

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale  
Held on Tuesday, January 9, 2007

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 9, 2007 at 6:00 p.m. in the Men’s Lounge of the Clark Memorial Clubhouse, 19 North Ninth Street, Clarkdale Arizona.

Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa
	Patricia Williams
	Curtiss Bohall

Town Staff:

Town Manager	Gayle Mabery
Community Dev. Dir.	Sherry Bailey
Town Clerk	Joyce Driscoll
Deputy Town Clerk	Walt Good
Public Works Director	Steven Burroughs
Police Chief	Pat Haynie
Ass’t to Town Manager	Janet Perry
Planner II	Normalinda Zuniga
Finance Director	Carlton Woodruff

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

**AGENDA ITEM: PUBLIC COMMENT** – None.

**AGENDA ITEM: INFORMATIONAL REPORTS-**

**MAYOR’S REPORT** – A report from the Mayor on current events. Mayor Von Gausig reported that he was on a photo trip for the last three weeks in Alaska, where he learned a lot about water conservation with the usage at 30 gallons per day per person. Clarkdale residents average 110 gallons per day.

**TOWN MANAGER’S REPORT** – A report from the Town Manager on current events. Town Manager Mabery reported the following:

1. Town offices will be closed January 15<sup>th</sup>.
2. Newsletters will go out the first of February.
3. The newsletter will include information on

the drought plan and what impacts it will have on citizens. From May to September, the town is at Stage 1 drought level. There will be public information meetings March 1<sup>st</sup> and 6<sup>th</sup> on the drought plan.

4. The town is doing community surveys regarding the library and parks and recreation.

**NACOG** - A report regarding Northern Arizona Council of Governments. Vice Mayor Wiley stated they reviewed and approved bylaw changes.

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

**WAC** - A report regarding Yavapai County Water Advisory Council. No report.

**CATS** – A report regarding Cottonwood Area Transit System. No report.

**COCOPAI** - A report regarding Coconino Yavapai Resource Conservation District. No report.

**VVLPI** – A report regarding Verde Valley Land Preservation Institute. Councilmember Williams reported that discussion included:

1. New federal expanded incentives for donations guidelines for tax incentives for granting conservation easements. Decided to order brochures about this to various landowners.
2. Cooperating Across boundaries partnership to conserve open space in rural America.
3. Power Point presentation about VVLPI.
4. New officers were elected.
5. 2007 budget approved.
6. USGA study on water resources expected in 2007.
7. Approaching the Babbitt family about a conservation easement.

**Prescott/Coconino Management Plan** – No

report.

**VVTPO** – A report regarding Verde Valley Transportation Planning Organization. Councilmember Bohall reported that the meeting date was changed to the last Wednesday of the month. They will have an ADOT presentation in March. There will be lots of road construction this summer.

**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 are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

Mayor Von Gausig pulled Items A and E.  
Councilmember Sa pulled Item B.

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

Item A – Mayor Von Gausig requested that the name and address of speakers be included in the minutes. Councilmember Williams noted that library board member Mary Lu Estlick was a member of the non-profit funding committee.

Mayor Von Gausig moved to approve Item A with the following changes: last names be added for public comment speakers and the correction of the non-profit member's name. Councilmember Williams seconded and the motion passed unanimously.

Item E – Mayor Von Gausig noted a typographical error in the chart \$19.95 should read \$18.75.

Mayor Von Gausig moved to approve Item E as corrected. Vice Mayor Wiley seconded and the motion passed unanimously.

Item B – Councilmember Sa clarified that \$50,425.59 paid to Cottonwood municipal Water Company was for \$26,000 to the Operations and Maintenance contract and \$24,000 was the first interest payment on the bonds.

Councilmember Sa moved to approve Item B. Councilmember Williams seconded and the motion passed unanimously.

**A. Approval of Minutes of the Common Council** – Approval of the minutes of the Regular Meeting held 12/12/06 and the Special Meeting held 12/20/06.

**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.  
Planning Commission - 12/18/06  
Board of Adjustments - 12/27/06  
Design Review Board - 12/13/06  
Library Advisory Board - 12/7/06  
Parks and Recreation Board - 12/4/06  
Heritage Conservancy Board - 12/21/06

**D. Reports – Approval of written Reports from Town Departments and Other Agencies.**

Fire Department Report and Mutual Aid Responses Report - December 2006  
Magistrate Court Report - December 2006  
Building Permit Report - December 2006  
Police Department Report - December 2006  
Cottonwood Area Transit System (CATS) Operational Report – October & November 2006.  
Verde Valley Humane Society – November 2006  
Capital Project Report – December 2006

**E. TOWN FEES** – Approval of a Resolution adopting changes to the Town's fee schedule.

**AGENDA ITEM: TRASH BID** – Discussion and possible action regarding agreement for refuse collection in the Town of Clarkdale to be awarded to the lowest, qualified bidder.

