

Minutes of a Regular Meeting of The Common Council of The Town of  
Clarkdale

Held on Tuesday, December 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, December 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
	Rex Williams
	Tom Groom

Staff:

Town Manager	Gayle Mabery
Town Attorney	Rob Pecharich
Town Clerk	Joyce Driscoll
Planning Director	Stephen Brown
Police Chief	Patrick Haynie
Contract Fire Chief	Don Eberle
Finance Director	Coleen Gilboy
Fire District Forma- tion Coordinator	Beth Escobar
Magistrate	Joan Dwyer
Firefighter/EMS	Chris Vredeveld
Admin. Assistant	Charlotte Hawken

**Others in attendance:** Robin Brean, Jesus S. Valdez, George Benatz, Elizabeth-Rose Augusto, Dan Guernsey, Doug Von Gausig, Sandy Boothe, Tim Wills and others who did not sign in.

**CALL TO ORDER** - Mayor Bluff called the meeting to order at 6:00 p.m. and noted that all members of the Council were present.

**PUBLIC COMMENT** - *Ellie Bauer*, 1201 Main, thanked the Town Crew for their help in setting up the Made In Clarkdale art exhibit.

**INFORMATIONAL REPORTS -**

**MAYOR'S REPORT, WAC, VVTPO** - Mayor Bluff reported there will be a Water Advisory Committee (WAC) meeting next week. He stated he attended a Verde Valley Transportation Planning Organization (VVTPO) meeting where there was a presentation by Arizona Department of Transportation on roundabouts and a meeting where they discussed that issue.

**TOWN MANAGER'S REPORT** - Town Manager Mabery noted that the Consent Agenda contains an item cancelling the December 23<sup>rd</sup> council meeting. There was a meeting last evening with the Centerville Action Zone Committee and Planning Director Brown regarding the proposed Mountain Gate development. There is a meeting on that issue tonight at the Clarkdale-Jerome School and there will be another one with a group of upper Clarkdale residents on Thursday. Town Hall will be closed on Christmas and New Years day.

**NACOG, NAMWA** - Vice Mayor Bauer stated that Northern Arizona Council of

Governments (NACOG) is not meeting in December. The Northern Arizona Municipal Water Association (NAMWA) meeting revealed that Arizona Department of Water Resources will be picking up the cost of clerical support through June. They sent letters to northern Arizona tribes to inform them of NAMWA's mission.

**COCOPAI** - Councilmember Leibforth reported that twelve trails groups spoke at the Coconino-Yavapai (COCOPAI) meeting and discussed their trails and the main idea of connecting all the trail systems. The organization's role is to bring them together, define goals and get grants.

**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 Leibforth pulled Item H. Vice Mayor Bauer pulled Item G. Mayor Bluff moved by unanimous consent the adoption of Consent Agenda Items A, B, C, D, E, F.

Item G - Vice Mayor Bauer noted Item G repeals an ordinance regarding the regulations that the Town imposes at Peck's Lake.

Town Attorney Pecharich noted that the Town is renegotiating a 1966 lease agreement with Phelps Dodge, they may not renew it and therefore they would not need the ordinance. The Town has notified Phelps Dodge of its intent to terminate the existing lease as written and indicated a willingness to negotiate a new lease.

Vice Mayor Bauer moved to adopt Item G, approving Ordinance #253 repealing and deleting Chapter 16 of the Town Code related to public facilities/parks and recreation and repealing of conflicting ordinances. Councilmember Williams seconded and the motion passed unanimously.

Town Manager Mabery noted that the lease agreement will terminate December 31, 2003 and the Ordinance will be effective January 8, 2003.

Item H - Councilmember Leibforth asked for information from the applicant regarding the liquor licence. Robin Brean, Assistant Manager at Verde Canyon Railroad, responded that this license would allow them to sell wine on their wine-tasting train tours without the involvement of a winery.

Councilmember Williams moved to approve the application for a Series 10, Beer and Wine Store liquor license to the Arizona Department of Liquor Licenses and Control by the Verde Canyon Railroad. Councilmember Groom seconded and the motion passed four to one, with Councilmember Leibforth voting against it.

**A) Minutes of the Common Council** - Approval of the minutes of the regular meeting held November 12, 2003 and the special meetings held November 6, 12, 13, and 25, 2003.

