

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, September 11, 2007

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 11, 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
Town Attorney	Rob Pecharich
Public Works Director	Steve Burroughs
Comm. Dev. Dir.	Sherry Bailey
Deputy Town Clerk	Walt Good
Police Chief	Pat Haynie
Assistant to Town Manager	Janet Perry
Water Utility Manager	Patsy Olsen
Information Tech Coor.	Peter deBlanc

Others in attendance: Paula Green, Bill Ring, Ellie Bauer, Drake Meinke, Charles Paceley, Alan Jenkins, Gus Vargus, Al Vargus, Bill Ring, Tom Peli, R.L. Stephine, J. Stephine, Sandy Booth, RL and J Stephens, and Jon Hutchinson.

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.

Ellie Bauer, Clarkdale, stated that the Clarkdale Chamber presentation at the Governor’s Rural Conference was a success and wished to thank the Heritage Center and Janet Perry for pictures. The presentation was viewed by about 200 people and

received well. Ms. Bauer was interviewed by ABC Canberra (Australia) about Clarkdale. She had spent a day and a half in the auditorium working and again urged the Council to look into forming a 501-3C Non- Profit group to protect and repair the Clark Memorial Clubhouse.

AGENDA ITEM: INFORMATIONAL REPORTS-

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

Mayor Von Gausig reported the following: Mayor reported on the following highlights:

1. The Town has an official game ball for the 42nd Super Bowl because Clarkdale participated in an event at the Verde Canyon Railroad.
2. He attended a Natural Resources meeting.
3. He attended a Public Safety Retirement Board meeting.

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

Town Manager Mabery reported the following:

1. The Quarterly Verde Valley Mayor and Manager meeting will be held this week in Clarkdale. One item on the agenda is the discussion of Small Group Homes and Halfway Houses. Town Manager Mabery stated she would like to propose a League Resolution for State Law to regulate Small Group Homes and Halfway Houses as is the practice in other states.
2. The Town is preparing to conduct Neighborhood Public Awareness Meetings over the next year. The first two are being set now; one in October and one in November.
3. Reminder that the next Council Meeting will be September 18, 2007 because three Council members will be out of town on September 25.

NACOG - A report regarding the Northern Arizona Council of Governments. Vice Mayor Wiley stated

that there will be a 0-5% merit increase for employees if the budget allows. Top management will not receive increases, but will get extra days off.

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.

Councilmember Williams reported they may meet next week.

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

Councilmember Williams reported that Heather Reading, of the Nature Conservancy, spoke on two bills in Congress that would extend the tax credit for land owners who donate land for future generations. Discussion was also held on a spring 2008 conservation partnership with Game & Fish, Trust for Public Lands, Nature Conservancy, State Parks and VVLPI for a joint discussion on preserving the Verde River.

VERDE RIVER BASIN PARTNERSHIP – 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.

Council Member Sa pulled items F,G,H & I. Vice Mayor Wiley moved to approve consent agenda items A, B, C, D, E, J, L, & M. Councilmember Williams seconded and the motion passed unanimously.

Item F - Councilmember Sa questioned Public Works Director Burroughs about the changes in the proposed contract. The change was due to the change in who would accomplish some work and then the addition of some more meetings. Councilmember Sa expressed concerns for the amount.

Mayor Von Gausig moved to approve the contract. Councilmember Bohall seconded the motion.

Discussion - Vice Mayor Wiley stated that he could not support the contract until he received information from Stantec. They promised to contact him and had not done so yet.

The Council voted 1-4 not to approve the contract. Mayor voted for approval. Vice Mayor Wiley, Councilmembers Williams, Sa and Bohall voted not to approve the contract.

Item G - Councilmember Sa questioned the definitions of “Addition” and “Alteration” as placed in Section 4-3-1 B. Town Attorney Pecharich and Community Development Director Bailey felt that it was different and correct usage. The International Fire Code will be returning to council in December or January when the Town changes to a newer version.

Vice Mayor Wiley moved that Ordinance #304 deleting Article 4-2 and making grammatical and reference changes be approved. Councilmember Bohall seconded and the motion passed unanimously.

Item H - Councilmember Sa did not understand why the lease needed to be amended and why the amounts were now changed. Town Attorney Pecharich informed Council that the Clarkdale Fire District attorney sis not think that the Clarkdale Fire District could enter into an agreement that placed the Clarkdale Fire District in debt without a bond election.

