

## AGENDA

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD,  
ARIZONA, TO BE HELD OCTOBER 18, 2022, AT 6:00 PM., AT THE COUNCIL CHAMBERS  
BUILDING, 826 N. MAIN STREET, COTTONWOOD, AZ.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. 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.
- V. CALL TO THE PUBLIC--This portion of the agenda is set aside for the public to address the Council regarding an item that is not listed on the agenda for discussion. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02(H).) Comments are limited to a 3 minute time period.
- VI. APPROVAL OF MINUTES

REGULAR MEETINGS OF SEPTEMBER 6, & 20, 2022, AND  
SPECIAL MEETING OF OCTOBER 3, 2022.

***Comments regarding items listed on the agenda are limited to a 3 minute time period per speaker.***

- VII. UNFINISHED BUSINESS
  1. ORDINANCE NUMBER 722--AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD FOR ASSESSOR'S PARCEL NUMBERS 406-36-011, 406-37-242A, AND A PORTION OF 406-37-174, TO CHANGE THE PRESENT ZONING DESIGNATIONS OF AR-43 (AGRICULTURAL RESIDENTIAL) AND R-4 (SINGLE FAMILY/MULTIPLE FAMILY/MANUFACTURED HOME) TO R-3 (MULTIPLE FAMILY RESIDENTIAL); SECOND & FINAL READING.
  2. ORDINANCE NUMBER 723--AMENDING THE ZONING ORDINANCE TO ALLOW FOR CLUSTER SUBDIVISIONS IN CERTAIN AGRICULTURAL-RESIDENTIAL ZONING DISTRICTS AND PROVIDING DEFINITIONS AND STANDARDS THEREFOR; SECOND & FINAL READING.
- VIII. CONSENT AGENDA--The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will

be no separate discussion of these items unless a Council Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

1. FARM WINERY LIQUOR LICENSE APPLICATION FOR JULIE A. LEVY, AGENT FOR BURNING TREE CELLARS LOCATED AT 1040 NORTH MAIN STREET.

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

1. CONSIDERATION AND POSSIBLE APPROVAL OF A SHIFT DIFFERENTIAL PROGRAM FOR COMMUNICATIONS AND POLICE DEPARTMENT EMPLOYEES.
2. PROPOSED RECLASSIFICATION OF AN HOURLY RECREATION II COORDINATOR POSITION AT RANGE 19 TO A SALARIED RECREATION SUPERVISOR POSITION AT RANGE 23.
3. DISCUSSION AND DIRECTION TO STAFF REGARDING THE CITY MANAGER RECRUITMENT PROCESS. PURSUANT TO ARIZONA REVISED STATUTES SECTIONS 38-431.03.A.1 AND/OR A.3, THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION, SUBJECT TO THE RIGHT OF ANY INDIVIDUAL WHO MAY BE DISCUSSED IN EXECUTIVE SESSION TO REQUIRE THAT PORTION OF THE DISCUSSION TO BE HELD IN OPEN SESSION INSTEAD.

X. CLAIMS AND ADJUSTMENTS

XI. ADJOURNMENT

Pursuant to A.R.S. §38-431.03.(A) the Council may vote to go into executive session on any agenda item pursuant to A.R.S. §38-431.03.(A)(3) and/or A.R.S. §38-431.03(A)(4) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

The Cottonwood Council Chambers is accessible to the disabled in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the City Clerk (TDD 634-5526.) All requests must be made 24 hours prior to the meeting.

Members of the City Council will attend either in person or by telephone conference call.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD SEPTEMBER 6, 2022, AT 6:00 P.M., AT THE COTTONWOOD COUNCIL CHAMBERS BUILDING LOCATED AT 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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Mayor Elinski called the meeting to order at 6:01 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Tim Elinski, Mayor  
Jackie Nairn, Vice Mayor  
Tosca Henry, Council Member  
Doug Hulse, Council Member  
Helaine Kurot, Council Member  
Michael Mathews, Council Member  
Debbie Wilden, Council Member

COUNCIL MEMBERS ABSENT

Michael Mathews, Council Member

STAFF MEMBERS PRESENT

Ron Corbin, City Manager  
Tami S. Mayes, Deputy Clerk  
Steve Horton, City Attorney  
Thomas Whitmer, Utility Director  
Jeffrey Tripp, Airport Manager  
Jack Teel, Parks and Recreation Director  
Gary Davis, Senior Planner  
Scott Ellis, Community Development Director  
Cody Blazer, Building Official

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

Vice Mayor Nairn announced she, Mr. Corbin, and Council Member Kurot attended the Arizona League of Cities and Towns annual conference, Mayor Elinski announced upcoming community events, and Mr. Corbin announced upcoming City and community events.

CALL TO THE PUBLIC

There were no comments from the public.

APPROVAL OF MINUTES—REGULAR MEETING OF AUGUST 16, 2022

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

#### UNFINISHED BUSINESS

#### ORDINANCE NUMBER 717-AMENDING THE ZONING ORDINANCE TO ALLOW SIX-FOOT WALLS AND FENCES WITHIN THE REQUIRED FRONT YARD SETBACK IN RESIDENTIAL ZONING DISTRICTS UNDER A CONDITIONAL USE PERMIT AND WITH CERTAIN ADDITIONAL RESTRICTIONS; SECOND AND FINAL READING

Mr. Corbin stated we did not receive any further comments, questions, or public input.

Mayor Elinski stated we went over this at length.

Mayor Elinski then moved to approve Ordinance Number 717. The motion was seconded by Council Member Wilden.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	Absent				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 717 by title only.

#### ORDINANCE NUMBER 717

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE BY AMENDING SECTION 404. GENERAL PROVISIONS, J. WALLS AND FENCES.

#### TRI-PARTY LETTER OF INTENT FOR THE COLLECTION AND TREATMENT OF WASTEWATER FOR THE PROPOSED 89 & VINE DEVELOPMENT AT THE INTERSECTION OF 89A AND CORNVILLE ROAD

Mr. Whitmer stated at the last Council meeting we brought to Council this letter of intent between the three parties; City of Cottonwood, Sunbelt Holdings, and Verde Santa Fe Wastewater. There was some concern expressed that we might be losing a valuable resource, and didn't want to give up the opportunity to potentially take advantage of reclaimed water at

some point in time in the future. The three parties to this letter of intent basically agree to the concept that all the wastewater that would be generated by the 89 & Vine development would be transported via collection systems down to the Verde Santa Fe Wastewater, and it will be their responsibility to treat and dispose of that reclaimed water. Right now, the golf course has an agreement with the wastewater treatment plant to currently take everything that is produced by the plant. With the addition of the 89 & Vine development, the amount of effluent that they would be treating would be significantly more than they are currently treating. There were some thoughts that at some point in time during the year, there might be some reclaimed water available for reuse by the City. We want to make sure that we take advantage of that. In this new draft of the letter of intent, the three parties recognize the value of that reclaimed water. That resource in and of itself is a resource that once you own it, nobody can take it away from you like you can with surface water or groundwater in some cases. It makes that original recognition that there is value to that, and all three parties agree to it. It further goes on to state that there will be agreements that will be needed beyond this letter of intent. This letter of intent is not a binding contract of any sort, but it does recognize there will be contracts that will be drafted in the future between the City and Verde Santa Fe Wastewater, and the City and Sunbelt Holdings. We wanted to ensure that one of the things we pointed out in this letter of intent is that there would be an agreement between the City and Verde Santa Fe Wastewater, such that any available reclaimed water in the future would be addressed in a formalized form of a contract that would allow the City, to have access to that unused and available reclaimed water in the future. I have Sunbelt Holdings here tonight, Sean Walters and Bob Bambauer, and I also have Jason Williamson from Verde Santa Fe Wastewater if you have any questions for them.

Mayor Elinski called Sean Walters and Jason Williamson forward to address the Council.

Mr. Walters stated we very much appreciated the feedback from Council, and appreciate the opportunity to go back for a chance to re-work through this process. Last time, when some comments came up about Verde Santa Fe Wastewater, I said I didn't feel comfortable representing on behalf of Jason. Therefore, we invited him to come down as well, so we would all have the opportunity to talk about it. I think this is a collaborative solution; a unique and creative solution to a problem that should help the entire water situation in the City of Cottonwood. Thank you to the parties for joining together with us to push this forward. I appreciate the feedback and support from the City.

Mr. Williamson stated I would just say that I operate a number of wastewater and water utilities in the State of Arizona, and reclaimed water is a huge issue on all of our systems. We're fully supportive and understand the interest of maintaining that right, to the extent that we're allowed to by the Corporation Commission which is our governing authority, and we certainly will make that happen to the extent possible.

Council Member Wilden asked if there could be a brief recap of what was presented last week and then the differences between this letter of intent and the last.

Mr. Walters stated, basically, the Verde Santa Fe wastewater treatment plant was originally designed and permitted to handle the wastewater flows from both properties (Verde Santa Fe and the 89 & Vine subdivisions) prior to the property north of Cornville being annexed into the City. This would create a bulk service agreement between the City and Verde Santa Fe Wastewater that would allow those wastewater flows to come down and be treated. Sunbelt would be working with Verde Santa Fe Wastewater Company to upgrade the plant in capacity and also quality of effluent. Currently, the plant operates at a B plus quality of effluent. We would be replacing and upgrading the system with a system that treats to an A plus quality, and it would be expanded to take the flows from the 89A & Vine property. That effluent would then be utilized on the golf course. Currently, the golf course uses a combination of effluent from the plant and groundwater from the well that is on the (golf) course property. The additional effluent generated by the plant would offset the need for some amount of that groundwater that's being used, and then ultimately, at certain times of the year and as buildout occurs at the 89 & Vine property, excess effluent will probably be generated. The genesis of the conversation last meeting was what do we do with that excess effluent. We've talked about putting an agreement together where we would just have that effluent available to the City to utilize for other uses. It would be a three-party agreement to do that.

Mayor Elinski stated it certainly strikes what was most important to me, which was to make sure that the City of Cottonwood does not pump our resource out of the City to another facility entirely. At least from my perspective, this seems like a good agreement.

Council Member Henry stated I do still have reservations. I understand this is just a letter of intent and is not binding. The City is not taking on the short-term infrastructure costs, but we are potentially waiving important rights to a very valuable future resource in the form of the effluent. We want to make sure that we do have good partners in this endeavor moving forward, especially with past historic management concerns of your company in the community, Mr. Williamson, and then some of the stops and starts with this development itself. The fact that both of you are present tonight and were willing to work with us on this additional term so that the parties' interests and the City's goals, at least as stated at the last meeting, are addressed in this letter of intent. I want to thank you Both and Tom as well.

Council Member Wilden moved to approve the proposed letter of intent pertaining to the collection and treatment of wastewater produced by the proposed 89 and Vine development. The motion was seconded by Council Member Hulse.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	Absent				

The motion carried.

## NEW BUSINESS

### ORDINANCE NUMBER 721--APPROVING A NEW/UPDATED SCHEDULE OF RATES, FEES AND CHARGES FOR THE COTTONWOOD MUNICIPAL AIRPORT; FIRST READING

Mr. Tripp stated the airport is looking to update our rates and fees as mentioned in a previous meeting. We are taking the rates and fees from our airport minimum standards, our leases, and various policies to put them into a more comprehensive and complete document. We are also taking a look at establishing some new rates and fees that we have not been charging for, such as overnight parking for transient aircraft, and modifying several fees to include the self-fueling permit program based upon input received from the tenants as well as Council.

Mayor Elinski stated when we discussed this last, we had a couple concerns about some rates that we wanted to make sure were in line with other municipal airports in the area. He asked Mr. Tripp to address those concerns.

Mr. Tripp stated I did take a look at Council Member Henry's questions about the self-fueling permits. I did look at some of the other airports; Flagstaff, Prescott, Williams, Seligman, and Sedona. The challenge we have is that each airport is a little bit different. For example, the Flagstaff and Prescott Airports, as commercial airports, would typically tend to have higher fees because of the type of operation they do. The smaller airports do not have those types of fees. The closest is Sedona. I think we were patterning our fuel program off of them, which was first established in 2017. I have backed the fees down to the standard \$100 fee limit that we also charge for all of our commercial operating permits at this time.

There were no comments from the public.

Mayor Elinski stated this is the first reading, and requested the Deputy Clerk read Ordinance Number 721 by title only.

