

Minutes of a Regular Meeting of The Common Council of The Town of Clarkdale
 Held on Tuesday, September 9, 2003, in the
 Men's Lounge, Clarkdale Memorial Clubhouse, Clarkdale, Arizona.

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 9 2003, at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse.

Town Council:

Mayor	Michael Bluff
Vice Mayor	Ellie Bauer
Councilmember	David Leibforth (absent)
	Rex Williams
	Tom Groom

Staff:

Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Planning Director	Lyle Richardson
Fire Chief	Don Eberle
Police Chief	Pat Haynie
Finance Director	Coleen Gilboy
Admin. Assistant	Charlotte Hawken

Others in attendance: Mary Rangel, Bea Chavez, Sandy Martin, Cermida Zepeda, Nancy Bonfield, Roli Bonfield, Joyce Deland, Bruce Deland, Jason Benatz, Dick Denney, Joan Kenney, Helen Killebrew, Bernice Valdez, Barbara Williams, Robert Williams, Marilyn Sims, Phillip Sims, Jesus Valdez, Curt Bohall, Chuck Bennett, Rodney Fielitz, Rich and Cari Wells, Chris and Sandy Boothe, George Benatz, Caroline Radoccia, R. Radoccia, Geri Hendrickson, Joan Goodrich, Stacy Kramer, Patricia Stegall, Ross and Rose Bell, Michael and Crystel Turner, Bob and Gloria Browne, Tom Parmenter, Guss Espalt, Roberta Westcott, Elizabeth Augusto, Rebecca Andre, Dee King, Ed King, Hannelore Wurzbach, Jesse Sandoval, Linda McDonough, Dave McDonough, John Sherman, Michael Hensley, Tom Evans, Peg Sarkision, Phil Sarkision, Richard and Krysta Dehnert, Jerry Andre, Mary Lu Estlick, Elizabeth Hensley, Clement Dieter, Scott Wilburn, Betsy Williams, Howie Usher, Janice Paul and Jim Parsons.

CALL TO ORDER - Mayor Bluff called the meeting to order at 6:02 p.m. in the Library
STATEMENT by Councilor DAVID W. LEIBFORTH, Town of Clarkdale

basement meeting room and noted that Councilmember Leibforth was absent. Vice Mayor Bauer moved to move the meeting to the Men's Lounge of the Clark Memorial Clubhouse. Councilmember Williams seconded and the motion passed unanimously. The Council moved to the Clubhouse and reconvened at 6:07 p.m.

PUBLIC COMMENT - *Sandy Martin*, 771 Calle Medina, thanked everyone for their efforts to save her house, especially to Acting Fire Chief Don Eberle, the Police Department, her neighbors, Councilmember Tom Groom and his wife, Lee, and Town Manager Gayle Mabery. She stated that everything is okay with her property, except for a few scorched plants.

INFORMATIONAL REPORTS

MAYOR'S REPORT - Mayor Bluff stated that at about 11:00 a.m. on Sunday there was an explosion and a small fire in the restrooms in the rectory of St. Cecelia's Catholic Church in Clarkdale. There were no injuries. He thanked the hazardous waste unit from Camp Verde and the many other units who responded. A portion of lower Clarkdale was evacuated. Chief Eberle was in charge and lots of things went well. Staff is looking at those things that could be done better. No one knows the source of the petroleum based product that was in the sewer system, the gases of which caused the explosion. Chemicals were put in the line to stabilize the petroleum product and it was flushed to the treatment plant. Town Manager Mabery noted that a sample was sent to the testing facility to see if they can determine exactly what it was.

Mayor Bluff moved by unanimous consent to reorder the agenda, taking Item 6 on the Gazebo next.

GAZEBO - Consideration of the Town Gazebo and if it should be restored/repared or replaced.

Mayor Bluff read the following letter:

Re: Gazebo

I regret that I am out of the state and unable to attend this evening's Council meeting. The agenda item I address in this correspondence is the fate of the Clarkdale Gazebo. As I stated in previous public meetings, the decision of whether to restore or to replace the Gazebo is one which must be given all due consideration, and most especially, must be based on the public's expressed preference. I would urge the Council to discuss this issue with full public involvement at this evening's meeting. However, I respectfully request that any vote on the matter be tabled until we have a full Council on 23 September 2003. No harm will be done in delaying action for two weeks. Waiting to take the vote by the full five-member Council will provide an opportunity for input by all members and will result in a clear decision. This is an issue which deserves consideration by the full Council.

Mayor Bluff read a letter from **Robyn Prudhomme Bauer** stating she is in favor of replacing the gazebo and suggested an ad hoc gazebo workgroup be created to oversee the restoration/replacement made up of interested residents.

He read a letter from **Richard and Cari Wells** in favor of restoration.

He read a phone message from **Mrs. Lindner** requesting that the gazebo remain in its present location, regardless of the decision that is made.

Mayor Bluff stated he did not understand how this issue became divisive and that the decision needs to balance the goal of keeping as much of the gazebo as possible while making it safe, accessible and long lived. He opened public comment.