Finance Director Woodruff presented the following information from the staff report:

Background:

*In 1997 the Town of Clarkdale went out to bid for residential garbage service. At that time, Waste Management of Arizona was awarded a three (3) year contract. In 2000, the Town extended the contract with Waste Management of Arizona per the Collection Service Agreement. Town staff again went out to bid in August 2003. Waste*

*Management of Arizona was awarded the contract for another three (3) year period, ending on February 28, 2007. Prices for this contract period were \$10.65 per large container, \$10.05 per small container, and recycling every other week was included in the cost. Brush pickup was not utilized.*

*In November of 2006, the Finance Department advertised a "Request for Proposals" for residential garbage hauling, recycling, and weekly brush and debris hauling. A highlight comparison along with a copy of each proposal is attached for review. Please keep in mind that current services include garbage collection and recycling. Brush and debris pickup is performed by the Public Works Department. It would be advantageous to the Town of Clarkdale in both budget saving and employee hours, to include this service in the next agreement.*

*All proposals are from qualified bidders that are able to provide the service the Town requires. The successful bidder will be notified this week. The contract becomes effective March 1, 2007. If the company chosen is not WMA, receptacles will be exchanged and the pickup day could possibly change.*

**Recommendation:**

*It is the recommendation of staff that the contract to provide the Town of Clarkdale with weekly garbage collection, biweekly recycling, and weekly brush and debris pickup be awarded to Patriot Disposal, Inc. based on the best cost factor in each category. With the Council's approval, an agreement will be signed effective March 1, 2007 for a three (3) year period.*

Finance Director Woodruff stated the following:

1. The cost for the town to do brush pick-up in house in December was \$1,015.22, which includes town salaries, benefits and trash roll-off. It does not include equipment usage and maintenance.
2. The current contract is \$11,490 without brush pick-up.
3. The lowest bid is \$13,200 by Patriot Disposal.
4. In analyzing the rate structure, rates would

not need to be raised with the new bid, though there would be less money available for community clean-ups.

Town Attorney Young clarified that the town must select the lowest responsible bidder. Councilmember Williams stated she was impressed with Patriot Disposal during the Stewards of Public Lands clean-up events. There was discussion regarding the bid amounts and references for Patriot Disposal.

The item was opened to public comment. **Gifford Hamilton** stated he is concerned about not having a choice of contractor or options. There is no need for brush service where he lives. He should have a choice about whether to pay for recycling or not. Brush pick-up and recycling should be his choice. He stated that we live in a free enterprise system and should allow competition. He heard it was because of noise of trucks. Waste Management charges less in Cottonwood than what Clarkdale residents pay. He gave an example of rates comparison. His former trash service allowed bags to be next to the container and they took them and did not charge extra. The town required brush to be cut to specific sizes. His preference is to be billed by a company he chooses.

Mayor Von Gausig clarified that the residents of Clarkdale pay for brush pick-up whether or not it is contracted by the town. The town decided long ago that recycling is for the public good.

Town Manager Mabery stated that in the late 1980s noise was a factor, but also the Council was interested in limiting truck wear on the roads and to provide more service for less money.

**Chris Taylor**, Taylor Waste, stated they are a locally owned and operated business and he lives in Clarkdale. The prices he gave are good for three years. He was not sure if the bidders are able to negotiate increases every year. He stated that they contract with Sedona Recycles for recyclables. He said he didn't realize that Council had to choose the lowest bidder. He added that dollars spent with Taylor Waste stay in the community.

Finance Director Woodruff clarified that Patriot is a three year fixed amount.

Vice Mayor Wiley moved to select Patriot Disposal as the successful bidder and authorized staff to contract with Patriot for weekly garbage collection, biweekly recycling and weekly brush and debris pickup effective March 1, 2007 for a three year period. Councilmember Williams seconded and the motion passed unanimously.

Town Manager Mabery stated that trash cans and recycle bins will be picked up and new cans and bins delivered. Watch for information on this in late February. In addition to trash service, we also have regional, recycling, and neighborhood clean-ups, brush pick-ups, etc.

