

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, May 25, 2004 in the Men's Lounge, Clark Memorial Clubhouse, Clarkdale, Arizona

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 25, 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 Hildebrand
Administrative Assistant	Charlotte Hawken

Others in attendance: Doug Von Gausig, Nancy and Robin Bonfield, Chris Boothe, Richard and Jackie Stephens, MaryAnn Minick, Francis and Dorothy Smith, Tom Pender, Elizabeth-Rose Augusto, George Benatz, Cate Mugasis, Bob Backus, Frank and Georgia Sa and others who did not sign in.

CALL TO ORDER - Mayor Bluff called the meeting to order at 6:08 p.m. and noted that all Councilmembers were present.

PUBLIC COMMENT - *Elizabeth Rose Augusto*, 940 Calle Tomallo, thanked each of the outgoing Council members for their service.

Frank Sa, Main Street, stated he was annoyed because he understands that Wal Mart was slated to use reclaimed water for their project and instead they are using water out of the fire hydrant for dust control. He stated he thinks Cottonwood Water Works problems are with management and distribution and it is not fair to Clarkdale.

Chris Boothe, 123 Sunset, thanked the Town for putting on the Water Fair. He read from a U.S. Geological Survey report that recent studies show this area becoming drier over the next few decades.

Ellie Bauer, 1201 Main Street, thanked the Clarkdale Water Advisory Group for their efforts in presenting the Water Fair, along with APS, Cottonwood Water Works, Bent River Machine, Clarkdale Explorers, and the Clarkdale Chamber of Commerce. She thanked Chris Boothe for being one person who speaks out and who attended the Water Fair. She encouraged everyone to conserve water.

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. By unanimous consent Mayor Bluff approved Items A, B, C, D, F, G, and H.

Item E - Councilmember Williams asked if purchasing through a state agreement was cost effective. Town Manager Mabery stated it is very cost effective because there is no bidding process for the Town. By unanimous consent Mayor Bluff approved Item E.

- A. Resolution #1102** - Approval of a Resolution declaring as a public record that document entitled "The International Fire Code, 2003 Edition Along With Appendices Chapters A Through G".

- B. **Ordinance #263**- Approval of an Ordinance adopting “The International Fire Code, 2003 Edition Along With Appendices Chapters A Through G” by reference; repealing conflicting ordinances; providing for severability; and replacing Article 4-3 of the Town Code regarding Fire Code.
- C. **Agreement** - Approval of a Restated Employment Agreement between the Council and the Town Manager.
- D. **Agreement** - Approval of an Intergovernmental Agreement with Yavapai County to receive funds for the Downtown Revitalization project.
- E. **Agreement** - Approval of a Cooperative State Purchasing Agreement, to purchase materials and services from state contractors.
- F. **Resolution #1103** - A resolution adopting a Fair Housing Policy, making known its commitment to the principle of fair housing, and describing actions it shall undertake to affirmatively further fair housing.
- G. **Agreement** - Approval of an annual intergovernmental agreement with Yavapai County for the establishment of Unified Emergency Management.
- H. **Canvas of Votes** - Approval of Resolution #1104 canvassing the votes of the May 18, 2004 General Election.

RESOLUTION #1105 - Consideration of a resolution adopting a Development Agreement between the Town of Clarkdale and Empire Residential Construction, L.P., governing the development of Mountain Gate Planned Unit Development and subdivision.

Vice Mayor Bauer moved to open public comment, Councilmember Leibforth seconded and the motion passed unanimously. *Chris Boothe*, 123 Sunset, asked for an update on the well drilling at Mountain Gate. *Brian Rhoton*, Mountain Gate representative, stated they had drilled an exploratory hole, it looks good, and they plan to put a well at that site. Mayor Bluff closed public comment.

Vice Mayor Bauer moved to approve Resolution #1105 approving the 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.

Councilmember Groom seconded. Town Attorney Pecharich had a point of information, reminding the Council and the public that the Town is not allowed to consider water in approving a development. The motion passed four to one, with Councilmember Leibforth opposing.

