARD—KIRSTEN LENNON

Mr. Rodriguez reviewed why Kirsten Lennon, the accounting/budget manager, was selected to receive the employee of the quarter award for the fourth quarter. She was then presented with a check and certificate by Mayor Joens, Council Member Dowling, Doug Bartosh, and Rudy Rodriguez.

APPROVAL OF MINUTES—Regular Meeting of 1/17/12

Council Member Norman moved to approve the minutes of the regular meeting of January 17, 2012. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

OLD BUSINESS—None

CONSENT AGENDA—The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

APPROVAL OF AN ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT NUMBER 777516-01, FOR THE PURCHASE OF MOBILE AND PORTABLE RADIO EQUIPMENT FOR THE COTTONWOOD POLICE DEPARTMENT AND AUTHORIZATION FOR THE POLICE CHIEF TO SIGN THE GRANT AGREEMENT

REQUEST FOR A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION SUBMITTED BY LORI J. MABERY FOR THE BLAZIN' M RANCH FOR AN EVENT SCHEDULED FOR MAY 11, 2012

Council Member Pratt moved to approve 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.

Mayor Joens stated she would like to move up item number 6 on the agenda because there were some folks from out of town that might like to get home at a decent hour after their drive tonight.

SUPPORT OF EMBRY-RIDDLE AERONAUTICAL UNIVERSITY'S FLIGHT TEAM TRAINING AT THE COTTONWOOD AIRPORT

Mr. Scott stated a few months ago Embry-Riddle Aeronautical University out of Prescott approached Cottonwood about moving their competitive flight team training to the Cottonwood Airport. They currently train at the Prescott airport. The activities you already see of Embry-Riddle aircraft were school activities and student training. What they were talking about today was moving their competitive flight team training. Staff has been discussing the necessary insurance that they would need for these activities. Most of their activities would occur on Saturdays, though some activities would occur during the week.

Alex Tamsing, captain of the Golden Eagles Fly Team, Andrew Nelson the co-captain, William Jacobson, chief pilot, and head coach Peter Grey introduced themselves. Alex gave a PowerPoint presentation and explained the team was founded in 1979 at Embry Riddle Prescott, and competes twice a year. There were about 32 team members right now. He discussed the different types of events and training that they would be doing. They practice year round and part of the training would require chalk marks on the runway, something that they cannot do in Prescott.

Council Member Pratt asked if this has been discussed with the Airport Commission.

Mr. Tamsing stated they discussed it with the Airport Commission in September.

Mayor Joens stated that throughout the years there has been issues with some of our citizens and noise, and asked if we receive a rash of calls about noise or something can they be flexible with the city manager and the airport employees.

Mr. Tamsing stated that they can.

Mayor Joens invited Jim Moeny, Airport Commission Chairman, to speak.

Mr. Moeny stated the Airport Commission in their December meeting voted unanimously to support the team.

Mr. Horton stated the reason this is crafted as in support instead of an agreement, is that staff is still discussing the required insurance that is needed and staff would be drafting a final agreement to bring back to Council.

Vice Mayor Pfeifer moved to support Embry-Riddle Aeronautical University's (ERAU) Flight team training at the Cottonwood Airport. The motion was seconded by Council Member Pratt, and carried unanimously.

RESOLUTION NUMBER 2630--APPOINTING C. KENNETH RAY II TO A TWO-YEAR TERM AS AN ASSOCIATE MAGISTRATE FOR THE MUNICIPAL COURT

Judge LaSota presented Resolution 2630 to reappoint C. Kenneth Ray II to a two-year term as an associate magistrate for the municipal court. Mr. Ray has been serving as an associate magistrate for the last two years.

Council Member Dowling moved to approve Resolution Number 2630 appointing Hon. C. Kenneth Ray II to a two-year term as an associate magistrate for the Municipal Court. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2630 by title only.

RESOLUTION NUMBER 2630

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, RE-APPOINTING C. KENNETH RAY II AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HIS TERM OF OFFICE.

