

ROBERT PLENGE
January 27, 2000

Today is Thursday, January 27, 2000. Anne Andeen and myself, Ann Townsend, interviewers for the Town of Paradise Valley Historical Committee, are privileged to interview Robert Plenge. Mr. Plenge is a former Council Member and Mayor of our Town. Thank you, Mr. Plenge, for inviting us and allowing us to come and interview you today. May we have your permission to quote you in all or in part of this taped conversation today?

Bob: Thank you for coming, and yes you may. I'd be delighted.

Ann: Thank you. Are you a native Arizonan?

Bob: No, I've lived here, that is in Arizona and the Town of Paradise Valley, for 31 years.

Ann: Well, you're practically a native then.

Bob: A lot of changes.

Ann: Tell me, let's get right to the point, what called you to get involved politically in the Town?

Bob: It was a gradual process, really, because I knew very little about the Town's politics and activities other than voting every year and keeping up with things. But someone suggested to me at one time that I look into the Planning and Zoning Commission. I can't remember for what reason, but in any case, I threw my name in that hat and was interviewed and selected. I spent four years on the Planning and Zoning Commission. During the latter part of that time, Pete Wainwright was on the Council and became Police Chief when the then Police Chief resigned. I believe Jack Brock was the

Mayor. Barbara vonAmmon was the Mayor when I went on the Planning and Zoning. I think Jack Brock was the Mayor when Pete Wainwright resigned, and the Council needed someone to fill out Pete's term, so they asked if I was interested. I declined simply because up to that point, I hadn't given it any thought and was satisfied with my activities on P&Z. But, in any case, that got me to thinking about it and so when the next election rolled around, for reasons that I can no longer remember exactly, I did get the petitions and run.

Ann: There wasn't any particular issue that you felt serving on the Council would help to solve a certain problem?

Bob: No, although because of my four years on Planning and Zoning, that was my interest. Even on Council, I thought then and I think now that that is still the biggest issue facing the Town.

Ann: Planning and zoning?

Bob: Yeah. Correct.

Ann: I do too, especially in these times when building is so very good and old properties being torn down and palaces being erected. Your years on the Council were about 1982 to 1990.

Bob: I was on the Council from 1984 to 1986 when I was a Councilman for one term. Then I was Vice Mayor from 1986 to 1988, and Mayor from 1988 to 1992, I believe. You'd better check those with the staff, but I was on the Council for eight years.

Ann: And you were Mayor for two terms?

Bob: Two terms, right.

Ann: That was quite a gift to the Town, to do that.

Bob: That's very kind of you.

Ann: We are all the better for it.

Bob: Thank you.

Ann: What contributions do you recall are the most important to you during your term, not only on Council, but chiefly as Mayor and leader?

Bob: I mentioned earlier my interest in zoning. I think collectively through those years, that was the most important ongoing thing because there were a number of properties that developers and landowners would come and try to convince the Council that if we didn't allow them to build commercial developments or non-residential developments, that the land was useless. That was a continuing battle and it goes on to this day. Just protecting the zoning of the Town was probably the biggest single thing that the Council accomplished while I was there. In terms of individual issues, I'm probably best remembered, although my involvement was no more than the others, as being Mayor when the photo radar was put in. People remind me of that from time to time. But let me say this...

Ann: Could you review for this interview, as well as when it is put in a book, about the photo radar and what happened?

Bob: Photo radar was not my idea. I no longer remember who first brought it up to the Council, but I was in favor of it then and I remain in favor of it. It was something that the Town was the first in this area, and one of the first in the country, to have photo radar. At that time, it was fairly controversial, although I will say most of the people in Town supported it from day one. Most of the opposition to it then and I suspect now, came from people who were speeding through the Town and didn't like it. In any

case, it was a subject that was brought up; it was heard by the Council on several occasions; and the Council elected to go ahead with it. It has remained with us since then and it has expanded somewhat. That wasn't the biggest thing that happened while I was on the Council, it is just probably the thing that is most remembered...

Ann: Makes you notorious.

Bob: In fact, at that time, whenever I would speak to a group, no matter what subject I spoke on or to whom, when it came to the question and answer period, even if I hadn't mentioned photo radar, there was always a question about photo radar. I was always quick to tell them that there is one way they could beat photo radar. Everybody would perk up and listen, and then I would say, "Drive within the speed limit."

Another issue that took a lot of time and I think was a successful project for us was the improvement of what we call the Tatum Curve. It was a very dangerous curve, and we had numerous accidents on there. Some very, very serious. It was a long term project and I think, up until that time, it was probably the most expensive project the Town had put through. But we labored over that a long time and I think that was a big plus for the Town, particularly for the people who travel in that area.