AGREEMENT - Consideration of a Memorandum of Agreement between the City of Cottonwood and the Town of Clarkdale relating to the acquisition of water companies.

Mayor Bluff noted the Town has been working on acquiring four water companies with the City of Cottonwood for a few years. They now need to secure the agreement with three of the companies. The fourth one is still in negotiations. The City of Cottonwood is the lead agency on the purchase of the three companies, as the service areas are in their part of the valley. The agreement defines the relationship between the City of Cottonwood and the Town of Clarkdale. The agreement provides for a Water Commission. Mayor Elect Von Gausig is already involved in the process and is prepared to take over with the Town’s participation.

Town Manager Mabery stated the City of Cottonwood called her to say they are meeting with Wal Mart today to discuss water use on the project site.

Vice Mayor Bauer moved to approve the Memorandum of Agreement between the Town of Clarkdale and the City of Cottonwood regarding the acquisition of local water companies. Councilmember Williams seconded and the motion passed unanimously.

PUBLIC HEARING - A hearing to receive input from the public on a subdivision application, re-platting Tract O 'park', 2.78 acres, on Lincoln Drive in Mingus Shadows Unit 3 into 8 lots.

Planning Director Brown noted the Planning Commission made a unanimous recommendation on April 19, 2004 to deny this application because of a lack of written consent of 100% of the owners of Mingus Shadows Unit 3. He stated that if the Council approves the application, he recommends they include his proposed Findings A-F and Stipulations 1-7.

Tom Pender, the developer representing Gus Vargas, the owner, stated the original plat included an offer of dedication, which was not accepted by the Town, allegedly for reasons of maintenance and insurance. The property in question has been used to dispose of excess dirt from construction in the subdivision. Recently the owner offered it to the Town and the Town declined to purchase it. The original subdivision did not address drainage, which was not required at the time of construction. The owner is attempting to subdivide Tract O and address the existing drainage problems. He feels comfortable with Yavapai County's flood control comments and does not consider them a problem. The park was originally designated, not dedicated. The CC&R's identify Tract O as possible future residences. The owner is willing to indemnify the Town of Clarkdale against any future complaints about drainage from owners in Unit 3.

Mayor Bluff opened the public hearing. *Jackie Stevens*, 480 Mingus Shadows Drive at the corner of Lincoln, stated she is concerned about the drainage and would like to see a smaller rather than a larger park. She wants it to remain a quiet neighborhood and has no objection to new homes.

Francis Smith, 460 Mingus Shadows Drive, stated he is also on a corner near the proposed project and his property has been damaged by floodwaters in the past. He reiterated the drainage problems in that area.

Jerry Wiley, 520 Todd Circle, stated the original development designated the property as a park and that each neighborhood needs a park for a mixed population. He supports the staff position.

Elizabeth Rose Augusto, 940 Calle Tomallo, speaking as a Parks and Recreation Commissioner, stated the commission is in the process of master planning Town parks and have included that property on their draft plan.

Francis Smith, 460 Mingus Shadows Drive, mentioned that most homeowners channel drainage to the front of their lots and that if houses on Lincoln Drive did that the water would go across the street and add to the drainage problem.

Mayor Bluff noted a letter dated May 18, 2004 from *Barbara Andre* would be entered into the record, as follows:

Dear Mayor Bluff and Council Members:

I am writing to you about the proposed zoning change for parcel 406-26-312, a lot in Mingus Shadows owned by Gus Vargas. This lot is currently designated as a park area. I respectfully ask the Council to uphold that designation and reject Mr. Vargas' bid for rezoning. I live on lot 406-26-298, which is directly opposite this area. This open space was one of the reasons why I chose this property for my home. Allowing this space to be developed would cause the value of my property to suffer in the following ways:

1. Loss of privacy. Rezoning would put new residences directly across from a bedroom window and outdoor deck.
2. Loss of view. Most of my views will be lost. My backyard would entirely lose its view of Mingus Mountain and the surrounding hills. A bedroom would lose its view of the mountains and washes. My deck would lose part of its view of the Mogollon Rim. These features bring me a great deal of enjoyment, and their loss would also make my property less attractive if I decide to sell it in the future.

