

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 20, 2009, 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
Tim Elinski, Council Member
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member
Darold Smith, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager
George Gehlert, Community Development Director
Richard Faust, Parks & Recreation Director
Tim Costello, City Engineer
Kyla Allen, Executive Assistant to the City Manager
Denver Hughes, Firefighter
Dewayne Hoke, Firefighter
Troy Hoke, Firefighter

Marianne Jiménez, City Clerk
Dan Lueder, Utilities Director
Larry Wright, Firefighter
Ky Flagg, Firefighter
Joe Odell, Firefighter
Bryan Smith, Firefighter
Greg Gaiser, Firefighter

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was led by Molly, Claudia, and Kelly Gooslin. Mayor Joens requested Vice Mayor Pfeifer and Council Member Elinski to assist her in presenting certificates of appreciation to the girls.

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 the city held its Airport Appreciation event this last Saturday which was probably successful beyond expectations, and it was estimated there were about 1,500 attendees. On October 9, the Fire Department held an open house and there were about 300 people who attended. He wanted to advise the Council and the community that the Police Department had taken a very aggressive underage drinking enforcement effort. Over the last couple of weeks he had sent information to the Council showing the number of underage arrests they were getting. This had been a very successful program and was

something the community would continue to see—strong underage drinking enforcement and alcohol selling enforcement from our local liquor establishments. The Fire Department was also doing public education in schools teaching young people about fire prevention. He wanted to remind the Council and the community that they were preparing for the Walkin' on Main event on November 19. He also mentioned that he, the Mayor, Mr. Lueder and Mr. Horton met with the Cottonwood Ranch Community Association last night. There were some issues surrounding backflow enforcement/inspection, and at the urging of Council Member Smith they met with close to 100 people. He thought it was a good meeting and they would continue to work with the association to educate folks and work with them and try to make sure this requirement related to backflow devices was dealt with as painlessly as possible.

Council Member Kirby stated last Wednesday he had chaired his first meeting as Chairman of the Advisory Council of the NACOG Area Agency on Aging. We had three members from Cottonwood who were on that advisory council. On Friday night he attended the Mingus Union High School football game which the Marauders won by a score of 53-6. His grandson plays football and they were 7 and 0 on this season. This week, Thursday, he would be attending the regular bi-monthly meeting of the NACOG regional council in Flagstaff.

Council Member Norman stated there would be a NAIPTA meeting here in Cottonwood at the public safety building tomorrow morning at 10 a.m. for anyone that wanted to attend.

Mayor Joens stated she would go ahead and share a few of the things she had been participating in and she knew that many Council Members had also participated in. On October 9 the Cottonwood Fire Department held an open house and it was a great event for the community. She wanted to thank the Fire Department for doing a great job in reaching out to the citizens of Cottonwood. On October 10 she attended the 60th wedding anniversary of Duane and Charlene Kirby at Faith Lutheran Church. She and her husband Paul would celebrate their 39th wedding anniversary on October 24. On October 10 she attended an art exhibit at Jerona's by Kyla Allen, the City Manager's executive assistant. On October 14 the City Manager and she attended an APS energy seminar in Sedona and learned that APS understands they have a responsibility both as a provider and steward of energy in Arizona to not only plan appropriately, but also communicate with their stake holders and customers. The APS President, Don Robinson, shared the APS's vision of a sustainable vision of a sustainable energy future in the state. On October 19 many of us were able to attend the Brian Mickelsen Parkway dedication and it was a very nice ceremony with Linn Mickelsen in attendance. On October 20 Fire Chief Casson and she read to the children at the library's after school program. Tomorrow was the Water Advisory Committee meeting at 2 p.m. One of the items they will be discussing is a letter to the Governor concerning the Arizona Department of Water Resources. As some may have heard, their budget may be cut 15 percent and this will delete all of the rural water programs they have been working on, including the Bureau of Reclamation study. She encouraged individual Council Members to write or call the Governor if they so wished. Tomorrow, on Wednesday, the Council and staff will host an open house for the public to share the City of Cottonwood's services as part of Cities and Towns week. On October 22 Chief Fanning and she, and any Council Members who wished to attend, were going to read to the children at the library at

10 a.m. She wanted to thank Marianne Jiménez, the City Clerk, who planned the League of Cities and Towns week for us. She believed Council Member Norman and Vice Mayor Pfeifer will be participating in Project WET. Also, Sharon Caldwell and Debbie Breitreutz will be working with 400 fourth graders to learn about water and how to conserve it.

