

Minutes of a Special Meeting of The Common Council of The Town of Clarkdale  
Held on Tuesday, September 23, 2003, in the  
Men's Lounge of the Clarkdale Memorial Clubhouse, Clarkdale, Arizona.

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 23, 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
	Rex Williams
	Tom Groom

Staff:

Town Attorney	Robert Pecharich
Town Manager	Gayle Mabery
Planning Director	Lyle Richardson
Fire Chief	Don Eberle
Admin. Assistant	Charlotte Hawken

**Others in attendance:** Crystal and Michael Turner, Frances Judd, Ray Elliott, Beth Escobar, Mike Westcott, Chris and Sandy Boothe, Linda Quam, Charlie Wright, Robert Eddingfield, Gerald Shanks, Fred Hayman, Mike Casson, Pat Williams, Kim Wright, Ton Evans, Tim Wills, Marsha Foutz and others who did not sign in or whose names were not legible.

Mayor Bluff called the meeting to order at 6:06 p.m. and noted that all members of the Council were present. Without objection Mayor Bluff reordered the agenda, taking Item 6, the Fire Department Worksession, first.

**WORKSESSION - A worksession to review the findings and recommendations of the Fire Department Study Committee concerning the Town's options for long-term solutions to fire/EMS services in Clarkdale.** Town Manager Mabery thanked the members of the Committee. Beth Escobar, Committee coordinator, introduced Tom Groom, Mike Wescott and Fred Hayman as the other Committee members. She stated that the Committee began meeting in June with direction to examine several options open to the Town for fire and emergency medical services (EMS). This opportunity was created by the resignation of Fire 6. A Fire District Assistance tax, collected at the county level as a separate taxing entity, is based on

Chief Van Hook. The Town currently contracts for fire services with the Verde Valley Fire District.

Ms. Escobar stated the Committee discussed the following six possible options with interested parties, including fire departments and districts, municipalities, fire department personnel and volunteers:

1. Remain a separate municipal fire department
2. Join with another municipal fire department
3. Contract with another agency (district or municipal department) for administrative services
4. Contract with another agency for full services
5. Join with an existing fire district
6. Form a new fire district.

She stated that there remains a lot to be examined and that the Town does not have the option to fund a fire department that can provide adequate services to the town residents at the current budget structure and that it would also be beneficial if there was an ambulance within the Town limits. She stated that joining with an existing fire district or forming a Clarkdale fire district are the only viable options due to funding issues. She noted that Dr. Metcalf, Verde Valley Ambulance board chair, has stated that his agency, based in Cottonwood, cannot meet the medical emergency needs of Clarkdale due to the distance. The following issues were discussed:

1. Increasing service involves increasing taxes.
2. 97% of calls the fire departments respond to are for emergency medical services.
3. A municipal fire department is funded through the town budget, a fixed pool of money that is divided up for all town services.
4. If the town joins another district funding, gathered through property tax, would be pooled. The immediate effect would be an increase in property tax.
5. Forming a separate district will have the same effect of raising property tax a percentage of the property tax and is distributed to each district.

7. Clarkdale currently has a department with one person per shift. Protocol requires at least two per shift. That will cost an additional \$100,000 per year.

8. The town cannot raise property taxes.

9. Fire districts can raise their rate on property taxes.

10. Every property owner in the county pays a fire district assistance tax. The only entities that receive benefit of that are fire districts. Clarkdale citizens are paying this tax, but it is being distributed to the fire districts within the county.

11. The existing budget for fire services in Clarkdale is about \$280,000.

12. Clarkdale's portion of the Fire District Assistance would be about \$76,000.

13. The maximum Fire District Assistance tax to a district is \$300,000.

14. If Clarkdale joins Verde Valley Fire District, which is already receiving the \$300,000 maximum tax funds, the amount they receive would not increase.

15. Jerome may have a shortage of volunteer firefighters soon due to an aging population and part-time residents. They may be forced to address consolidation soon.

16. Clarkdale could form its own district in order to obtain the \$76,000 tax assistance and then contract with Verde Valley Fire District.

17. Currently Clarkdale residents pay \$1.13 per hundred of property value in property tax.

18. If Clarkdale forms a fire district, the fire district property tax would increase to \$1.24.

19. If the town formed a fire district, it could consider eliminating the entire general property tax, which now generates \$240,000 per year.