Councilmember Sa moved to approve the Amended Lease. Councilmember Williams seconded and the motion passed unanimously.

Item I - Councilmember Sa moved to approve the Amended Lease. Vice Mayor Wiley seconded and the motion passed unanimously.

- A. Approval of Minutes of the Common Council**
– Approval of the minutes of the Regular Meeting held 08/14/07 and the Special Meeting held 08/27/07.
- 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 - 08/09/07 and 08/20/07
Board of Adjustments - 08/22/07
Design Review Board - 08/08/07
Library Advisory Board - 08/07/07
Parks and Recreation Board - 08/06/07
Heritage Conservancy Board - 08/15/07
- D. Reports – Approval of Written Reports from Town Departments and Other Agencies.**
Building Permit Report – August 2007
Capital Project Report – August 2007
Police Department Report – August 2007
Magistrate Court Report – July, 2007
Clarkdale Fire District Report and Mutual Aid Responses Report – August, 2007
Cottonwood Area Transit System (CATS) Operational Report – July, 2007
Verde Valley Humane Society – July, 2007
- E. Arizona Department of Transportation Intergovernmental Agreement** - Acceptance of an intergovernmental agreement for maintenance of roundabouts.
- F. Contract on Reclaimed Water Master Plan with Town Engineer** - Approval of the contract with Stantec for the Reclaimed Water Master Plan.
- G. Ordinance #303 Deleting Article 4-2 of Town Code** – Approval of an ordinance deleting Article 4-2 pertaining to the Town Fire Department of the Town Code and renaming of Chapter 4 as Police Department and Fire Code and making grammatical and reference changes.
- H. Amended Lease Agreement Clarkdale Fire Station #21** - Approval of an Amended Lease Agreement between the Town of Clarkdale and the Clarkdale Fire District for portions of the

property at 895 1st South Street, Clarkdale, Arizona, generally described as Clarkdale Fire Station #21.

- I. Amended Intergovernmental Agreement between the Town of Clarkdale and the Clarkdale Fire District for Fire Code Enforcement** - Approval of an Amended Intergovernmental Agreement between the Town of Clarkdale and the Clarkdale Fire District for Fire Code Enforcement.
- J. Amended Intergovernmental Agreement between the Town of Clarkdale and the Clarkdale Fire District for fire Protection and Emergency Services** - Approval of an Amended Intergovernmental Agreement for Fire Protection and Emergency Services
- K. Light Heart Foundation Proclamation** – Approval of a proclamation from the Light Heart Foundation that the Town of Clarkdale proclaim September, 2007 Grandparent/Elder Recognition month.
- L. Cottonwood Area Transit System Intergovernmental Agreement** – Approval of an intergovernmental agreement with the City of Cottonwood for a public transit system (known as C.A.T.S.) within the Clarkdale town limits.
- M. Letter from the Mayor Stating the Importance of the Verde River to Town of Clarkdale** – Approval of a letter to be delivered to local, state, and federal representatives in various forums. In particular, to our representatives Washington, DC by Mayor Von Gausig and Mayor Gioia of Camp Verde in upcoming separate trips to DC.

AGENDA ITEM: MINGUS SHADOWS UNIT 3 TRACT “O” - Request of the developer for consideration of platting of Mingus Shadows, Unit 3, Tract O, for development of residential lots, instead of a park.

Mayor Von Gausig opened the item to Public Comment.

Chuck Pacey, Clarkdale, thought that this item had been decided a year ago and did not understand

why Council had reversed its decision. Mayor Von Gausig informed Mr. Paceley that the Council had not approved this and had instructed staff to table the item. The applicant had been informed that 100% of the Mingus Shadows III owners would have to agree to the change.

Bill Ring, Flagstaff, Applicants Attorney, stated that he believes that this is not a re-plat but rather a platting for the first time of an un-platted tract. Mr. Ring read into the record a portion of Clarkdale Town Code he felt pertained to this plat request.