If there's one thing that probably few people think of, but one of the things that happened while I was on Council on a long-term basis that is very important, is the acquisition of the land which now comprises the campus for the Town Hall. At the time I was on Council, all we had was that one little corner. There were a commercial activity behind us, an electric company, and there were some rundown houses. We were frequently approached by developers who wanted to buy the property in that block and develop it commercially under the theory that because it was next to the Town Hall, it

could never be developed residentially. That was an ongoing battle. In any case, that was during the period when real estate prices, in retrospect, were at their lowest in the recent past. I had the Town staff investigate the ownership of the property. We went to the various owners and gradually bought most of the property, at what is today and even then, we thought were very good prices. I think it's good that we have that extra land, some of which has been used for the Police Department, and so forth. We have other parts of the land that are not being used in the Town that I think someday may end up being useful to us. In any case, we did get that off the list of properties that developers kept saying they wanted to develop commercially because it's not a good place to develop houses.

Ann: Do you know if the Town is interested in expanding the purchase of land in that complex to possibly have the land for the new fire station that they believe we need another one? Are you involved?

Bob: I don't know. No, I'm not involved.

Ann: We can talk about the Mummy Mountain Preserve, because I know you are head of the Board that helps acquire some of the top of Mummy Mountain. Tell us about that and how it got started? Was this your dream?

Bob: Well, I can't really take credit for it directly. It was an interest of mine when I was on the Council. But a couple years ago, the then Council, knowing my interest and the interest of others, asked if we would look into it a little bit. We investigated various alternatives: whether to set up a trust, a corporation; how the best way to structure the thing. We had professional advice in various capacities. Council appointed a Committee, including my appointment, and David Hann, who is very, very

helpful and instrumental in this whole project. We looked into it pretty thoroughly, and recommended to the Council and the Council accepted our recommendation that we set up a 501(c)3 charitable trust, the purpose of which is to receive and hold in perpetuity land in its natural state. While it's called the Mummy Mountain Preserve Trust, and that's the main thrust of it, the Trust may accept other land. It could take land on Camelback Mountain and could also accept other gifts of land.

Ann: Even flat land?

Bob: Yes, we can even accept flat land.

Ann: What would you do with it if it were flat land?

Bob: Well, we would probably use it to trade in some way with mountain top land. Philman Miller, for example, who was a long time resident of the Town who died some years ago, while I was on Council, did give us an acre of land on Cheney and Mockingbird. That lot now has been transferred to the Mummy Mountain Trust. It's surrounded by houses. It's a very appropriate place for a nice house so maybe someday we can exchange that for some land on top of the mountain.

Ann: How many acres do you have in the Trust right now?

Bob: There are a little over 200 acres in the Trust now, with a total of about 300 that we would like to obtain.

Ann: Three hundred more you'd like to obtain?

Bob: No, a total of 300 acres. A lot of that land was already owned by the Town; it had been acquired in one form or another. It's not that we as a Trust solicited or received all 200 acres from outside donors. We have received several acres. The largest parcel that we received since the Trust was formed was about 20 acres. Until we started

looking into it, we didn't realize that there was one piece owned by Maricopa County. In fact, Maricopa County didn't know it owned it. When we checked the ownership, we went to Maricopa County and after numerous meetings with the Parks and Recreation Commission and the County Commissioners, we convinced them to donate that land to the Trust. We have had some private donations as well.

Ann: Are they people that live on the property right below the peak part of their property and they just save a certain amount of that?

Bob: Some of it the property is owned by people who don't live on Mummy Mountain. Other property includes what I call the back end of a person's home. Right now I'm talking to a man and his wife who have a house under construction. They have three or four acres. Part of the back of the lot goes up the mountain. What we're talking about is when they complete their house, we expect them to donate at least one acre to the Trust. The advantage to them is that the land will remain in its natural state as they would leave it anyway because that's one of the reasons they bought the lot. They will have a two-fold benefit. One is monetary, a tax benefit for donating it to the Trust, but also the satisfaction of knowing that they helped the Trust. From the Town's point of view and the resident's point of view, that will be one more acre that we will have and it will always remain in its natural state. Our appeal to a lot of people is that they could have their steak and eat it too. People who live there can keep that open space behind them and yet receive a tax benefit from it. Incidentally, the Trust document states that the land must remain in its natural state in perpetuity and cannot be used for any purpose. For example, we prohibit the use of construction of hiking paths. Not because we object to hiking paths, but we think that if anybody donates land to us, they don't want to donate

land for the public. They can't say, "I'm having people hiking through what was my backyard."

