

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, September 14, 2004 in the Men’s Lounge, Clark Memorial Clubhouse, Clarkdale, AZ

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 14, 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

Others in attendance: Robyn Prud’homme-Bauer, Curt Bohall, Jesus Valdez, Georgia Sa, Charles Backus, George Benatz, Elizabeth-Rose Augusto, Ellie Bauer, Robyn Prud’homme-Bauer, Henri Prud’homme, Robin Bonfield, Bob Backus, Travis Betts, Dan Argenio, Margarite Gentreyos, Jennifer Stewart, Robert Petterson, Seth Williams and others who did not sign in.

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:03 p.m. and noted that all Councilmembers were present.

PUBLIC COMMENT - *Elizabeth Rose-Augusto*, 940 Calle Tomallo, stated that the Parks and Recreation Commission, of which she is a member, recommended replacing the gazebo. She stated that she personally feels the cost is too much to refurbish. She is in favor of an Amish County gazebo kit with a curved ramp. The historic value can be kept with the same size, style and location by incorporating part of the old gazebo in the new one. Contributors should be contacted to obtain their permission to use their contributions for a replacement. She stated that the leftover money be put in a keep-the-gazebo fund.

INFORMATIONAL REPORTS

MAYOR’S REPORT - Mayor Von Gausig reported on his activities for the past month, noting the following:

1. He attended the new Tavasci School dedication.
2. He met with Ken Bennet, president of the Arizona Senate, about municipal needs.
3. He attended the Cottonwood water group meeting.
4. He attended the Arizona Department of Transportation (ADOT) Board meeting.
5. He attended the Water Work Group meeting.
6. He attended the Intergovernmental Agencies meeting in Camp Verde.
7. He attended the Arizona League Conference meeting.
8. He attended the Natural Resources Committee meeting.

TOWN MANAGER'S REPORT - Town Manager Mabery noted the following items:

1. The ADOT Board has awarded the Downtown Revitalization contract. Mobilization will be on Monday. They are looking for a construction office. Public Works will be issuing weekly updates.
2. The Gala opening of the play, *Playing Doctor*, opened September 9th. The next gala is on November 4th.
3. Staff is involved in monthly meetings with ADOT for 89A improvements.
4. Special meetings coming up include an executive session on 9/21 and a tentative executive session with Cottonwood Council on 9/23.
5. Fall concerts will be on 9/25, 10/2 and 10/16 at 6:00 p.m.

NACOG - A report regarding the Northern Arizona Council of Governments. No report.

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association. No report.

WAC - A report regarding the Yavapai County Water Advisory Committee. No report.

VVTPO - A report regarding the Verde Valley Transportation Planning Organization. No report.

CATS - A report regarding the Cottonwood Area Transit System. No report.

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.

Vice-Mayor Wiley pulled Item C and Councilmember Sa pulled Items B and F. Councilmember R. Williams moved to approve Items A, D, E, G and H. Councilmember Sa seconded and the motion passed unanimously.

Item B - Councilmember Sa questioned the \$29,000 payment to Town Attorney Pecharich. Town Manager Mabery clarified that it was for a three-month period. Vice-Mayor Wiley moved to approve Item B. Councilmember R. Williams seconded and the motion passed unanimously.

Item C - Vice-Mayor Wiley asked what the "Center Board" referred to in the Heritage Conservancy Board minutes. Town Manager Mabery stated it referred to the Clarkdale Heritage Center. Councilmember Sa moved to approve Item C. Councilmember P. Williams seconded and the motion passed unanimously.

Item F - Councilmember Sa asked whether the Town could have its own emergency dispatch for \$100,000. Police Chief Haynie stated that costs are increasing for dispatching throughout the country, which initiated the discussion about regional dispatching. When costs are added up, the Town could not do it for \$100,000. Running a dispatch center is expensive because of technology and staffing. A group has been working toward regional dispatching for a year and estimates it will take two years. Councilmember Sa moved to approve Item F. Councilmember R. Williams seconded and the motion passed unanimously.

A) **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held August 10, 2004 and the Special Meeting held August 24, 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 August 16, 2004.

Library Advisory Board Minutes of the meeting scheduled August 5, 2004.

