

## Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, July 20, 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, July 20, 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 (absent)
		Rex Williams
		Frank Sa

Staff:	Town Attorney	Rob Pecharich
	Town Manager	Gayle Mabery
	Planning Director	Steven Brown
	Police Chief	Pat Haynie
	Fire Chief	Don Eberle

**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 Councilmember P. Williams was absent.

**PUBLIC COMMENT** – *Ellie Bauer*, 1201 Main Street, stated she had a question about the lack of presence of citizens and business owners at the Transportation Board meeting last week. She learned that no one was invited. Perhaps the Council needs to seek particular people to attend events like this.

The Council agreed to take the waiver requests, Items 6 and 7, next.

**WAIVER REQUEST** – Approval of a request from Southwest Ground-water Consultants, Inc. to waive Town Code Article 7-14A. which limits construction work hours, during a well pump development and aquifer testing project for Cottonwood Water Works, Inc. Town Attorney Pecharich stated the waiver relates to the section of the code that provides that no noisy construction work shall commence before sunrise nor continue past 9:00 p.m. The Council does not have authority to grant a waiver because it is a criminal ordinance. The better way to handle it is to draft an amendment to the article to provide that construction of water well drilling and water well pump tests this provision may be waived by application of the owner to the Council. That would give the Council authority to consider waivers for those specific purposes. Town Manager Mabery asked that the Town Attorney research whether the town public welfare might be an exception to the 30-day waiting period for such an amendment.

*Chris Catalano*, geologist with Southwest Ground-water Consultants, Inc., stated there would be a diesel engine on the aquifer-pumping test.

There was a question about state law superceding town ordinances. Town Attorney Pecharich reiterated that providing a way for the town to waive the ordinance in individual cases was a better option.

Boardmember Sa moved for the Town Attorney to be authorized to draft an amendment to Town Code Article 7-14A. Vice-Mayor Wiley seconded. The motion passed unanimously.

**WAIVER REQUEST** – Approval of a request from Southwest Ground-water Consultants, Inc. to waive Town Code Article 7-14A. which limits construction work hours, during well drilling for the proposed Mountain Gate Subdivision due to unstable geologic formations of the site. Vice-Mayor Wiley moved to table this item to the next meeting on July 27<sup>th</sup>. Boardmember Sa seconded and the motion passed unanimously.

**LEASE AGREEMENT – Approval of a Lease Agreement with Transylvania International, Inc. and Verde River Iron Company for an effluent disposal site.** Town Attorney Pecharich requested this item be tabled to complete the draft agreement. Mayor Von Gausig moved to table this item to the next meeting on July 27<sup>th</sup>. Vice-Mayor Wiley seconded and the motion passed unanimously.

**WORKSESSION – A worksession with the Yavapai Apache Nation regarding Trust Land Proposal for approximately twenty-five tax parcels in the Verde Valley, including six tax parcels located within the city limits of the Town of Clarkdale.** *Chairman Fullmer*, on behalf of the Yavapai Apache Nation, stated they had submitted this land into trust application in 2001 for 1211 acres, of which one hundred one acres are located in Clarkdale. Before 1871 all of this land as far as the eye and mind could see belonged to the Yavapai-Apache. Then they were reduced to a reservation community of 40 miles along the Verde River and ten miles on each side of the river. They now have 665 acres. He stated they were proud to have their own sovereign nation but that they understand they have neighbors in the valley and this is one large regional neighborhood. The primary purpose for the new trust land is to provide homes. They are hoping for Clarkdale’s support in getting the land into trust.

*Vince Randall*, representing the Yavapai-Apache Nation, stated the Nation’s water rights precede anyone else’s. He stated he feels the Nation’s taxes are paid for the rest of their lives because of the lands they lost previously. The federal government allows property to be put in trust status because of the eroding away of Indian lands. Trust status protects the land for the tribe. The residents buy the house and can sell it back to the tribal authority. The land can never be sold out of the tribe. Gulf States Realty came in and said we know that land is yours under adverse possession so what we would like for you to do is upgrade your housing, have running water and sewer and we will deed that land over to you. That is how they made a deal and how Clarkdale reservation came into being in 1969.

Chairman Fullmer stated they would like the potential to tie into water and wastewater. They hope to build a civic center on the commercial strip on Cement Plant Road.

Town Manager Mabery noted that the Council may want to consider discussing with the Nation the benefits of annexing the most westerly pieces of property, which are currently in the county. They would then be able to vote in Clarkdale elections and the Town would receive state revenues based due to the increased population. Property taxes and school impact fees are also affected.

*Larry Jackson*, reservation resident, stated he joined the army for twenty years and returned in 2000. When he came home he did not think about owning land, but rather being part of the community and sharing his life with his family members in a trusting situation. It never occurred to him to go anywhere else.

*Bob Lough*, from the Tribe’s land and water planning group, stated the Tribe has adopted the International Building Codes and is adopting zoning and subdivision ordinances.

**AGREEMENT – Approval of an intergovernmental Agreement to receive funds for drainage projects/studies in Clarkdale from the Yavapai County Flood control District.** Councilmember R. Williams moved to approve the Intergovernmental Agreement between the Town of Clarkdale and Yavapai County Flood control District in the amount of \$67,785.00 for fiscal year 2004-2005. Vice-Mayor Wiley seconded and the motion passed unanimously.

**ADJOURNMENT –** With no further business before the Council and without objection, the meeting adjourned at 7:15 p.m.

**APPROVE:**

**SUBMIT:**

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Doug Von Gausig, Mayor

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Charlotte Hawken, Administrative Assistant