

CITY OF WILLIAMS CITY COUNCIL

**REGULAR MEETING
SEPTEMBER 22, 2022
7:00 P.M.**

**CITY COUNCIL CHAMBERS
113 S. FIRST STREET
WILLIAMS, ARIZONA**

AGENDA

PURSUANT TO A.R.S. #38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE CITY COUNCIL AND THE GENERAL PUBLIC THAT THE CITY COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC **THURSDAY, SEPTEMBER 22, 2022, AT 7:00 P.M.** IN THE CITY COUNCIL CHAMBERS, 113 S. FIRST STREET, WILLIAMS, ARIZONA. THE COUNCIL MAY, BY MOTION, RECESS INTO EXECUTIVE SESSION FOR (A) LEGAL ADVICE IN ACCORDANCE WITH A.R.S. §38-431.03(A)(3), OR (B) DISCUSSION OR CONSIDERATION OF RECORDS EXEMPT BY LAW FROM PUBLIC INSPECTION IN ACCORDANCE WITH A.R.S. §38-431.03(A)(2), TO DISCUSS AND CONSIDER ANY ITEM CONTAINED IN THIS AGENDA. THE COUNCIL WILL DISCUSS AND MAY TAKE ACTION ON THE FOLLOWING MATTERS:

I. PROCEDURES

- A. Call to Order
- B. Pledge of Allegiance and Invocation
- C. Roll Call
 - _____ Mayor Moore
 - _____ Vice-Mayor Dent
 - _____ Councilmember Fritsinger
 - _____ Councilmember McNelly
 - _____ Councilmember Cowen
 - _____ Councilmember Hiemenz
 - _____ Councilmember Payne
- D. Approval of Minutes for September 8, 2022
- E. Adopt Agenda

II. PRESENTATIONS –

III. PUBLIC PARTICIPATION

The Council cannot act upon items presented during the public participation portion of the agenda. Individual Council members may ask questions of the public or may respond to any criticisms. Still, the open meeting law prohibits the members from discussing or considering the items among themselves until the matter is officially placed on the agenda. However, the open meeting law allows the City Council to ask staff to review a case or place it on a future Council agenda. A person has a five-minute time period to speak. If a person has a written presentation that requires more than five minutes to present verbally, they should indicate the estimated time required on the sign-up sheet. The presiding officer may grant additional time if the agenda for the meeting is not too full. A registered spokesperson for a recognized community organization shall be afforded ten minutes, provided other members of the same organization agree beforehand to withhold their comments on the same subject.

IV. CONSENT AGENDA ITEMS –

Certification of Posting

The undersigned hereby certifies that a copy of this notice was duly posted at Williams City Hall interior board and exterior board in accordance with the statement filed by the City Council with the City Clerk.

Date: _____ Time: Before 5 p.m. By: _____

City Clerk Pamela Galvan

CITY OF WILLIAMS CITY COUNCIL

**REGULAR MEETING
SEPTEMBER 22, 2022
7:00 P.M.**

**CITY COUNCIL CHAMBERS
113 S. FIRST STREET
WILLIAMS, ARIZONA**

AGENDA

A. Approval of Purchase Orders.

V. NON-CONSENT AGENDA ITEMS

B. Council will hear its first reading of Ordinance No 994 regarding shopping carts.

C. Consideration and action with a vacation right-of-way.

VI. REPORTS, CURRENT EVENTS, AND INFORMATION ITEMS

Mayor and Council

Staff

VII. ADJOURN

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 1

SEPTEMBER 8, 2022
COUNCIL ACTION

I. PROCEDURES

A. Call to Order 7:00 PM

Mayor Moore called the meeting to order, and George Glen provided the invocation.

B. Roll Call

Present: Mayor Moore, Councilmember Mike Cowen, Councilmember Craig Fritsinger, and Councilmember Bernie Hiemenz. Absent: Vice-Mayor Don Dent, Councilmember Frank McNelly, and Councilmember Lee Payne. Present City Staff, City Manager Tim Pettit, Police Chief Tad Wygal, Public Works Director Aaron Anderson, and City Clerk/HR Director Pamela Galvan.

