

### Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, May 8, 2007

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 8, 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 (absent)
- Curtiss Bohall

**Town Staff:**

- Town Manager            Gayle Mabery
- Community Dev. Dir.    Sherry Bailey
- 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
- Fire Chief                 Don Eberle

Others in attendance: Robyn Prud’homme-Bauer, Ellie Bauer and Drake Meinke, C. A. Bennett, Carol Johnson, Michael Bluff, Marshall Eyerman-Muni Financial, Quennelle Quartatano-Muni Financial.

**AGENDA ITEM: CALL TO ORDER** - Mayor Von Gausig called the meeting to order at 6:06 p.m. and noted that all Council members were present.

**AGENDA ITEM: PUBLIC COMMENT –**

*Ellie Bauer*, Clarkdale, thanked those who showed up for the Town Photo Shoot in the park on May 5, 2007. Crowd estimate was about a 100 people.

**AGENDA ITEM: INFORMATIONAL REPORTS-**

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

1. Meeting in Cottonwood with Mayor Joens, of Cottonwood, Supervisor Davis, Brenda Smith of the USFWS, and Alan Quan, Prescott

National Forest Service Supervisor in Chip's office to discuss the possibility and likelihood of a Habitat Protection Plan that would benefit the quad cities and allow them to mitigate their pumping in the Big Chino without threats of federal lawsuits.

2. Attended a Verde River Basin Partnership Coordinating Committee in Jerome.
3. Attended the League Open Meeting Law Training in the Men's Lounge.
4. Met with Cottonwood Assistant to the City Manager Bob Hardy to talk about various water-related issues.
5. Attended a conference in Phoenix presented by the ASU School for Public Affairs entitled "Mayoral Leadership and the Future of Council-Manager Government."
6. Attended the Verde River Greenway's Planning Committee meeting at Arcosanti to discuss the expansion plans for the Verde River Greenway.
7. Attended the Clarkdale Volunteer Appreciation Dinner!
8. Met with Supervisor Davis, Brenda Smith of USFWS, Alan Quan of the Prescott National Forest, Diane Joens, Dan Campbell of the Nature Conservancy and another TNC representative to strategize ways that we might encourage a Habitat Conservation Plan for the Big Chino area.
9. Wrote to Prescott Valley Mayor Harvey Skoog to encourage him to set up a "Mayor's Summit" of the Mayors of Yavapai County.
10. Met with Town Manager Mabery.
11. Met a photographer from the High Country News at the Tuzigoot Bridge to have my picture taken along the river for a story by Tony Davis about the water situation in Yavapai County.

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

Town Manager Mabery informed Phelps Dodge that the Town still had an interest in the Fisher house and would be making the purchase next fiscal year. Phelps Dodge has also installed some fencing on the Town boundaries to keep the grazing cattle from entering the Town and creating a nuisance.

May 26, 2007 the Town pool will open and the Clarkdale Chamber will again be selling hot dogs and hamburgers, that evening the Concert-in-the-Park will be The Knuckleheads.

**NACOG** - A report regarding the Northern Arizona Council of Governments.

Vice Mayor Wiley reported that the Executive Committee recommended approval of revised Bylaws to be in compliance with Open Meeting Law. A detailed report was given on all programs currently administered by NACOG. After extensive discussion, the program and budget of the Area Agency on Aging was approved. The council also approved a resolution encouraging forest service support of Oriented Strand Board Plants to support Arizona forest restoration.

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

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

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

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

**VVLPI** – A report regarding the Verde Valley Land Preservation Institute. No report.

**VERDE RIVER BASIN PARTNERSHIP** – 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 moved to approve the Consent Agenda. Councilmember Sa seconded and the

motion passed unanimously.

**A) Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held April 10, 2007 and the Special Meeting held April 24, 2007.

