

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, May 11, 2004 in the Men's Lounge, Clark Memorial Clubhouse, Clarkdale, Arizona

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday March 24, 2004 at 6:00 p.m. in the Men's Lounge, Clark Memorial Clubhouse, 19 North Ninth St., Clarkdale, Arizona.

Town Council:	Mayor	Michael Bluff
	Vice Mayor	Ellie Bauer
	Councilmember	David Leibforth
		Rex Williams
		Tom Groom
Staff:	Town Attorney	Rob Pecharich
	Town Manager	Gayle Mabery
	Town Clerk	Joyce Driscoll
	Planning Director	Steven Brown
	Police Chief	Pat Haynie
	Finance Director	Coleen Gilboy
	Building Official	Brian Hilderbrand
	Administrative Assistant	Charlotte Hawken

Others in attendance: Robyn Prud'homme-Bauer, Pat Williams, Doug Von Gausig, Jerry Wiley, Frank Sa, Chris and Sandy Boothe, Robert Bonfield, Lee Daniels, Mike Flummer, Pedro Esquer, Marsha Foutz and others who did not sign in or whose names were illegible.

CALL TO ORDER - Mayor Bluff called the meeting to order at 6:10 p.m. and noted that all Councilmembers were present.

PUBLIC COMMENT - *Robyn Prudhomme-Bauer*, 1750 Cholla Lane, invited everyone to the Chamber of Commerce Block Party on Tenth Street Friday evening. She noted that the concert in the park last Saturday was fabulous.

Ellie Bauer stated that next Saturday is the Clarkdale Water Fair and Yard Sale from 9 to 3. The pool will open on May 22 at 10 a.m.

INFORMATIONAL REPORTS

- A) **MAYOR'S REPORT** - Mayor Bluff noted that last week was National Clerk's week and that Joyce Driscoll, Clarkdale's Town Clerk has earned her Certified Municipal Clerk designation.
- B) **TOWN MANAGER'S REPORT** - None.
- C) **VICE MAYOR'S REPORT** - An update on the ADOC Yavapai Region Award Submission. Vice Mayor Bauer stated there have been three meetings held in Yavapai County to work together on a scope of work to apply for the \$40,000 grant award.
- D) **NACOG** - A report regarding the Northern Arizona Council of Governments. Vice Mayor Bauer stated that the Northern Arizona Regional Skills Center at Yavapai College is up for a national award and that NACOG is urging Congress to pass TEA-21 funding, which is where rural areas get most of their transportation funds.
- E) **NAMWUA** - A report regarding the Northern Arizona Municipal Water Users Association. Vice Mayor Bauer stated there is a meeting coming up on June 17th.

- F) WAC - A report regarding the Yavapai County Water Advisory Committee. Mayor Bluff had no report.
- G) COCOPAI - A report regarding the Coconino-Yavapai Natural Resource Conservation District. Councilmember Leibforth stated the current project is expanding and interconnecting trails. The next quarterly meeting will be at the end of summer.
- H) VVTPO - A report regarding the Verde Valley Transportation Planning Organization. The next meeting is tomorrow. The group got information from the County Supervisor's office that they are going to be committing \$106,000 of the county's funds for the Clarkdale Downtown Redevelopment project.

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.

Vice Mayor Bauer stated she would give corrections to Town Clerk Driscoll on the minutes in Item A and members pulled Items C, E, H, J and L. By unanimous consent Mayor Bluff approved Items A, B, D, F, G, I and K.

Item C - Vice Mayor Bauer commended the Heritage Conservancy Board for getting improvements made to the remodeling of the museum. She stated she hopes that the relationship between the Heritage Conservancy Board and the Center for Clarkdale History Board will be on a future agenda.

Item E - Vice Mayor Bauer stated she laments the loss of Lew Dodendorf to the Planning Commission.

Item H - Vice Mayor Bauer noted that this item changes the year-end of town boards to September 30th of each year. Town Clerk Driscoll stated that the current members would soon be informed of the change.

Item J - The Council discussed the nature of the proposed event and the intent of the restriction. Councilmember Williams explained that Quinceanera is a celebration of coming of age of Latin youth. Councilmember Leibforth stated he thought the Council was making too many exceptions and that waivers should be limited to toasts at weddings and events like art shows. Vice Mayor Bauer moved to approve the request to serve beer and wine at this event in the Auditorium. Councilmember Groom seconded and the motion passed four to one, with Councilmember Leibforth opposing.

By unanimous consent Mayor Bluff approved Items C, E and H.

Item L - Vice Mayor Bauer stated that some items do not belong in the CIP listing, such as buying a copier or vehicles and painting buildings. Councilmember Williams suggested leasing rather than purchasing a copier. He stated he would like to review the need for and bid information regarding a new phone system. The Council agreed to table this item to the next regular meeting.