CALL TO THE PUBLIC

Mr. Bob Oliphant, of Cottonwood, stated he wanted to thank Mayor Joens, Councilman Smith, the City Manager, the City Attorney, and the water utility director for appearing at their Cottonwood Ranch board meeting last night. There were approximately 100 residents of the 120 who had received letters in attendance at the one hour open forum. He also wanted to thank Mayor Joens for stepping in last Thursday and Friday after possibly she received a large number of e-mails, and she ended the threats being initially made to the residents of Cottonwood Ranch that their water would be turned off if they didn't yield to the demands in the letter being made by the Utility Department. The date was set for water turn off if there was no compliance of November 6, 2009. He also wanted to express his appreciation to the water utility for its apologies last night for its initial behavior in handling the backflow emergency fiasco, and in particular how the first notice was handled to the residents of Cottonwood Ranch. He believed the Ranch board, he was not speaking for it however, will follow his recommendation that they cooperate with the city by virtually removing all emergency backflow devices from single-family homes in Cottonwood Ranch. Although he believed the board and others will work with the city in this effort when the city is essentially demanding removal of emergency backflow devices from single-family homes, this does not mean that the folks in Cottonwood Ranch agree with the city and its handling of the backflow issues. They had talked to the original contractors, the original water suppliers, looked at web sites from other cities on how they handled this issue and talked to experts in emergency backflow devices and others and asked them to give us their opinion about how Cottonwood is proceeding. So far they had not been able to find one entity that supports what Cottonwood is doing in this effort. He even suggested that because of the ambiguity apparently in the law that we submit a friendly consent order to a superior judge and allow that judge to issue a decision on how the state law would be applied. He felt this would give the city tremendous credibility especially if it was persuaded in the right direction. This was turned down. We found that every one of our requests has been rejected except for the kind, and he thought, courageous intervention by the Mayor on Thursday and Friday, and with her, he believed direction, a second letter was issued. Again, he thanked the Council very much and stated that letter was helpful to begin explaining much more what the city was doing. As a practical matter, and because we believe it was only because of the Mayor's courageous intervention the city has changed its behavior, they decided that for about \$40 the residents of Cottonwood Ranch were going to quote "wash their hands" unquote, of the relationship with the city in emergency water backflow devices. These devices were required 10 years ago when Cottonwood Ranch was built. They apparently were are no longer not required in most instances, but they are virtually being banned.

PRESENTATION TO FIREFIGHTER/PARAMEDIC, TROY HOKE, THE JASON SCHECHTERLE FIREFIGHTER OF THE YEAR AWARD

Chief Casson stated this was a very auspicious award that is presented to a firefighter across the State of Arizona annually at the Jason Schechterle ball. This is the first time anyone from the City of Cottonwood has been nominated, much less selected for the award. This award nomination was generated by one of Troy's peers who was in the audience tonight, Firefighter/Engineer Larry Wright, that was based on the extracurricular efforts that Firefighter Troy Hoke, has made to educating young people in our community in doing the right thing, and making the right decisions. Even young people who have gone wayward of the law and have been put in a probationary situation; he has put together an academy by a group of our firefighters that spend a day with these kids and help them make the right decisions in life and show them they can turn their life around and get headed in the right direction. He has worked with the high school in a number of projects through the weight training program, and CPR training with the sports medicine program. He is a coach in the youth league programs in the community and has gone way above and beyond the call of duty as a firefighter in the organization and truly exemplifies a community based firefighter.

Mayor Joens stated it was a great honor to attend that event in Tempe, and she was so proud of Firefighter Hoke. It was amazing to think of the caliber of employee serving the citizens of Cottonwood that we have that would be chosen state-wide to be recognized for this award.

Mayor Joens then asked all of the Firefighters (Dewayne Hoke, Larry Wright, Ky Flagg, Joe Odell, Denver Hughes, Greg Gaiser, and Bryan Smith) and Chief Casson and the City Manager to assist in presenting Firefighter Hoke his plaque.

PROCLAMATION—COMMUNITY PLANNING MONTH

Mayor Joens read a Proclamation declaring the month of October as Community Planning Month in the City of Cottonwood.

APPROVAL OF MINUTES—Regular Meetings of 9/15/09 & 10/6/09 & Special Meeting of 10/6/09

Mayor Joens stated she had one correction on page 25 of the October 6 minutes where it stated "Mayor Joens stated that there was absolutely no development interest in that property it was never discussed in executive session." She asked the City Clerk to actually go back to the record and transcribe what she had actually said, which she read and requested the City Clerk go and type exactly what was stated at that time, otherwise it just seemed a little bit sketchy for the public to understand what was actually said.

Council Member Kirby moved to adopt the minutes as corrected. Motion was seconded by Council Member Elinski, and carried unanimously.

OLD BUSINESS

ORDINANCE NUMBER 550—AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL,

CHAPTER 2.104, SENIOR COMMISSION, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD; BY DELETING SECTION 2.104.040 NUMBER AND COMPOSITION OF VOTING MEMBERS, AND REPLACING IT WITH A NEW SECTION 2.104.040 NUMBER AND COMPOSITION OF VOTING MEMBERS; AND DELETING SECTION 2.104.060 TERMS OF OFFICE, AND REPLACING IT WITH A NEW SECTION 2.104.060 TERMS OF OFFICE; SECOND & FINAL READING

Mr. Jiménez stated the first reading of this Ordinance was held at the last Council meeting. This change was initiated by the Senior Commission who was requesting the Council change the membership requirements of the Senior Commission to consist of at least seven voting members, all at least 18 years of age and residing in the Verde Valley. In addition, four of the seven members must be at least 55 years of age and at least two of those voting members be involved in providing services to senior citizens. Ordinance Number 550 provides for the amendment to the membership requirements of the Senior Commission as recommended by the Senior Commission.

Mayor Joens asked the Council if there was any discussion on this item. There was none.

Mayor Joens then opened the floor to the public for comments on this Ordinance. No one from the public chose to speak.

Council Member Pratt moved to approve Ordinance Number 550 amending the membership requirements for the Senior Commission. The motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens requested the City Clerk read Ordinance Number 550 by title only.