Finance Director Woodruff stated that recycling will change from hand bins to 96 gallon bins. Trash day will still be Tuesday. Brush pick-up will still be by reservation. Contract is for resident pick-up only.

The Council agreed to take Items 7 and 8 next.

**AGENDA ITEM: PUBLIC HEARING, PRELIMINARY PLAT, MINGUS SHADOWS SUBDIVISION** – A hearing to receive input from the public on a preliminary plat for the replat of Tract “O”, Mingus Shadows Subdivision, Unit III.

Community Development Director Bailey presented the following staff report:

*The Town Code of the Town of Clarkdale states:*

***“Section 12-1-9 Re-subdivision of Land***

*For any change in a map of an approved or recorded subdivision plat, if such change affects any name, street layout shown on such map, an area reserved thereon for public use, or any lot line, or any improvements, such change(s) shall be approved by the Council by the same procedures and regulations as for a new subdivision. The Council may waive these procedures for minor revisions of lot lines between two (2) neighboring lots in a platted subdivision when no other change of the Final Plat is involved and the two (2) new lots conform to all Town Codes. “*

*On November 20, 2006 the Planning Commission held a public hearing on the Preliminary Plat for the Replat of Tract “O”, Mingus Shadows Subdivision, Unit III and heard comments both*

*supporting the replat and requesting that the replat be denied. The Planning Commission voted to recommend that the Town Council deny the application for a preliminary plat based on the fact that the application was incomplete because the applicant did not have 100% of the existing property owners agreement to the replat of Tract “O”. The Planning Commission further requested that the Town Attorney explain to the Council his determination that 100% of the property owners agreement was required. [see letter from Town Attorney Pecharich included under the previous agenda item]*

*This request is Mr. Vargus’ second request before the Council to replat Tract “O”. In s004 the Council indicated at that time that Mr. Vargus needed to return with 100% of the existing property owners agreement in order to replat Tract “O”. In their application this time Mr. Vargus’ attorney maintains that this is not a replat of Tract “O” but a platting of Tract “O” that was held for future development once the park site was not acquired by the Town. The applicant’s letter included in your packet, under the previous agenda item.*

*Recommendation:*

*Public hearing only, no recommendation.*

**Gary Rinsetti** stated he read the CC&Rs and understands the space was not originally platted for a park. It stated a park and/or mobile homes.

**Ray H** stated it is ridiculous that they had 22 years to put a park in several hundred yards from a park that had already been built. Allowing homes to go there improves property values. He stated it is not trying to replat, but they are trying to plat it for the first time. The law says the town had one year after dedication to make it a park. The Town made the decision 22 years ago. He thinks it should allow homes.

**Frank Selna**, representing the original subdividers, stated it was always intended to be a park. It was not platted as not a park. It is on the plat of record as a park and in the minutes. It affects his sister’s views. He is not happy that Mr. Vargus affected the drainage run off and vegetation. He stated he is totally against this. Under state law, the requirement is that, when you plat a subdivision,

your drainage cannot affect the drainage of adjacent properties. He stated he can show topographical maps that show Mr. Vargus created the drainage issues. If the property was developed, the drainage problem would be increased.

**Clair Smith** asked how they plan to place homes between the street and the wash. By filling in the wash? Where will the water go? There has not been as much rain as usual. Go down there when it is raining and a thousand gallons of water goes through the property. All of Mingus Shadows is draining through that wash.

**Bob Seemon** stated that after 21 years, during which a park hasn't gone in, he thinks another park is not needed.

**Ray Selna**, the original subdivider, stated he did most of the talking at the meetings then, and the town did not want to accept dedication because the town did not have the money to develop it. So they made it open space. The town never agreed to develop as a park site, but created open space. He can see it becoming part of the trail system. It was sold with Track O as open space. He sat on the Council for eight years and the town never was known for an abundance of money. The town never agreed to build a public park. The public report calls it a park. As brokers sold the property, when people relied on their representation, it was open space. The first buyer sees the public report, but other buyers see the title report. He observed that people today are very concerned about land use around them. Buyers ask questions and there are more and more disclosure laws.

**Frank Selna** stated he lives in the Valley, near Thunderbird Park, which has 186 acres. It is a regional park and was not developed, but it is a park. He sited other natural parks. A park does not always mean bathrooms, swings and grass, but may be natural space for public use.

