

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, May 10, 2005.

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 10, 2005 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa
	Patricia Williams
	Tim Wills

Town Staff:

Town Manager	Gayle Mabery
Deputy Clerk	Janet Perry
Town Attorney	Robert Pecharich
Com. Dev. Director	Steven Brown
Finance Director	Coleen Gilboy
Police Chief	Pat Haynie
Building Official	Mike Baker

Others in Attendance: Robyn Prud'homme-Bauer, Ellie Bauer, Amy Bayless, Tim Wills, Ed Knight, Anke Pitrella, and those that did not sign in.

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:05 p.m. and noted that all members were present.

PUBLIC COMMENT -

Robyn Prud'homme-Bauer, 1750 Cholla: Offered thanks to the Town crew, Town Manager Mabery and staff for the assistance given towards the Downtown Dedication festivities on April 30. It was a very successful event. On May 17th is the second part of the Verde Valley Economic Forum at the Cliff Castle Lodge. The meeting should be interesting and is open to anyone wanting to attend.

Anke Pitrella 570 Antelope: Has concerns about the Verde River (Slag Heap) Iron project. She is sure everyone involved has done appropriate studies, but has concerns and questions to raise. Her greatest concern is ground water in the Verde River. There are alternatives to fossil fuels, but there are no alternatives to water. Other concerns about the

project include: arsenic issues, slag, physical risks, various chemical issues, sediment, rubble, debris, water trails, noise, and tailings. What existing tests have been done? She hopes thorough market analysis has been done. She's concerned about consequences if the project does not follow a careful, thoughtful process. Mayor Von Gausig commented that he believes a lot of her concerns have, in fact, been addressed. He asked that she make arrangements to meet with Community Development Director Brown to review her concerns in detail, as he would have more particular information about the process. And, he would be able to refer her to the appropriate person for additional information, if needed.

APPOINTMENT OF NEW COUNCIL MEMBER - A discussion and decision by Council for appointment to fill currently vacant Council seat.

Mayor Von Gausig noted that all applicants for the vacant Council seat were present and explained the process that will take place for nomination and appointment of the applicant. Town Attorney Pecharich clarified that the normal process is for appointment by majority vote, then a motion by Council to appoint. Town Manager Mabery offered that there is normally a discussion before any motion made by Council. Mayor Von Gausig added that he was hopeful a consensus would be reached prior to a motion being made to avoid a placement problem.

Mayor Von Gausig continued, saying that he felt there were three really good candidates to select from. He is impressed by all three and is confident that any one of them would be a good choice for the Town. That said, personally he recalls several past occasions where it had been expressed by Council that it would be a benefit to have someone younger on the Council. Tim Wills is impressive, but there might be a problem with Tim's employment with the City of Cottonwood. Even though there might not be a legal conflict, Clarkdale and Cottonwood

are currently involved with potentially sensitive issues, such as the current water company acquisition. Amy Bayless spoke well and has a strong background in finance which is encouraging.

Councilmember Williams does not feel that Tim Wills' employment with Cottonwood would interfere with a Council seat in Clarkdale. She feels Tim Wills has very strong ties in Clarkdale, is raising his family here and understands small town issues. Further, he might have more continuity with those strengths to be around for the long term, possibly another full term in Council after the partial vacant term expires.

Vice Mayor Wiley stated that, based on education and professional background, Ed Knight is probably more qualified than anyone currently on the Council. He is not concerned about a potential conflict with Tim Wills' employment in Cottonwood, as long as he is not in any voting position there. Vice Mayor Wiley is not familiar with Amy Bayless' background, other than what has been disclosed.

Councilmember Sa stated that, if Amy Bayless is anything like her father (whom he knows well), the Council can't go wrong with her being a part of it. Councilmember Sa knows a bit more about Tim Wills, including that he can be trusted with confidential matters. He feels that Tim Wills knows what goes on in Clarkdale. For the partial period of time left in the vacant term, he feels that Tim is a good candidate. Councilmember Sa has a personal relationship with Tim Wills through membership in the same church.

