

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale held on Tuesday, March 28, 2006

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, March 28, 2006 at 6:00 a.m. in the Men’s Lounge, Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

Town Council:

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

Town Staff:

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| Town Manager | Gayle Mabery |
| Town Clerk | Joyce Driscoll |
| Comm.Dev.Director | Sherry Bailey |
| Public Works Director | Steven Burroughs |
| Finance Director | Carlton Woodruff |
| Deputy Town Clerk | Walt Good |
| Admin. Assistant | Janet Perry |
| Police Sergeant | Chris Wylie |
| Police Chief | Pat Haynie |

Others in Attendance: Curtiss Bohall, Ellie Bauer, Dennis and Geri Branaman, Michael and Kerrie Bluff, Phil Terbell, Jeff Simon, Anka Pitrella, Rodney Fielitz, Brandon Wilson, Howard Beck, Lynda Zanolli, Robyn Prudhomme-Bauer, Byron and Hilda Fish, Maya Radoccia, and Brian Nicoll.

AGENDA ITEM: CALL TO ORDER - The meeting was called to order at 6:08 p.m. by Mayor Von Gausig noting that all Council Members were present. **AGENDA ITEM: PUBLIC COMMENT** -

Kerrie Bluff, 910 Main Street, congratulated Jerry Wiley on winning the Council seat election in the primary. She stated they decided to add live music in the parking lot of the 10-12 Lounge and are on the consent agenda for a liquor license.

AGENDA ITEM: 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 Wills pulled Item A.

Councilmember Williams pulled Item B.

Councilmember Sa moved to approve Item C. Vice Mayor Wiley seconded and the motion passed unanimously.

Item A - **Kerrie Bluff**, owner of the 10/12 Lounge, stated the one-time event would be during the daytime. The area would be roped off and they would have Double H BBQ preparing the food.

Councilmember Williams moved to approve Item A. Councilmember Wills seconded and the motion passed unanimously.

Item B - Councilmember Williams asked for clarification. Fire Captain Bill Volk stated the grant would pay for additional equipment that would be compatible with the existing equipment they have.

Vice Mayor Wiley moved to approve Item B. Councilmember Wills seconded and the motion passed unanimously.

- A) **Liquor License** - Approval of an Extension of Premises/Patio Permit application to the Arizona Department of Liquor Licenses & Control for the 10-12 Lounge located at 910-912 Main Street, Clarkdale.
- B) **Resolution** - Approval of Resolution#1185 authorizing the submission of a grant through the Governor’s Office of Highway Safety (GOHS).
- C) **Resolution** - Approval of a Resolution #1186 canvassing the results of the March 14, 2006 primary election.

AGENDA ITEM: PUBLIC HEARING - A hearing to receive input from the public regarding an amendment of the Town of Clarkdale’s Zoning Code Chapter 9, Landscape Standards, to include the section entitled “Minimum Landscaping as a Percentage of Lot Area”.

Planner II Zuniga presented the staff report, as follows:

Background:

The current approved Zoning Code does not include any minimum landscaping percentage requirements. Previous to the revisions to the Landscaping ordinance done in the first half of 2005, the Zoning Code contained a section which stated minimum percentage of lot landscaping requirements.

Staff deems it very necessary to include the previously approved section titled "Minimum Landscaping as a Percentage of Lot Area" in the current Landscape Design Standards in the Zoning Code. This will serve as specific landscape requirements for development when applying for Site Plan and Design Review.

The Town of Clarkdale Planning Commission held a Public Hearing on February 21, 2006 in regards to amending the Landscape Design Standards section of the Town's Zoning Code. The Planning Commission has approved to forward the following standards to the Town Council.

"Minimum Landscaping as a Percentage of Lot Area"

1. Thirty (30) percent in R2, R3, R4, and, R4A districts for projects other than individual single-family dwelling units, i.e. duplex, triplex, mobile home park, recreational vehicle park or non-residential use. A minimum fifteen (15) foot wide strip of land adjacent to the street right-of-way is required.

2. Fifteen (15) percent in the Industrial district or a minimum fifteen (15) foot wide strip of land adjacent to the street right-of-way.

