

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD SEPTMBER 3, 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
Terence Pratt, Council Member

COUNCIL MEMBERS ABSENT

Ruben Jauregui, Council Member

STAFF MEMBERS PRESENT

Steve Horton, City Attorney
Matthew McLean, Deputy Clerk
Rudy Rodriguez, Administrative Services General Manager
Douglas LaSota, City Magistrate
Morgan Scott, Development Services Operations Manager
Hezekiah Allen, Recreation Services Supervisor (Aquatics, Youth & Special Events)
Michael Kuykendall, Fire Chief
Bruce Morrow, Transportation Manager

PLEDGE OF ALLEGIANCE

Christopher Dedrick led the pledge of allegiance and Mayor Joens presented him 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. Rodriguez stated today was the ground breaking ceremony for the 10th Street project and it will be completed in about 90 days; today was also the ribbon cutting ceremony for the new playground equipment at Riverfront Park; the third annual Veteran's Classic Disc Golf Event will be held on November 10; APS is cutting down paradise trees in the Old Town area and replacing them with Arizona ash; Administrative Services has moved back into their building; 12th Street has utilities going in ground; the water play apparatus for the Recreation Center is still moving forward and will be installed during the fall shutdown in November; the Civic Center abatement is moving forward and they are checking for mold,

lead and asbestos; the parking lot near Old Town Jail has completed the stone work; the Yavapai College reclaimed water line should break ground in the next month.

Council Member Garrison stated he gave the Council some information from NACOG and the effect of the federal sequestration and how it will impact the local jurisdictions for funding of local programs.

Vice Mayor Pfeifer stated she attended the intergovernmental meeting and received an update from ADOT about the roundabouts on 260. There will be seven much larger roundabouts.

Mayor Joens announced last Monday they met with citizens of the community to christen the new Cliff Rose Trail; several members of the council attended the Arizona League of Cities and Towns conference the last week of August; she attended the Arizona Municipal Risk Retention Pool meeting; and she reviewed the meetings that occurred at the League conference.

Council Member Pratt stated a lot of the cities and towns were impressed with what Cottonwood is doing in revitalizing Old Town.

Vice Mayor Pfeifer stated she wasn't able to attend the whole League but did attend with the Chamber one day and other cities and towns are using us as an example of how to do things right.

PROCLAMATIONS—VERDE RIVER DAY

Mayor Joens proclaimed September 28, 2013, as Verde River Day and presented the proclamation to Lori Thompson from the Verde Independent.

CALL TO THE PUBLIC

INTRODUCTION OF NEW EMPLOYEES—CHRISTOPHER DEDRICK, HEAD LIFEGUARD

Mr. Allen introduced Christopher Dedrick, the new head lifeguard.

APPROVAL OF MINUTES—REGULAR MEETINGS OF AUGUST 6 & 20, 2013

Mayor Joens stated she did not have time to read the minutes and moved to table the minutes. The motion was seconded by Council Member Pratt and carried unanimously.

NEW BUSINESS

UPDATE ON THE THUNDER VALLEY RALLY AND RHYTHM & RIBS EVENTS

Mr. Allen invited representatives from 4-Coyotes to give an update on the advertising for the Thunder Valley Rally event and representatives from G-Rock productions to give an update on the advertising for the Rhythm & Ribs event.

ORDINANCE NUMBER 600--RELATING TO THE PERMISSIBLE HEIGHT OF WIRELESS COMMUNICATIONS FACILITIES, AND AMENDING SECTION 404.H.8.b OF THE CITY'S ZONING ORDINANCE; FIRST READING.

Mr. Horton stated he has primarily been working with Planning and Zoning on this matter. Our current zoning ordinance is pretty rigid in terms of the maximum allowable height of cell tower wireless communication facilities, it is sixty feet no exception. Staff is researching and drafting a pretty comprehensive rewrite of that section of the zoning ordinance. In the meantime, we discovered the need to inject a little flexibility, with the council's approval, into that section of the zoning ordinance and allow an extra 30 feet, but only upon a certain showing. That showing is first made to Planning and Zoning Commission. The commission would make a recommendation to the council, who would accept or reject the recommendation. This ordinance would allow the flexibility for the council to consider it in the near future.

