

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 20, 2024, AT 6:00 P.M., AT THE COUNCIL CHAMBERS-- RIVERFRONT LOCATED AT 1083 E. RIVERFRONT ROAD, COTTONWOOD, ARIZONA.

Mayor Elinski called the meeting to order at 6:02 p.m.

Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Tim Elinski, Mayor
Debbie Wilden, Vice Mayor
Stephen DeWillis, Council Member
Lisa DuVernay, Council Member
Helaine Kurot, Council Member
Michael Mathews, Council Member
Derek Palosaari, Council Member

STAFF MEMBERS PRESENT

Tom Whitmer, Acting City Manager
John Austin Gaylord, City Attorney
Tami S. Mayes, City Clerk
Kristina Hayden, Planner
James Bramble, City Engineer

PLEDGE OF ALLEGIANCE

Mayor Elinski led the Pledge of Allegiance,

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

Mayor Elinski stated first up I'd like to say, Mr. Whitmer, thank you for accepting the Acting City Manager role. We appreciate you stepping up, and thank you for being a team player. Mr. Whitmer is a long-time employee with the City. John Gaylord from Gust Rosenfeld is also present. Thank you, and it's good to have those seats filled.

Council Member Palosaari, Vice Mayor Wilden, and Mayor Elinski announced current and upcoming City and community events.

Mr. Whitmer announced current and upcoming City and community events.

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PROCLAMATION-NATIONAL TEEN DATING VIOLENCE AWARENESS MONTH

Mayor Elinski read the Proclamation into the record. Tracey McConnell from Verde Valley Sanctuary was present to accept the proclamation.

CALL TO THE PUBLIC

Rachael Collins addressed Council regarding the Cottonwood slag pile and complaints submitted to the City regarding the slag pile.

Jeff Anderson addressed Council regarding Cottonwood City Municipal Code 2.08.110, potential violations of the Code, and requested a fair and impartial investigation into the recent and past acts by the Mayor, with the results of the investigation to be presented at a future Council meeting.

Sharon Bonney addressed Council regarding rules for Call to the Public as well as potential violations of the Cottonwood City Municipal Code. She requested an apology for the refusal to keep order at the February 6th, 2024, Council meeting.

APPROVAL OF MINUTES--REGULAR MEETING OF DECEMBER 19, 2023; WORK SESSION OF JANUARY 9, 2024; AND THE SPECIAL MEETING OF JANUARY 9, 2024

Mayor Elinski moved to approve the minutes as presented. The motion was seconded by Vice Mayor Wilden and unanimously carried.

CONSENT AGENDA

Mayor Elinski requested the City Clerk read the Consent Agenda by title only.

APPROVAL OF THE CONTRACT FOR THE ACTING CITY MANAGER, TOM WHITMER

REQUEST FOR AUTHORIZATION TO SUBMIT AN APPLICATION FOR THE 5311 FEDERAL TRANSPORTATION AUTHORITY FUNDING THROUGH THE ARIZONA DEPARTMENT OF REVENUE FOR THE COTTONWOOD AREA TRANSIT AND VERDE SHUTTLE PROGRAMS

RESOLUTION NUMBER 3255--A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE A TRANSPORTATION SERVICE AGREEMENT WITH VERDE VALLEY CAREGIVERS COALITION, AN ARIZONA NONPROFIT CORPORATION, FOR FISCAL YEAR 2025

RESOLUTION NUMBER 3260--A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COTTONWOOD AND THE TOWN OF CLARKDALE FOR THE CO-LOCATION AND OPERATIONS OF THE MUNICIPAL COURT

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RESOLUTION NUMBER 3259--A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, APPROVING AN AGREEMENT WITH DIBBLE & ASSOCIATES CONSULTING ENGINEERS, INC. AN ARIZONA CORPORATION, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWO THOUSAND, ONE HUNDRED EIGHTEEN DOLLARS (\$102,118)

RESOLUTION NUMBER 3262--A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AUTHORIZING A COOPERATIVE USE PURCHASING AGREEMENT FOR ELECTRICAL MOTOR DRIVES AND MAINTENANCE FROM DYKMAN ELECTRICAL, INC, AN IDAHO CORPORATION, IN AN AMOUNT NOT TO EXCEED \$56,495.79

Mayor Elinski moved to approve the Consent Agenda as presented. The motion was seconded by Council Member Kurot and unanimously carried.

