

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, June 28, 2011 at 3:00 P.M. at Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

**CALL TO ORDER - Meeting was called to order at 3:00 PM by Mayor Von Gausig.**

Town Council:

Mayor Doug Von Gausig	Councilmember Patricia Williams – Not in attendance
Vice Mayor Richard Dehnert	Councilmember Curtiss Bohall
	Councilmember Bill Regner

Town Staff:

Community Development Director Sherry Bailey  
Police Chief Pat Haynie  
Public Safety Officer John Wintersteen  
Utilities Director Wayne Debrosky  
CSP Manager Jodie Filardo  
Human Resources/Community Services Director/Acting Town Manager Janet Perry  
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**

**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. **Reports** - Approval of written Reports from Town Departments and Other Agencies
  - Building Permit Report – May, 2011
  - Capital Improvements Report – June 1, 2011
  - Magistrate Court Report – May, 2011
  - Police Department Report – May, 2011
  - Water and Wastewater Report – May, 2011
  - Cottonwood Area Transit (CAT) Operations Report – May, 2011
  
- B. **Special Event Liquor License** - Approval of a recommendation to the State Department of Liquor License and Control to approve a Special Event Liquor License for the Clarkdale Historical Society and Museum fundraising event to be held on Thursday, September 15, 2011 from 1:00 – 9:00 p.m. at 900 1<sup>st</sup> North Street, Clarkdale, AZ.

**Councilmember Regner moved to accept the Consent Agenda items A and B as presented. Motion seconded by Councilmember Bohall. Motion and second withdrawn by Councilmembers Regner and Bohall.**

**Vice Mayor Dehnert pulled Item A – Reports from the Consent Agenda.**

**Councilmember Regner moved to accept the Consent Agenda item B as presented. Motion seconded by Councilmember Bohall. Motion carried unanimously.**

**Councilmember Bohall moved to accept the Consent Agenda item A as presented. Motion seconded by Councilmember Regner. Motion carried unanimously.**

### **OLD BUSINESS:**

**ESTOPPEL CERTIFICATE BETWEEN IMV 5 MTN GATE AZ, LLC AND THE TOWN OF CLARKDALE - Discussion and consideration of an Estoppel Certificate with IMV5 in order to resolve the holding pattern Mountain Gate is presently subject to and allow the sale of the property for the completion of this subdivision.**

The Town Attorney and Town staff have been working with Josh Voit of IMV 5 Mtn Gate AZ, LLC a limited liability company out of Delaware which is the successor to the beneficial interest held originally by IndyMac Bank in the form of a Construction Trust Deed for Empire Residential Construction. IMV 5 was appointed to oversee 100 different construction projects held by IndyMac Bank when it declared bankruptcy. They have been working with the Town to foreclose on the Mountain Gate property. In concluding the foreclosure IMV 5 has a buyer, B & C Land Company out of Ventura, CA who has been negotiating to purchase Mountain Gate. They have asked the Town for a forbearance period in order to accomplish the sale. This Estoppel Certificate is an agreement that the Town recognizes the intent of IMV 5 to market the property and we are willing to give them the forbearance period in which to accomplish that sale. By agreeing to this time period we agree not to enforce the provisions of the Development Agreement on IMV 5. The period is for two years with a year extension if the property is sold to a third party. In item G.5 of the agreement the date specific for the forbearance termination date is July 1, 2013, with a third party purchase forbearance date of July 1, 2014. The Development Agreement end date is July 1, 2016. There should be ample time to negotiate revisions to the Development Agreement and specify a new agreement end date.

Per direction of the Town Council, the attorney has sent OneWest Bank IMV 5 a billing for \$3,921.45. They have indicated that they have no problem paying for the attorney's time spent on the negotiation and development of this agreement.

**Councilmember Bohall moved to approve the Estoppel Certificate between IMV 5 Mountain Gate and the Town of Clarkdale as presented. Motion seconded by Councilmember Regner. Motion approved unanimously.**

### **NEW BUSINESS**

**FY 2011-12 PRELIMINARY BUDGET – Discussion and consideration of adoption of a Preliminary Budget for Fiscal Year 2011-2012.**

A PowerPoint presentation will review the total expenditures and revenues for each fund. The preliminary budget must be fully itemized in conformance with forms supplied by the Arizona

Auditor General's Office and entered as a public record in the council meeting minutes when it is adopted.

As part of the required State budget adoption process, the Town will publish the preliminary budget in the local newspaper and have the budget available for public viewing before the final budget hearing and approval on July 26<sup>th</sup>. Though not required by the State, we will also have the preliminary budget posted on our website. After the preliminary budget is approved, adjustments may still be made prior to when the Final Budget is adopted, but only if those adjustments reduce revenues and/or expenditures. In light of that, the adoption of the Preliminary Budget sets the expenditure limitation for the Town of Clarkdale for FY 2011-12.

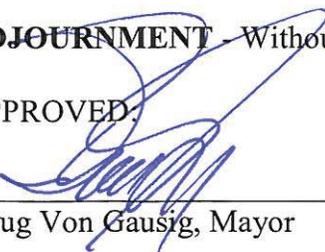
General Fund Total Expenses	\$2,759,404.35
HURF Fund Total Expenses	\$724,378.00
Wastewater Operation & Maintenance Expenses	\$328,700.00
Sludge Removal Expenses	\$30,333.63
WW Line Replacement Expenses	\$393,008.92
WW Development Project Expenses	\$552,401.61
WW Plant & Equipment Improvement Expenses	\$1,861,200.00
WW Lift Station Replacement Expenses	\$52,347.91
Water Operation & Maintenance Expenses	\$1,380,200.00
Water Capital Improvement Total Expenses	\$1,435,809.76
Sanitation Fund Expenses	\$275,500.00
Sanitation Capital Fund Expenses	\$137,145.82
Cemetery Fund Expenses	\$40,140.00
Perpetual Care Fund Expenses	\$195,643.54
Capital Projects Fund Expenses	\$639,510.00
Development Reimbursement Fund Total Expenditures	\$2,178,530.00
Court Enhancement Fund Expenses	\$2,645.00
Grant Fund Expenses	\$16,654,775.64
Impact Fee Fund Expenses	\$977,390.18
Donation Fund Expenses	\$328,313.55
Fund Transfers included in expenses	-519,409

**Vice Mayor Dehnert moved to adopt the Preliminary Budget for Fiscal Year 2011-2012 of \$30,427,968 as presented. Motion seconded by Councilmember Bohall. Motion approved unanimously.**

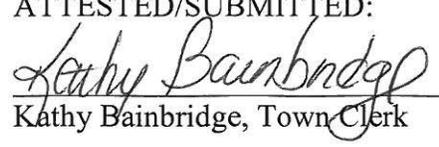
**FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda

**ADJOURNMENT** - Without any further business, the Council adjourned at 3:42 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 regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 28<sup>th</sup> day of June, 2011. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13 day of July, 2011

SEAL

Kathy Bainbridge  
Kathy Bainbridge, Town Clerk