

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JUNE 7, 2011, 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  
Marianne Jiménez, City Clerk  
Dan Lueder, General Services Manager  
George Gehlert, Community Development Director  
Richard Faust, Community Services General Manager

PLEDGE OF ALLEGIANCE

Wayne Ferguson, from APS let the Pledge of Allegiance. Mayor Joens presented him with a certificate for leading the pledge.

REVIEW OF COUNCIL MEETING PROTOCOL BY MAYOR JOENS

Mayor Joens welcomed newly elected Council Member Jesse Dowling, and Ruben Jauregui who served previously on the Council for 12 years and was Mayor for ten years. As far as protocol, all she asks is that the Council Members be respectful of each other, that we can disagree agreeably. She thinks that Cottonwood Councils have been known for this throughout history. She also asks that everyone speaks to the chair as it allows her to say their name and then it is on the recording which is important when they are transcribing the minutes. If a Council Member has had an opportunity to talk, then she will call on other Council Members who haven't had an opportunity before I get back to you.

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 informed the Council that they had a very successful Memorial Day weekend with a lot of tourist in town, and they had the disc golf competition that was sponsored by Page Springs Vineyards.

Council Member Dowling stated he spent Friday and Saturday last week at the League of Cities and Towns learning some of the ins and outs of the council/manager system and what he was in for. It was a great chance to learn a large volume of information at once.

Mayor Joens stated she attended the reopening of Tuzigoot. Today she attended one of the final meetings of the first draft of the final meeting of the Nature Conservancy's study on policies and suggestions for policy leaders concerning the environment of the Verde River.

#### APS COMMUNITY PARTNER ACADEMY CERTIFICATE PRESENTATION TO MAYOR JOENS

Wayne Ferguson, Manager of Energy Delivery for APS in the Verde Valley, stated he had a few words to say about the APS Community Partner Academy which Mayor Joens participated in. Our nation's electric power grid is the largest interconnected machine on earth. Because of that they have a lot complex issues and decisions they had to make in doing business. As a company they knew their success was intertwined with the success of the communities that they serve. Because of that, two years ago they started a program called the APS Community Partner Academy. Recently Mayor Joens spent two days looking into their business and they appreciated her taking the time to do that. During that time she met with their CEO and a lot of their senior officers in the company and discussed issues, their business, and issues we were facing as a state regarding energy. She was able to see how APS operates the flow of power throughout the state. In addition to that she went to two of their power generating plants, one of them being Palo Verde which was the nation's largest nuclear power plant in addition to touring a lot of other facilities that APS uses in providing service. On behalf of APS he wanted to thank her for taking the time to be part of their academy.

Mayor Joens thanked him and stated it was a very eye opening experience. It assisted her knowledge in how to help the citizens in Cottonwood and the Verde Valley, and how important power is and what a difference it makes in our quality of life.

Mr. Ferguson then presented her with a certificate for participating in the Community Partner Academy.

#### CALL TO THE PUBLIC

Fred Piper, from Cottonwood, thanked everyone for all the prayers and condolences he received after his wife passed away.

#### UPDATE FROM STATE REPRESENTATIVE KAREN FANN ON STATE LEGISLATURE

Ms. Fann informed the Council that the state is facing a \$1.5 billion deficit. The past

legislature borrowed money; they sold buildings, mortgaged buildings and all sorts of things. This year the legislature said no, they are not going to borrow anymore money. They took a conservative approach and are going to stay within the current budget. The good news is they did balance the budget without borrowing money. She has been successful in killing bills that would have stripped the powers away from cities and towns. The counties have lost \$75 million in state shared revenues. There have been some reforms done to the state retirement plan. For example, when an employee starts they are immediately enrolled in the pension and health insurance. That is not what happens in private business. Normally there is a 90 day waiting period. Now if you go to work for the state of Arizona, you have to wait 90 days past your probationary period to sign up for the health care, and wait six months before you can sign up for the pension. The pension plan was 50/50, but now the state employer is going to contribute 47 percent and employees 53 percent. That will keep the retirement fund solvent and save the taxpayers about \$40 million. They took out double dipping for all new employees. The retirement age has been raised as well.

Council Member Pratt thanked Ms. Fann for coming and informing the Council.

