

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, February 13, 2007

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 13, 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
Finance Director	Carlton Woodruff
Public Works Director	Steven Burroughs
Police Chief	Pat Haynie
Ass’t to Town Manager	Janet Perry
ITC Coordinator	Peter deBlanc
Planner II	Normalinda Zuniga
Finance Director	Carlton Woodruff

Others in attendance: Gene and Marilyn Sims, Robert and Billie Pirth, Gus Vargus, Harlan and Helen Lusher, Robyn Prud’homme-Bauer, C. Schwab, Barbara Pierce, Bill Ring, Drake Meinke, Kim Tittelbaugh, Roberta Westcott, Chuck Pauley, Richard Stephens, Ellie Bauer, Bea Chavez, David and Cyndy Lowry and Vic Viarengo.

AGENDA ITEM: CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:02 p.m. and noted that all Council members were present.

AGENDA ITEM: PUBLIC COMMENT –

Christine Schwab stated her resentment about another part of Clarkdale getting a nice new sign, while in foothills they get trash. She noted that she observed two men spend many hours putting up the sign and if the town can allocate two men those many hours, it can spare two men to clean around the water tank and on Old Jerome Highway. She inquired if there will be landscaping around the

tank as has been rumored. She stated she is interested in having the barbed wire around the tank removed and how the town is going to protect the peace and quiet in her neighborhood.

Mayor Von Gausig suggested that Ms. Schwab contact the Public Works Department for answers to her questions.

Ellie Bauer stated she hoped the Council would take Items 5-8 first on the agenda.

AGENDA ITEM: INFORMATIONAL REPORTS-

MAYOR’S REPORT – A report from the Mayor on current events. Mayor Von Gausig reported the following:

1. There is a fund in Alaska funded by the oil companies, that funds state and rural functions and each person receives an annual payment. There are no taxes in Alaska. He noted there are extractive industries in Arizona, such as development.
2. He met with Supervisor Davis and attended the Board of Supervisors meeting about the Verde River Basin Partnership.
3. He attended the reception for Police Chief Haynie to celebrate his 20th anniversary with the Town.
4. He attended the Fireman’s Pension Board meeting.
5. He met with the Prescott newspaper editor and Supervisor Davis.
6. He attended the intergovernmental meeting with Supervisor Davis.
7. He attended a state committee meeting to testify.

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

1. There is a road renaming project for a

portion of Eleventh Street.

2. There will be an Intergovernmental meeting on 2/22/07 at 6:00 p.m.
3. The Fire District transition has been a great process and a model of cooperation.
4. Congratulations to Don Eberle for being selected as the new fire chief.
5. There will be an all-employee meeting and training session on 2/27/07. She attended the City Managers meeting and was installed as president of the Arizona City Managers Association.
6. There will be a City Managers board retreat in Jerome in March.

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. Mayor Von Gausig reported that he attended a meeting where they talked about the power plant in Laughlin and the coal slurry line. There is possible participation to get water line easement to the Colorado River.

WAC - A report regarding Yavapai County Water Advisory Council. Mayor Von Gausig attended the meeting.

CATS – A report regarding Cottonwood Area Transit System. Councilmember Williams noted there will be a meeting on Thursday regarding the Cottonwood transit center.

COCOPAI - A report regarding Coconino Yavapai Resource Conservation District. Councilmember Williams stated there was a presentation at the January 23rd meeting about Prescott Valley, including recreation amenities, water, growth, market trends, the economic base and development. The Fossil Creek area, conservation, and a grant received from Stewards of Public Lands were also discussed.

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

1. A program titled “Cooperating Across

Boundaries – Partnerships to Conserve Open Space in Rural America.”

2. A grant consultant report.
3. Holding a Pumpkin Fest with proceeds to go into a trust fund for preservation of Camp Verde farms.
4. A county Regional Plan being held on 2/14. Developing a plan to approach property owners along the Verde River about conservation easements.
5. Purchasing computer equipment.

Prescott/Coconino Management Plan – No report.

VVTPO – A report regarding Verde Valley Transportation Planning Organization. No report.

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.

Vice Mayor Wiley pulled Items C and F.

Councilmember Sa moved to approve Items A, B, D, E, G and H. Councilmember Williams seconded and the motion passed unanimously.

Item C – Vice Mayor Wiley stated that on January 10th, the Design Review board wanted clarification on previously approved projects that have not been maintained. Community Development Director Bailey stated there were two or three items referenced. The Board did not want applicants not in compliance to come back before them. They wanted staff to proceed with the process to have them comply.

It was noted that the Heritage Conservancy Board minutes need to reflect that Councilmember Williams was in attendance.

