

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD SEPTEMBER 20, 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
Matthew McLean, Deputy Clerk
Steve Horton, City Attorney
George Gehlert, Community Development Director
Douglas La Sota, City Magistrate
Nikki Arbieter, Planner
Roger Biggs, Utilities Department Administrative Manager

PLEDGE OF ALLEGIANCE

Nikki Arbeiter, the new city Planner, lead the Pledge of Allegiance. Mayor Joens presented her with a Certificate for leading the pledge.

BRIEF SUMMARY OF CURRENT EVENTS BY MAYOR, CITY COUNCIL AND/OR CITY MANAGER--
THE PUBLIC BODY DOES NOT PROPOSE, DISCUSS, DELIBERATE OR TAKE LEGAL ACTION ON
ANY MATTER BROUGHT UP DURING THIS SUMMARY UNLESS THE SPECIFIC MATTER IS
PROPERLY NOTICED FOR LEGAL ACTION

Mr. Bartosh informed the Council that last Wednesday the Humane Society hosted Wet Noses Wednesday and they raised \$4,400; Thunder Valley Rally was on the weekend; the Verde Santa Fe annexation petition has been filed and a public hearing is scheduled for October 6, 2011; on September 30, staff will be meeting with the greater Phoenix economic council to talk about partnerships for economic development; on October 7 there is an employee picnic planned; on October 1 there will be the Arizona Grape Growers Association 5k Grape Stomp and also Rhythm and Ribs; and October 15 is the Airfest.

Council Member Pratt stated he attended the Thunder Valley Rally and heard a lot of good responses.

Vice Mayor Pfeifer stated the last MATForce meeting was a joint meeting with the Cottonwood and Prescott steering committees and they are focusing on Bath Salts.

Council Member Norman stated the NAIPTA monthly board meeting was held on September 21 to discuss changes for the Cottonwood Area Transit system.

Mayor Joens stated Chief Casson was inducted to the Fire Chiefs hall of fame; she attended Sergeant Gildehaus' retirement; attended the Old Town Center for the Arts ribbon cutting; attended the 9-11 Memorial Event; attended the ribbon cutting event for lights of Jerome Inn; she announced Verde River days on September 24 and 25; she attended a canning class for the Let's Move program; on September 29 she will be attending an all day NACOG event for the area to talk about aging in the 21st Century and disabilities and older drivers; on September 25 the Cottonwood Senior Center the Party of Gold and Silver was held and a fund raiser golf tournament on October 1.

CALL TO THE PUBLIC

Kammi Mulcaire stated she and her husband are still awaiting a check from their lawsuit.

Mr. Horton stated the check has been ordered from the insurer and should be forth coming.

INTRODUCTION OF NEW EMPLOYEES

Mr. Gehlert introduced Nikki Arbeiter, the new planner for the Community Development Department.

APPROVAL OF MINUTES—Special Meeting of 6/13/11, Regular Meeting of 8/2/11, Work Sessions of 8/17/11 & 9/13/11

Mayor Joens pointed out a typo on the September 13, 2011 minutes on page 2; instead of Paul Grosetta it should read Andy Grosetta.

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

PROCLAMATIONS—VERDE RIVER DAYS, NATIONAL GUARD WEEK, & NICKELODEON PLAY DAY

Mayor Joens proclaimed Verde River Days on September 24 and 25, National Guard Week September 19 through September 23, and Nickelodeon Worldwide Day of Play on September 24.

Mayor Joens presented the National Guard Week proclamation to Luke Sefton from the Employer Support of the Guard and Reserve office in Sedona.

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 FOR JAMIE L. FULLMER, APPLICANT FOR FIRE MOUNTAIN WINES LLC, LOCATED AT 708 COVE PARKWAY

SPECIAL EVENT LIQUOR LICENSE APPLICATIONS SUBMITTED BY TERRA SHANKS, APPLICANT FOR THE VERDE VALLEY FAIR ASSOCIATION, FOR EVENTS SCHEDULED FOR OCTOBER 14 & 15, OCTOBER 22, AND NOVEMBER 19, 2011, AT 800 E. CHERRY STREET

RESOLUTION NUMBER 2606--APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT TO PROVIDE FUNDING ASSISTANCE FOR RAILROAD WASH DRAINAGE IMPROVEMENTS AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) RESTUDY PROJECT

Council Member Pratt moved to approve the consent agenda. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2606 by title only.