ORDINANCE NUMBER 550

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.104, SENIOR COMMISSION, OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD; BY DELETING SECTION 2.104.040 NUMBER AND COMPOSITION OF VOTING MEMBERS, AND REPLACING IT WITH A NEW SECTION 2.104.040 NUMBER AND COMPOSITION OF VOTING MEMBERS; AND DELETING SECTION 2.104.060 TERMS OF OFFICE, AND REPLACING IT WITH A NEW SECTION 2.104.060 TERMS OF OFFICE.

CONSENT AGENDA

WINE FESTIVAL/WINE FAIR LIQUOR LICENSE APPLICATIONS FOR CADUCEUS CELLARS, LLC; FREITAS VINEYARD; JAVELINA LEAP VINEYARD & WINERY; PILLSBURY WINE CO.; AND OAK CREEK VINEYARDS & WINERY FOR THE WALKIN' ON MAIN EVENT SCHEDULED FOR NOVEMBER 14, 2009

PAY APPLICATION NUMBER 9 FOR THE COTTONWOOD RECREATION CENTER PROJECT

APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH IMMIGRATION AND CUSTOMS ENFORCEMENT FOR THE REIMBURSEMENT OF COSTS INCURRED BY THE COTTONWOOD POLICE DEPARTMENT FOR JOINT OPERATIONS/TASK FORCES

EXTENSION OF LEASE FOR AN INITIAL THREE MONTH PERIOD FOR THE UTILITY DEPARTMENT'S FACILITY LOCATED AT 319 SOUTH SIXTH STREET

Mayor Joens requested item number 4 (Extension of lease for an initial three month period for the utility department's facility located at 319 South Sixth Street) be removed from the Consent Agenda.

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

EXTENSION OF LEASE FOR AN INITIAL THREE MONTH PERIOD FOR THE UTILITY DEPARTMENT'S FACILITY LOCATED AT 319 SOUTH SIXTH STREET

Mr. Lueder stated the Utility Department has been subleasing its facility at 319 South Sixth Street from Waste Management since March 2006. Waste Management was the primary lessee who had held a lease on that property since 1999. The city's sub-lease expires at the end of this month. It had been hoped that planning on our new facility would have moved along quicker than it has, but it was just now going out to bid. Negotiations with the leaseholder, Mr. Taylor, have resulted in the agreement for an initial three month lease with a month-to-month option after that, in case our building takes a little bit longer to complete. We were paying Waste Management \$3,400 a month. They are actually paying \$8,907.33. Mr. Taylor was willing to lease it to us for \$5,500 per month plus the \$833.33 in sales tax they were paying, raising our cost to \$6,454.33 per month, but less than Waste Management was paying.

Mayor Joens stated the reason she asked this to be pulled was because she had heard in the community that some community members have been saying "why in the world have they purchased that building" (the Foxworth Building) and she thought this item really explained why the City Council voted to purchase that building. When she added up the rent, the new rent of \$6,454 plus the \$833 for the taxes, that came out to \$77,451 a year. And, likely when Waste Management lost their lease and no longer had it, we likely would have been asked to pay the full amount of the lease to keep that building, which was \$8,907 a month. And that would be \$106,000, almost \$107,000, a year rent for a building that didn't work very well for us. Our base price for the Foxworth Building was \$600,000, so you can see in how short of a time we will have both the building and the improvements paid off and the citizens of Cottonwood will have a very nice property whereas had we continued to rent we would have had nothing in the end. She just wanted to be sure the citizens of Cottonwood understood how important it was for the Council to go ahead and purchase that property for our Utilities Department.

Council Member Smith moved to enter into a lease with His and Hers Investments for the facility located at 319 South Sixth Street, Cottonwood, Arizona, for a monthly lease charge of \$5,621, plus property tax in the amount of \$833.33, for an initial three month period with the option to renew on a monthly basis after the initial lease period. The motion was seconded by Vice Mayor Pfeifer.

Council Member Norman asked why the rent says \$5,621 when down below in the background it says it's going to be \$5,500.

Mr. Lueder stated the \$5,500 was the base, with the city property tax on top of that. The difference of \$121 will be coming directly back to the city.

Mayor Joens asked if anyone from the public wished to comment. There were no comments from the public.

The motion carried unanimously.

NEW BUSINESS

RESOLUTION NUMBER 2479—APPOINTING A MEMBER TO THE SENIOR COMMISSION

Ms. Jiménez stated she did not know if the Mayor had received the e-mail she had sent her late in the day indicating that the applicant had an emergency which she had to attend to and was unable to appear at the meeting tonight.

Mayor Joens stated she did not receive it. She had received a call today from Elaine Bremner, who is the acting chair of the Senior Commission, and her suggestion was that these applicants be presented to the Senior Commission for a recommendation to Council. We actually cannot discuss that tonight because it's not on the agenda. We have a choice of two things; we could table it to create an agenda where we could discuss that or we could go ahead with the nomination of this candidate.

Council Member Kirby stated since the nominee isn't here, we won't have a chance to visit with her, and suggested that we table this for the next meeting and at that time make a resolution to present this information to the Senior Commission prior to our adopting a resolution appointing a member.

Mayor Joens stated that was a great idea and they would send it back to the Senior Commission for discussion.

Council Member Pratt stated he could support that.

Mayor Joens asked if she heard a motion along those lines.

Council Member Kirby stated, I move. Council Member Norman seconded the motion which

carried unanimously.

Ms. Jiménez asked for clarification on what the motion was, as there was no actual motion made.

Council Kirby stated the motion was to table this item until our next meeting and in the meantime present information to the Senior Commission for recommendation to the Council.

