

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JUNE 28, 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 work session to order at 6:05 p.m.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, City Attorney
Matthew McLean, Deputy Clerk
Dan Lueder, Utility Services General Manager
Jody Fanning, Police Chief
Charlie Scully, Planner
Gary Eisenga, Police Commander

ITEMS FOR DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF:

PRESENTATION BY THE VERDE RIVER CITIZENS ALLIANCE REGARDING THEIR PLAN FOR A NATIVE PLANT DISPLAY NEAR THE CISTERN ON THE SIDE OF THE BUSINESS ASSISTANCE CENTER BUILDING

Ava Pritz, of the Verde River Citizen's Alliance presented a plan to the Council for a native plant display on the side of the Business Assistance Center building. They would volunteer to do all the work for the drought tolerant plant display and various water features.

Council Member Pratt stated it is a great idea and really terrific. He asked about transplanting the rose at this time of year and wondered if it would be better to wait until fall.

Ms. Pritz stated they will check into that and this doesn't have to be done all at once.

After discussion regarding the project, the Council agreed to allow them to move forward with it.

DIRECTION REGARDING THE DESIGN AND CONSTRUCTION OF A COTTONWOOD PUBLIC SAFETY COMMUNICATIONS CENTER

Mr. Bartosh introduced Larry Consalvos and Kevin Kearns from iXP, the consultants who were putting together a feasibility study and a business case for a regional public safety communications center. There are four public safety agencies that do dispatching; the Sedona Fire District, Sedona Police Department, Camp Verde Marshall's office, and the Cottonwood Police Department. The consultants put together a report that stated it was a good idea to consolidate resources into one communications center. Their recommendation was that there would be principals who are invested in the development of the center through capital investment and then there would be subscribers who would pay an annual fee for dispatch services. The thought was that the four dispatch centers would predominately or most likely serve as capital investors. After several meetings where all the data was gone over and input was provided, we came up with a model. He took it upon himself to meet with the potential principals; Sedona and Camp Verde. Sedona's response was they did not want to be involved if Camp Verde was not involved because they did not save money if Camp Verde was not involved. Camp Verde's response was they couldn't afford to do this right now and were not sure if they wanted to move their dispatch center, so they were out. Sedona Fire District board met and we were estimating the cost of design was about \$300,000 and he suggested if they were serious about becoming principals they needed to budget about \$150,000 to come in as equal owners of the center. They came up with \$25,000 and he said it wasn't worth the effort of setting up a governance structure for that amount. It might be time for us to just do this on our own and if people want to subscribe and have us dispatch for them we will. The concept would be we would still dispatch our police and fire department, Clarkdale, and probably Jerome. At this point he communicated that we were meeting with our Council tonight to discuss the direction that Cottonwood was going to take. This process had taken a long time and he thought we had done our due diligence in terms of trying to make this a regional effort and get everybody involved. Economically and politically it seemed we were the only ones with a need to get this going.

Council Member Elinski stated his biggest concern was if nobody wanted to be stakeholder at this point but wanted to subscribe later, were we going to be able to design a center that will accommodate them in the future if they wanted to come on board.

Mr. Consalvos stated the design had to encompass some growth potential which had to be managed so you were looking at space that could be used as training, meeting or public space. You don't want to overbuild it and bear that capital cost, but you are not really outfitting the technology so anybody who would join would have to make that capital contribution to absorb that growth. You were also sending a message that is saying we are only going to build it so big and if you want to come you want to get in line first. That was how you cost effectively do it. There is expansion capability in any design both from the technology support platform, the infrastructure for heating and cooling, power, and flex space that can be used to add other subscribers.

Council Member Pratt stated he noticed you had seven dispatch work stations, and questioned if that would determine the number of subscribers you could have.

Mr. Consalvos stated that model was built on a workload based model. We would have that capability in the growth plan, but we would not put in that many positions initially.

Mayor Joens questioned how it worked with the budget.