Mayor Joens asked Ms. Fann if the HURF (Highway User Revenue Fund) funds would be returned to Cottonwood.

Ms. Fann stated that is money that is to be set aside from our state tax dollars. A few years ago someone decided that part of road safety is Department of Public Safety, and started raiding the HURF funds to support the Department of Public Safety.

Mayor Joens thanked her for coming over and for her time, and stated she looks forward to working with her in the future.

#### APPROVAL OF MINUTES—Regular Meeting of 3/15/11 & Special Meeting of 4/7/11

Mayor Joens pointed out a typo on the March 15, 2011, minutes on page 2, instead of CDEC it should read CEDC.

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

#### UNFINISHED BUSINESS

ORDINANCE NUMBER 576—ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF COTTONWOOD, BEING APPROXIMATELY 105 ACRES IN SIZE (QUAIL CANYON SUBDIVISIONS, UNITS I & II); PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471; AND CONTINUING THE COUNTY ZONING OF R1L-70 (RESIDENTIAL/SINGLE FAMILY, LIMITED TO SITE BUILT CONSTRUCTION, 70,000 SQUARE FOOT MINIMUM LOT SIZE) ON THE ANNEXATION TERRITORY; SECOND & FINAL READING

Council Member Dowling declared a conflict of interest on this item and stepped down from

the dais.

Mr. Gehlert presented for second and final reading Ordinance Number 576 which annexes approximately 105 acres described as Quail Canyon Subdivisions I & II.

Mayor Joens stated we have discussed this in great detail at previous meetings.

Council Member Norman moved to approve Ordinance Number 576, annexing the Quail Canyon subdivisions into the city. The motion was seconded by Council Member Pratt, and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance Number 576 by title only.

#### ORDINANCE NUMBER 576

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF COTTONWOOD, BEING APPROXIMATELY 105 ACRES IN SIZE (QUAIL CANYON SUBDIVISIONS, UNITS I & II); PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471; AND CONTINUING THE COUNTY ZONING OF R1L-70 (RESIDENTIAL/SINGLE FAMILY, LIMITED TO SITE BUILT CONSTRUCTION, 70,000 SQUARE FOOT MINIMUM LOT SIZE) ON THE ANNEXATION TERRITORY.

#### ORDINANCE NUMBER 577--ZONE CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PAD (PLANNED AREA DEVELOPMENT) TO ENABLE THE CONSTRUCTION OF A SENIOR LIVING FACILITY ON ABOUT THREE ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MINGUS AVENUE AND CANDY LANE; SECOND & FINAL READING

Council Member Dowling declared a conflict of interest on this item and stepped down from the dais.

Mr. Gehlert presented for second and final reading, Ordinance Number 577. The new ordinance deals with a zone change from R-1 (single family residential) to PAD (planned area development) to enable the construction of a senior facility to be located at the southeast corner of west Mingus avenue and Candy Lane. It raises the density from 16 units to 60 units. In addition, the structure would be 40 feet or three stories high. The parking for the project is two thirds of what is typically required. The project will provide a common driveway to the residents that will remain behind the project. The project has been discussed at two previous meetings.

Council Member Pratt stated he was glad to see the easement access taken care of and seems to be in a logical, reasonable way.

Mayor Joens invited Mr. Campbell, the project developer, to speak.

Mr. Campbell thanked the Planning Commission, Council and city staff for all their work. The Arizona Department of Housing received 32 applications for tax credit throughout the state. They approved nine and put five on the waiting list. He did not make the nine, but did make the waiting list. The state has allocated about \$12 million in credits this year to similar projects, and have a few million left to allocate, and he is working with the state to try and get some of those funds.

Gene Groves, of Cottonwood, stated he lives near the project and is happy with the new easements. He is not happy with the new building plan. He believes that the Council has not seen a true representation of what the final building will look like on the landscape. He has had many problems with the developer, between obtaining packet information, to easements, to the inadequate parking. He is worried that the Council is setting a precedent for allowing taller buildings to be built, and that this is being rushed through the process.

Council Member Pratt moved to approve Ordinance Number 577, approving the Master Development Plan for the Highland Square Senior Living Facility; and changing the zoning of this property from R-1 (single family residential) to PAD (Planned Area Development), subject to the associated stipulations. The motion was seconded by Mayor Joens, and carried unanimously.