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

**C) Board and Commission Minutes**

Board of Adjustment - November 12, 2003  
Design Review Board - November 12, 2003  
Heritage Conservancy Board - November 17, 2003  
Library Advisory Board - November 6 and 13, 2003  
Planning Commission - November 31, 17, and 25, 2003

**D) Reports**

Building Permits - September (Revised), October (Revised) and November, 2003  
Fire Department and Mutual Aid Responses - November, 2003  
Magistrate Court - November, 2003  
Police Department - November, 2003

**E) Change Order** - Approval of a change order to the Sludge Removal Contract with Synagro West, Inc.

**F) Cancellation of Meeting** - Approval to cancel the December 23, 2003 Special Council Meeting.

**G) Ordinance** - Approval of an ordinance repealing and deleting Chapter 16 of the Town Code related to public facilities/parks and recreation and repealing of conflicting ordinances.

**H) Liquor License** - Approval of an application for a Series 10, Beer and Wine Store liquor license to the Arizona Department of Liquor Licenses and Control by the Verde Canyon Railroad.

**GAZEBO - Consideration of the town gazebo project scope of work.** Mayor Bluff noted that the Council met in a joint worksession with the Parks and Recreation Commission and the Heritage Conservancy Board to discuss the scope of work and possible changes to it in an effort to come to consensus on the issues. There are two issues still undecided: the type of handicapped accessibility and the size of the gazebo.

Mayor Bluff opened public comment.

**Jess Valdez**, 140 Panorama Way, stated that, in regard to accommodating the Cottonwood Community Band on the gazebo, and representing the two band members who reside in Clarkdale, Bill Bowers, the director of the band, told Jess that no one has contacted him about the band using the gazebo. He stated that the Community Band began about 1990 and had only a few members. That number grew to about twenty members. Then Town Clerk Driscoll asked them to play on July 4<sup>th</sup>. He stated he played the trumpet twice on the gazebo with the band. Now the band has thirty-five to forty members with many large instruments. He stated that Bill Bowers says they are happy playing under the tent on the grass, as they have done for a few years. He stated that as the one Clarkdale band member who cares about the gazebo, he will also gladly play under the tent.

**Elizabeth-Rose Augusto**, 940 Calle Tomallo, stated she once thought the gazebo should be bigger, but now she thinks it should remain the same size. She thinks the size issue has nothing to do with structural integrity and urged the Council to keep the gazebo the same size because it would be economical, speed up the work, and would bring peace to the residents of Clarkdale.

Mayor Bluff closed public comment.

Vice Mayor Bauer noted she would like to add electrical work to the scope of work and asked about there being a gate in the railing. Town Manager Mabery responded that a gate would allow for a later addition for ADA access.

Council member Leibforth moved to accept the staff recommendation to adopt the revised scope of work, adding sound and upgraded electrical wiring, and to direct staff to publicly bid the project. Council member Groom seconded.

Discussion included the option of covering the soil with a slab rather than removing it, being sure the floor is sealed to provide dry storage underneath it and designing an area for those purposes if larger staging is needed.

Mayor Bluff opened public comment.

**George Benatz**, 1418 Main Street, Vice Chairperson of the Heritage Conservancy Board, stated that the board agrees to the changes needed to make the refurbishment successful.

**Elizabeth-Rose Augusto**, 940 Calle Tomallo, stated it was her understanding that spindles would not be used for the railing.

Mayor Bluff closed public comment.

It was noted that the estimate for the project is now about \$25,100. The bid process will reveal the actual cost.

The motion passed unanimously.

**AGREEMENT - Consideration of a Restated Development Agreement between the Town of Clarkdale, Phelps Dodge Corporation and Phelps Dodge Development Corporation.** Town Attorney Pecharich stated that Clarkdale has completed negotiations of a restated development agreement with Phelps Dodge Development Corporation regarding the Verde Valley Ranch project. He reviewed some of it, as follows:

- 1) It recognizes previous amendments that the development will be limited to 900 units
- 2) Deletes from the previous development agreement the right of Phelps Dodge to request the Town annex the hilltop surrounding Peck's Lake
- 3) Provides that the golf course previously planned by Phelps Dodge may instead be open space
- 4) Provides that Phelps Dodge will convey to the Town of Clarkdale for use of the Town's wastewater treatment plant the property previously known as the Fisher property at the Phelps Dodge acquisition cost, which was \$347,600
- 5) Provides that Phelps Dodge will provide to the Town at no charge the plans and specifications for the new wastewater treatment plant previously done by Co and Van Loo Engineering
- 6) Provides that Phelps Dodge will cooperate with the Town in the

construction of a reclaimed water pipeline which will be necessary for the new wastewater treatment plant to pipe the treated effluent, at one half cost to Phelps Dodge which will include the cost of design and construction of the reclaimed water discharge line

7) Provides that Phelps Dodge will get a credit for whatever their contribution is for that cost to be used against the value of reclaimed water that Phelps Dodge might buy from the Town for use at the Verde Valley Ranch project

8) Clarifies an emergency access from the Verde Valley Ranch Development project back by Tuzigoot and Dead Horse State Park and into Cottonwood at Tenth Street, for emergency access only

9) Provides a new paragraph for arbitration of any dispute that might arise between the Town and Phelps Dodge

10) There are some recommended additions to Paragraph 6.2, which would be that the title "Plans" be expanded to read "Plans and Specifications," that the parenthetical in that paragraph which refers to plans be expanded to read 'hereinafter referred to as plans', and that the third line be clarified to add that 'the developer shall provide the plans in both hard copy and digital format at no cost to the Town'

He recommended that the restated development agreement be adopted by the Town.