Mr. Rodriguez we have the resources to begin construction if we need to. The estimate was 6-6.5 million dollars. We would have to balance between that and the water reclamation plant and move forward with some sort of financing package for this. We are not planning to do any financing for the water reclamation center, but seeing that with just those two alone would be nearly 15 million dollars and we have about 14 million dollars cash available, we would have to make sure we do not overlap and overspend ourselves. What concerned him was we had been looking at a city hall in the near future and that may have to fall by the wayside for a number of years until our economy gets better and we get some subscribers. We were hoping to get another couple of entities that would contribute so we wouldn't have that large of a debt load.

Mr. Bartosh stated we were probably talking about a smaller version and not the same level of use the plan the council saw outlined. We were anticipating we may have some subscribers, but we may not have a need for a 6 or 6.5 million dollar building and technology.

Mr. Rodriguez stated there was the potential of Homeland Security grants which would help minimize our debt load.

Council Member Pratt questioned the police and fire chiefs if they felt this was critical.

Chief Fanning stated from the police department's perspective it was extremely critical.

Acting Fire Chief Kuykendall stated a lot of Sedona Fire Department's equipment was reaching "end-of-life" and would probably take a great deal of upgrade in their communication center in the next few years which they would be coming back to us for costs on that. It made more sense for us to be putting money into our own dispatch center here. He saw it as a definite positive for the fire department.

Vice Mayor Pfeifer stated from what she understood our equipment was going to need upgrading in the near future too.

Mr. Bartosh stated he thought another important part we kind of confirmed through the study is that Sedona Fire is probably to a large extent subsidizing the other fire departments in the Verde Valley. He did not think their board was going to allow them to continue to do that and we will see dispatch costs go up for our fire department. It seems reasonable to approach that by investing in our own center and make sure we are coordinating with the

other public safety services that are in our pocket area. Staff was looking for some direction from the council about should we move this to the next step of the design phase and begin to look at who is going to be a subscriber and develop models that will help us recover our capital investment over time in terms of servicing these other agencies.

Council Member Norman asked approximately what size did he think this building would have to be.

Mr. Kearns stated it maxed out at 7,000 square feet and was going to be less than that and couldn't really say right now exactly, but maybe in the 6,000 range. You did not want to overbuild, but at the same time the cheapest part is building the building envelope and getting that space established. It was more expensive if you come back later on and add 2,000 square feet to the building. You would probably be in the 6 to 6,500 square foot overall.

Council Member Dowling questioned what the difference was between a subscribing person and a partnering type.

Kevin stated when there is a stakeholder partner you create a whole new governance structure and there are equal capital contributions upfront. As someone joins as a subscriber they should be responsible for the incremental cost of technology, implementation, testing, hiring, training, and staffing. It won't be a one for one for them because the more people you add, the more workload you can absorb over a larger group of individuals. Their suggestion would be to determine what the capital costs will be for the equipment, installation, testing, and the cutover and make that their cost to join and then come up with a monthly fee or per transaction fee. That way you are not out the capital costs, you're starting to recover some of your capital costs, and you're cash positive.

Council Member Pratt stated he would support going ahead with this and it was long overdue.

Mayor Joens stated the consensus she was seeing is to go to the next step.

Mr. Bartosh stated they would come back and update the council as this moved forward.

PROPOSED AMENDMENTS TO THE COTTONWOOD MUNICIPAL CODE, TITLE 6, ANIMALS, BY ADDING A NEW SECTION 6.04.080--REMOVAL OF ANIMAL WASTE; AND TITLE 12, SIDEWALKS AND PUBLIC PLACES, BY ADDING A NEW SUBSECTION C. TO SECTION 12.08.040--DEPOSITING MATERIAL ON THOROUGHFARES

Mr. Scully stated this was a proposed amendment to the Municipal Code. The overwhelming majority of pet and animal owners were responsible, but there are circumstances where there are people who do not have the same feeling and we do not have in the code a provision that addresses this condition.

Mr. Pratt stated this is a no-brainer and wondered why we don't have this ordinance already and we should go forward with it.