NEW BUSINESS

CONSIDERATION OF A FINAL PLAT FOR A 6-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION IN THE R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE TO BE KNOWN AS 6 ON SIXTEEN

Ms. Hayden stated this is an application for a final plat for a subdivision to be known as 6 on Sixteen. Ms. Hayden then presented a PowerPoint presentation regarding the application. The request tonight is for Council to consider the final plat for the 6-lot subdivision, consider the Planning and Zoning Commission recommendation for approval, and consider staff recommended revisions to the stipulations. This is a property of about .95 acres. It is R-3 zoning. The minimum lot size for that zone is 5,000 square feet. The lot sizes proposed range from 5,609 square feet to 9,587 square feet. The applicant is proposing private streets. There is a dedication for emergency vehicle access. Typically, when a subdivision plat is proposed, there is a preliminary plat phase, and that goes to the Planning and Zoning Commission for recommendation, and then to Council for approval. Then we bring the final plat back to Council. However, in our subdivision ordinance, when we have ten or fewer lots proposed, there is an alternative process that requires a deed restriction on future sub-division of lots, and we get to bypass the preliminary plat phase. That is what we're doing in this case.

Ms. Hayden then read the stipulations into the record as follows:

1. The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the January 22nd, 2024 meeting, and as reviewed by the City Council;
2. The developer shall adhere to the Code Review Board comment letter dated August 2nd, 2022 in re: CRB-22-019; December 20th, 2022 in re: CRB-22-019 revision; and November 2nd, 2023 in re: CRB-23-043;
3. The construction plans and phase 3 grading report shall be submitted with the required grading and civil permit submittal;
4. The developer shall provide City staff with proof of recordation of the approved final plat within 60 days of City Council approval;
5. The construction cost estimate for offsite improvements which are required for

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approval of assurances shall be submitted prior to receipt of staff's signatures on the final plat.

Ms. Hayden further stated we had two neighboring property owners reach out to staff. They are against this proposal. Their concern is that the applicant is proposing that there be two, two-story residences on this site. However, we are just looking at the outline of the lots. Two-story residences are permitted in this zoning. The assurances regarding the construction cost estimates are the applicant telling us they have the money to pay for those offsite improvements. The applicant is to propose that, and then Legal and Finance are supposed to approve that.

Mayor Elinski asked, for those last two points you made, you are not suggesting a stipulation be added for those; just to let Council know there are some neighborhood complaints?

Ms. Hayden stated that is correct.

Council Member Mathews asked, the concerns on the two-story properties, has this always been zoned for two-story, or has that changed from single-story at any point in time?

Ms. Hayden stated two-story has always been allowed for single-family residences. It has not changed.

Council Member Mathews asked it has never been restricted for that property?

Ms. Hayden stated correct.

Council Member Palosaari stated I live nearby to that. Sixteenth Street is no better than driving on a dirt road. The City probably hasn't touched it in a decade. Is the developer going to be required to surface that street or how does that work?

Ms. Hayden stated half-street improvements are required. I can have our City Engineer verify that. I do know that the applicant is going to be doing some drainage work to at least work on the drainage flow. Again, I will refer that to the City Engineer.

Council Member Palosaari stated that may be a better question for the City Manager to look into that.

Mr. Whitmer stated I will have to check into that. I do not have an answer for you tonight, but I will check with Public Works to see if they have any proposed plans to upgrade that street.

Ms. Hayden stated the City Engineer, James Bramble, is available for any questions as well as the applicant.

Vice Mayor Wilden stated I know the area pretty well, and it is a great little area. I would hate to see anything two-story going up around there because there is really not anything two-story there now. Grading is going to be an issue as well. It is not going to be easy to grade that,

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and they need to focus on that for sure.

Ms. Hayden stated the applicant is required to submit for grading and civil permits, and they will have that grading report. That is something that the City Engineer will look at.

Mayor Elinski stated, if the applicant is present and would like to present, he is more than welcome to.

Mr. Fox stated it is a pleasure to be here tonight to present a very unique housing development that I put together with a couple of associates. It is a unique project for Cottonwood. It is what I consider a cluster development. It is a great infill site. On top of that, it is much needed in the area. I know Cottonwood is in desperate need of housing. Although it is not low-income or affordable, it will be an added need for Cottonwood. The designs are quite unique. I am an architect and a general contractor, and I'm taking this project from A to Z. It has been a long haul. I've been working at this for about a year and a half. Having said that, there are only two lots that are two-story, which are lot 5 and lot 3. Not all of the structures of those two lots are two-story. There are certain elements that are single-story. There is only a portion of those two houses that will be two-story. I've designed them in quite a unique design that will prevent any obstruction of views from the folks behind the houses. The rest of these are single-level homes. The lot does taper up from 16th Street, so there will be a little bit of relief between the lots. I don't think that there is going to be views that will be obstructed of any substance. Out of the six, there are only two that are two-story.

Council Member DuVernay asked do you have any renderings? It sounds really interesting.

Mr. Fox stated I do. Mr. Fox then presented the photographs to the Council.