### ORDINANCE NUMBER 721

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF  
COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING COTTONWOOD  
MUNICIPAL AIRPORT RATES, CHARGES AND FEES.

### RESOLUTION NUMBER 3150--APPOINTING MEMBERS TO THE COTTONWOOD YOUTH ADVISORY COMMISSION

Mr. Teel stated I am here to request consideration for appointment and reappointment to our Cottonwood Youth Advisory Commission, as well as replacing myself with Dana Dowell as the adult liaison for the program. In attendance tonight we have four of our repeat members. We ask for the appointment of the individuals in your packet. We had six open seats this year

and we had six applications. We were able to take everybody who wanted to be involved in the program. After a short review with staff and our human resources management department, we went ahead and recommended the appointment of all applicants for this year's Youth Commission.

Mayor Elinski stated the Youth Commission has been around for a while. You've done some great things in Cottonwood, so we really appreciate you all stepping up.

Vice Mayor Nairn moved to approve Resolution Number 3150, appointing members to the Cottonwood Youth Advisory Commission. 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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	Absent				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Resolution Number 3150 by title only.

#### RESOLUTION NUMBER 3150

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPOINTING YOUTH COMMISSION MEMBERS AND ESTABLISHING THEIR TERMS OF OFFICE.

#### ORDINANCE NUMBER 718--ANNEXING INTO THE CITY APPROXIMATELY SIX ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF STATE ROUTE 89A AND RIVER AVENUE PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471; FIRST READING

Mr. Davis stated I'll do a brief presentation on the three related items. We will need separate motions on each item. First item is the annexation itself; this is the River Avenue annexation. It consists of about 6 acres in total. It includes two State Parks' Board parcels that are on the westside of the river and northside of State Route 89A, east of a small road called River Avenue. There is one parcel to the east that's on the other side of the river. That's a privately owned parcel. For purposes of petition signatures, there are two potential signators; one is the owner of the parcel across the river and the other is APS. APS does not own real property in the area, but they do own taxable property according to the state, so they are eligible to sign. We do have signatures from both of those private entities. The state parcels do not sign because they are not taxable property, so they are not represented in the petition, but all the



private interests are. The annexation area would include the River Avenue right-of-way, and that's a portion of some old rights-of-way that go through the old Oasis subdivision. This annexation would only affect the River Avenue portion. That is in the legal description, as well as the map of the annexation. It is only this portion of the River Avenue right-of-way that would go from a county right-of-way to the City. The annexation would not include 89A right-of-way, or anything to the south, or anything that is not shown on the map.

Mr. Davis continued, stating on the zoning adoption, we're proposing zoning of C-2 City zone on the area that's currently zoned county C2-3. The C-2 is a very comparable commercial zone to the county C2-3. State law requires that the City cannot adopt any zoning in a new annexed area that has greater uses or density than the existing zoning in the county. On the state land side, that's currently zoned R1L-18 in the county, which is a single-family-residential zone. Because these are publicly owned, we are proposing to go with a CF zone which is community facility, which is typical for parks, schools, that sort of thing. This zone would not allow residential or commercial in that location. The River Avenue right-of-way that I mentioned, the way we draft our zoning maps, we do not include rights-of-way in our actual zone, so the right-of-way is not zoned. That's why the zoning area is approximately 5 acres instead of 6 acres.

Mayor Elinski asked if what is being proposed, CF zone, community facility zoning, is what State Parks currently owns.

Mr. Davis stated yes, those two parcels are the State Parks' Board parcels. We started the annexation process back in August of 2021 with a work session to discuss initiating the annexation of three areas. The City filed blank petitions with the county on March 7, which started a 30-day waiting period under State law for the annexation procedure. On April 5, Council held a public hearing to discuss the annexations. The petitions could go out after April 7, which was the end of the 30-day-waiting period. This River Avenue annexation area is the only area that we received sufficient petition signatures to move forward with. We filed the signed petitions for this annexation area with the county on July 27, scheduled this meeting, and that's where we are right now; the first reading of the annexation and zoning ordinance and the 10-year plan. Then there would be a second reading on September 20. If it is approved, the annexation and the new zoning ordinances would become effective 30 days after the adoption.

Mr. Davis continued his presentation and stated on that 10-year plan, the state requires that the City adopt a 10-year plan for providing services and infrastructure. This is a very small area, so it's a fairly simple plan that's in Resolution 3149. The City would provide fire and police protection for those six acres. The River Avenue right-of-way would become City right-of-way from county right-of-way. Again, no state right-of-way goes into the City. There would be no extensions of water or sewer utilities in there. The City does not plan to do any improvements on the River Avenue roadway. It currently is a dirt road that serves a few houses back in the area that is still in the county.

Council Member Henry stated I have gotten a lot of questions from the public requesting clarification on the annexation area. I want to make it very clear, because when we last spoke about the proposed annexations, there were three separate areas that were discussed at that time. Tonight, this is the only one that is moving forward. If you could potentially elaborate a little bit more on that and the reason for it. I've gotten a lot of communications from folks that thought the City was moving forward on all three of the areas that were discussed the last time.

Mr. Davis stated that is correct. This is the only one (River Avenue) where we did get sufficient signatures to move forward on. In this case, we got 100 percent (signatures). The City is required to get signatures of at least 50 percent of the property owners represented by property valuation, and more than 50 percent by number of property owners. The other two areas, one off of Franquero Lane and one off of Cottonwood Street/Willow Tree Lane area, we have received a few petition signatures, but not sufficient enough to move forward with an ordinance adoption (for annexation).

Mr. Corbin stated we have until next year to bring the other two forward. There are still plans to bring those forward if we get enough signatures. We just didn't want to wait the year since we already received the needed amount for this small annexation.

Mayor Elinski asked if that would be triggered by the City receiving the signatures.

Mr. Corbin stated that's correct. Staff, at some point, will send out reminders or reach out to the areas to see if they've changed their mind. When we came forward we had enough people wanting to annex. People change their minds, learn things. I don't know when that will happen where staff will reach out to the other landowners to see where we're at.

Mayor Elinski opened the floor for comments from the public.

The following citizens spoke against the annexation and had questions: Mr. Wayne Wright, Ms. Electra Jung, Mr. Michael Wilkerson, Ms. Lisa Gray, and Mr. Andy Groseta.

Mr. Corbin stated, in response to questions brought up by the public, it is taxable property, not necessarily real property. First of all, these are state statutes. We don't get to decide how it works, unfortunately, so we have to follow state statute to the T. APS, according to the rules, is part of the equation so that's one property owner. The only other property owner that can sign a petition is the commercial site; that's the two. The other owner of the property is State Parks and they remain neutral and are not allowed to sign, because they don't pay property tax on their property to the county or any other organization. It's just the two entities, and so it is a 100 percent. If we took APS out, and I understand the argument which makes sense to me, then we would have one property owner and we would be at a 100 percent still, because it's not the number of lots; it's the number of taxable lots and property. We clearly have met that definition in this area.

Mr. Corbin continued, stating we are not doing the other annexations at this time. We'll move forward with that when we have enough signatures. They were asking about what we were going to do with the land, so I just want to clarify, the land will still belong to the landowners. State Parks will still be the responsible party to develop that area if they want to develop that area. You'll never have commercial there. You'll never have housing in that area. Any pocket park or anything that may want to happen in the future will be at the request of, and in partnership with State Parks, not the City. We'll work with them to do what we need to do. State Parks will still be the responsible party, and I believe that conservation is one of their top priorities, so they will do what they think is best for the land. Someone asked about toilets and kayaking and all that. We won't be involved in that unless the State Parks asks us to help with that.

Mr. Ellis stated the State Parks can do what they want with the land now in the county versus the City. If they chose to do any of these things that have been brought up, they don't need to be in the City to do that. They could do it in the County. That kind of goes along with the ownership doesn't change.

Mr. Corbin stated the City is not making any money. We don't have any commercial development or kayaking. He then asked Mr. Ellis or Mr. Davis to explain why the City is annexing the commercial piece and why we even considered that.

Mr. Ellis stated on that particular parcel, the building previously known as the White Horse Restaurant and Bar, it is partially in the county and partially in the City. That line cuts through that building. A few years ago they came in for a building permit and county told us to do it; they didn't want jurisdiction. We took it over, so it makes sense to bring it into the City so we have full jurisdiction.

Mr. Corbin then stated the question about why goes back to about 3-4 years ago now, when Council asked me to look at ways for the City of Cottonwood to better connect with the river to bring the river into our community. We think people who learn about the river treat the river better and are more respectful of our water and our natural resources. This is just us wanting to bring the river into the City boundaries to partner with State Parks and to be a part of nature.

Mayor Elinski stated there was a question about how the notifications were sent out. Some folks felt like they didn't get notified directly by mail. He requested Mr. Corbin go over the statutes that require notification.

Mr. Corbin stated, first of all, this isn't the public hearing. That was held and that's when notifications went out. There were no notifications sent out for this meeting. It's not required by state law and it's not what we normally do.

Mr. Ellis stated for annexations, that meeting that we had back in April, we notified property owners within the annexation area. We posted the properties to be annexed, published notification in the newspaper, and sent notification to the fire district. There is no requirement

to notify adjacent properties with letters like we do on a rezone. With a rezone, we notify within 300 feet of the property. Annexations, we notify within that boundary.

A member of the public asked why it was going to be zoned commercial.

Mr. Corbin stated there is only one piece of property being zoned commercial, because it's already zoned that and it is part of that building. Everything else will not be commercial.

Mr. Ellis stated correct. The one that is C-2 is because that's what we have in the City right now, and that is the closest zoning to the county right now. The CF zone is not commercial; it's community facility. That's what we try to apply to publicly owned lands. It makes it easier for those entities to manage and do the things they want to do, but it doesn't allow somebody to just go right in there and start a commercial enterprise.

Mayor Elinski asked, to be clear, the parcel—the old White Horse, which is split jurisdiction right now, if this were to go through would be zoned closest to what the county was, which is C-2 in the City.

Mr. Ellis stated correct.

Mayor Elinski stated so it would be fully under City jurisdiction, and it wouldn't be a split jurisdiction anymore.

Mr. Ellis stated correct.

Mayor Elinski stated Cottonwood, for as long as I've served which is 17 years now, doesn't have a policy of going out proactively and trying to annex different parcels of land or communities. When we're approached, we've considered it in the past. Of the three potential annexations that we saw here recently, all three were precipitated by parcel owners coming to us and then we considered it. We have plenty of meetings like this, public hearings, and we've also had a policy to not annex anybody that doesn't want to be annexed. I feel like the other two annexations that we discussed likely will fail, because I don't think we're going to get the signatures we need because everybody participated in the democratic process by coming to these meetings and by not signing the petition. Though it was instigated by well-meaning property owners that just wanted to be part of the City, it likely won't go through. This one is different in that we have 100 percent of the signatures required. We're not annexing anybody that doesn't want to be annexed. It does meet some of our goals as a Council. I believe it meets some of the State Parks' goals as well. We've got Dead Horse Ranch here in Cottonwood, and we've partnered with them in amazing ways to keep that economic engine going in Cottonwood. We manage their wastewater facility out there. We co-host events. That has put Cottonwood on the map as a conservation-minded community, which I think aligns with many of the goals of the folks here who are concerned about the bald eagles and the damage to the river. I think State Parks has done a good job at conserving their lands, and we want to be a partner with them and to clean up the parcels, too. You can look to the Jail Trail. We did have a real issue down there with homelessness and homeless camps down

there, and all the things that get left behind. Although it is State Parks' land, the City partnered with them and we now have a trail committee that goes down there and cleans it up on a regular basis. We have an officer that is assigned to walking the area. In this situation we're still following the policy that we always have, which is not proactively trying to annex folks, but responding and not annexing anybody that does not choose to be annexed into the City of Cottonwood.

Mr. Corbin stated this is the first reading. We will be back September 20. Every Council Member has their contact information on our website, and they (the citizens) can email either myself or the City Clerk, and we make sure Council gets all the information. Staff is also available well before that to answer any questions and to help clarify some of the misinformation out there.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 718 by title only.

ORDINANCE NUMBER 718

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF COTTONWOOD, BEING APPROXIMATELY SIX (6) ACRES IN SIZE LOCATED AT THE NORTHEAST CORNER OF STATE ROUTE 89A AND RIVER AVENUE, PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471.