ORDINANCE NUMBER 551--AMENDING THE CITY OF COTTONWOOD EMPLOYEE MANUAL 2007 EDITION, REVISION NUMBER I., BY DELETING SECTION 33., CHARITIES, DONATIONS, SOLICITATION, & ADVERTISING, IN ITS ENTIRETY; AND ADDING A NEW SECTION 33., CHARITIES, DONATIONS, SOLICITATIONS, & ADVERTISING; FIRST READING

Mr. Rodriguez stated currently the City of Cottonwood had some really restrictive rules as far as the city organizing to help out charities. We can participate in charity functions, but we cannot have our own charitable gatherings to do fundraising for local agencies. The city would like to go ahead and support our local agencies by being able to organize events and encourage city employees and their families to participate in different types of events. Currently the city of Cottonwood was trying to put together a bowling tournament and the proceeds would go to one or two of the charitable organization in the City of Cottonwood.

The old policy allowed city employees to contribute to charities of their choice but didn't allow them to go ahead to list it, contribute, and join together to support other charities. It didn't allow for the city to actually put together work time to support any outside organizations. The policy now allows minimal amounts of time for employees to help organize the city staff to go ahead and put together city functions to support local agencies. There were no contributions, time or money in the past. Now we will be allowing nominal amounts of time and also, of course, efforts to go ahead and raise funds for an outside agency. We still will not be allowing non-profit organizations just to come by and drop pamphlets and everything else without the City Manager's approval.

Two things the new policy does for us; one, it will allow the city to organize and put together charitable events that support the community, and, two, it will provide much needed bonding between the different departments. We've grown a lot over the last ten years or so, and it seems like every time we turn around we've got new firefighters, new police officers, new people in my staff that have no clue who else is around the organization. We'd like to go ahead and use these events to try to set it up for bonding opportunities for the city to meet other employees, new employees as well as old colleagues.

Council Member Smith stated he thought it was a wonderful idea and questioned what a nominal amount of work time meant.

Mr. Rodriguez stated he thought it was very hard to designate. What we were looking at here was as long as it does not interfere with the course of work or does not interfere with the

responsibilities or flow of work, it should not be a problem. Supervisors will go ahead and govern that.

Mr. Bartosh stated maybe he could provide an example. For instance, each year the police officers participate in "Shop with a Cop". We know that there is some amount of preparation that goes on during their on duty time. But it's up to the supervisor or the department head to ensure that that time does not interfere with the primary mission of the department. That's why it's hard to quantify this exactly in terms of the hours, because it may differ from charity to charity, event to event, department to department. We would like the ability to leave it up the department heads, the supervisors, the City Manager, to make those determinations as to what point is it no longer nominal; it's getting to be too much.

Mayor Joens stated each manager has proven time and again that they have the citizens' interest at heart, ensuring that the police work is done and the fire work, etc., is done, so if all the employees do is charitable work, then you all will be the one who answer for work not getting done. They really are working and serving the community still when they are participating. Almost anything they choose to do will have added benefit to the public.

Mr. Bartosh stated we just have to be cautious about when it crosses the line in terms of interfering with the primary mission of the city or that particular department.

Mr. Rodriguez stated one of the things this change also does for us is it allows us to go ahead and have employees participate in charitable organizations as volunteers and not necessarily as a city function requiring pay.

Mayor Joens asked if anyone from the public want to speak on this item. There were no comments from the public.

Mayor Joens asked the City Clerk to read the first reading of Ordinance Number 551 by title only.

ORDINANCE NUMBER 551

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE CITY OF COTTONWOOD EMPLOYEE MANUAL 2007 EDITION, REVISION NUMBER I., BY DELETING SECTION 33., CHARITIES, DONATIONS, SOLICITATION, & ADVERTISING, IN ITS ENTIRETY; AND ADDING A NEW SECTION 33., CHARITIES, DONATIONS, SOLICITATIONS, & ADVERTISING.

ESTABLISHING A TEMPORARY H1N1 EMPLOYEE ASSISTANCE PROGRAM TO HELP CITY EMPLOYEES THAT BECOME AFFLICTED WITH THE H1N1 VIRUS

Mr. Rodriguez stated we are requesting a \$2,000 H1N1 temporary employee assistance reserve, set aside for employees that become afflicted with H1N1. The Center for Disease

Control recommended people afflicted remain out of public life for a minimum of five days. The local hospital is using the seven-day criteria. Also, that those individuals do not keep a fever for at least a 24 hour period unassisted; meaning they can't take Tylenol to reduce their fever and call that a 24 hour period. We're basically trying to help out those employees that become afflicted and by any chance the rest of the family is also afflicted at the same time and they can't go out and get food or medicine. Our intentions are to go ahead, set that money aside, and have Human Resources go out and set up teams in the different departments, so that if we do have an individual or a family group that comes down with the H1N1 and cannot get out to get groceries and medicine, we will go ahead and make arrangements to have them picked up and delivered to their household. This is a reimbursable program. The whole idea is to keep people that are ill from being out in the public and possibly spreading these germs and making more and more people sick.

Council Member Pratt questioned if there was a criteria that someone actually be diagnosed with H1N1 and who determined that.

Mr. Rodriguez stated right now, if we have someone out, we don't ask them to give us or go to the doctor and get tested for H1N1. If they call us and they're out for two or three days, we want to be there, ready to assist.