20. Successfully forming a district requires filing three petitions, with signatures as follows:

- a) 51% of the property owners within the district
- b) 51% of the eligible voters within the district
- c) the owners of 51% of the assessed value of property within the district

21. If the town forms a district the governing board comes from the residents. If the town joins another district, that board is elected based on the

#### **PUBLIC COMMENT -**

*Frances Judd*, 1495 Abbey Rd. South, gave an

boundaries of that district, so the town is not guaranteed to get local representation.

22. If the town joins another district, Clarkdale residents might pay a \$1.85 tax rate.

23. Contracting with a district as a municipal fire department requires the town to raise all the funding.

24. There is no statutory requirement for staffing levels, but there are OSHA requirements and insurance companies ratings.

25. Ambulance service could be run by the fire district, if one was formed. However, it would require separate staffing.

26. The current fire department has a rescue truck to respond to EMS calls.

27. Having two staff per shift increases safety and response.

28. Next step is to sit down with Cottonwood and Jerome to see if they are interested in consolidating.

29. This issue is on the Strategic Planning agenda.

30. The two main issues to balance are:

- a. funding out of the general fund or through a district and
- b. municipal vs. district control.

Mayor Bluff opened the item to public comment.

*Fire Chief Don Eberle* thanked the committee for their work and stated he also came to the conclusion that consolidation of all entities if the best option.

*Charlie Wright*, VVFD board member, stated Sedona and Camp Verde have fire districts.

Mayor Bluff closed public comment.

Town Attorney Pecharich explained that the three petitions necessary to forming a fire district are submitted to the Yavapai County Board of Supervisors. The town would need to talk to them in advance so they know what is happening. If the district is formed by the Board of Supervisors, it becomes a special taxing district, similar to a school district, allowing it to tax without the taxing limits of the town. He recommended the Council explore the fire district option.

update on the level of water at Haskell Springs. She stated there has been a 13 inch drop in the well levels since September 8<sup>th</sup>. She stated those living

in Haskell Springs are afraid they will be forgotten. She stated connecting her property to Cottonwood Water Works would cost \$37,000 to get to the property line and with additional costs would be about \$50,000. There has not been enough interest in connecting among her neighbors to make that possible now.

**Tom Evans**, 15 Hollow Reed Lane, asked the Council to reconsider its agreement with Phelps Dodge regarding:

1. Public access to the lake. He stated he would like to see a small portion of the lake privatized and the rest available to the public.
2. He stated he is concerned about access to that area, especially the effect another bridge would have on the wildlife habitat.
3. Water availability being clearly defined.
4. The addition of a program for management of the riparian area.

He stated he would like the Council to reconsider its agreements regarding the Ruskin land trade viewshed and water issues. He stated he finds fault with the theory that an agreement with Phelps Dodge will solve the Town's infrastructure problems.

Regarding stewardship, Mr. Evans also stated that a citizen has offered to rebuild the gazebo for free with materials provided by the Town. He stated he thinks the town has enough money to provide that person with the things that he needs and adequate pay for himself and a young person to work with him and learn the skills used in repairing structures.

**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

**DIRECTION TO STAFF - Consideration of direction to staff regarding board and commission minutes and their inclusion in Council meeting packets.** Town Manager Mabery explained that some board minutes in the Council packet are draft minutes that have not

request of any Council Member. Vice Mayor Bauer pulled Item A. Mayor Bluff adopted Items B and C by unanimous consent.

Item A: The Town Code requires that a meeting scheduled for a federal holiday be rescheduled to the next day. Mayor Bluff approved Item A by unanimous consent.

- A. **Rescheduling of the November Regular Council Meeting** - Approval to Reschedule the November Regular Council Meeting due to a conflict with Veteran's Day.
- B. **Proclamation** - Approval of a proclamation declaring September, 2003 as Grandparent/Elder Recognition Month.
- C. **Proclamation** - Approval of a proclamation declaring the month as November as Veterans Remembrance Month.

**PUBLIC HEARING - A hearing to obtain public input on a resolution abandoning a portion of 7<sup>th</sup> Street in the Paz and Cota Subdivision, adjacent to a lot with tax parcel number 406-21-023.** Planning Director Lyle Richardson stated that the applicant, Paul Lidbeck, has sold the property to Thomas and Jennifer Paige who want to continue with the abandonment. All issues have been addressed and staff recommend approval.

Mayor Bluff opened the public hearing, there were no comments and he closed the hearing.