Councilmember Groom moved to refurbish of the gazebo in the amount of \$11,500 from the Clarkdale Foundation. Mayor Bluff seconded.

Mayor Bluff opened public comment.

John Sherman, 571 Fiesta, stated he thinks the gazebo does not need to be moved, does not need a slab under it for storage and it doesn't need to be ADA compliant. He asked the Mayor to read a letter from Bob Frankenberger of the State Historic Preservation Office.

Jason Benatz, 145 Verde Place, stated he wants

Curt Bohall, Third North and Broadway, stated a flyer had been left on his door and he wanted to know who left it there as it was unidentified. He agreed that the gazebo should be accessible.

Chuck Bennet, 725 Palisades, stated he is in favor of repairing the gazebo using as much of the old materials as possible to preserve the historic background.

Nancy Bonfield, 1512 Third South, stated she would like to see the gazebo restored and repaired and wants it to look as it looks now to respect and preserve the unique heritage.

Dick Kenney, 401 Casner Drive, stated he expects elected officials to represent the views of the citizens.

George Benatz, 1418 Main Street, Vice Chair of the Heritage Conservancy Board, read a letter from **Pat Williams**, Chairperson of the Heritage Conservancy Board, asking the Council to restore the gazebo. Speaking for himself, he stated that he would like to see it restored and he appreciated the comments regarding the necessity of access for all and suggested considering a free standing elevator.

Tom Evans stated he thinks a ramp would be an attractive nuisance and thinks a lift might be a good idea.

Roberta Westcott stated she would like to see the gazebo restored using as much of the original materials as possible.

Elizabeth-Rose Augusto, 940 Calle Tomallo, a Parks and Recreation Commissioner, stated she thinks the July 4th flyers represent the vote of the vocal minority. She stated she thought the Parks and Recreation Commission and Heritage Conservancy Board have done a good job in making recommendations to the Council.

the gazebo to be restored because it would be doing a disservice to the memory of the smelter workers to tear it down.

Phillip 'Gene' Sims, stated he remembers the gazebo from the 1930s and wants the gazebo to be repaired in its present shape and form as a remembrance.

Jesus Valdez, 1440 Panorama Way, asked how can this not be a personal emotional issue? He asked the Council to keep the gazebo the way it is.

Hannelore Wurzbach, 1404 Second South, stated the gazebo is part of her family life and she wants to restore it.

Sandy Martin, 771 Calle Medina, stated that as much as can be kept needs to be kept.

Mary Rangel, 587 Fiesta, stated the gazebo has been important to her family events for four generations and she asked the Council to restore it.

Dave McDonough, 1404 Second South, stated he got the engineers report submitted by Shepherd-Wesnitzer Engineering on May 27, 1999 which stated the frame, roof and joists were in good condition along with all but one or two posts. It stated the flooring, roofing, siding and railing needed to be replaced. He asked why it needs to be moved: why not jack it up, take the siding off and put a foundation under it? He stated he would like to see a portable ramp or electric lift if it must be ADA compliant, although it is not required.

Mayor Bluff closed public comment.

Vice Mayor Bauer stated that the gazebo is indeed an icon in Clarkdale, part of the vision of the first planned community in Arizona. She wondered why the gazebo is the only public structure in the town not built of permanent materials. She stated she was in favor of the notion of refurbishment in the motion.

Councilmember Groom stated that restoration cannot be done because it means using the original materials and the code requires changes, so it can only look similar. He stated that refurbishment means using the best materials possible to make it look as similar as we can while meeting code and possibly some handicapped accessibility.

INFORMATIONAL REPORTS

VICE MAYOR'S REPORT - A report on the Northern Arizona Council of Governments. Vice Mayor Bauer reported that there is still doubt about the fate of the TEA 21 transportation funds. There will be meetings with councils and staff on a regional basis across Arizona on October 24. She

Councilmember Williams stated that at a prior meeting it was stated that if 50% of a structure is repaired, then ADA is required and that doing so is desirable. He stated that the lead must be remediated. He stated that experts will have to determine what can be used. He stated the gazebo is not on the historic register because it is not original materials. He stated he wants to add a sound system and better electrical. He stated the Town does not have funds for remediation of the lead.

Mayor Bluff read a letter from Robert Frankenberger, an Architect with the State Historic Preservation Office, stating that it appears that 1) the gazebo requires no alteration for ADA compliance because the addition of a ramp would be of disproportionate scale and mass that would adversely effect the gazebo's historic significance and would therefore not be required and 2) no mechanical lift or elevator would be necessary because the floor area of the gazebo falls within the 3,000 square foot exception that applies both to new construction and to alteration of existing structures.

Mayor Bluff removed his second of the motion.

Councilmember Groom moved to refurbish the gazebo. Mayor Bluff seconded and the motion passed unanimously. It was noted that the lead issue is estimated to cost about \$9500. The Council directed staff to develop a scope of work for refurbishing the gazebo. It was noted that once the cost is known, then the available amount of money can be determined and then the amount that will need to be raised.

Mayor Bluff moved by unanimous consent to recess the meeting at 7:43 p.m. The meeting reconvened at 7:50 p.m.

stated there will be an Elder Abuse conference in Flagstaff on September 25, 2003.