C. Approval of Minutes for August 25, 2022.

Motion: *To approve the Minutes for August 25, 2022.*

Action: *Approved*

Moved by *Councilmember Fritsinger, Seconded by Councilmember Hiemenz*

Motion passed unanimously.

D. Adopt Agenda

Motion: *To approve the agenda as presented.*

Action: *Adopted*

Moved by *Councilmember Fritsinger, Seconded by Councilmember Cowen*

Motion passed unanimously.

II. PRESENTATIONS –

- *Kerry-Lynn Moede requests the city to streamline the process for vendors to participate.*
- *Robin Eckles-Smith is looking for ways to increase the protocol for the safety of the citizens. Expressed ongoing speeding and running of our stop signs. The need for a sign halfway down Fulton Rd would be beneficial.*
- *Mayor Moore will have the city look into it. He mentioned looking at the whole traffic pattern in the city, not sure how quickly we can get it done. We were overwhelmed with traffic this past week, and many areas have reported issues. He will get the Chief of Police and come up with some ideas.*

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 2

SEPTEMBER 8, 2022
COUNCIL ACTION

- *Also noted are a tree's branches hanging over into the view on Franklin St. The city will address and take care of them.*
- *Andrea Dunn brought the lack of public restrooms downtown. Hopsings restrooms are not city restrooms. Maybe increase porta potties during events.*

III. PUBLIC PARTICIPATION – None

IV. CONSENT AGENDA ITEMS –

- A. Approval of the check register for the month ending August 31, 2022.**
- B. Approval of Purchase Order.**

Mayor Moore noted the need to look closer at where we are spending our funds in bringing more and more people to Williams; the community, sanitation, and PD are overwhelmed.

Motion: *To approve the consent agenda items as presented.*

Moved by Councilmember Fritsinger, ***Seconded by*** Councilmember Hiemenz.

Motion passed unanimously

V. NON-CONSENT AGENDA ITEMS

- C. Council will hear its third and final reading of Ordinance No 993 regarding the amending of Chapter 32, 32.08 Parks and Recreation Commission.**

Mayor explained that this ordinance changes the Parks and Recreation Commission to a Committee.

The City Clerk only provided the third and final reading of Ordinance No 993 by number and title.

Motion: *To adopt Ordinance No 993 to amend Chapter 32, 32.08 Parks and Recreation Commission.*

Moved by Councilmember Hiemenz, ***Seconded by*** Councilmember Fritsinger.

Roll Call Vote:

Councilmember Hiemenz Yes Councilmember Fritsinger Yes

Councilmember Cowen Yes

Mayor Moore's vote would be yes.

Motion passed unanimously

CITY OF WILLIAMS CITY COUNCIL

ANNOTATED MINUTES
AGENDA ITEM

PAGE 3

SEPTEMBER 8, 2022
COUNCIL ACTION

D. Consideration and action to enter into an IGA with Coconino County for 2022 General Election services.

Motion: To approve entering into IGA with Coconino County for the 2022 General Election services.

*Moved by Councilmember Fritsinger, **Seconded by Councilmember Hiemenz.***

Motion passed unanimously

VI. REPORTS, CURRENT EVENTS, AND INFORMATION ITEMS

Mayor and Council

- Mayor was pleased to see most of the council's attendance at the AZ League of Cities and Towns.
- This past weekend with all our tourists, it was very difficult for our services. Cars were parked up in the neighborhoods. We need to review the number of people coming here and the essential services we can provide. There is a point when we get the reverse effect people will complain because we cannot take care of them properly. We need to talk about it further in detail.
- Councilmember Fritsinger agrees with the mayor that when we have limited city services, it can produce an adverse effect. Mayor, it's not just city services. We work to get them in the door, but once we get them in, we cannot take care of them timely.
- Councilmember Cowen spoke of our attempt to hopefully even out the flux of tourists throughout the year.

