

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD JULY 16, 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
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
Steve Horton, City Attorney
Matthew McLean, Deputy Clerk
Richard Faust, Community Services General Manager
Tom Whitmer, Water Resources Administrator
Morgan Scott, Development Services Operations Manager
Hezekiah Allen, Recreation Services Supervisor (Aquatics, Youth & Special Events)
Scott Mangarpan, Project Manager
Michael Kuykendall, Fire Chief

PLEDGE OF ALLEGIANCE

Linda Zanolli lead the pledge of allegiance and Mayor Joens presented her with a certificate of appreciation.

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 point out that in this month's Arizona Highways there is a nice picture of Old Town Cottonwood and a little story. The statewide organization for risk managers is having there conference in Cottonwood, and it will have about 50-60 participants. A couple of new businesses opened up in Old Town; Fire Mountain Wineries and Boccas.

Mayor Joens stated Vice Mayor Pfeifer and Linda Norman attended the Old Town Parking lot ribbon cutting. She met on July 3, with Pastor Frank Navarez to talk about the teen center. There was a teen center meeting that day also and they are planning a carnival on October 5th at Riverfront Park to raise funds. Cheri Marx and Sebra Warren made cupcakes for the Farmers Market. On the 4th of July we had our family fun day fireworks. On July 9 she attended the Prescott Granite Hot Shot Memorial Service along with the Vice Mayor Pfeifer, Chief Kuykendall, Fire Marshall Rick Contreras and Fire Inspector Steve Trautman. The Manheim Gallery invited her to attend a check presentation for the Cottonwood Library. Saturday, the senior center had an "Old Bags," tea party and fashion show. She was appointed to the League's Resolution Subcommittee.

EMPLOYEE OF THE QUARTER AWARD—KRYSTA DEHNERT, LIBRARY ASSISTANT II

Vanessa Ward reviewed why Krysta Dehnert was nominated and selected to receive the Employee of the Quarter award.

Mayor Joens and Vice Mayor Pfeifer then presented Ms. Dehnert with a certificate and a check.

EMPLOYEE QUARTERLY SAFETY AWARD—ALEX LEWIS, FIREFIGHTER

Chief Kuykendall reviewed why Alex Lewis was chosen to receive the Employee Quarterly Safety award.

Mayor Joens and Council Member Garrison then presented Alex Lewis with a certificate and a check.

CALL TO THE PUBLIC

There were no comments from public.

APPROVAL OF MINUTES—Regular Meeting of 6/4/13 & Work Session of 6/17/13

Mayor Joens stated the minutes of June 4, 2013, talks about us giving plaque to Unisource Gas, but we also gave a certificate that night to ADEQ, and we should add that.

Council Member Elinski moved that we approve the minutes. The motion was seconded by Council Member Jauregui and carried unanimously.

OLD BUSINESS

INTERGOVERNMENTAL AGREEMENT WITH MINGUS UNION HIGH SCHOOL FOR USE OF THE CITY'S OUTDOOR AQUATICS CENTER

Mr. Bartosh stated staff has met with Dr. Tighe and we were not at 100 percent of what the

costs are. The city is comfortable with them and we can debate those back and forth, but the reality is this is just a budget issue for the high school and what they can afford and what they cannot afford based on what their allowable budget is at this time. Obviously they have taken hits just like the city has taken hits and they seem to be continuing to take hits, so it's probably more appropriate for Dr. Tighe to discuss those issues.

Dr. Tighe stated the last time this was before the board there were many things that overshadowed it. The debate overshadowed the great relationship that the city and school shared, and he expressed his appreciation for that. The legislature has not been kind to schools. We have lost \$3 million over the last six years and the annual budget is around \$7 million and they don't see a bright future financially with the state's fiscal future. This year's budget included a \$169,000 shortfall between anticipated expenses and revenues. They have trimmed that to \$29,000.

Council Member Pratt stated he is happy to see that we have moved past debating the numbers and working together, because we have always had a good relationship. He is really happy that they had this discussion and hope to have a figure to help the school team.

Council Member Elinski asked if the school has thought of any ways to raise funds through vendors selling concessions or having different businesses advertise.

Mr. Tighe stated the coach that has a full time job and does it for the fun has expressed to him that he has pursued some of the options and has had some limited success.

