A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 11, 2011 at 6:00 P.M. at Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 6:00 PM by Mayor Von Gausig.

Mayor Von Gausig requested a moment of silence for the dead and wounded persons from the shootings in Tucson this week.

Town Council:
Mayor Doug Von Gausig
Vice Mayor Richard Dehnert - Absent
Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:
Town Manager Gayle Mabery
Community Development Director Sherry Bailey
Human Resources/Community Services Director Janet Perry
Police Chief Pat Haynie
Utilities Director Wayne Debrosky
Public Works Director Steve Burroughs
Town Clerk/Finance Director Kathy Bainbridge

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.

There was no Public Comment

MAYOR, COUNCIL MEMBERS AND TOWN MANAGER REPORTS ON CURRENT EVENTS – A brief summary of current events by the Mayor, Council Members and Town Manager. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor Von Gausig:

1. Attended the League of Cities and Towns Board Meeting where the budget deficits along with other state problems were discussed.

2. Attended an APS dedication event in Prescott for a solar field.

3. Attended the Yavapai County Mayors Managers Supervisors meeting in Chino Valley.

4. Met with Dave Lyskawa of Sun Edison and Jodie Filardo to discuss what Sun Edison could do for Clarkdale and what Clarkdale could do for them, solar gardens and purchase power agreements.

5. Met with representatives of China, Fred Wagenhals (Winners Creative Group), Lee Ploszaj (Perini Building Co.), and Cotton Hill (Shanghai Top Resources) regarding solar possibilities for Clarkdale.

6. Attended the Verde Valley Mayors and Managers meeting in Clarkdale.

Town Manager Mabery:

1. There will be a ribbon cutting for Park N Ride on Thursday.

2. Governor Brewer will release her budget this week.

3. Monday, January 17th the offices will be closed for Martin Luther King.

4. Will be attending the Greater Arizona Mayors Association meeting in Phoenix to introduce the organization to the State Legislature.

5. January 28th will be the CSP strategic planning session and on February 4th the strategic planning session with the Council.

INFORMATIONAL REPORTS

CAT/ VVTPO– A report regarding the Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations. Councilmember Bohall stated that the VVTPO will meet later in the month. The last CAT report shows ridership increase. Councilmember Bohall thanked the members of the Public Works Department for making Park N Ride possible.

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District. Councilmember Williams was unable to attend the December meeting due to illness, but nothing has been decided regarding funding at this time and she is no longer Secretary so she will only be presenting minutes if they are presented to her.

VVLPI – A report regarding the Verde Valley Land Preservation Institute. Councilmember Williams presented Minutes for October, November, and December which are on file and met yesterday for annual meeting to elect officers and will be applying for a RAC Grant.

NACOG - A report regarding the Northern Arizona Council of Governments. No report.

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

VRBP – A report regarding the Verde River Basin Partnership. Mayor Von Gausig reported that they elected new officers.

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

VVREO – A report regarding the Verde Valley Regional Economic Organization. Councilmember Regner reported that they successfully incubated the Verde Valley Wine

Consortium, the Verde Valley Agricultural Coalition continues to work toward developing a sustainable agriculture renaissance in the Verde Valley, the Verde Valley Broadband Cooperative is working to broaden the deployment of broadband in the Verde Valley, the Renewable Energy Working Group is wording to establish a solar energy education center, Revolving Loan Fund continues to work with USDA to set up the fund, and approved the use of funding previously dedicated to VVREO to conduct research on comparative costs between Verde Valley Communities to start and conduct business enterprises.

YCL – A report from the Yavapai College Liaison. Councilmember Regner reported that the Foundation held the Academic Viticulture Winery meeting to discuss funding for the construction of a complete winery and expansion of the acreage of grapes on the Clarkdale campus.

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.

A. **Approval of Minutes of the Common Council** - Approval of the minutes of the Special Meeting and Regular Meeting held December 14, 2010.

B. **Claims** - List of specific expenditures made by the Town during the previous month. December check log and PPE dated 12/4/2010 and 12/18/2010.