RESOLUTION NUMBER 2631 & RESOLUTION NUMBER 2632--APPOINTING MEMBERS TO THE JUDICIAL REVIEW AND APPOINTMENT ADVISORY BOARD

Ms. Dobler stated there are two openings on the Judicial Review and Appointment Advisory Board, each for a three year term. One member shall be from the general public who resides in the City of Cottonwood. The other member shall be an active member of the Arizona State Bar Association who resides and/or practices in Yavapai County. Staff had received two applications for the general public seat from Bobbie Gooslin and Melinda Schrambling, and one application for the attorney category from Virginia Duncan.

Ms. Gooslin stated she would like the experience and to serve the community. She is currently volunteering with the juvenile probation department and looking to volunteer with the adult probation department.

Ms. Duncan stated she would like to serve on this board because it would be a way to give back to the community of Cottonwood. She does a lot of community service for Yavapai County and the State Bar of Arizona.

Vice Mayor Pfeifer moved to approve Resolution Number 2631 appointing Virginia Duncan as a member in the attorney category of the Judicial Review and Appointment Advisory Board of the City of Cottonwood. The motion was seconded by Council Member Norman, and carried unanimously.

Council Member Pratt moved to approve Resolution Number 2632 appointing Bobbie Gooslin as a general public member of the Judicial Review and Appointment Advisory Board of the City of Cottonwood. The motion was seconded by Vice Mayor Pfeifer, and carried

unanimously.

Council Member Jauregui stated that Ms. Schrambling was not present and urged her to continue to apply for openings on boards and commissions.

Mayor Joens agreed with Council Member Jauregui that she would be an excellent member for one of the boards or commissions.

Mayor Joens requested the Deputy Clerk read Resolution Numbers 2631 and 2632 by title only.

RESOLUTION NUMBER 2631

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING VIRGINA DUNCAN A MEMBER OF THE CITY'S JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD.

RESOLUTION NUMBER 2632

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING BOBBIE GOOSLIN A MEMBER OF THE JUDICIAL REVIEW AND APPOINTMENTS ADVISORY BOARD.

CONSIDERATION OF AN OFF-TRACK PARI-MUTUEL WAGERING LICENSE FOR TURF PARADISE AT STROMBOLLI'S RESTAURANT LOCATED AT 321 SOUTH MAIN STREET

Tom Shores, a resident of Cottonwood, stated he was in support of the off-track betting. It is a lot of fun for everyone and it is good for the City of Cottonwood, despite some people having a negative view of it.

Council Member Jauregui asked him to point out some of the negative things.

Mr. Shores stated some people might think that this is bad for people with gambling problems and not good for the city.

Mayor Joens stated this is for an off-track pari-mutuel wagering license for Turf Paradise at Strombolli's Restaurant located at 321 South Main Street.

Mr. Horton stated under the state gaming code and the regulations it is similar to liquor licenses, but not a recommendation, and the city's affirmative approval is a pre-condition of this particular license. It will be up to the city whether or not to allow this activity.

David Johnson, the Vice President and Assistant General Manager for Turf Paradise, was present to answer questions.

Council Member Pratt stated he noticed in the past that the Council has approved this in

three different locations in Cottonwood and asked if those were still operating.

Mr. Bartosh stated none of those are currently operating.

Mr. Johnson stated this is a decision by the Council to allow us to operate. It will then go forward to the Arizona Department of Racing who will, based on the Council's recommendation, approve it. The Council also has the ability to rescind that approval at any time for any reason and close the off-track betting operations.

Council Member Jauregui moved to recommend approval of an off-track pari-mutuel wagering license for Turf Paradise at Stromboli's Restaurant. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

Mr. Bartosh stated he is familiar with this from a law enforcement perspective and he was in a community where it came in, and they had absolutely no law enforcement problems associated with it.