Council Member Garrison stated the IGA states that we will charge for a specific rate, but later on in the IGA it talks about billing them monthly based on the utility costs and he is not sure how we do both of those.

Mr. Horton stated if you reconcile those two provisions, the concept is that we are going to do a look back budget and we are going to take what it cost in the previous fiscal year and determine what the proportional cost to the district should be. The notion is that we are going to take that figure and bill them monthly for the amount we calculated based on the previous fiscal year costs.

Mr. Garrison stated one of the things he has gotten a lot of feedback about is the use of our facilities and specifically the rec center. One of the things that were not mentioned at the previous meeting was the massive amount of money that was put into the swimming pool to make it usable for the swim teams. He is concerned that the high school swim team is not putting anything in place to deal with this next year, much like our Boys and Girls Club scenario where we keep putting money into a program that really has very sketchy future, and wondered how much of that is in the public interest to keep on doing these things. He is a little concerned that we would cut it down to the amount that we had already approved.

Council Member Jauregui stated the rule is to consider what this does for the community. He is for keeping the swim team going at the high school. We have a contingency fund and that

is what it is set up for; for things like this. When we are making deals like this between two entities we are never going to break even.

Council Member Elinski stated we do have a policy that says we will match 50 percent of the activity and that is in place so the citizens of Cottonwood are not overburdened. He is dismayed that there is not a better plan to raise money for the swim team. He supports kids 100 percent and this not what this about. It is about the policy that we have in place and we have all said as a Council that we need to try to make ends meet on behalf of the citizens.

Council Member Garrison stated the contract is worded to allow for a 10 percent incremental step based on last year's contract, so if the Council approves reducing that fee, then it will put us that far behind again next year and it will take that many more years to catch up to something resembling 50 percent of our cost. He is not sure that this provides the best bang for the buck. The budget is just bare bones this year.

Mayor Joens asked Mr. Faust what the Parks and Recreation Commission's recommendation was.

Mr. Faust stated based on the information, the Park and Recreation Commission chairperson felt the need to express their concern to the City Council as it pertains to the school cost and they felt that 50 percent cost fee for the use of the facility would be apropos in this situation.

Dr. Bob Richards stated the situation with Mingus High School has been going on for years. They have known that if they wanted to participate they would have to come up with the money. He is not in favor of the City of Cottonwood to sponsor the swim team.

Mayor Joens stated at the previous meeting where this was discussed, she thought that board members treated our Council very disrespectfully and that bothered her. She would never go to a school board meeting and behave in that manner or talk in that manner. This is about the children and about the youth and she totally understands the council members that feel it is a dollar issue, but she is of the mind that it is a human issue, it's about our kids. She would support supporting the kids, understanding that it has been difficult for them to even repair buses this year.

Cindi Battisti stated she had asthma really bad and joined a swim team and it improved her health a 100 percent and she would be willing to host a fundraiser for the swim team.

Council Member Pratt moved that we only charge the high school \$5,000 this year and continue to look for solutions so we do not have to continue that every year. The motion was seconded by Mayor Joens and carried with dissenting votes from Council Member Elinski and Council Member Garrison.

Mr. Horton asked the Council if the cap is to be determined in the future and if they want to keep the cap at 10 percent over the previous year and is that figure the \$5,000 or do they

want the IGA to read with the exception of this year's \$5,000 we are looking at 50 percent recovery and get rid of that cap.

Council Member Pratt moved to retain the cap as it stood in 2012 and let 2013 be an exception. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

CONSENT AGENDA

Council Member Garrison stated he would like to pull item number 2 from the consent agenda.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY ROBERT ROTHROCK, APPLICANT FOR THE VERDE VALLEY LAND PRESERVATION INSTITUTE FOR AN EVENT SCHEDULED FOR JULY 27, 2013, AT THE MANHEIM GALLERY LOCATED AT 747 NORTH MAIN STREET.

Council Member Pratt moved to approve item number 1 on the consent agenda. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY CINDI BATTISTI, APPLICANT FOR THE OLD TOWN ASSOCIATION, FOR THE THUNDER VALLEY RALLY EVENT SCHEDULED IN OLD TOWN FOR SEPTEMBER 20 AND 21, 2013

Council Member Garrison stated looking at the map that was provided this was going to become an open container or open carry event again. Last year was a change to go back to a controlled drinking area and he remembers a conversation last year with the police chief and how much a difference that made in the enforcement.