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 Notice of Cancelled Meeting for December 22, 2010
Design Review Board Notice of Cancelled Meeting for December 8, 2010 and minutes of the meeting held December 16, 2010.
Planning Commission minutes of the meeting held December 21, 2010

D. **Reports** - Approval of written Reports from Town Departments and Other Agencies
Building Permit Report – November, 2010
Capital Improvements Report – November, 2010
Magistrate Court Report – November, 2010
Police Department Report – November, 2010
Water and Wastewater Report – November, 2010
Clarkdale Fire District Report and Mutual Aid Responses Report – November, 2010
Cottonwood Area Transit (CAT) Operations Report – November, 2010

E. **Acceptance of Bid, Approval of Contract, and the Issuance of the "Notice To Proceed" for the Centerville Road Reconstruction and Chip Seal Project** - Approval by the Town Council to accept the bid from Headwater Construction of Chino Valley and approve the contract for the Reconstruction and Chip Seal of Centerville Road Project and direction to the Public Works Department to issue a Notice to Proceed to Headwater Construction.

Councilmember Williams moved to accept the Consent Agenda items A-E as prepared by staff. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

WASTEWATER TREATMENT PLANT (WWTP) OPTIONS PRESENTATION WORKSESSION – A worksession to discuss wastewater treatment plant upgrades and treatment options for the Town of Clarkdale.

Fred Goldman Ph., P.E., consulting engineer for PTM Group gave a presentation regarding wastewater treatment plant upgrade options with a comparison between a new site west of the reuse area along Miller Road in the Town's industrial zone and the current site.

The current site is served by a lagoon system located near the Verde River that consists of two lagoons. The plant produces Class B effluent and does not remove nitrogen. The Town pumps effluent from the plant 1.9 miles away to a 41 acre reuse site located in the industrial area north of downtown. The site is equipped with an 88,000 gallon steel storage tank and two 40 hp booster pumps. 35 acres are equipped with sprinklers and planted with trees.

The new plant will be permitted for a 350,000 gpd capacity which requires a modification to the APP approved capacity. The plant is called a mLE process – modified Ludzak – Ettinger. It provides biological stabilization of the wastewater and biological removal of nitrogen without using any external chemicals. The site is currently owned by Clarkdale Minerals which the town would need to purchase. The total estimated cost would be $6,135,000 with does not cover electrical extension or purchase of the land.

Cost estimates for the existing site are $3,965,000.

There is a Desert Oasis Wastewater Treatment Plant in Surprise that was designed and permitted in 2003 and built in 2004 to provide wastewater management until a regional plant was built. The capacity of the plant is 350,000 gpd and it is designed to produce an A+ effluent.

A meeting was held at ADEQ to discuss constructing the new mechanical plant at the existing plant site where ADEQ embraced the concept including the phasing plan.

Recommendations:

1. Locate the new plant at the existing plant site to save a large amount of money and will allow gravity flow of raw sewage to the treatment plant. The industrial site is more expensive and requires pumping all the raw wastewater from a new pump station.
2. Proceed with detailed design and permitting of the new plant at the existing plant siet for a capacity of 350,000 gpd.
3. Obtain a AZPDES Permit for a discharge into Bitter Creek to add flexibility to effluent management.
4. Select and contract with a contractor to build the project early in the process to get input to the engineer during design. The report recommends using Felix Construction Company since they built the original Desert Oasis Plant and will be decommissioning the plant under a separate contract.
5. Construct the new plant.
6. Finalize permits and commission the 350,000 gpd plant which produces A+ effluent.

Councilmember Regner asked if the new site would still use some old site technology. Mr. Goldman stated that the old plant would need to be a clean closure and when ADEQ issues a clean closure, then site is available for various uses.

Utilities Director Debrosky stated that the new site requires two power lines at approximately $250,000 for each which are included in estimate.

Mayor opened to public:

Jerry Wiley, Clarkdale – asked when constructing a scrapped plant, what is normal life? Mr. Goldman stated that the Town of Superior has been using this type of plant since 1975 and there is no normal life of plant, as long as it is taken care of, it can last a long time. Cost estimate allows for some renovation costs. Bearings replaced, seams re-welded on site and reblasted. Wondered why when Clarkdale was looking at a plant at the industrial site in the past and was answered that ADEQ said a larger plant would have odors. With a 350,000 gpd system at current location and adding more, when did ADEQ change its mind? Mr. Goldman stated that the permitting people did not have any reservations in increasing the capacity and liked the aerated plant. Mr. Wiley wondered if ADEQ had given in writing that one million gpd will be permitted in the future and said to keep in mind that you need a firm answer from ADEQ.

Mayor closed public comment.

Utilities Director Debrosky stated that this was more of a closed system which would eliminate many odors.

Town Manager Mabery stated that the Highlands put forward 1.8 million dollars towards the treatment plant and we have possible Mountain Gate project funds (if liquidated) and WIFA loans for the remaining share not being funded by outside sources of about 2 million dollars (without Mountain Gate) which would be repaid by user fees. That usually runs about $5.00 per customer per one million dollars.

