

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JUNE 18, 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 (participated by phone)
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, City Attorney
Matt McLean, Deputy Clerk
Charlie Scully, Planner
Richard Faust, Community Services General Manager
Tom Whitmer, Water Resources Administrator

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 stated we are planning our July 4th celebration and fireworks show, and also this week our requests for bids for the 10th Street reconstruction went out.

Vice Mayor Pfeifer stated her six-year old great-granddaughter attended the Daddy/Daughter dance at the rec center and they had a really good time, and she would like to see more children be able to participate in it.

CALL TO THE PUBLIC—No comments from public.

APPROVAL OF MINUTES - May 21, 2013 Regular Meeting

Council Member Pratt moved to approve the minutes of May 21, 2013. The motion was seconded by Council Member Dowling, and carried.

UNFINISHED BUSINESS

ORDINANCE NUMBER 596--AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 310., HISTORIC PRESERVATION ORDINANCE; SECOND AND FINAL READING

Mr. Scully stated this was the second reading for the ordinance adding a new section to the Zoning Ordinance for historic preservation. The effect of this ordinance would be to create a framework for the historic preservation program; sets up the criteria for establishing a local historic landmark process, sets up procedures for the overlay district and the criteria for the procedures for that, sets up a review process for work done to those properties once established, as well as some procedures for demolition. He pointed out that adopting this ordinance did not have an effect on any particular specific property.

Mayor Joens stated the council had discussed this in great detail at a work session where the council had an opportunity to vet the ordinance. She questioned Council Member Elinski if he would like to comment on this as he had been on board with this since the inception.

Council Member Elinski stated they had worked very hard on this ordinance and a lot of thought had gone into. The Historic Preservation Commission was very active and eager to get going on some land marking and public outreach in the community. He appreciated the council's support and they were eager to get working on it. With the adoption of this ordinance we would be one step closer to getting our certified local government status which will allow us, if money was freed up at the state, to apply for some grants to make some projects happen, such as restoring the Civic Center.

Mayor Joens stated the ordinance was respectful of private property rights and if someone didn't want to be in this district they would not be required to be.

Vice Mayor Pfeifer moved to approve Ordinance Number 596. The motion was seconded by Council Member Pratt, and carried.

Mayor Joens requested the Deputy Clerk read Ordinance Number 596 by title only.

Ordinance Number 596

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 310., HISTORIC PRESERVATION ORDINANCE.

ORDINANCE NUMBER 597--AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 427., "HP" ZONE, HISTORIC PRESERVATION OVERLAY ZONE; SECOND AND FINAL READING

Mr. Scully stated this was the companion to the previous ordinance and establishes the overlay zoning district for historic preservation. This does not affect any specific property and only sets up a classification within the zoning ordinance that would come later through a process of working with the property owners.

Council Member Elinski moved to approve Ordinance Number 597. The motion was seconded by Council Member Jauregui, and carried unanimously.

Mayor Joens requested the Deputy Clerk read Ordinance Number 597 by title only.

Ordinance Number 597

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SECTION 427., "HP" ZONE, HISTORIC PRESERVATION OVERLAY ZONE.

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.

NEW LIQUOR LICENSE APPLICATION FOR CLARE H. ABEL, APPLICANT FOR DOLLAR GENERAL STORE #12053, LOCATED AT 408 SOUTH MAIN STREET

CONSIDERATION OF A NEW LIQUOR LICENSE APPLICATION FOR JAIME L. FULLMER, APPLICANT FOR FIRE MOUNTAIN WINES LOCATED AT 1010 NORTH MAIN STREET

INTERGOVERNMENTAL AGREEMENT WITH MINGUS UNION HIGH SCHOOL FOR USE OF THE COTTONWOOD AQUATICS CENTER POOL FROM AUGUST, 2013 TO NOVEMBER, 2013.

RESOLUTION NUMBER 2701—APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI COUNTY EMERGENCY SERVICES DEPARTMENT FOR THE CONTINUATION OF UNIFIED EMERGENCY SERVICES

Council Member Pratt stated he had talked to a large number of his citizens and on their behalf he would like to pull item number three.

Council Member Pratt moved to approve items one, two, and four on the Consent Agenda. The motion was seconded by Council Member Elinski, and carried.

Mayor Joens requested the Deputy Clerk read Resolution Number 2701 by title only.

Resolution Number 2701

INTERGOVERNMENTAL AGREEMENT WITH MINGUS UNION HIGH SCHOOL FOR USE OF THE COTTONWOOD AQUATICS CENTER POOL FROM AUGUST, 2013 TO NOVEMBER, 2013.

Council Member Pratt stated he had talked to a number of his fellow citizens who said they would like to address this issue.

