

## Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Monday, August 27, 2007

A Special meeting of the Common Council of the Town of Clarkdale was held on Monday, August 27, 2007 at 6:00 p.m. in Room M137 at Yavapai College, Black Hills Drive, Clarkdale, Arizona.

**Town Council:**

|               |                   |
|---------------|-------------------|
| Mayor         | Doug Von Gausig   |
| Vice Mayor    | Jerry Wiley       |
| Councilmember | Frank Sa          |
|               | Patricia Williams |
|               | Curtis Bohall     |

**Town Staff:**

|                           |                  |
|---------------------------|------------------|
| Town Manager              | Gayle Mabery     |
| Town Attorney             | Rob Pecharich    |
| Ass't to the Town Manager | Janet Perry      |
| Finance Director          | Carlton Woodruff |
| Police Chief              | Patrick Haynie   |
| Deputy Town Clerk         | Walt Good        |
| Public Works Crew         | KC Bailey        |
| Community Dev. Dir.       | Sherry Bailey    |

Others Present: Huguette Swain, Drake Meinke, Jerry Gregory, Leanne Gregory, Lee Gilreath, Eunice gilreath, Marta Inman, Carol Johnson, Dennis Branaman Paul Zienka, J Spears, Philip Wright, Peter Geirdner, & Doris Geirdner.

**AGENDA ITEM: CALL TO ORDER –**

Mayor Von Gausig called the meeting to order at 6:00 p.m. and noted that all members were present.

**AGENDA ITEM: PUBLIC COMMENT**

None.

**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 Item A. Councilmember Sa seconded and the motion passed unanimously.

**A.** National Flood Insurance Program – Approval for Community Development Director to complete and the Mayor to sign, the

Community Rating System (CRS)  
Recertification for Year 2007 CRS Credits.

**AGENDA ITEM: ARIZONA OFFICE OF TOURISM (AOT) GRANT –** Discussion and consideration of allowing the Heritage Conservancy Board to submit a grant application to the Arizona Department of Tourism.

Drake Meinke made a presentation to Council on the proposed grant. Mr. Meinke explained the change of submitting organization stating that the Heritage Conservancy Board could not submit the Grant application to AOT. The Clarkdale Heritage Center (Center) would submit the request. If the grant is 75% complete by August 2008, then the Center could apply for next years grant. Mayor Von Gausig asked the Town Manager if this was within the budget, Town Manager Mabery gave a timeline clarification from Mr. Meinke that most expenditures would be in next fiscal year. Mayor Von Gausig opened the item to public comments and read *Ellie Bauer's* email comments into the record.

*I had the opportunity to present both the museum project and the signage of a town project at this year's Governor's Rural Development Conference. Museum Board members were extremely helpful providing images and content, as was Janet Perry with some excellent history. These grant funded projects clearly displayed what happens when 'important to a community' ideas, passionate and inspired grant-writing find the money to make the projects happen. The audience got the message and much back and forth questions and responses happened.*

Mayor closed public comment.

Vice Mayor Wiley moved to approve the submission of a grant application by the Clarkdale Heritage Center to the Arizona Office of Tourism Rural Tourism Development Grant Program. Councilmember Williams seconded and the motion passed unanimously.

AGENDA ITEM: DEVELOPMENT FEE  
RESOLUTION – Discussion and consideration of a resolution declaring as a public record that certain document filed with the Town Clerk and entitled “The Town of Clarkdale Development Impact Fee Code”.

Councilmember Williams moved to approve Resolution #1238 declaring the Document entitled “The Town of Clarkdale Development Impact Fee Code” be made a public record and remain on file with the Town Clerk. Councilmember Bohall seconded and the motion passed unanimously.

AGENDA ITEM: DEVELOPMENT FEE  
ORDINANCE - Discussion and consideration of adopting by reference document entitled “The Town of Clarkdale Development Impact Fee Code” on file as a public record with the Town Clerk, as an ordinance creating Chapter 20 Development Impact Fees of the Town Code of the Town of Clarkdale; Providing for Severability; and Repealing Conflicting Ordinances.