TOWN MANAGER'S REPORT - Town Manager Mabery reported that the Fire Department Study Committee will report to the Council at its September 23 meeting. She stated that several staff and council members attended

the League Conference in August and attended workshops such as public finance, emergency preparedness and manager evaluations. She stated that staff has been working with Jerome about its cemetery land issue and the Jerome Town Council has decided to pursue the subdivision process.

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 approved with one motion. Any items may be removed for discussion at the request of any Council Member.

Councilmember Williams pulled Item E. Vice Mayor Bauer pulled Item K. By unanimous consent Mayor Bluff adopted Items A, B, C, D, F, G, H, I and J.

Item E: Councilmember Williams questioned retroactive fees and the Town assuming responsibility of paying fees for homeowners who cannot take their pets to the facility and the Town does it for them. Town Manager Mabery clarified that several agencies have their fiscal year contracts approved after July first because of timing issues and they are effective retroactive to the beginning of the fiscal year. She also noted that Clarkdale does not have a problem with owners surrendered animals and administratively the Town does not accept animals from owners without payment.

Councilmember Groom asked whether the Town has received any financial statements from the Society and Town Manager Mabery stated it has not. She noted that the Council receives monthly reports regarding the number of Clarkdale animals processed by the Society.

Police Chief Haynie stated that animal control is mainly for rabies control.

E. **Agreement** - Approval of an Agreement with the Verde Valley Humane Society.

F. **Agreement** - Approval of an Intergovernmental Agreement with Yavapai County Development Services, National Flood Insurance Program to re-certify the town for year 2003 credit under the Community Rating System program.

Mayor Bluff moved to approve Item E with the condition that it is approved upon receipt of the financial information identified in the Town's transmittal letter that accompanied the 2002-2003 agreement.. Council member Groom seconded and the motion passed unanimously.

Item K: Vice Mayor Bauer requested a return to the old pool entrance fees. Mayor Bluff moved to adopt Item K with the old pool entrance fees. Vice Mayor Bauer seconded and the motion passed unanimously.

D. **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held August 12, 2003 and the Special meeting held August 19, 2003.

B. **Claims** - List of specific expenditures made by the Town during the previous month.

C. **Board and Commission Minutes**
Parks and Recreation Commission
August 5 and 18, 2003.

Design Review Board Minutes- August 13, 2003.

Heritage Conservancy Board
July 23, August 5, and 20, 2003.

D. **Reports** - Approval of written Reports from Town Departments and Other Agencies
Building Permit Reports - August, 2003
Fire Department Report and Mutual Aid Responses Report - August, 2003
Police Department Report - August, 2003
Cottonwood Area Transportation System - August, 2003
Magistrate Court Report - August, 2003
Clark Memorial Library Report - August, 2003

G. **Agreement** - Approval of an Intergovernmental Agreement with Yavapai County development Services Department for funding assistance to be used for local drainage improvements.

H. **Proclamation** - Approval of a proclamation declaring October 20-26 Strong Cities and Towns Week.

- I. **Liquor License** - Approval of a request by the Loyal Order of Moose, Verde Valley Lodge #1449 for a Special Event Liquor License for a chili cook-off to be held at their lodge on Broadway September 27, 2003.
- J. **Liquor License and Road Closure** - Approval of a request by the Clarkdale Chamber of Commerce for a Special Event Liquor License for a chamber mixer at Main and 10th Streets and approval to temporarily close a section of Tenth Street for the event on September 26, 2003.
- K. **Resolution** - Approval of a resolution setting fees for the Town of Clarkdale.

RESIGNATION - Acceptance of a resignation from a Parks and Recreation Commissioner. Mayor Bluff commended Tom Evans for always being there to do the work. Mayor Bluff moved to accept the resignation of Tom Evans. Vice Mayor Bauer seconded and the motion passed unanimously.

PUBLIC HEARING - A hearing to obtain public input on a resolution abandoning a portion of 7th Street in the Paz and Cota Subdivision, adjacent to a lot with tax parcel number 406-21-023. Mayor Bluff opened the public hearing and then closed it when there was no comment.

RESOLUTION - Approval of a resolution abandoning a portion of 7th Street in the Paz and Cota Subdivision, adjacent to a lot with tax parcel number 406-21-023. Planning Director Richardson noted there will be more applications in this area and requested that the item be postponed. Mayor Bluff by unanimous consent continued agenda items 7 and 8 regarding a street abandonment to the Council's next meeting.

AGENDA - Consideration of setting the agenda for a Strategic Planning Session. The Council agreed to include the following items:

- review of the 2002 issues
- wastewater
- government roles
- fire/ EMS services

Peck's Lake area
the historic district.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda. None.

ADJOURNMENT - With no further business before the Council and without objection, Mayor Bluff adjourned the meeting at 8:50 p.m.

APPROVED:

Michael Bluff, Mayor

SUBMITTED:

Charlotte Hawken, Admin. Assistant

ATTESTED:

Joyce Driscoll, Town Clerk