Town Attorney Young stated a preliminary plat is approved by the town and the town has authority over it. CC&Rs are a written document between the developer and buyers and the town has no jurisdiction over it.

Town Manager Mabery stated that only the first buyer sees the public report. Subsequent buyers don't necessarily see the public report. When the plat was approved, the plat designated it as a park, but not a publicly dedicated park. The town did not propose to take the property as a public park.

Community Development Director Bailey stated that, if the council approved the preliminary plat, then there would be a technical review and that is when items such as drainage would be addressed.

**Bill Raney**, attorney for Gus Vargus, stated Kim Tittelbaugh is an urban planner in their office. Gus Vargus, their client, sought them out to plat Tract O. He thanked town staff for their consideration and complimented the town attorney for her willingness to listen. It is somewhat difficult to follow the testimony of the public. In 1982 the project platted with Tract O designated as a park. On April 23, 1982, Ray Selna wrote a letter that Tract O is "a park site to be granted to the Town of Clarkdale." He was dedicating Tract O as a park site to be granted to the Town. He wrote a day earlier, to a consultant and engineers, that a park site was to be granted to the Town of Clarkdale, Tract O. Originally the intent was not to create a private park. Their intent was to provide a park to the Town. On July 19, 1990, the Selnas amended the CC&Rs on Page 7, Item K, addressing mobile homes and it says, mobile homes shall be permitted to be placed on all lots in the Mingus Shadows subdivision, including Tract O, and it is signed by Ray Selna.

The application is not to replat, but is to plat for the first time a parcel that was offered to be dedicated to the town, but not accepted. The zoning allows the use. The question is whether platting for the first time or replatting the entire subdivision, which requires the authorization of the owners of the subdivision. If they were changing the dimensions of the subdivision would be a replat. But it is an application to plat for the first time Tract O.

ARS 9-463.01E stated subdivision law was implemented in the mid-1970s. It talks about how parks are created and is repeated in the town's subdivision laws. When the tract to be subdivided included a park, such site shall be dedicated or

reserved for one year from the platting. The town never accepted it. Because it was not accepted within one year, that releases Tract O from the plat. The current proposal is a plat for approval.

The Planning Commission recommended denial. His recollection of the meeting was that they reluctantly made a recommendation of denial based on the belief that what was being asked was a replat. Had the commission been advised it was a new plat, they would have approved. He believes that the law allows the Council to approve a plat.

The designation of a park no longer applies because the deal wasn't consummated within one year. He agrees with staff that some issues such as drainage need to be addressed and they will be before the final plat. The boundaries of Tract O were shown on the plat, not lot lines.

**Kim Tittelbaugh**, law offices, looked at four aspects, as follows:

1. State statute applies because of the intention to grant as a park site. Statute says it must be acquired in one year. An offer was made but not acted on. After the one year time period it expired. He believes the property has reverted back.
2. Tract O is in the amended CC&Rs.
3. She does not believe it is a re-subdivision. Therefore the 100% property owner approval does not apply.
4. Property owners were invited to attend a meeting and proposed six lots with a small park. The overwhelming consensus of the property owners was to not have a park. Not private or public. Not a formal park. There is a new park in proximity. She mailed 109 invitations to property owners and got 45 comment cards and two letters back. 75% of comment cards were in support of development. Based on this input, they revised the subdivision for eight lots.

Bill Raney noted that the drainage was altered from the original and they would have to address drainage. The subdivision consists of underlying zoning. He presented public testimonies to the mayor for the record. Based on state statute,

reservation of the property expired and they can proceed with a subdivision plat.

Mayor Von Gausig read the following letters:

From Ronald and Patty Stanton: *We vote to allow Gus and Vicki Vargas to do as they wish with this property, based on their past history of always designing a superior neighborhood. Our own preference would be that all lots become residential - no park lots.*

From Frank and Shirley Hoene: *It is with regret we will not be able to attend your council meeting this evening. We would like it known that our vote concerning the building of a park versus adding more manufactured houses in Mingus Shadows subdivision plat in Unit 3 is in favor of manufactured houses.*

*It would be nice as well to see some sort of signage indicating that this is Mingus Shadows so that visitors would be able to know where we are with all the barren areas surrounding us. Signage like Pine Shadows would be nice. Thank you for your consideration.*

Frank Selna stated he didn't know they were under testimony and hearing from an attorney. He stated his family has been dealing with the town since 1954 and although they've had their disagreements, they have always done the right thing by the town. They gave the town the park and it was never dedicated. They gave the ball field and always have done what was right in their hearts. Who had dug down the property below town requirements? The original dirt work was moved by Gus Vargas, not the Selnas. If there is any work with the land being hurt or drainage is being changed, look to Gus Vargas. He remembered the meeting went to two in the morning. He objected to the lawyer saying they lied and he wants it clear. He will put the Selna family's word before any lawyer any day.