Mayor Von Gausig opened public comment and read an email from **Ellie Bauer** into the record. *I am confident that the council will adopt impact fees this evening. And you all know that I am not in favor of the ones to be adopted, nor how these came to be. However, i am again suggesting the council consider postponing the time when certain fees are activated. Those impact fees are the fees for new buildings that fall into the commercial and industrial classes. The postponement that could be considered would be three to five years from now. (sic)*

The Mayor then read a letter from **Robyn Prud’homme-Bauer** into the record, as follows:

*Good evening mayor and council members, my name is Robyn Prud’homme-Bauer, resident and business owner in Clarkdale. I have a few comments I would like to make about the pending approval of the development impact fees.*

*As you know, I have been attempted over the past several months, to bring into your discussions viewpoints, questions and comments about the proposed impact fees, and to get others to speak out also. I have felt and continue to feel that the*

*parameters, criteria, and assumptions used in the studies to determine the proposed fees lacked the input and participation of the general public.*

*Yes, work sessions and a public hearing were held and the public in attendance did have an opportunity to make comment. But it was too late in the process. As I did my research on impact fees what was emphasized most often was the importance of bringing together at the beginning of the process a community group – anyone interested in the topic or the stakeholders most affected by the topic. A group that could raise questions, become more informed, and shape the proposed recommendations that would be discussed by the town council. Why is this important? I don’t think I really need to tell you bit I will – it helps make sure that a well rounded, well thought out, and well balanced recommendation comes before the town council. A recommendation that is the reflection the community as a whole.*

*I know that imposing impact fees is the most common tool being used by municipalities to make growth pay for itself, but is it right for Clarkdale? If I felt that this recommendation had come from active community participation, I would most likely be a supporter not just a critic.*

*The adoption of impact fees is the single biggest factor in shaping how Clarkdale will look like for many years to come. In your deliberations this evening, I ask you not to rush into the adoption of these fees without strong community support and active involvement. And I ask you not to rush into the adoption of these fees because of some new state requirement that might require the town to do more research and planning before we can adopt impact fees.*

*In closing, if imposing impact fees is your way of slowing down growth in Clarkdale then I believe it will. But I also believe that it will not stop any large developments from occurring in Clarkdale because they have the ability and savvy to negotiate these impact fees as a part of their development agreement. Remember impact fees do not affect the developers – they are passed on to the new residents in higher housing costs or higher rental rates.*

*And I believe that it will most likely stop single lot development and small business development because these groups have very little to be able to negotiate. Please look carefully at how these proposed impact fees will change Clarkdale, and not just see how much more money the town will have for services.*

Mayor Von Gausig closed public comment.  
Councilmember Bohall moved to adopt Ordinance #303 adopting “The Town of Clarkdale Development Impact Fee Code” by reference as Chapter 20 of the Town of Clarkdale Town Code. Vice Mayor Wiley seconded the motion.

Town Manager Mabery informed council that if passed this ordinance would not go into effect until 90 days from this date.

The motion passed unanimously.

AGENDA ITEM: HIGHLAND PARK #3 RESTROOM FACILITY– Discussing and possible action on the Highlands Park #3 Restroom Facility options.

Town Manager Mabery presented information to the Council on the Highlands Park #3 restroom facilities. The final plat was approved June 2006. The Parks and Recreation Commission had discussed the park and had directed Highlands to place the restroom facilities in this park, as this is the park that will have the grass and children’s play areas. The restroom is set 8.5 feet back from the property line and the requirement is 5 feet. Staff has brought four options:

Option 1 - Remove the bathroom entirely - \$33,780

Option 2 - Remove the existing bathroom and build a new bathroom in a different location in the park - \$36,780.

Option 3 – Keep the existing bathroom, but require The Highlands representatives to make structural and landscaping improvements - \$12,000 to \$15,000.

Option 4 - Allow the construction to continue to completion on the existing bathroom and the park. When asked what the cost would be to change the roof style the developer informed council they already had the roof trusses and they were a special

order so they may not be returnable. So there would be that expense plus the new trusses. The Mayor stated this was a difficult, complex issue and had compassion for the Gregory’s situation, but that everyone had acted in good faith on this and it was an issue that had not been perceived. Then Mayor Von Gausig asked each councilmember their comments.

Councilmember Bohall could understand the Gregory’s issue but the Parks and Recreation Commission had instructed the developer to build the restroom in this park site. With no site plan review required on this by Design Review Board he would have to support Option 4.

Councilmember Sa stated he supports Option 4. Mayor Von Gausig stated he does not feel that he can vote to cost the town citizen’s to remove and relocate the restroom to another location. Even though he has sympathy for the Gregory’s issues, he would have to vote for Option 4 at this point. Vice Mayor Wiley stated he preferred Option 4 with the landscaping.

Councilmember Williams stated she has visited the site twice and says that at present this as an eyesore and understands the concern. However, she believes that option 4 is the correct option.

**Mr. Spears**, Highlands Development, stated that if the roof went to a single slope it might reduce the overall height of the building by about 2 ½ feet. With the landscaping, he estimated the cost for the Town at \$12,000.00 to \$14,000.00.