Staff –

- Tim Pettit noted they had a meeting and presentation regarding the fire study done for the city, and they will push forward on hiring a Fire Chief.
- Aaron Anderson noted that Rodeo Rd would be paved Wednesday and completed by Friday.

VII. ADJOURN 7:19 PM

Mayor John W. Moore

ATTEST:

CITY OF WILLIAMS CITY COUNCIL

**ANNOTATED MINUTES
AGENDA ITEM**

PAGE 4

**SEPTEMBER 8, 2022
COUNCIL ACTION**

City Clerk Pamela Galvan

CERTIFICATION

State of Arizona,)
) ss.
Coconino County,)

I, PAMELA GALVAN, do hereby certify that I am the City Clerk of the City of Williams, County of Coconino, State of Arizona and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Williams held on September 8, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

Dated this 12th day of September 2022.

City Clerk Pamela Galvan

Purchase Order

P. O. Number: 418

City of Williams
113 S First St
Williams AZ 86046

PHONE: 928-635-4451
FAX: 928-635-4495



<p>To: 4895 ENVIRO TECH ELECTRICAL PATTON ELECTRIC LLC 1273 MOUNTAINEER RD FLAGSTAFF AZ 86005</p>	<p>Ship to: CITY OF WILLIAMS 113 S FIRST ST WILLIAMS AZ 86046</p>
--	--

P. O. Date	Created By	Requested By	Department	Approved By	Req Number
09/13/2022	kayhill		600 - WATER		0

Quantity	Description	Activity No.	Unit Price	Total
1.00	SCADA CONTROLS FOR CEMETERY PU 60-000-4480.000	0	14,499.60	14,499.60
SHIPPING / HANDLING				
SALES TAX				
TOTAL PO AMOUNT				14,499.60

Notes:

Authorized Signature

City of Williams, Arizona Requisition Form

Date: 9-13-22 Requested by: AA City Department: Water

P.O. # 418 Vendor # 4895

Vendor Name & Address:
Patton Electric

Check Here if a PO is required Check Here if this is a New Vendor (if so, please attach W-9 & certificate of insurance)

Check Here if this Purchase Exceeds \$10,000 City Council Approval Date:

Item Requested	QTY	Account Number	Cost Per Unit	Total Cost
Mission SCADA Controls	1	60-4480		\$ 14,499.60
Cemetery pumpstation				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

NOTES:

FREIGHT	\$ -
TAX	\$ -
TOTAL	\$ 14,499.60

Department Head Approval: AA Finance Approval: City Manager Approval: [Signature]

Patton Electric LLC

Invoice

DBA: ENVIRO TECH ELECTRICAL SOLUTIONS
 1273 Mountaineer Road
 Flagstaff, AZ 86005


Date	Invoice #
8/28/2022	2527

RECEIVED
 SEP 01 2022
 CITY OF WILLIAMS

Bill To
CITY OF WILLIAMS . 113 SOUTH FIRST ST. WILLIAMS, ARIZONA 86046

Quantity	Description	Terms	P.O. No.
		Net 30	water dept
		Rate	Amount
	This invoice is for installing a MISSION SCADA system on the old Million Gallon Tank/ Twin Tanks/ Cemetery Booster Station. This invoice includes the following: 1) Mission MYDRO 850 Cellular Cloud Based SCADA Unit with all necessary programming and a 1 year service package. 2) 0-34 foot 24 VDC 4-20 mA Level Transducer 3) Phoenix Contacts Point to Point data transfer radio's- RAD-ISM-900-SET-UD-ANT-2867102 4) SIEMENS RD200 Signal Converter/ LCD Readout 5) 2.6 Amp 120VAC/ 24VDC Power Supply Unit 6) All labor and material for a complete installation	14,499.60	14,499.60

GL Acct #
Dept Head Signature
Signature Date

Invoice Date	GL Period
8/28/22	8/22
Payment Date	Amount
	14499.60
FIN	CM
	

Thank you for your business.

