

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, June 12, 2012**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, June 12, 2012, at 6:00 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

**CALL TO ORDER – Meeting was called to order at 6:04 P.M. by Mayor Von Gausig.**

**Town Council:**

Mayor Doug Von Gausig  
Vice Mayor Richard Dehnert  
Councilmember Rennie Radoccia

Councilmember Bill Regner  
Councilmember Curtiss Bohall

**Town Staff:**

Town Manager Gayle Mabery  
Town Clerk/Financial Director Kathy Bainbridge  
Community Development Economic Director Jodie Filardo  
Senior Planner Beth Escobar  
Interim Public Safety Director John Wintersteen  
Utilities/Public Works Director Wayne Debrosky  
Administrative Assistant Mary Ellen Dunn

**OATH OF OFFICE** - Administration of Oath of Office by Judge Ronald Ramsey to Mayor-Elect Doug Von Gausig, Councilmember-Elect Richard Dehnert, and appointed Councilmember Reynold (Rennie) Radoccia.

**APPOINTMENT OF VICE-MAYOR** - Designation of one Councilmember to be Vice-Mayor. Councilmember Bohall nominated Councilmember-Elect Richard Dehnert to continue as Vice Mayor. Nomination was seconded by Councilmember Regner. The motion was passed unanimously and Richard Dehnert was appointed as Vice Mayor.

**PUBLIC COMMENT** – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

**Andy Virscik, Clarkdale resident, spoke about the difficulty of the appointment process of a new councilmember and congratulated newly elected and appointed Council. Made further comment about Council's difficult decisions regarding subdivisions and the public perceptions surrounding those decisions.**

**REPORTS**

**Current Events** – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

**Mayor's Report:**

- Central Yavapai County Water Resource Management Study is ongoing.
- Testified on Monday at congressional hearing before Mr. Gosar, Mr. Schweikert, and Mr. McClintock (California), about power authorities in the west and how to improve and modernize those, what should happen to the Navajo Generating station and how we should be treating our forests. The Congressmen were very clear about being opposed to solar energy specifically and renewable energy in general. Mayor Von Gausig asked them to think about how to feed and water 205,000 people in the Verde Valley in the next 40 years without augmentation or other kinds of federal assistance. It reinforced the idea that the job ahead with regard to renewable energy is going to be tough.

**Vice-Mayor's Report:**

- Continues to be active in Focus Future II process. Is paying particular attention to economic development and health care as far as the focus groups are concerned. Next June 21<sup>st</sup> is the Economic Development Town Hall as part of Focus Future II. Everyone is invited to participate.
- Economic/Community Development Director Filardo organized tour of historic business district buildings to show unused spaces available and their sizes and conditions. Rough calculations were that there were 40,000 square feet of beautiful historic space that will hopefully become part of Clarkdale's economic development.
- June 7<sup>th</sup> - Attended Lions' Club dinner which celebrated Dave Andrews' 50 years of Lions' Club service.
- June 9<sup>th</sup> - was the first Concert in the Park – seemed like the biggest yet with Major Lingo performing and hundreds of people attending.

**Councilmember Bohall's Report:**

- No report

**Councilmember Regner's Report:**

- No report

**Councilmember Radoccia's Report:**

- No report

**Town Manager's Report:**

- Making great progress on Centennial Plaza. The planting should be done by end of week. Early next week they will be pouring concrete sidewalks and central plaza – by end of month it will be done and dedication ceremony to be held July 14<sup>th</sup> right before the Concert in the Park.

**Organizational Reports – Reports regarding regional organizations.**

CAT/ VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations.

Councilmember Bohall – when Cottonwood officially takes over CAT will need representation.

VVTPO – contract has been let for an up climbing lane from Camp Verde south to

the top of the hill – three lanes going up the hill this summer. At the top of the hill there is an unofficial pullout that will be closed off so it will be unusable. The construction is to start this summer. The County has new “profilograph” that will tell how smooth the road is.

NACOG - Northern Arizona Council of Governments. No report.

NAMWUA - Northern Arizona Municipal Water Users Association. – Mayor Von Gausig: Currently working to try to find new sources of water for Northern Arizona. The Central Arizona Project is expected to spend approximately one-half billion and \$1 billion on Colorado River water rights. That means that those water rights will reside in the CAP system and not in any of the augmentation schemes that we might need to bring more water into the Verde Valley. This is a dire situation that pits metropolitan Arizona versus rural Arizona.

VRBP – Verde River Basin Partnership. Mayor Von Gausig – the mission is primarily educational. Working on a website with videos and other educational information.

WAC - Yavapai County Water Advisory Committee. Mayor Von Gausig – continues to argue about the Northern Arizona regional groundwater flow model that has been paid for but never implemented. Resignation of Lloyd Barnett who has been on the committee for many years occurred leaving an opening in the Verde Valley. Four people have applied for the opening. Looking for non-employees.

