

## Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, August 14, 2007

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 14, 2007 at 6:00 p.m. in Room M137 at Yavapai College, 601 Black Hills Drive, 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
Town Attorney	Rob Pecharich
Public Works Director	Steve Burroughs
Comm. Dev. Dir.	Sherry Bailey
Deputy Town Clerk	Walt Good
Finance Director	Carlton Woodruff
Police Chief	Pat Haynie
Assistant to Town Manager	Janet Perry
Building Official	Mike Baker
Water Utilities Manager	Patsy Olsen
Water Utilities Admin Asst	Ellen Yates
Accounting Clerk	Debbie LaFrance
Accounting Supervisor	Linda Peterson
Building Inspector	Paul Grasso
Internet, Computer, Tech	Peter deBlanc
Utility Technician	KC Bailey

**Others in attendance** Chris Simko-Stantec, Robyn Prud'homme-Bauer, Drake Meinke, Judy Payne, Elaine Sakelanós, John Bangert, Bonnie Bangert, Hernima Deason, Rose Walter, Susan McTurk, Jennifer McTurk, John Hunt, Nancy Hunt, Rose Yarbrough, Gary Yarbrough, Joanne Gonzalas, Tony Gonzalas, Rosemary Coleman, Doug Ostroski, Andrea Ostroski, Robert Gresens, Jacob Clark, Matt Aleksiewilz, Delores Barry, Carol Johnson, Mike Caviness, Mary Caviness, Jim Ledbetter, Rita Ledbetter, Kyl Ledbetter, Jackie Odom, Charles Mackey, Harold Wenningger, Romona Wenningger, Larry Annen, Byron Monteith, Jane Moneith, Tracy Anderson - Stantec, Donna Nelson, Marc Nelson, Arche Dibelle, George Skoblin, Jess Tyler, Joan Tyler, Mary Lou Crosek, Katherine Gaughan, Max Brown, Susan Brown, Cherine Kent, Dick Kent, James Beard, Bruce Mason, Karen

Boarman, Mark Boarman, Angie Luna, Phil Terbell, Janet Regner, Ursula Mann.

**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 –**

Mayor Von Gausig informed the audience that the council could not reply to comments on items that are not on the posted agenda per state law. The Council is interested in the public's comments but may not be able to respond other than to offer clarification or direct staff.

Read into the minutes by Mayor Von Gausig, a letter from James Schulz, as follows:

*I have just been made aware of the intent of a Theresa Luna to create a halfway house at 2015 Austin Way, Clarkdale. I strongly object to the re-zoning of a residence in this densely populated area to accommodate a person who has no concern for the area other than financial gain.*

*I am an 83 year old handicapped man living a short distance from that address. On December 9, 2004, me and my home were physically attacked by an unknown person whom police described as someone who by his method of operation was a person under the influence of narcotics. Enclosed are pictures of me, following two 911 calls, a concussion brought on by this person, and hours in the Verde Valley medical Center emergency room. This happened the evening before it was necessary for me to catch an early morning flight from Phoenix to Milwaukee to visit a dying brother.*

*To briefly familiarize you with the circumstances of this attack, on the evening of December 9, 2004, in the time-frame of about 5:30 – 6:00 pm, while watching the news, two loud "bangs" were heard coming from the roof of the house. I went outside and saw a man getting into a pickup truck and drive away. Two large rocks, weighing between two and three pounds were found on the ground. Assuming this was a failed attempt to break the glass of a window or door, 911 was called. About 10 minutes later, more hits were heard. I turned on the outside lights, opened the door and went outside. A man was standing on the entry walk about twenty feet away with a rock in his hand which he threw at me, thankfully missing, but hitting the house with such force as to penetrate the stucco and its backing about two inches*

deep. He turned and rapidly walked to a pickup, reached in and apparently picked up another rock. I called my wife telling her to try to get the license number of the vehicle while I followed, attempting to do the same thing. The man turned around, came toward me and swinging hard, hit me on the head and face, knocking me unconscious. This is a part of the Town of Clarkdale Police Department records.