Mayor Von Gausig reiterated his strong feelings about potential conflicts with future Council discussions and negotiations where Tim Wills would be concerned.

Councilmember Williams verified that Tim Wills employment with the City of Cottonwood is with the Cottonwood Fire Department.

Councilmember Williams moved to appoint Tim Wills to fill the vacant Council seat.

Councilmember Sa seconded the motion. The motion passed with three to one votes, Mayor Von

Gausig opposing.

OATH OF OFFICE OF NEWLY APPOINTED COUNCIL MEMBER AND SEATING OF NEW COUNCIL MEMBER - Town Attorney Pecharich executed the Oath of Office to Tim Wills. Tim Wills was then seated with the Council.

INFORMATIONAL REPORTS -

MAYOR'S REPORT - Mayor Von Gausig reviewed his activities, including the following: A highly successful Downtown Dedication ceremony on April 30, 2005; the Steve and Alice Burrough's wedding which the Mayor was privileged to photograph, being the first wedding to take place in the refurbished gazebo.

TOWN MANAGER'S REPORT - Town Manager Mabery stated that Item 7 on the evening's agenda (work session to discuss development impact fees) has been requested to be tabled to the May 24, 2005 meeting due to complete presentation information not being available. The Town's pool will have its grand opening on Saturday, May 28th and everyone is invited. On May 30, 2005, Memorial Day, the Town Hall offices will be closed and the local American Legion will be having a ceremony in the park which will include a "fly over" of Air Force jets. The timing for that event is not known at this moment, but watch the newspaper for details. The 'Talk of the Town' newsletter has just been printed with improved quality, everyone should be receiving their copy soon. Beginning with the June Regular Council meeting, a Notice of Intent on water rates will be adopted, and then those rates should be adopted at the July Regular Council meeting.

Town Attorney Pecharich stated that it does not appear that his attendance is required for any further agenda items.

Town Manager Mabery indicated that she had a bit more to add to her report. Employee Chris Keller has accepted a position in the Public Works Department, so we will miss seeing her at the front desk. Finance Director Gilboy will be with the Town until the end of June as she has accepted a position with a law firm. Everyone should expect a transitional period with these changes.

With the end of the Town Manager's Report, Town Attorney Pecharich excused himself from the Council meeting.

NACOG – A report regarding the Northern Arizona Council of Governments. Vice Mayor Wiley stated that these reports are available for public view in the Town library. The information is interesting because Arizona is compared with other 50 states, so it is reflective of ranking. In the "Aging" category, Yavapai County is noted as receiving 52% of funding provided to the state. The Meals on Wheels Program is a great assistance to the area. Vice Mayor Wiley and his wife volunteer for that program. The Head Start Program is a great program that has also provided a lot of assistance to the area. There are plans now to develop a second Head Start Program in this area.

NAMWUA – A report regarding the Northern Arizona Municipal Water Users Association – Mayor Von Gausig stated that there had not been a meeting so, there is no information to report.

WAC – A report regarding the Yavapai County Water Advisory Committee – Mayor Von Gausig reported that he has attended a few meetings since the last report. At the meeting two weeks ago, the purpose of WAC was discussed and there was a decision to hire a new Director. These meetings are open to the public. The USGS study will be ready, with a draft report at the next meeting on 5/18/05 which will be held in Jerome. This should be a very interesting meeting and attendance is encouraged.

CATS – A report regarding the Cottonwood Area Transit System – Councilmember Williams reported that a meeting had not been held.

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District – Councilmember Williams reported that she had not been able to attend this meeting due to a conflict with attending another meeting on the same date.

Town Manager Mabery reminded Council that the next Special Council meeting was scheduled for Monday, May 16 at 8 a.m. at the Verde Valley Fire District conference room. The meeting agenda is on Strategic Planning for the Town.

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 Sa moved to approve all of the consent agenda items. Councilmember Williams seconded and the motion passed unanimously.