Vice Mayor Wilden stated the only other thing I'd say about that area is traffic is going to be an issue. Right now, most people cut through from 12th to 16th on Crestview. This is going to make it worse. There will be some traffic issues.

Mr. Fox stated our contribution is six homes. My guess is our target market will probably be folks that will not live here all year around.

Mayor Elinski asked Mr. Fox to discuss the street side improvements that he will be doing with this project.

Mr. Fox stated I anticipated, with taps that we're going to have to get into 16th Street for water and sewer, there will be patches that will be done. I anticipate doing half-street improvements along our stretch of frontage on 16th Street. I also will incorporate some screen walls along the 16th Street frontage with landscaping. I want to try to do a combination of masonry and some ornamental iron along 16th Street to add a little character, undulation, and relief to the elements that will screen the homes and the lots. We also are going to landscape the entire frontage of 16th Street and the two entrances leading into the site.

Mayor Elinski asked can you tell us what half-street improvements means? Will there be a

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curb, gutter, and sidewalk?

Mr. Fox stated we have a new sidewalk going in. We will curb and use valley gutters. There will be some drainage swells that we've created in the front where the green is located. Those are easements. We'll do the patch back on the asphalt per Cottonwood standards and MAG specs, which I suspect Cottonwood is following. At minimum, we'll do a seal coat on the half street. I recognize the street is in a bit of a tough condition. We're going to make our portion of it as good as we can. We have already budgeted it.

Council Member Mathews stated you mentioned some landscaping along the frontage. Is that going to be on private property? I assume the homes will be individually owned. Is there an HOA that will be funding that or will it be on the homeowner?

Mr. Fox stated I do have an HOA document and CC&Rs prepared that will go into the Department of Real Estate once the plat is signed off. We have set it up with the landscaping will be maintained by the HOA.

Mayor Elinski stated I did not receive any forms from the public, but if there is anyone from the public that would like to speak to Council on this particular application, they are more than welcome to.

Mr. Whitmer stated it might be helpful if we invited our City Engineer up to see if he can address some of the questions that were proposed regarding the roadway and drainage.

Mr. Bramble stated I am happy to answer any questions you have on this project.

Council Member Palosaari asked if Mr. Bramble has any input on the road in regards to how it is going to be done, or if it is a City thing, or anything at all.

Mr. Bramble stated we do have input on that. Per the ordinance, the property developer is required to construct half-street improvements. In this case, being an older road and probably utility connections going into that road, we'll visit that extent of that reconstruction during the design and the grading permit phase. At this point, they are looking at widening out to include additional width for a bike lane per our standard City typical sections as well as the curb, gutter, and six-foot wide sidewalks. We'll look at the remaining half-street pavement once we understand the limits of the impact of the utility connections.

Mayor Elinski asked if Mr. Bramble would like to discuss the drainage on the property and if there are concerns there.

Mr. Bramble stated there are no concerns there that they cannot remedy. It is a unique site. There's offsite flow coming in from both directions away from 16th Street, but they will meet all of our requirements.

Mayor Elinski asked if the retention will be enough such that no additional water or runoff will be flowing from this property once it is developed.

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Mr. Bramble stated, correct, that is our requirement.

There were no further questions or comments from Council or the public.

Council Member Mathews moved to approve FP-23-001 for a six-lot, single-family residential subdivision to be known as 6 on Sixteen subject to the stipulations that staff has read into the record. The motion was seconded by Council Member Kurot.

A roll call vote on the motion was taken as follows:

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Council Member DeWillis	X		Council Member Palosaari	X	
Council Member DuVernay	X		Vice Mayor Wilden	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	X				

The motion unanimously carried.

CONSIDERATION OF A FINAL PLAT FOR A 10-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE TO BE KNOWN AS MINGUS VIEWS

Ms. Hayden stated I have another final plat subdivision application to be known as Mingus Views. Ms. Hayden then presented a PowerPoint presentation regarding the final plat for Mingus Views. Our request is for Council to consider a ten-lot subdivision final plat, consider the Planning and Zoning Commission recommendation for approval, and consider staff-recommended revisions to the stipulations. This parcel is about 2.73 acres. It is R-1 zoning. The minimum lot size for this is 7,500 square feet. The proposed lot sizes range from 7,674 square feet to 28,915 square feet. The applicant is proposing private streets. There is a dedication for emergency vehicle access, and this falls into that ten or fewer alternative process, bypassing the preliminary plat phase.