ORDINANCE NUMBER 719--ADOPTION OF CITY ZONING FOR THE RIVER AVENUE ANNEXATION AREA; FIRST READING

Mr. Ellis stated this is the adoption of the proposed zoning that we pointed out. That parcel with the restaurant would go to C-2 within the City. State Parks would go to CF. Those are the closest matching ones to the County. This is the first reading for this one as well.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 719 by title only.

ORDINANCE NUMBER 719

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ADOPTING CITY ZONING IN THE RIVER AVENUE ANNEXATION AREA.

RESOLUTION NUMBER 3149--APPROVING A POLICY TO PROVIDE APPROPRIATE LEVELS OF INFRASTRUCTURE AND SERVICES TO THE PROPOSED RIVER AVENUE ANNEXATION AREA

Mr. Horton stated there was a question regarding APS and why they were considered and consulted. The statute starts with the presumption that it is the owners of real and personal property, in a proposed annexation area that would be subject to taxation in the event of

annexation, that are the populations to be considered in the bottom number of the fraction that is one-half of both owners and valuation. That's why APS is considered an owner for this purpose.

Mayor Elinski moved to approve Resolution Number 3149. The motion was seconded by Council Member Henry.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	X		Mayor Elinski	X	
Council Member Mathews	Absent				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Resolution Number 3149 by title only.

RESOLUTION NUMBER 3149

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING A POLICY TO PROVIDE APPROPRIATE LEVELS OF INFRASTRUCTURE AND SERVICES TO THE PROPOSED RIVER AVENUE ANNEXATION AREA.

ORDINANCE NUMBER 720--ADOPTING NEW FEES FOR THE CITY'S BUILDING & SAFETY AND PLANNING & ZONING DIVISIONS; FIRST READING

Mr. Ellis stated Ordinance 720 is adoption of new fees for Community Development. We brought this to you back in May of this year in a work session to go over a few fees, and received direction to go ahead and move forward. One of them is the wayfinding and kiosk fees. Currently, we are using the existing sign fees for an initial charge to be placed on a wayfinding sign in up to three locations on Main Street in Old Town if the business is not on Main Street. The sign would be on Main Street pointing down the street. Right now, we do have this one right here across Main Street from us on Pima Street. The current fee is \$75 and we want to add an additional annual renewal fee of \$25. If they go out of business, want to make changes, or anything like that, we would recoup some of those funds to get that done. It will be replaced if they don't pay that renewal fee, if they close, or they no longer wish to have a sign, then we'll just take it down. What we will offer, if we have space available, is advertising. It will be first-come, first-serve. If space is available, they can put an advertisement in that kiosk. We want to do \$50 per business. They will all be included on that wayfinding map at no charge. It is just if they want the extra advertising in there. The next fee is a consultant fee for Community Development. We currently do not have one for consultant,

third-party review. Some of our large projects where we outsource, get some legal assistance, engineering if we need it, or various types of other services, we don't have a fee for that. We're asking for 100 percent of the cost of the consultant for third-party review, so whatever they would charge us we would then pass that on to the applicant. Then we have a temporary certificate of occupancy fee. We get asked for a temporary certificate of occupancy (TCO), which means that just about all of the life-safety issues are in place on a new build or substantial reconstruction that requires a certificate of occupancy. We don't like giving a temporary. All the life-safety issues are in place, but there still are things, could be a little or a lot, that need to be addressed to fully be in Code and get that permanent certificate of occupancy. The problem we run into is when we issue those temporary ones, they are supposed to be for a set period of time, but we really don't have any teeth to enforce it. What we're looking for is if somebody wants one, they provide a bond or a deposit. It gives them that incentive to get it done. There would be a fee of \$200 that is not refundable, but the bond would be based on the total amount to complete the project, which they would get back. If they don't finish it, we could go in there to make sure it's done and they forfeit that money. Sedona has that similar setup, but they haven't issued a TCO in over 5 years. Camp Verde also has a fee for it. We're looking to do something very similar.

Mayor Elinski asked if Camp Verde has the bond requirement as well.

Mr. Ellis stated I didn't see an actual bond requirement; just that they have a fee for it.

Mayor Elinski asked if the City issues maybe three TCO's annually.

Mr. Ellis stated yes and no. For smaller ones, like a home or something like that, we probably issue quite a few of them. Larger, commercial projects, not a whole lot, but we have issued one back in July for a substantial project. We do try to have faith in the contractors and businessowners that they will get it done, but, again, we don't have any teeth to enforce that if they choose not to.

Council Member Wilden asked who is responsible for getting the bond; the City or the owner.

Mr. Corbin stated the business is required to come up with the money to cover the bond.

Council Member Wilden asked if they would have to go out and get the insurance or the bond themselves.

Mr. Ellis stated correct.

Mr. Horton stated the City is the obligee, the party that's protected and benefitted, and can call the bond for events of non-performance.

Vice Mayor Nairn asked if it is essentially like a security deposit. If they don't do what they're supposed to do in a timeframe, then we would use that to finish the job, but if they do do it, they get it back.

Mr. Ellis stated correct.

After further brief discussion regarding a TCO, Mayor Elinski stated I think you're on the right path, so let's bring it back for final reading.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 720 by title only.

ORDINANCE NUMBER 720

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF  
COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ADOPTING NEW FEES FOR  
THE CITY'S BUILDING & SAFETY AND PLANNING & ZONING DIVISIONS.

CLAIMS AND ADJUSTMENTS

Mayor Elinski moved to pay the claims and adjustments. The motion was seconded by Council Member Henry, who noted that on this month's claims and adjustments, there are a couple of different entries that had multiple months combined on the claims and adjustments and it is unusually large.

The motion carried.

ADJOURNMENT

Mayor Elinski moved to adjourn. The motion was seconded by Vice Mayor Nairn and Council Member Henry and carried.

The regular meeting adjourned at 7:22 p.m.



MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD SEPTEMBER 20, 2022, AT 6:00 P.M., AT THE COTTONWOOD COUNCIL CHAMBERS BUILDING LOCATED AT 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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Mayor Elinski called the meeting to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Tim Elinski, Mayor  
Jackie Nairn, Vice Mayor  
Tosca Henry, Council Member  
Doug Hulse, Council Member  
Michael Mathews, Council Member  
Debbie Wilden, Council Member

COUNCIL MEMBERS ABSENT:

Helaine Kurot, Council Member

STAFF MEMBERS PRESENT

Rudy Rodriguez, Deputy City Manager  
Tami S. Mayes, Deputy Clerk  
Steve Horton, City Attorney  
Jeffrey Tripp, Airport Manager  
Gary Davis, Senior Planner  
Scott Ellis, Community Development Director

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

Council Member Wilden and Mayor Elinski announced community events they attended. Mayor Elinski and Mr. Rodriguez announced upcoming City and community events.

CALL TO THE PUBLIC

There were no comments from the public.

UNFINISHED BUSINESS

ORDINANCE NUMBER 721--ADOPTING COTTONWOOD MUNICIPAL AIRPORT RATES, FEES AND CHARGES; SECOND AND FINAL READING

Mr. Tripp stated we have received no additional comments since the last meeting on September 6, 2022, regarding the rates and fees.

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

Council Member Wilden moved to adopt Ordinance Number 721 updating airport rates, fees, and charges with an effective date of November 1, 2022. The motion was seconded by Council Member Mathews.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	Absent		Mayor Elinski	X	
Council Member Mathews	X				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 721 by title only.

ORDINANCE NUMBER 721

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING COTTONWOOD MUNICIPAL AIRPORT RATES, CHARGES AND FEES.

ORDINANCE NUMBER 718--ANNEXING INTO THE CITY APPROXIMATELY SIX ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF STATE ROUTE 89A AND RIVER AVENUE PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471; SECOND AND FINAL READING

Mr. Davis stated two weeks ago we held the first reading of two ordinances, 718 and 719, which were the annexation and the accompanying adoption of new zoning on that area. We have not received any additional comments since that point. There were some questions after the meeting about whether somebody could withdraw a signature, and the last day that you can withdraw a signature is the same date that we turned in the signed petitions, which would have been July 27. Other than that, we have no additional information to present on either of those two items.

Mr. Rob Harrison, Mr. Michael Wilkerson, Ms. Lisa Gray, and Ms. Ellanor Gray spoke in opposition of the proposed annexation.

Mayor Elinski closed the floor to the public.

Council Member Mathews stated we are talking about three pieces of land here, I believe; two parcels owned by the State Parks and one private property which is already developed.

Mr. Davis stated correct, and a portion of right-of-way.

Council Member Mathews stated, as I understand it, all that happens is an invisible boundary moves. State Parks still owns state parks. The City does not own it and has absolutely no control over it. Even if the City had a desire to put public access on State Parks' land, we could not do it. We have no authority on that land. State Parks would have to want to do that, and I really doubt whether they ever will. As far as the private property goes, we already administer that property. Half of that building belongs in the City and half in the county, and we're just kind of cleaning that up. I think there's a big misunderstanding as far as annexation goes. They think it is a landgrab; all it is, is a boundary. The City cannot develop anything on these properties. We cannot even annex your land unless you want it and you ask for it. Perhaps if ten of your neighbors want it and two don't, you might get annexed. I don't really see that happening over in Bridgeport. I don't think there is anybody there that wants that, so there is no danger of it. The City doesn't desire to annex your properties. It is something you have to come to and ask us for and then we'll consider it. Nothing is going to change with the State Parks. I really doubt whether that private property owner there has any plans to change anything that's going on there. So I understand your concerns, but there is no reality to them. Nobody is looking to do anything nefarious. We're not sitting around in a back room trying to figure out what to do with this land or how we're going to develop it. It's just not happening.

Mr. Davis stated that is correct. The entire boundary of the area is six acres, five of which is actual parcels. The rest is just the portion of the River Avenue right-of-way that would go to the City. The ownership remains with the State Parks for those two State Parks' parcels. Whether it gets annexed to the City or whether it doesn't, the State Parks has control of what to do with those parcels.

Council Member Wilden stated the only other thing that I can think of is, you were wrong in one thing where you said that nothing is going to change in the State Parks' area. I think it will. I think, from my understanding, that the City will probably go in and help State Parks, if they want us to and if we want to, maybe clean it up. There has been a large group that said that is a horrible area right now as far as trash and other things that go on in there. I think there is a chance that it will get cleaned up. In my mind, that's for the better.

Council Member Henry stated we are laying our intentions out on the record. I do want to remind any viewers that most of the folks that are here tonight were here at the last meeting. We are talking about the one River annexation and not the other two proposed annexations that were brought before Council and the group earlier in the year. We were approached by a property owner who is in an unfortunate situation, stuck between county and City with a boundary line that runs smack-dab in the middle of the building. The county did not care to allocate the time and resources to address this problem, so the property owner approached the City and asked to be annexed and to cure this problem. I did confirm that is the way the lines were drawn. So there was a request voiced as far as can we just annex the one private

property, and my confirmation is that we can't actually proceed and be compliant with the statute if that were to be modified. Correct me if I misunderstood that follow-up.

Mr. Davis stated the private property is included in with the state property because the state property is not subject to taxation, and therefore, they are not able to sign a petition. Some private property, either real or personal, is needed within the area to be able to sign the petition, so that's why the private property is there. According to the State Department of Revenue, APS has property within the area as well, so those would be needed for a petition to go forward.

Council Member Henry stated since that last meeting, I've had many folks reach out because there is a lot of misinformation circulating. There is no plan that has been presented to Council as a whole, nor do we have the legal ability to develop property that we do not own or lease or otherwise lawfully control.

Mr. Rodriguez stated there are no plans. Before we would do anything, the state would have to come to us to request our help to do anything. Our support would probably come in the manner of trying to obtain grants for them if they were even interested. At this point in time, there hasn't been any discussion about any type of development on that particular property, and we would always inform our Council before we made any type of commitment to anybody.

Council Member Henry asked if there is any other identifiable solution to the private property with the property line right down the middle of their property.

Mr. Rodriguez stated I do not believe so. I don't believe that on their own they would qualify for an annexation.

Mr. Ellis stated that is correct; they can't stand alone and do that annexation. As you mentioned, a line goes through the middle which creates issues. We have been here before. We sent them off to county, and they told us to deal with it, and so we have.

Mr. Horton stated the only de-annexation that can occur under Arizona law is from a municipality to another municipality, not to an unincorporated jurisdiction.