VVREO – Verde Valley Regional Economic Organization. Councilmember Regner – June 28<sup>th</sup> will be 4<sup>th</sup> meeting on Verde River waterways in Clark Memorial Clubhouse. Must register to attend. June 20<sup>th</sup> VVREO will host its first event in annual speaker series at Sedona Hilton and Spa from 7 – 10 p.m. with Grady Gammage, Jr. as the keynote speaker and will be addressing corporate, civic and philanthropic leaders of the Verde Valley breakfast event. The next meeting is on July 6<sup>th</sup> from 9 – 11 a.m. in the Board of Supervisors chambers at the Yavapai County complex at 6<sup>th</sup> Street and Mingus in Cottonwood.

YCL – A report from the Yavapai College Liaison. Councilmember Regner – the Verde Valley campus will come under the direction of a new Dean, James Perry effective June 15<sup>th</sup>. The Verde Valley campus renovation is in progress. The Greater Verde Valley Chapter of the Yavapai College Foundation recently honored retiring Board member and Clarkdale resident Ruth Wicks who has served as a founding member and Board President during the past 6 years. Also welcomes incoming Board member and Clarkdale resident Rennie Radoccia who was elected to a 3-year term. The campaign to raise \$3.5 million to fund the Southwest Wine Center is under way.

**CONSENT AGENDA** - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. **Approval of Minutes of the Common Council** - Approval of the minutes of the Special Meeting held May 1st and 30th, 2012 and Regular Meeting May 8, 2012.
- B. **Claims** - List of specific expenditures made by the Town during the previous month. May, 2012 check log and PPE dated May 5, 2012 and May 19, 2012.
- C. **Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.  
Board of Adjustments Notice of Cancellation of meeting May 23, 2012  
Design Review Board Notice of Cancellation of meeting May 2, 2012  
Planning Commission minutes of the meeting held May 15, 2012  
Library Advisory Board minutes of the meeting held May 3, 2012  
Parks and Recreation Committee minutes of the meeting held May 9, 2012
- D. **Clarkdale-Jerome Lions Club Facilities Use Agreement** – Approval of the 2012-2013 Reimbursement Agreement for the use of Town Facilities by the Clarkdale-Jerome Lions Club.
- E. **Intergovernmental Agreement (IGA) Between Arizona State Parks Board and Town of Clarkdale** – Approval of an Agreement regarding the development of the “Verde River @ Clarkdale” project.
- F. **Healthy Headwaters Alliance Inaugural Membership** – Approval of the Town of Clarkdale becoming an inaugural member of the Healthy Headwaters Alliance, organized by Carpe Diem West.
- G. **League of Cities and Towns Resolutions** – Approval of co-sponsoring resolutions to be recommended for adoption by the League of Arizona Cities and Towns Resolutions Committee.

Vice Mayor Dehnert moved to accept Agenda Items A – G as presented. Councilmember Bohall seconded the motion. The motion was approved unanimously.

### **NEW BUSINESS**

**VERDE VALLEY SENIOR CENTER** – Presentation by Elaine Bremner regarding the various services the Verde Valley Senior Center provides for Clarkdale residents.

Elaine Bremner, Executive Director, Verde Valley Senior Center will provide information to the Council regarding the services available through the Verde Valley Senior Center for Clarkdale residents.

Elaine Bremner was not able to attend tonight. This agenda item was tabled until future meeting.

**VERDE VALLEY HUMANE SOCIETY AGREEMENT** – Discussion and consideration of the 2012-2013 Verde Valley Humane Society Agreement.

Since 1993 the Town of Clarkdale has been contracting with the Verde Valley Humane Society (VVHS) for animal impound services. The cost of these services in 2010 - 2011 was \$7,713.96, \$7,800.00 for 2011- 2012 and the proposed \$8,025.00 for 2012 - 2013.

Director, Gary DeGeronimo, will be present to explain the changes in the organization that have taken place during the last year.

Town Clerk/Finance Director Bainbridge explained that the upcoming contract is only a couple hundred dollars more than the current contract. She then introduced new Executive Director Gary DeGeronimo who presented information regarding the program, Adopt a Life Center for Animals formerly known as the Verde Valley Humane Society. He has been at the shelter for four months. Challenges: started out with minimal computer technology, no social media promoting the society. Great progress has been made in these areas and the shelter is more up to date technologically. Mayor Von Gausig asked for Gary's sense of what is changing in the Humane Society specifically for Clarkdale. Gary stated there is more transparency of the organization. Improving shelter facilities so they will be able to offer educational services to the communities. Within next 6 – 8 months educational programs for youth, more outreach programs, and bringing in more volunteers. There had been no record-keeping. They are now trying to recreate these records and have reports that can be generated quickly – different jurisdictions can ask for reports and have them within five days. Approximately 100 dogs and cats in Clarkdale have been brought in during the last year. Vice Mayor Dehnert asked if the organization has the ability to respond to emergency situations where, for instance, hoarding may be occurring and rescue was required. Right now resources do allow sheltering but not going to the site for rescue. They are hoping to change that through donations. Vice Mayor Dehnert also asked if emergency procedures were in place in situations where there are fires or floods caused a need to accommodate animals. Mr. DeGeronimo stated he is researching the provision of those services.