Mayor Von Gausig opened public comment on the issue and read a letter from John Harmon into the record, as follows:

*I recently was approached concerning the public park that is being installed at The Highlands Development. After doing some research, I have come to the following conclusions.*

*My personal experience is that public parks should and must have public restrooms.*

*I have taken my grandchildren to local public parks, and my grandchildren on several occasions have needed a restroom. Had there not been one available the outings would have been ruined, as I*

*hurriedly loaded the kids into the car to race somewhere else for a restroom.*

*Should restrooms not be required of developers', it will only shift the financial burden to provide these facilities. That burden will be placed on the remainder of the property owners of Clarkdale, instead of the developer and the individuals who will live in the development.*

*Permanent facilities are much more desirable than portable toilets. One example: the ability to wash hands or clean minor wounds with water.*

*I think Del Webb's public park is a good example of the potential this park has.*

*I don't believe that a permanent restroom should be any more likely to attract vandalism that would portable toilets.*

*After looking at the site, I believe that the contractor has placed the restroom in the only acceptable location on the site.*

*There is a power line easement across the north side of the park and my understanding is that structures are not allowed within this easement. Moving the restroom structure to the south would only impact other property owners and would add to the cost.*

*I don't believe that the taxpayers of Clarkdale should pay to remove the structure that has already been built. Nor do I believe we should incur an 'ongoing' cost of portable toilets. I don't believe the council should authorize any payment to the developer to rebuild the restroom in another location.*

*Please make the correct decision concerning restrooms and public parks.*

*Sincerely, Chairperson Stevenson and Rose Harmon*

**Leanne Gregory**, Clarkdale, stated she was disheartened today when she saw a worker installing the window in the restroom even before the council gave a decision. She felt that that was a total disregard for others and a show of poor ethics. The restroom was set too close to her home and she has lost her view. She now has the view of the back of a restroom out her window and it depresses her.

In her investigation into this issue she believes that the movement of the park and the restroom were major amendments to the plan and by Town Code should have been returned to Council for review because she thinks this should be considered a significant change. If this is not a major significant change, then why not? None of the impact studies done took the needs of the neighbors into consideration. We expect our elected officials to protect us as we trust them. She feels that this does not meet the criteria of harmonious and appropriate design. Hearing the side should the Gregory's have to pay? As a women and artist she feels the Town was negligent. She contacted Sherry Bailey on June 18, 2007, when they were starting construction and had no response from the Town. Mayor Von Gausig said this is not a planned area development issue but agreed that council needs to review the design review procedures.

**Marta Inman**, Clarkdale, stated she had a beautiful view. Now it is an obnoxious atrocious view. She cannot see how anyone would approve. She feels there are a lot of reasons that the facility should be move to another part of the park. She is also concerned about the parking on Red Creek Drive. This is a private road and not for the public.

**Paul Zienka**, Clarkdale, stated that at first he was excited about the park until it was being built so close to the property line. He does not attend public meetings. In fact this is his first and he feels the park was done without public input. Thinks this sets a bad precedent.

Mayor Von Gausig agreed that this would set a dangerous precedent for the future if the Town was to over rule the Parks and Recreation Commission and the due process that had already been followed in good faith by the developer.

Town Attorney point of order: after the park is dedicated to the town, this issue can be revisited as then it would be Town property.

Mayor Von Gausig closed Public Comment on the issue. Vice Mayor Wiley moved to accept Option 4 from staff that allows the Highlands Park #3 Restroom Facility to continue as proposed, with the inclusion of a raised landscaping, Councilmember Sa seconded and the motion passed unanimously.

**AGENDA ITEM: WATER INFRASTRUCTURE FINANCE AUTHORITY (WIFA) RESOLUTION**  
– Discussion and possible approval of Resolution # 1239 applying for funding from WIFA for the Wastewater Treatment Plant.

Finance Director Woodruff made a presentation to council on the WIFA application, informing them that the loan request would be for about \$8,509,000.00 and that the total project would be about \$13,650,000.00.

Vice Mayor Wiley moved to approve Resolution #1239 acknowledging and approving the submittal of an application to the Water Infrastructure Finance Authority of Arizona (WIFA) for assistance in funding the Wastewater Treatment Plant. Councilmember Sa seconded and the motion passed unanimously.

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

1. Assessment of current Design Review Code.

**AGENDA ITEM: ADJOURNMENT -** With no further business before the Council and without objection the meeting adjourned at 7:22 p.m.

**APPROVED:**

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Doug Von Gausig, Mayor

**ATTESTED:**

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

**SUBMITTED:**

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