**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.  
Board of Adjustments - April 25, 2007  
Design Review Board - April 11, 2007  
Library Advisory Board - April 5, 2007  
Planning Commission - April 16, 2007  
Parks and Recreation Board - April 2, 2007  
Heritage Conservancy Board - April 18, 2007

**D) Reports** - Approval of written Reports from Town Departments and Other Agencies  
Fire Department Report and Mutual Aid Responses Report – April 2007  
Magistrate Court Report – April 2007  
Building Permit Report –  
Police Department Report – April 2007  
Cottonwood Area Transit System (CATS) Operations Report – March 2007  
Verde Valley Humane Society – March 2007, April 2007  
Capital Project Report - April 2007

**E) INTERGOVERNMENTAL AGREEMENT FOR MECHANICAL SERVICES** – Approval of the 2007-2008 Intergovernmental Agreement between the City of Cottonwood and the Town of Clarkdale for mechanic repair services

**F) INTERGOVERNMENTAL AGREEMENT FOR MECHANICAL SERVICES** – Approval of the 2007-2008 Intergovernmental Agreement between the Clarkdale-Jerome School District and the Town of Clarkdale for mechanic repair services

**G) INTERGOVERNMENTAL AGREEMENT SUB-FLOW WATER** – Approval of the 2007-2008 Intergovernmental Agreement between the City of Cottonwood, Town of Jerome and the Town of Clarkdale for establishing issues presented in

pending adjudication affecting the Gila River water system (sub-flow water).

#### **AGENDA ITEM - YAVAPAI-APACHE**

**NATION DONATION** – Consideration of the use of funds received from the Yavapai-Apache Nation. Finance Director Woodruff explained the proposed distribution of the funds received from the Nation, as follows:

- 50% - \$7,083.23 Clarkdale 50<sup>th</sup> Anniversary Committee
- 25 % - \$3,541.61 Police Department – Neighborhood Block Parties/Tazer cameras
- 25 % - \$3,541.61 Parks & Recreation

Chief Haynie answered questions regarding the cameras on the Tazers and why they are needed.

Vice Mayor Wiley moved that the Yavapai-Apache Nation \$31,131.50 donation to the Town be divided, with 50% (\$7,083.23) going to the Clarkdale 50<sup>th</sup> Anniversary Committee, 25 % (\$3,541.61) going to the Police Department for Neighborhood Block Parties/Tazer cameras and 25 % (\$3,541.61) going to Parks & Recreation. Councilmember Bohall seconded and the motion passed unanimously.

#### **AGENDA ITEM - SIENNA CANYON**

**SUBDIVISION AGREEMENT** - Discussion and Consideration of a Subdivision/Line Extension Agreement for Sienna Canyon Subdivision, Clarkdale Land Development Company, Parcel #406-27-007B, Tavasci Road.

Community Development Director Bailey informed the Council that they had approved the plat at a previous meeting with the stipulation that a subdivision agreement be formulated. This is the subdivision agreement and it is different from the standard Town subdivision agreement in that it includes water and wastewater line extensions. Council discussion on the project was about when the Deception Road portion would be completed for construction trades to be able to enter the project. There is no formula for how the recapture of funds will be accomplished. Community Development Director Bailey said that those negotiated items would be brought back to council via addendums

and would be reviewed by the Town Attorney. Both she and the Town Attorney have reviewed this agreement and are comfortable with the verbiage and the protection for the Town. Councilmember Sa wanted to ensure that connecting to water lines was still a negotiated item. Community Development Director Bailey stated that it would be.

Mayor Von Gausig opened the item for public comment.

*Carol Johnson*, Clarkdale, stated first, that the sewer reimbursement would not be equitable for all area property owners. She stated it is more cost effective for her to connect at Old Jerome Highway rather than at Tavasci Road. For her to connect to the sewer at Tavasci Road, she would have to pump uphill which would not be economically justified and would also cost her power consumption. She has an alternative, since the property downhill of her is developed, of connecting at that time to a wastewater line that would be closer and have normal downhill flow. Secondly, she is concerned about the construction trades using Tavasci Road and the proposed double chip overlay. She suggested that a single layer of rubberized chip seal would quiet road traffic noise and has a longer life.