Council Member Pratt stated it is a great program, another example of the city taking care of its employees and the citizens and doing the right thing.

Vice Mayor Pfeifer asked if there was a group of people that was going to be helping the city or are city employees going to be delivering goods and leaving them at the doorstep.

Mr. Rodriguez stated our Human Resources Manager, Iris Dobler, will be contacting the different departments to develop teams so that we can go out. Calls will come to her to be sent over to whichever team will go ahead and respond to it.

Vice Mayor Pfeifer stated she wanted to sign up for a team and was available to help.

Mr. Bartosh stated this was not a freebie, it was a reimbursable program. When the employee is well and comes back to work, they reimburse the program. This is probably something we should look at every year, whether we have H1N1 or not. The practices we are learning this year related to H1N1 should be transferred over each year because it would lessen that outbreak of flu throughout our community every year. His hope would be that other major employers in our community look at a program like this as well.

Mr. Rodriguez stated the current program as set, has an automatic drop of April 10, 2010, unless a request comes to extend it. We can go ahead and review the plan prior to that date and decide whether we want to go ahead and extend it or just reinstitute it during the flu season or any other time.

Council Member Pratt moved to approve the \$2,000 H1N1 employee assistance reserve

designated to help out employees that become afflicted with the H1N1 virus. Council Member Kirby seconded the motion, which carried unanimously.

ADOPTION OF THE COTTONWOOD BICYCLE PLAN

Mayor Joens asked if it was okay to delay item number five as she wanted Mr. Randy Victory to participate and he had not yet arrived. There were no objections.

ACCEPTANCE OF A PERFORMANCE BOND AS A SUBSTITUTE ASSURANCE FOR THE INTERIOR SIDEWALKS IN THE GREY FOX RIDGE SUBDIVISION

Mr. Costello stated this referenced the Grey Fox Ridge subdivision. The project finished its public infrastructure last winter with the exception of the interior public sidewalks. Exterior public sidewalks were completed. The developer requested to put off constructing the interior sidewalks and put them in with the units. The reason being the fear the sidewalks would be broken during construction. It is a common occurrence. It was similar to a deal we cut with Mesquite Hills. When a street becomes 50 percent occupied with houses, they fill in all the blanks. This will be replacing the current financial assurance, which was a letter of credit. Basically, it is just for these interior sidewalks.

Council Member Pratt stated this made sense to him. He understood the issue with heavy trucks and equipment and questioned why these kinds of things weren't built into the plan ahead of time.

Mr. Costello stated it had to do with timing. Some developers would like the project fully constructed and done as opposed to this, which will take a few years to be done. This particular agreement mentions five years.

Mayor Joens stated it might be timing issues like Mr. Costello said. If you have a bunch of folks moving in it might be a long time before they had a sidewalk to walk on. Staff makes those kinds of determinations as they work with a developer on the project.

Council Member Elinski stated he agreed with Council Member Pratt. It was a reasonable request and the developer was meeting us half way saying that as soon as he places a unit he'll put a sidewalk in front of that unit.

Mayor Joens stated the fact is there is a bond to make sure it gets done.

Council Member Smith asked how much the bond was for.

Mr. Costello stated on the final page, Exhibit A, the value was \$106,000.

Mayor Joens stated Mr. and Mrs. Bullock were here and she asked them to share information on their request.

Bill Bullock stated, to answer Mr. Pratt's question, we thought we had a verbal understanding at the beginning of this. Initially, we had a letter of credit that was enough to complete the subdivision as it stands now. Since the letter of credit no longer exists and in the current banking climate cannot be replaced, a performance bond seemed a more appropriate way to go. There is roughly a mile and a quarter of sidewalks. History has shown us that roughly 40 percent get broken during construction.

Council Member Kirby asked if they were talking about driveways too.

Mr. Bullock stated no, the sidewalks run through and are in the city right-of-way. The driveways abut the sidewalk.

Bob Oliphant, of Cottonwood, stated he had four friendly suggestions to the contract in terms of language based on the experience of Clarkdale. Number one, the bottom of the first page of the contract, the sentence that says "The performance bond will be automatically replaced annually." To make it clear, he would simply add "on or before" then put in a date so it's clear. Annually is a little broad. He understood this is an informal contract but he thought it would be better. Two, the performance bond will be automatically replaced annually. He was not familiar with the customs here. He would add the following language, "A copy of said replaced performance bond shall be provided the city of Cottonwood annually on or before." Again, maybe the city gets a copy of it and maybe he didn't understand how this was going to happen--how they were going to handle it, but it does say "automatically replaced" and if the city has a copy of that on or before a date certain, it's the best protection it can get in these matters. Third, he suggested a sentence be added essentially as follows: "City of Cottonwood staff shall inspect the Grey Fox property annually on or before a date certain, and provide a written statement of compliance with this agreement." That just ensured that on an annual basis, a date certain, that someone on staff has actually gone out there. And he was sure the developer didn't disagree with these things, but it did clarify that you can go out. It clarifies that you are requiring an inspection annually to be sure that the provisions in here are complied with. It's all in writing and helpful, he thought, to the city. A minor matter in terms of formatting that refers to Exhibit A. He would move Exhibit A to the top. What you have is a blank space under Exhibit A. He understood what this means, he suspected most people would, but to ensure that Exhibit A is just, so no one makes some silly argument that Exhibit A is blank or something like that, and he would just suggest that reformatting. His points were simply within date certain the city actually annually inspect so that there is compliance with the contract and that there be a written report made to the City Manager or to whomever you want that report made.