The area is already over-populated with drug addicts. Clarkdale does not need additional criminals in permanent residence. The thought of a halfway house this near to me is frightening. I would present this information and plea in person if my physical condition allowed. Please reject this halfway house request.

**Max Brown**, Clarkdale, stated he was perturbed that the halfway house on Austin Way is not on the agenda so that a discourse with Council could be held. Mayor Von Gausig informed Mr. Brown that the item has not been brought to Council because nothing has been brought to the Town for review yet. Mr. Brown asked what the process was and if it would ever become an agenda item. He is concerned about the parking and the septic system may not be large enough for 8 to 14 residents and accompanying staff. He was informed that Yavapai County has the jurisdiction over the septic systems and that the Town could only respond to business license, health and safety issues when it is brought to the Town for review.

**Elaine Sakelanós**, Clarkdale, stated that when she bought in Clarkdale she had an expectation of quiet enjoyment. She chose her home because of the comfortable safe feeling. She feels the criminal element has more rights than the current honest area residents. Austin Way is a dead end street and if the halfway house goes in the neighbors will have more traffic and higher crime.

**Judy Payne**, Clarkdale, stated that the individuals that will be housed here are not neighborhood residents and will not have the same concerns. Crime and noise will go up. Current resident's safety comfort level will decrease and halfway house residents will have questionable character.

Dick Willey, Clarkdale - Does not think that a 1/3 acre lot is enough room for 8-14 people to live on and they will end up in the neighborhood involved in questionable behavior.

**George Skoblin**, Clarkdale, stated there seems to be no

protection for the residents. If Council cannot protect the public, then who can? Do not want to live next door to the dump nor this halfway house. What will happen to our property values?

**Susan McTurk**, Clarkdale, informed Council that the halfway house on 8<sup>th</sup> in Cottonwood had originally been planned for 10<sup>th</sup> and because of the septic system was not allowed. Cottonwood neighborhood has experienced high level of crimes and drug paraphernalia like syringes left on ground. The Austin Way residents enjoy walking and visiting in the evening and morning. These activities will cease because of personal safety. I question the validity and ability of the applicant to run a halfway house. Please make it difficult for this to happen when they do apply for the permit.

**James Duke**, Clarkdale, stated this is a nice retirement community with elderly walking at all hours. We need to be protected.

**Larry Annen**, Clarkdale, stated that this is not right!

**Mary Cariness**, Clarkdale, stated she has called and reported the business being run out of this residence already and the problems of employees parking where ever they want, traffic from before sun up to after sun down, and the garbage in the area. She has not gotten anything resolved yet. 8-14 plus staff would exceed what is safe to occupy the home. Glad to see so many neighbors out concerned about this.

**Bruce Mason**, Clarkdale, stated he is a retired VA Hospital Administrator who has managed programs like this. The recovery rate is no higher than those who do not enter a program. There is a disagreement on the effectiveness and the reasons for success and failure are not well understood. Programs that have a work project within the program have a higher success rate. When rehab is court ordered then the failure rate is higher. Sees no benefit for a home in this area only a detriment to the customers and not appropriate setting because no support facilities are nearby.

**Nancy Hunter**, Clarkdale, stated this is a terrible idea, what can be done? What were the crimes committed? Will the kids be safe?

**David Mann**, Clarkdale, stated he does not want the house in the neighborhood, with increased traffic and questionable activities.

**Karen Boarman**, Clarkdale, stated she will be terrified to leave her home. Cannot understand why they are protected under ADA when 80% recidivism rate is the norm. They are not recovering; they are obeying a court order.

**Sherri Kent**, Clarkdale, stated what good is this when police will be delivering the residents to the home?

**Mike Caviness**, Clarkdale, stated he is disabled and not because he threw something down his nose. What are his rights?

**Tom Zuler**, Clarkdale, stated the level of garbage at the home now is outrageous, what is it going to be when there are 8 to 14 more? I don't care live there.

