

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, March 8, 2011**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, March 8, 2011, at 5:30 P.M. in the Reading Room of the Clark Memorial Clubhouse, 19 N Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Town Clerk Kathy Bainbridge
Community Development Director Sherry Bailey

Town Attorney, Jeff Murray

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

EXECUTIVE SESSION - The Council may vote to discuss the following matters in executive session pursuant to §38-431.03(A)(3) discussion or consultation for legal advice with the attorney representing the public body; A.R.S. §38-431.03(A)(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 in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. The executive session will be held immediately after the vote and will not be open to the public.

**A) GUSTAVO A. AND VICTORIA L. VARGAS vs. TOWN OF CLARKDALE
- MINGUS SHADOW – TRACT “O” SUIT.**

Without opposition, the Council recessed to Executive Session at 5:31 P.M pursuant to A.R.S. §38-431.03 (A)(3) & (4).

Without opposition, the Council adjourned the Executive Session at 5:50 P.M. and reconvened into open session.

SETTLEMENT AGREEMENT – Consideration of a Settlement Agreement between the Town of Clarkdale and Gustavo A. Vargas and Victoria L. Vargas to resolve Vargas' claims in the matter of Vargas vs. Clarkdale, Yavapai County Superior Court No. CV82008-0202.

The legal issues surrounding this case have never been about the merits of the development plan for Tract O. In fact, the Town Council has never had the opportunity to consider the merits of the re-plat of the subdivision as it relates to Tract O.

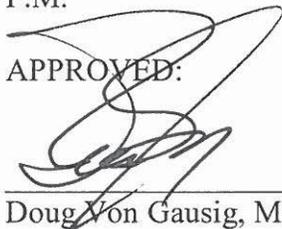
The Town's original approach that provided a mechanism to hear the merits of the case were not acceptable to both parties, resulting in the suit that is the subject of our agenda item today.

This Settlement Agreement clears the path for a new approach. Importantly, through the approval of the Settlement Agreement, both parties are in agreement with the new approach and the result will be the dismissal with prejudice of *Vargas v. Clarkdale*."

Councilmember Williams moved to approve the Settlement Agreement between the Town of Clarkdale and Gustavo A. Vargas and Victoria L. Vargas to resolve Vargas' claims in the matter of Vargas vs. Clarkdale, Yavapai County Superior Court No. CV82008-0202. Motion seconded by Councilmember Bohall. Motion approved unanimously.

ADJOURNMENT - Without opposition, the Council adjourned the Special Session at 5:55 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



Kathy Bainbridge, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Clarkdale, Arizona held on the 8th day of March, 2011. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13 day of April, 2011

SEAL



Kathy Bainbridge, Town Clerk