Mayor Joens thanked Mr. Oliphant for his comments, and asked if there were any other comments from the public and there were none.

Mayor Joens then stated in the minutes she thought we could create the motion to ask the City Clerk to please submit those recommendations to the City Attorney and create the contract accordingly with the City Attorney's advice on whether to add those items or not.

Council Member Smith stated he thought it was a good idea.

Council Member Pratt moved to accept the bond as a substitute assurance for the Grey Fox Ridge sidewalk work and authorize the Mayor to sign the contract with the recommendations made by Mr. Oliphant to be reviewed by the City Attorney and added if appropriate. The motion was seconded by Vice Mayor Pfeifer, and carried unanimously.

RESOLUTION NUMBER 2480--DECLARING THAT CERTAIN DOCUMENT TITLED CHAPTER 8.32, ALARM SYSTEMS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE, A PUBLIC RECORD

Chief Fanning stated this and item seven went together. He and Chief Casson had been working on this new alarm ordinance. Currently there was no false alarm ordinance. We are running a lot of false alarms, and at the current rate we will burn 340 man-hours on false alarms with absolutely no recourse. We cannot do anything to the people who use us as their security. Their alarms go off and we respond with two or three officers who arrive and check the building, and call the responsible party. They will say "thank you" and go back to sleep. Then we do it again and hour later. The ordinance allows us to fine the person, if they do not send a designated person out to secure the alarm, check it and determine whether it was a mouse that set the alarm off or there is a person or fire in the building we can't see. We have no power to do that now. We have attached it to their business permit, where if they do not pay their fines, the fines would be assessed when they went to renew their business permits. The fines have been increased with each false alarm.

Council Member Pratt stated in previous discussions he had been astounded by the waste of man-hours with this and by how many businesses owners were not maintaining their alarms.

Mayor Joens asked if there were any comments from the public. There were no comments from the public.

Council Member Pratt moved to approve Resolution Number 2480 declaring the certain document known as Chapter 8.32. Alarm Systems, a public record. Council Member Elinski seconded the motion, which carried unanimously.

Mayor Joens asked the City Clerk to read Resolution Number 2480 by title only.

RESOLUTION NUMBER 2480

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THAT CERTAIN DOCUMENT TITLED CHAPTER 8.32, ALARM SYSTEMS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE, A PUBLIC RECORD.

ORDINANCE NUMBER 552--AMENDING TITLE 8, HEALTH AND SAFETY, CHAPTER 8.32

ALARM SYSTEMS; OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD; BY DELETING CHAPTER 8.32 ALARM SYSTEMS, IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 8.32 ALARM SYSTEMS; FIRST READING

Mayor Joens asked if there were any comments from the public. There were no comments from the public.

Mayor Joens then requested the City Clerk read Ordinance Number 552 by title only.

ORDINANCE NUMBER 552

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE 8, HEALTH AND SAFETY, CHAPTER 8.32 ALARM SYSTEMS; OF THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD; BY DELETING CHAPTER 8.32 ALARM SYSTEMS, IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 8.32 ALARM SYSTEMS.

RESOLUTION NUMBER 2481--DECLARING THAT CERTAIN DOCUMENT TITLED CHAPTER 9.24 UNRULY GATHERINGS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE, A PUBLIC RECORD

Chief Fanning stated this and the following item went together. It had been discussed for about a year. It was designed to allow the police to take an aggressive role in attacking houses that genuinely cause disturbances in neighborhoods. The ordinance was designed to do something with them. At the request of the Council it has been reduced from 90 to 60 days on the house tag. We have had three party houses in the last three months we have had repeat visits to. This will give us the ability to go after the owner or renter of the home and hopefully stop these issues. It helps the neighborhood understand that we are doing something. So many times they call us, we show up, we leave and they don't know what we've done.

When we tag the houses they know we've done something and that they have an avenue for help because they know we are actively working this house. It makes accountability to the land owner because we will be notifying them. If it is a renter, the owner is not going to want these tags on his house. It makes it difficult to rent the home if this tag is on the house. Hopefully, it will stop some of the repeat calls to these homes and give us time to do other things.

Mayor Joens stated we discussed this in length at a previous work session. The tag time was changed from six months to 90 days.

Vice Mayor Pfeifer stated Chief Fanning had brought this up at MatForce and they were really excited and thought it a great idea. It would help with PANT and some of those dealings they have with the community.

Mayor Joens asked if anyone from the public would like to discuss this matter. No one from the public chose to speak.

Council Member Kirby moved to approve Resolution Number 2481 declaring that certain document known as Chapter 9.24 Unruly Gatherings, a public record. The motion was seconded by Council Member Norman, and carried unanimously.

Mayor Joens requested the City Clerk read Resolution Number 2481 by title only.

RESOLUTION NUMBER 2481

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, DECLARING THAT CERTAIN DOCUMENT TITLED CHAPTER 9.24 UNRULY GATHERINGS, PERTAINING TO THE COTTONWOOD MUNICIPAL CODE, A PUBLIC RECORD.

ORDINANCE NUMBER 553--AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, ARIZONA, BY ADDING A NEW CHAPTER 9.24 UNRULY GATHERINGS; TO TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE; FIRST READING

Mayor Joens asked if there were any more comments other than what were discussed with the resolution. There were no comments from the Council or the public.