Council Member Hulse stated we have a similar situation along Fir Street. On the southside of Fir Street starting at Monte Tesoro, it's in the City and it's in the county. We have houses that are split right down the middle. Half of the house is in the City and half of the house is in the county because of the way lines were drawn way back when. The homeowners in those home have a problem when they want to make any improvements; do they go to the City or do they go to the county. This is the same situation. The owner is trying to clean up a mess so that they can control their own property without having to deal with two governmental agencies. Each and every one of you would be very unhappy if you had to come to the City for half of your property to have permission to do anything, and go to the county to have anything that you want to do with your property. This is the reasoning this person has approached the

City. They're just trying to clean up their own property that, beyond their control, government agencies drew a line and those lines happen to drop right in the middle of their property.

Vice Mayor Nairn stated I am also unaware of anybody having any plans to develop any of this area. It seems like a perfectly reasonable thing for this property owner to request, especially since the county is not willing to address it. I can't see any reason not to move forward since there are no plans to do anything, and as a City we can't.

Mayor Elinski stated this is a situation where there's a great opportunity to clean up jurisdictional discrepancies on this single piece of property, and bring into the City limits some State Park land. We are a conservation-minded community, so that's always guiding what we do with any kind of land that is along the river corridor. The benefits of being able to work with State Parks and clean up some of the homeless encampments and just the general debris and trash that's left behind, I think that's what we do well down along the greenway here with the Jail Trail. I also understand and want to be sensitive to folks' general fear of annexation. There's a fear of City encroachment and loss of rural-way of life. This Council really values our small-town character. We want to preserve that even as the City of Cottonwood grows. In this area, there just isn't room for any kind of mediocre growth that I think people may fear. There is one piece of property that is already developed, and then the State Parks' land, which is zoned as community facility property. It will remain as such, and anything that happens to it will be done by State Parks. The City cannot develop that. We don't own it; State Parks owns it. I understand your fears. In this case, I hope that your fears will be unfounded. I think this is an annexation that makes a lot of sense.

Mayor Elinski then stated, as for the other annexations, if they come back to Council, it will be in a very public setting and a process that you will all have an opportunity to get involved in. We're not out to annex any folks that do not want to be annexed. That has historically been the case with us, and I don't see that changing in the future.

Vice Mayor Nairn moved to approve Ordinance Number 718.

Mr. Davis stated, in the interest of being totally accurate, the owner of the private property here is in favor and has signed the petition, but did not approach the City. This originally was three separate areas of annexation, and the spark came from one of the other areas, not this one. However, when we did talk to this owner, she was in favor.

The motion was seconded by Council Member Mathews.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	Absent		Mayor Elinski	X	
Council Member Mathews	X				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Ordinance Number 718 by title only.

ORDINANCE NUMBER 718

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF COTTONWOOD, BEING APPROXIMATELY SIX (6) ACRES IN SIZE LOCATED AT THE NORTHEAST CORNER OF STATE ROUTE 89A AND RIVER AVENUE, PURSUANT TO THE PROVISIONS OF A.R.S. § 9-471.

ORDINANCE NUMBER 719--ADOPTION OF CITY ZONING FOR THE RIVER AVENUE ANNEXATION AREA; SECOND AND FINAL READING

Mr. Davis stated this zoning area is for five acres rather than six acres because we do not zone our rights-of-way. It just touches the two parcels that are owned by the state and the private parcel that we mentioned earlier.

Mayor Elinski asked if we adopt zoning that is as close as possible to the underlying county zoning.

Mr. Davis stated correct. We are required to adopt zoning that is no greater in density than what is allowed currently in the county. In this case, for the state land, we're proposing zoning that does not allow residential use at all. It is community facility zoning, CF, which is for open space and park facilities.

Mayor Elinski moved to approve Ordinance Number 719. The motion was seconded by Council Member Henry.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	Absent		Mayor Elinski	X	
Council Member Mathews	X				

The motion carried.

ORDINANCE NUMBER 720--ADOPTING NEW FEES FOR THE CITY'S BUILDING & SAFETY AND PLANNING & ZONING DIVISIONS; SECOND AND FINAL READING

Mr. Ellis stated this is the second reading for Ordinance Number 720 for the additional fees for Community Development and Building regarding wayfinding, third-party consultants, and temporary certificates of occupancy. There have been no changes, no questions, no comments, and no concerns brought up since the first reading.

Mayor Elinski moved to approve Ordinance Number 720. The motion was seconded by Council Member Hulse.

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 Henry	X		Council Member Wilden	X	
Council Member Hulse	X		Vice Mayor Nairn	X	
Council Member Kurot	Absent		Mayor Elinski	X	
Council Member Mathews	X				

The motion carried.

Mayor Elinski requested the Deputy Clerk read Ordinance Numbers 719 and 720 by title only.

ORDINANCE NUMBER 719

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ADOPTING CITY ZONING IN THE RIVER AVENUE ANNEXATION AREA.

ORDINANCE NUMBER 720

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, ADOPTING NEW FEES FOR THE CITY'S BUILDING & SAFETY AND PLANNING & ZONING DIVISIONS.

CONSENT AGENDA

CONTRACT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR A GRANT TO SUPPORT SELECTIVE TRAFFIC ENFORCEMENT PATROLS IN THE CITY AND TO PURCHASE RELATED EQUIPMENT AND SUPPLIES

CONTRACT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR A GRANT TO SUPPORT ENHANCED DUI/IMPAIRED DRIVING ENFORCEMENT IN THE CITY

COOPERATIVE USE OF THE CITY OF GOODYEAR'S CONTRACT WITH CORE AND MAIN LP. FOR THE PURCHASE AND INSTALLATION OF NEW AUTOMATED READ WATER METERS AND ASSOCIATED TELEMETRY SUPPORTING EQUIPMENT

Mayor Elinski moved to approve the Consent Agenda. The motion was seconded by Council Member Henry and carried.

#### NEW BUSINESS

None.

#### CLAIMS AND ADJUSTMENTS

Mayor Elinski moved to pay the claims and adjustments. The motion was seconded by Vice Mayor Nairn and carried.

#### ADJOURNMENT

Mayor Elinski moved to adjourn. The motion was seconded by Vice Mayor Nairn and carried. The regular meeting adjourned at 6:43 p.m.



MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD OCTOBER 3, 2022, AT 6:00 P.M., AT THE COTTONWOOD COUNCIL CHAMBERS BUILDING LOCATED AT 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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Mayor Elinski called the meeting to order at 6:04 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Tim Elinski, Mayor  
Jackie Nairn, Vice Mayor  
Tosca Henry, Council Member  
Doug Hulse, Council Member  
Helaine Kurot, Council Member  
Michael Mathews, Council Member  
Debbie Wilden, Council Member

STAFF MEMBERS PRESENT

Ron Corbin, City Manager  
Marianne Jiménez, City Clerk  
Steve Horton, City Attorney

OTHERS PRESENT

Lisa DuVernay, Council Member Elect  
Stephen DeWillis, Candidate for Council Member

ITEMS FOR DISCUSSION, CONSIDERATION, AND POSSIBLE LEGAL ACTION

REVIEW OF CITY MANAGER APPLICATIONS AND FINALIST RECOMMENDATIONS, AND DIRECTION TO STAFF REGARDING LOGISTICS AND NEXT STEPS IN THE CITY MANAGER RECRUITMENT PROCESS. PURSUANT TO ARS §38- 431.03.A.1 AND/OR A.3, THE COUNCIL MAY VOTE TO CONVENE IN EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE AND/OR TO DISCUSS INDIVIDUAL APPLICANTS AND THEIR APPLICATIONS, SUBJECT TO THE RIGHT OF EACH APPLICANT TO REQUIRE THE COUNCIL TO DISCUSS THEIR APPLICATION IN A PUBLIC MEETING RATHER THAN IN EXECUTIVE SESSION

Mayor Elinski moved to convene into executive session. The motion was seconded by Vice Mayor Nairn and carried unanimously.

After reconvening into special session, the Council held no discussion nor took any action regarding this item.

ADJOURNMENT

Mayor Elinski moved to adjourn. The motion was seconded by Council Member Kurot and carried unanimously. The special meeting adjourned at 7:58 p.m.

City of Cottonwood, Arizona  
City Council Agenda Communication



 [Print](#)

Meeting Date:	October 18, 2022
Subject:	Zone Change from AR-43 (Agricultural Residential) and R-4 (Single Family/Multiple Family/Manufactured Home) zones to R-3 (Multiple Family Residential) zone for approximately 1.2 acres located at 902 N. 14th Street.
Department:	Community Development
From:	Gary Davis, Senior Planner

### REQUESTED ACTION

Second and final reading of Ordinance Number 722, a Zone Change from AR-43 (Agricultural Residential) and R-4 (Single Family/Multiple Family/Manufactured Home) zones to R-3 (Multiple Family Residential) zone for approximately 1.2 acres located at 902 N. 14th Street, at the north end of 14<sup>th</sup> Street, approximately 1,000 feet north of Main Street.

### SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

I move to approve Ordinance Number 722.

### BACKGROUND

The applicant requests a zone change to R-3 (Multi-family Residential) in order to allow the reconfiguration of parcels adjacent to City-owned land.

The applicant owns two adjacent parcels at the north end of 14<sup>th</sup> Street situated between the City's cemetery parcel and Riverfront Park. The larger parcel, zoned AR-43 (Agricultural Residential) is about an acre in size and contains a single-family residence. The smaller parcel, zoned R-4 (Single-Family/Multiple-Family/Manufactured Home), contains an accessory structure and has no street frontage. Previous owners have encroached on the cemetery parcel by placing a fence about 27 feet onto that parcel and using that portion, about 4,900 square feet, for a yard and driveway. The applicant

wishes to acquire that 27-foot strip of the cemetery parcel from the City in order to continue to use the yard within the fence. The cemetery property is also zoned R-4.

Riverfront Park is directly north of the applicant's property. City staff has proposed transferring the 27-foot strip of cemetery land to the applicant in exchange for a public utility and pedestrian easement running north from 14<sup>th</sup> Street to Riverfront Park. The new easement would provide the neighborhood east of the Cemetery with direct pedestrian and bicycle access to Riverfront Park and would run alongside an existing drainage easement that already extends north from the end of 14<sup>th</sup> Street.

The City has no plans to develop or otherwise use the northern 27 feet of the cemetery property, and on May 17, 2022, Council approved this exchange in concept. At that time, transfer of two pieces of City land were being considered for the exchange; the applicant now proposes the transfer of only the 4,900-square foot cemetery parcel.

The proposed easement would cut across the larger of the applicant's parcels, cutting off the east portion of the parcel from the house, which is on the west portion. The applicant proposes splitting the parcel along the proposed easement, and creating two lots. Under the applicant's proposed Minor Land Division plan, the western lot, which contains the house, would combine the western portion of parcel 406-36-011 with the smaller parcel 406-37-242A and the northern 27 feet of the cemetery parcel. Neither of the new lots would be large enough to meet the 43,000 square foot minimum lot size required in the AR-43 zone.

Staff would ordinarily recommend that any new zoning match the adjacent residential zoning in order to keep development patterns consistent. In this case, the adjacent zoning is R-4, which was created to accommodate areas where a mix of housing types including manufactured homes has been established. Zoning Ordinance Section 416.A states that because it is the intention of the Ordinance "to prevent the expansion of these mixed-use areas and to promote their elimination, it shall be the policy of the City Council to accept no applications for 'R-4' rezoning within the City of Cottonwood after the adoption of this Ordinance." For this reason, staff recommended the applicant instead apply for R-3 zoning, which allows a similar mix of single- and multi-family residential uses, but without manufactured housing. R-3 and R-4 zoning permit the same maximum density (one unit per 1,500 square feet for lots over 24,000 square feet, and one per 2,000 square feet for lots between 14,000 and 24,000 square feet), but given the triangular shape of the lots and the requirements for parking and open space, it is unlikely actual densities would approach the maximum.

The R-3 zoning would apply to the two private parcels and to the north 27 feet of the cemetery parcel so the new combined lots would have the same zoning classification. In the coming months, staff intends to include the cemetery and Riverfront Park (which is

zoned AR-43 and GA) in another CF (Community Facilities) zone change similar to the one the Planning and Zoning Commission considered in June 2022.

The north 140 feet of 14<sup>th</sup> Street (north of Navajo Street) is unpaved and the City has no plans to pave it. Currently the unpaved road provides access for only two residences, the applicant's and another one on the corner of 14<sup>th</sup> Street and Navajo Street. The City would require that roadway to be paved in conjunction with development of any new residences on the rezoned land.