RESOLUTION NUMBER 2606

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT TO PROVIDE FUNDING ASSISTANCE FOR RAILROAD WASH DRAINAGE IMPROVEMENTS AND THE FEMA RESTUDY PROJECT.

NEW BUSINESS--The following items are for Council discussion, consideration, and possible legal action.

AWARD OF BID FOR ELECTRICAL GENERATOR MAINTENANCE AND REPAIR

Mr. Biggs presented for approval the bid for electrical generator maintenance and repair for the ten emergency electrical generators at facilities around the city. The generators are specialized equipment which requires annual maintenance from qualified generator specialty company. The lowest bid received was from Power Plus, from Phoenix, with a bid of \$3,669.39 per year. The contract would be for two years.

Council Member Pratt moved to award the contract for electrical generator maintenance and

repair to Power Plus and authorize the Mayor to execute the service agreement.

RESOLUTION NUMBER 2607—APPOINTING MARK HOBSON A MEMBER OF THE CITY'S INDUSTRIAL DEVELOPMENT AUTHORITY BOARD AND ESTABLISHING HIS TERM OF OFFICE

Mr. McLean presented for approval the resolutions to appoint Mark Hobson to the city's Industrial Development Authority Board for a term of six-years. Mr. Hobson has been a member of the board since it was formed in 1985.

Mr. Hobson stated the board provides a service as a means of financing certain projects to come in at a lower cost to a developer.

Vice Mayor Pfeifer moved to approve Resolution Number 2607 appointing Mark Hobson to a six-year term on the Industrial Development Authority Board. The motion was seconded by Council Member Norman and carried unanimously.

Mayor Joens requested the Deputy Clerk to read Resolution 2607 by title only.

RESOLUTION NUMBER 2607

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING MARK HOBSON A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD FOR THE CITY OF COTTONWOOD AND ESTABLISHING HIS TERM OF OFFICE.

RESOLUTION NUMBER 2608—APPOINTING SHILOH HOGGARD A MEMBER OF THE CITY'S INDUSTRIAL DEVELOPMENT AUTHORITY BOARD AND ESTABLISHING HIS TERM OF OFFICE

Mr. Hoggard stated there was some success for his last term with the funding for the Verde Valley Guidance Clinic (expansion), and he looks forward to serving.

Council Member Dowling moved to approve Resolution Number 2608 appointing Shiloh Hoggard to a four-year term on the Industrial Development Authority Board. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested City Clerk to read Resolution 2608 by title only.

RESOLUTION NUMBER 2608

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING SHILOH HOGGARD A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD FOR THE CITY OF COTTONWOOD AND ESTABLISHING HIS TERM OF OFFICE.

ORDINANCE NUMBER 579—AMENDING SECTION 404.O: ANIMALS AND PETS OF THE CITY OF COTTONWOOD ZONING ORDINANCE BY ADDING A NEW SUB-SECTION a. TO SECTION O. 1. HOUSEHOLD PETS; AMENDING SUB-SECTION 2. SHOW ANIMALS, OF SECTION 404. O. ANIMALS AND PETS; ADDING A NEW SUB-SECTION 8., TO SECTION 413.B: R-1 ZONE (PERMITTED USES); AND ADDING A NEW SUB-SECTION 11. TO SECTION 414. B: R-2 ZONE (PERMITTED USES); FIRST READING

Mr. Gehlert presented the Ordinance for first reading to amend the zoning ordinance. The new ordinance was previously discussed at the September 13, 2011 Work Session. The new ordinance would allow homeowners to keep chickens on their property.

The Council discussed the different residential zones within Cottonwood.

Mr. Gehlert showed the R1, R2, R4 and MH residential zones on a map. The minimum lot size on the Mobile Home zone is 5,000, while most of the other zones are 7,500. Some of the older home sites have smaller lots and some are below 5,000. Some of the lots in the R2 zone, mostly in the Old Town area are below 5,000. The ordinance would require a setback of 15 feet from the property boundaries (for containment areas).

Council Member Pratt stated he believed the 15 feet would accommodate any lot size. He also asked if there would be a cost for the permit.

Mr. Gehlert stated they have not established that yet. It would be an annual permit with some sort of fee.