3. Loss of aesthetic value. The addition of several new residences will create less darkness around my home. I have a medical problem, which makes night lighting difficult to tolerate. I also enjoy stargazing. Light from additional nearby residences will severely limit my ability to use my home for this purpose.

While I implore you to reject Mr. Vargas' bid, I understand compromise is sometimes necessary.

Therefore, if you decide to allow this rezoning to take place please protect my interests by adopting the following measures:

1. Keep the area directly opposite lots 406-26-299, 406-26-298 and 406-26-297 designated as an open park area.
2. Prohibit the use of streetlamps on any part of the rezoned area.

I would once again like to reiterate that I oppose the rezoning of parcel 406-26-312, and urge the Council to reject this rezoning bid.

Thank you for allowing me the opportunity to address this issue. Due to a schedule conflict I am unable to attend the meeting in person, but invite any of you to contact me.

Respectfully, Barbara Andre, 380 Lincoln Drive, Clarkdale, AZ 86324.

Tom Pender clarified the park was only designated and there is an existing park on the edge of the development within walking distance. He wants information of the park and the previous petition to be part of the record. He has identified a major drainage issue that will be the responsibility of the Town to fix if the re-plat is not approved.

Mayor Bluff closed the public hearing.

PRELIMINARY PLAT - Consideration of a preliminary subdivision, re-platting Tract O 'park', 2.78 acres, on Lincoln Drive in Mingus Shadows Unit 3 into 8 lots.

Town Attorney Pecharich stated that when the subdivision plat was recorded it was with the designated park. The Town did not accept dedication and the developer still owns it. Its use as a park, as shown on the plat, remains the same.

Town Manager Mabery noted that parks can be defined in many ways and this one could be developed to meet the needs of the neighborhood.

Town Attorney Pecharich stated that it is difficult to amend a plat after lots have been sold. Once lots are sold based on a recorded plat, those buyers buy in reliance of that plat and that plat shows them where the streets are, how big the lots are, where the park is and the relation of the lots to it, and whether there is open space or not. Subsequent changes to the plat require the consent of the property owners. He stated the plat governs the relationship between the developer and the Town.

Councilmember Williams moved to table this item to the June 22nd meeting and to direct staff to work with the applicant to resolve the issues. Vice Mayor Bauer seconded and the motion passed unanimously.

Mr. Pender requested that a Council member be involved in the discussions.

A five-minute recess was taken at 7:50 p.m.

ORDINANCE #264 - Consideration of an ordinance instituting an additional 1% sales tax on construction related activities.

Finance Director Gilboy stated that as previously discussed with the council, staff is recommending an additional 1% sales tax on construction related activities. It was noted that the Council would need to make a policy decision in the future as to where the funds will be designated. Staff had suggested initially using the income to pay debt service on the new wastewater treatment plant and it be used for other capital improvements in the future.

Councilmembers Groom and Williams stated they did not feel the funds should be used for debt service.

Councilmember Leibforth made a motion to adopt Ordinance #264, instituting an additional 1% sales tax on construction related activities. Councilmember Williams seconded.

Vice Mayor Bauer stated that she hopes this is not how Clarkdale is funded in the future. It is a poor long-term policy.

It was noted that in the Verde Valley area Camp Verde also has instituted a construction sales tax. Statewide, numerous other municipalities have this tax.

Councilmember Groom stated that he hopes the revenue is used to fund other capital- improvement items, for instance clubhouse remodeling.

The motion passed unanimously.

RESOLUTION #1106– Consideration of a resolution supporting the efforts of a consortium of economic development groups in Yavapai County to work together on a grant application to the Arizona Department of Commerce for regional economic development project.

Vice Mayor Bauer, who sponsored this item, stated that the Department of Commerce plans to give six awards to do regional economic development planning. She stated that in February a group of people from the entire region (Yavapai County) met. They decided to apply for a \$40,000 grant as a first step. The lead people in the group are working with the Department of Commerce to package the application. She stated that Yavapai County, at its last meeting, adopted a resolution of support. She added that the County has received \$10,000 to begin a similar planning project in Paulden and Cornville.