**RESOLUTION - Approval of a resolution abandoning a portion of 7<sup>th</sup> Street in the Paz and Cota Subdivision, adjacent to a lot with tax parcel number 406-21-023.** Vice Mayor Bauer moved to adopt Resolution 1080, proceeding with the abandonment in accordance with the formal procedure identified in Ordinance 232. Councilmember Groom seconded and the motion passed unanimously. Planning Director Lyle Richardson verified that the new owners have closed on the property.

been approved by the board. The Council agreed they would rather be current with the boards and requested that all board minutes from the previous month be included in the Council packet. They noted that they would see any corrections to draft minutes in the next set of board minutes.

**REVIEW OF MAYOR BLUFF'S LETTER DATED AUGUST 26, 2003 - regarding the proposed Northern Arizona National Forest Land Exchange Act of 2003 (S849); and consideration and possible action to determine the policy of the Town of Clarkdale regarding issuance of public statements of policy on behalf of the town, by town officials.**

Councilmember Leibforth presented the question of whether any Clarkdale mayor has the authority to issue unilateral public statements concerning the allocation of town resources or whether real or hypothetical, or to make unilateral statements of town policy. He stated that the mayor does not make policy or decide how town resources are to be allocated since that is the job of the Council. He stated that pronouncements by the mayor, absent of Council direction are inappropriate, unethical and illegal in Arizona. Otherwise the Council is made irrelevant.

After reviewing the Town Code, Section 2-2-4, and discussion regarding the ownership of the well on Phelps Dodge's property at Peck's Lake ( a topic in the above referenced letter), Mayor Bluff clarified that the issue was whether the Council needs to create a policy regarding public comments made by the mayor or any council member.

Councilmember Leibforth moved that the mayor be authorized to make statements only on information on issues that have gone through the Council or be based on Council discussion. The motion died for lack of a second. It was noted that the Mayor is now elected rather than appointed.

Town Attorney Pecharich stated that the Town Code is taken from state statues and that neither covers this issue.

**RESOLUTION - Approval of a resolution abandoning a portion of 7<sup>th</sup> Street in the Paz and Cota Subdivision, adjacent to a lot with tax parcel number 406-21-023.** Town Attorney Pecharich stated he would like to see the resolution amended, as follows:

1. Section 2 needs to be clarified to state that each property owner on their respective side of the abandoned right-of-way takes possession to the

Mayor Bluff opened public comment.

*Sandy Boothe*, 123 Sunset Blvd., stated she that she is concerned that most of this Council does not realize how important this Ruskin land trade issue to a lot of people in Clarkdale. She agreed that this letter, sent to a key decision maker without input from the council or the public, was unreasonable. She stated there were some questions to be answered, as follows:

1. Does the Peck's Lake development have to be underway before the water from the Phelps Dodge wells would be available to the Town or to the water company.

2. How much will it cost to get that water somewhere where it could be used effectively?

3. Why, if this water is available for the trade area, is the Town not trying to make it available to help the folks whose wells are already low.

4. Is the Town able to provide assured water supply to owners of other privately owned land not currently developed? If not why does Mr. Ruskin have priority?

5. What assurance does the Town have that Phelps Dodge actually has the right to use that water for people rather than mining?

*Marsha Foutz*, 313 Main Street, stated this is the second meeting she has attended with the issue of the Mayor's role on the agenda. She stated there has not been a reasonable amount of information from the Council for support of the land trade to the public.

Mayor Bluff closed public comment.

Town Attorney Pecharich requested the Council to go back to the abandonment item.

center line of the abandoned roadway.

2. Clarify the full names of the respective owners and spouses.

3. Adjust as to form of the legal description

Mayor Bluff opened public comment, there was none, and he closed it.

Mayor Bluff moved to withdraw the original motion. Councilmember Williams seconded and

the motion passed unanimously.

Vice Mayor Bauer moved to adopt Resolution #1080 with clarification that the owners on each side of the abandoned right of way take to the respective center line, that the full names of each owner be included, that the form on the first page be improved with the legal description indented. Councilmember Williams seconded and the motion passed unanimously.

**ADJOURNMENT** - With no further business before the Council and without objection, Mayor Bluff adjourned the meeting at 7:45 p.m.

**APPROVED:**

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Michael Bluff, Mayor

**SUBMITTED:**

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Charlotte Hawken, Admin. Assistant