Mr. Bartosh stated the first year we sponsored this, we had two very large alcohol areas and we had no problems that year. Last year they did shrink it down and we actually had more problems last year. So this year it is the in-between. Everyone in the city feels comfortable with it. The area is fenced in and there will be security and we will have the Arizona Rangers there as well.

Council Member Garrison stated the way he read it was Cactus Street to First Street to Bocce all the way and didn't show a south fence. Main Street was going to be open carry and there was going to be four or five different places along that route where they will be serving alcohol. He was wondering where the control points would be.

Mr. Allen stated the control points would be on Pinal, there would be a fence behind the Cottonwood Hotel and the Ledbetter Parking lot, and then on the back side of the Orion Bread Company the parking lot will be fenced in, and Yavapai Street on the back parking lot.

Mr. Bartosh stated he was a little bit concerned about the set up too. We have put a lot of the motorcycle merchants into the parking area around Main Street so the merchants on

Main Street didn't feel like they were competing with the vendors from the motorcycle event. We will have motorcycle parking on Main Street. We also have some large vendor displays that wouldn't fit very well on Main Street. This a plan that really works well in terms of what we are anticipating in relation to vendor participation.

Ms. Battisti stated they felt that this plan was going to benefit the Old Town merchants mostly and not put them in competition with the vendors.

Council Member Pratt moved to approve the special event liquor license application submitted by Cindi Battisti, applicant for the Old Town Association for the Thunder Valley Rally event, scheduled in Old Town for September 20 and 21, 2013. 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.

RESOLUTION NUMBERS 2705, 2706, & 2707, APPOINTING MEMBERS TO THE LIBRARY BOARD.

Ms. Ward stated this is a first in a long time that we have had the community behind us and wanting to get involved in the board. Thelma Fisher and Ellen Poule no longer want to apply and Tyler Harding and Liz Gooslin were not in attendance.

Council Member Pratt stated we really haven't set a precedent but we have reappointed members to commission who have served and been active in those commissions. He asked if Tyler Harding has been active in the commission.

Ms. Ward stated yes.

Mayor Joens invited the applicants to speak.

Geraldine Birch stated she has lived in the area for 22 years, 13 of which she has lived in Cornville.

Susan Hawley thanked the Council for changing the law so that people outside of Cottonwood could serve on the board.

John O'Neill stated he has been in the area for 43 years and was the former library manager.

Judy Paulus stated she has been a long time resident of Cottonwood and one of the original board members for the Boys and Girls Club. She has volunteered at the library for 18 years.

Hank Suverkrup stated he has been in Cottonwood since November. He has been in education all his life.

Mayor Joens stated we have some really awesome applicants and we only have three positions available. We have other boards and commissions that they would be so good on if they are not chosen for the library board.

Council Member Pratt moved to approve Resolution Number 2705 appointing Tyler Harding a member of library advisory board for a three year term. The motion was seconded by Council Member Elinski and carried unanimously.

Vice Mayor Pfeifer moved to approved Resolution Number 2706 appointing Judy Paulus to the library board. The motion was seconded by Council Member Pratt and carried unanimously.

Council Member Jauregui moved to approve Resolution Number 2707 appointing Mr. O'Neill. The motion was seconded by Council Member Garrison and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Numbers 2705, 2706 and 2707 by title only.

RESOLUTION NUMBER 2705

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING TYLER HARDING A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HIS TERM OF OFFICE.

RESOLUTION NUMBER 2705

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING JUDY PAULUS A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2707

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING JOHN O'NEILL A MEMBER OF THE LIBRARY BOARD OF THE CITY OF COTTONWOOD AND ESTABLISHING HIS TERM OF OFFICE.

REQUEST FROM THE NATURAL RESOURCE CONSERVATION DISTRICT (NRCD) FOR FUNDING FOR WATER CONSERVATION EDUCATION FOR KINDERGARTEN THROUGH 8TH GRADE STUDENTS.

Mr. Whitmer stated this is a program for water conservation education. He has been

working with other programs to encompass water conservation education for kindergarten through 8th grade. He introduced Lynda Zanolli from the Natural Resource Conservation District.