Councilmember Bohall wondered what the timeframe was and Mr. Goldman said it would take about 2 years to start operations.

Councilmember Regner asked that if we can't take advantage of the existing plant, how much would new plant cost and Mr. Goldman explained that it is usual to be $15 per gallon per day treated with a new plant.

The additional gallons per day would help the Highlands be able to develop and would be at about capacity with first phase of sewer plant with Highlands.

Town Manager Mabery stated that raising fees to $38 from $28, users will get a plant in compliance with current standards. Currently, the plant has many problems that will need to be fixed regardless of any new homes.

Councilmember Regner commented that Clarkdale has talked about having some place to develop on the river for recreation and that is worth a lot and that Clarkdale needs a place to interface with the river.

This will come back to council in February.

WORKSESSION REGARDING VOTING ABSTENTIONS - Discussion and direction regarding a change to Town Code and/or the Public Service Handbook prohibiting abstaining from voting except when there are defined conflicts.

Mayor Von Gausig requested that a change to Town code specifying that abstentions from voting were not allowed except in cases when the Councilor or Mayor had declared a conflict of interest be put on an agenda for discussion. When looking for clarification regarding voting abstentions and the effect of an abstention during a vote, it was found that there were conflicting answers between the Town of Clarkdale Public Service Handbook, the advice given from the Town Attorney, and lack of a Town Code provision. The Town of Clarkdale Public Service Handbook states that an abstention is a non vote, while the Town Attorney advises that an abstention defers to the majority vote.

Any language/direction on this issue will also be applied to Boards and Commissions.

Mayor Von Gausig explained that there can be problems where nothing can get done when having abstentions. For example, two people voting for and two people voting against and one abstains, nothing can get done and the abstaining member controls the vote, or kills the matter.

Mayor Von Gausig would like to put something in our policy establishing that an abstaining vote is a positive or negative vote, at least we know what to follow. The most common thing for Towns to do is state that an abstention acts as an affirmative vote, which would be the same as voting yes.

Councilmember Williams would like the policy to stay the same as the Handbook which states that an abstention is a non-vote and does not count either for or against the question.

Mayor Von Gausig stated that an abstention should only be used for a Conflict of Interest, which is recused and not counted either way.

Abstaining is a disservice, and it is a good to make a policy before acting instead of reacting.

Abstentions counting as a negative vote, kills a vote.

It was the consensus of the Council to instruct staff to draft language stating that abstentions count as an affirmative vote.

YAVAPAI COUNTY/TOWN OF CLARKDALE MITIGATION PLAN UPDATE – An update to Council regarding the Town of Clarkdale 2006 Mitigation Plan update process with Yavapai County.

Town Clerk/Finance Director Bainbridge, representative for the Mitigation Plan Working Group explained the the group, made up of Public Works Director Burroughs, Utilities Director Debrosky, Building Inspector Grasso, and Sergeant Smith had been attending the Mitigation Plan Update meetings.

Mitigation Plans form the foundation for a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. The planning process is as important as the plan itself as it creates a framework for risk-based decision making to reduce damages to lives, property, and the economy from future disasters.

The mitigation plans each jurisdiction completed in 2006 are required to be updated this coming year (2011). Originally, the planning resulted in single plans per each participating (incorporated) jurisdiction. Beginning this year, planning will be done according to the multi-jurisdictional model. The process will result in **one** plan that includes the county and the participating incorporated jurisdictions within the county boundaries. Jurisdictions are required to be represented and participate throughout the update process, otherwise they will not be included in the plan or be eligible for hazard mitigation grant funds.

❖ Public Involvement Strategy minimum requirements are that the public must have an opportunity to comment on the plan at least once during development and once after the draft is completed prior to final adoption. Yavapai County submitted a public notice to a newspaper with a county-wide circulation. The Town of Clarkdale included a public notice in the Small Talk utility bill inserts along with their website, and we are also having this discussion at our council meeting. Once the draft plan is ready, a second round of newspaper announcements will be used and the website notice will be updated with specific instructions for obtaining a draft of the plan. All jurisdictions were to extend participation invitations to their local community's businesses, academia, non-profits, and others as the community saw fit. The Town of Clarkdale extended invitations to the Chamber of Commerce, Yavapai College, Fire District, Phoenix Cement, Clarkdale – Jerome School District, and Verde Canyon Railroad.