Mayor Joens requested City Clerk read Ordinance Number 577 by title only:

ORDINANCE NUMBER 577

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 THREE ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MINGUS AVENUE AND CANDY LANE, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PAD (PLANNED AREA DEVELOPMENT).

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.

CONSENT OF THE COUNCIL FOR THE MAYOR'S ABSENCE OF MORE THAN FIFTEEN DAYS AS REQUIRED BY THE MUNICIPAL CODE

SECOND RENEWAL OF THE UNDERGROUND UTILITY JOB ORDER CONTRACTING CONTRACT

Vice Mayor Pfeifer moved to approve the Consent Agenda. The motion was seconded by Council Member Norman, and carried unanimously.

NEW BUSINESS

MONTH TO MONTH EXTENSION TO THE WASTE MANAGEMENT COMPACTOR OPERATION AGREEMENT TO BE EFFECTIVE UNTIL DECEMBER 31, 2011

Mr. Lueder presented for approval the Waste Management compactor station operations agreement. On July 6, 2010, Council approved an extension to the compactor operation agreement to allow time for a survey to be presented to citizens and for staff to analyze the best options for the future. Staff was approached by two separate trash hauling companies who wanted to discuss developing a solid waste transfer station, which might negate the need for the compactor operation. Staff is recommending that Council extend the compactor operation to Waste Management on a month by month basis for a period not to exceed December 31, 2011. Should another option be agreed upon by Council prior to then, the contract can be terminated on a 30-day notice. The current pricing will remain in effect during this time.

Vice Mayor Pfeifer moved to approve a month to month extension to the Waste Management compactor operation agreement to be effective until December 31, 2011. The motion was seconded by Council Member Pratt, and carried unanimously.

AUTHORIZATION FOR STAFF TO PURCHASE A GENERAC SG 275 ELECTRICAL GENERATOR FOR LIFT STATION FOUR FROM AGM SALES AND SERVICE

Mr. Lueder requested this item be tabled, as at 3:00 p.m. today staff received an email from a third vendor indicating they had submitted a quote within the guidelines. In discussing that quote it appears that their quote is higher than AGM's quote. However after consultation with the City Attorney, he advised that we table this matter until such time as we can verify the quote and obtain a copy of the quote from this firm.

Mayor Joens stated she concurs with the City Attorney also, but is concerned about if something major happens before the next meeting.

Mr. Lueder stated there has been an update on this since we first started working on this. Since Spring Creek is not an active water system right now, we are not required to have an emergency generator there, so we brought the generator from there temporarily. One of the concerns staff has is that there is a 113 day delivery period on this. He agrees that since we have a back-up to our back-up in place, we feel comfortable making sure this bid is not protested in some way.

Council Member Dowling asked why there was a discrepancy between the bids we received.

Mr. Lueder stated staff is trying to figure that out as well. They bid out a much higher generator than what was needed, because that was what they could get their hands on. The number two bid today verbally was \$108,000. We were concerned about that and surprised in this economy we only received seven bids back.

Council Member Pratt moved to table item number two, authorization for staff to purchase a

Generac SG 275 electrical generator for lift station four from AGM Sales and Service. The motion was seconded by Council Member Norman, and carried unanimously.

ABANDONMENT OF A TEN FOOT WATER AND WASTEWATER UTILITY EASEMENT ALONG THE EASTERLY BOUNDARY OF TRACT D, HILLCREST VILLA, BOOK 6 OF MAPS AND PLATS, PAGE 29, YAVAPAI COUNTY RECORDS

Mr. Lueder presented for approval the request to abandon a ten foot water and wastewater utility easement. Big 5 Sporting Goods has been approved by the Planning and Zoning Commission to construct a new store on the former Larry Green dealership site on Main Street adjacent to Murphy's restaurant. There is an unused utility easement that bisects that property. For them to obtain a building permit it is necessary to issue abandonment on the easement. In the Council packet there are letters from APS, Quest, CableOne and Unisource indicating they have no utilities in that easement and have no intention of putting them there. The location of the easement makes it really unfeasible to use it for a utility easement. What staff is asking the Council is to not actually abandon the easement; it is to abandon the water and sewer rights to go in that easement. The Big 5 developers will take all the utility letters along with the Council's action to the County Recorder and the County Recorder would abandon that easement. Staff is requesting the Council abandon the easement for water and sewer only.

