

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, June 22, 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, June 22, 2004 at 6:00 p.m. in the Men’s Lounge, Clark Memorial Clubhouse, 19 North Ninth St., Clarkdale, Arizona.

Town Council:	Mayor	Doug Von Gausig
	Vice Mayor	Jerry Wiley
	Councilmember	Patricia Williams
		Rex Williams
		Frank Sa

Staff:	Town Attorney	Rob Pecharich
	Town Manager	Gayle Mabery
	Town Clerk	Joyce Driscoll
	Planning Director	Steven Brown
	Police Chief	Pat Haynie
	Fire Chief	Don Eberle
	Finance Director	Coleen Gilboy
	Public Works Director	Alison Pujari
	Administrative Assistant	Charlotte Hawken

Others in attendance: Robyn Prud’homme-Bauer, Curt Bohall, Sandy, Ivan and Chris Boothe, Henri Prudhomme, Ellie Bauer, E.R. Augusto, C. Turner, Jesus S. Valdez, Frances Judd, Peggy and Hank Chaikin, Marsha Foutz, Mark and Misha Randall, Nancy Talbot and others who did not sign in.

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:00 p.m. and noted that all Councilmembers were present.

PUBLIC COMMENT - *Jerry Wiley*, 520 Todd Circle, stated that on Saturday, June 26th, there would be another clean up on West Mingus Ave. there will be another one on July 24th.

Ellie Bauer, 1201 Main Street, thanked Mike Johnson at APS for his help with the business skills grant application. There will be a meeting of this group on Friday, June 25th at 11 a.m. at the Regional Skills Center.

Curt Bohall, 721 Third North, stated that in today’s Arizona Republic was an interview with Gail Norton, the Secretary of the Interior, stating if and when the average rainfall resumes it will take twenty years to fill the reservoirs in the west. He also stated we’re in a race which will we run out of first; oil or water, and there is no substitute for water.

EMPLOYEE RECOGNITION - Recognition of a Town Employee for 15 years of service. This was rescheduled to a July Council meeting.

TOWN MANAGER’S REPORT - Town Manager Mabery noted the 4th of July celebration still needs some volunteers. The design team is meeting with ADOT regarding Highway 89A development. During ADOT’s meeting about the Downtown Revitalization, business owners requested to add Ninth and Tenth Streets from Main Street to the alley to the project. That is being looked at. She noted that there were two successful grant applications to ADOT, in 1998 and 2001, the second one due to the project exceeding the amount of the first grant.

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. Mayor Von Gausig pulled Item A. Councilmember R. Williams pulled Item B. Items C and D passed by unanimous consent.

Item A – Mayor Von Gausig noted that the Magistrate’s contract is renewing for two months at a higher rate.

Item B – Councilmember R. Williams noted that Willdan Associates was hired to do building inspections previously and there were problems with the inspectors. Town Manager Mabery noted that this contract replaces a prior, but unexpired, contract. Planning Director Brown stated he thought they had worked through the differences in inspection procedures that seemed to cause the problems with Willdan. Willdan will do plan reviews when Mountain Gate begins and this service will be paid for with the fees collected from building permits. This will last during the interim until a second building official is hired, if needed. The fee is an hourly rate in the new contract.

Items A and B passed by unanimous consent.

A. Agreement - Approval of an Intergovernmental Agreement with the Town of Jerome regarding Town Magistrate, Court Clerk and Courtroom services.

B. Agreement - Approval of a contract with Willdan Associates for building plan reviews and building inspections.

C. Award of Bid/Agreement - Award of bid, and approval to enter into a contract with for the purchase of fire equipment.

D. Change Orders - Approval of change orders from ETW, Inc. regarding facilities remodeling.

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. Tom Pender, developer for landowner Gus Vargas, stated he anticipates having plans completed in July. There was discussion about the differing requirements for owner permission in the CC&Rs (Covenants, Conditions and Restrictions) for the subdivision and the previously approved and recorded subdivision plat. Town Attorney Pecharich noted that the subdivision plat is the document that is binding between the town and the landowner and therefore its requirement of 100% approval by the property owners for a change to the plat prevails.