Discussion on the cost of chip seal versus rubberized chip seal was held.

Discussion on the water line was held and Public Works Director Burroughs stated the existing 5 inch lines are old and being held together by pressure. It is not recommended to make any connection to it.

Mayor Von Gausig moved to approve the Subdivision and Line Extension Agreement for Sienna Canyon Subdivision as presented with the following changes; 1) in section 11 – be amended with Developer shall improve Tavasci Road from the east property line of the Project 110 feet easterly by 24 feet in width with a double chip seal or single rubberized seal, whichever is the most cost effective... , also added into section 11 - *Tavasci Road shall not be used as a construction/trade entrance to project construction/trade entrance to project shall be from Deception, and construction hours will be from 6 AM to 9 PM., and give direction to the Town Attorney to review and approve as to form and*

authorize the Mayor to execute the agreement.  
Councilmember Sa seconded and the motion passed  
unanimously.

**AGENDA ITEM - NOTICE OF INTENT TO ASSESS DEVELOPMENT FEES** - Discussion and possible direction to staff of proposed assessment of development fees for Civic Facilities, Library, Parks, Police, Water and Wastewater.

Community Development Director Bailey explained what was included in the notice and that it does not include any properties that already exist with structures on them like the downtown area. Affected properties are ones having an impact by adding new people. SB1423 will require the Town in the future to do an Improvement Project report. When negotiating with the development they will be issued credits on assessed impact fees when that developer improves the infrastructure in the mandated areas.

The following are the timelines necessary for adoption of the Municipal Development Fees:

- May 2, 2007 Submit report with data supporting the increased fee filed with the Town Clerk
- May 8, 2007 Council Adopts Notice of Intent to Assess Development Fees at a Regular Council Meeting
- June 22, 2007 Notice of Intent and Public Hearing Notice published in newspaper (not less than 20 days prior to the public hearing)
- July 10, 2007 Hold Public Hearing
- July 24, 2007 Council Adoption of Development Fees by Resolution
- October 24, 2007 Development Fees for the Town of Clarkdale become effective.

Mayor Von Gausig opened the agenda item for public comment. **Robyn Prud'homme Bauer**, Clarkdale, stated she is not a fan of Impact Fees. She does not think that the subject has been given enough public comment and, with the current commercial overlay Clarkdale has on the books, it will not end up like Cottonwood or Prescott Valley. The proposed fees will hurt the Town in the short term by forcing developers of new housing and

commercial to build in Cottonwood where there are no impact fees. Clarkdale will lose the ability to have affordable housing for the common worker.

**Drake Meinke**, Clarkdale, stated his research shows the proposed fees are higher than the national norm. The historic business district will continue to have vacant buildings with these high impact fees.

**Ellie Bauer**, Clarkdale, stated she does not see how five astute council members can be counterproductively influenced by an impact fee study that did not reflect Clarkdale and its needs. The report infers that growth will not be affected, but when Cottonwood has no fees, growth will be affected.

**Michael Bluff**, Clarkdale, stated the public needs to know the timing and type of Capital Improvement Projects that the impact fees will be used for. This cannot be like the wastewater lines in 1992 where some property owners have still not released service. I paid my piece, what and when will I see what I am getting.

**Marshall Eyerman**, MuniFinancial, stated the assumptions are made from the information provided by the Town using micro formulations that are proven. The funds need to be encumbered usually within five years to ensure where the money is going is tied to the CIP or the General Plan. To ensure that the right projects are being identified the Town needs to reevaluate the projects and fees every two to three years that will keep projects in line with current projected needs. Impact fees are one piece needed to mitigate the needs.

**Robyn Prud'homme Bauer**, Clarkdale, stated what this process needed was to involve the stake holders in the beginning, they do not feel like they have been included.