Mayor Joens stated Council has seen the letters from all the local utility companies doing the same action.

Mr. Lueder stated if the Council approves this he will draft a letter in reference to the Council action. Once the minutes are ready he will provide them with that as well. With that in place, then they can issue the building permit for the construction.

Council Member Elinski moved to abandon the ten foot water and wastewater utility easement along the easterly boundary of Tract D, Hillside Villa Book 6 of Maps and Plats, Page 29 Yavapai County Records. The motion was seconded by Mayor Joens, and carried unanimously.

ACCEPTANCE AND IMPLEMENTATION OF THE FULLY EXECUTED HEALTHWAYS (SILVER SNEAKERS) CONTRACT AGREEMENT FOR THE SILVER SNEAKERS PROGRAM

Mr. Faust presented for acceptance and implementation the fully executed Healthways contract agreement. They have been working on this document for approximately eight months. The implementation timeline would be immediate upon staff receiving training. The program is being utilized at the other two health fitness facilities within Cottonwood. This would be available to those eligible over the age of 62 and members and nonmembers alike and be billed directly to Healthways. There are no administrative fees and staff can implement the program immediately.

Council Member Pratt stated this was a no-brainer. He has had a lot of retired folks talk to

him about this, and they would like to use it. It is good for the rec center and good for the community.

Council Member Norman moved to approve the Healthways provider agreement whereby the Cottonwood Recreation Center can offer the Silver Sneakers program to eligible members effective immediately. The motion was seconded Vice Mayor Pfeifer, and carried unanimously.

REQUEST FOR CONTRACT EXTENSION/OPTION FOR RENEWAL OF CITY-WIDE CUSTODIAL SERVICES BY RICHARDSON'S LLC

Mr. Faust presented a request to extend contract services with Richardson's LLC. This is the fifth and final year of the contract. They will be going out to bid for custodial services for city buildings and also the recreation center probably around February of 2012. Staff is able to rate custodial services that are being implemented at city facilities. The rating has been 7.4 and that might be due to the reduced amount of services.

Council Member Pratt moved to approve the "Option for Renewal" with Richardson's LLC, for an additional one year period from July 20, 2011, through July 20, 2012. The motion was seconded by Council Member Elinski and carried unanimously.

CITY COUNCIL CIVILITY ACCORD PLEDGING TO EXHIBIT AND ENCOURAGE THE KINDS OF PERSONAL QUALITIES THAT ARE EMBLEMATIC OF A CIVIL SOCIETY; GRATITUDE, HUMILITY, OPENNESS, PASSION FOR SERVICE TO OTHERS, PROPRIETY, KINDNESS, CARING, FAITH, SENSE OF DUTY, AND A COMMITMENT TO DOING WHAT IS RIGHT

Mayor Joens read the civility accord as follows:

On the morning of January 8, 2011, gunshots fired in one of our nation's great cities reverberated through all of America. A federal judge and a nine-year old girl were among the six people killed that day in Tucson, and Congresswoman Gabrielle Giffords, the target of the shooting rampage, was among the 13 more who were wounded. The pain inflicted on them, their families, and the entire Tucson community is shared by people across our nation.

Regardless of what the motives behind the tragedy in Tucson might have been, it occurred in an atmosphere in which public discourse is often confrontational and lacking in civility. We should use this event as a point of departure, to recommit ourselves to building a more civil society in which each person is respected and public and political discourse are aimed at the betterment of our nation and its people and not the destruction of those with whom we disagree. As President Barack Obama said in the January 12 memorial service, "only a more civil and honest public discourse can help us face up to our challenges as a nation."

Because mayors and council members are the elected leaders closest to the people, restoration of civility must begin with us. We are in a unique position to have a positive impact on behavior - individual and collective - and to lead by example. While the tragedy in Tucson is the impetus for this Accord, it represents a commitment that must live on in every mayor and council member in our nation from this day forward.