Ann: That's very understandable.

Bob: The donors will lose nothing unless they plan to develop it. They will lose nothing and have the benefit of not only helping the Trust but the monetary benefit of the tax right off.

Ann: It helps maintain their privacy, too.

Bob: Absolutely.

Ann: I understand that there is approximately one acre up on Glen Drive that you're still trying to get. Most of the land along Glen Drive has been donated to the Mountain Preserve.

Bob: Glen Drive is a difficult area, but we're trying to work on some things.

Ann: Is that going to be possible?

Bob: Possible, yes. I don't know how probable it is.

Ann: They wouldn't be willing to make that trade to Cheney and Mockingbird?

Bob: We haven't presented that idea to them, but we're working on it.

Anne: Do you meet monthly, weekly? The Trust group, I mean.

Bob: We meet irregularly, certainly not weekly. We meet every two months.

In addition, David Hann and I on the Board, Bennett Dorrance, Purdon Thomas and Bil Keane are the other Trustees. We meet as frequently as we can, particularly when we have a project to work on. As a matter of fact, we're trying to set up a meeting for next week. We haven't had one this year yet. The purpose of this meeting is to talk about whether or not we can solicit and receive monetary donations of a size sufficient to allow

us to buy any land. We received a few thousand dollars in donations, but not enough to even make a dent in buying a piece of land. One of the things we're thinking of doing is to get people to donate money or securities to turn into cash. It's possibly going to people where a tax write-off may not be much benefit to them as to others and say, "Well, we can't pay you the true market value for this property, but if you have two acres, you can donate one acre and we can purchase the other acre at fair market value." In effect, we would be buying the property for one half of its value. The donors would have a substantial tax benefit and the donors would be able to sell part of it where they may not really be able to sell it otherwise, or in many cases wouldn't want to sell it because they wouldn't want somebody to buy that parcel and build a house behind their house. But if they could sell it to the Trust, they would know that they could have some monetary benefit from it, as well as a tax benefit from it, and it would still remain in its natural state. To do that, we have to find a way to get people to donate money to the Trust. That's going to be one of the main thrusts of our next meeting.

Ann: Do you think you might have any repercussions from those who have donated land and haven't received any funds, but only got the tax credit? If they find out about it, they might be resentful and create a problem.

Bob: I don't think so, no. First of all, the majority of the 200 acres was already donated to the Town before the Trust was formed. The Maricopa County property would not be a question. The individuals who have donated to us, or who have indicated that they will donate to us, I don't think there would be a problem.

Ann: They're not that greedy that they would make a problem?

Bob: No, I don't think so.

Ann: Well good, I hope not.

Anne: There wouldn't ever be a problem in time to come that something could be changed, like hiking paths going in, or something like that. Is there protection?

Bob: There's all the protection that any legal document can give. Incidentally, when we talked to Maricopa County, one of the Parks Commissioner objected because he said that maybe they would want to put a microwave relay station, or something like that. We said that's precisely why we don't want it to remain outside of the Trust. The Trust itself goes as far as any legal document can go. It would be very, very difficult for anybody to break that Trust.

Ann: It's an irrevocable Trust, as well as perpetuity.

Bob: Right, irrevocable, perpetuity. I guess one could never say that somewhere, someday, something legally couldn't be done. But you could make that same statement for your own private property because theoretically that could be changed. This is a very strong document, very clear, very simple, very precise, and I think the chance of anybody breaking it or abusing to be very, very slim.

Ann: You seem so confident and I'm just curious, who was the attorney that drafted the words.

Bob: Bob Rosepink, who is a resident of the Town, and a very competent trust and tax lawyer. In fact, we interviewed a number of lawyers to do the legal work before we moved ahead with it, and chose Bob for a variety of reasons. He's good in that area and we made this very tight. I think the protection of ownership through the trust is stronger than the Town's. Somebody might be able to bring some kind of action or

procedure to the Town and force the Town to do something, but a charitable trust is a very strong instrument.

Ann: That's why I was curious.

Bob: Anybody can sue anybody. Anybody with \$25 or a typewriter can file a suit. But I think the chances of them successfully attacking this trust are practically nil.

Ann: While we're talking on that, what is the status of the Donahoe section of that mountain, donating their land versus their building on the buildable land?