Councilmember Bohall moved to approve the Verde Valley Humane Society Impound Animal Agreement for 2012-2013 at a contract price of \$8,025. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

**PROCLAMATION RECOGNIZING CONTRIBUTORS TO THE TOWN OF CLARKDALE PUBLIC ACCESS DEFIBRILLATOR (PAD) PROGRAM** – Discussion and consideration of a Proclamation recognizing the Verde Valley Ambulance Company, Clarkdale Fire District, Chief Allen Muma, Jerome, Town of Clarkdale Public Works, and Town of Clarkdale Police.

For the past 20 years, significant advances have been made in saving lives before individuals arrive at hospitals, based on research into survival rates for various approaches to medical emergencies. Among the advances that have dramatically improved out-of-hospital survival of sudden cardiac arrest incidents are:

- **Automated External Defibrillators (AEDs)**, portable electronic devices that automatically diagnose potentially life threatening conditions, and, if appropriate, allows administering an electrical shock which stops the arrhythmia so the heart can reestablish an effective rhythm. The Town of Clarkdale now has two AEDs available, one in a traffic island in the municipal parking lot across from the Clark Memorial Clubhouse where it is accessible to the Police Station and Court, Library and Town Hall, and the

Clubhouse for town meetings and special events; and one at the corner of Main and Ninth Streets, where it is accessible to the business district, Public Works/Utilities, Community/Economic Development, Copper Museum, US Post Office, and St. Cecelia and St. Thomas churches. The Police Department has an additional AED, from the Clarkdale Fire District, to take to special events, police training, etc. The Clarkdale Fire District will administer the PAD program in the Town of Clarkdale.

- **Continuous Chest Compressions (CCC)**, replacing earlier protocols that involved administering breaths, for most unconscious victims, in order to provide some blood flow, and limited oxygen replacement in the blood, to vital organs such as the brain. The Clarkdale Fire District will train Town of Clarkdale employees and volunteers, on Wednesday, June 13, at the Ladies' Lounge, with classes at 9:00 and 11:00 am, and 1:30 and 3:30 pm. Town residents, and employees of the businesses and churches in the downtown area, will be invited to fill up the classes. A makeup class will be scheduled in July. Town staff has already been trained in CCC by the Clarkdale Fire District.

Completion of the PAD project has been the result of the work of many individuals and organizations. They are listed in the attached Proclamation.

Interim Public Safety Director Wintersteen gave brief synopsis of proclamation and Mayor Von Gausig read the proclamation. The proclamations were presented to the organizations and people that were instrumental in accomplishing the acquisition of these devices.

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA REPLACING RESOLUTION #1395, SETTING FEES FOR THE TOWN OF CLARKDALE BY AMENDING POLICE DEPARTMENT, LIBRARY, AND COMMUNITY DEVELOPMENT FEES AND REPLACING RESOLUTION #1248, ADOPTING A BUILDING PERMIT FEE SCHEDULE AND VALUATION SCHEDULE FOR DETERMINING BUILDING PERMIT AND PLAN REVIEW FEES** - Discussion and consideration of Resolution #1396, a resolution amending a variety of department fees and combining of amended building permit and plan review fees into one fee schedule.

Pursuant to A.R.S. 9-499.15, The Town of Clarkdale has posted notice at least sixty days prior to this meeting, the proposed new or increased fees scheduled to be approved or disapproved at a meeting of the Clarkdale Town Council on the Town of Clarkdale website. Copies of the Notices of Intent are attached to the Staff Report which show the categories of fees that are changing, existing fees and the proposed new fees.

**Library Fees:** The Clark Memorial Library is a member of the Yavapai Library Network as well as a member of the Yavapai County Free Library District. The Network includes all of the public libraries located in Yavapai County as well as a few school libraries. The Yavapai County Free Library District includes 13 small libraries which are as follows: Ashfork Public Library, Bagdad Public Library, Black Canyon City Community Library, Clark Memorial Library, Congress Public Library, Cordes Lakes Public Library, Crown King Public Library, Dewey-Humboldt Library, Jerome Public Library, Mayer Public Library, Seligman Public Library, Wilhoit Public Library, Yarnell Public Library.

In addition to supplying tools, resources and trainings for our library the Yavapai County Free Library District also provides annual funding in excess of \$30,000 to the Town for the operation of the Clark Memorial Library.

Of the 13 libraries in the District, Clarkdale is the only library who charges overdue fines. The District has requested for the Town to consider eliminating overdue fines in order to be consistent with the other 12 District Libraries.

Prior to the installation of new circulation software by the Network in March of 2010, a library patron owing overdue fines would have to settle those fines with the library charging the fees. After the new software was installed, the Network implemented a new procedure for collecting fines which allows a patron to pay those fines at any one of the Network's libraries. The library collecting the fines keeps what is collected. For example: a Clarkdale patron owing fines accrued at the Clark Memorial Library can pay their fines to Cottonwood Library while checking an item out at their location. The only library benefiting from overdue fines is the library collecting the fees, not necessarily the library charging the fees.