- A) **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held April 13, 2004 and the Special Meetings held April 7 and 27, 2004.
- B) **Claims** - List of specific expenditures made by the Town during the previous month.
- C) **Board and Commission Minutes**
 - Planning Commission Minutes of the meeting scheduled April 19, 2004.
 - Board of Adjustment Minutes of the meeting scheduled April 28, 2004.
 - Design Review Board Minutes of the meeting scheduled April 14, 2004.
 - Parks and Recreation Commission Minutes of the meeting scheduled April 14, 2004.
 - Library Advisory Board Minutes of the meeting scheduled April 1, 2004.
 - Heritage Conservancy Board Minutes of the meeting scheduled April 28, 2004.

- D) **Reports** - Approval of written Reports from Town Departments and Other Agencies
 Building Permit Reports - April, 2004
 Fire Department Report and Mutual Aid Responses Report - April 2004
 Police Department Report - April 2004
 Magistrate Court Report - March (amended) and April 2004
 Clark Memorial Library Report - March 2004
 Verde Valley Humane Society - March 2004
 Cottonwood Area Transportation System - March 2004
- E) **Resignation** - Acceptance of a resignation from the Planning Commission submitted by Lew Dodendorf.
- F) **Resolution #1100** - Approval of a Resolution encouraging the United States Congress to re-authorize the Transportation Equity Act for the 21st Century.
- G) **Agreement** - Approval of an Intergovernmental Agreement with the City of Cottonwood regarding mechanical repair services.
- H) **Resolution #1101** - Approval of a Resolution extending the appointment terms of existing town board members and commissioners and changing the ending date for board and commission terms.
- I) **Contract Amendment** - Approval of a contract amendment with Stantec Consulting, Inc. to perform site investigation for a potential effluent disposal site.
- J) **Alcohol Waiver** - Denial of a request to serve alcohol at an event in the Clark Memorial Clubhouse.
- K) **Fee Waiver Request** - A request by 5th Grade teachers at the Clarkdale-Jerome School to waive the pool rental fee.
- L) **CIP** - Approval of the 2004 Capital Improvements Plan for the Town of Clarkdale.

CLARKDALE MAGISTRATE COURT - An annual report from the Town Magistrate regarding court operations. Judge Dwyer gave an annual update of court issues, including the following:

1. They have purged the court records back to 1985.
2. Pam Stark, the Yavapai County court field trainer has done a quarterly review of court errors. As of March this court has attained honor roll or perfect status in all four categories audited, meaning there were no errors found. No Yavapai County court has achieved this before.
3. As of March 13th, all DUI cases have enhanced fees for prison construction and operation. Surcharges can no longer be suspended.
4. Credit cards are not cost effective because, even with some fees being waived, the yearly cost is about \$1500.
5. The state Supreme Court and AOC (Administrative Office of the Court) are introducing FFRE (Fines, Fees and Restitution Enforcement). The goal is to make court collections and enforcement uniform statewide and reduce court staff collection loads and improve customer service system wide by making citation processing more convenient for the citizen and providing more opportunities for compliance. It includes citation processing being more efficient, a tax intercept program where outstanding bills are deducted from a tax refund, and using a collection agency. The program involves installing special software and will be mandatory if it is instituted. Any money received is paid out in this order: restitution, time payments, FFRE and the town. A trial is being conducted with five courts, but they are having difficulties.
6. Jerome may start their own court services on September 1st, which would mean less income and staffing needs for the Town of Clarkdale.

7. Warrants are active for five years, and after that they may be difficult to collect.

DEVELOPMENT AGREEMENT - A development agreement between the Town of Clarkdale and Empire Residential Construction, L.P. regarding a proposed Planned Area Development, Mountain Gate, assessor's tax parcel #400-06-053C. Town Attorney Pecharich noted that there has been a Planned Area Development approved by the Council that provides for 610 homes on the location, that provides that the Developer will help Clarkdale pay for a new wastewater treatment plant and reviewed the primary terms of the agreement, as follows:

1. The Developer is not required to develop this property, but if development occurs it will be developed pursuant to this agreement and the Planned Area Development zoning for the property and that the development will be consistent with the Town's General Plan.
2. The Developer intends to develop the property in phases as a residential subdivision in accordance with the development plan.
3. The rights and obligations of this development agreement would run with the land and any future owner of this property would be subject to the same obligations, terms and conditions.
4. Because the Developer will be contributing infrastructure and money to the wastewater treatment plant construction, the Town has agreed that for a period of five years, commencing on July 1, 2004, development impact fees and wastewater connection fees paid as a condition to building permits for each residence will be those in effect as of this date, as of June 30, 2004. That means there is a period of five years when these fees are frozen.
5. If the Developer adds to the property amenities such as parks, then he will receive credit against any development fees for parks that the Town might adopt. That would apply similarly to any other development fees for any other improvements such as trails and recreation facilities.
6. The Developer is required to post financial assurances to the Town. Those can either be an irrevocable letter of credit from a recognized financial institution acceptable to the Town or cash or certified bank funds or a performance surety bond executed by a company acceptable to the Town and licensed to do business in the state of Arizona or a set aside from the Developer's construction lender addressed to the Town or any other method that the Town might accept as a financial assurance.
7. Upon completion of the infrastructure, which is the streets, sidewalks and other improvements, the Developer will dedicate those improvements to the Town and deliver to the Town an as-built set of plans together with an electronic set of plans.
8. Regarding the circulation system, this development will have some impacts on the traffic circulation of the Town. The Developer is required to do a traffic impact analysis. There is a roundabout to be constructed by the Developer at Eleventh Street. At such time as the adjacent land owner develops his property, he will be charged one half of that cost and that will be rebated to the Developer if that is within ten years of the date of the agreement.

Town Manager Mabery noted there will be a provision added to that paragraph, stating that if the Developer and the adjacent property owner negotiate a separate agreement in lieu of that repayment, that it would be appropriate for them to do so.

9. Both parties recognize that there is insufficient capacity in the wastewater system to serve this development, therefore the Developer will assist the Town in providing funds for the construction of a new wastewater treatment plant and in exchange for that the Developer will receive capacity in the existing wastewater treatment plant of 60,000 gallons per day.

10. The Town agrees that if the Developer pays to the Town the sewer development impact and connection fees for 240 dwelling units, which is approximately \$1,080,000 within twenty days after the Council approves the final plat for the subdivision, then the Developer shall have the right to connect to the existing wastewater treatment plant.

11. The payment must be made to the Town the sooner of twenty days after the Council approves the final plat or by December 31, 2004.

12. The cost of the new wastewater treatment plant is estimated to be \$5,500,000.

13. Within twenty days from final plat approval, the Developer will post his letter of credit in the amount of \$3,000,000. As the Town receives invoices from the design and construction of the new wastewater treatment plant, it will send copies to the Developer and the Developer within twenty days of receipt of those invoices shall pay to the Town the funds requested by the Town up to maximum amount of the Developers contribution. If the Developer fails to make those cash payments, then the Town will draw upon the letter of credit for those amounts.

Town Manager Mabery summarized that there are two components of wastewater funding that are going on. There is an existing wastewater plant that has capacity, but not enough capacity to serve the entire development. There will be a new plant that will go under construction once the Developer posts that letter of credit for their contribution to the plant. In the first phase of the development, the first 240 units, they will pay at final plat approval in cash to the Town an amount equal to the 240 connection and development fees, which is approximately \$1,080,000. They will pay that to secure 60,000 gallons per day capacity in the existing wastewater plant. At the same time, at final plat approval, they will also post a letter of assurance for the balance. \$3,000,000 is the total they are committing to wastewater. They pay part of it up front to secure existing capacity and then the remaining balance they will post in a letter of credit, which the Town will draw against when it goes into design and construction of the new wastewater treatment plant.

14. The financial assurances would be available within twenty days of final plat approval.

15. The Developer may need a temporary package plant for wastewater. The Developer will build that at their expense and will lease it to the Town for \$1.00 per year. When the new wastewater treatment plant is on board then the package plant can be decommissioned and the Developer will remove the temporary plant.

Town Manager Mabery noted there is an added provision at Paragraph 16.4 of a requirement that the interceptor sewer lines within the development accommodate the design flows that the Town has indicated in its Wastewater Master Plan. The current Wastewater Master Plan shows two interceptor lines in this property that take flows from outside that area from different wastewater areas eventually go down to the wastewater plant. The added provision requires that the lines within this development be sized in a manner that will accommodate those additional flows as called out in the Wastewater Master Plan.

16. The agreement also anticipates that the Developer may elect to request the Town to form a Community Facilities District, which is a body of government that would finance the improvements solely within the subdivision and only the property within the subdivision would be assessed for those improvements. The Town would agree to form that district if requested to do so.

17. The agreement requires the Developer to provide and install a trail system and recreational facilities, to install landscaping and an irrigation system in an eight-foot buffer measured from the property boundary line to the interior of the property along Eleventh Street and Avenue Macias, and to maintain that landscaping and irrigation system for two years so that it can mature. At that point the Town will take it over and maintain the landscaping and irrigation system if it is on public right-of-way.