Bob: The Donahoes did donate some property years ago. Really, the ball is in the court of the Town Council right now. The Donahoe family and their attorneys are negotiating with the Town Council. The Trust stands ready to receive any donation, but the Trust right now has no assets, no where-with-all to purchase the property. There is no way that the Trust could approach the Donahoe family about purchasing it, unless or until we receive some substantial donations later. We are really not involved with it right now.

Ann: You're implying that the Donahoes would be one of the families that would accept monetary...

Bob: I don't know. I understand the Donahoes are willing to sell the property.

Ann: But they're not willing to donate it?

Bob: They have not indicated to us as Trustees that they are willing to donate any additional land. They did donate some land to the Town in year's past and that land is now in the Trust. There has been no indication to us that they are thinking of donating any additional land. We'll be pleased to talk with them about it, but until the Town resolves some of its questions with the Donahoe family, I think all the Trust can do is sit

back and wait and say, "Here we are if you want to donate the land, either directly to the Trust or some quid-pro-quo with the Town."

Ann: You have a wonderful, wonderful folder that explains the Trust, gives pictures of the plan, and then an over-sheet that shows what properties are in the Trust. It's a beautifully done folder. Other than that, is there any other active plan to advertise to push to acquire more of this property?

Bob: Yes, first of all, you have to remember that our appeal is to a relatively small list of people who own the land. There is no particular purpose for us to go to a large group of people who are not involved in donating land. However, we will accept and solicit donations of cash from other people. But in any case, our main thrust is to contact the people who we have identified as landowners. And we have. I have talked to several people who have very substantial holdings up there. We have sent them information about the Trust and so forth. In addition to that, as you may know, we had an article in the Town Reporter, and there was an article in the Scottsdale paper not too long ago.

Anne: It was a nice, sizeable article that talked about how Mummy Mountain was named. I remember Dave Hann had called me about the story.

Bob: Right. We've had a couple of articles.

Ann: That was her uncle.

Anne: He was called Mieg, Charlie Mieg.

Bob: Is that right? That's where he got the background on it. That's one of Dave's favorite anecdotes. Anyway, we've had a couple of newspaper articles about. Bil Keane has developed what has worked out to be sort of a logo for it. I don't know if

you've seen it. It's one of his cartoons with his kids who are looking at Mummy Mountain in the background, and two little kids are talking. One of them says something about Mummy Mountain, and the other child's belief that all mummies were dead. Or something to that effect. In any case, Bil developed that for us and we have been able to use that to get some publicity. We also have over the recent months gotten some quotes from a number of well-known people in the area -- not just Town of Paradise Valley, but in the state. You have the County particularly who have expressed some support for our project and we will try to use that to get some publicity there. We would like to get and are working on getting some additional general publicity in the hopes of soliciting some cash donations. But our main thrust is with the people who own the land and appeal to them. So that's not a general broad advertising process.

Ann: On the north side of Mummy Mountain, in a canyon called La Place du Sommet, the houses are really climbing high. Were those peaks along there given to the Town when the land was first bought and the roads laid out, and so forth, so it's protected? I can't believe how high two of these properties are going.

Bob: Yes, in fact, while I was on Council, long before the Trust was formed, the then developer of La Place came to the Council and with a very ambitious building project, much more than we thought was appropriate. As a matter of fact, we got into a bit of a legal hassle with the developer.

Ann: Who was the developer?

Bob: Bob Burns. I forgot the name of his company, but Robert Burns was the principal behind it. In any case, over a long period of time, and some negotiation, he agreed to allow a scaled down, less dense version of what is now La Place, partially, in

return, for which they donated, I can't remember the size, 20 or 30 acres right up on top. That was donated to the Town and the Town has since deeded over to the Trust. So it's in the Trust, but that came with the then owners of La Place.

Ann: Wasn't it about 34 homes they finally allowed?

Anne: I think it was about 36.

Bob: I can't remember what they came in with, like 50 or something like that, and they were going to build them all the way to the top.

Ann: It's incredible. If you've ever been over there lately, it's just incredible. Actually, at a certain view where it angles away from it, it just looks like they're right on top of each other. It's hard to believe that each one is at minimum an acre.

Bob: When we were working on that, both the application for the subdivision and the donation of land, before those roads went in, I remember going up there and saying, "How are they going to build houses in here anyway?" It's remarkable where houses can be built.

Anne: They took away a lot of the mountain.

Bob: But it would have been even more so had that land not been donated to the Trust, at least the very top part of it.

Ann: I'm very grateful that the Town at least acquiring what they did.