Minimum Landscaping as a Percentage of Lot Area for commercial zoned areas shall be addressed and incorporated into each specific commercial zoning district then brought to Council.

Town Attorney Pecharich clarified that there were no objections to the proposal at the hearing before the Planning Commission.

Rodney Fielitz 1580 Cholla, stated he owns the Rising Sun Mini Storage. He spent two years to get a permit and had to hire a landscape architect to do drawings before he could go before the Design Review Board. Where would he put plants with a

zero property line? This is out of line. He spent \$15,000 and is still not on the Design Review Board agenda. It has been postponed several times. Each planning director has had different ideas. Now they want fire sprinklers. He thinks this should be studied more closely.

AGENDA ITEM: ORDINANCE – Discussion and consideration of Ordinance #286 amending the Town of Clarkdale's Zoning Code Chapter 9, Landscape Standards to include the section entitled "Minimum Landscaping as a Percentage of Lot Area."

Mayor Von Gausig asked for clarification on occurrences such as Mr. Fielitz referred to. It was noted that staff is currently working on different commercial districts and addressing landscaping regulations for each, including areas with zero lot lines. Councilmember Wills clarified that even when a building exists, if the owner wants additional buildings, they would have to meet the new standard.

Planner II Zuniga gave an example of a commercial property and how it complied with the provision.

Vice Mayor Wiley moved to approve Ordinance 286 amending the Town of Clarkdale's Zoning Code Chapter 9, Landscape Standards to include the section entitled "Minimum Landscaping as a Percentage of Lot Area." Mayor Von Gausig seconded.

It was noted that there are existing avenues people can pursue should they not be happy with zoning decisions.

The motion passed three to two, with Councilmembers Wills and Williams opposed.

Town Attorney Pecharich stated that the ordinance passed, but the emergency clause did not pass because it requires a majority vote, not a 3/4 vote. The Town Clerk was directed to revise the ordinance accordingly.

AGENDA ITEM: DISCUSSION – A discussion and presentation regarding the USGS water budget and numerical model presented to the Yavapai County Water Advisory Committee (WAC).

Mayor Von Gausig did a presentation on the water budget, which is part of the USGS Verde River Watershed Study. He stated that a water budget is an accounting of the water entering and leaving a specified volume over a given period of time.

The presentation included the following issues:

1. Sub-basin boundaries
2. Inflow and outflow
3. Area participation
4. Could be in the beginning of another 40-year drought
5. Have been in a long cycle of below average snowfall since 1955
6. Stream flow gauging stations
7. Discharge = runoff plus base flow
8. Confined aquifer and unconfined aquifers
9. Vegetation evapotranspiration (ET)
10. Base flows
11. Aridity
12. Open water evapotranspiration
13. Concentration of domestic wells
14. Ground water withdrawals
15. Recharge
16. Numerical model not done yet so water budget not yet done
17. Thickness and volume of Cenozoic sediments
18. Trends in the water budgets

Mayor Von Gausig continued by presenting information of the numerical model, including the following:

1. Objectives of the numerical model
2. Local or nested numerical models
3. Scenario development for numerical models
4. Cone of depression
5. Theoretical scenario
6. New wells drilled from 1920-1999

AGENDA ITEM: AGREEMENTS - Discussion and consideration of amendments to the Mountain Gate Development Agreement and Subdivision Agreement making revisions pertaining to water service, provision of effluent for construction watering, and use of wastewater funds that have been committed by the project.

Town Manager Mabery presented the staff report, as follows:

Background: Town staff has continued discussions with Empire Companies with regard to terms for water service for the Mountain Gate subdivision since the February 14, 2006, worksession with the Town Council. As a result of those discussions, staff has prepared amendments to the Mountain Gate Development Agreement and Subdivision Agreement that address water service for the subdivision, provision of effluent for construction watering at the site, and use of wastewater funds that have been committed by the project. The Council reviewed and gave direction to the Town Attorney with regard to these contract provisions during their March 14, 2006 Executive Session.