Councilmember Groom moved to adopt the Restated Development Agreement between the Town of Clarkdale, Phelps Dodge Corporation and Phelps Dodge Development Corporation, with the additions of the specific changes to Paragraph 6.2 (that the title "Plans" be expanded to read "Plans and Specifications," that the parenthetical in that paragraph which refers to plans be expanded to read 'hereinafter referred to as plans', and that the third line be clarified to add that 'the developer shall provide the plans in both hard copy and digital format at no cost to the Town'). Vice Mayor Bauer seconded and the motion passed unanimously.

**MAGISTRATE CONTRACT - Consideration of an employment contract for the Town Magistrate.** Mayor Bluff noted that Judge Dwyer has upgraded the court services so that Clarkdale now has a highly respected court. Councilmember Leibforth moved to approve the Employment Contract with Joan Dwyer to serve as Town Magistrate for a term of office beginning January 9, 2004 through June 30, 2006. Councilmember Groom seconded and the motion passed unanimously.

**VERDE VALLEY FORUM - Consideration of funding tuition costs for persons representing Clarkdale at the Verde Valley Forum.** There was discussion about how to determine what persons to subsidize for attendance at the forum, who would then serve the Town. Councilmember Williams moved to fund a total of \$580 toward tuition costs for the Verde Valley Forum, which would cover the full cost of four of the six slots or a prorated share of all six fees, with \$145 to be taken from the planning budget and \$290 from the contingency fund. Councilmember Groom seconded and the

motion passed unanimously.

**FIRE DISTRICT WORKSESSION - A worksession to discuss issues relating to the formation of a fire district in Clarkdale.** Town Manager Mabery stated that the Fire District Impact Statement will be on the January 13, 2004 agenda for approval and then must be approved by the Yavapai County Board of Supervisors to allow the District to proceed with the petition process. The Impact Statement includes the following issues:

1. Description of boundaries.
2. Estimated assessed valuation in Clarkdale Fire District.
3. Estimated change in tax rate if the District is formed.
4. Property tax liability.
5. Benefits to be derived from the proposed District.
6. Injuries resulting from the proposed District.
7. Names, addresses and occupations of proposed members of the proposed District's Organizing Board of Directors.

The staff report accompanying this item reads as follows:

**AGENDA ITEM:** *Fire District Formation Worksession*

**SPONSORED BY:** *Mayor and Staff*

**BACKGROUND INFORMATION:** *This worksession has been scheduled to update the Council on the progress being made on the process to form a Fire District in Clarkdale. In order to meet the deadlines to have a district in place and able to collect assessments in November, 2004, we have to move through this process at a fairly rapid pace. Staff's intent is to have all the paperwork necessary to start the formation process ready for Council approval at the January 13, 2004 Regular meeting. This time line will allow the Board of Supervisors to submit the District Impact Statement to the Department of Revenue for November, 2004 taxing authority (this has to be completed before February 15, 2004).*

*There are a number of items that the Council will have to specifically address as we work through this process:*

- h) Council approval to have the district form within municipal boundaries. (This is required and will be achieved by drafting a simple letter to this effect. The letter will be drafted by staff, need the Mayor's signature and will be submitted with the Impact Statement to the Board of Supervisor's. Staff anticipates that you will take final action on this on January 13, 2004.)
- i) District Organizing Board - See memo from Beth Escobar that is included in your packets. The three proposed members of the Organizing Board have been invited to attend this worksession.
- j) Proposed Budget and applicable Tax Rates - This information is included in the District Impact Statement, which is part of your

packet.