On April 1, 2022 the applicant held the required neighborhood meeting to which all property owners within 300 feet were invited. Owners of two properties attended and the one concern raised about the proposed increased density was the potential impact on dust and drainage on the unpaved portion of 14<sup>th</sup> Street. Before the Planning and Zoning Commission hearing, one of these owners submitted a letter expressing concern over the dust issue and potential overflow parking for Riverfront Park (see attached).

On September 8, 2022, the Planning and Zoning Commission held a public hearing and unanimously recommended approval of the Zone Change. An accompanying request for a General Plan Amendment (Resolution 3151) was approved at the October 4, 2022 City Council meeting.

#### JUSTIFICATION/BENEFITS/ISSUES

The zone change would allow for additional residential units in a central neighborhood and would allow for a minor land division that would result in a public trail easement connecting the neighborhood with Riverfront Park.

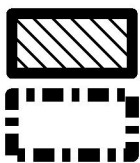
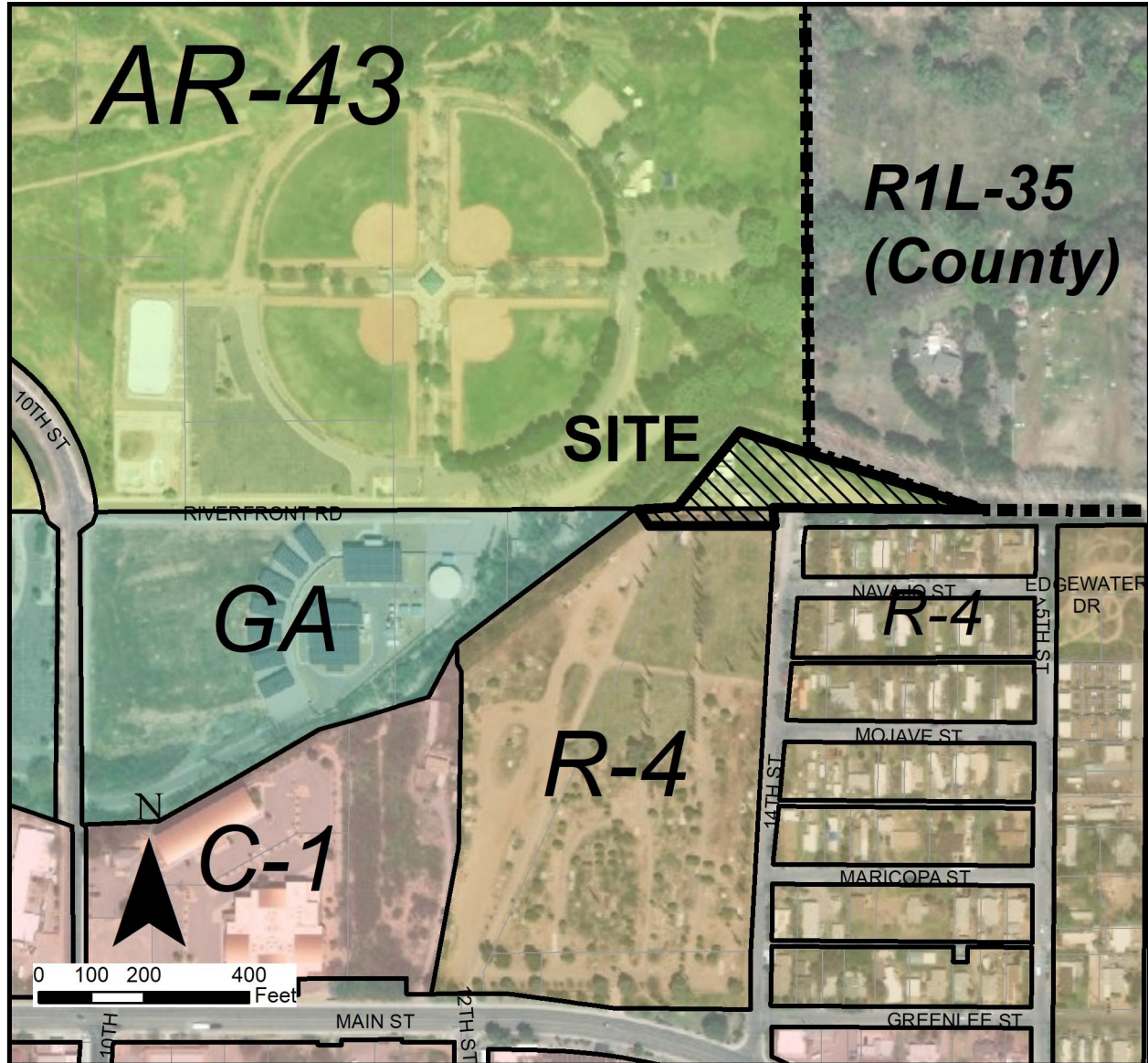
#### COST/FUNDING SOURCE

There is no cost associated with the proposed zone change. Funds would later be budgeted for construction of a trail and bridge across the Cottonwood Ditch.

#### ATTACHMENTS:

File Name	Description	Type
Rezone_map_aerial.jpg	Map of Proposed Zone Change	Backup Material
Site_Plan_MLD.pdf	Site Plan - Proposed Minor Land Division	Backup Material
Eldred_comment_20220907.pdf	Eldred Comment	Backup Material
Ord722.docx	Ordinance Number 722	Cover Memo

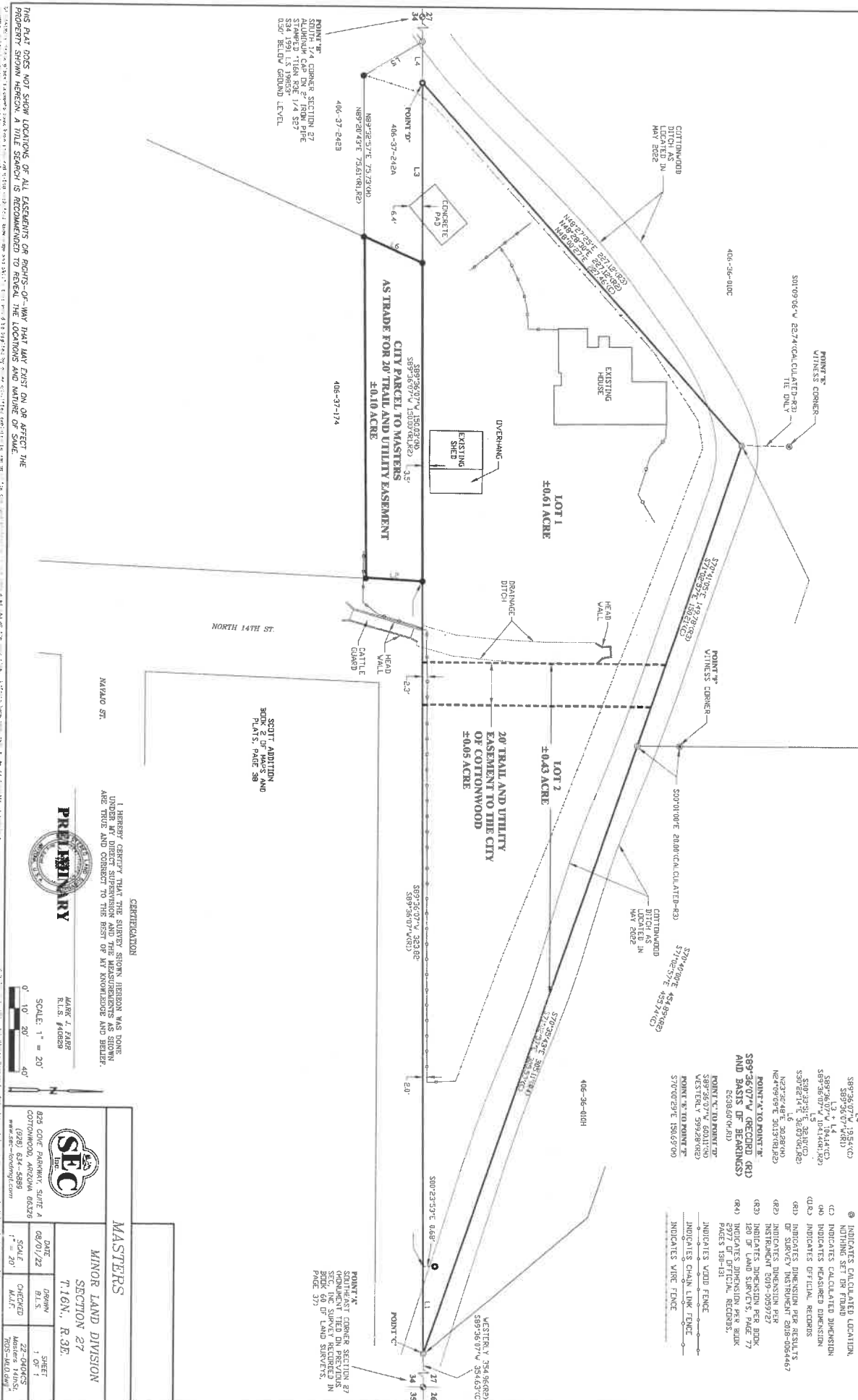
**Z 22-007**  
**MASTERS ZONE CHANGE**



Proposed Zone Change to R-3

City Boundary

A PORTION OF THE SOUTHEAST 1/4 OF  
SECTION 27, T16N, R3E, G. & S.R.M.,  
YAVAPAI COUNTY, ARIZONA.  
ASSESSOR PARCEL 406-36-011  
CITY OF COTTONWOOD




I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS DONE UNDER MY DIRECT SUPERVISION AND THE MEASUREMENTS AS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

# PRELIMINARY

MARK J. FARR  
R.L.S. #40829



		824 CO. RAINIER, SUITE A COTTOWOMO, ARIZONA 86235 (928) 634-5899 <a href="http://www.sec-arizona.com">www.sec-arizona.com</a>	
DATE 06/01/22		DRAWING B.L.S.	
SCALE 1" = 20'		SHEET 1 OF 1	
CHECKED M.M.		TISSOT-DUQUES 7225 N. 40TH ST. SCOTTSDALE, AZ 85266	

LINE DATA

- [illegible]

LEGEND

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| (B) | INDICATES FOUND DIMENSION AS NUMBER OF SURVEY INSTRUMENT PER RESULTS |
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| (Y) | INDICATES FOUND DIMENSION AS NUMBER OF SURVEY INSTRUMENT PER RESULTS |
| (Z) | INDICATES FOUND DIMENSION AS NUMBER OF SURVEY INSTRUMENT PER RESULTS |

INDICATES WOOD FENCE  
INDICATES CHAIN LINK FENCE  
INDICATES WIRE FENCE

To: Cottonwood Planning and Zoning Commission  
Gary Davis

From: Ronald Eldred & Brenda Eldred (RBE LLC)

Reference: Concerns to Z22-007 Zoning Change at 902 N 14<sup>th</sup> st Cottonwood AZ.

We have strong concerns that we want to have publicly noted and addressed in both the Planning and Zoning Commission meeting on Thursday, September 8, 2022, and the City Council meetings on Tuesday October 4<sup>th</sup> and Tuesday October 18<sup>th</sup> regarding the proposed Z22-007 zoning change.

We have two primary concerns.

1. Traffic increase to narrow, dirt, 14<sup>th</sup> st road that is a mere 15 feet from the front of our home at 1402 E Navaho st. Dust and traffic has already been an issue without the additional dwellings that are being proposed.

Remedy requested: Limit newly zoned property to 3 total occupied units. 14<sup>th</sup> st road in front of 1402 e Navaho home must be paved prior to any construction activity commencing on the newly zoned property.

2. Separately proposed easement that would provide park access through the newly created zoned property will create parking issues on both E Navaho and 14<sup>th</sup> st roads as people begin accessing the area.

Remedy requested: Create additional parking as part of the newly zoned property and installation of "no parking" signs on both sides on the roads on 14<sup>th</sup> st and E Navaho st.

We appreciate your consideration of our concerns and are looking to create a positive outcome for all of the parties involved in this proposed zoning change.

Sincerely,

Ronald and Brenda Eldred





## ORDINANCE NUMBER 722

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE CITY OF COTTONWOOD, ARIZONA, FOR CERTAIN PARCELS OF LAND (SPECIFICALLY, YAVAPAI COUNTY APN 'S 406-36-011, 406-37-242A, AND A PORTION OF 406-37-174) SO AS TO CHANGE THE PRESENT ZONING DESIGNATIONS OF AR-43 (AGRICULTURAL RESIDENTIAL) AND R-4 (SINGLE FAMILY/MULTIPLE FAMILY/MANUFACTURED HOME) FOR THOSE PARCELS TO R-3 (MULTIPLE FAMILY RESIDENTIAL).