By eliminating the fines this would accomplish both being consistent with the other 12 Yavapai County Free Library District Libraries as well as eliminate the need for overdue notices to be mailed out to patrons, saving in both labor and postage costs.

There have been several studies that prove that eliminating overdue fines increases the return rate on late items. Patrons who accrue a large late fee have a tendency to keep an item permanently due to not being able to pay as well as from being embarrassed.

The other small libraries report that placing a Library Donations jar prominently on the circulation desk brings in more money than charging fines did – and that patrons feel good about giving to their library.

### **Police Department Fees:**

**Fingerprinting:** Other law enforcement agencies charge \$5.00 per card for fingerprinting, which takes about 15 minutes of staff time per individual. Government agencies will not be charged for fingerprinting.

**Police Reports – Commercial Use (Electronic):** Insurance companies and other high volume requestors of police crime and collision reports prefer to receive the documents electronically. A commercial service, CarFax, has proposed to the Clarkdale Police Department to provide reports to insurance companies, etc., but before this can be negotiated, a commercial rate for police reports must be established. The \$10 fee is similar to that established by other law enforcement agencies in Arizona. CarFax will collect the full fee for web site requests for Clarkdale Police Department reports, and transmit a portion of that fee, as negotiated. Once the commercial fee has been set, the contract with CarFax will be negotiated. Town Council approval of the contract will be requested once negotiated. There is no change to the standard document copy fee for over-the-counter reports, and those provided by mail.

**Vehicle Impound Hearing:** Arizona Revised Statutes Section 28-3512.A5, provides that law enforcement agencies may charge \$150.00 for each hearing requested to release a mandatory-impound vehicle. Each of these hearings requires several hours of staff time to set up, collect documents, hold the hearing, verify vehicle liability insurance and ownership documents, receive and account for the hearing fee, and arrange for the release of the vehicle by the towing company if applicable. It is requested that the Police Department Hearing Officer have the authority to

waive some or all of the fee when the owner is unable to pay the fee, in addition to the towing and storage charges. Release of the impounded vehicle is also contingent on the owner paying by cashier's check or money order, if not paid in cash, which may delay return of the vehicle to the owner.

**Community Development & Building Permit Fees:** The Community Development Department conducted a review of all fees charged by the department in April of 2012. Fees for Community Development Applications, such as subdivisions and conditional use permits, were compared to the fees charged by neighboring communities.

During this review, staff found several fees that were not in alignment with fees charged by other communities, or the time spent by staff on the specific types of applications. Staff is submitting changes to specific fees to respond to these two discrepancies. Where the current Town of Clarkdale fees varied greatly from fees charged by other communities, staff calculated an average fee.

The Building Fees were reviewed at the same time. The requested increases to these fees are based on time spent by staff to review building permit applications and the number and type of inspections required.

**Combination of General and Building Permit Fee Schedules:** The Building Permit fee schedule has been separate from the Town's general fee scheduled in the past which has caused confusion for both staff and those trying to find the building permit fees. The two fee schedules have now been combined in order to have one resource that includes all fees for the Town.

**Clarkdale Fire District Review Fees:** In 2007, an Amended Intergovernmental Agreement (IGA) between the Town and the Clarkdale Fire District for Fire Code Enforcement was approved. The IGA established that the Town desired to have the Fire District provide a qualified person for the purpose of reviewing and approving all building plans concerning fire protection requirements and compliance with the International Fire Code. The IGA also required the Town to establish a separate fee for fire code compliance review, collect that fee as part of the building permit fees, and remit that fee to the Fire District on a regular basis. In February, 2012 the Clarkdale Fire District adopted a Permit and Fee Schedule which included fees for the review and approval of building plans concerning fire protection requirements. The Fire District's approved fees have also been included in the Town's fee schedule so that we can charge those fees as part of the building permit process and forward those revenues to the Fire District.

Community Development/Economic Director Jodie Filardo spoke to Council with respect to community development fees. Councilmember Radoccia asked Community Development/Economic Director Filardo about the significant financial changes being requested stating that most of fees are increasing 100% or more and asked what calculations were used to determine the justification for the rates. Director Filardo cited fees of neighboring communities as one method of determination. Town Manager Mabery stated that zoning changes take more than 16 hours of work so that fee increase is justifiable. Filardo stated that there have been several years since an increase was implemented and the department is trying to position the town in a mid-range position in comparison to the rest of the surrounding communities. The true cost of doing this business was not being properly represented with the old fees.

Mayor Von Gausig commented that if the rates don't increase and expenses aren't covered then the citizens of Clarkdale will be asked to cover those rates and stated that he feels the department has done its due diligence in determining fair cost of service. Mabery noted that one element is that the State legislature has put severe restrictions on what can be charged. Impact fees have virtually disappeared. Vice Mayor Dehnert clarified that these considerations have been put into proposal and they have compared the costs to other jurisdictions in the area.

Councilmember Regner mentioned the references to sprinkler system heads under town fees as well as under fire department fees and asked if this was a duplication. Filardo stated that the process has been streamlined. One is for fees collected for the Town for the inspection done by our building official for our plumbing fee. The others are fees collected on behalf of the fire department for plan review and testing.