Councilmember Sa moved to approve the staff recommendation that upon submittal of the requested redesigned Preliminary Plat and the initial design for a park, Council return this application to the Planning Commission for a public hearing, review and possible action. The Planning Commission may then choose to recommend to the Council approval of the Preliminary Plat as an avenue for the applicant to gather signatures from 100 percent of the current residents of the subdivision in support of the replat of this tract, a requirement specified by the Town’s attorney. If the Planning Commission approves the replat, that it include the stipulation requiring signatures be obtained prior to beginning of construction. Vice-Mayor Wiley seconded and the motion passed unanimously.

LAND EXCHANGE ACT - Consideration of the Town’s position with regard to the Northern Arizona Land Exchange Act. Mayor Von Gausig noted that it requires forethought and consideration for the Council to reverse previous Council positions and should only be done in the following situations:

- 1) When substantial changes in the situation have occurred since the decision was made.
- 2) When new material information has come forward.
- 3) When there is overwhelming public support for a change.

Discussion included the following issues:

1. There has been more growth in this area since the decision was made.

2. The drought has continued, affecting the water situation and protection of the aquifer.
3. Continued sentiment that transfers should be done with a public process.
4. This trade violated the Forest Service policy of reducing inholdings.
5. If these parcels are taken out of the Ruskin trade, will the Yavapai Apache Nation pick them up and the town loses the tax base to a tribal trust.
6. The land on I-17 in Camp Verde is valuable for higher paying industrial jobs.
7. The Clarkdale 800 acre parcel is already out of the trade.
8. The Yavapai Nation has purchased land in Williams Valley in anticipation of possible trade if the Forest Service trade fails.
9. If not traded now, the land will be subject to being traded or purchased by someone else.
10. Congress follows the money and the tribe has more money than the town.
11. The citizen clean ups on Mingus Avenue ease the Forest Service burden of ownership.
12. The public desire seems to be to change the town's position.

Without objection, Mayor Von Gausig opened public comment. **Sandy Boothe**, 123 Sunset Blvd., applauded the council for revisiting this issue. She stated she asked Tom Bonomo about the tribe being in line to purchase the trade land and he said there is no one waiting to purchase it and that the Forest Service does not respond to public sentiment. She asked the Council to please include Camp Verde in the letter as we are all connected in this valley regarding water concerns.

Ivan Boothe, 123 Sunset, read part of a letter from Senator McCain to Sandy Boothe on June 3, 2004, which acknowledged the concern of local citizens.

Marsha Foutz, 313 Main, stated that several criteria are met by wells in the area dropping and she hopes the Council writes a new letter reversing its previous position.

Mark Randall, 102 S. 15th Street, stated he has had extensive contact with the tribes, who don't usually share their plans. He stated the difference with the Yavapai Apache Nation as the owner of the land in trust is that they are residents of their property and they aim to become independent on it and thereby benefit the community with jobs. Therefore the tribe is the town's best ally.

Peggy Chaikin, 215 Hollow Reed Lane, also commended the council for revisiting this issue and possibly revising the town's position. She stated the best industry in this valley is the environment.

Fran Judd, 1495 Abby Road South, stated she lives in an area where the wells are dropping and that their test wells had dropped 22.5 inches from May 5 to June 5, 2004. She thanked the council for revisiting the subject.

Chris Boothe, 123 Sunset, applauded the council's attitude and thinks water needs to be conserved as much as possible. He requested the council write a letter reversing its position on the trade.

Mayor Von Gausig closed public comment.

Vice-Mayor Wiley moved to direct the mayor to write a letter to federal legislators in opposition to the Ruskin trade, citing the following reasons:

- 1) The drastic depletion of the aquifer.
- 2) Transfers should be done through the administrative process.
- #) The trade violates the Forest Service's own policy on inholdings.

Councilmember P. Williams seconded and the motion passed four to one, with Councilmember R. Williams opposing.

GAZEBO SCOPE OF WORK - Discussion, public input, and possible action regarding the Scope of Work for the gazebo project. Public Works Director Pujari reported that she had looked at the remaining structure and thinks some additional support posts should be replaced and some should have the bottom portion removed and the height of the concrete pier underneath be increased. She stated that the preserved old parts will not last as long as new construction would. Council discussion included the following issues:

1. Concern about using the structure that is there and having it last.
2. Support posts will have to be dimensioned from larger lumber and they will twist as they dry.