Heritage Conservancy Board Minutes of the meeting scheduled August 11, 2004.

Parks and Recreation Commission Minutes of the meeting scheduled August 9, 2004.

Design Review Board Minutes of the meeting scheduled August 11, 2004.

Board of Adjustment Minutes of the meeting scheduled August 25, 2004.

- D) **Reports** - Approval of written Reports from Town Departments and Other Agencies
 - Fire Department Report and Mutual Aid Responses Report - August 2004
 - Police Department Report - August 2004
 - Magistrate Court Report - August 2004
 - Building Permit Reports - August 2004
 - Cottonwood Area Transportation System - July 2004
 - COCOPAI (Coconino-Yavapai Natural Resource Conservation Dist) - August 2004
 - Board and Commission Attendance Report through August 2004
 - Clark Memorial Library Report - July & August 2004
 - Verde Valley Humane Society - August 2004
- E) **Meeting Dates** - Approval of changing meeting dates for November and December.
- F) **Agreement** - Approval of an Intergovernmental Agreement with the City of Cottonwood regarding police dispatching.
- G) **Resolution #1115**- Approval of a resolution making appointments to the Library Advisory Board.
- H) **Resolution #1116**- Approval of a resolution making an appointment to the Municipal Property Corporation.

Mayor Von Gausig noted that without objection Item 6, the Gazebo Refurbishment Project, would be taken after Item 10, a worksession on the Project and that Item 6, a presentation on Tuzigoot National Monument, would be rescheduled.

TUZIGOOT NATIONAL MONUMENT PRESENTATION - A presentation from representatives of Tuzigoot National Monument regarding its draft General Management Plan/Environmental Impact Statement. This item was rescheduled.

PUBLIC HEARING - A hearing to obtain input from the public on a proposed final minor subdivision plat for Windmill Estates, 2760 Windmill Lane, assessors tax parcel number 406-28-015C.

Planning Director Brown read the staff report, as follows:

Background

At their February 24, 2004 meeting the Clarkdale Town Council adopted a new Ordinance that amends Chapter 12, Subdivision Regulation, of the Town Code. The ordinance creates a new Minor Subdivision process that applies to a subdivision of ten or fewer lots. ARS allows for the waiver of the Preliminary Plat for up to ten lots.

The Windmill Estates Minor Subdivision Application is the first to be processed under the new Subdivision Regulations. Mr. Charlie Backus has filed this application to split a 2.27-acre parcel into two parcels, one of 1.01 acres and one 1-acre parcel. The original parcel is located in Clarkdale's R1L zone that requires one-acre minimum lots.

As part of the Subdivision Regulations, Mr. Backus is required to improve the road that will front these parcels to a Private Street Standard and dedicate that road, including a twenty-five foot right of way, to the Town of Clarkdale. The applicant will have to record the abandonment of this easement after the Final Plat is recorded.

In June, the Minor Subdivision Plat was approved by the Subdivision Committee, which consists of the Planning Director, the Public Works Director and member of the Planning Commission.

The applicant then submitted technical documents to the Town Engineer for review. The Engineer ensures that the design is in compliance with all Town, County, State and Federal Engineering Standards and returns the application for any necessary modifications

The Final Plat is now before Council for approval.

Staff Recommendation:

According to the Subdivision Regulations, the Council may approve, disapprove, or approve with modifications the final plat. Staff has reviewed the application for the Final Plat and recommends that if Council chooses to approve, that they direct staff to work with the applicants to prepare the documents for signing and recording.

Planning Director Brown stated that this is the first minor subdivision to go through the process since it was developed. The applicant is seeking approval of the final plat. The process was put in place to solve the problems of lot splits and wildcat subdivisions. The road is 25 feet wide and will be improved with a 6-inch base and chip seal. When passed, the minor subdivision process set a hierarchy of street standards based on the number of lots. All roads must be dedicated to the Town.

Mayor Von Gausig opened the public hearing. *Robyn Prudhomme-Bauer*, 1750 Cholla Lane, stated that, as a member of the Planning Commission, it was a wonderful exercise to see the process work.

Mayor Von Gausig closed the public hearing.