- A) **Approval of Minutes of the Common Council** - Approval of the minutes of the Special Meetings held February 22, 2005, March 22, 2005, April 5 2005 and the Regular Meeting held April 12, 2005.
- B) **Claims** - List of specific expenditures made by the Town during the previous month.
- C) **Board and Commission Minutes –** Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.
Library Advisory Board, April 7, 2005.
Planning Commission, April 18, 2005.
Parks and Recreation, April 11, 2005.
Board of Adjustments, March 10, 2005,
March 23, 2005, April 27, 2005.
- D) **Reports** - Approval of written Reports from Town Departments and Other Agencies.
Building Permit Report – April 2005.
Fire Department Report and Mutual Aid Responses Report – April 2005.
Magistrate Court Report – March 2005.
Police Department Report - April 2005.
Community Development Quarterly Report Jan through March 2005.
Verde Valley Transportation Planning Organization (VVTPO) Report – April 2005.
- E) **Letter** – Approval of a response letter to A.G. "Chip" Davis from Mayor Von Gausig addressing State Route 260 project consensus points previously agreed upon.
- F) **Proclamation** – Adoption of a Proclamation naming May 15, 2005 as Peace Officers' Memorial Day in the Town of Clarkdale.

WORKSESSION – A worksession to discuss development impact fees.

This item was tabled without objection to the May 24, 2005 meeting.

WORKSESSION – A work session to discuss Article 8-3 Business Licenses, of the Town Code of the Town of Clarkdale relating to Business License requirements.

Before starting the work session, Community Development Director Brown stated that he looks forward to working with new Councilmember Wills.

Community Development Director Brown explained that there were a few motivating factors which brought this item forward at this time. The Town is needing an overall clarification of their Business License taxes. Issues he is hopeful to have addressed are:

- Issuance of Business Licenses currently has no particular clarification.
- Town Code tax costs can currently be determined by Council instead of having established rates in the Town Code.

Mayor Von Gausig asked what is the purpose of the split fees described in the packet materials?

Town Manager Mabery added that the Town wants to encourage home-based businesses, and the split based fee arrangement accommodates that.

Community Development Director Brown continued with issues he is hopeful to address:

- There is a need to change the code section that deals with policing powers. Staff is currently using some pertinent sections as reference that has been paraphrased by Town Attorney Pecharich.
- Wanting to expand the section on revocations.
- Issues need clarification to enable enforcement of violations. Hoping to expand the section on violations.

Mayor Von Gausig asked if this means that more recommendations will be brought back as one ordinance?

Community Director Brown answered yes.

Councilmember Williams questioned the issuance and amount of tax. She is not clear in understanding why these items need to come through Council each time.

Community Director Brown answered that is how the existing code is stated. It can be changed to having set fees.

Town Manager Mabery added that, to make a change to the Town Code, an ordinance is required. It is an easier process to set fees through a resolution, but either a resolution or ordinance requires Council action.

Councilmember Williams stated that the “policing” powers described seem very intrusive. She would like to see some attention to that area in the verbage that is returned. Is that much authority required by the Town?

Councilmember Sa asked how many licenses are currently issued annually by the Town? And, is that number increasing annually?

Finance Director Gilboy answered that, yes, the number of licenses issued annually is increasing. The total revenue generated by licenses she believes is currently around \$950.

Discussion continued among the group about the verbage being suggested and has the Town Attorney reviewed it? Yes, it has been reviewed, but it is not known if this verbage was compared to that used by other Towns/Cities. Community Director Brown will confirm that with Town Attorney Pecharich.

Community Director Brown stated that the May 24 agenda is a good opportunity to bring this item back in resolution and ordinance form. He suggested that we might want to involve the Chamber of Commerce in this topic prior to adopting the resolution. Mayor Von Gausig stated that should not be necessary, as this information is available to the public in complete form. Any information added would be available to the public as well as the Cham-ber of Commerce, should they be interested in it.

DESIGN REVIEW BOARD – A discussion

concerning the roles and responsibilities of the Design Review Board.

Councilmember Sa stated the purpose for bringing this item to the agenda was that he has reasons for more discussion on Design Review Board items. He feels that Council needs to be more in touch with the Design Review Board processes.