Ms. Hayden then read the following stipulations into the record:

1. The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the January 22nd, 2024 meeting and as reviewed by the City Council;
2. The developer shall adhere to the Code Review Board comment letters dated September 7th, 2022 in re: CRB-22-031, April 12th, 2023 in re: CRB-22-031 Revision, and November 22nd, 2023 in re: revised CRB-23-041;
3. The construction plans and phase 3 grading report shall be submitted with the required grading and civil permit submittal;
4. The developer shall provide City staff with proof of recordation of the approved final plat within 60 days of City Council approval;
5. The construction cost estimate for offsite improvements which are required for

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approval of assurances shall be submitted prior to receipt of staff signatures on the final plat.

Ms. Hayden stated there has been no comment from the public against or for this project. The applicant has proposed some assurances. Those will be reviewed and approved by Legal and Finance.

Mayor Elinski asked if the developer is present and if they would like to address Council.

Mr. Joe Mulcaire stated my family has been in Cottonwood for four generations. I, firsthand, have seen Cottonwood grow. What my wife and I are trying to do here is bring a part of old Cottonwood back, more of like a Clarkdale-style of home. We are known for our Craftsman and our Farmhouses that we build. There has been some confusion. I am not building affordable homes. I'm building for workforce housing. I'm building for the nurse that works at our hospital, the manager at our Walmart. My houses are going to be small, but they will have the Craftsman-style feeling like Old Town Clarkdale does. We've been working on this project for about a year and a half. It is pretty straightforward. It is an older part of town, and the church is adjacent. We actually purchased this property from the church. Our sewer easement goes through the church's parking lot and ties in. Unlike the other project, my utilities are all on my side of Marauder. We have one gas line that may be crossing. Unisource has yet to determine where the main is actually at. That will be our only crossing on Marauder Drive. We are doing a sidewalk all the way down from property corner to property corner.

There were no questions from Council or the public on this project.

Vice Mayor Wilden moved to approve FP-23-002 for a ten-lot, single-family residential subdivision final plat to be known as Mingus Views subject to the stipulations that staff has read into the record. The motion was seconded by Council Member DuVernay.

A roll call vote was taken on the motion as follows:

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Council Member DeWillis	X		Council Member Palosaari	X	
Council Member DuVernay	X		Vice Mayor Wilden	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	X				

The motion unanimously carried.

Mayor Elinski stated I'm glad to see some infill projects happening here.

EXECUTIVE SESSION FOR LEGAL ADVICE--PURSUANT TO A.R.S. 38-431.03(A)(3) AND 38-431.03(A)(4), DISCUSSION OR CONSULTATION WITH LEGAL COUNSEL FOR LEGAL ADVICE REGARDING ALLEGATIONS IN NOTICE OF CLAIM SUBMITTED BY STEVE GESELL

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EXECUTIVE SESSION FOR LEGAL ADVICE--PURSUANT TO A.R.S. 38-431(A)(3) AND 38-431(A)(4). DISCUSSION AND LEGAL ADVICE REGARDING A LETTER RECEIVED FROM THE FORMER CITY MANAGER, SCOTTY DOUGLASS, REGARDING HIS CONTRACT SEVERANCE PROVISIONS

EXECUTIVE SESSION FOR LEGAL ADVICE--PURSUANT TO A.R.S. 38-431(A)(3) AND 38-431(A)(4). DISCUSSION AND LEGAL ADVICE REGARDING A NOTICE OF CHARGE FILED BY ARIZONA CIVIL RIGHTS DIVISION (ACRD)

Mayor Elinski stated we're going to go into executive session for these three items. I don't know how long we'll be in executive session. There is nothing queued up for any action items after our discussion in executive session. You are more than welcome to stick around, but we'll likely come out and adjourn the meeting once we're done in executive session.

Mayor Elinski moved to convene into executive session. The motion was seconded by Council Member DeWillis and unanimously carried.

Council adjourned into executive session at 6:55 p.m., reconvening into open session at 9:20 p.m. All parties were present as previously stated.

Mayor Elinski moved to adjourn the executive session. The motion was seconded by Council Member DeWillis and unanimously carried.

There was no discussion and no action taken following the executive session.

CLAIMS AND ADJUSTMENTS--FEBRUARY 20,2024

Mayor Elinski moved to pay the claims and adjustments as presented. The motion was seconded by Vice Mayor Wilden and unanimously carried.

ADJOURNMENT

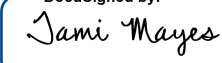
Mayor Elinski stated we are adjourned.

The regular meeting was adjourned at 9:20 p.m.

DocuSigned by:

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Tim Elinski, Mayor

ATTEST:

DocuSigned by:

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Tami S. Mayes, City Clerk

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CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of the regular meeting of the City Council of the City of Cottonwood held on February 20, 2024. I further certify that the meeting was duly called, and that a quorum was present.

DocuSigned by:

Tami Mayes

2C75EB0A021C4TB...

Tami S. Mayes, City Clerk

4/9/2024

Date