The amendments to the Development Agreement include:

- The addition of paragraphs 16.1.1 which allows the Town of Clarkdale the right to use the pre-paid sewer development impact and connection fees that the Developer has posted for access to the Existing Capacity, to construct the required improvements to the effluent disposal infrastructure.
- The addition of paragraph 16.1.2, that provides effluent for construction watering at the Mountain Gate project in consideration for the access to funds provided in paragraph 16.1.1. Effluent will be made available through December 31, 2007 at a cost of \$1.00 per thousand gallons on the condition that Developer provides an on-site, temporary effluent storage tank that meets the Town's specifications, at the Town's wastewater treatment plant site.
- Adds section 16A pertaining to the Water System, which:
 - provides for public dedication of the water infrastructure;
 - provides water service for the first 12 equivalent dwelling units (EDU's) in the Development by a mere connection to the Town's existing water infrastructure and without the necessity of the completion of the water system improvements;
 - provides for the over sizing of the well facility for the project to include 125

gallons per minute of capacity for the use of the Town of Clarkdale at the incremental cost to the Town of \$169,015;

- provides the opportunity for Empire to take steps to further develop the well capacity, beyond 500 gpm, and for the Town's \$169,015 cost to be reduced depending on the amount of additional well capacity that is developed; further provides a reservation of that excess capacity through December 31, 2008, and give Empire the right to assign its reservation, under specific terms; also give the Town Right of First Refusal on the assignment of the reservation;
- provides terms for over sizing other water facilities in the project.

The amendments to the Subdivision Agreement include:

- Adding provisions for the dedication of the on-site and off-site water infrastructure in the subdivision to the Town;
- Requires that assurances be posted for the amount of the off-site water infrastructure improvements;
- Applies the .2% permit fee calculation to the off-site water infrastructure permit requirements.

A red-lined version of both agreements has been provided to the Council as part of your Council packet.

Representatives from Empire Companies are in support of the proposed agreement, and will be in attendance at the Council meeting.

You will note that there are two provisions in the Development Agreement amendments that we still need clarification on. We anticipate receiving that clarification by Monday, March 27th. Those two provisions include the final figure for the Town's share of upsizing the well from 375 gpm to 500 gpm, and the appropriate figure to include with regard to the drawdown level in the well.

As long as we have received those two clarifications on March 27th, the staff recommendation listed below is appropriate.

Recommendation: Staff recommends that the Council approve the amendments to the Mountain Gate

Development Agreement and Subdivision Agreement as presented, and give direction to the Town Attorney to draft the amendments into a separate amendment document that can be executed by the Mayor.

Staff Contact Person: Town Manager Gayle Mabery

Town Manager Mabery noted that the provisions that needed clarification have now been addressed and she noted the related changes to the agreement. She clarified the discussion regarding the well development, upsizing, and the reservation of excess capacity. She reviewed the timeframes.

Town Attorney Pecharich advised that the mechanics of the first right of refusal clause is clearly defined. He noted that much work has been done by staff and the developer and it feels it is beneficial for both parties.

Councilmember Sa expressed concern over the roads maintenance and traffic control for pumpers to collect effluent for construction from the wastewater treatment plant site.

Councilmember Sa moved to direct legal staff to prepare the first amendment to the Mountain Gate Development Agreement incorporating the changes set forth in the draft, and to finalize a Restatement of the Subdivision Agreement. And authorizing the mayor to sign and execute the Amendment to the Development Agreement and the Restated Subdivision Agreement. Councilmember Wills seconded. The motion passed unanimously.

AGENDA ITEM: DEVELOPMENT

AGREEMENT – Discussion and consideration of an Amendment to Development Agreement for The Verde Highlands Subdivision.

Community Development Director Bailey presented the staff report, as follows:

Background:

The Development Agreement for the Highlands Planned Area Development and Subdivision was approved on February 22, 2005 and recorded on March 11, 2005. At the time of its approval, the specifics of the Fee Credits section relating to the development of the sewer plant

contribution was not defined. This amendment defines how those credits are applied and when. It also provides for the Sewer Overlay District called out in the original agreement.