RESOLUTION NUMBER 2633--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SEDONA FOR MANAGEMENT AND OPERATION OF THE VERDE LYNX SYSTEM

Mr. Horton stated we are reassuming the local governance of the public transportation system and we are also assuming the management of the Verde Lynx system. The structure for the agreement is a little bit different from our other partners because Sedona is going to be a larger partner, and will obtain discreet funding through ADOT 5311 funds and other revenue sources. Staff has structured an arrangement where each year Sedona will review and advise us regarding service levels and we will go through accounting and figure out what that service level will cost. There will be a discussion and all the governing bodies will approve a budget and service levels for that coming year. The purpose here is that there won't be any cross subsidies of the system and we will make sure that each community will be paying for its share of the system.

Council Member Norman stated this is moving very smoothly and we are just doing a reversal of what we did last year.

Mr. Bartosh stated he thinks it is a compliment to the City of Cottonwood that Sedona had the faith in us to ask us to do this.

Council Member Pratt moved to approve Resolution Number 2633, approving an intergovernmental agreement with the City of Sedona for Cottonwood's management and operation of the Verde Lynx system. The motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2633 by title only.

RESOLUTION NUMBER 2633

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA ("CITY"), APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SEDONA FOR COTTONWOOD'S MANAGEMENT AND OPERATION OF THE VERDE LYNX INTERCITY PUBLIC TRANSPORTATION SYSTEM.

RESOLUTION NUMBER 2634—APPROVING AN INTERGOVERNMENTAL GRANT AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION, MULTIMODAL PLANNING DIVISION, TO REMOVE AND REPLACE THE ROTATING BEACON AND WIND CONE AT THE COTTONWOOD AIRPORT

Mr. Scott stated this was a grant agreement with the Arizona Department of Transportation Aeronautics Division to remove and replace the rotating beacon and wind cone for \$18,800 with a match from the city in the amount of \$2,096. The beacon is one of the oldest structures in Cottonwood and is almost 80 years old. It operates every night. Last year it went out three times.

Council Member Dowling asked what they would do with the old beacon.

Mr. Scott stated the company that does the refurbishment will take it.

Council Member Dowling stated it would be nice to keep it.

Douglas Brodman, from AVI Transportation Services, stated a lot of things have been put into museums and Arizona is very rich in aviation history and it might be able to be placed in a historical museum.

Mr. Scott stated staff will make every effort to retain it if it can be fit into the budget.

Council Member Dowling moved to approve Resolution Number 2634 which approves an intergovernmental grant agreement with the ADOT Aeronautics Division to remove and replace the rotating beacon and wind cone, including related electrical work, at the Cottonwood airport. The motion was seconded by Council Member Pratt, and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2634 by title only.

RESOLUTION NUMBER 2634

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, THROUGH ITS MULTIMODAL PLANNING DIVISION, FOR A

GRANT OF STATE FUNDS FOR THE PURPOSE OF AIDING IN FINANCING A PROJECT TO REMOVE AND REPLACE THE ROTATING BEACON AND WIND CONE AT THE COTTONWOOD AIRPORT.

ACCEPTANCE OF EASEMENTS AND RIGHT-OF-WAY AS DEDICATED BY ED URQUIJO AND SUZANNE R. SALEM FOR THE WEST MINGUS AVENUE RECONSTRUCTION PROJECT

Mr. Scott stated this is the third to last right-of-way we will need for the Mingus Avenue project. The owners asked that it be dedicated as a full right-of-way and they did that free of charge.

Mayor Joens stated give them our thanks and it is very generous.

Council Member Norman moved to accept the easement and right-of-way as dedicated by Ed Urquijo and Suzanne Salem. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

ORDINANCE NUMBER 584--APPROVING AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY AND ANTHONY M. LOZANO, TONI G. LOZANO, EDWARD M. LOZANO AND ELEANOR LOZANO, FOR THE WEST MINGUS AVENUE RECONSTRUCTION PROJECT; FIRST READING

Mr. Scott stated this was the second to last piece of right-of-way for the Mingus Avenue project. We are proposing trading land the city currently owns for the small piece of land the Lozano's currently own.

Mr. Horton stated since we are doing an exchange of properties, the statutes require this to be done by ordinance.