Councilmember Radoccia asked why the design review board application fee is only \$90. Senior Planner Escobar reported that for the past two years most of the new applications are sign applications and \$90 for a sign is actually on the high end. It was suggested that different classes of fees for this might be appropriate; separate for signs, exterior renovations, entire building design, subdivisions, etc. Town Manager Mabery suggested that the separate site plan review fee may be more in line with what Councilmember Radoccia indicates. Mayor Von Gausig stated that in the next several months this may be investigated further.

Vice Mayor Dehnert inquired about the rental of clubhouse fees and noted that there is no overall fee for whole building but rather separated into different rooms. Town Manager Mabery stated that the clubhouse rental fees revamping should be done by 2012.

Councilmember Regner moved for approval of Resolution #1396, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona replacing Resolution #1395, setting fees for the Town of Clarkdale by amending police department, library, and community development fees and replacing Resolution #1248, adopting a building permit fee schedule and valuation schedule for determining building permit and plan review fees. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

**WORKSESSION TO DISCUSS POSSIBLE METHODS FOR FUNDING NEW DEVELOPMENT WITHOUT CREATING A FINANCIAL BURDEN ON CURRENT CITIZENS** – A worksession to discuss possible methods for funding new development in response to state legislation constricting the Town's ability to collect and disperse development impact fees.

In response to the new state legislation constricting the Town's ability to collect and disperse development impact fees, the Town Manager suspended the collection of all development impact fees effective January 1, 2012. The fees are suspended until the Council approves a strategy for funding development that complies with state regulations. Per the Town Manager's directive, fees may be collected retroactively if they are found to be in compliance with the new state statute.

At the January 10, 2012 meeting, Council directed staff to investigate restructuring of the Town's development impact fees, including identifying alternative methods for funding growth, and to continue analysis of the effect of ARS 9-463.05.

Staff has continued to explore possible strategies for covering the cost of new development. One alternative being explored is the application of a capacity fee for the water and wastewater system that allows for a customer to buy into the system. Currently the Town assesses development fees to new customers connecting into the water and wastewater systems. These fees are charged at the time a building permit is issued. In addition, a connection fee is charged when the service is initiated. It is possible that the development fee currently charged could be eliminated, and reframed as a capacity fee.

The Town Attorney was asked to provide an opinion as to the legality of adopting a water and wastewater capacity fee. A copy of that opinion is included in the packet. In brief, the Town Attorney believes that the collection of a water and wastewater capacity fee is in compliance with current state legislation for two reasons;

1. This fee would apply equally to all new customers connecting into the system.
2. The Town has authority under state statute to set water and wastewater fees.

A capacity fee study would need to be completed prior to proceeding with this option.

At the special Council meeting on May 22, 2012, Council approved strategic goals and objectives developed as a result of the annual strategic planning retreat. As part of that document, the following objectives were listed as an approach to resolving the direction for the development impact fee question.

**Goal 6: Ensure that new development does not create a financial burden on the current citizens**

**Objectives:**

1. Research and hire outside consultant to guide the Town in deriving new fees commensurate with Arizona law by August 2012
2. Lead a Town-wide team to develop and implement fee modification commensurate with the elimination of development impact fees by November 2012
3. Create a report of findings on possible approaches to fees and funding by January 2013 and present same to Council for their review
4. Implement modified fees based on Council direction by April 2013

Staff attended a training workshop on development impact fees sponsored by the League of Cities and Towns on May 30, 2012 and will provide a verbal report to Town Council at the June 12, 2012 meeting.

Community Development/Economic Director Filardo requested Council direction from Council on how to address the fact that effective January 1, 2012 development impact fees were no longer permitted.

Senior Planner Escobar discussed the training she attended regarding legislation on the development impact fees as well as the Town Attorney's legal opinion on the issue. There were inconsistencies among the various Arizona cities and towns in how they collected the development impact fees. The cost of hiring consultants to develop infrastructure plans and identifying necessary public services is ranging between \$55,000 and \$75,000. There are two legal firms handling that legal work. The time line is about 273 days to get advisory committee

seated and getting capital plan in place. Some communities have elected to eliminate the development impact fees. One of the communities is raising its increasing their construction tax. One of the ideas that the staff is presenting is adopting a capacity fee for the water and wastewater systems. This would apply to everyone within the town boundaries and would buy the individual's capacity in both of those systems. The Town attorneys approved the idea after review and setting boundaries. The fee would be put in place when the individual is ready for service of either or both systems.

Mayor Von Gausig briefly explained the impact fee situation. Arizona communities are looking for ways of coping with not collecting impact fees.

Town Manager Mabery explained that this is not a volume usage. Currently this is the fee the Town is charging based on what it costs to provide capacity.

Councilmember Radoccia stated that he is highly opposed to impact fees and feels they are unfair and extraordinarily expensive and don't necessarily address a problem equitably. A capacity fee seems more equitable than an impact fee. Terminology of "impact fee" should be abandoned. Mayor Von Gausig stated that most of the time developers and the Town can agree on fees without using impact fees.