This amendment states that the sewer development fees and sewer connection fees up to the present four thousand two hundred fifty dollar (\$4250) amount are waived for the 240 residential lots, and the sewer connection fees and sewer development fees for the commercial property are waived up to the amount of the developer's contribution. At today's rates that would still leave a fee credit amount.

This amendment provides for the Sewer Overlay District and defines that district. Staff has used the area defined as Section 6 west of Highway 89A in the Sewer Master Plan. That is the area identified in the Master Plan as able to be connected to the sewer main being extended by the Verde Highlands Development Group.

Recommendation:

Staff recommends that Council approve the Amendment to Development Agreement for The Highlands Subdivision as presented, give direction to the Town Attorney to review and approve as to form, and authorize the Mayor to execute the amendment agreement.

Vice Mayor Wiley moved to approve the Amendment to the Development Agreement for the Highlands Subdivision as presented, give direction to the town attorney to review and approve the agreement as to form, and authorized the mayor to execute the amendment. Councilmember Sa seconded and the motion passed unanimously.

AGENDA ITEM: SUBDIVISION AGREEMENT

- Discussion and consideration of a Subdivision Agreement for The Verde Highlands Subdivision, a 240 lot subdivision near the intersection of Scenic Drive and Hwy 89A.

Community Development Director Bailey described the difference between a development agreement and a subdivision agreement. She presented the staff report, as follows:

Background:

The Council has before it approval of the Amended Final Plat for the Highlands Subdivision (formerly Cliff Rose).

An associated action required by the approval of the Final Plat is a Subdivision Agreement providing for the required inspection procedure, infrastructure development, assurances guaranteeing that development, the procedure for Town involvement in the project and stipulating procedures in the event of a breach of this Agreement. Section 3 I. provides for the dedication of the Mescal well site to the Town of Clarkdale and the cash payment of two hundred sixty-five thousand dollars (\$265,000) for the development of that well. In turn, the Town of Clarkdale agrees to provide water service for The Highlands Subdivision and the associated commercial development. All of the points contained in the Subdivision Agreement are standard development items required with the development of any subdivision.

Recommendation:

Staff recommends that the Town Council approve the Subdivision Agreement for the Highlands Subdivision as presented, and give direction to the Town Attorney to review and approve as to form and authorize the Mayor to execute the agreement.

Community Development Director Bailey and Town Attorney Pecharich requested changes in the wording to better clarify the meaning of the recitals in Item C, so that:

C. The Town and the Developer acknowledge that the Town of Clarkdale took ownership of the Clarkdale Municipal Water Utility (formerly the Clarkdale portion of the Cottonwood Water Works, Inc., system) on January 25, 2006, and that the water infrastructure associated with this project, including the well to be described by separate instrument, shall be dedicated as public infrastructure to the Town of Clarkdale as part of the Clarkdale Municipal Water Utility. Such dedication shall occur when the Town has extended the water transmission line to the Developers property line or four months from the date of recording of the Final Plat for the Highlands Subdivision with the Yavapai County Recorder's Office as that document identified as Recorder's Book _____ - Page _____.

would read as follows:

C. The Town and the Developer acknowledge

that the Town of Clarkdale took ownership of the Clarkdale Municipal Water Utility (formerly the Clarkdale portion of the Cottonwood Water Works, Inc., system) on January 25, 2006, and that the well infrastructure associated with this project, including the well site as described on the Final Plat and shall dedicate separate easements as documented by separate instrument as public infrastructure to the Town of Clarkdale as part of the Clarkdale Municipal Water Utility. Such dedication shall occur when the Town has extended the water transmission line to the Developers property line or four months from the date of recording of the Final Plat, whichever is sooner, for the Highlands Subdivision with the Yavapai County Recorder's Office as that document identified as Recorder's Book ___ - Page ___.

Vice Mayor Wiley moved to approve the Subdivision Agreement for the Highlands Subdivision as presented with the changes of Town Attorney Pecharich and Community Development Director Bailey and give direction to the town attorney to review, approve the agreement as to form, and authorize the mayor to execute the agreement. Councilmember Sa seconded and the motion passed unanimously.