Phone #	E-mail
9287071261	enviroteches@gmail.com

Total	\$14,499.60
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Purchase Order

P. O. Number: 419

City of Williams
113 S First St
Williams AZ 86046

PHONE: 928-635-4451
FAX: 928-635-4495



To: 13301 FEVER ENTERPRISES LLC JONATHAN T HOMER 3301 W LEISURE LANE PHOENIX AZ 85086	Ship to: CITY OF WILLIAMS 113 S FIRST ST WILLIAMS AZ 86046
--	--

P. O. Date	Created By	Requested By	Department	Approved By	Req Number
09/13/2022	kayhill		610 - WASTEWATER		0

Quantity	Description	Activity No.	Unit Price	Total
1.00	WONDERWRE LICENSE	61-000-4480.000	16,283.99	16,283.99
SHIPPING / HANDLING				
SALES TAX				
TOTAL PO AMOUNT				16,283.99

Notes:

Authorized Signature

City of Williams, Arizona Requisition Form

Date: 9-13-22 Requested by: [Signature] City Department: Water

P.O. # 419 Vendor # 13301

Vendor Name & Address:
Fever Enterprises LLC 3301 Leisure Ln Phoenix AZ 85086

Check Here if a PO is required Check Here if this is a New Vendor (if so, please attach W-9 & certificate of insurance)

Check Here if this Purchase Exceeds \$10,000 City Council Approval Date:

Item Requested	QTY	Account Number	Cost Per Unit	Total Cost
<u>Wonderware License</u>	<u>1</u>	<u>61-4480</u>		<u>\$ 16,283.99</u>
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

NOTES: _____

FREIGHT	\$ -
TAX	\$ -
TOTAL	\$ 16,283.99

Department Head Approval <u>[Signature]</u>	Finance Approval _____	City Manager Approval <u>[Signature]</u>
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Fever Enterprises LLC
3301 Leisure Ln
Phoenix, AZ 85086 US
feverenterprises@gmail.com



INVOICE

BILL TO
City of Williams

SHIP TO
City of Williams

INVOICE # 1061
DATE 08/18/2022
DUE DATE 08/18/2022
TERMS Due on receipt

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
08/18/2022	Software	Wonderware Archestra Development License	1	16,283.99	16,283.99

This invoice is for the Wonderware Archestra Development License. This will allow the City of Williams to have full control over the Wonderware Suite.

Thank you for your business. We accept all major credit cards or checks can be sent to 3301 W Leisure Lane Phoenix, AZ 85086.
Thank you for your business.

SUBTOTAL	16,283.99
TAX	0.00
TOTAL	16,283.99
BALANCE DUE	\$16,283.99

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <p style="font-size: 1.2em; text-align: center;">Jonathan T. Homer</p>	
	2 Business name/disregarded entity name, if different from above <p style="font-size: 1.2em; text-align: center;">FEVER Enterprises LLC</p>	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
	5 Address (number, street, and apt. or suite no.) See Instructions. <p style="font-size: 1.2em; text-align: center;">3301 W Leisure Lane</p>	Requester's name and address (optional)
	6 City, state, and ZIP code <p style="font-size: 1.2em; text-align: center;">Phoenix, AZ 85086</p>	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; font-size: 0.8em;">Social security number</td> </tr> <tr> <td style="text-align: center;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table> </td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">OR</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">Employer identification number</td> </tr> <tr> <td style="text-align: center;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; border: 1px solid black; text-align: center;">8</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">-</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">3</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">7</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">7</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">0</td> </tr> </table> </td> </tr> </table>	Social security number	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-		-		OR	Employer identification number	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%; border: 1px solid black; text-align: center;">8</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">-</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">3</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">7</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">7</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">1</td> <td style="width: 12.5%; border: 1px solid black; text-align: center;">0</td> </tr> </table>	8	1	-	3	1	1	7	7	1	0
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8	1	-	3	1	1	7	7	1	0												

Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.	
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Sign Here	Signature of U.S. person ▶	Date ▶ <u>9/14/2022</u>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is backup withholding, later.