Mr. Ledbetter stated they received the numbers this past week and they did not get good notice to be here when they were looking at this the last time. For the three month period that Mingus High School would like to use the pool for its swim team the Parks and Rec department projects \$28,205.56 in expense. In this past week they had looked hard at those numbers and run them through Unisource and APS look at the numbers and sent them to other municipalities, including the City of Sedona, and seen their actual operational costs the same time. The intergovernmental agreement strives to set a low number which the city manager has been very helpful in setting, lower than the actual operational costs. 870,000 gallons of water was in the projected cost of \$4,179.62. He turned it over to some Mingus math kids today to tell him what 870,000 of water looks like. It's a cube 140 yards long by 140 yards high by 140 yards wide, which was a cube you could see from space. With all due respect, there was not 870,000 gallons of water going through that pool and if there are there's a problem and something odd was happening. Likewise, the cost for that 3 month period for the gas service was \$6,444.07, which was a very, very, high number for gas service according to Unisource. The Mingus board has looked at this and many, many, many people have come forward who have either been involved in the swim program in the past or currently involved, have asked Mingus to take a real hard look at this because the actual number, even if they go forward on the almost \$10,000 offered by the city is just undoable these days with the school budget. He respects that the city is under a similar strain, but the school districts don't have the same taxing ability as does an entity like the city. Looking at the operational costs of your outside pool alone as projected to you by Parks and Rec and sending this off to other cities, they sent them off to a total of four, they couldn't come up with a number on how an outdoor pool would actually cost \$159,00 a year. The numbers are very high. Though the Mingus board had not had an opportunity to meet because they need to notice it publically and do a meeting, at least two board members, himself and another, had talked to the administration they had a proposal for the city. They would ask the city to lease it to Mingus for \$1.00 and Mingus would pay all of the costs of operation, Mingus would buy all the chemical costs which couldn't be almost \$5,000 for three months when other outdoor pools in the area pay \$4,000 for an entire year. Many other towns have gone into agreements with schools in which the school has rented it for \$1.00 and the school pays all the operational costs. If Mingus comes forward and says we'll cover 100 percent of those operation costs during that time period, we don't have to worry about were the numbers correct, we'll just ask that Unisource and APS do actual meter reads so we'll be able to actually know the hard cost numbers. He thought the numbers were inconsistent with what other places do in terms of full operational costs and

Mingus thinks they can operate it significantly less than even this fractional number that's been proposed. They would ask tonight that the council not pass the intergovernmental agreement or hold it in abeyance and allow them to come forward with an intergovernmental agreement proposal that would have, to the city manager's satisfaction, the operational stuff of the pool during that time period that the swim team is using it to be fully run and fully paid for at a 100 percent by Mingus High School.

Mayor Joens asked if staff had any response to our erroneous numbers.

Mr. Faust stated these are not erroneous figures; these are figures that are actually taken from each invoice from APS, UNS gas for the months basically from August, September, October, and November. The indications that staff is running the pool heat after November 6 or 7 are totally false; there is no way we would continue to operate the pool with heat going on when there is nobody in that pool. No one has a pool as large as ours. For us to be able to turn over all operations, etc., to Mingus Union High School, he did not even think would be allowed by the state in the context of how we have to provide for a specific bather load for chlorine and how that works out per hour and the testing that goes on. It has to be done by certified individuals. The aspect of whether our liability in the context of even Southwest Risk through the risk management aspect of things; would they allow Mingus Union High School to even operation and run the pool he dare not think so. We have certified people that operate that pool, we have WSI certified instructors too. It's not as if we're sitting here and falsifying figures or information; that's false. What you have here is realistic information and numbers. There's a possibility that we can go to lap lane per use hour, which is an option. We figured that this would work out better on a 50 percent basis.

After further discussion regarding the costs for the pool, Mr. Bartosh suggested the council table this item as this is the first that staff had heard about this proposal for a different plan and IGA. There has been a lot of information put out tonight and whether it's accurate or not, who really knows. He thought we knew what our operational costs are.

Mayor Joens stated that was a great idea and there was nobody that wanted to support kids more than she did, or more than members of this council. We were struggling with our own budget right now and have gone back to our staff and asked for more cuts, so we were all in the same boat. There were not enough tax dollars to go around. To paint Cottonwood as someone who doesn't care about its children is not how she would paint our city council.

Council Member Pratt stated Mr. Bartosh made a good proposal to table this and sit down to see if we can come up with an agreement that neither hurts the city or the high school.

Mr. Osher, a citizen of Cottonwood, asked if the gas was strictly for heating or other uses.

Mr. Faust answered it was strictly for heating.

Mr. Osher stated there were solar bags where the water was circulated and the sun did the heating. There were initial costs and long term that might be efficiency. He then questioned if there was a pool cover on the pool.

Mr. Faust replied no.

Mr. Osher UV purification is that cost effective relative to chemicals used to maintain the pool safely.

Brendon Kinney, coach of the Mingus Union swim team, stated he hoped they could come to something that works for both sides. He had run different pool facilities before coming to Cottonwood. The pool cover is one of the best ideas he had heard and is the best way to deflect some of those costs.

Mr. Faust stated the last pool cover was worn and tattered and at the time period we thought about replacement of it, but the one problem we have is we have to pay overtime for the guards as we did not have an automated system. It would require cleats be installed and pool covers were very expensive. Last time we spent close to \$18,000 to \$20,000 for a cover. Perhaps they could apply for grant through Mingus for a pool cover.