Mayor Von Gausig stated that he feels staff is fulfilling tasks according to proper procedures, including issuance of Conditional Use Permits.

Community Development Director Brown explained the process of Conditional Use Permits and execution by staff.

Mayor Von Gausig questioned if there was a need for another layer of Council involvement in the existing process?

Councilmember Sa added his concern about the Design Review Board's findings and decisions. Is there a way to get information from the Design Review more promptly?

Town Manager Mabery explained the process when the Design Review Board takes a final action - the next day a Notice of Action form is completed and distributed to Council, noting a 15 day appeal period. She offered that staff can also include the information in email form to Council, if that would be helpful. Also, she invited other ideas of how staff can provide that information so Councilmember Sa would receive it in a more timely fashion.

Councilmember Sa stated that it appears that a good process is already in place and he would try to check his Town Hall mail box more often so that he would receive pertinent messages in a more timely fashion.

Mayor Von Gausig asked for staff recommendations.

Community Director Brown stated that Council should direct staff to prepare an ordinance. But, first, wanted to review background information. Community Director Brown read the "Purpose of the Design Review Board" and discussed how functions changed in 2003 with the Site Plan Reviews. The complete Zoning Code is available on the Town web site. He reviewed the staff recommendations in the packet which included

bringing forward an ordinance that would reflect any changes.

Mayor Von Gausig questioned the staff recommendations in the packet - what is public participation noted?

Community Development Director Brown answered that is because it is currently not defined.

Town Manager Mabery clarified the current procedures and how the changes will help. The overall goal is to bring the Design Review Board process more in line with the Town's General Plan processes.

Vice Mayor Wiley is concerned in that he does not want to see an abuse of the public hearing process.

Mayor Von Gausig added that staff will come up with recommendations and Council can make a final decision at that time. He confirmed with all present that they would like to see this item brought back in resolution/ordinance form for final consideration.

RESOLUTION - Consideration of a resolution declaring as a public record that certain document entitled "Policy for Building Outside Established Subdivisions".

Community Development Director Brown explained that an example of this item's topic is: all lots located outside of traditional lot splits. Currently staff can't provide the type of guidance needed, and this resolution would clarify issues.

Town Manager Mabery added that a working policy has actually been in place under prior Fire Code standards. We are bringing this back to Council to update the version currently being used to meet ICC standards.

Community Development Director Brown stated that there is a correction needing to be made to the packet information, based on current ICC standards; refer to Page 4, Item 4, line 1- the figure for the percentage in grade should be changed from 12% to 10%. He explained the packet background information noted was developed from a discussion about the appropriate percentage in road grades. He added that staff would like a formal policy in place

for dealing with applicants and having pre-set standards that must be met.

Town Manager Mabery explained the purpose of adopting a policy in this manner (by resolution). It creates clarification for use by staff.

Councilmember Williams asked that, if someone wanted to build outside a subdivision, will they be provided with this policy before he is even provided with a building permit? Yes, that would be the case.

Councilmember Wills added that in his profession as a Fire Fighter, he has experience in these road grade issues. There are situations where a 10% grade in the road is unapproachable. In the event of an emergency, this adds to a bad situation. He suggested that Council might want to consider requiring even a 6% grade with a graduated scale. Also, Council might want to consider adopting reference to locally adopted Fire Code rather than stipulating ICC standards. These suggestions might be easier to work with.

Mayor Von Gausig asked if Council wanted to pass the resolution presented as-is and make changes to it as these additional items are answered at a later date?

Community Development Director Brown stated that staff recommendation would be to pass the resolution as-is and bring back modifications. This is requested in order to provide staff with some format to deal with on a daily basis.

Town Manager Mabery added that, if adopting the resolution as-is at this time, staff can then bring back any amendments immediately, at the next Council meeting in two weeks, with other issues addressed such as graduated grading. Any additional review needed by Town Attorney Pecharich could also be accomplished in that time frame.