- k) District Boundaries - A map of the proposed district will be included in the District Impact Statement, but is not complete at time of printing of your packet. Staff will bring a map to the Council meeting.
- l) Clarkdale Fire Department Personnel - Staff is recommending that the Council express a preference to have Clarkdale Fire Department personnel hired by the District once it is formed. This preference can simply be stated, or it can be made a requirement in the letter outlining the Town's permission to form the district within municipal boundaries.
- m) Clarkdale's Primary Property Tax Rate - The Council has expressed a desire to reduce the Town's Primary Property Tax Rate in order to reduce the tax implications of the formation of the district. Although the Council will not make a definitive decision regarding the proposed tax rate until it sets its rate in August, 2004, it would be helpful to have some general direction on this issue so that we can answer questions from the community during the petition circulation process. A table has been included in your packet that gives variations of combined Town/District tax rates.
- n) How will the Town handle transfer of assets/equipment to the district? Staff is still evaluating specific options available to the Council. The three that we are investigating include: 1) Outright sale of the Fire Department assets and equipment to the District; 2) A lease/purchase with the district to allow them to purchase the assets/equipment over a specified time period; and 3) Providing the assets/equipment to the District at no cost. Staff will need some indication from the Council on this issue at the January 13, 2004 meeting, but a final decision will not have to be made until later in the process.
- o) How will we handle ownership of the Fire Department building? Similar to the issue listed above, the Council will need to determine if we will sell the fire station, offer a lease with an option to purchase, hold title to the property and lease it to the District, or give it to the district.

As you can see, there are many issues to be resolved as we move forward. Staff still believes it is feasible to complete the necessary steps so that the District, if formed, will have taxing authority in November, 2004.

We also encourage the Council to continue to direct any citizens with questions about this process to Beth at [firedept@clarkdale.az.us](mailto:firedept@clarkdale.az.us) or 639-4591. We all want this to be an open and public process. In order to facilitate better communication, Beth has established a list of individuals and/or organizations who would like to receive updates on the process and copies of the reports that are generated. In the near

future, we will be adding information on this subject to the Town's website.

The following issues were discussed:

1. Current municipal fire department costs are about \$240,000 per year and the fire tax levy generates about \$227,000.
2. The current standards for fire personnel are four per twenty-four hour shift. Clarkdale has one person per shift. The Fire District would begin with two per shift; one paramedic/captain and one firefighter/EMT.
3. Automatic aid agreements between fire departments in the Verde Valley assist with the personnel shortage.
4. Proposed District costs would be \$550,000.
5. There would be \$110,000 from the county fire assistance tax, which Clarkdale residents currently pay but receive no

6. benefit from.  
The Council will need to decide whether to eliminate or reduce the primary property tax rate.
7. Vehicle standards for police departments include purchasing two new police cars every two years and rotating them out after four years, a standard that Clarkdale does not meet.
8. The cost of meeting police personnel (Detective position) and vehicle standards would be about half of the current income from property taxes. Therefore staff does not recommend cutting the primary tax rate by more than one half.
9. The purpose of forming a fire district is a significant increase of comprehensive fire and medical service to the

10.

Town.  
The municipal and fire district boundaries would not be the same. The fire district intends to follow established boundary lines to minimize survey and legal description costs.

Mayor Bluff opened public comment.

*Dan Guernsey*, 1470 E. Foy Drive, formerly a firefighter and member of a district board in a growth area in Colorado, stated he thinks the Town is courting disaster if something isn't done to improve fire services. He stated he owns property in the Verde Valley Fire District. One of his properties is worth \$99,412 and he pays \$215.72 in fire district taxes. Another property is worth \$96,668 and he pays \$210.00 in fire taxes. He also owns property in Clarkdale worth \$98,590 and he pays \$112.00 in tax to the Town. He stated Clarkdale could increase the tax rate to be equal with the rates in adjacent areas. He stated the Town's biggest obstacles are funding and finding qualified staff. He stated he thinks the Town will have to give up some of the primary tax rate in order to get the public to support the fire district.

Mayor Bluff thanked Mr. Guernsey for agreeing to serve on the Fire District Organizing Board.

*Mark Dixon*, a Captain/paramedic with the Verde Valley Fire District and Vice President of the Sedona-Verde Valley Firefighters Association, stated he would like to be involved with forming the new district. He commended the Council for recognizing that other districts are covering for Clarkdale's inadequacies. He stated there is a rumor that the local union is against the formation of the district, but that is not true. He stated his association can help inform the public. He stated he is in favor of consolidation of all the Verde Valley fire services. He stated a major problem would be under funding the District and he would like to see three staff per shift.

Mayor Bluff closed public comment.

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

1. Inviting Rex Funk from the East Mingus Land Exchange to talk about the latest developments.
2. Letter about land exchange water concerns.

**ADJOURNMENT** - With no further business before the Council and without objection, the meeting adjourned at 8:17 p.m.

**APPROVED:**

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Michael Bluff, Mayor

**SUBMITTED:**

\_\_\_\_\_  
Charlotte Hawken, Admin. Assistant

**ATTESTED:**

\_\_\_\_\_  
Joyce Driscoll, Town Clerk