Mayor Joens asked about the private property provision about not allowing the animals to deposit on private property without the owner's consent, and if they did then the animal's owner is responsible to go on to the private property and pick up the waste. We can't really create an ordinance sending people on to private property.

Council Member Pratt stated if a dog goes in my front yard than the owner should clean it up.

Mr. Horton stated it is fine the way it is written.

Mr. Scully stated there was a section that references the sidewalks.

The Council directed staff to go forward with the proposed ordinance.

PROPOSED AMENDMENTS TO THE COTTONWOOD MUNICIPAL CODE, TITLE 10, TRAFFIC; PERTAINING TO WORKING ON VEHICLES WITHIN PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY, VEHICLE REPAIRS ON RESIDENTIAL PROPERTY, CASUAL DISPLAY OF VEHICLES FOR SALE ON PUBLIC PROPERTY OR RESIDENCES; PARKING VEHICLES ON SIDEWALKS, AND STORAGE OF ABANDONED OR INOPERABLE VEHICLES

Mr. Lueder stated this afternoon they discovered that the ordinance they had written was very similar to something that Commander Eisenga pointed out we already have under Title 10, which is the traffic code. He is requesting Council table this until they have a chance to see if it's covered under Title 10.

The Council agreed to table this item.

PROPOSED AMENDMENT TO THE COTTONWOOD ZONING ORDINANCE, SECTION 404. GENERAL PROVISIONS, M. STORAGE, PARKING, AND OCCUPANCY OF MOBILE HOMES AND TRAILERS; PERTAINING TO THE REGULATION OF THE RESIDENTIAL USE OF RVS AND TRAILERS

Mr. Scully stated this issue came up in reference to the way in which the enforcement of people living in trailers in backyards was being enforced through the camping ordinance. There has been a number of cases recently that have gone through code enforcement and to the hearing officer that were based on using the camping ordinance that was adopted a couple of years back to cover people that had their primary residence in trailers, camper shells, and RVs that are often stuffed in a backyard in a neighborhood with a power cord going out and it's not a temporary use. It's their primary residence and there's some restrictions against that. There are issues addressing the basic zoning, having another unit operating with kitchens and sometimes bathrooms. There are safety issues; it doesn't meet building codes and results oftentimes in a whole series of related problems. The point of

this is to clarify that whole issue by just saying in plain language that living as permanent residence in that type of structure is prohibited. It's already prohibited, but it's not clear because we are using the camping ordinance to enforce that. This would clear up part of the zoning ordinance which says that if you are going to have somebody living in these recreational vehicles, they either need to be in an RV park or it's for a security trailer or part of a building permit. They had cleared up a few issues with that as well, because right now it just says if you have a building permit you have a right to live in a trailer during construction. It doesn't say what kind of building permit, how long, or what the criteria is. In general, the whole point of this is to clear up what that policy already is.

Council Member Elinski asked if Mr. Scully could go into detail about some of the complaints they have received.

Mr. Scully stated there has been a number of cases recently in neighborhoods where people were taking up residence and that was their primary residence. It wasn't a temporary use. It was something that perhaps the owner of the house was renting out or using for a family member. The problem is these are older units. They are camper shells or old travel trailers being used as a primary residence.

Council Member Elinski asked if he could go into more detail about how did it land before the hearing officer.

Mr. Scully stated they were just addressing the fact that it's not allowed. The reason people go to the hearing officer is they are looking for some kind of appeal or disagreeing with the ordinance or the whole concept of the policy.

Council Member Elinski stated what he is getting at is what were they cited with and questioned if it was it a neighbor complaining or was it a sanitation issue.

Council Member Dowling asked do we have any examples of where this has caused a problem.

Mr. Gehlert stated we have had a lot of citations recently by the code enforcement staff about people living in RVs around town.

Vice Mayor Pfeifer asked if these are complaint driven.

Mr. Gehlert stated the ones he is more acquainted with are a product of code enforcement. Some of them are also complaint driven.