Mayor Joens requested the City Clerk read Ordinance Number 553 by title only.

ORDINANCE NUMBER 553

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE OF THE CITY OF COTTONWOOD, ARIZONA, BY ADDING A NEW CHAPTER 9.24 UNRULY GATHERINGS; TO TITLE 9, PUBLIC PEACE, MORALS, AND WELFARE.

ADOPTION OF THE COTTONWOOD BICYCLE PLAN

Mr. Gehlert stated he encouraged the Council to move forward with the adoption of the city Bicycle Plan. It has been worked on for many months. Back in March there was a 60 day public review process. We distributed the document to a variety of different personnel and agencies, soliciting their comments on the draft document. These included members of the Verde Valley Cyclists Coalition, various city staff and departments, a number of outside agencies, the media, and we published PSAs regarding the review process and made it available on line as part of the city's web page. A year and a half or two years ago when the Council asked us to move forward with this, the assignment was to assemble a basic, but functional, city bicycle system that targeted principally the on-street, collector street system within the city. Something that was low in capital expenditures but served the purpose. In doing so, we followed, basically, a nationally recognized program format for the development

of that plan called the 4 E's: engineering, encouragement, education, and enforcement. This resulted in recommendations. Some were for sign standards. Some were educational in nature or had to do with publicity of the system. We have a codified system of arterials and collectors as well as some recommendations that highlight opportunities for bike trails that actually exceed the city limits. Some of the other things we came up with were suggestions for narrowing a section of North Main Street to better accommodate bicycles, overlaying the system on the bus system as part of an inter-modal cross-town transit program, as well as the exterior perimeter trail system indicated on the maps. We received quite a number of comments during the process, but we realized about 90 percent of them were minor in scope. There were a few he would like to draw to their attention to.

First, the notion of an outer loop system is there because it seems like a good idea, even though it is outside the scope of the project. It highlights some opportunities that are closely related to the pristine nature of the area we are living in, the availability of the riverside environment, and lots of open area. The biggest reason we would like to include this as part of the mapping, despite the scope, is that we do have a substantial amount of undeveloped private area in the western portion of the city. As that develops, we'd like to be able to recommend this portion of the link and how that would someday connect with a larger system. There are also a number of other connections outside the city boundaries across County islands or peninsulas that have resulted from the convoluted boundary. Since we got started, this was a system which focused on collector streets. We decided to include the arterial streets as optimal bicycle routes.

The principal means to get across town are still SR89A and SR260. We recommend to advocate to place bike lanes on the city's arterial highway system as well. Other system adjustments are delineated links not thought necessary now. The document talks about the adoption of street standards, something that affects city improvements to public streets over time. It acknowledges bike lanes and how wide they should be, how they should be paved, and so on. We've had comments from the public on the level of improvement associated with bike lanes that ought to have a smoother surface. That would involve something that was about five times as expensive as chip seal. Bike lanes will be approved as the streets are improved. Lastly, having to do with variations from the code, when we install new streets and collectors in the city, this document gives the Public Works Director the authority to make those decisions and also with regard to bicycle facility placement within the city. There were questions and comments that maybe the cyclists' coalition should be involved in.

Council Member Elinski thanked Mr. Randy Victory for his persistence and tenacity and Dr. Bob Richards too. He stated signing the streets was really important and needed to be done consistently. We need to brand Cottonwood as a bicycle friendly community. Signage was a good way to do it. Also having bike racks by the bus stops, in Old Town, and in the city parks. He wanted to know what steps would be taken to brand Cottonwood.

Mr. Gehlert stated the issue of branding goes a little bit beyond where we are headed with this. To assemble a map, publish it, and make it available at the transit facilities was a way

to help make people aware it exists. It can be added to the city's website for people to dial up on their I-phones. Branding is economic development.

Mayor Joens said the Tourism Department, the Chamber, and those sorts of organizations will help us with that.

Council Member Kirby stated he had a problem with the whole process. It was aimed at adults and had no system for educating our children. We don't allow people with automobiles on the road without some kind of an educational program and license. Here, we're going to turn the kids and adults, anyone who wants to ride a bike, turn them loose with no qualifications, no nothing. He knew we had educational programs, but we had no way to show we were doing anything with them.

Mayor Joens stated education was a key component in this. There are tasks and objectives we're going to do short-term and long-term to educate the children and the adults, and questioned if he wanted something more than the Plan says.

Council Member Kirby asked if there was the possibility of requiring some kind of a riding license or bike license that would require people to have this level of education before they got out on the streets on their bike. He was against the bike plan but thought we really needed to do something more to ensure when people get on a bicycle and get on our streets, they are following our plan.

Council Member Pratt stated the plan had a big part about education on page 13 and 14. He thought you were veering into being Big Brother and Big Government if you say to ride a bicycle you need a license. That was a little over the top. This Plan calls for efforts to educate the people. He was glad that it also called for efforts to educate motorists because they were an equal component in bike safety. If we ever get to the point where we want to license people to ride bicycles, we would have a revolt on our hands.

Council Member Smith stated he agreed with Council Member Kirby. One of the big things on education he would like to see was more education in the police department to enforce these people. He had seen bicyclists cross against the lights. When there is a police officer, nothing is done or said. The bicyclist is not important enough to give a ticket to. By educating the police and having them enforce the laws, you're going to get the attention of the public.

Mr. Bartosh stated the Safe Routes to School Program has a related grant given to the county for use in school education related to bicycle safety and rules of the road.