Without objection, Mayor Von Gausig opened public comment. *Ellie Bauer*, 1201 Main, stated the gazebo is a part of the park that is an icon to the residents and she hates to see it lose its historical significance by trying to save a dying organic structure.

Henri Prudhomme, president of the Clarkdale Foundation, stated that when they asked for donations it was with the intention to refurbish the gazebo. Therefore they have an obligation to the donors to spend the money the way they expected. Another aspect is spending the money responsibly and having a structure that will last.

Elizabeth Rose Augusto, 940 Calle Tomallo, asked if the public could be given the costs of the scope of work. Town Manager Mabery stated the lead abatement cost about \$8300 and the scope of work estimate is \$22,000-35,000.

Mark Randall, 102 S. 15th Street, echoed the responsibility to the public. He stated he wants to renovate because it is valuable to preserve the past. He encouraged the council to press on with this project.

Robyn Prud'homme-Bauer, 1750 Cholla Lane, stated she appreciates this review and asked to hear the scope of work. Mayor Von Gausig read the scope of work, as follows:

The amended Scope of Work:

1. Jack up structure, remove railroad ties, pour monolithic slab with concrete piers at the support posts under the Gazebo.
2. Clean and perform minor repairs of floor and roof joists as necessary.
3. Perform minor repairs of roof and floor framing as required.
4. Anchor the support posts to the piers using PA Straps.
5. Replace support post to the right of the entry using the same size element.
6. Replace tongue and groove floor decking in kind.
7. Install plywood sheathing on roof framing members.
8. Install wood shingle roofing.
9. Install new redwood lap siding between the Gazebo floor and the ground.
10. Install new railing per latest building codes, reminiscent of original design.
11. Install polycarbonate resin (or equal) protection behind railing.
12. Install new stairs per latest building code.
13. Install gate disguised in the railing for opening for future ADA lift or ramp.
14. Lightly sandblast entire structure.
15. Install 8 electrical outlets: 4 in the floor area, 4 in the ceiling area.

16. Paint the structure, except the floor and ceiling.

She stated she wants to see a structure that can be celebrated and that the council needs to make it handicapped accessible now.

Jesus Valdez, 1440 Panorama Way, noted that he calls the bandstand the little old man, who talks to him, and now the naked little old man does not talk to him because he is embarrassed.

Mayor Von Gausig closed public comment. Discussion continued, including the following issues:

1. Minor repairs will be needed in the future.
2. An identical replica could be built, addressing the concern for safety and longevity
3. If all the deteriorated parts are removed there may be little left.
4. Town staff could contact the State Historical Preservation Office and ADA Board again regarding access.
5. If disability access is required then it should not be refurbished.

Councilmember Sa moved to approve the amended scope of work provided by staff with changes to #5 (support posts AS REQUIRED using the) and #13 (for opening, IF REQUIRED, for ADA) and directed staff to find out about the access issue. Mayor Von Gausig seconded and the motion passed four to one, with Councilmember P. Williams opposed.

Mayor Von Gausig called a five-minute recess, without objection, at 8:30 p.m. the meeting reconvened at 8:35.

FUNDING POLICY - Discussion of developing a policy outlining a procedure for non-profit entities to request funds from the town. Councilmember Sa moved to direct staff to develop an application process for non-profits/community service organizations for the Council’s review and possible approval at the July 13, 2004 Council meeting. Councilmember R. Williams seconded and the motion passed unanimously.

BUDGET WORKSESSION - A worksession regarding the 2004-2005 fiscal year budget. Finance Director Gilboy presented several possible trash scenarios and the council agreed to increase the rates to have the service pay for itself and keep the services as they are now.

BUDGET - Consideration of the preliminary budget for the 2004-2005 fiscal year. Councilmember R. Williams moved to approve the preliminary budget. Councilmember Sa seconded and the motion passed unanimously

ADJOURNMENT - With no further business before the Council and without objection, Mayor Von Gausig adjourned the meeting at 9:05 p.m.

APPROVED:

SUBMITTED:

Doug Von Gausig, Mayor

Charlotte Hawken, Administrative Assistant

ATTESTED: _____
Joyce Driscoll, Town Clerk