In order to restore civility to our communities and through them to our nation, we pledge our commitment to the following principles for civility:

- ❖ Respect the right of all Americans to hold different opinions;

- ❖ Avoid rhetoric intended to humiliate, de-legitimize, or question the patriotism of those whose opinions are different from ours;
- ❖ Strive to understand differing perspectives;
- ❖ Choose words carefully;
- ❖ Speak truthfully without accusation, and avoid distortion;
- ❖ Speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

We further pledge to exhibit and encourage the kinds of personal qualities that are emblematic of a civil society; gratitude, humility, openness, passion for service to others, propriety, kindness, caring, faith, sense of duty, and a commitment to doing what is right.

Council Member Jauregui stated we can't forget that this individual that perpetuated this act was mentally ill. One of the things it says here is "to strive to understand differing perspectives," and he tried to understand that this individual was ill and didn't receive the help he should have received; and who knows for how long. The best thing the junior college could do was turn their back to him and turn him out. And many times in society we see this happen with people that are different. I have seen it many times. We would rather walk away instead of address the issue. He is going to sign this, but he would rather be affixing his name on a piece of paper that we should be sending the governor and our legislature that restores the funding to enable those people who suffer from mental health issues to have the ability to receive treatment and medication expediently. This is very lacking right now; the way Arizona handles healthcare is ridiculous. Millions of dollars are going out of this state to companies like Value Options, which is no longer part of our system, and even Magellan now. We have people in this state who suffering from mental illness and it's pure hell trying to get help for them.

Mayor Joens stated that is something possibly we can address in the future and agreed with Council Member Jauregui.

Vice Mayor Pfeifer stated she did too.

The Council then signed the civility accord.

#### ANNUAL CONSIDERATION OF APPOINTMENT OF A VICE MAYOR

Mayor Joens stated Vice Mayor Pfeifer has done a great job and would support her again, but she would support the discussion of whatever the Council's pleasure is.

Council Member Pratt stated Vice Mayor Pfeifer has done a wonderful job and has really helped him with issues and he appreciated that. She had done a great job representing us here and he would support her being Vice Mayor again.

Mayor Joens stated Vice Mayor Pfeifer has been very helpful to all of us, and would support any individual that wanted to serve. It is a position that requires extra time, especially if she was gone or called away. She certainly supported her continued service if everyone else does.

Mayor Joens asked if there were any comments from the public, and there were none.

Council Member Norman moved to approve Karen Pfeifer to serve as the Vice Mayor for the city. The motion was seconded by Council Member Pratt, and carried unanimously.

#### COUNCIL REPRESENTATIVE APPOINTMENTS TO VARIOUS COMMITTEES RELATED TO INTERGOVERNMENTAL MATTERS

Mayor Joens stated being on the Council is not only about attending three to four meetings a month and doing all of the homework that is required. It takes a lot of work and a lot time to serve on the City Council. But in addition to these meetings, we also have a variety of community organizations that the city belongs to and we need to appoint a representative to those organizations. Now is our opportunity to reappoint or appoint someone new.

The following appointments were made: Northern Arizona Council of Governments: Mayor Joens with Council Member Norman as alternate; Northern Arizona Municipal Water Users' Association: Vice Mayor Pfeifer with Mayor Joens as alternate; Yavapai County Water Advisory Committee: Mayor Joens with Council Member Elinski as alternate; Northern Arizona Intergovernmental Public Transportation Authority: Council Member Norman with Vice Mayor Pfeifer as alternate; Verde Valley Transportation Planning Organization: Council Member Jauregui with Council Member Dowling as alternate; Coconino/Yavapai County Resource Conservation: This has been disbanded for lack of funding; Verde River Basin Partnership: Mayor Joens with Council Member Pratt as alternate; Cottonwood Personnel Board: Vice Mayor Pfeifer; Verde Valley Land Preservation Institute: Council Member Pratt with Council Member Dowling as alternate; Verde Valley Regional Organization: Council Member Norman with Vice Mayor Pfeifer as alternate.

#### CLAIMS & ADJUSTMENTS

Council Member Norman moved to pay to 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 7:53 pm.

---

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 June 7, 2011. I further certify that the meeting was duly called, and that a quorum was present.

---

Marianne Jiménez, City Clerk

---

Date