Mayor Joens stated the city participated in a Safe Routes to School Program. Having the plan should assist us in getting grants and becoming eligible for more Safe Routes to School Programs and those sorts of things.

Council Member Kirby stated his main concern was that people will assume since we had

adopted this plan it is all we need to do. It is just the beginning. We really need to emphasize the educational portion of this program, especially for children.

Council Member Pratt stated this is a great plan. You are not going to see that many more bicyclists on the road because of it.

Mayor Joens asked about page 6 where it talks about Aspen Street where portions are currently striped for bicycle lanes, how we will deal with areas where it is just going to be almost impossible, other than busting out sidewalks and buying rights-of-way and increasing the size of the facility, to add the needed stripes.

Mr. Gehlert stated the attempt there was to have the lanes the full length of the street where we were able to accommodate them under the current design profile. As the street is reconstructed, we've been including them. The entire length of Aspen Street is designated. So, as it is improved, they will be striped.

Council Member Kirby stated most of our streets in the city are fifty foot right-of-way. That doesn't accommodate a bike lane, two traffic lanes, and sidewalks on both sides. It's just impossible sometimes to have bike lanes delineated.

Mr. Gehlert stated as long as it was two lanes we would be okay, but not with four lanes.

Mayor Joens stated for the public's benefit there were four E's: engineering, enforcement, education, and enforcement. On page 18, Engineering, it talks about making a yearly inventory of existing bicycle facilities and to strive to increase totals by a reasonable percentage each year. She heartily supported that. It would also be based on financial ability. It was certainly a good goal, both long-term and short-term.

Mayor Joens invited Mr. Randy Victory to speak and Dr. Bob Richards. She noted a huge amount of the comments had come from those two men, which showed their attention to detail on the routes.

Randy Victory, of Cottonwood, stated he wanted to thank everyone for holding this item until he could arrive. Dr. Richards was someone who was responsible for so many details. Council Member Kirby brought up lots of good points. You need to have encouragement because we are not a bicycle friendly city yet. It is important to have engineering, education, and enforcement. We need better education. The problem with education is that people already "know" this stuff. Even if they don't, it's difficult to get them to listen and to get them to take a class. Cyclists who are doing everything wrong are convinced they're doing the right things, so they really don't want to know or hear this. One of the classes I gave today was for educators. They were shocked at some of the things they learned because it flew in the face of everything they've ever believed. A lot of people think it's safer to ride into traffic; you can see the cars coming. They think they're safer on the sidewalk. Sidewalk riders have an accident rate 3.6 times greater than road cyclists. There are a lot of facts people just aren't aware of that makes them think they've already gotten the education.

This actually includes the police department. All of us were taught by people who weren't experts. They need to be educated too. I see no problem them taking the class so we're all on the same page. I give a presentation about an hour long and after you see it you realize how much you don't know.

It is not a good idea to go out and start ticketing by way of enforcement because there's been no education. The police can be part of the educational process. They can just talk to people, just a friendly reminder, they don't need to be heavy handed. They tried for years to have bicycle licensing but is not popular. What Council Member Kirby remembers, there were plates for bicycle registration. What they found was the cost of administering the program usually exceeded the benefit. Maps are good place to put education. Put it on things cyclists are going to see. Every new bike now come with safety information.

Regarding parts of the roadway that are too narrow to put bike lanes in, ADOT has tested "Sharrows" which is a bicycle symbol with chevrons. It lets motorists know there will be cyclists on the street where it's not a wide enough lane for a bicycle lane. In addition it provides directional indication for the cyclists to go a certain direction. It's pavement signage that provides a little education.

Dr. Bob Richards, of Cottonwood, stated he was happy to have served on the bicycle advisory committee and encouraged the city to create more.

Mr. Bartosh cautioned the Council this is a very ambitious plan with budget and staff implications we would have to look into closely, particularly in next year's budget session to make sure we are appropriately staffed and that we have the budget to support it. It's a good plan, but we don't have staff that is dedicated to do this. We have to fit it in when we can. It has taken an extensive amount of staff time just to prepare.

Mr. Victory stated we did take some real pains to keep the plan as low cost as possible. On street facilities instead of separate pathways was the cheapest way to go. As far as education goes, it mentions qualified instructors. I work cheap and am the only qualified cycling instructor in the Verde Valley. Twenty bucks for a couple of hours is a pretty good price. It's not going to break the budget.

Mayor Joens stated the City Manager was the implementer of the policy, so he will have some control over personnel and finances.

Mr. Gehlert stated his thanks to Dr. Richards, Mr. Victory, Ms. Casebier, the Verde Valley Cyclist Coalition, and staff from various departments.

Mayor Joens moved to adopt the Cottonwood Bicycle Plan, subject to any stipulations, which I think would be working the plan with the City Manager based on the resources available. Council Member Pratt seconded the motion, which carried unanimously.

Council Member Smith stated this could be the gold standard for the State of Arizona.

CLAIMS & ADJUSTMENTS

Council Member Kirby moved to pay the claims. Mayor Joens seconded the motion, which carried unanimously.

ADJOURNMENT

Council Member Smith moved to adjourn. Council Member Kirby seconded the motion, which carried unanimously. The regular meeting adjourned at 8:12 p.m.

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 November 15, 2009. I further certify that the meeting was duly called, and that a quorum was present.

Marianne Jiménez, City Clerk

Date