

This meeting was closed to the public due to Covid 19

MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, SEPTEMBER 8, 2020 AT 5:30 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 5:33 PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III, Mayor Pro Tempore

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I

Mayor David M. Smith

Councilmember Leslie Johns, Ward I Excused

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III 5:36 pm

STAFF

Theresa Coleman, City Manager

Ashlee Coronado, City Clerk

Jesus Haro, Public Works Director

Joel Ward, Building Official

CITY ATTORNEY

William Macdonald

THE FOLLOWING ITEMS WERE DISCUSSED AT THIS MEETING:

1. Discussion on the request for the transfer of certain city property located adjacent to and west of 104D and 144 Locklin Avenue.

Theresa Coleman, City Manager

Ms. Coleman and Mr. Ward gave a brief history of this property. They informed Mayor and Council that this had gone before the Planning and Zoning Commission and Planning and Zoning had recommended that it move forward for Council approval.

Mr. Macdonald said that the appropriate course of action would be to obtain a title history for the property before the City made any decision on this transfer. He said that we needed something that locks in the City's ownership of this property.

Ms. Coronado read comments submitted by Ken and Sandy Heusman. They thanked Mayor and Council for the opportunity to address this item on their desire to purchase property that adjoins theirs on Lockin Ave. They stated that their backyard was separated from the rest of their property by a 10-foot strip of land.

Mayor Smith requested that during the application process it now be required that the applicant include a title report at their expense.

Ms. Coleman indicated that could be added.

Ms. Heusman explained that this request was to gain access to their backyard. She said that this was already approved by the Council to go to auction and then Covid hit. This has been in the process for about six months.

2. Discussion on the request to abandon an easement adjacent to parcel 103-99-053B also known as 223 Youngblood Hill as described in the attached survey.

Theresa Coleman, City Manager

Ms. Coleman explained, upon further review, the requested portion belongs to Freeport McMoRan.

Mayor Smith said that we really need to consider requiring a title search when these items are brought to us. He requested that this be an agenda item in the near future.

Ms. Coleman said that it could be adjusted in the process. She will check to see if it needed to be adjusted in the Code or just in the process.

3. Discussion on the request to abandon the easements dividing Mr. Collins properties near Adams Avenue to exclude the Adams Avenue Easement, City Trail Easement and Ridge Trail Easement.

Theresa Coleman, City Manager

Ms. Coleman said that this request was based on the survey provided. There has been no title work on this property. Ms. Coleman said that Mr. Collins was requesting that the Ridge Trail and the City Trail be included in this transfer. Ms. Coleman recommended that the City retain those two easements.

Councilmember Higgins said that when he ran for office he wanted to keep those two trails in operation and not make them a tourist attraction. They are for the citizens of Bisbee.

Ms. Coronado read comments submitted by the applicant Kevin Collins. He requested to clarify his intentions for the land and trails. He said that they are part of the soul of Bisbee and one of the reasons he fell in love with the City. He had no interest or intention to hinder access to the trails. He wanted to combine his many lots into as few as possible. He intended to build a small home and live in Bisbee.

Councilmember Giacomino asked if this transfer went through would the property be accessible to the public.

Councilmember Higgins confirmed that was the intention.

Councilmember Hansen said that she felt uncomfortable not having those access points part of the city and preferred them not be a part of the package.

Council discussed preserving the trail easements with Mr. Macdonald.

4. Discussion on the request from Marguerite Connors and Sean McIntire to grant a 20-foot wide easement adjacent to parcel 103-61-006.

Theresa Coleman, City Manager

Ms. Coleman explained that these applicants need to repair their wall on the back of their property. They have requested this easement to allow them into the area.

Mr. Macdonald discussed conveying temporary easements. He said that this situation was more like a need for a permit. He said that as far as a conveyance of land we may not need to go through the extra process.

Mr. Haro gave some history on this request. He explained that the applicants wall was on the edge of their property line. What they were requesting was to repair the wall and anchor it 10 feet outside their property line. What would happen was that those anchors would not be on their property. This was why they are requesting the extra property.

Councilmember Pawlik said that this was real property that the applicant was wanting. If they were allowed to install it under a temporary easement the real property would become the responsibility of the City because we own the property. This easement should be a permanent easement to protect their property.

Mr. Macdonald said that an easement was the appropriate remedy from a legal perspective because it would clear up the liability issues.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:23 PM

David M. Smith, Mayor