Town Attorney Pecharich stated the purpose is good, however the resolution refers to a ‘potential’ scope of work.

Vice Mayor Bauer responded that the group is looking at revising the scope and that they will end up with three areas of work, 1) organization, 2) information gathering, and 3) ongoing activities.

Vice Mayor Bauer stated the group is not a formal organization and that one entity may undertake the responsibility to pass through funds to pay the consultant who is hired to do the work. Vice Mayor Bauer and Councilmember Williams thought this lead agency would likely be the college.

Councilmember Leibforth stated that it is difficult to understand the scope of work and asked for examples. Vice Mayor Bauer replied that it would probably be to do a division-wide asset report and work on a shared vision for the region regarding economic development. She stated she could envision a list being created of what needs to be done. She stated that the group has representatives from the chambers, municipalities, college, skill center, etc.

Councilmember Leibforth stated that structure is needed. Vice Mayor Bauer replied that the current structure is a good one to accomplish the task.

Mayor Bluff stated that he liked the idea, however he was concerned about supporting an undefined scope of work.

Town Attorney Pecharich suggested a change in wording to the resolution.

Mayor Bluff made a motion to adopt Ordinance #1106, changing the 4th paragraph so it reads: “Now therefore, the Mayor and Common Council of the Town of Clarkdale support the goals for a Yavapai Region Economic Planning Program outlined \by a consortium of regional groups and individuals whose focus is economic development and the portion of that which is presented to the Department of Commerce for a Rural Economic Development Award as outlined in the attached list.” Councilmember Williams seconded the motion.

Town Attorney Pecharich noted that the group would need to come back to the council once a scope of work is defined.

The motion passed with Councilmember Leibforth voting against the motion.

Town Attorney Pecharich left the meeting at 8:20 p.m.

WORKSESSION – A worksession on the 2004-2005 fiscal year budget

Finance Director Gilboy reviewed the wastewater, sanitation, cemetery, firemen’s relieve and pension fund, developments and grant sections of the proposed 2004-2005 budget. She noted that budget requests were 1) to use \$50,000 of the sewer line replacement fund to photograph lines for grant funding purposes and, 2) to add staff based on development needs. Following are listed the main topics of discussion:

- It was noted that in July the council will be asked to increase the wastewater user fees to \$19.80/month
- Costs in the budget will change if the effluent disposal site changes
- The engineers feel that there are grant funds available for line replacements/repairs if the \$50,000 is spent to view the inside of the lines. However, this needs to be done regardless
- The budget assumes that funds will not be added to the lift station fund, since there is enough money in the fund to replace the current lift station pump.
- A \$8,500 grant from WIFA has been received for a rate study
- Wastewater Development Fees and the interest generated are the only funding source for capital improvements to the wastewater system
- The former Development Agreement with Phelps Dodge required the town to put aside funds to pay back a future wastewater treatment plant construction loan from Phelps Dodge. The new amended agreement removed the wastewater elements, so the funds which were put aside can now be re-allocated
- The sludge removal fund has been depleted due to a large project this year. More sludge removal is needed, but it will be rolled into the funding for the current plant improvements.
- An increase to the sanitation user-fee will be needed, or a decrease in services due to the new contract with Waste Management costing more.
- The consensus of the council was to increase the fee and keep the services.
- New accounting software was purchased, a portion of the cost was allocated to sanitation
- The proposed new sanitation user-fee rate assumes no more funds will be put into the set aside fund (which was developed some time ago in the event the town wanted to purchase its own sanitation equipment).
- It was noted that the set aside fund was ‘dipped into’ to fund neighborhood cleanups and brush pick-ups.
- The consensus of the council was to not dip into the set aside account and see what the user fees would need to be in order to be self supporting
- Budget assumes the town is going into the water business

ADJOURNMENT – With no further business before the Council and by unanimous consent the meeting adjourned at 9:02 p.m.

APPROVE:

SUBMIT:

ATTEST:

Doug Von Gausig, Mayor

Charlotte Hawken, Admin. Assistant

Joyce Driscoll, Town Clerk