WHEREAS, at a public meeting held on September 8, 2022 , the Planning & Zoning Commission unanimously voted in support of a proposal to rezone certain land located at 902 North 14th Street (APN'S 406-36-011, 406-37-242A, and a portion of 406-37-174), to allow for the reconfiguration of parcels adjacent to City-owned property; and

WHEREAS, the requirements of A.R.S. § 9-462.04 have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

**Section 1:** That the following described parcels of land, APN'S 406-36-011, 406-37-242A, and a portion of 406-37-174, lying within the City of Cottonwood, Yavapai County, Arizona, shall be and is hereby reclassified from AR-43 (Agricultural Residential) and R-4 (Single Family/Multiple Family/Manufactured Home), to R-3 (Multiple Family Residential).

### **Legal Descriptions**

**PARCEL 1 (APN 406-36-011);** from deed recorded 2019-00597727 Yavapai County.

All that portion of Section 27, Township 16 north, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Section 27;

Thence Westerly along the Southerly boundary of said Section 27 a distance of 354.96



Ordinance Number 722

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feet to a point on the Center Line of the Cottonwood Ditch, which point is the TRUE POINT OF BEGINNING;

Thence North 70°40'00" West along the Center Line of the Cottonwood Ditch, a distance of 454.89 feet to a point;

Thence South 48°28'30" West, a distance of 227.12 feet to a point on the Southerly boundary of said Section 27;

Thence Easterly along the Southerly boundary of said Section 27 a distance of 599.28 feet to the TRUE POINT OF BEGINNING.

**PARCEL 2 (APN 406-37-242A);** from deed recorded 2019-00597727, Yavapai County.

A parcel of land being a portion of the Northeast Quarter of Section 34, Township 16 North, Range 3 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, City of Cottonwood, being a portion of the northerly 27 feet more or less of a parcel of land as described in book 249 of Official Records, Pages 296 and 297, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the locally accepted Northeast corner of Section 34, Township 16 North, Range 3 East, as calculated from previous SEC, Inc. job No. 94-0807CS, monumented by a found 5/8" smooth bar, from which the North Quarter corner of Section 34, as recorded in Book 173 of Land Surveys, page 70 and Book 119 of Land Surveys, page 39, Yavapai County, Arizona lies South 89°36'07" West a distance of 2,638.60 feet, recorded as South 89°36'07" West a distance of 2,638.60 feet in ALSA/ACSM Land Title Survey as recorded in Instrument 2012-0071215, Yavapai County, Arizona, and use as Basis for Bearing of this description;

Thence from said Northeast corner of Section 34, South 89°36'07" West, along the North line of Section 34, a measured distance of 720.10 feet, recorded as West a distance of 720.1 feet in Book 845 of Official Records, Pages 19 and 20, henceforth referred to as (R4), to a set 5/8 inch rebar, an plastic cap stamped "SEC INC LS 40829";

Thence, continuing, South 89°36'07" West along the north line of said Section 34 and along the north line of said parcel as described in (R4), a measured distance of 150.00 feet, recorded as West a distance of 150.00 feet per (R4), to a point on the North line of said parcel as described in (R4), being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829", at the TRUE POINT OF BEGINNING;

Thence South 24°09'09" West, along the north line of said parcel as described in (R4), a

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distance of 30.13 feet, to a point 1 foot north of a chain link fence;

Thence South 89°20'43" West, running parallel to and 1 foot north of a chain link fence, a distance of 75.61 feet, to a point 1 foot north of an angle point in said chain link fence;

Thence North 30°22'14" West, a distance of 32.03 feet, to a point on the north line of said Section 34 at an approximate point of intersection with the south side of the Cottonwood Ditch as located September 09, 2010;

Thence North 89°36'07" East, along the north line of said Section 34, a distance of 104.14 feet, bearing recorded as North 89°36'07" East in ALTA/ASCM Land Title Survey recorded in Instrument 2012-0071275, Yavapai County, Arizona, to the TRUE POINT OF BEGINNING and containing 2,479 square feet / 0.06 acre more or less and being subject to any easements or encumbrances of record.

**PARCEL 3: (North 27 feet of City Cemetery APN 406-37-174)**

A parcel of land being a portion of the Northeast Quarter of Section 34, Township 16 North, Range 3 East of the Gila and Salt River Meridian, Yavapai County, Arizona, City of Cottonwood, being the northerly 27 feet more or less of a parcel of land as described in Book 845 of Official Records, Pages 19 and 20, Yavapai County, Arizona, henceforth referred to as (R4), more particularly described as follows:

Commencing at the locally accepted Northeast corner of Section 34, Township 16 North, Range 3 East, as calculated from previous SEC, Inc. job no. 94-0807CS, monumented by a found 5/8" smooth bar, from which the North Quarter corner of Section 34, as recorded in Book 173 of Land Surveys, Page 70 and Book 119 of Land Surveys, Page 39, Yavapai County, Arizona, lies South 89°36'07" West a distance of 2,638.60 feet, recorded as South 89°36'07" West a distance of 2,638.60 feet in ALTA / ASCM Land Title Survey as recorded in Instrument 2012-0071215, Yavapai County, Arizona, and used as Basis of Bearings of this description;

Thence, from said Northeast corner of Section 34, South 89°36'07" West, along the north line of Section 34, a measured distance of 720.10 feet, recorded as West a distance of 720.1 feet per (R4), to a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829", at the TRUE POINT OF BEGINNING;

Thence, South 03°12'00" West, along the east line of said parcel as described in (R4), a distance of 26.74 feet, bearing recorded as South 03°12' West per (R4), to a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

Ordinance Number 722

Page 4

Thence, South 89°20' 43" West, running parallel to and 1 foot north of a chain link fence, a distance of 160.84 feet, to a point on the west line of said parcel as described in (R4), being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

Thence, North 24°09'09" East, along the west line of said parcel as described in (R4), a measured distance of 30.13 feet, bearing recorded as North 24°09' West per (R4), to a point on the north line of said parcel as described in (R4), and on the north line of said Section 34, being a set 5/8 inch rebar and plastic cap stamped "SEC INC LS 40829";

Thence, North 89°36'07" East, along the north line of said parcel as described in (R4) and the north line of said Section 34, a measured distance of 150.00 feet, recorded as East a distance of 150.0 feet per (R4), to the TRUE POINT OF BEGINNING and containing 4,201 square feet / 0.10 acre more or less and being subject to any easements or encumbrances of record.

**Section 2:** That at least three (3) copies of the zoning map of the City of Cottonwood, Arizona, as hereby amended be kept in the office of the City Clerk for public use and inspection.

**Section 3:** Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS \_\_\_\_\_ DAY OF OCTOBER, 2022.

\_\_\_\_\_  
Tim Elinski, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Steve Horton, Esq.  
City Attorney

\_\_\_\_\_  
Marianne Jiménez, City Clerk

City of Cottonwood, Arizona  
City Council Agenda Communication



 [Print](#)

Meeting Date:	October 18, 2022
Subject:	Zoning Ordinance text amendment to add a Cluster Subdivision option in the Agricultural Residential (AR) zoning districts.
Department:	Community Development
From:	Tina Hayden, Planner

### REQUESTED ACTION

Second and final reading of Ordinance 723 -- A Zoning Ordinance text amendment to Sections 201 Definitions; 411 AR-43 (Agricultural Residential); 412 AR-20 (Agricultural Residential); 425 AR-70 (Agricultural Residential); and 428 AR-87 (Agricultural Residential); adding a definition and standards for cluster subdivisions in those zones.

### SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

I move approve Ordinance 723.

### BACKGROUND

Cottonwood's Zoning Ordinance currently sets the maximum density for each single-family residential zone by requiring a minimum lot size. When new residential lots are created either by Subdivision Plat or Minor Land Division, all lots must equal or exceed the required minimum lot size. For example, in the AR-70 (Agricultural Residential) zone, the permitted maximum density is one unit per 1.61 acres (or .625 units per acre), which is achieved by permitting lots no smaller than 1.61 acres (70,000 square feet).

In other jurisdictions, cluster development is sometimes allowed where a site has physical constraints such as hillsides or washes. Those hills or washes can be contained in a reserve tract, which could be owned by a separate entity such as a homeowners' association or conservation organization. Because lots are smaller than they would be in a conventional subdivision, clustering also has the advantage of reducing the amount of pavement and utility lines required to serve the area.

In the City of Cottonwood, the only tool in the Zoning Ordinance that currently allows for lot size flexibility and dedication of open space in a subdivision is the PAD (Planned Area Development) zone. Many PAD residential subdivisions have been approved with HOA-owned open space tracts and small lots. However, the process of PAD zoning for a single-family subdivision is costly and time-intensive, necessitating review and approval by the Planning & Zoning Commission and the City Council. If Cottonwood's Zoning Ordinance and Subdivision Ordinance permitted a cluster option, land in Agricultural/Residential zones could be developed with natural open space tracts and smaller lots while retaining the permitted density without requiring a PAD rezoning process.

Under the cluster option proposed by staff, the overall density would be consistent with that of a conventional subdivision, but remaining land would be reserved for natural open space. The zoning ordinance would set a smaller minimum lot size requirement for a cluster subdivision and require a minimum percentage of that subdivision to be reserved for natural open space. Cottonwood's subdivision ordinance can later be amended to include provisions for the cluster option and require a subdivision or minor land division to place a restrictive note on the reserve tract prohibiting development or further subdivision.

The cluster subdivision option proposed by staff allows for housing development at the same overall density that is currently called for in AR-20, AR-43, AR-70 and AR-87 zones. With cluster subdivisions the lots will be concentrated in portions of the development, allowing for natural features such as steep hills and riparian areas to be reserved as natural open space.

With the implementation of a cluster subdivision, minimum lot areas may be reduced in size by no more than 50% of the original minimum lot size. This reduction will only be allowed if a designated percentage of land is reserved as natural open space, ranging from minimums of 20% to 40%, depending on the zoning district. Additionally, maximum lot coverage, minimum yard setbacks, and maximum building height will remain the same as lots in a conventional subdivision. In the AR-20 and AR-87 zones, a cluster subdivision will allow for minimum lot width requirements to be reduced to 60 feet and 100 feet respectively. And in the AR-43 and AR-70 zones, the minimum lot width requirements will remain 100 feet.

On September 8, 2022, the Planning and Zoning Commission held a public hearing and unanimously recommended approval of the proposed amendment. Per newly adopted state law, staff and the Planning and Zoning Commission considered the probable impact of the amendment on the cost to construct housing and believes it would not increase housing costs. There have been no public comments to date.

On October 4, 2022 City Council held a public hearing and first reading of the Ordinance.

JUSTIFICATION/BENEFITS/ISSUES

The proposed amendment would provide an option that could reduce infrastructure requirements, costs and time for developers, and increase preserved natural open space, while maintaining densities consistent with conventional subdivisions.

COST/FUNDING SOURCE

There are no costs associated with the proposed amendment.

ATTACHMENTS:

File Name	Description	Type
Ord723 - _sbh_revs_ - _09-30-22.docx	Ordinance 723	Cover Memo
ZO 22-004_Cluster_Draft_Markup.pdf	Draft Amendment	Backup Material

## ORDINANCE NUMBER 723

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE TO ALLOW FOR CLUSTER SUBDIVISIONS IN CERTAIN AGRICULTURAL-RESIDENTIAL ZONING DISTRICTS AND PROVIDING DEFINITIONS AND STANDARDS THEREFOR.

WHEREAS, The City of Cottonwood Planning and Zoning Commission has recommended that the City Council amend the Zoning Ordinance to allow for housing development at the same overall density that is currently called for in AR-20, AR-43, AR-70 and AR-87 zones, allowing for natural features such as steep hills and riparian areas to be reserved as natural open space; and

WHEREAS, the City Council finds that the amendments recommended by the Planning and Zoning Commission are appropriate and in the City's best interests.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

**Section 1.** That **ARTICLE II - DEFINITIONS, SECTION 201. GENERAL.**, is hereby amended by adding the following definitions:

**NATURAL OPEN SPACE** - A tract of land that is owned and managed by a public or nonprofit entity or a homeowner's association for the purpose of preserving natural landforms and vegetation and providing a scenic and recreational amenity accessible to the general public. A natural open space tract may include landscaped drainage facilities, underground utility lines over which natural vegetation has been restored, trails and trail facilities such as signs and benches, and public trailhead parking areas.