Council Member Pratt stated Camp Verde allows the keeping of the chickens subject to the nuisance code and would like the ordinance to be subject to that.

Council Member Elinski stated if they could meet the setback requirements, then they should be allowed to keep chickens.

Mayor Joens agreed.

Council Member Pratt agreed as long as the people can get the setback, lot size shouldn't matter. But doesn't think it would be appropriate for the mobile home zone.

Mayor Joens stated it shouldn't matter if you live in a mobile home or a house as long as they can meet the 15 feet standard. Mayor Joens also pointed out that Home Owner Associations (HOA) might pass laws to the contrary of this ordinance.

Mr. Gehlert stated the HOA could make something stricter than the code, but it would be on them to enforce it.

Council Member Jauregui stated if they can meet the 15 feet standard it should be allowed in mobile home parks as well. He also wanted to know where it would be appropriate to kill

a chicken and would like to see that part of the ordinance disappear.

Mayor Joens and Council Member Pratt both agreed. Mayor Joens stated she believed that staff was concerned about there being yucky smelly stuff outside.

Council Member Pratt stated this would be covered under the nuisance code.

Council Member Elinski stated six chickens is a little low. There is not a lot of difference between six hens versus 12 hens and would allow a family to have more eggs.

Council Member Jauregui stated he agreed with keeping 12 chickens.

Council Member Pratt stated he is fine with a dozen chickens.

Mary Eichman asked if a neighbor's dog barks at the chickens would they be cited for a nuisance.

Council Member Jauregui stated he doesn't think it will be a problem.

Vice Mayor Pfeifer stated her neighbor had chickens and her dogs don't pay attention to the chickens.

Mr. Horton stated the Council's direction to staff should be to come back with a revised ordinance.

After the Council discussed the ordinance, Council directed staff to revise the ordinance to allow keeping of chickens in the R1, R2, R4 and MH residential zones, and allow 12 chickens per household.

RESOLUTION NUMBER 2609—APPOINTING FRANK LEUPOLD A MEMBER OF THE CITY'S MUNICIPAL PROPERTY CORPORATION

Mr. McLean stated Mr. Leupold has been serving on the MPC board for two terms and is seeking a third term.

Council Member Pratt moved to approve Resolution Number 2609, appointing Frank Leupold to the MPC for a three-year term that expires September 1, 2014. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens requested the Deputy Clerk to read Resolution 2609 by title only.

RESOLUTION NUMBER 2609

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING FRANK LEUPOLD A MEMBER OF THE CITY'S MUNICIPAL PROPERTY CORPORATION.

RESOLUTION NUMBER 2610—APPOINTING PAUL D. JULIEN AS A PRO TEMPORE CITY MAGISTRATE AND ESTABLISHING HIS TERM OF OFFICE

Judge La Sota gave an update to the Council regarding the court. He stated Judge Julien is very valuable to the city and the court is happy to have him on board for another two years.

Council Member Elinski moved to approve Resolution Number 2610, appointing Mr. Paul Daniel Julien to another two-year term as Judge Pro Tem. The motion was seconded by Council Member Pratt and was carried unanimously.

Mayor Joens requested Deputy Clerk to read Resolution 2610 by title only.

RESOLUTION NUMBER 2610

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING PAUL DANIEL JULIEN AS A PRO TEMPORE CITY MAGISTRATE AND ESTABLISHING HIS TERM OF OFFICE.

ACCEPTANCE OF THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) FISCAL YEAR 2012 GRANT FOR RESCUE EXTRICATION EQUIPMENT FOR THE COTTONWOOD FIRE DEPARTMENT

Mr. Bartosh stated this grant would allow the fire department to purchase rescue extrication equipment and is fully funded.

Council Member Norman moved to approve the Governor's Office of Highway Safety fiscal year 2013 Grant, Contract 2012-EM-002, in the amount of \$11,981 and authorize the Fire Chief and City Manager to sign said contract. The motion was seconded Vice Mayor Pfeifer and carried unanimously.

CLAIMS & ADJUSTMENTS

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

ADJOURNMENT

Mayor Joens moved for adjournment. The motion was seconded by Council Member Norman and carried unanimously. The meeting adjourned at 7:25 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 regular meeting of the City Council of the City of Cottonwood held on September 20, 2011. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date