AGENDA ITEM: FINAL PLAT - Discussion and consideration of an amendment to the Final Plat for The Verde Highlands Subdivision, a 240 lot subdivision near the intersection of Scenic Drive and Hwy 89A.

Community Development Director Bailey presented the staff report, as follows:

Background:

The Council has before it approval of the Amended Final Plat for the Highlands Subdivision (formerly Cliff Rose). An associated action required by the approval of the Final Plat is a Subdivision Agreement providing for the required inspection procedure, infrastructure development, assurances guaranteeing that development, the procedure for Town involvement in the project and stipulating procedures in the event of a breach of this Agreement. Section 3 I. provides for the dedication of the Mescal well

site to the Town of Clarkdale and the cash payment of two hundred sixty-five thousand dollars (\$265,000) for the development of that well. In turn, the Town of Clarkdale agrees to provide water service for The Highlands Subdivision and the associated commercial development. All of the points contained in the Subdivision Agreement are standard development items required with the development of any subdivision.

Recommendation:

Staff recommends that the Town Council approve the Subdivision Agreement for the Highlands Subdivision as presented, and give direction to the Town Attorney to review and approve as to form and authorize the Mayor to execute the agreement.

There was discussion of tracts O and P, created by the change in the roundabout location and how they will be maintained by the developer and home owners association.

Town Attorney Pecharich advised that the town has authority to enforce town ordinances regarding the maintenance of the property.

Vice Mayor Wiley moved to approve the Amended Final Plat for the Highlands Subdivision and authorize the mayor to sign the map and the Offer of Dedication. Councilmember Sa seconded.

There was clarification that the roundabout design would go before the Design Review Board.

The motion passed unanimously.

AGENDA ITEM: PRESENTATION - A presentation by Police Sergeant Chris Wylie regarding his recent training at the DEA (Drug Enforcement Administration) Academy in Quantico, Virginia.

Police Sergeant Wylie presented the staff report, as follows:

Background

On February 23, 2006 I completed an intense two week course of instruction at the Drug Enforcement Administration (DEA) Academy in Quantico, Virginia. The official course title was Drug Unit Commanders Academy and, although the primary focus of the Administration is supporting drug enforcement activities,

the lessons learned are readily applicable to all aspects of law enforcement. Being selected for this Academy is an honor and is generally the result of recognition by the DEA of ability and dedication to the mission of law enforcement.

The Academy is completely funded through the United States Department of Justice (USDOJ) at no cost to the officer's agency, other than wages. Travel, lodging, meals and, most significantly, instruction are all covered by the UDDOJ. The DEA provides top quality instruction in leadership, risk management, personal growth, law and legal issues, and enforcement activities. Instructors for the various topics are considered leaders in their fields and provide not only training to the DEA Academy, but also the FBI Academy, Department of Defense, Fortune 500 and Fortune 100 companies.

During my time at the academy I was able to not only interact with law enforcement administrators throughout the United States, but also with police supervisors from England, Canada, Singapore, Italy and Puerto Rico. A valuable asset of the Academy is that attending personnel stay at the campus, providing for the ability to interact and discuss issues common to law enforcement. In addition to daily instruction there were several impromptu discussions and presentations by attendees.

Being selected for this Academy speaks volumes as to the importance of interagency cooperation and support. The willingness to think outside our own community for the greater good not only serves the greater good, but also forges bonds and friendships that continue to serve the community in all aspects of law enforcement. By attending this training, I am able to bring back information and ideas to the Town of Clarkdale and its Police Department, and add to the knowledge and experience of the officers who serve this community. Training and education will continue to be the cornerstone of a quality department dedicated to providing the highest level of service to the community.

Mayor Von Gausig praised Sergeant Wylie on his report and stated he felt it was a great training opportunity.

AGENDA ITEM: WORKSESSION – A worksession with the Parks and Recreation Commission to discuss accomplishments, goals,

priorities and challenges.