Town Manager Mabery clarified that subdivisions that come in under a development agreement scenario offer the opportunity for some give and take but a standard subdivision without zoning change we do not have the same opportunity. This is the reason many communities have capacity fees rather than impact fees for water and wastewater.

Senior Planner Escobar noted that the Town attorney gave approval of this, as did the Arizona League attorney. This morning Tischler Byce is a high-end consultant also endorsed by way of a letter. Tonight staff is asking council if the plan is on the right track. Vice Mayor Dehnert asked if, from point of view of the League, is this legislation going to stand or be challenged. Mayor Von Gausig stated that a charter city could mount a campaign against the legislation but it would be expensive and time-consuming. Most municipalities are relieved to look for other ways to accomplish the tasks required.

Mayor Von Gausig stated that we don't want current residents to subsidize new development. If developers come in and cost a lot of money, the development should bear the cost and feels the staff is on the right track.

Councilmember Radoccia stated the established citizens not paying for new development is the right approach but is also somewhat unrealistic because ongoing repairs and costs still need to be paid. The Mayor stated that ongoing utility fees should cover those costs. Mayor and council further stated that the staff is on the right track.

Mayor opened to public comment and recognized Andy Virscik who asked what specific impact fees we are concerned with. Mayor Von Gausig responded that right now we are just concerned with water. Town Manager Mabery said that right now there is no other good way to capture the other costs and services involved with all departments. We're proposing that we have a solution on water and wastewater and we need help to pay for the kind of services we want for the community. With no further comments forthcoming, Mayor Von Gausig closed public comment.

Senior Planner Escobar stated that staff will work on a draft ordinance addressing capacity fees for water and wastewater. They will continue to suspend collection of development impact fees. Councilmember Radoccia asked if the fees would be discretionary for unusual circumstances. Town Manager Mabery stated that in January she issued a directive suspending impact fees collection at the time someone comes in to pull a permit but retain the right to impose them on certificate of occupancy. Currently this is not an issue but we will need a final action from the Council so there is a distinct answer when the need arises. Councilmember Radoccia stated that it should be written into the ordinance.

This agenda item is a worksession only. No Council action is required.

**WORKSESSION REGARDING PROPOSED CHANGES TO THE SUBDIVISION ORDINANCE** – Discussion regarding the proposed subdivision ordinance.

Community Development staff first began drafting changes to the Subdivision Regulations in 2011. The first draft of changes reflected a revision of the assurance requirements for Subdivisions in Section 12-3-6 D. These changes were a direct response to issues that arose regarding the bankruptcy of Empire Companies.

Since these first revisions, further changes have been made to the ordinance:

- 1) The document was completely reformatted to improve clarity and ease of use. Hyperlinks were added so that a user of a digital copy could transfer directly to the section being referenced. Footers were added to identify each section of the ordinance.
- 2) A table of contents for the entire document was added. The existing ordinance has a list of content, with no page numbers, at the beginning of each section.
- 3) In Article 12-1 General Provisions, the following changes were made:
  - a) Section 12-1-2: The General Plan reference was updated to correspond with the 2012 General Plan.
  - b) Section 12-1-3: Purpose and Intent. The list of design principles, beginning with ‘to insure adequate traffic’ were transferred to the Subdivision Design Principles and Standards section.
  - c) Section 12-1-6 Subdivision Committee: Since this section applies to the Minor Subdivision section, it has been moved to Section 12-5-4.
  - d) Section 12-1-10: Abandonment (Reversion to Acreage). Section B was added that allows the property owner to initiate this procedure.
- 4) In Article 12-2 Definitions
  - a) Wording was added in the definition for *Park* to reference the active/passive definitions adopted by Town Council on February 14, 2012.
  - b) Various grammatical and cross-reference corrections were made in this Article.
- 5) Article 12-3: The Subdivision Design Principles and Standards Section, Article 12-5 beginning on page 58 in the existing ordinance, was moved forward to Section 12-3, page 20. The Planning Commission and staff feel that the content of this section is critical, and should be reviewed early in the process.