**Joanne Gonzales**, Clarkdale, stated this is a quiet street, she cannot realize 14 people on that small of a lot. Who will be the agencies that monitor the facility? Who will regulate?

**Doug Ostroski**, Clarkdale - looked for a community and neighborhood to retire in that was quiet and safe. If this home moves in he will not be able to afford to move and who would buy it anyway.

**Rosemary Coleman**, Clarkdale, asked what am I going to do? Who do I contact?

The mayor reminded everyone that they can continue to contact Clarkdale Community Development to see if any request has been made for a business license.

## **AGENDA ITEM: INFORMATIONAL REPORTS-**

**MAYOR'S REPORT** – A report from the Mayor on current events.

Mayor Von Gausig reported the following:

1. He and Vice Mayor Wiley attended a two day seminar in Flagstaff on wastewater reuse.
2. Thanks to Town staff who gave up their day for Clarkdale's July 4<sup>th</sup> Celebration, especially Assistant to the Town Manager Perry and Parks and Rec Supervisor Norman.
3. He spoke at the Kiwanis meeting about the threat to the Verde River presented by pumpage in the Big Chino, practical and possible solutions to our water resource challenges, and growth and how to plan for our future.

4. He attended the "Celebration of Youth - The Future" event in the park, organized by Calvin Bowers. He stated he came away hoping that they do it again next year, only bigger!
5. He met with Chip Davis, Brenda Smith and Chairperson Stevenson Nystadt of the US Fish and Wildlife Service, Andy Lorenzi, of the Sonoran Institute and Dan Campbell of the Nature Conservancy and talked about solution for the Verde River and the possibility of a Habitat Conservation plan for the Big Chino.
6. He visited Bent River Machine in Clarkdale with Casey Rooney, cottonwood's Economic Development Director, to conduct an economic development survey.
7. He wrote a "My Turn" on impact fees for the July 25th edition of the Verde Independent.

**TOWN MANAGER'S REPORT** – A report from the Town Manager on current events.

Town Manager Mabery spoke on the success of National Night Out and the year long neighborhood events the Police Department have put on. Town offices will be closed Labor Day. Come by and see the new temporary building that is here just in time to remedy our overgrown facilities.

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

**NAMWUA** - A report regarding the Northern Arizona Municipal Water Users Association.

Mayor Von Gausig reported that he missed the last meeting and was elected Vice-Chair. They are looking for a new coordinator. They discussed the water availability and acquisition report about alternative sources of water in Northern Arizona..

**WAC** - A report regarding the Yavapai County Water Advisory Committee.

Mayor Von Gausig reported that Brenda Smith and John Nystadt of the US Fish and Wildlife Service spoke about Habitat Conservation Plans and they discussed the ongoing "numerical model" phase of the USGS studies on the Verde River Basin.

**CATS** – A report regarding the Cottonwood Area Transit System. Report in the report section.

**COCOPAI** – A report regarding the Coconino Yavapai Resource Conservation District.

Councilmember Williams reported they discussed Verde River conservation, holistic grazing and a Farmers' Market. The Verde NRCD is working on a Weed Management group for the Verde Valley.

**VVLPI** – A report regarding the Verde Valley Land Preservation Institute.

Councilmember Williams reported they heard a report on the Regional Plan. They voted to continue their membership in the Land Trust alliance.

**VERDE RIVER BASIN PARTNERSHIP** – They are working on new funding.

Mayor Von Gausig reported they discussed its new bylaws, funding challenges and projects for the next year.

**VVTPO** - A report regarding Verde Valley Transportation Planning Organization.

Councilmember Bohall reported they saw a presentation about NAIPTA's current activities and plans. They discussed a regional linking transit system. They endorsed two projects to NACOG.

**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 moved that the consent agenda be approved as submitted. Councilmember Sa seconded and the motion was approved unanimously.

**A. Approval of Minutes of the Common Council** – Approval of the minutes of the Regular Meeting held 7/10/07 and the Special Meeting held 07/24/07.