FINAL MINOR SUBDIVISION PLAT – Consideration of a final minor subdivision plat for Windmill Estates, 2760 Windmill Lane, assessors tax parcel number 406-28-015C.

Planning Director Brown noted that a 25-foot street width is adequate for emergency vehicles.

Councilmember Sa moved to approve the final plat for Windmill Estates. Vice-Mayor Wiley seconded and the motion passed unanimously.

Mayor Von Gausig stated that without objection the Council would take Item 10, the gazebo worksession, next.

WORKSESSION – A worksession regarding the Town Gazebo Refurbishment Project.

Mayor Von Gausig noted that this is the 33rd time the gazebo has been discussed in a meeting. The Council already approved the scope of work to refurbish, which leaves two choices tonight:

- a. Rebuild using what is left of the old structure.
- b. Tear down and build a replica.

Discussion followed regarding the following issues:

1. Building a new structure will require meeting the new codes
2. The costs of refurbishing and rebuilding.
3. Installing a kit.
4. Handicapped access may not be required on refurbished project, but it may be desirable.
5. The donators for the project expected refurbishment, although they may not have known how much that would cost.
6. The gazebo is a contributing structure to the historic district designation for the National Register.
7. The lead abatement had to be done no matter what was done with the gazebo.
8. Streets and sidewalks are historic structures, but are not on the register.

Mayor Von Gausig opened the item to public comment. *George Benatz*, 1418 Main Street, chair of the Heritage Conservancy Board (HCB) and a resident, stated the HCB participated and made a

recommendation to retain the structure and put to rest the issue of needing a larger gazebo as the band that plays on the Fourth of July has no desire to be on the gazebo. Using the town crew has merit and he feels it is important to allow for handicapped access to be added in the future.

Ellie Bauer, 1201 Main Street, stated she was a member of the council who looked at this originally. History is not the only stuff we have, but the people who made that happen. She stated she wants to honor the spirit and future of Clarkdale by putting up a new gazebo. She thinks there are many contributors who would support that choice, and others who have not yet donated., that there are many ways to cut costs and that this gazebo should celebrate Clarkdale. Adding handicapped access now is the right thing to do.

Charles Backus, 901 Hidden Springs Lane, asked if the bids had come in and whether there had been bids to tear down and rebuild. He suggested looking at local builders and Habitat for Humanity. He stated he has heard personally from several folks that it should be torn down.

Robyn Prudhomme-Bauer, 1750 Cholla, stated she has been a part of the meetings and has been told that people are not here because they are weary of this, but they say it should be torn down. Refurbishing will not look like the old gazebo. She agreed that handicapped access needs to be built now. She stated she believes very strongly in heritage, but the structure, in its present condition, is not worthy of this town.

Jesus Valdez, 1440 Panorama, stated that there used to be three gazebos: Clarkdale, Jerome and Cottonwood. The other two are now gone and Clarkdale has the only surviving bandstand. He remembers that the structure has not changed and noted that the old structure had been abused and misused.

Henri Prudhomme, 1750 Cholla Lane, read his letter representing the Clarkdale Foundation, as follows:

Re: Gazebo Refurbishing Project

I am writing to review the Clarkdale Foundation's position regarding the Gazebo refurbishing project. And to advise you of issues the Clarkdale Foundation would need to consider if a decision is made to replace rather than refurbish the Gazebo.

Please see the Clarkdale Foundation's letter of September 2, 2003. the Foundation stated that we would support a decision to restore, repair or replace the Gazebo. But we also noted our concern about the possible high cost of restoration. Our opinion was that if costs were high, then another option for the Gazebo would be a better approach, and would best serve how restoration funds are used for the overall benefit of Clarkdale. However, no matter which course is decided, the Gazebo needs to be returned to a safe and sound condition, with accessibility for all members of the public. We continue to support that position.

When we started our joint fund raising effort earlier this year, we told donors that the refurbishing project would retain as much of the current Gazebo as was practical. Therefore, in the event the Clarkdale Town Council decides to replace the Gazebo, the Clarkdale Foundation would need to consider asking every donor for approval to use the donation for replacement. A firm decision on what is going to be done to the Gazebo, a firm design, a sketch and an accurate cost estimate will be needed if this approach is taken.