- a) As referenced in bullet #3.b, specific design principles were moved to Section 12-3-1 and placed in a bullet format for emphasis and clarity. This list has been expanded to include sustainable development goals. The additions have been highlighted.
  - b) Verbiage was added to the Section 12-3-2 (formerly Section 12-5-2) regarding expanding the deadline for accepting land to be dedicated to public use past the (1) year limit by allowing for a different deadline to be negotiated through a subdivision agreement.
  - c) A new section, 12-3-3, was added that outlines landscape requirements and goals.
- 6) Article 12-3 Subdivision Platting Procedures and Requirements, now becomes Article 12-4.
- a) A table was added to Section 12-4-1 that lists the stages of the subdivision process and how these stages apply to subdivision, minor subdivision and minor land division applications. The table includes hyperlinks to pertinent sections within the document.
  - b) In Article 12-4-2, and subsequently throughout the document, the number of paper copies required to be submitted with an application has been reduced to two, plus one digital copy. The digital copy will be used to send out to review agencies; one paper copy will be kept by the Community Development Department and one by the Public Works department.
  - c) Section 12-3-3 Development Master Plan (DMP) and the reference in definitions were deleted. This section assigns the responsibility to the Town to prepare this plan. The 2012 Clarkdale General Plan serves as the Town's Development Master Plan. Eliminating this reference shifts the responsibility to the applicant to reflect how the proposed subdivision conforms to the General Plan.
  - d) In Section 12-4-3-E, a requirement was added that a copy of the title paperwork must be submitted with the preliminary plat application.
  - e) Stage IV, Final Plat and Stage V, Recording and Post Approval were combined. This section was changed to require assurances be a cash deposit or letter of credit. Surety bonds are no longer acceptable.
  - f) Numerous grammatical and formatting corrections were made throughout this section.
- 7) Section 12-3-8 Minor Subdivision is now Article 12-5. References to information previously listed in Section 12-3 Subdivision Platting, etc. have been added as hyperlinks in this article and redundant information has been eliminated.
- a) This Article now includes the information about the Subdivision Committee.
- 8) Article 12-6 Public Improvement Standards is now Article 12-7. Text was modified throughout this article per the suggestions of the staff in Public Works and Utilities Department. References were change from MAG standards to current adopted code standards, to allow for more control over the design of public improvements.
- a) Exhibit G was created providing construction specifications for streets ending in a cul-de-sac.
- 9) Only minor grammatical corrections were made to Article 12-8 Golf Course Water Use Regulations. Hyperlinks were inserted where appropriate.
- 10) Figure 1A – The Subdivision Process, on page 80, and the Subdivision Stage Chart on the following page have been eliminated. This information is redundant to information contained in the document and could cause confusion to an applicant.

Finally, staff and the Planning Commission are suggesting that the Subdivision Ordinance, Chapter 12 of the Town Code be moved from the Town Code to the Zoning Code. Since the Subdivision Ordinance is a land planning document, it seems more appropriate to be a part of the Zoning Code. This is in conformance with the Purpose and Interpretation Section of the Zoning Code, Section 1-2, which refers to Title 9 of Arizona Revised Statutes. This is the section of state regulations providing the rules to municipalities regulating subdivisions. Other communities in the Verde Valley have their subdivision regulations in their Zoning or Land Development Codes.

The Planning Commission reviewed the draft revised ordinance in three separate meetings, providing feedback to staff on proposed changes and suggesting additional changes and clarifications.

A.R.S 12-1134, the Private Property Rights Protection Act, adopted by the state legislature in 2006, was taken into consideration as staff considered the proposed changes to the ordinance. This legislation, commonly referred to as Prop 207, states:

*'If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from this state or the political subdivision of this state that enacted the land use law.'*

Several guiding principles, reflective of those developed for the 2012 General Plan, have been incorporated into the document to guide staff, the Planning Commission and Town Council in evaluating subdivision applications. In order to avoid any Proposition 207 issues these concepts have been listed as goals and design guidelines. Staff will refer to these guidelines when reviewing subdivision proposals with applicants.

The Town Attorney has reviewed the revised document and has no objection to the proposed revisions.

This draft ordinance is being presented to Council for review. The changes noted above have created a crisper document, that is easier to navigate and clearer to understand and provides staff with an additional tool to guide development.

Senior Planner Escobar presented information with regard to the proposed ordinance changes. There were three goals: 1) to clarify the ordinance by making it more user friendly and streamline it by eliminating some redundancies; 2) tighten up the process from final plat approval, recording of the plat and posting of assurances; and 3) incorporate some of sustainability initiative in the newly adopted General Plan into the subdivision regulations. The Planning Commission reviewed the draft ordinance and they took action at the last meeting to move forward and recommended Council approval.

Escobar also addressed Proposition 207 (Private Property Rights Protection Act) issues adopted in 2006. Design recommendations and goals were built in rather than requirements so that development should be possible the same in the future under new ordinances as it is currently. The Town attorney has reviewed and approved.

Vice Mayor Dehnert asked if there was no potential then for Proposition 207 issues. Escobar stated that they tried to avoid any restrictions that devalued the ability of the property owner to develop their property. Staff's job is to guide citizens into good product and hope the regulations help them to do that. She further stated that public works regulations require that streets are improved to standards whether private or public.

Mayor Von Gausig asked for clarification on the issue of the landscape code. Are they asking for the subdivision to present them with a set of plans and parameters that include the elements in the code but it reads more like an ordinance. Escobar stated that they are asking that the plans show when the irrigation system will be shut off, when it is estimated that drought tolerant plants are established enough to not require irrigation. The Mayor stated that it should say that the plans should show the shut off date. There is some enforcement wording that should be department policy decision rather than stated in the code.

Council discussed the procedure with regard to the worksession and drafts of this ordinance. Councilmember Regner stated that a review period of a couple of weeks would be preferred.