Staff Report



To: City Council

From: Tim Pettit

Date: September 13, 2022

Subject: Shopping Cart Ordinance 994

Background: I have attached a **Shopping Cart Ordinance** for Council to consider. Over the last year, we (mainly Jason) have picked up over 100 shopping carts in alleys, streets, the creek, empty lots, etc. We have talked to the stores, and they agreed they would have someone routinely check and retrieve carts.

Abandoned carts continue to happen; over two months, we again picked up 60 abandoned carts and took them to our Shop yard, hoping that the stores would contact us about the missing carts so we could again address this and make them responsible but instead, someone came to our shop yard and got the cart without us knowing. (No one admitted to it, of course)

It is time for an ordinance that addresses property owner responsibility and sets recovery fees if the City should have to pick up or remove the carts.

Fiscal Impact: The City's time for answering calls and picking up abandoned carts, not the mention the blight.

Recommendation: I recommend adopting Ordinance 994

ORDINANCE NO. 994

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WILLIAMS, ARIZONA, AMENDING CHAPTER 130, ADDING
§130.06, SHOPPING CARTS**

WHEREAS, damaged, dismantled, and/or abandoned shopping carts on public or private property create conditions that promote blight and deterioration within the City; and,

WHEREAS, the City Council of the City of Williams believes that such shopping carts constitute a nuisance, create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic; and,

WHEREAS, after discussion and consideration, the City Council finds that establishing regulations concerning the abandonment and recovery of shopping carts is in the best interest of the City and will promote the health and welfare of the citizens and the general public;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLIAMS, ARIZONA, DOES ORDAIN AS FOLLOWS:

Chapter 130 is amended, adding §130.06 to read as follows:

DEFINITIONS

Shopping Cart: A basket, which is mounted on wheels or similar devices, generally used in a retail establishment by a customer to transport goods of any kind.

Abandoned Shopping Cart: Any unattended shopping cart removed from a business establishment's premises, which is located on public property for a period greater than twelve (12) hours.

Owner: Any person or entity within a business establishment who owns or provides shopping carts for customer use. Owner includes, but is not limited to, the store owner, manager, on-site manager, or other designated agent of a business establishment.

Premises: The entire area owned or otherwise utilized by the business establishment that provides shopping carts for use by its customers, including any parking area and

pedestrian accessway between a street right-of-way and the establishment. For a business establishment that is part of a shopping center or shopping complex, “premises” shall include all business establishments in the shopping area center or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping center or complex.

Offenses; Defense

- (A) A person commits an offense if he possesses a shopping cart at a location other than the premises of the retail establishment that owns the shopping cart.
- (B) It shall be unlawful to leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment that owns the shopping cart.
- (C) It is a defense to the prosecution under Subsection (A) above that the person was the owner, employee, or agent of the retail establishment that owns the shopping cart and was delivering, retrieving, or returning the shopping cart to the retail establishment.

Requirements

- (A) Every owner of a business establishment providing shopping carts to customers shall affix to the shopping cart a durable, all-weather, and legible decal identifying the name, address, and telephone number of the retail establishment.
- (B) Every owner of a business establishment providing shopping carts to customers must post signs at all entrances to the parking areas, in both English and Spanish, and in a conspicuous place near the business establishment’s exit doors, informing

customers that cart removal from the premises is prohibited and constitutes a violation of State and local law.

Retrieval and impoundment by the City

The City of Williams may retrieve and impound any abandoned shopping cart located on public property.