Mayor Von Gausig closed Public Comment. Marshall Eyerman, Muni Financial, feels that this report adequately assesses needs and timelines.

Town Manager Mabery informed council that the water/wastewater fees are less than Cottonwood. Vice Mayor Wiley stated that the cost is less than \$0.56 per square foot and he did not think that would be a mitigating factor to developers. Mountain Gate owners do not know the amount that

has been added to their homes to cover the infrastructure that Empire had to pay for.

Councilmember Sa read a letter into the minutes that had been anonymously delivered to his home:

*Re: Mayor Von Gausig's article about impact fees in the May 07, "Talk of the Town."*

*The ongoing new developments in Clarkdale, (Mountain Gate, highlands, Sienna Canyon) have agreed to pay for their roads, two large water wells and other parts of the infrastructure. This will eventually all be turned over to Clarkdale, at no cost for the use of all residents. The developer has paid these costs as previously agreed upon. This is an acceptable and recognized way of paying in advance for services that the Town will need to provide for the residents of the development. Why should any extra funds, other than minimal contributions, be collected in the form of impact fees from developers wanting to build in the future? Is this a double charge?*

*It is not true that the people who live in new residences do not contribute to these fees. Cost are passed on in the price of housing or born directly by new owners. The town or its current residents do not pay for the new wells, roads, and parks, that will be constructed and used by all.*

*What is meant by "our reserves" when referring to water? Clarkdale is a town where anyone can drill water well without approval from any governing body. Maybe "our reserves" will be long gone before any new residents get to use them.*

*Does anyone believe that the new people who choose to live here do not pay taxes? How are the new fire engines, patrol cars, and roads funded? It is certainly not by the current residents alone. What about roads that need repair, equipment that needs replaced, and general maintenance? These things would still occur if no one moved into the community. Clarkdale would be in much worse condition than it is now if it were not for the influx of money brought by new residents.*

*As for new business, because the sales taxes generated could contribute greatly to the town budget, impact fees should be minimal. Would exorbitant fees be collected if a new auto dealership*

*or some other high tax generating business wanted to locate in Clarkdale?*

*How much will the impact fees cost? What is the criterion for determining the fees? How do they rate in comparison to other communities? If they are too high, development will slow or even stop. Does anyone really want this?*

*The most disturbing aspect of this article is the underlying attitude of dislike towards new residents an businesses expressed by the Mayor. Now is the time to welcome new residents, not drive them away with unrealistic impact fees. We all need to work together, as never before, for a new and better Clarkdale.*

Councilmember Sa said he had attended the Home Owners meeting at Mountain Gate and had invited the homeowners to attend and voice their concerns. He feels that the suggested impact fees are high and not consumer friendly.

Councilmember Bohall thinks the scheduled fees are high but that more discussion is needed especially with public interaction.

Mayor Von Gausig said the question is where do you want to live and what services do you want? He stated that this is not approving Impact Fees, just beginning the process and setting up for more public input.

Vice Mayor Wiley moved that the Notice of Intent to Assess Development Fees be approved with the following change – an asterisk (\*) be added to the 1" water meter size denoting the following: \*Note: A customer having a 1" meter solely to service a mandated residential fire sprinkler system will be charged a 5/8" base user rate. Seconded by Mayor Von Gausig, the motion passed 3-1, with Councilmember Sa voting against.

AGENDA ITEM - STREET IMPACT FEE – Discussion and possible direction to staff of proposed street impact fees including how they are formulated.

Community Development Director Bailey explained the original study map versus the revised Priority Streets Map that was handed out to Council. The basis for the original was the General Plan but did not have a base study. Public Works

Director Burroughs had performed a trip study that was included in the formulation process. The question is what we are going to do on collector streets and identify those that need to be completed the soonest for continued fill-in growth. The street projects that were identified were:

- > Minerich Road to Old Jerome Highway - this would help to relieve continuing residential development traffic congestion in the foothills.
- > Mescal Spur Road to Minerich – this would provide for traffic movement out of the residential area to the highway and to the commercial development along Highway 89A.
- > The missing connector piece of Centerville Road – this would help to move traffic from one side of town to the other in a more efficient manner.
- > The Industrial Road, called the Broadway Extension, to Cement Plant Road – this would open up that entire area for development while efficiently moving commercial traffic around the downtown area.