Bob: There is always a trade off because the property owners have rights. The Town cannot and should not deny those rights to the property owners. We can't confiscate their property by saying, "We're not going to let you develop it." But, the other side of it is that the Town has to be prudent in what it allows and do what it can without asking private property owners to forfeit their rights. We do what we can do to

protect their property. The Trust cannot and would not go to the people who own property there and say, "We're going to take over your backyard. You've got five acres; you only need one acre; we're going to take the other four." We cannot, should not, and will not do that. By the same token, we can appeal to people to try to help us by donating it. That's our approach.

Ann: If they did donate it, they couldn't even put fencing up there to say they had some dogs or something, they wanted to have a bigger run. It just has to be open and natural?

Bob: That's correct.

Ann: Except for the land that they're on, I mean that they own, the house, and at least a minimum of one acre.

Bob: If they donate some land and they have a structure, or some fence on there now, we will accept it in its existing condition. But once it goes into the Trust, the former owners can't come back and say, "Well, we now want to build this back there."

Ann: No.

Bob: That's a consideration of course. People have to decide before they donate whether they are likely to ever want to do that. We understand that and we will not be able to get all the property. I can understand why some people will be reluctant to do that. But people who have property up there now and the probability of anything really being built there, those homeowners are not giving any thought to building anything there, fencing it in, or building a dog house. That's why it can be to their benefit as well as the house that will donate the land.

Ann: This leads to the last question I have. What advice would you like to share with future Councils based on your experience, being on Planning and Zoning, Council, Mayor and particularly, on the Mummy Mountain Trust Board?

Bob: I think everyone on the Council has to remember that they are working for and on behalf of the residents of the Town. Council Members should be politely receptive to anybody who comes in and makes a request, and not be arbitrary on any decisions. But, having said that, I think the Councils need to keep in mind that because we are a residential community -- it was designed that way; is that way; and most of us want to keep it that way -- they have to continue to resist the pressure. There is always a tremendous pressure on Council Members to allow land to be developed in a non-residential way. An example that I can think of is the corner of Tatum and Lincoln. I can't tell you how many times people have come in and said, "You've got to let us build something there because nobody will ever build a house at Tatum and Lincoln." There are two beautiful subdivisions now at Tatum and Lincoln. We had a terrible fight with a landowner who owns land on Scottsdale Road who went down to the State legislature to talk about deannexing a piece of land because his appeal was that nobody will ever build a house on Scottsdale Road, therefore you've got to let us develop this commercially. We won that battle. Well, I think my advice to the Council will be that no matter how unlikely it seems that land can be developed in a way in which the Town wants it developed, hang in there because it will eventually be developed how we want it to. Now, I'm not saying that we should never allow anything other than residential, I mean, we have provisions for churches, schools, and resorts. I think these are appropriate. Some of these parcels may best be developed in that way. But I do believe very strongly

that there is very little property, if any, in this Town that can't be developed within the Town's Plan if we hang in there. But I do think that Council should remember to listen politely and receptively to people when they come in. I have seen Councils who were actually rude to applicants and that's not appropriate. Even if you have to turn them down, as often was during my Council term; we can disagree without being disagreeable. I think even for those people who come to the Town and make applications which we have to turn down, I think we can still do it in a proper way.

Ann: Do you have any questions, Anne?

Anne: No, I just want to thank Bob very much for talking with us.

Ann: Oh yes, thank you very much.

Bob: Thank you for your time and on behalf of the Town for doing this project. I think someday, someone will look back and listen back, and say, "That's was what happened then, look at the Town today."

Ann: I must say that those who have involved themselves in the function of the Town, through Councils or as Police Chiefs, or whatever, the running theme has always been and seems to be an eternal fight to maintain the minimum one house per acre and keep out commercialism, over and above what was already here before the Town was incorporated. It just seems that it's a very ongoing challenge.

Bob: That it is and we've lost an occasional round, but we really won the bout. We've done a good job, I think. I say we, I mean all the residents of the Town and the past and present Councils. I think we've done a good job. But it's an ongoing thing.

Ann: It has also been incredible to me to realize that the challenge never ends.

Bob: Even years ago, when I was on Council, we would always talk about the land in the Town which was very well developed. There's nothing much left to be developed, and yet there's a few remaining parcels that are being developed. But what you see so much of now is what we call older homes, other parts of the country, they're not older homes. They're homes that have been here for 25, 30 or 40 years old, are being torn down and rebuilt. The Town continues to develop.

Ann: It's new challenges in different ways.

Bob: That's right.

Ann: Well, thank you again.