Councilmember Radoccia asked about large lot subdivisions in an area that may be in town that wouldn't necessarily be developed to this standard, would there be some flexibility in not having to necessarily adhere to these standards. Escobar recommends holding on to standards but having the ability to waive something when necessary making room for the unusual circumstance. The department is asking for more discretionary ability on part of council. This will be a continued worksession to be scheduled on June 26<sup>th</sup> Council meeting.

This agenda item is a worksession only. No Council action is required.

## **LONG-TERM WATER RESOURCE AND WATER MANAGEMENT STRATEGIES**

**WORKSESSION** – A worksession to discuss long-term water resource and water management strategies in Clarkdale and the communities in the Central Yavapai Highlands area in order to ensure the ability to provide reliable, long-term water supplies.

Mayor Von Gausig will update the Council on the status of the Central Yavapai Highlands Water Management Study (CYHWMS) and its applicability to Clarkdale, the Verde Valley and other communities in the Central Yavapai Highlands study area\*. The cost share partners for this study include: the Yavapai County Water Advisory Committee (WAC), Arizona Department of Water Resources (ADWR), and Bureau of Reclamation (Reclamation). The central issue of the study is the challenge of providing reliable long-term water supplies to the region given the existing water supply/demand and legal issues.

The study objectives are to:

- Identify Stakeholders
- Document present population, demand and water supply
- Project future population and demand
- Outline potential future supplies
- Formulate water supply alternatives and establish evaluation criteria
- Evaluate alternatives based on established criteria
- Identify viable alternatives
- Recommended next steps

Mayor Von Gausig is a member of the Technical Advisory Committee (TAC) consisting of regional experts and those that have accountability to manage the water and land resources in the study area.

Discussion will include the need for continued public education on the challenges that face Clarkdale and the other communities in this region, and alternatives/strategies for addressing our long-term water supply/demand challenges.

Mayor Von Gausig gave background on the study (CYHWRMS) and noted that discussion would be about the future of water and how we can identify ways to meet future demand. The mayor stated that the Verde Valley is expecting a 2% growth rate from 65,000 people today to a population of 200,000 people in 2050. The choices we have include improving conservation by lowering the per capita use; go out and get more water; or do nothing at all and continue to use as we do today (the Verde River eventually disappears in the process). If we reduce the 55 cfs by just 15 more cfs we would have an intermittent Verde River in the Verde Valley. Instead of a continuing perennial flowing river a series of lakes would develop separated by dry spots. To avoid that fate it is important to determine where the water will come from and how groundwater consumption can be reduced. The *easiest* solution is getting new water from other sources.

Cottonwood and Clarkdale can have some control of the destiny of their water supply. There are approximately 7,000 private wells in the Verde Valley, about 50% of the people who are served by public utilities and the rest are served by private water companies. The maintenance of the Verde River will involve huge expenses with very few entities willing to support it.

We must go to public to find range of possible solutions because the issue is such a big one with long range implications. Mayor would like to start down road of public engagement and participation.

Vice Mayor Dehnert asked about the completion of the Gila River adjudication process. The Mayor stated that it has not been completed and the presiding judge is already carrying a full docket along with this case. There should be one court that deals only with this issue. Once the adjudication is delivered the impact will be minimal.

Councilmember Radoccia stated that education is a critical component to any conservation and change. We can't control how much water comes out of sky and how much water is underneath us, but we can affect it by education, conservation and limiting population. An unpopular position would be to change zoning. Planning a community based on water models and planning a zoning map is very sensible. There is a need to discourage a population of 200,000 people. You can't make a planning change without incorporating the education component. We have to start small.

Councilmember Regner stated Clarkdale gauge is upstream and the impact we experience is not directly affected by consumption in Clarkdale. Stated he wants to keep the dialogue on-going and in the public until the Verde Valley finally addresses this issue.

Mayor Von Gausig suggested a possibility of creating a system of water rights in your own community. Give a homeowner an allowable figure for an amount of water they can use per month. If you're going to come to Clarkdale you are going to have to acquire enough water rights for your own usage or find your own water. This incentivizes people to conserve water

and create new ways to conserve water, i.e., gray water, rainwater collection. This model will work in places with limited resources and will migrate to other communities if it works well here.

Town Manager Mabery suggested that this idea might attract funders to work on a project like this and a sense of urgency creates interest in the public. Perhaps Yavapai College would be interested and engaged in this issue even though they are not currently.

Vice Mayor Dehnert expressed concern that Arizona just barely missed a law passing legislature this year that would outlaw cities and towns from using sustainability as a standard for their operations.

Mayor Von Gausig noted that EPIC (Energy Policy Innovation Council) wants to pay more attention to these kinds of plans. The Mayor thinks that very little public resources will need to be spent on this campaign.

This is a worksession only, and no Council action is required.

**FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda.

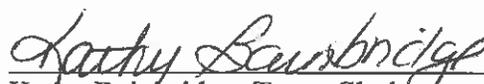
~~ADJOURNMENT~~ - Mayor Von Gausig adjourned the meeting at 9:14 p.m. without objection.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



Kathy Bainbridge, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 12<sup>th</sup> day of June, 2012. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12 day of July, 2012.

SEAL



Kathy Bainbridge, Town Clerk