Parks and Recreation Coordinator Ravenwood introduced the members of the commission. Commissioner Beck stated their main focus has been getting together with Highlands to discuss their parks. Lately they have been discussing the Dorothy Benatz Trail, which is an easy trail and quite workable. He noted the wood is rotten on one side of the trestle. He noted the trail could go into the wash and could be bicycle accessible. Coordinator Ravenwood stated the board wants to do a strategic plan and integrate it with the Parks and Recreation Master Plan. They want to discuss what the priorities are with the Council.

Mayor Von Gausig noted the environmental issue of the bats that live under the trestle. The priorities are an item to be discussed as part of a future agenda item.

Chairperson Fish stated they had a successful Halloween and are now working on concerts and the 4th of July.

Town Manager Mabery noted that we now have a part-time coordinator, but the five-year plan anticipates moving this position to full time. A challenge for this board is the limited staffing.

Mayor Von Gausig thanked the board members for volunteering.

AGENDA ITEM: WORKSESSION – A worksession to discuss the 2006-2007 Fiscal Year budget process.

Finance Director Woodruff gave an overview of the budget process, as follows:

Background:

HISTORY OF BUDGET PROCESS

The budget process is a cyclical process. A "beginning point" is the preparation of the base budget by the Finance Director and each department head. These budgets are based on expenditures to date and experience from prior years. The department's base budgets, along with any requests for new positions, programs or services are then presented to the Town Manager. These "new" requests are presented from a variety of sources including staff, Council,

Boards and Commissions, and miscellaneous outside organizations.

The Town Manager and Finance Director then coordinate with department heads to review base budgets and requests for new equipment, programs or personnel. These requests are reviewed and prioritized, and a tentative budget is presented to the Town Council.

Several dates should be kept in mind during the budgeting process. State law requires that, on or before the third Monday of July of each fiscal year, the Town Council must adopt a tentative budget. Functionally though, the Town of Clarkdale adopts a tentative budget prior to June 30th so that the staff has a guideline for expenditures on July 1st, which is the beginning of the Fiscal Year. The Tentative Budget sets the maximum "limits" for expenditures.

There is no specific date set by state law for adoption of the final budget. However, there is a deadline for adoption of a property tax levy - the third Monday in August. Since the state law requires a period of at least seven days between adoption of the final budget and adoption of the tax levy, the deadline for adoption of the Final Budget becomes the second Monday in August.

Recommendation: This item is scheduled as a worksession only, and no official action is necessary from the council.

Town Manager Mabery noted that in the past the budget was done in two different computer programs that were not compatible. This year Finance Director Woodruff has worked to be able to work on the budget through the finance software. How the council decides to use the 1% construction tax will be important. Last year, based on the strategic planning, they adjusted staff levels and asked staff to look at staffing levels again. She will bring that before the council at the April regular meeting, with a proposal on staff adjustments. Remember there will be a new council member during the budget process.

AGENDA ITEM: WORKSESSION - A worksession to discuss the proposed Capital Improvement Plan (CIP).

It was noted that the CIP is updated every other

year. It keeps track of proposed purchases exceeding \$5,000 for the next 5-7 years. The CIP usually contains more in it than the town will be able to fund.

Town Manager Mabery stated this was too much information for the council to review page by page tonight. She would like the members to review it within the next two weeks and direct any questions to Town Clerk Driscoll.

Issues discussed included the following:

1. The town has to be making a certain amount of progress on ADA curbs and gutters.
2. Federal legislation comes in to play by adopting standards. If OSHA identifies issues, they have and will enforce those standards.
3. On page 5, there is \$12,000 for an administration vehicle. There are two now, with an estimated nine people sharing one vehicle.
4. There is an agreement with Phelps Dodge to buy the Fisher property at the corner of Broadway and Tuzigoot Road at a set price and that will happen eventually.
5. These are loose estimates in some cases.
6. This item will be on the 4/11 agenda for adoption.

AGENDA ITEM: FUTURE AGENDA ITEMS – Listing of items to be placed on a future council agenda. None.

AGENDA ITEM: ADJOURNMENT – With no further business before the Council, and without objection, the meeting was adjourned at 9:20 p.m.

APPROVED:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Charlotte Hawken, Admin. Assistant