**SUBDIVISION, CLUSTER** - A subdivision of land in which the number of lots would not exceed the total subdivision area divided by the minimum lot size for a conventional subdivision in the applicable zoning district, but minimum lot sizes may be reduced to a smaller size specified in the zone's development standards, if the subdivision plat permanently reserves a specified proportion of the subdivision for Natural Open Space, as described in this Ordinance.

**SUBDIVISION, CONVENTIONAL** – A subdivision of land in which each lot meets the minimum lot size required by this Ordinance’s development standards or by a Master Development Plan approved in conjunction with a Planned Area Development.

**Section 2.** That **SECTION 411. “AR-43” ZONE, AGRICULTURAL RESIDENTIAL., D. PROPERTY DEVELOPMENT STANDARDS.,** is hereby amended by deleting Section D.1., Minimum Lot Area, in its entirety and adding a new Section D.1., Minimum Lot Area, as follows:

**D. PROPERTY DEVELOPMENT STANDARDS**

1. Minimum Lot Area:
  - a. 43,000 square feet for a conventional subdivision.
  - b. 20,000 square feet for a cluster subdivision in which no less than 30 percent of the subdivision is permanently reserved for natural open space.

**Section 3.** That **SECTION 412. “AR-20” ZONE, AGRICULTURAL RESIDENTIAL., D. PROPERTY DEVELOPMENT STANDARDS.,** is hereby amended by deleting Section D.1., Minimum Lot Area, and Section D.2. Minimum Average Lot Width, and a new Section D.1. Minimum Lot Area, and D.2. Minimum Average Lot Width, are hereby added as follows:

**D. PROPERTY DEVELOPMENT STANDARDS**

1. Minimum Lot Area:
  - a. 20,000 square feet for a conventional subdivision.
  - b. 10,000 square feet for a cluster subdivision in which no less than 20 percent of the subdivision is permanently reserved for natural open space.
2. Minimum Average Lot Width:
  - a. 100 feet for a conventional subdivision.
  - b. 60 feet for a cluster subdivision in which no less than 20 percent of the subdivision is permanently reserved for natural open space.



**Section 4.** That **SECTION 425. "AR-70" ZONE, AGRICULTURAL RESIDENTIAL., D. PROPERTY DEVELOPMENT STANDARDS.,** is hereby amended by deleting Section D.1., Minimum Lot Area, in its entirety and a new Section D.1. Minimum Lot Area, is hereby added as follows:

**D. PROPERTY DEVELOPMENT STANDARDS**

1. Minimum Lot Area:
  - a. 70,000 square feet for a conventional subdivision.
  - b. 35,000 square feet for a cluster subdivision in which no less than 30 percent of the subdivision is permanently reserved for natural open space.

**Section 5.** That **SECTION 428. "AR-87" ZONE, AGRICULTURAL RESIDENTIAL., D. PROPERTY DEVELOPMENT STANDARDS.,** is hereby amended by deleting Section D.1., Minimum Lot Area, a., and b., and adding a new Section D.1., Minimum Lot Area, a., and b., as follows:

**D. PROPERTY DEVELOPMENT STANDARDS**

1. Minimum Lot Area:
  - a. 87,120 square feet for a conventional subdivision.
  - b. 35,000 square feet for a cluster subdivision in which no less than 40 percent of the subdivision is permanently reserved for natural open space.
2. Minimum Average Lot Width:
  - a. 225 feet for a conventional subdivision.
  - b. 100 feet for a cluster subdivision in which no less than 40 percent of the subdivision is permanently reserved for natural open space.

**Section 6.** That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

ORDINANCE NUMBER 723

Page 4

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE  
MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS \_\_\_\_ DAY OF  
OCTOBER 2022.

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Tim Elinski, Mayor

APPROVED AS TO FORM:

ATTEST:

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Steven B. Horton, Esq., City Attorney

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Marianne Jiménez, City Clerk

## SECTION 201. DEFINITIONS

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NATURAL OPEN SPACE – A tract of land that is owned and managed by a public or nonprofit entity or a homeowners association for the purpose of preserving natural landforms and vegetation and providing a scenic and recreational amenity accessible to the general public. A natural open space tract may include landscaped drainage facilities, underground utility lines over which natural vegetation has been restored, trails and trail facilities such as signs and benches, and public trailhead parking areas.

.....

SUBDIVISION OF LAND – (See Arizona Revised Statutes, Section 9-463).

SUBDIVISION, CLUSTER – A subdivision of land in which the number of lots would not exceed the total subdivision area divided by the minimum lot size for a conventional subdivision in the applicable zoning district, but minimum lot sizes may be reduced to a smaller size specified in the zone’s development standards, if the subdivision plat permanently reserves a specified proportion of the subdivision for Natural Open Space, as described in this Ordinance.

SUBDIVISION, CONVENTIONAL – A subdivision of land in which each lot meets the minimum lot size required by this Ordinance’s development standards or by a Master Development Plan approved in conjunction with a Planned Area Development.

.....

USABLE OPEN SPACE – Space which can be enjoyed by people. This could include landscaped areas, grass and trees, fountains, sitting areas, natural areas, natural or landscaped drainage facilities, etc., and is mean to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots, non-landscaped drainage facilities, or agricultural land that is not open to the public.

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## SECTION 411. “AR-43” ZONE, AGRICULTURAL RESIDENTIAL.

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### D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area:
  - a. 43,000 square feet for a conventional subdivision.
  - b. 20,000 square feet for a cluster subdivision in which no less than 30

percent of the subdivision is permanently reserved for natural open space.

2. Minimum Average Lot Width: 100 Ft.
3. Minimum Lot Frontage: 100 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 25 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 20 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 40 feet.
7. Minimum Rear Yard:
  - a. 40 Ft.
  - b. Where a rear yard abuts an alley, the required rear yard shall be measured from the center line of the alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

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## SECTION 412. "AR-20" ZONE, AGRICULTURAL RESIDENTIAL.

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### D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area:
  - a. 20,000 square feet for a conventional subdivision.
  - b. 10,000 square feet for a cluster subdivision in which no less than 20 percent of the subdivision is permanently reserved for natural open space.

2. Minimum Average Lot Width:
  - a. 100 Ft. for a conventional subdivision.
  - b. 60 Ft. for a a cluster subdivision in which no less than 20 percent of the subdivision is permanently reserved for natural open space.
3. Minimum Lot Frontage: 50 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 20 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 10 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 20 feet.
7. Minimum Rear Yard:
  - a. 20 Ft.
  - b. Where a rear yard abuts an alley, the required rear yard shall be measured from the center line of the alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

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## SECTION 425. "AR-70" ZONE, AGRICULTURAL RESIDENTIAL.

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### D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area:
  - a. 70,000 square feet for a conventional subdivision.
  - b. 35,000 square feet for a cluster subdivision in which no less than 30 percent of the subdivision is

permanently reserved for natural open space.

2. Minimum Average Lot Width: 100 Ft.
3. Minimum Lot Frontage: 100 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 50 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 25 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 20 feet.
7. Minimum Rear Yard:
  - a. 50 Ft.
  - b. Where a rear yard abuts an alley, the required rear yard shall be measured from the center line of the alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

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#### SECTION 428. "AR-87" ZONE, AGRICULTURAL RESIDENTIAL.

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#### D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area:
  - a. 87,120 square feet for a conventional subdivision.
  - b. 35,000 square feet for a cluster subdivision in which no less than 40 percent of the subdivision is permanently reserved for natural open space.

- 2. Minimum Average Lot Width:
  - a. 225 Ft. for a conventional subdivision.
  - b. 100 Ft. for a cluster subdivision in which no less than 40 percent of the subdivision is permanently reserved for natural open space.
- 3. Minimum Lot Frontage: 50 Ft.
- 4. Maximum Lot Coverage: 10%
- 5. Minimum Front Yard:
  - a. 50 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
- 6. Minimum Side Yard:
  - a. 25 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 20 feet.
- 7. Minimum Rear Yard:
  - a. 50 Ft.
  - b. Where a rear yard abuts an alley, the required rear yard shall be measured from the center line of the alley.
- 8. Maximum Building Height: 2 stories, but not to exceed 30 Ft., except under Conditional Use Permit.

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City of Cottonwood, Arizona  
City Council Agenda Communication



 [Print](#)

Meeting Date:	October 18, 2022
Subject:	Approval of a Farm Winery Liquor License Application for Julie A. Levy, agent/owner of Burning Tree Cellars, LLC.
Department:	City Clerk
From:	Marianne Jiménez, City Clerk

### REQUESTED ACTION

Council consideration of recommending approval or denial of a Farm Winery Liquor License Application for Julie A. Levy, agent/owner of Burning Tree Cellars.

### SUGGESTED MOTION

If the Council desires to approve this item the suggested motion is:

"I move to recommend approval of the Farm Winery Liquor License Application submitted by Julie A. Levy, agent/owner of Burning Tree Cellars located at 1040 North Main Street."

### BACKGROUND

A Farm Winery Liquor License Application was received for Julie A. Levy, agent/owner of Burning Tree Cellars located at 1040 North Main Street. The application has been posted for 20 days, and no arguments for or against the application have been received.

The liquor license previously approved for Burning Tree Cellars was under Mitch Levy's name. This "Acquisition of Control" application names Julie A. Levy as the new agent and controlling person of the liquor license.

### JUSTIFICATION/BENEFITS/ISSUES

All Liquor License applications that are submitted to the Arizona Department of Liquor Licenses & Control (ADLLC) for establishments located within the City of Cottonwood are presented to the Council for its recommendation of approval or denial of the application. The Council's recommendation is taken into consideration by the ADLLC prior to their final approval of the application.



COST/FUNDING SOURCE

NA

ATTACHMENTS:

File Name	Description	Type
10-18-22_Burning_Tree_Cellars_LLA.pdf	Burning Tree Cellars LLA	Backup Material

Sub # 207412  
Cotton wood  
CA

**State of Arizona**  
**Department of Liquor Licenses and Control**

Created 09/07/2022 @ 02:36:55 PM

Local Governing Body Report

<b>LICENSE</b>
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Number:	13133032	Type:	013 FARM WINERY
Name:	BURNING TREE CELLARS		
State:	Pending		
Issue Date:		Expiration Date:	08/31/2022
Original Issue Date:	07/05/2012		
Location:	1040 N MAIN STREET COTTONWOOD, AZ 86326 USA		
Mailing Address:	1040 N MAIN STREET COTTONWOOD, AZ 86326 USA		
Phone:	(928)649-8733		
Alt. Phone:	(480)254-3266		
Email:	JULIE@BURNINGTREECELLARS.COM		

Currently, this license has pending applications.

<b>AGENT</b>
--------------

Name:	JULIE ANN LEVY
Gender:	Female
Correspondence Address:	1040 N MAIN STREET COTTONWOOD, AZ 86326 USA
Phone:	(480)254-3266
Alt. Phone:	
Email:	JULIE@BURNINGTREECELLARS.COM

<b>OWNER</b>
--------------

Name:	BURNING TREE CELLARS LLC		
Contact Name:	JULIE LEVY		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L15992091	State of Incorporation:	AZ
Incorporation Date:			
Correspondence Address:	1040 N MAIN STREET COTTONWOOD, AZ 86326 USA		
Phone:	(480)254-3266		
Alt. Phone:			
Email:	JULIE@BURNINGTREECELLARS.COM		

**Officers / Stockholders**

Name:  
COREY JONATHAN TURNBULL  
JULIE ANN LEVY

Title:  
Member  
Member

% Interest:  
50.00  
50.00

### **BURNING TREE CELLARS LLC - Member**

Name: COREY JONATHAN TURNBULL  
Gender: Male  
Correspondence Address: 1040 N MAIN STREET  
COTTONWOOD, AZ 86326  
USA  
Phone: (928)639-3004  
Alt. Phone:  
Email:

### **BURNING TREE CELLARS LLC - Member**

Name: JULIE ANN LEVY  
Gender: Female  
Correspondence Address: 1040 N MAIN STREET  
COTTONWOOD, AZ 86326  
USA  
Phone: (480)254-3266  
Alt. Phone:  
Email: JULIE@BURNINGTREECELLARS.COM

## **APPLICATION INFORMATION**

Application Number: 207412  
Application Type: Acquisition of Control  
Created Date: 08/26/2022

## **QUESTIONS & ANSWERS**

### **013 Farm Winery**

- 3) Have you submitted questionnaires? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.  
Yes
- 4) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?  
No

## COMPLIANCE ACTIONS

000169-20

03/17/2020 - Incident Date

03/31/2020 - Fine

06/16/2020 - Dismissed

06/15/2020 - Case Closed

### Violations

Statute	Counts	Description
4-205.04(C).5	1	Exceeding 20% of sales from other farm winery

1/31/2020 Audit period

3/31/2020 Mail In Consent issued/mailed, \$250.00 Penalty fine assessed

4/2/2020 Compliance meeting

6/15/2020 Case Dismissed

City of Cottonwood, Arizona  
City Council Agenda Communication



 Print

Meeting	October 18, 2022
Date:	
Subject:	Request for Program Approval: Shift Differential
Department:	HR
From:	Amanda Wilber, Human Resources Director

**REQUESTED ACTION**

Consideration and approval of a new shift differential program to be implemented.