Ray Selna stated he did sign a letter and the town did not accept dedication. He stated that Gus Vargas amended the restrictions. The facts are hazy.

Public comment was closed. Town Attorney Young stated she did not want to prolong the issue, but requested that the Council to table this item to February 13<sup>th</sup> to give her time for research.

**AGENDA ITEM: APPEAL OF A PLANNING COMMISSION FINDING** – Discussion and consideration of an appeal by Mr. Gus Vargas of a finding made by the Planning Commission that the proposed preliminary plat for the replatting of Tract “O”, Mingus Shadows Subdivision, Unit III does not meet the requirements of Chapter 12, Subdivision Regulations, of the Town Code of the Town of Clarkdale.

Councilmember Bohall moved to table Item 6 to February 13, 2007. Vice Mayor Wiley seconded and the motion passed unanimously.

**AGENDA ITEM: PRELIMINARY PLAT, MINGUS SHADOWS SUBDIVISION -** Discussion and consideration of a preliminary plat for the replat of Tract “O”, Mingus Shadows Subdivision, Unit III.

Councilmember Bohall moved to table Item 8 to February 13, 2007. Vice Mayor Wiley seconded and the motion passed unanimously.

There was a five minute recess at 8 p.m.

**AGENDA ITEM: PUBLIC HEARING, PRELIMINARY PLAT FOR BENT RIVER VILLAGE** – A hearing to receive public input on a preliminary plat for Bent River Village Subdivision located off of Bent River Road, assessors tax parcels #406-23-003C and #406-23-003E.

Planner II Ravenwood presented the following staff report:

Background:

*The applicants have submitted a 1.91 acre subdivision centered around the end of Bent River Road. They have as their main collector a private, improved road that will carry their subdivision traffic out to Broadway. The existing zoning is R-2, 8,000 square foot lot size per single family dwelling unit and 4,000 square feet per dwelling unit for structures exceeding detached single family homes, as a minimum requirement. Although the current R-2 zoning allows for 18 multi-family units, the developer proposes the construction of 12 units therefore allowing open space on the west side of the project, which will be landscaped as a visual barrier between the neighbors.*

*During Planning Commission public hearings, concerns focused primarily on the drainage as well as the redirection of Bent River Road and its angle of entry into Hillcrest Drive as many large trucks and flatbeds use the road to haul heavy equipment. The Planning Commission recommended that the Preliminary Plat be approved so that it could continue through the process into Technical Review where the Commission will work with the Town Engineer to make sure all drainage and road concerns are addressed completely before further approval.*

Recommendation:

*Staff recommends that the Town Council approve the Preliminary Plat with the following stipulations:*

1. *During the Technical Review Process, a Level 2 Drainage Study be required as the Town Engineer has requested.*
2. *A Grading Plan which meets the Town of Clarkdale grading and excavation requirements is required.*
3. *The technical review plans shall show additional information on where easements will be for water and sewer lines and the location and information of existing overhead electric lines, which will remain overhead and which will be buried.*
4. *Bent River Village will be required to enter into a Subdivision Agreement which stipulates the terms for the provision and release of assurances to cover the cost of improvements that are a part of the subdivision.*
5. *The applicant shall provide proof of approval from Yavapai County Development Services Department for the use of package plant usage for all parcels within the subdivision.*
6. *A geological report shall be submitted in compliance with A,A,C,R, 18-9-A309-A8z providing loading calculations that demonstrate that this subdivision is in compliance with the regulations.*
7. *During the Technical Review, Bent River shall provide construction drawings in a*

*recordable format to be specified by the Town of Clarkdale.*

8 *The applicant is required to provide the Community Development Department a copy of the Condominium By-laws and Organization of Unit Owners' Association Rules.*

9. *During technical review the Town Engineer will appear before the Planning Commission and update the commission on resolutions regarding drainage and road concerns.*

The applicant has been working with the town engineer regarding the road alignment. Further work will be done on this issue during technical review.