Council Member Pratt moved we table consideration of the intergovernmental agreement with Mingus Union High School for use of the Cottonwood aquatics center pool from August 2013 to November 2013. 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.

At this point in the meeting, Council Member Jauregui requested the executive session scheduled further down on the agenda be tabled until the next meeting so all members of the council could physically be present to discuss that.

Council Member Pratt stated he would defer to Councilman Jauregui if he feels strongly about it they should consider his request.

Mayor Joens stated they would table that item until they could all be here, which was item number 11.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY LANA TOLLESON, APPLICANT FOR THE COTTONWOOD CHAMBER OF COMMERCE, FOR TWO BUSINESS MIXERS SCHEDULED FOR SEPTEMBER 19, 2013, AT 597 E. STATE ROUTE 89A; AND DECEMBER 12, 2013, AT 500 E. CHERRY.

Vice Mayor Pfeifer and Council Member Pratt declared a conflict of interest on this item.

Lana Tolleson stated there were two licenses on there; originally there were three.

Council Member Elinski moved to recommend approval of the special liquor license applications submitted by Lana Tolleson, applicant for the Chamber of Commerce, for Chamber mixers scheduled September 19, 2013, and December 12, 2013. The motion was seconded by Council Member Dowling, and carried.

NOTICE OF INTENT TO ADJUST WATER AND WASTEWATER RATES, FEES, AND CHARGES FOR THE CITY OF COTTONWOOD MUNICIPAL WATER & WASTEWATER UTILITIES

Mr. Rodriguez stated this goes back to August of 2011 when we first had a conversation about the need to adjust our water rates and since then we put together a committee to look at the water rates and come up with a water rates study and we held a work session to discuss water rates and how they should be structured. This was not a public hearing, but we would have a least two public hearings before it was actually approved; one when we have the reading of the ordinance and then when we have the second reading of the ordinance. We have to post a notice and abide by A.R.S. 9-511.01. We have the notice ready to go which would be posted at several locations, the city's website, and published in the newspaper at least one time. They also plan on sending the notice with the billing next month.

Council Member Pratt stated we have done a lot of work on this and he was on the ad hoc committee and we agreed to do this and we should give our finance director to go ahead and send out a notice.

Mayor Joens asked if there was anyone from the public who wished to address this item, and there was not.

Mr. Horton recommended the motion include the date set for the hearing because the statute requires the council vote to adopt the notice of intent and set the hearing.

Council Member Pratt moved to provide a notice of intent to adjust water and wastewater rates, fees and charges for the City of Cottonwood municipal water and wastewater utility and to have a public hearing on August 6 and a second reading on August 20. The motion was seconded by Council Member Elinski, and carried unanimously.

APPROVAL OF A CONSTRUCTION MANAGER AT RISK PRECONSTRUCTION SERVICES PROPOSAL FROM D.L. WITHER CONSTRUCTION FOR THE PROPOSED EMERGENCY COMMUNICATIONS CENTER PROJECT.

Mr. Mangarpan stated he was requesting approval of the proposal that D.L. Wither has given us for providing pre-construction services during the design phase of the project (emergency communications center.) We went through the process of selecting CMARs (construction manager at risk) for this project, put out a notice requesting statements of qualifications and received nine packets. A committee reviewed them and narrowed it down to four firms to interview and out of the four firms the highest ranked was D.L. Withers. We would be hiring them as a consultant during the design phase to help us with estimating, pre-construction

surveys, recommendations, and constructability issues. He then introduced Dan Withers, president of the company, John Wilbur, Senior project manager, and Eric Noble, who will be the project manager.

Mr. Mangarpan then stated they were currently working on a similar facility in Goodyear.

Mr. Withers stated they had done numerous projects all over the state and have done a number of these facilities in Tucson, Marana, Mesa, Tempe, and Phoenix.

After discussion regarding the construction manager at risk services process, Vice Mayor Pfeifer moved to approve the proposal submitted by D.L. Withers Construction for pre-construction services for the emergency communications center for a not to exceed amount of \$22,500. The motion was seconded by Council Member Pratt, and carried.

EXECUTIVE SESSION—UPDATE OF THE ANNUAL REVIEW OF THE CITY MANAGER—PURSUANT TO A.R.S. §38-431.03.(A)(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE MAY DEMAND THAT THE DISCUSSION OR CONSIDERATION OCCUR AT A PUBLIC MEETING; THE COUNCIL MAY VOTE TO CONVENE INTO EXECUTIVE SESSION SUBJECT TO THE CITY MANAGER’S RIGHT TO COMPEL THE COUNCIL TO DISCUSS THIS MATTER IN OPEN MEETING.

The Council agreed earlier in the meeting to table this item until all of the council members could be physically present.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the claims and adjustments. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Pratt, and carried unanimously. The regular meeting adjourned at 7:15 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 June 18, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date