**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 - 7/16/07  
Board of Adjustments - 7/25/07

Design Review Board - 7/11/07 and 7/30/07  
Library Advisory Board - 7/5/07  
Parks and Recreation Board - 7/2/07  
Heritage Conservancy Board - 7/18/07 and 7/26/07

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

Fire Department Report and Mutual Aid Responses Report – July 2007  
Magistrate Court Report – June 2007  
Building Permit Report – July 2007  
Police Department Report – July 2007  
Cottonwood Area Transit System (CATS) Operational Report – June 2007  
Verde Valley Humane Society – June 2007  
Capital Project Report – July 2007

**E. Resolution #1236** – Approval of a Resolution Naming the Applicant's Agent to the Arizona Division of Emergency Management for reimbursement purposes.

**F. Intergovernmental Agreement** – Approval of the Annual Emergency Management IGA with Yavapai County for fiscal year July 1, 2007 through June 30, 2008.

**G. Extension of the Town of Jerome Subdivision Agreement** – Approval of a request by the Town of Jerome for a One Year Extension of the Subdivision Agreement between the Town of Jerome and the Town of Clarkdale.

**H. Facilities Use Agreement with Yavapai College** - Approval of a Facilities Use Agreement with Yavapai College for participation in their Partnership Program.

**I. Equipment Lease Resolution #1237** - Approval of a resolution authorizing and approving the execution and delivery of an equipment and software lease/purchase agreement, and related instruments, between the Town of Clarkdale and Cisco Systems Capital, for an amount not to exceed \$415,000, and determining other matters in connection therewith.

Mayor Von Gausig took Item 6 on the agenda next.

**AGENDA ITEM: HORSE DRAWN CARRIAGE AGREEMENT** - Request for permission for selling on streets or sidewalks – Jackie Odom, Horse Drawn

**Carriage**

Community Development Director Bailey informed the Council that Ms. Odom began the approval process about five months ago and that the only way to issue a license was to use the selling on streets or sidewalks ordinance. The horse will wear rubber booties that will reduce the sound and also protect the horse from slipping. There will also be a diaper set up that will entrap any fecal matter. Community Development Director Bailey explained the agreement to Council and noted that this is the first agreement of this type.

Council expressed concerns whether the neighbors that would be affected had been notified? Whether residential streets would be used in the routes? Whether in residential areas the barking of dogs might be a nuisance to the neighborhood. Discussion on the hours of operation and assurance that the Town Manager would have final approval of the routes traveled. Because this is an inaugural agreement they also discussed having a reduced term to allow for public input.

Mayor Von Gausig moved to approve the Agreement with these changes; hours of operation 10 AM to 9 PM, route of carriage to have verbiage added "with specific routes to be approved by the Town Manager.", insurance section to be rewritten by Town Attorney, and agreement be approved for 6 months. Councilmember Sa seconded and the motion was approved unanimously.

Mayor Von Gausig moved back to Item 5 on the agenda.

**AGENDA ITEM: STEWARDS OF PUBLIC LANDS GRANT** – Acceptance of a grant for one thousand dollars from the Stewards of Public Lands to the police department to help continue our enforcement on illegal dumping.

*Jess Tyler*, Vice Chair Stewards of Public Lands, thanked Council for the involvement of the Town of Clarkdale in the endeavor to clean up our public lands. They have about 10 clean up days a year and 30 to 60 volunteers show up to help. Since inception of the program about 200 tons of debris have been removed from public lands. He presented Chief Haynie a check for \$1,000.00 to aid in enforcement and education.

**AGENDA ITEM: PROPERTY TAX LEVY –**

Consideration of an ordinance adopting the tax levy, setting the valuations of property in the Town of Clarkdale for the year 2007-2008.

Finance Director Woodruff presented the tax levy information and explained that the amount per \$100.00 of property valuation is reduced from last year.

Councilmember Sa moved to approve Ordinance #302 setting the Town of Clarkdale Tax Levy at \$00.7100. Councilmember Bohall seconded and the motion was approved unanimously.

**AGENDA ITEM: WORKSESSION RECLAIMED WATER MASTER PLAN WITH TOWN ENGINEER –**

Discussion and possible direction to staff regarding the Reclaimed Water Master Plan.