**Eleanor Jordan** stated she has the following three concerns.

1. Bend River Road was chip sealed by members of the community. The town did not accept dedication, but now is eager to have more people on it. They are not putting any more money on the road because it is the town's responsibility. She wondered how many of the council members had seen the road and the issues.
2. They need to have 18 wheelers go to their property and they cannot stop on the hill.
3. Since they personally chip sealed the hill, it is stable, but before that time her husband had to grade it after a rain. Certainly it is evident that if there are twelve two-story buildings there will be a lot of extra run off of water that will deteriorate the road. The road has been there and they need it as it is.

Mayor Von Gausig stated that if the subdivision is designed so trucks don't have the problem of stopping on the hill, would you object to realignment of the road?

She stated yes, she would still question it. They are also concerned over water run-off going into the Cottonwood Ditch.

Councilmember Williams stated she looked at the area and asked about the flood plain boundaries. Mrs. Jordan explained where the water flooded to in the last flood.

**Mike Westcott**, representing Verde Exploration, stated that they own most of Bent River road. Therefore, it's not a legal access. They never have any intention to restrict current access, but not in favor of increasing traffic on the road. He asked if there was some discussion of the town purchasing the road.

It was clarified that the town was not discussing purchasing the road.

**Vicki Hunt** stated the world doesn't end where the plot map does. She described the extent of the slope of the road past the development. She feels there is a real safety issue with lack of visibility due to the slope.

**Andy Grosetta**, president of Cottonwood Ditch Association, stated he submitted a letter for the record. The ditch association has submitted comments about the road alignment and drainage issues. The association accesses the head waters by Bent River Road. He is concerned about getting equipment in and out for ditch maintenance. He highly recommends Bent River Road remain straight. He recommends that Hillcrest be realigned to become perpendicular to Bent River Road at the intersection, thereby leaving the alignment of Bent River Road as it is. This solves the safety issue for the ditch association and resident on Hillcrest. Driving large trucks on the present roadway is best for safety. All are aware that the property can't increase drainage to other property, but sometimes the association becomes a drainage manager by default. They cannot take anymore run-off water into the ditch.

Councilmember Williams asked about the location of the ditch. Mr. Grosetta stated the ditch runs north to south, more or less parallel to the bottom of the hill.

**Norella Harrington** stated that rumors always go around that there was an illegal subdivision that started development in the area and then houses were added. She asked at what point Clarkdale is accountable for the road. She is concerned about the density, the slope of the hill and the safety of children in the area.

**AGENDA ITEM: PRELIMINARY PLAT FOR BENT RIVER VILLAGE** – Discussion and consideration of a preliminary plat for Bent River Village Subdivision located off of Bent River Road, assessors tax parcels #406-23-003C and #406-23-003E.

Mayor Von Gausig reviewed the staff recommended stipulations. He noted that there are serious concerns. Drainage is addressed in the technical review process. Several people noted safety concerns and would like to hear the applicant address these. He is also interested in how future road maintenance is to be addressed. Councilmember Sa stated he is interested in the legal access being solved.

*Phil Tatum*, 581 Larkspur, Cottonwood, the applicant, stated he met with the town engineer and feels they can resolve the nine issues brought by staff. He did not make a recommendation for realignment, but incorporated the town engineer's comments. There is discussion of this being revised. He has an architect who has computer modeling regarding a trucks ability to safely use the road. He is also concerned about the safety of children in the area. If there is a better plan to address the road issues, they are willing to do that. He believes there are laws that would prohibit access to be denied to property owners in the area. He looked for property which was zoned for what he wanted to do. He is proposing 12 units, while zoning would allow 18. He is not proposing rezoning or more density. He is proposing luxury condominiums, with the idea of a small community and open space owned by the owners association. A civil engineer has done a preliminary study showing 2.3% water to the Verde in the watershed. There will be less drainage issues than currently exist. He is willing to widen the road or leave the location where it is, as the council decides. The portion of the road in the development would be maintained by the homeowners association.

*Ted Cooke*, the project architect, showed the existing and proposed alignment of Bent River Road. He understands the need to meet ADOT standards for the curve. He has specifically looked at "low boys" and the needed turning radius and clearance needs for this type of equipment to be

able to use the road to get to Bent River Ranch and the ditch.

There was clarification that the developer would widen their portion of Bent River Road.