❖ Risk Assessment determines "what" can occur, "when" (how often) it is likely to occur, and "how bad" the effects could be. The planning team reviewed the hazard lists and historic records and discussed which hazards could be eliminated and which should be evaluated further. The resulting list of hazards to be carried forward to profiling and a vulnerability analysis are:

- Flooding / Flash Flooding
- Severe Wind
- Wildfire
- Winter Storm
- Landslide/Mudslide

❖ Calculated Priority Risk Index (CPRI) shows the probability, magnitude/severity, warning time, and duration of the hazards.

❖ Vulnerability Analysis creates an Asset Inventory which defines critical facilities and infrastructure as those systems or assets within a community whose incapacity or destruction would have a debilitating impact on the defense or economic security of the community and significantly hinders a community's ability to recover following a disaster.

- Community Descriptions were reviewed and updated as appropriate and desired.

- Capability Assessment identifies legal and regulatory capabilities, administrative and technical resources, community fiscal capabilities, and summarizes past mitigation activities and projects.

- Plan Maintenance Documentation is a new aspect of the Mitigation Plan with FEMA requiring annual plan maintenance documentation.

- Public Involvement - Each jurisdiction was instructed to identify ways in which past public involvement opportunities were provided relative to the 2006 Plan cycle and to formulate a list of anticipated public involvement events or actions for the next 5 years.

When the update is approvable by FEMA, each participating jurisdiction must officially adopt the plan, in order to receive their jurisdiction's approval.

All plan costs are being paid by a grant, except for participant time and transportation.

There are additional grant opportunities for mitigation the Town could apply for as long as we have a mitigation plan in place.

FINANCIAL OPERATION GUIDE AMENDMENT- Discussion and consideration regarding an amendment to Section II – Payroll of the Financial Operations Guide for the Town of Clarkdale to include an On Call Policy.

Utilities Director Debrosky stated that July, 2010, marked one year since the Town took over the water system operations from Cottonwood. During our time handling these operations we've had the opportunity to examine, evaluate, and make changes suiting the Town if needed, on an on-going basis. Furthermore, we have built an excellent team of operators who work very well together, maintaining a positive attitude while providing rapid response around the clock, ensuring the customers of Clarkdale safe, quality drinking water. This evolution in operations and management now invites us to examine the responsibility of providing additional compensation for On Call operators who provide 24/7 readiness to the Town's residents.

Under the Fair Labor Standards Act (FLSA) workers should be paid while On Call, however a concrete definition of On Call time is not provided by FLSA. Whether time spent On Call is compensable is a question of fact decided in the context of each case considered by FLSA. Generally said, if an employer restricts the freedom of an employee during non-work hours, an On Call situation could exist. Given that On Call situations also allow for personal time, the resulting acceptable practice is a distinctive, compensable standard that is tracked, accumulated and paid separate from regular work week compensation. While our proposed standards do impose restrictions, they are in line with other successful, reasonable and accepted On Call practices.

Staff recently gathered On Call policy information from 8 Yavapai County municipalities for comparison purposes. In all cases, employees receive additional compensation while On Call. The policy before you proposes a conservative compensation rate of $1 per hour for non-working hours while On Call, and a 2 hour minimum of regular pay for any call out requiring

mobilization (as opposed to answering a question over the phone without having to physically respond to a site).

Under the proposed policy, during the regular work week an employee who works a 9 hour work day would receive additional compensation of $15 per day while On Call. On non-work days an employee On Call would receive additional compensation of $24 per day, minus any actual worked hours. The total additional compensation per week for one On Call operator with no call outs would be $132.

Guidelines for On Call:

- Employee must be easily reachable by telephone or other acceptable and previously agreed upon means of communication (pager, etc.);
- Employee must be able to effectively respond by phone to all customer service and/or emergency calls within ten (10) minutes and capable of reaching any emergency site within thirty (30) minutes;
- Employee must not consume substances (including but not limited to alcohol and drugs), which may impair the ability to promptly, effectively and safely carry out duties;
- If a call out event lasts until the beginning of a scheduled workday, the call out time will cease and the regular workday will begin.
- Employee may otherwise use On Call time as their own.

Councilmember Regner moved to approve the amendment to Section II – Payroll of the Financial Operations Guide for the Town of Clarkdale to include an On Call Policy. Motion seconded by Councilmember Bohall. Motion approved unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda
Councilmember Williams would like a worksession regarding restroom vandalism in the parks.

ADJOURNMENT - Without any further business, the Council adjourned at 8:30 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

Kathy Bainbridge, Town Clerk