Mayor Joens stated she couldn't vote for this in good faith based on the fact that vehicles may not be stored, parked or located in the front yard of a residence and shall be screened from view from the public street. She drove up her street, Mesquite, and she sees lots of houses that don't have a side yard or a backyard and there is no place to put it but in their front yard.

Vice Mayor Pfeifer stated that is the reason a lot of people don't live in an HOA.

Mayor Joens stated this whole ordinance is a solution looking for a problem.

Mr. Scully stated the bold words are the new provisions that were placed in the existing ordinance.

Mayor Joens stated she would change the ordinance so they could have their RV in the front yard parked.

Vice Mayor Pfeifer asked who is going to live on a boat trailer.

Council Member Elinski stated a concern he has is that in this climate that we are in some people are living in trailers at homes because they really don't have another option. Unless it is a complaint that has come in, he doesn't see why they're really an issue unless there is a sanitation issue or a health and safety issue.

Mr. Scully stated there is a significant sanitation, health, and safety issue. They are not built for permanent residency. He has seen a family living in a trailer were the sewer line was coming out on the lawn.

Mayor Joens stated we don't want that.

Mr. Scully stated he has seen that numerous times. We are talking about people staying in neighborhoods and this a major policy shift and goes to the heart of zoning.

Council Member Elinski stated as it is written now, he doesn't like it and he voted against the camping ordinance too. He doesn't see the need for it right now unless they can show him otherwise. He would really like to see if there really is a health and safety issue. If it is someone who is letting their family or friends stay on their property and the neighbors are not affected, he sees no reason we should come down on them because of this ordinance.

Mr. Lueder stated one of the concerns we had was most of our sewer systems aren't set up where someone can pipe their RV dump into it. What he is hearing is the council is okay with the health and safety and the fire safety aspect of this, but where the concerns come in is if someone is in a temporary situation. We have to be cautious that it doesn't go on for six months or a year and then it does get dangerous. So the direction he is hearing is to go more into the health and safety and made sure they are not dumping out sewage.

Mayor Joens stated and if it is not complaint driven by a neighbor. If she wanted to live in an HOA she would have moved to one.

Mr. Lueder stated a lot of times what the code enforcement people are looking at are health and safety driven. If is a violation of ADEQ or the county health laws, then we are bound to

act on it regardless. But one of the things he would like direction on is what the time limit is, and could someone live in a trailer in their backyard for two or three years.

Mr. Bartosh stated the other thing is we have talked a lot about is quality of life issues. If you've got campers in the backyard that are unsightly and not well maintained or cared for, what does that say about the rest of your neighborhood. If we allow things like this to permeate a neighborhood, it can have a detrimental impact to the rest of the people who live in that neighborhood.

Mayor Joens stated she likes to think that a homeowner thinks of his home as his castle. She wants to encourage people to take pride in their community and there is way you can have a good, clean community. She is not sure passing more laws is the way she would go.

Council Member Elinski stated everyone has been allowed to have a travel trailer up to this point, but not everybody does. Just because it is allowed, doesn't mean everybody is going run out and put a travel trailer on their property and have their uncle living there. There will be some people who do, but he doesn't want to put an ordinance into effect because there are a few bad apples. The HOAs allow people to join and allow people to keep their neighborhoods exactly as it is now. For the rest of us, we want to have a little more freedom and as long as there is not a safety or health issue, there really isn't anything wrong with it. He doesn't want to see Cottonwood go toward the citywide HOA status. He is concerned that code enforcement is becoming more proactive than reactive. It was his understanding that it was going to be a reactive system because neighbors complained that there was a serious issue going on and they would have some recourse. But if we are going to be more proactive where city staff is looking for violations that aren't necessarily complaint driven, it just concerns him. What does concerns him is having something on the books that even if it's intended for those one or two violators it can now apply to anyone in the city, even if they are not really bothering their neighbors or being a health or safety violation.