**SUGGESTED MOTION**

If the Council desires to approve this item the suggested motion is:

I move to approve the new shift differential program as proposed by staff.

**BACKGROUND**

Over the past few years, staff has presented to Council various challenges related to the difficult Arizona job market. The City has made efforts to stay competitive through the use of various methods including conducting and implementing the recommendations of a compensation study in 2021; approving programs such as the Utility Certification Pay program and the Referral Bonus Program; and creating an environment of support and trust. However it remains difficult to compete with other organizations.

The City was first municipality to conduct a compensation study in the Verde Valley but was soon followed by the rest of the Valley. Now, our immediate competition (Camp Verde, Clarkdale, Sedona) all offer higher wages in many job classifications. Although we are not proposing mid-year adjustments to salaries at this time, management does find it necessary to find other creative ways to remain competitive and show support and appreciation to staff in hard to fill positions.

This request to approve a new shift differential program will directly benefit one of our most difficult to fill positions: Communications Specialist. This new program would provide an additional 25 cents per hour to non-exempt swing-shift employees and an

additional 50 cents per hour to non-exempt grave-shift employees in both Communications and Police to help retain employees and show appreciation for working these generally less desirable hours when there are plenty of opportunities in other career fields that do not require late/overnight shifts.

The attached program outline currently focuses only on our Police and Communications positions, however, there may be additional opportunities in other areas to include in this program at a later date if it proves to be successful.

#### JUSTIFICATION/BENEFITS/ISSUES

Implementing this program will help the City narrow the gap in overall benefits offered within the positions it covers (Communications and Police). In the Communications Specialist position alone, we are behind in starting wages by approximately \$3 per hour to one competitor when we had been just above or right in line with that agency before the beginning of this budget year. Fifty cents per hour does not directly compete with the \$3 per hour additional pay available from that other agency, but this program paired with some of our other programs, our culture, and our overall support of staff will hopefully assist in retention.

#### COST/FUNDING SOURCE

The costs of the program can be absorbed into this year's budget and then re-evaluated each year during the budget process.

The estimated cost of this program would be approximately \$37,600 - \$56,385 per year. The large range accounts for the minimum amount we would expect based on base hours as well as the maximum amount if all hours were counted as overtime. The actual amount is difficult to project as this is a new program and overtime can be unexpected and unpredictable throughout the year. Based on these projections, however, the actual expense is expected to be somewhere in the middle of this range. After the program has been running for a few years, it will be possible to develop better annual estimates for budgeting purposes.

This money for implementing this program in Communications will come primarily from salary savings within that area as we have several unfilled positions. The Police Department has limited salary savings to use for this purpose as they have been fully staffed for most of this year. PD's expected costs, which account for about half of the estimate, will be covered through salary savings in the City overall, including the unfilled Communications positions.

#### ATTACHMENTS:

File Name	Description	Type
Shift_Differential_Pay_Program_10-5-22.docx	Shift Differential Program	Backup Material

# Shift Differential Pay Program

The non-exempt staff in qualifying positions are eligible to receive shift differential payments while assigned to certain shifts. The differential rates will apply to any and all hours worked by the employee while assigned to that particular shift on a regular basis, even if the employee covers a different shift while still regularly assigned to their primary shift schedule. Changes to shift differential assignment pay will occur at the beginning of a pay period. Exempt employees are not eligible to receive a shift differential.

An employee not receiving a shift differential is eligible to receive a temporary shift differential when he or she is called back to work after a shift has been completed and the employee is no longer at work. Employees who are required to stay after her or his shift are not eligible for an additional differential payment unless mandated by their supervisor, even if the hours fall into the following shift category. Temporary shift differential rates will be applied based on when the employee begins work after being called back.

Regular rate and overtime rate calculations per the Fair Labor Standards Act (FLSA) apply to this policy.

## **Shift Categories:**

### Police:

Swing Shift: 1530-0130

Grave Shift: 2000-0600

### Communications:

Grave Shift: 1800-0600

## **Shift Differentials:**

Swing Shift: \$.25 per hour

Grave Shift: \$.50 per hour

## **Examples:**

1. An employee is normally assigned to Swing Shift, but is covering an extra day shift. The employee normally receives a Swing Shift Differential of \$.25 per hour during her or his entire shift. The employee also receives \$.25 during her or his extra day shift because the employee is currently assigned to the Swing Shift assignment regularly.
2. An employee is normally assigned to Day shift, but is called in at 0300 for four hours, ending the call out at 0700. The employee is eligible for \$.50 temporary shift differential for the four hours he or she worked because the call out began at 0300.
3. An employee is normally assigned to Swing Shift and has the \$.25 differential assignment pay applied to her or his pay. The employee is required to stay on scene until 0300. The employee continues to receive the normal \$.25 differential assignment pay, but is not eligible for an additional temporary differential because it is an extension of her or his normal Swing Shift.

City of Cottonwood, Arizona  
City Council Agenda Communication



 Print

Meeting                      October 18, 2022  
Date:  
Subject:                      Request for Reclassification  
Department:                HR  
From:                          Amanda Wilber, Human Resources Director

**REQUESTED ACTION**

Consideration and approval of a reclassification of a Recreation Coordinator II position to a Recreation Center Supervisor position.

**SUGGESTED MOTION**

If the Council desires to approve this item the suggested motion is:

I move to approve reclassifying one hourly Recreation Coordinator II position at Range 19 to an exempt Recreation Center Supervisor position at Range 23 as presented.

**BACKGROUND**

The Parks and Recreation Department has seen several changes in its organizational structure over the years for various reasons. Most recently, the structure consists of 4 Recreation Coordinator II positions, a Guest Services Supervisor; and a Customer Service and Reservations Coordinator, all of whom report to the Parks and Recreation Director; with 2 full-time Lifeguards reporting to the Recreation Coordinator II - Aquatics and Administrative Services. Generally, Parks and Recreation oversees the functioning of the entire Recreation Center as well as our outside community services such as parks; special events; community events; sports; and community engagement/participation.

At this time, staff is requesting a reclassification of one of the Recreation Coordinator II positions into a Recreation Center Supervisor. This will give more direct daily support to those staff members who are primarily running the Recreation Center's daily operations. The fitness floor, memberships, and aquatics would all have one direct supervisor dedicated to the oversight of the facility, which should allow staff to have



greater access to direct daily support and allow for shared high-level decision making and administrative duties within the department.

Reclassifying our Recreation Coordinator II - Aquatics and Administrative Services position into a Recreation Center Supervisor position would move the majority of the daily Recreation Center oversight to this position, generating the opportunity for a greater number of shared high-level duties that often occur after normal working hours as this position would be a salaried, FLSA-exempt position.

Approving this reclassification would change the organizational structure to include one Recreation Coordinator II - Fitness and Sports, one Guest Services Supervisor, and two Lifeguards reporting to the Recreation Center Supervisor. The Recreation Supervisor, along with two Recreation Coordinators and the Customer Service and Reservations Coordinator, will report directly to the Parks and Recreation Director.

#### JUSTIFICATION/BENEFITS/ISSUES

The recommended reclassification would result in better support for both staff and the public. Although staff at the Recreation Center does a great job supporting the public and carrying out its operations, the duties carried by staff are not necessarily shared at its most optimal level.

This new position would be exempt from overtime. Currently there is only one salaried employee in the Parks and Recreation Department, the director. Adding a second salaried employee allows for the sharing of on-call duties without the expense of overtime. Currently the director receives many after-hours calls for issues at the Rec Center, including several from the alarm company for issues after the Rec Center closes.

As the City also strives for consistency across departments, this structure is similar to the structure of the Library. This reclassified Recreation Center Supervisor position would be the same range and classification as the Library Supervisor.

#### COST/FUNDING SOURCE

This change would involve a \$9,000 increase in the position's base salary (\$10,800 including ASRS/taxes) as it would change from a Range 19 to a Range 23. As noted above, it would also change from a non-FLSA exempt (hourly) position to an FLSA-exempt/salaried position. The department currently has some salary savings from an open position that would help cover this year's costs of the change, and the remainder would be made up through other salary savings City-wide.

Range 19: \$40,381 - \$60,572

Range 23: \$49,084 - \$73,626

ATTACHMENTS:

File Name	Description	Type
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No Attachments Available

City of Cottonwood, Arizona  
City Council Agenda Communication



 [Print](#)

Meeting	October 18, 2022
Date:	
Subject:	City Manager Recruitment Process
Department:	Attorney
	Amanda Wilber, Human Resources Manager
From:	Ron Corbin, City Manager
	Steve Horton, City Attorney

**REQUESTED ACTION**

Discussion and direction to staff regarding how to proceed in the City Manager recruitment process.

**SUGGESTED MOTION**

If the Council desires to approve this item the suggested motion is:

NA

**BACKGROUND**

Following the initial screening and review of approximately 34 applications for the upcoming City Manager vacancy by a review committee and subsequently by Council on October 4, 2022, Council identified 4 applicants who were to be invited for a series of in-person interviews on October 28 and 29, 2022. Upon being notified that they were being invited for in-person interviews, 2 of the 4 selected individuals chose to withdraw from the process. The purpose of this discussion is to give Council an opportunity to discuss this development and provide staff with direction regarding how to proceed.

**ATTACHMENTS:**

File Name	Description	Type
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No Attachments Available

CLAIMS EXCEPTIONS REPORT OF OCTOBER 18,2022			
FUND	VENDOR NAME	DESCRIPTION	TOTAL
All	City of Cottonwood	Payroll 10/14/2022	716,353.73
All	Amazon Capital Services	Office Supplies	6,278.95
Gen	Arizona Department of Revenue	Annual State fee to upgrade tax collection program	8,251.52
Gen	Arizona State Treasurer	Court Fines	21,198.19
Utilities	Cummins Inc	Natural Gas for Generator	5,294.77
Utilities	Dibble & Associates Consulting Engineers Inc	LS2 design	25,549.60
All	Diesel Direct West	August and September	66,442.32
Utilities	Eco Green Services LLC	Grubbing vegetation from effluent pond	12,500.00
Gen	Empire Southwest	TVR Generator Rental	17,982.63
Transit	Hansen Enterprises Fleet Repair	Vehicle Maintenance	11,668.98
Utilities Gen	Hill Brothers Chemicals	Chemicals	10,448.22
Gen	ImageTreen, Inc	Elite Rescue SaaS annual Fee	12,637.70
All	Melton & Sons LLC	Custodial Services	37,247.07
Gen	Pierce Coleman	Contractual Attorney Services - Replacement check for July, August and September charges	6,279.00
Gen	Prescott Law Group PLC	Final Prosecuting Attorney invoice	5,500.00
Airport	Rural Electric Inc	Airfield lighting and signage repairs	9,064.00
Gen	SHI International	Office 365 annual fee	51,943.00
Gen	Studio G Multimedia	Council Filming	10,500.00
Gen	Oren Thomas	Stormwater management plan update 2022	15,400.00
Gen	VV Homeless Coalition	Reissue check for FY 2022 Outside agency funds	5,200.00
Capital	Westwood Professional Services Inc	Railroad Wash and Silver Springs	7,144.50
Gen	Yavapai Cuntty Elections	Elections Cost per voter	20,337.00
<b>TOTAL</b>			<b>\$ 1,083,221.18</b>