This revised section cut 15 identified projects down to 4 high priority items. Councilmember Sa asked if the percentage could be lowered to make it better for developers?

**Marshall Eyerman**, MuniFinancial, stated that if the percentage is lowered for commercial, the same thing would have to be done for residential.

Mayor Von Gausig asked Community Development Director Bailey if she was comfortable with these four projects. Community Development Director Bailey replied that they were the priority roads that would have the most benefit for the community by increasing the collector roads in areas that needed them or would open up areas for future development. This would reduce the Impact Fee from \$6,830.00 to \$3,784.00.

Mayor Von Gausig opened the agenda item for public comment. **Michael Bluff**, Clarkdale, questioned the viability of Minerich Road being improved and stated that those property owners do not want it to become a collector road and will cost the town in acquisition. He feels that that road will be developer driven and should be realigned

through the Radley Subdivision. He stated Mescal Spur is a good choice for a collector road as is the Centerville Road. Mr. Bluff feels that the Industrial Road should also be developer driven and that it is not a good use of funds. He thought that Minerich to Black Hills Drive is an area that should have been identified and it was not. It would best serve the residents in the area as a collector road to Black Hills which is already identified as a collector road.

**Robyn Prud'homme Bauer**, Clarkdale, stated the street impact fee is huge and will discourage development.

Mayor Von Gausig closed public comment. Councilmember Sa asked about the Verde Iron Works negotiation on the Industrial Road from their property to Cement Plant Road. Community Development Director Bailey and Town Manager Mabery replied that they agreed to obtain the easements and grade but not to install a roadway that conforms to what has to be built for an industrial road per Town Code. Verde Iron Works is obtaining those easements.

Mayor Von Gausig reopened public comment on this agenda item. **Michael Bluff**, Clarkdale, questioned if the Town had listed all the roads that are going to be needed and when a developer installed one would the Town be able to move down the Priority List?

Mayor Von Gausig closed Public Comment. **Marshall Eyerman**, MuniFinancial, stated the Town needs to identify what it is funding. On a separate document the Town could prioritize the other streets for public information but they could not be included without their cost being formulated in.

Community Development Director Bailey stated that little funding for streets comes from property taxes.

Town Manager Mabery stated the largest share of funding for streets comes from dedicated 1% sales tax, the other major contributor being HURF. She asked for direction for staff; which was review the priority streets and see if Minerich Road to Black Hills can be added and to check on the realignment of Minerich Road through the Radley Subdivision

as proposed by Michael Bluff. Vice Mayor Wiley also suggested Minerich Road to Black Hills be aligned with the bridge. Staff also received direction to check on revising the percentage down to make the fee less. This item should be returning to council in six (6) weeks.

**AGENDA ITEM - FUTURE AGENDA ITEMS -**

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

1. Intergovernmental meeting on May 26, 2007  
Councilmember Sa would like to see an item on Jackie Brewer, Secretary of State, on the Arizona Centennial Celebration
2. Councilmember Sa would like to discuss covered loads. Town Manager Mabery said that she had some information on the subject and would discuss it with him and they would decide if the item needed to be revisited.
3. Town Manager Mabery wants to revisit Construction Hours of Operation because of the exceptions that have been made.

**AGENDA ITEM: ADJOURNMENT** - With no further business before the Council and without objection the meeting adjourned at 7:35 p.m.

**APPROVED:**

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Doug Von Gausig, Mayor

**ATTESTED:**

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Walt Good, Deputy Town Clerk

**SUBMITTED:**

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Charlotte Hawken, Admin. Assistant