Mr. Bartosh stated we are proactive and that was at the direction of the city council when we went to the code enforcement officer program. And the reason being is when we have somebody complain about one place, yet something else is going on at some place next door and we don't address that, then it creates problems. The other thing that we would remind the council is the number one complaint we get on the citizen satisfaction survey is a lack of ordinance enforcement and the reason is it goes back to those quality of life issues. Do you want someone living next door with tons of weeds in their yard that brings down the whole neighborhood and brings down the value of your home and they are looking for the city to do something about it. At this point they still don't think we do enough.

Mr. Lueder stated one of the things Mr. Bartosh has had us doing is we are proactive, but we talk several times first with violators. We have been able to obtain most of our compliance by talking first. We don't want to go through the code enforcement route through the hearing officer, because that costs the city money and it costs the residents money. We have been really successful in doing the stop and talk. The voucher program we brought and the Council approved has worked really well. Even though we are coming out there

proactive we are not coming out there with Gestapo tactics and running around looking for someone to write up.

Council Member Pratt stated he agrees a lot with Council Member Elinski and thinks there is a fine line here between what wouldn't be considered a quality of life issue. He has neighbors who have relatives that visit from out of state and they park their RVs in front of the house and stay there for two weeks. It doesn't bother anyone in the neighborhood.

Mayor Joens stated so if what you are doing is working by communicating with the citizens why can't we just keep doing that.

Mr. Lueder stated we have citizens that will not comply. We just went through three sessions of code enforcement and 15 or 20 code enforcements visits to a property who has someone living in a trailer, letting the house degrade, and not hooked up properly, so with some people talking doesn't work.

Council Member Norman stated she is still looking at number one, "such vehicles may not be stored parked or located in the front yard of a residence and shall be screened from view by a six foot fence wall or landscaping." You cannot drive down any street in Cottonwood and not see at least one RV or camp trailer at a residence and most of them are not behind a fence and if you are going to start requiring this you are going to have a lot citizens in Cottonwood complaining.

Mr. Bartosh stated he doesn't believe that that is the new ordinance.

Council Member Norman stated it is in bold so it is part of the new one.

Mr. Scully stated currently you can't store it in your front yard.

Council Member Norman stated there are a lot of homes in Cottonwood that don't even have a backyard or a side yard. The lots vary in size so much.

Mayor Joens stated it is not a one size fits all for our citizens.

Mr. Lueder stated what we are doing here is rewriting the ordinance within some reason where we want to keep them off the street and out of the right-of-way, so we can change the screening requirement somewhat, and not be proactive just because we see a trailer in the backyard, but if it is complaint driven then we are obligated to go out and enforce it. Look at safety from a police and fire standpoint and make sure we are not dumping raw sewage down the street. Other than those cases, if it is in there and it is not creating a nuisance, what he is hearing Council say is let's try and work with them a little bit.

Vice Mayor Pfeifer stated she is not sure about the solid six foot fence. You can't put a solid six foot fence right next to the street to screen something. She questioned if there is a law that it has to sit back so far and it can't obscure the view of people going down the road.

Mr. Lueder stated that is what we are talking about and we are going to soften that up quite a bit. The six foot fence could create some issues but it is going to create a lot more work with permits.

Mayor Joens stated it is going to create a lot of expense for citizens.

Council Member Pratt stated he would like to see it rewritten as you just suggested so it is a little more lenient and people friendly, yet also protects the general public.

Council Member Elinski stated he wanted to be clear that he knows the city isn't driving around looking for violators and knows they have better things to do. His concern is just putting something on the books that will affect the whole city.

After further discussion regarding rewriting the provisions of the proposed ordinance, the consensus of the council was to bring the changes back for further review and discussion at a future work session.

Michael Barker, from Cottonwood, stated he would like to see what the quantification is of the citations that were handed out over the last year. The council needed to take into consideration that the camping ordinance is poorly worded, too restrictive and as it has been applied to the homeless and the disabled, it is extremely restrictive. The city council must take action to revise that ordinance.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously. The work session adjourned at 7:28 pm.

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 work session of the City Council of the City of Cottonwood held on June 28, 2012. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date