Council Member Elinski stated he read through it and it seems pretty cut and dry, and he hopes that we have staff on hand that can verify the experts.

Mr. Horton invited Greg Lake to speak who is representing the applicant.

Mr. Lake stated he is an attorney who is representing AT&T and also Capital Telecom. They appreciate the city staff that has done a terrific job of working with them and coming up with a solution that makes sense for the city and for the telecom industry. They would come in and provide the same analysis that they would have to provide a federal court, but we don't want to get there.

Council Member Garrison stated he is kind of curious about why they are picking this site, when we have a geographical site in the area that would allow them to have a lower tower and still get the reach out of this 90 foot tower--the two water tanks on top of the hill.

Mr. Horton stated he is a little concerned about getting into the proposal, because what we are trying to do right now is see if the Council is amenable to changing the code to allow the applicant to come forward with that evidence. That evidence will include all the discussion of any alternatives.

Council Member Garrison stated he is not inclined to putting up a 90 foot tower around town, especially putting one right in the center of town, regardless that it is an industrial area. It is a focal point and we are in the process of getting rid of the slag pile, which has been a huge eyesore, and it is nowhere near 90 feet tall.

Mayor Joens stated the way she understands it, those issues will be discussed at the Planning and Zoning level and then be elevated to council for consideration.

Mr. Horton stated those discussions have been had and will be had again in the context of this and future proposals; first with staff, than with Planning and Zoning and then with this council. No exception with the 60 foot height limitation will be granted until it comes before the council.

Council Member Garrison stated what is being asked is to open the door, and that is what he is uncomfortable with.

Mr. Horton stated that is true.

Mr. Lake stated there are two prongs that they have to meet under this new ordinance, and they are the same prongs that the federal district court or case law would require them to meet. The first is they have to show a significant gap in their coverage, and the second prong is they have to show this that this would be the least intrusive way to fill that gap.

Mayor Joens stated if we don't have an ordinance allowing this process then we will be tied into things that we might not want to be tied into and we won't have a choice.

Mr. Horton stated absent a change in this ordinance, he thinks the other solution would be more smaller towers where the applicant would be entitled to place them or a federal lawsuit evaluating whether or not the 90 foot tower is the least intrusive alternative to address a significant gap in coverage.

Mayor Joens stated she believes Council Member Garrison's questions are good and a lot of citizens would feel the same way.

Mayor Joens then requested the Deputy Clerk read Ordinance Number 600 by title only.

ORDINANCE NUMBER 600

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, RELATING TO THE PERMISSIBLE HEIGHT OF WIRELESS COMMUNICATIONS FACILITIES, AND AMENDING SECTION 404.H.8.b OF THE CITY'S ZONING ORDINANCE

RESOLUTION NUMBER 2714—APPOINTING PAUL DANIEL JULIEN AS A PRO TEMPORE CITY MAGISTRATE AND ESTABLISHING HIS TERM OF OFFICE.

Judge LaSota stated Paul has already served two full terms and is one of the most experienced Judges in the state because he trains all the judges in the state.

Council Member Elinski moved to approve Resolution Number 2714. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2714 by title only.

RESOLUTION NUMBER 2714

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.

RESOLUTION NUMBER 2715—APPOINTING E. LYNN RIORDAN AS AN ASSOCIATE MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

Judge LaSota reintroduced Ms. Riordan to the council and stated she was appointed last year as a civil traffic hearing officer. All the attorneys think she does an excellent job. This would give the court more coverage. She has over 20 years of experience within the judicial system of Yavapai County.

Mayor Joens stated we have seen her extensive resume in the past and she thinks the council communications are pretty explanative. She would just like to say that the way he has created this with the idea of saving funds but also providing the best magistrate possible has been really appreciated and she thinks he has done a great job. It makes things easier for our citizens and those who would be coming to the court that someone is always there for their needs.

Council Member Pratt moved to approve Resolution Number 2715 appointing E. Lynn Riordan to a two year term as an associate magistrate for the municipal court. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2715 by title only.