Section 12-5-2 Reservation of Land for Public Use

Where the tract of land to be subdivided contains all or any part of the site of a park, school, flood control facility, or other public area as shown on the General Plan, or as recommended by the Commission, such site shall be dedicated to the public or reserved for acquisition by the public within one (1) year after recording the Final Plat. An agreement should be reached between the subdivider and the appropriate public agency regarding time, method and cost of such acquisition. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in this article within such one (1) year period or such extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

Mr. Ring stated the Town has relinquished its right to the Park since the Town did not reach an agreement to acquire Tract O as a park within the one year period. The applicant has worked with several property owners and addressed their concerns about loss of landscape view. Mr. Ring provided council pictures taken from some of the concerns for loss. They are also willing to do CC&R's for the tract that would address future landscape requirements. Mr. Ring feels that it is Council's decision if this plat should be done, not the neighbors and that the applicant is being held hostage by the few who do not approve the change. Mr. Ring urged council to approve the platting of Tract O for residential lots, instead of a park..

Judy Garmon, Clarkdale, urged Council to approve the homes across the street from her. She

has javalinas in her yard and if homes were built there, then they would not be coming into her yard at night.

Mayor Von Gausig closed public comment.

Town Attorney Pecharich advised the Council that this item has been placed back on the Council agenda at the request of the applicant's attorney. The last time that this application was before the Council the Town Attorney had restated the longstanding position of the Town that consent to the platting of Tract O as something other than a park would require 100% consent of the owners within Mingus Shadows Unit 3 subdivision. The Town Attorney explained that this developer's similar application had been refused by the Town in 2004 and the application should not have been returned to the Council by the developer without the 100% consent of the property owners, as previously required.

Town Attorney Pecharich reported that he has met with the applicant, his attorney and Mingus Shadows Unit 3 owners to try and assist resolution. The Town Attorney stated that progress had been made and if the applicant continued to work with the owners he might still be able to obtain the required 100% signatures of the property owners.

Town Attorney Pecharich reported that he had spoken with the Arizona State Real Estate Commission who advised that if that agency received one complaint regarding the change in the original plat as recorded and represented in the public report, then the State Real Estate Commission would have to investigate for possible misrepresentation.

Town Attorney Pecharich advised the Council that the Council does not have the authority to consider this matter without the 100% consent of the property owners in Mingus Shadows Unit 3, and that no action should be taken on this matter, since this request was substantially similar to that which was fully resolved in 2004 by the Town, and it was known by the developer at that time that 100% consent of the owners of the subdivision would be required, and the facts have not changed. He also instructed Town staff to refund the application fee paid by the developer.

AGENDA ITEM: BENT RIVER SUBDIVISION AGREEMENT - Discussion and Consideration of the Subdivision Agreement for Bent River Village - Parcels #406-23-003C and #406-23-003E, Bent River Road.

Community Development Director Bailey presented the Bent River Subdivision, noting that the developer will install a well and will not extend the Town water system to the subdivision. Bent River Subdivision will have to get approval on the well from AZ Department of Environmental Quality and Department of Water Resources and furnish the Town copies of those approvals.

Discussion was held with the developer in regard to participation in the upkeep and use of Bent River Road. They agreed to a stipulation to be added to the subdivision agreement on the participation of the subdivision with the other owners in the area. The town attorney will redraft the agreement and forward it to the Town. Section 7 will also be removed from the agreement.

Mayor Von Gausig moved to approve the Bent River Subdivision, with the following stipulations: the Town Attorney to add a section requiring the subdivision to participate in the maintenance and possible future dedication of Bent River Road and for Section 7 to be removed from the agreement. Councilmember Sa seconded and the motion passed unanimously.

AGENDA ITEM: WORKSESSION RECLAIMED WATER RATE - A Worksession and possible direction to staff for the setting of reclaimed water rates.

Public Works Director presented the Reclaimed Water Rates from several communities. Council recommended that Public Works Director Burroughs research coin operated metering devices.

AGENDA ITEM: RESOLUTION TO MAKE THE 2007-2008 PUBLIC SERVICE HANDBOOK FOR THE TOWN OF CLARKDALE A PUBLIC RECORD –

Discussion and consideration of a Resolution Adopting the “Town of Clarkdale 2007 Public Service Handbook” a Public Record.

Mayor Von Gausig stated that he had a meeting with the Town Manager and the Handbook needs more changes. Mayor suggested the item be returned to staff for more work. No action was taken and staff was directed to work on the Handbook and return it to Council at a future date.

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 8:07 p.m.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Walt Good, Deputy Town Clerk

SUBMITTED:

Charlotte Hawken, Admin. Assistant