*Chris Simko* and *Tracy Anderson* of Stantec and Public Works Director Burroughs presented the reclaimed water master plan. Chris Simko reviewed the master plan task list with Council and identified their concerns. Task 1.2 was changed to a minimum of 6 meetings. Task 3 discussion was on alternative advanced treatment options and coordinating carefully with ADEQ and other stakeholders, especially during the construction of the new wastewater plant.

Discussion included the following issues:

1. The quality of effluent being above the A+ rating especially in regards to prosperous and nitrates.
2. Working with stakeholders.
3. Formulating the most frugal manner of disposition.
4. How much effluent can we reclaim and what we do with it, reuse, recharge or what other.
5. The standards of operation have changed and are changing requiring new data and technology.
6. When the Public Review should be held and after task 6.5 was agreed upon.

Councilmember Sa was concerned that the Town would be paying for data collection that we had done by Stantec in previous contracts. Vice Mayor Wiley is concerned about the amount that the Town is paying and wants to know that we are not being overcharged because state law requires we run projects a certain way.

**AGENDA ITEM: WORKSESSION ON LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS** - Discussion of the proposed League resolutions.

Mayor Von Gausig led discussion on the Leagues proposed resolutions. Councilmembers provided the mayor with their written recommendations and comments on the proposed resolutions.

**AGENDA ITEM: WORKSESSION ON DEVELOPMENT FEES** - Work session on Development Impact Fee Study and intent to assess Development Fees.

Community Development Director Bailey presented background information and requested policy direction from the Council. Should private parks benefiting a specific portion of Town of Clarkdale population be excluded in the total parks acreage? Should the developer be given park credit if the parks within a subdivision are subdivision restrictive parks?

Community Development Director Bailey also presented the parks formula in three views with different formulas. Removing the whole five acres from the Mountain Gate Park - five acres; three acres private and two public; two public acres and removing the three private; or using the existing plan for formulation of the fees.

Council directed use of the existing plan for formulation of the fees.

Water and wastewater fees were discussed next with the presentation by Public Works Director Burroughs. He produced maps for the Council to view and discussed the probabilities of being able to serve certain areas of the Town not currently served by water and wastewater. Public Works Director Burroughs also informed the Council why he believed the unserved would be provided service in a reasonable amount of time. The areas not in the reasonable future that will not be served were also identified.

Discussion was held on how annexed areas might be handled in the future and if those properties could negotiate reduced impact fees. Yes, just like subdivisions they could be issued credits for infrastructure already in.

Councilmember Williams is concerned why we should give credits? Discussion was that the infrastructure that

is installed by others up to Town requirements and standards is an expense that the Town would not have to bear, thus they should receive a credit.

Mayor Von Gausig opened the item for Public Comment.

*Phil Terbell*, Clarkdale, stated he wanted a definition of what is reasonable? Town Attorney Pecharich said that it was not defined in state statues and would depend on the infrastructure. Mr. Terbell stated that he did not believe the density of two to three acre parcels would allow the Town to put water into certain areas. He also questioned the manner of the formula utilized for the figuring of the parks. Using 2006 population and future number of park acreage gives a misconstrued number. Either the acreage has to remove the Highlands or Mountain Gate parks because they are not useable by the Town or the Mountain Gate population needs to be added for a realistic number.

Mayor Von Gausig closed Public Comment

Council discussed the parks and directed Community Development Director Bailey to use the agreed formula.

**AGENDA ITEM: FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda.

Vice Mayor Wiley would like a work session on Home Occupation Licensing and how we can better protect our residents.

**AGENDA ITEM: ADJOURNMENT** - With no further business before the Council and without objection, the meeting adjourned at 10:11 p.m.

**APPROVED:**

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Doug Von Gausig, Mayor

**ATTESTED:**

\_\_\_\_\_  
Walt Good, Deputy Town Clerk

**SUBMITTED:**

\_\_\_\_\_  
Charlotte Hawken, Admin. Assistant