18. The agreement requires the Developer to provide either a reservation of a three-acre school site within the property or to enter into an agreement with the Clarkdale Jerome School District and Mingus Union High School District in lieu of the school site reservation and to provide copies of any agreements with those school districts to the Town prior to final plat approval.

19. In the event of any dispute between the Town and the Developer there is a provision that requires mediation. This mediation is consistent with the language recommended by the Town's insurance company and satisfies its insurance company.

20. The parties have agreed that the effective date of this agreement would be upon adoption by the Town, intended to be on May 25, 2004.

21. Empire Residential Construction has this property in escrow, which has not yet closed. It is not yet the owner of the property; therefore the Town will require this agreement to be signed by Empire and the current owner.

Brian Rhoton, representing the Developer, stated that final plat approval is expected in August and that the company already has agreements with the schools.

Town Manager Mabery noted that a pre-construction term is two years from the effective date and the Developer is required to obtain a building permit and begin construction on the first phase before that date, then they have ten years to complete the project.

Town Attorney Pecharich noted that the agreement provides that if the property is developed it will be developed on these terms and conditions. They are not required to build the subdivision.

Councilmember Leibforth moved to open public comment. Vice Mayor Bauer seconded and it passed unanimously. *Marsha Foutz*, 313 Main Street, referring to Page 8 Paragraph 16.3, asked if there would be an increase in sewer fees to existing users. Town Manager Mabery responded that there would be the possibility of an increase to existing users if overall wastewater operating and maintenance costs warrant it.

Doug Von Gausig, 630 E. Cliffside, asked about the meaning of Paragraph 9.2. Town Attorney Pecharich stated that, if any condition that needs to be fixed in the development area, that the fix would be only that necessary to correct the condition. Referring to Paragraph 12.2, he clarified that the Developer would pay the costs of the road from the development to Broadway and the Town would pay the costs of the road from the edge of Centerville to Highway 89A. He stated that Paragraph 15, the adjacent owner would be assessed a proportionate share of the cost of the roundabout if he first, develops the property and second, does it within ten years of the agreement. Paragraph 16.1, referring to existing capacity, dedicates the 60,000 gallons per day to the Developer, reserving it for their use, but the Town has more than that capacity to accommodate other future hook-ups. Town Manager Mabery stated there is enough capacity at the current wastewater treatment plant to add all the homes on the existing lines.

Pat Williams, 1130 Sunrise Drive, asked about the status of the well on the Mountain Gate property. Brian Rhoton stated that the well drilling should start tomorrow.

Mayor Bluff closed public comment.

WORKSESSION - A worksession regarding the adoption of the International Fire Code, 2003 Edition.

Building Official Hilderbrand noted that one significant change is regarding sprinkler systems. The current code requires all hotels, similar structures and businesses over 5,000 square feet to have a sprinkler system. The proposed changes would add multi-family and all other occupancies where the total floor area exceeds 3,500 square feet on one floor or 3,000 on two floors to the sprinkler system requirement.

Mike Plummer, Verde Valley Fire District Marshall, stated that usually only one or two sprinklers go on to suppress the fire and that requires a modest operating water pressure. If pressure is less than 20 pounds per square inch in the structure, the system can be installed in a way to compensate for low pressure. Often the sprinklers put the fire out. Local fire districts want everything to be sprinklered for life safety and to conserve the amount of water used to put out a fire.

Town Attorney Pecharich requested that the Development Agreement item be reopened to note that Exhibit B will include the Preliminary Plat and its Stipulations.

WORKSESSION - A worksession regarding the fiscal year 2004-2005 budget. Finance Director Gilboy presented information about the General and Streets Funds, as follows:

1. This year there are sub-budgets set up to accommodate the following possibilities: Mountain Gate subdivision, purchase of water companies, formation of a fire district, Capital Improvements Plan, and wastewater treatment plan construction.
2. The general fund assumes that the possibilities listed in #1 will remain as is.
3. Jerome may begin to hold court in their own location, which would affect the court income and expenses.
4. Staff continues to detail their time to various departments and funds, rather than allot a percentage to those funds.
5. Of the funding requests received, the following were recommended: \$1275 for International City Manager Annual Conference, \$1500 for Town Clerk's computer, \$16,000 for truck for Streets Department, and \$50,000 for personnel in the Building Department, if Mountain Gate builds.
6. The preliminary budget will be on the June 22nd agenda.

ADJOURNMENT - With no further business before the Council and without objection, the meeting adjourned at 8:32 p.m.

APPROVE:

SUBMIT:

Doug Von Gausig, Mayor

Charlotte Hawken, Administrative Assistant

ATTEST:

Joyce Driscoll, Town Clerk