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

Item F – Vice Mayor Wiley stated adult literacy is a great program. Vice Mayor Wiley moved to

approve Item F. Councilmember Williams seconded and the motion passed unanimously.

Mayor Von Gausig stated that without objection the agenda would be reordered to take Item 8 next.

AGENDA ITEM: PROPERTY MAINTENANCE CODE PROCEDURES – A worksession and possible direction to staff to discuss proposed Property Maintenance Code enforcement procedures and the public information process.

Community Development Director Bailey stated that when approved, staff was given direction to come back to the Council with recommendations on enforcement. Staff is proposing two areas that have the most concern by residents – abandoned vehicles and trash/junk on the exterior of the residences. Staff also suggests giving priority to addresses on homes. Staff suggests starting enforcement consistently by area alphabetically on the two or three priorities. If they observe a violation, they will document it, send a certified letter asking that the property owner contact the office within 15-30 days to discuss a compliance schedule and advising of the appeal and enforcement procedures. In the event of a life safety issue, it would be an immediate concern and they would work with the prosecuting attorney. They would address complaints first. They are proposing two staff members working two afternoons a week to start working through neighborhoods, taking 1-2 years to go through all residences. They will report back to the Council in six months.

Town Manager Mabery noted that it is important to remember that the Council was focusing on safety and welfare. While there is a lot in the national code that applies, there is also some that does not. The Council recognized that and gave staff specific direction to make amendments if necessary. The Town does not have staff resources to enforce all the items in the code and must have direction from the Council as to priorities. They will report back to the Council in six and twelve months.

Mayor Von Gausig stated that two worksessions were held prior to the adoption of the code. They did not anticipate adopting the code as quickly as it was. They were advised by other organizations that

the code be adopted before Proposition 207 went into effect, so at least something would be in place and enforceable. They are sensitive that this is a national code and is not specific to Clarkdale. He noted the Council fully intends to make amendments so it reflects better the values of the community. He noted there is an appeal process. If persons get a letter, they have the opportunity to call Community Development and explain the situation and work out an agreeable plan. Appeals are to the Board of Adjustment, which consists of residents, not staff.

Discussion included the following issues:

1. There will be community meetings.
2. The recommendation made by staff is a good start.
3. The recommendation to do enforcement by neighborhoods in alphabetical order avoids selective enforcement. Employee will not be going into homes.
4. Inspections are done from the street or alley, so employees are not going onto private property.
5. There is some concern by the public that in the future there will be a decision to enforce more strongly. If that would be the case, there would be a lot of appeals and it would come to the attention of the Council.
6. The approach is to make properties look nice and not be intrusive. It is a United States code, even though it is titled and an international code. Most of the code is common sense.
7. The local junk yard will haul away vehicles for free.

Harlan Lusher referred to an article in the Verde Independent that stated “International Code” and he took it to mean that it was international in scope. He thought about how many people fought to protect this country so we didn’t have to live under rules of other countries. He was concerned over the term “international”. He also wondered how many people Clarkdale will have to hire to enforce the code.

It was noted that additional staff must be approved and budgeted. Part of reporting to the Council will include staffing level and progress.

Building Official Baker stated that the people who wrote the code are trying to market it to other countries. The International Code council is an American entity.

Gene Sims, a retiree of APS, stated the code says the National Electric and Fire codes are for safety. He bought his house in 1959 and has taken care of it. He does not like to have someone come along and tell him what to do. He stated he fought for these types of freedoms as a Korean War veteran. The code in its entirety is an invasion of his privacy and infringement on his property.

Mayor Von Gausig stated that enforcement focuses on health and safety. Residents do not have rights to create a safety hazard for their neighbors.

Mr. Sims stated that when he bought his house, he started working on a chain link fence on three sides. He stated he fixed it that way so there wouldn't be any problems like this. Retired residents cannot afford stuff. He stated he gets a little upset when people tell him what he can or cannot do.

Drake Meinke stated he read through the code. A lot of people in the audience are those that keep their property up. However, when he drives through town and sees it through the eyes of a tourist, he sees abandoned cars, etc. They affect business and sales tax goes down. He doesn't agree with 104.4 Right of Entry or with car covers over abandoned vehicles. People will not move their cars, they will just cover them. He also doesn't agree fully with the operable window part. Those are the only portions he had concerns about. He stated he would like to make a recommendation that enforcement begin in upper town due to the economic impact.

Barbara Pierce stated the Council has addressed some of the residents concerns. Some have put their thoughts in writing. When there is a potential buyer, does the realtor need to inform the prospective buyer of this code? This could affect property values.

