

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale
Held on Thursday, September 17, 2009.**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Thursday, September 17, 2009, at 10:00 AM at Administration Building Community Room, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER

Vice Mayor Wiley called the Clarkdale Town Council to order at 10:04 AM.

Town Council:

Mayor Doug Von Gausig - Absent
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Richard Dehnert

Town Staff:

Town Manager Gayle Mabery
Deputy Town Clerk Walt Good

Town Clerk/Finance Director Kathy Bainbridge
Town Attorney Rob Pecharich

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

No public Comment

NEW BUSINESS

EXECUTIVE SESSION - The Council may vote to discuss the following matters in executive session pursuant to A.R.S. § 38-431.03(A) (3) discussion or consultation for legal advice with the attorney of the public body; and (4) discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations. The Executive Session will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining item on the agenda.

A) INTERGOVERNMENTAL AGREEMENT RELATING TO PRESERVATION OF FOREST LANDS WITH THE CITY OF COTTONWOOD, AND STATUS OF THE ANNEXATION OF COCONINO NATIONAL FOREST LANDS.

Without opposition, the Council recessed to Executive Session at 10:08 AM.

Council reconvened at 10:42 AM

INTERGOVERNMENTAL AGREEMENT RELATING TO PRESERVATION OF FOREST LANDS – Consideration of rescinding the Intergovernmental Agreement with the City of Cottonwood relating to Preservation of Forest Land.

Town Manager Mabery reviewed the history of the annexation with Council and the reason for consideration of rescinding the Intergovernmental Agreement with the City of Cottonwood relating to Preservation of Forest Land that had been approved by the Town of Clarkdale Council on August 25, 2009. The agreement was sent to Cottonwood but City of Cottonwood Council decided to proceed with the annexation. The Town has been informed that Qwest is not an owner of property in the proposed annexation area and will not sign the annexation proposal for the City of Cottonwood. The Town of Clarkdale feels that the approved IGA is moot. Staff proposes that the previously approved Intergovernmental Agreement with the City of Cottonwood relating to Preservation of Forest Land be rescinded.

Vice Mayor Wiley called for a motion to rescind and withdraw the Intergovernmental Agreement with the City of Cottonwood relating to Preservation of Forest Land.

Vice Mayor Wiley read into the minutes a letter Mayor Von Gausig pertaining to the IGA. Copy of the letter is included.

Councilmember Williams motion to rescind the Intergovernmental Agreement for Forest Preservation with the City of Cottonwood, withdrawing the previous approval given on August 25, 2009. Councilmember Bohall seconded the motion. Motion approved unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda
None

ADJOURNMENT
Adjourned 10:54 AM

APPROVED:

Jerry Wiley, Vice Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

Doug Von Gausig

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September 16, 2009

To the Clarkdale Town Council and the Citizens of Clarkdale;

Although I cannot attend the special Council meeting on September 17th in person, I want unequivocally to express my feelings about the cancellation of the Forest Preservation IGA.

This IGA was conceived and drafted under the following assumptions and conditions:

1. That the City of Cottonwood's Council was sincere in its desire to see that the U.S. Forest Service lands under consideration for annexation would remain open space in perpetuity, and that this desire had been stated several times in public meetings;
2. That, given the above, the only reason for continuing the annexation was that Cottonwood feared that Clarkdale might annex these same lands, thereby endangering the open space character of the lands;
3. That the US Forest Service as well as other authorities and other communities' experiences indicated that annexation of Forest Service lands actually decreases the likelihood that the land would remain open space;
4. That Cottonwood's City Manager, Doug Bartosh, had been consulted and his input included in the drafting of the IGA;
5. That Clarkdale had no desire to annex these lands, and also wished to see them remain open space in perpetuity;
6. That Clarkdale believed that annexation of these lands increased the likelihood they would some day be developed;
7. That Clarkdale felt that the majority of citizens and stakeholders in the Verde Valley were opposed to these lands being annexed;
8. That the City of Cottonwood could mount a successful annexation drive for these lands, and that if they did so, Clarkdale's quality of life as well as that of the entire Verde Valley would be threatened;
9. That there were qualified property owners other than the Forest Service in the annexation area who might sign Cottonwood's annexation petition, thereby enabling the annexation; and
10. That a valid annexation petition by law must contain the signature of at least one qualified property owner in the annexation area.

The IGA was proposed out of the hope that we could reach an agreement that would remove Cottonwood's fear of a Clarkdale annexation of the same or similar lands, and thereby, remove the threat of development of these same lands. Since the Cottonwood Council has decided not to execute the IGA, but instead to proceed with the annexation, the Clarkdale Council's hope to forge a partnership to preserve these lands as open space has since been dashed.

Subsequent to Cottonwood's decision to annex, the only party reported by the Arizona Department of Revenue to have qualifying property in the annexation area, Qwest, has informed that department that it actually has no property there, and that they would not be signing the annexation petition. It appears that, since the requirements of ARS 9-471, which deals with annexations by municipalities, have therefore not been met, the City of Cottonwood can no longer legally annex these lands.

Given the likelihood that Cottonwood cannot now proceed with the annexation which was the impetus behind the IGA, the very reason for the agreement has been rendered moot. I therefore believe Clarkdale's most practical and responsible course of action is to rescind its approval of the IGA. The rescission will ensure that no unintended consequences of allowing this invalid document to exist will come to pass.

My fervent hope is that the Town of Clarkdale and the City of Cottonwood will now sit down together in a spirit of mutual trust and cooperation that will lead to agreements on future annexations of both communities. These agreements will benefit both the two municipalities as well as the rest of the Verde Valley. Such "boundary agreements" are well established and legally binding tools long used by communities in the United States that desire to assure each other that their future borders are secure and well understood by all parties. These agreements will hopefully incorporate the spirit and intent expressed in the regional land use planning documents agreed upon by all of the Verde Valley's communities.

Sincerely,

Doug Von Gausig
Mayor, Town of Clarkdale