Discussion continued, including the following issues:

1. If \$6000 more is needed to refurbish the gazebo, the Council should consider taking it out of the remainder of the Yavapai Apache donation.
2. Emotions have been taking control of this process and fiscal responsibility has been thrown out the window.
3. The Council needs to consider a kit and handicapped access.
4. The use of the town crew may not be the proper use of town staff.
5. The Yavapai Apache donation is better used for other things.

6. If Habitat can build with volunteers, then it can be done elsewhere, and this was not discussed previously.
7. The Council looked at volunteer labor, but it has liability risks.

Mayor Von Gausig summarized the issues:

1. The Town would save time rebuilding.
2. Staff has provided cost estimates for kits.
3. The cost of handicapped access is high.
4. The abatement was paid for with donated funds.
5. The town crew should not work on it.
6. This council approved the scope of work.
7. Town crew can do some work that easily can be seen as maintenance.
8. The town did all the legal measures in advertising the project and only got two bids back.
9. He has a problem with the procedural issue of reconsidering former council decisions.
10. The Council made the decision and needs to stick to it.
11. There will not be money left over.

Discussion continued, including the following issues:

1. Kits.
2. Using volunteers to do painting.
3. A safe structure is the main issue.
4. The crew can do the job of building it, using some of the original elements and keeping the purchases in the valley.
5. There is \$30,305.37 in the gazebo funds as of August 17th.

GAZEBO - Approval of successful bidder and approval of contract for a contractor for the Gazebo Refurbishment Project. Town Manager Mabery stated that staff does not recommend that the town crewmembers do the project because it might put them in a political position. She would be asking everyone to be respectful to the crewmembers.

Councilmember Sa moved to reject all bids and go with the Town crew alternative to refurbish the gazebo. Mayor Von Gausig seconded and the motion passed three to two, with Vice-Mayor Wiley and Councilmember R. Williams opposed.

RESOLUTIONS #1117 to 1120 - Consideration of resolutions making appointments to Town boards and commissions.

A. A resolution making appointments to the Planning Commission. Councilmember R. Williams moved to approve Resolution #1117 appointing Susan Sammarco to a term to expire 9/31/06 and Curtiss Bohall to a term to expire 9/31/05 on the Planning Commission. Councilmember Sa seconded and the motion passed unanimously.

B. A resolution making appointments to the Heritage Conservancy Board. Councilmember P. Williams moved to approve Resolution #1118 appointing Jesus Valdez and Gerald Wombacher to terms to expire 9/31/06 on the Heritage Conservancy Board. Councilmember Sa seconded and the motion passed unanimously.

C. A resolution making appointments to the Design Review Board. Councilmember P. Williams moved to approve Resolution #1119 appointing Henry Stevens and James Schulz to terms to expire 9/31/06 on the Design Review Board. Mayor Von Gausig seconded and the motion failed, with Councilmember R. Williams and Vice-Mayor Wiley opposed and Councilmember Sa abstaining. Councilmember Sa moved to approve Resolution #1119 appointing Henry Stevens and Ellie Bauer to terms to expire 9/31/06 on the

Design Review Board. Vice-Mayor Wiley seconded and the motion passed three to two, with Councilmember P. Williams and Mayor Von Gausig opposed.

D. A resolution making an appointment to the Board of Adjustment. Mayor Von Gausig noted that there were no applicants for the Board of Adjustment, but the Planning Commission interview team felt Richard Dehnert would be a good candidate and Mr. Dehnert agreed. Councilmember R. Williams moved to approve Resolution #1120 appointing Richard Dehnert to a term to expire 9/31/06 on the Board of Adjustment. Councilmember Sa seconded and the motion passed unanimously.

FUTURE AGENDA ITEMS - There were none.

ADJOURNMENT - With no further business before the Council and without objection, Mayor Von Gausig adjourned the meeting at 8:10 p.m.

APPROVE:

SUBMIT:

Doug Von Gausig, Mayor

Charlotte Hawken, Administrative Assistant

ATTEST:

Joyce Driscoll, Town Clerk