A shopping cart recovered by the City of Williams will be released to the owner or designee upon payment to the City of a recovery fee of fifteen (\$15.00) dollars per shopping cart.

Disposal of abandoned shopping carts

Shopping carts impounded shall be held for a period of not more than thirty (30) days to allow for retrieval by the owner or his designee. In the event the shopping carts are not reclaimed by the owner within thirty (30) days of impoundment, the City of Williams shall sell or dispose of the carts.

Enforcement authority

The City Manager or designee(s) shall have the authority and powers necessary to determine whether a violation of this article exists and to take appropriate action to gain compliance with the provisions of this article and applicable state laws.

Penalty

Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Williams, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred (\$500) dollars for each offense. Every day a violation continues shall constitute a separate offense.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Williams, Arizona, this ___ day of _____, 2022 by a vote of ___ in favor and ___ opposed.

City of Williams, an
Arizona Municipal
Corporation

John W. Moore, Mayor

ATTEST:

Pam Galvan, City Clerk

APPROVED AS TO FORM:

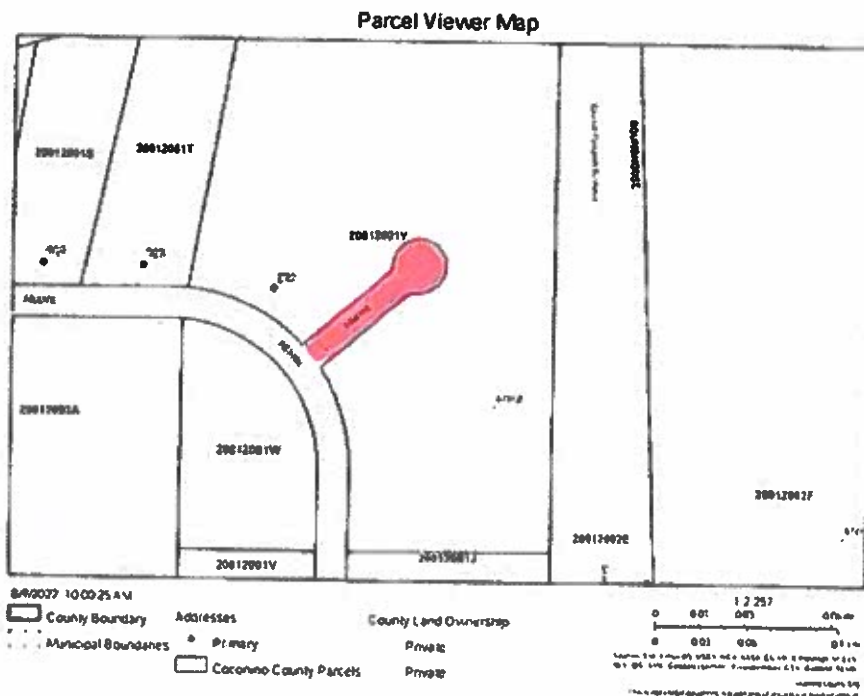
Mangum, Wall, Stoops and Warden, P.L.L.C.
City Attorney

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning and Zoning Commission will have a public meeting on Thursday, September 15th, 2022 at 7:00 p.m. and the City Council will hear this request on Thursday, September 22nd, 2022 in the City of Williams Council Chambers located at 113 South First Street, Williams, Arizona, 86046. All interested persons may attend and address their comments to the Commission or may submit written comments to the Planning and Zoning Commission at the above address.

The following public matter will be heard: A Request by Patrick & Tammara Dora requesting the Vacation of a Public Right Of Way. This Public Right of Way is located in the 700 block of Frank Way, and is within the private property APN: 200-12-001Y. This portion of Public Right Of Way does not support any utilities or access any other Public Right of Way.