Mayor Von Gausig moved to approve Resolution #1141 with following provisions:

1) Item 2 of the proposed resolution be amended to read 10%.

2) Staff speak to Town Attorney Pecharich about including a graduated grading scale.

Vice Mayor Wiley seconded and the motion passed unanimously, expecting any revisions to be seen at

the May 24, 2005 Council meeting.

WORKSESSION – A work session to discuss water conservation measures and direction to staff regarding the drafting of water conservation ordinances.

Building Official Baker explained that water conservation is a very complex issue. Town staff is now attempting to break down the bulk of information in to separate subjects that can be dealt with more directly. He hopes to have the Plumbing code amended to reflect changes described in the agenda packet. Many towns are facing water conservation issues. Tucson, as an example, has recently adopted a good ordinance. By adopting these issues in ordinance form, the Town's position would be in black and white, and everyone would know what the expectations are.

There was discussion about various costs of implementing conservation and different methods of doing so. Building Official Baker added that he hopes to not be restrictive with water conservation methods stipulated in the Code, but instead offer all methods of conservation as alternatives available under a Water Savings Methods portion in the Code.

Mayor Von Gausig stated that there could be a problem with that if someone opts for one method and experiences a problem with it. Why not offer the most effective method only in order to avoid the more potential problems that would occur with other methods?

Building Official Baker explained that there are so many different people with different needs who would be affected by this. He would caution restrictions to only one method being used. He will research the re-use capabilities of water with evaporative coolers. That option of conservation is only available in commercial buildings. He added that the movement to conserve water is being reflected in the efficiency of new appliances being manufactured.

Mayor Von Gausig stated concerns about adopting an ordinance that would require people to absorb more cost if requirements were to purchase more

expensive, water conservation rated, appliances. He does not want the Town to render enforcement on that level.

Town Manager Mabery agreed that enforcement of this issue would be difficult. Another possible approach to consider is using this information as an educational tool for people.

Building Official Baker stated that could be done. All information available in the agenda packet, if not adopted in ordinance, can be strongly encouraged for public practice.

Mayor Von Gausig noted the practicality of this issue. But wants to be very careful about what stipulations Council places on the public.

Discussion took place regarding:

- Reverse osmosis process.
- Usage of water in one area vs. another.
- Preference of a lot of these issues to be seen regarding new construction regulations, with education being stressed on items not required by code.
- The intent of this discussion is to begin defining the direction the Town wants to take on water conservation issues.

Town Manager Mabery added that, once the Town becomes a municipal water provider, some of these issues will become mandatory. A part of the rate structures being set at this time, concerning the water company acquisition, includes a minimal charge in each bill for water conservation.

Building Official Baker recommends that Council direct further review and stipulates items wanting to be adopted in Town Codes. Staff can introduce any changes desired by Council with the suggestions brought forward.

Mayor Von Gausig clarified that Council directs staff to draft an ordinance for consideration in 30 to 60 days reflecting the proposed Code changes.

HEALTH INSURANCE COVERAGE - Consideration of extending availability of health insurance coverage and/or related benefits to Council Members through the Town of Clarkdale's existing plan.

Finance Director Gilboy explained:

- Health insurance coverage is available as an option to Town employees.
- She distributed premium cost breakdown information to Council and reviewed the existing costs of each available plan.
- Council members would be subject to the eligibility and enrollment definitions of the plan.
- This offer is not available to other volunteers to the Town, part-time employees or Board & Commission members.
- Premium rates are to increase 7 ½% at the end of this year.

After brief discussion for clarification,

Vice Mayor Wiley moved that health insurance currently available to Town employees be offered to Councilmember at no cost to the Town. Councilmember Sa seconded and the motion passed unanimously.

FUTURE AGENDA ITEMS -

The next intergovernmental meeting will be held in the City of Cottonwood's Town Hall offices on Thursday, May 26 at 7:00 p.m.

ADJOURNMENT - With no further business before the Council, and without objection, the meeting adjourned at 8:20 p.m.

APPROVE:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Janet Perry, Deputy Clerk