Mayor Joens stated we are trading about the same amount of square feet.

Mr. Scott stated within a tenth of a square foot.

Mr. Horton stated one of the statute requirements is that the parcels have to be of substantial equal value, and since the parcels are in almost the same location and same size, staff is comfortable that requirement has been met.

Mr. Scott stated we have one right-of-way left to purchase which is nearly complete. Staff is hoping to start the project within the next 30 days.

Mayor Joens asked if they would be starting at the roundabout.

Mr. Scott stated we would leave it up to the contractor where they would like to start.

Council Member Pratt stated this is the first reading.

Bob Oliphant, from Cottonwood, asked if it could be clarified on what part of Mingus the parcels are located.

Mr. Lueder stated the properties are contiguous on Mingus Avenue. The first parcel as you come in from Highway 89 is part of the parcel that Grosetta used to own which the city purchased for the right turn lane. The Lozano is the next parcel and the city owned parcel is a small triangle that is in front of the Lindner property. These two parcels touch each other. They are located on the curve after you come off 89A.

Mayor Joens asked if we can get a map to point out where they are located for the second reading.

Mayor Joens then requested the Deputy Clerk read Ordinance Number 584 by title only.

ORDINANCE NUMBER 584

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY AND ANTHONY M. LOZANO, TONI G. LOZANO, EDWARD M. LOZANO AND ELEANOR LOZANO.

CLAIMS & ADJUSTMENTS

Bob Oliphant questioned the payment to the Town of Clarkdale for a purchase of bulk water for about \$11,600, the \$31,000 payment to Northern Equipment, and the Sun Trust lease payment for \$82,000.

Mr. Bartosh stated the bulk water purchase from Clarkdale was for two months of service for Pine Shadows and upper Cottonwood Ranch. The Sun Trust lease payment was for public safety capital expenses for police cars and fire trucks.

Mr. Lueder stated the payment to Northern Arizona Equipment was for work done coming out of the well 5 reservoir which supplies the majority of our system. During the construction of the River Fellowship Church it was discovered that the water line was substantially shallower and would have been exposed in the sub-base of the church parking lot.

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

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 stated the city manager had been sent a notice regarding his evaluation and he preferred to meet under executive session to discuss his annual review. She then moved to convene into executive session. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

After discussion regarding the city manager's annual review under executive session, Mayor Joens made a motion to resolve back into regular session. The motion was seconded by Council Member Norman, and carried unanimously.

Council Member Elinski moved to give the city manager a 12 percent merit pay increase on his salary. The motion was seconded by Vice Mayor Pfeifer.

The Mayor opened the floor for discussion and stated that City Manager Bartosh has much more responsibility than many other city managers in the area. He oversees a fire department, water department, wastewater department, and library. Many other cities and towns in our area have separate taxing districts for these services and their city managers don't have to deal with the challenges of managing these citizen services. Mayor Joens also stated that thanks to Mr. Bartosh's work, tourists now know that there is someplace between Sedona and Jerome, and they stop in Cottonwood. Mr. Bartosh even found a place for tour bus parking in Old Town. His work has contributed to Old Town being a destination. Old Town looks better than ever. He had a direct influence on bringing the wine tasting businesses to Old Town. Mayor Joens mentioned the two-page paper that Mr. Bartosh gave to them and Mr. Bartosh and the Council agreed it will become a public record.

Mr. Elinski added that the Cottonwood city manager's salary is far below the industry standard. He spoke of the salary study that the Council has approved in the budget. He believes a compensation study is needed for all employees and that a raise, other than merit pay, should wait for the study before the Council considers future raises.

The motion carried to give the city manager a 12 percent merit pay raise, with Council Member Jauregui voting no.

Council Member Elinski made a motion to adjust the city manager's contract to include six months of severance pay rather than three months, making it equal to the contracts the Council has with the city clerk and city attorney. Council Member Norman seconded the motion. There being no discussion, all voted in favor.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously. The regular meeting adjourned at 8:35 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 February 7, 2012. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date