

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.

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

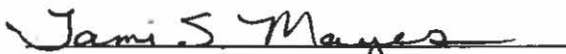
Mayor Elinski moved to adjourn. The motion was seconded by Vice Mayor Nairn and carried.

The regular meeting adjourned at 6:43 p.m.



Tim Elinski, Mayor

ATTEST:




Tami S. Mayes, Deputy Clerk

CERTIFICATION OF MINUTES

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of Cottonwood held on September 20, 2022. I further certify that the meeting was duly called, and that a quorum was present.



Tami S. Mayes, Deputy Clerk

Date