Discussion included the following issues:

1. The road alignment.
2. The Bent River and Hillcrest intersection.
3. Technical review would include a drainage study.
4. A package treatment plant and its location.
5. Trash service and location of trash receptacles.
6. Two units are single story, the remaining are two story, some of which will look like one story due to the topography.
7. Each parcel is terraced rather than overall mass grading.
8. Composition of the soil. A geological study would be done during technical review.
9. Length of build out projected at two years.
10. The technical review process will address issues with Bent River Road and if this cannot be done with the current conceptual design, the applicant would have to go back to the Planning Commission to change the preliminary plat.
11. CC&Rs could define that homeowners participate in a road maintenance fund.
12. Units will have sprinklers. Technical review will decide how to address fire suppression, which may entail water tanks.
13. Concern over ownership of Bent River road and prescriptive rights.
14. Generally with prescriptive rights the landowner would need to approve improvements.
15. Overhead utilities being placed underground, depending on APS's authorization and cost effectiveness.

*Allen Jenkins*, a project partner, met with APS and

described what APS proposes in the way of burying lines.

The item was opened to public comment. *Kathy Coffelt* stated that this project is taking her views. How can it be said that the railroad owns the road?

It was clarified that Verde Exploration owns a portion of the road. Mrs. Jordan noted where her property begins and that the road cannot be widened on her property.

Mayor Von Gausig stated that he must trust the Community Development Department and the town engineer to address the issues in technical review.

Town Attorney Young cautioned Council in having the CC&R language as a condition of the preliminary plat approval.

The developer will have to demonstrate that their well has an adequate water supply.

Councilmember Bohall stated that the Planning Commission and the Community Development Department do their homework so he feels that if they are comfortable with the preliminary plat approval at this time, then the council should approve it.

Vice Mayor Wiley moved to approve the Bent River Village Subdivision Preliminary Plat with the following ten stipulations:

1. During the Technical Review Process, a Level 2 Drainage Study be required as the Town Engineer has requested.
2. A Grading Plan which meets the Town of Clarkdale grading and excavation requirements is required.
3. The technical review plans shall show additional information on where easements will be for water and sewer lines and the location and information of existing overhead electric lines, which will remain overhead and which will be buried.
4. Bent River Village will be required to enter into a Subdivision Agreement with stipulates the terms for the provision and release of assurances to cover the cost of improvements that are a part of the subdivision.

5. The applicant shall provide proof of approval from Yavapai County Development Services Department for the use of package plant usage for all parcels within the subdivision.
6. A geological report shall be submitted in compliance with A,A,C,R, 18-9-A309-A8z providing loading calculations that demonstrate that this subdivision is in compliance with regulations.
7. During the Technical Review, Bent River shall provide construction drawings in a recordable format to be specified by the Town of Clarkdale.
8. The applicant is required to provide the Community Development Department a copy of the Condominium By-laws and Organization of Unit Owners' Association Rules.
9. During technical review the Town Engineer will appear before the Planning Commission and update the commission on resolutions regarding drainage and road concerns.
10. That the developer will work with Town Staff to develop a method that ensures participation of the owners association in the maintenance of Bent River Road.

Councilmember Williams seconded and the motion passed unanimously.

**AGENDA ITEM: AMENDMENT TO MOUNTAIN GATE DEVELOPMENT AGREEMENT** – Discussion and consideration of an amendment to the development agreement with Empire Companies regarding the use and maintenance of recreational facilities in the Mountain Gate Development.

Mayor Von Gausig moved to table this item until the February 13 Council meeting. Councilmember Williams seconded and the motion passed unanimously.

**AGENDA ITEM: PROPERTY MAINTENANCE CODE PROCEDURES-** A worksession to discuss proposed Property Maintenance Code enforcement procedures and the public information process.

Councilmember Sa moved to table this item until the February 13 Council meeting. Vice Mayor Wiley seconded and the motion passed unanimously.

**AGENDA ITEM: IMPACT FEES – A** worksession on the Preliminary Impact Fee Study and possible direction to staff.

Community Development Director Bailey presented the following staff report:

Background:

*The Town of Clarkdale contracted with MuniFinancial to do an Impact Fee Study so that the council could consider implementing development impact fees. In your packets you have the first version of that study. During the worksession staff would like to explore each of the areas studied and the preliminary assumptions and results.*

*In the beginning of the study is an executive summary that briefly explains the findings and provides proposed fees for new construction of residential, commercial and industrial structures. This is a distillation of all the areas of study without any changes to any of the assumptions made by the consultant. If everything remains as proposed the residential impact fees would total \$23, 323 per single family unit and \$9,472 per unit on multifamily units. Commercial rates would total \$13,734 per 1,000 sq. ft of building, with Industrial coming in at \$15,502 per 1,000 sq. ft of building.*