Town Attorney Pecharich stated the code would not be different than any other town code and does not have to be disclosed.

Ms. Pierce stated part of the negative feelings is that it was adopted before it was revised and that all of a sudden the public became aware of this. She noted that having public meetings after the passage seems to be backwards.

Mayor Von Gausig noted that it would have been done differently if it had not been for the passage of Proposition 207.

Councilmember Sa noted that he moved into town twelve years ago and his house was devalued by \$15,000 because of the state of the neighbors property. The property code was designed for the benefit of everyone.

Jan Miller, stated she feels better and appreciates the Council's comments. She called Building Official Baker today and asked for a copy of the old Clarkdale maintenance code and was told there really wasn't any. There were just a few ordinances that addressed a few issues. In looking through it, the process appeared to be very similar as to before. The new code sounds a lot better now. She noted that her yard is one of the messy ones. She and her husband are trying slowly to address it. She wants to know why the town doesn't have large dumpsters available in the neighborhoods, preferably every three months.

She noted that the last time they had a community cleanup the dumpsters were filled with tree limbs. She felt it was not right that it was being filled up with branches when the town will pick up branches curbside.

Town Manager Mabery noted that community cleanups are every two years. The timing is based largely on the cost. She noted that staff is intending to approach a non-profit that may help folks remove large items for a fee.

Helen Lusher stated she is observing what is going on. One thing that stands out is communications. She noted that residents were reading the code literally. She stated she is in favor of community meetings.

Robin Prud'homme-Bauer thanked the Council for having the staff report attached to the agenda on the website and she hopes it occurs more. She feels the Council acted hastily, that in retrospect the code

should not have been affected by Proposition 207. She suggested a community committee be formed to proceed with changes to the code. There is no definition of trash or junk, so it is very subjective. She suggested definitions be created. What is missing in the code is how neighbors could be helping each other. She would like to see a formal volunteer program and suggested a staff position of volunteer coordinator.

Councilmember Williams stated there were three opportunities for public input and no one came. She believes that neighbors should help other neighbors, but doesn't feel a committee needed to be formed.

Town Attorney Pecharich noted that staff identified areas that are priorities for enforcement. First, remove items such as trash/junk in the yard. Second, remove abandoned vehicles. Third, clearly display address numbers on structures. He assured the public that there will not be someone in your lawn measuring the grass and noted the ordinance needs fine tuning.

Town Manager Mabery stated that, yes, there were public meetings before the passage of the ordinance. They try to get the word out in a lot of different ways. They are also doing community meetings on other issues as well and need resident involvement.

Discussion followed as to the order neighborhoods will be addressed. The consensus was to enforce neighborhoods in Z to A order.

Vice Mayor Wiley moved to follow staff's priorities for enforcement (remove items such as trash/junk in the yard, remove abandoned vehicles, and clearly display address numbers on structures) and to have the inspection schedule list subdivisions from Z to A. Councilmember Sa seconded and the motion passed unanimously.

AGENDA ITEM: APPEAL OF A PLANNING COMMISSION FINDING – Discussion and consideration of an appeal by Mr. Gus Vargus 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 Williams declared a conflict and left the room.

Town Attorney Pecharich advised this is not a matter that has to do with the town. The town does not have authority to act on these. He would be happy to help mediate a solution between the property owners and Mr. Vargus.

Bill Raney, attorney for Gus Vargus, stated that one thing that stands out in this community is the reputation of working thing out and governing by consensus. He stated he wants the Council to understand that he adopted the town's tradition and contacted the neighbors, not just in Unit 3, but all of the units. He presented the comments of the residents to the Council. He stated he would request a continuance to accept the offer of town staff to work with them and to pursue a compromise if it is possible. He stated his legal position has not changed either, they want to plat a previously unplatted parcel. He wants a continuance for about four weeks of both agenda items and will come back to report to the Council.

Town Attorney Pecharich stated that if there was litigation, what he would bring to the judge is that all the property owners are interested parties.

Councilmember Sa moved to table this item to March 27th. 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 Sa moved to table this item to March 27th. Councilmember Bohall seconded and the motion passed unanimously.

Councilmember Williams rejoined the meeting at 8:15 p.m.

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.

Town Manager Mabery noted that this agenda item was previously tabled. Since they have not received the necessary items from the developer, staff recommends no action be taken.

Vice Mayor Wiley moved to take no action on this item. Councilmember Sa seconded and the motion passed unanimously.

AGENDA ITEM: WATER MANAGEMENT PLANS – A worksession and possible direction to staff regarding options on water management plans from the Water Advisory Council (WAC).