For further information, please contact Tim Pettit, City Manager, at 928-635-4451 ext. 201. Email; tpettit@williamsaz.gov Or Mail: 113 S. 1st Street, Williams, AZ 86046



**REPORT TO:
CITY COUNCIL**

CASE NO. VACATION of ROW-08-08-22
PLANNING AND ZONING COMMISSION: September 15, 2022
CITY COUNCIL: September 22, 2022
REQUEST BY: Patrick & Tammara Dora
PROPOSED LAND REQUEST: Vacation of Public Right of Way
SITE LOCATION: 700 Frank Way
SITE SIZE: 17,485 sq. ft. of Commercial property

CONFORMANCE TO CITY OF WILLIAMS GENERAL PLAN:

According to the General Plan adopted December 2013, this area is designated as Residential; the density remains unchanged.

EXISTING AND SURROUNDING ZONING:

On-site: Commercial Business District (CBD)
South: Commercial Business District (CBD)
North & East: Interstate 40 & Industrial Zoning (I-2)
West: Industrial Zoning (I-1)

EXISTING AND SURROUNDING LAND USE:

On-site: Vacant land / CBD
North: Interstate and Vacant
East: Vacant
South: RV Park
West: Industrial / Rodeo Grounds & Shop

ACCESS ROAD STATUS:

Property can be accessed via Frank Way

EXISTING UTILITIES AND SERVICES STATUS:

Water, Sewer, Police Protection & Trash Collection: City of Williams
Fire Protection: City of Williams Volunteer Fire Dept.
Power: APS
Natural Gas: UniSource
Telephone: Century Link

PROPOSED UTILITIES: Same

BACKGROUND:

1. Fees were paid and application was submitted August 3, 2022.
2. 9-15-22 the Planning and Zoning Commission heard the request from Pat and Tammara Dora for the Vacation of this City Right of Way and voted to approve recommendation to City Council; 5 to 0
3. The subject property (cul-de-sac) was originally platted to provide access to anticipated lot splits of this 11.66 acre parcel that never came to be. The surrounding parcel now belongs to Pat & Tammara Dora owners of the Railside RV Park that have requested the City of Williams vacate this public Right of way and sell the approximate 17,485 sq. ft.

4. Vacation and sell of this City ROW would allow the Dora's to design a more comprehensive extension to their RV Park which will include an estimated 75 RV spaces, 32 RV storage spaces and RV Park amenities.
5. Vacating this ROW would still require primary utility easements where needed or required per development procedures and provide a secondary access per the City of Williams standards that meet access requirements for emergency vehicles and City services.
6. *The most recent sale of this 11.66 acres was \$750,000, meaning it was sold for \$1.476 per square foot making the value of this 17,485 sq. ft. of City ROW, within this parcel, \$25,807.86. If the Vacation of this City ROW is approved the Dora's must pay \$25,807.86 prior to executing the vacation of this Right Of Way.*
7. The money's collected from the Vacation of this Right of Way will go back into the City infrastructure fund.
8. Notice of public hearing was sent to the Williams-Grand Canyon News for publication in August 31st, September 7th & 14th, 2022 paper.
9. Notice posted at City Hall and City Website.
10. Notice was posted on site August 29th 2022.
11. To date no written response has been received.

REPORT:

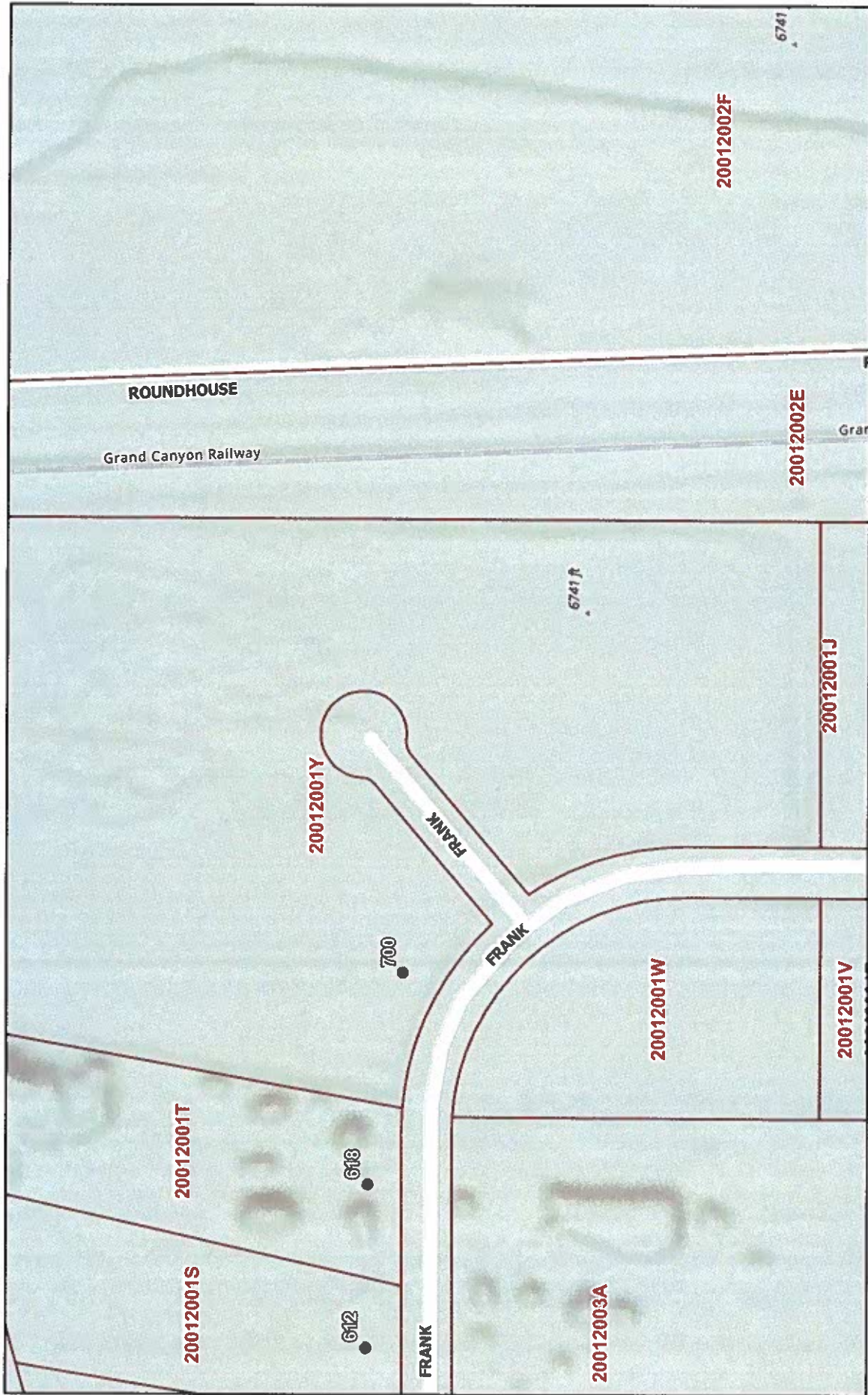
RECOMMENDATION: Staff recommends approval of the Vacation and sell of this ROW as this ROW has no public use or foreseeable use. This Right Of Way does not support any utilities or access to any other City ROW

MODEL MOTION:

APPROVAL: I make a motion to recommend approval, to Council, the request by Mr. & Mrs. Dora to Vacate and sell this public Right of Way, located at 700 Frank Way.

DISAPPROVAL: I make a motion to not approve the request by Mr. & Mrs. Dora to Vacate this public Right of Way, located at 700 Frank Way.

Parcel Viewer Map



8/9/2022, 10:00:25 AM

County Boundary
 Municipal Boundaries
 Addresses
 Primary
 Coconino County Parcels
 Private
 Private

1:2,257
 0 0.01 0.03 0.05 0.06 mi
 0 0.03 0.05 0.1 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Coconino County GIS

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