RESOLUTION NUMBER 2715

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPOINTING E. LYNN RIORDAN AS AN ASSOCIATE CITY MAGISTRATE AND ESTABLISHING HER TERM OF OFFICE.

RESOLUTION NUMBER 2716—APPROVING AN AGREEMENT WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS FOR THE USE OF COMMUNITY SERVICE BLOCK GRANT FUNDS AND SOCIAL SERVICES BLOCK GRANT FUNDS FOR THE COTTONWOOD AREA TRANSIT SYSTEM.

Mr. Morrow stated this is something that we have applied for this grant last year, and it is a good program for a lot of our folks that can't afford the full fair. The NACOG grant provides \$1.25 for each ride.

Council Member Elinski stated he is worried about setting up expectations that we can't meet in the future, and asked if we will continue to receive this grant.

Mr. Morrow stated to the best of his knowledge they will. They had some concerns last year that it was going to be cut, but it was not and it is the same amount that we received last year.

Council Member Pratt moved to approve Resolution Number 2716 authorizing the city to enter into an intergovernmental agreement with the Northern Arizona Council of Governments for community services block grant and social services block grant funding for fiscal year 2014. The motion was seconded by Council Member Elinski and carried unanimously.

Mayor Joens requested the Deputy Clerk read Resolution Number 2716 by title only.

RESOLUTION NUMBER 2716

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN AGREEMENT WITH THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS FOR THE USE OF COMMUNITY SERVICE BLOCK GRANT FUNDS AND SOCIAL SERVICES BLOCK GRANT FUNDS FOR THE COTTONWOOD AREA TRANSIT.

REJECTION OF BIDS RECEIVED FOR TRANSFER STATION HAULING SERVICES.

Mr. Scott stated we placed a bid for hauling services and Waste Management was the only company to supply a bid, but had several recommendations for changes in the contract. We started to go through with them Waste Management and they want an ability to adjust the price and it would only relate to when a state agency came up with a new fee. However, after staff looked at those things, they decided the best way to handle this was to reject the bids and rewrite the contract. Waste Management has a concern with rejecting the bids, since everyone will now know their prices right now.

Louis Black from Waste Management asked the council to table this item so their attorney and the city attorney can solve this contract problem. If we they can't resolve it, then reject the bids. If it was rebid it might not be up for consideration again until November or December.

Mr. Horton stated he would be happy to work on it with staff's view of the proposal.

Mr. Scott stated we would continue the service at the old price until a new contract is signed.

Council Member Pratt moved that we table this item. The motion was seconded by Vice Mayor Pfeifer and carried unanimously.

AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE INSTALLATION OF AN AUTOMATED WEATHER OBSERVATION SYSTEM AT THE COTTONWOOD AIRPORT, SUBJECT TO REVIEW AND APPROVAL OF THE AGREEMENT BY THE CITY ATTORNEY.

Mr. Scott stated we are out to bid for the AWOS right now and the way the FAA policies work is the FAA does not officially award the grant until they have hard bid prices. Since we are coming up at the end of the federal fiscal year, the FAA has asked us to put hurry on this, and he is asking the council for authority for the Mayor to execute the grant with the city attorney's advice. The grant should be about \$175,000. The FAA would fund 91.1 percent and city would responsible for 8.9 percent of the amount, but ADOT would fund about 4 percent.

Mayor Joens stated this has been talked about for several years.

Mr. Scott stated the Airport Commission is very excited about it. A side benefit is that you will be able to call into it and have the real time weather in Cottonwood.

Vice Mayor Pfeifer moved to authorize the Mayor to execute a grant agreement with the Federal Aviation Administration for construction of an Automated Weather Observation System at the Cottonwood Airport, subject to review and approval of the grant agreement by the city attorney. The motion was seconded by Council Member Elinski and carried unanimously.

CLAIMS & ADJUSTMENTS

Council Member Elinski moved to pay the claims. The motion was seconded by Council Member Pratt and carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. The motion was seconded by Vice Mayor Pfeifer and carried unanimously. The regular meeting adjourned at 7:24 p.m.

Karen Pfeifer, Vice 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 3, 2013. I further certify that the meeting was duly called, and that a quorum was present.

Matthew McLean, Deputy Clerk

Date