*The rest of the report breaks down each area of study, the methodology, the assumptions about each area and the fee per area of study. The largest assumption was setting the study up as a Master Plan Standard. “The master plan or system method calculates the standard based on the ratio of all existing plus planned facilities to total future demand (existing and new development). This method is used when (1) the local agency anticipates increasing its facility standard above the existing inventory standard discussed above, and (2) planned facilities are part of a system that benefit both existing and new development. Using a facility standard that is higher than the existing inventory standard creates a deficiency for existing development. The jurisdiction must secure non-fee*

*funding for that portion of planned facilities required to correct the deficiency.” By using this standard the town is saying all services will be at a standard equal between existing facilities and new facilities. This standard requires funds for existing facilities to be improved to the accepted standard from some identified fund usually the general fund, while new facilities which are a result of the needs generated by growth will be paid for by that growth.*

*The first area examined is civic facilities. The study first looked at the existing facilities and a cost per person. Under the master planned standard we look at proposed facilities to meet the growth needs based on the present population cost per resident. That additional cost is spread out over the resident and worker growth numbers. The existing standard is comparatively low which skews our growth numbers. There is a disparity between the existing cost per resident and the growth cost per resident which must be addressed by using general fund revenues for meeting part of the growth needs. The fee cost per residential unit is only \$69, with \$14 per 1,000 sq. ft for commercial and \$10 per 1,000 sq ft for industrial. Given this fee, for example, the entire 144,000 sq. ft. of commercial space at the Highlands development would only generate \$2,016 in fees. This is an area that we need to discuss and provide direction to the consultant.*

*The Library fee calculation appears to be fairly balanced to meet the needs for new growth. However, the park and recreation section, by taking into consideration the Regional Park proposal, has pushed the park fee to the one of the highest fees. There are a number of assumptions that are incorrect with the parks revenue. Staff will need to correct those errors. However, the need for future facilities is an area that needs to have council direction before the study is finalized.*

*The police facilities and equipment review study places significant importance on the effects of workers as well as residents on police services. Given that evaluation, a significant cost for commercial and industrial development occurs based on workers generating police services. This is reflected in the fees.*

*The streets fees seem balanced although they are*

low. They are based on existing levels of service and funds expenditures. Staff believes this area also needs additional work. The sewer connection fees make some assumptions that council needs to examine and give direction to staff. The water fees are based on the rate study and come close to what was projected by the rate study consultants.

The last page of the study, the implementation section, identifies additional work that the town must address for the completion of the study. Staff will have the areas identified as needing modification or additional information outlined for the council meeting. Hopefully, during the worksession council will be able to discuss and give direction to staff for addressing some of those areas.

Recommendation:

This is a worksession only, and requires no formal action from the council. Staff would appreciate input from the council on what additional information and corrections they would like to see for the next worksession on the Impact Fee Study.

Muni Financial has made some changes to the study since the version included in the packet. **Marshal Eyerman**, Muni Financial stated he has filled in some ‘holes’ of information. He noted that the impact fees were figured with current service levels. An increase in service levels would mean that the town would need to contribute funds because the impact would not just benefit new residents.

Discussion included the following issues:

1. User fees vs. impact fees.
2. Affect of fees on growth.
3. Ability to have inflationary escalators on impact fees.
4. Must be nexus to increases in impact fees.
5. Impact fees are not to limit growth and should not be used to do so.
6. Without impact fees the current population bears the burden for the increased needs due to increased population. Changes between the preliminary impact fee study the Council

received in their pack vs. the revised one received at the meeting.

7. Next draft can include proposed indexed escalations.
8. Policy as to charging impact fees for redevelopment may have to be addressed.
9. Typically homes replaced because they burn down would not be charged an impact fee.
10. Explanation of how wastewater impact fees are calculated.
11. Assumptions used in calculations for wastewater impact fees.
12. Costs that are associated with existing customers would have to be backed out of the impact fee calculations.
13. Some projects are completed so the calculations need to be revised to reflect that the projects are no longer to be funded with impact fees.
14. When projects are completed can affect cost.

**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 adjourned at 10:20 p.m.

**APPROVE:**

\_\_\_\_\_  
Doug Von Gausig, Mayor

**ATTEST:**

\_\_\_\_\_  
Joyce Driscoll, Town Clerk

**SUBMIT:**

\_\_\_\_\_  
Charlotte Hawken, Administrative Assistant