Mayor Von Gausig stated that WAC has asked each municipality to approve a water management plan, a philosophy. He gave the following information from the staff report:

The council will be asked to select a management option from those in the brochure that will help guide our management philosophy in the future. In short, there are five viable options. The option they choose will also be reported back to the Yavapai County Water Advisory Committee to help formulate a management strategy for the entire County. The options are:

- *Status Quo: Continue with existing water management practices. This is the "do nothing" approach, and it should always be considered.*
- *Managed Planned Depletion: Preserve existing economies for as long as feasible; allow pumping to deplete groundwater to a predefined level that must be maintained. This approach allows us to draw our aquifer down to some predetermined level and then attempt to maintain it at that level or above. This allows a plan that "softens the blow" on existing economic interests.*
- *Safe Yield: By a predetermined date, achieve and thereafter maintain a long-term balance between the annual amount of groundwater withdrawn and discharged within a groundwater basin and the annual amount of natural and artificial recharge. This approach generally does not take into account the discharge from streams and rivers, which in our*

situation is a major omission. It also generally does not take into account maintaining natural stream and river flows.

- *Sustainability: Provide a reliable source of water for use within the Town to promote and support a viable economy and high quality of life while preserving existing flowing streams at a defined level and protecting riparian resources.*
- *Integrated management: Integrate management of water, land, and ecological resources to sustain use in an equitable fashion. This means that land use decisions take our water resources into account, as do all other Town management decisions. It recognizes that all changes to our Town, whether they are directly related to water or not, have some impact on the water resources our citizens need. It encourages the Town to consider water resource impact even when making decisions on roads, facilities or other changes.*

In my estimation, these options are listed much in order of least desirable to most, with Integrated Management being the most desirable for several reasons. It is the only option that truly takes all factors into account and attempts to manage the resource such that our current quality of life and environment are preserved for future generations. It is, of course, also the most difficult to achieve. The City of Cottonwood has adopted this as their preferred management strategy.

Discussion included the following issues:

1. Pilot program by WAC.
2. Management strategies.
3. Irrigation on agriculture lands.
4. Water being a finite resource.

Vice Mayor Wiley moved to adopt the integrated management option as the water management plan for Clarkdale. Councilmember Bohall seconded and the motion passed unanimously.

AGENDA ITEM: WILLDAN CONTRACT AMENDMENT – Discussion and consideration and possible approval of a contract amendment for additional services to Willdan’s current

contract with the Town of Clarkdale for the main Street Water Line.

Public Works Director Burroughs presented the following staff report:

Background: Willdan is the chosen engineering firm that provides services to the Town of Clarkdale as the Towns "Engineer of record". This contract is addressed as "EXHIBIT C" and will run in conjunction with their base contract. This exhibit will provide the engineering and design for the replacement of the 6" water line running from 9th Street down Main Street ending at 7th street. The new line will be an upgrade to 8" and approximately 1300'

The "EXHIBIT C" will include:

Task 1 Data Review:

- Site visit
- Project detailing
- Existing plan collection

Task 2 Preliminary. Design / Data

Collection:

- Final design concept
- Investigation of existing utilities, Public/Private
- Topo survey
- Soil investigation

Task 3 Design / Contract Document Preparation:

- Construction Drawings
- Contract Documents and Special Provisions
- Review Submittals

Task 4 Coordination Meetings:

- Monthly meeting with Town Project Manager

Task 5 Time Schedule:

- Time schedule for Town Approval

Task 6 Construction Administration and Inspection: Including ADEQ Submittal Requirements

The "ATTACHMENT 1" will include:

- Total Cost Break Down for services
- Total amount of services \$ 35,350.00

Recommendation: To approve the amendment to Willdan's current contract and authorize the Mayor to execute the amendment to the contract for these services noted as "EXHIBIT C" with "attachment 1" for Design & Engineering services

to replace an existing water line.

Discussion included the following issues:

1. Where the line ties in.
2. Current line.
3. Size.
4. Sewer line locations in proximity to the water line.
5. Cost of construction.

Vice Mayor Wiley moved to approve the amendment to Willdan's current contract and authorized the mayor to execute the amendment to the contract (Exhibit C and Attachment 1) for engineering and design of the replacement of a water line. Councilmember Bohall seconded and the motion passed unanimously.

AGENDA ITEM: FUTURE AGENDA ITEMS –

Listing of items to be placed on a future council agenda.

1. Commercial water rates.
2. Recognition program for improved properties.

AGENDA ITEM: ADJOURNMENT - With no further business before the Council and without objection the meeting adjourned at 8:45 p.m.

APPROVE:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Charlotte Hawken, Administrative Assistant