Ms. Zanolli introduced David Synder, the director of business services from Cottonwood Oak Creek School District, and they are 100 percent behind it. She also introduced the board members; Jody Allen, Chris Jensen, Chip Norton, and Jeanie Robinson. She reviewed the conversation education program and gave a presentation of one of the education activities to the Council.

Council Member Pratt stated it is a great program considering where we live and would support 100 percent and asked Mr. Whitmer asked if we have that amount in the conservation fund.

Mr. Whitmer there is a lot of money in the conservation fund.

Mayor Joens stated she has been supporting this program and we are working on it really hard, and she felt like we should do what we can to get this money back into the community.

The Council discussed how fantastic the program is.

Mr. Whitmer stated the idea of conservation really starts with our youth and he will be bringing back the other conservation part of the equation as well as part of the comprehensive conservation program. There are a couple of options; we could commit to one year and then reevaluate at the end of the year at \$16,783 and the second year would be an additional \$11,400. The materials that we would purchase would cover two years. Council could commit to either two years or one year.

Council Member Garrison stated the water conservation is collected from every water bill which is a quarter. He thinks it is an excellent use of that money.

Council Member Elinski moved that we approve the funding for the water conservation education for K-8th grade for this year as well as the following year. The motion was seconded by Council Member Garrison and carried unanimously.

APPROVAL OF A YAVAPAI COUNTY COMMUNITY FOUNDATION 2014 CANINE ENFORCEMENT GRANT AGREEMENT.

Mr. Bartosh stated this is a grant from the Yavapai County Community Foundation for \$1,000 to support vet services for our canines.

Council Member Pratt moved to approve the Yavapai County Community Foundation 2014 Canine Enforcement Grant, Contract Number 2014335, and authorize the Police Chief to sign said contract. The motion was seconded by Council Member Elinski and carried unanimously.

ASSIGNMENT OF A LEASE AGREEMENT FOR AIRPORT PROPERTY CURRENTLY HELD BY GRL, INC., TO DAKOTA TERRITORY TOURS, A.C.C.

Mr. Scott stated Larry Green leases two hangers at the airport, Hanger F and Hanger G, and would like to reassign Hanger G to Dakota Territory Tours, A.C.C. The new tenant will take over the remaining lease term. Dakota Territory Tours was originally located in Sedona and will be moving to Cottonwood.

Council Member Garrison asked if there was seven years left on this lease.

Mr. Horton stated correct.

Larry Brunner, president of Dakota Territory Tours, stated they are buying the hanger for storage. They have two helicopters and two biplanes. They have outgrown the facilities where they are at and this is a good business move for them. They employ 24 people, with 22 within the Cottonwood vicinity.

Council Member Elinski moved to approve the assignment of the lease held by Larry Green Chevrolet to Dakota Territory Tours, ACC, with the city attorney's final check list of corrections. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

APPROVAL OF A JOB ORDER CONTRACTING BID FOR INSTALLATION OF AREA LIGHTING FOR THE OLD TOWN JAIL PARKING LOT.

Mr. Mangarpan stated staff was looking for approval for the JOC bid for area lighting for the Old Town Jail parking lot. Arizona Northern Equipment was the lowest bidder at \$84,796, and they will purchase and install the lights for the parking lot.

Mayor Joens liked the antique look of the lights.

The council discussed the type of lights.

Council Member Pratt moved to award the JOC bid for the installation of area lighting in the Old Town Jail parking lot to Arizona Northern Equipment in the amount of \$84,796.00. The motion was seconded by Council Member Garrison and carried unanimously.

CLAIMS & ADJUSTMENTS

Mayor Joens moved to pay the claims. The motion was seconded by Council Member Elinski, 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.

Mayor Joens stated she sent the usual letter to Mr. Bartosh and he agreed that he would not compel us to discuss the matter in open meeting and would agree to go into executive session.

Council Member Garrison moved to move into executive session. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

After discussion under executive session, Council Member Pratt moved to convene back into regular session. The motion was seconded by Council Member Elinski and carried unanimously.

DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY MANAGER'S EMPLOYMENT AGREEMENT

Mayor Joens moved to bring back any decisions on the City Manager's salary to a future Council meeting where the public could participate. The motion was seconded by Council Member Pratt, and carried with a dissenting vote by Council Member Elinski, who stated the Council should be prepared to act on it this evening in accordance with the agenda.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Council Member Elinski, and carried unanimously. The regular meeting adjourned at 9:51 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 July 16, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date