

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 16, 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 Vice Mayor Dehnert in absence of Mayor who will be arriving late.

Town Council:

Mayor Doug Von Gausig

Vice Mayor Richard Dehnert

Councilmember Patricia Williams – Not in attendance

Councilmember Curtiss Bohall

Councilmember Bill Regner

Town Staff:

Community Development Director Sherry Bailey

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

Administrative Assistant Mary Ellen Dunn

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. Intergovernmental Agreement between the State of Arizona, Department of Transportation and the Town of Clarkdale regarding the Broadway Road and Main Street Project**– Approval of an IGA with ADOT regarding the design, bidding, and construction for the Broadway/Main Street project.
- B. An Ordinance of the Town of Clarkdale, Arizona, amending Chapter 2 – Mayor and Council, Section 5 – Ordinances, Resolutions, and Contracts in the Code of the Town of Clarkdale to add Section 2-5-9 Scrivener's Errors, repealing conflicting ordinances and providing for severability** – Approval of Ordinance #337, an Ordinance granting authority to correct scrivener's errors.
- C. A Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled "An Ordinance of the Town of Clarkdale, Arizona, deleting Chapter 17 – Boards and Commissions of the Clarkdale Town Code in its entirety and recreating Chapter 17 – Boards, Committees and Commissions of the Clarkdale Town Code; providing for**

repeal of conflicting ordinances and providing for severability” – Approval of Resolution #1368, declaring as a public record that certain document filed with the Town Clerk relating the recreation of Chapter 17 – Boards, Committees and Commissions in the Clarkdale Town Code by reference.

- D. An Ordinance of the Town of Clarkdale, Arizona, deleting Chapter 17 – Boards and Commissions of the Clarkdale Town Code in its entirety and recreating Chapter 17 – Boards, Committees and Commissions of the Clarkdale Town Code; providing for repeal of conflicting ordinances and providing for severability.** - Approval of Ordinance #338, recreating Chapter 17 – Boards, Committees and Commissions in the Clarkdale Town Code.
- E. Designated Funds** – Approval of designated funds for FY2011-2012.
- F. Academic Winery at Yavapai College – Letter of Commitment** – Approval of a Letter of Commitment for the Southwest Wine Center to be developed at the Verde Campus of Yavapai College.
- G. Department of Energy Sunshot Initiative – Letter of Commitment** - Approval of a Letter of Commitment for participation in the Arizona application for the Department of Energy Sunshot Initiative.

Councilmember Regner moved to accept the Consent Agenda items (Items A-G) as presented. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

Without objection, Council agreed to change order of agenda items. Mayor Von Gausig arrived and requested Vice Mayor Dehnert continue with agenda item already in progress until completed.

RESOLUTION OF THE TOWN OF CLARKDALE OF YAVAPAI COUNTY, ARIZONA TO AUTHORIZE THE APPLICATION FOR A CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN, FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (WIFA) – Discussion and consideration of Resolution #1367, a resolution authorizing the application from the Clean Water State Revolving Loan Fund for a new wastewater treatment plant.

This Resolution updates the November 13, 2007 Resolution # 1250 and the August 27, 2007 Town Council Resolution # 1239 in which the Town Council authorized the Town to apply for WIFA funding. Resolution # 1239 was submitted with the original funding application and Resolution # 1250 was approved in response to WIFA requesting a new resolution containing additional information concerning population which would conform with Arizona Revised Statutes.

Since the current debt authorization was authorized in 2007 by a previous Town Council, WIFA requested that the current Town Council update the debt authorization by resolution.

WIFA is an independent agency of the State of Arizona and is authorized to finance the construction, rehabilitation, and/or improvement of drinking water, wastewater, wastewater reclamation, and other water quality facilities/projects. Generally, WIFA offers borrowers below market interest on loans for one hundred percent of eligible project costs.

The amount to be financed from WIFA would be \$5,500,000.00 which will represent a rate increase of approximately \$25.00 over a five (5) year period to cover the additional debt.

Utilities Director Debrosky presented the historical background and problems regarding the current Wastewater Treatment Plant. The Town is in a unique situation of having no written notices of violations; however this is due in part to the Town having no viable options for corrections. Arizona Department of Environmental Quality (ADEQ) has been working with the Town since 1990 on the expectation that the Town would build a new plant. If ADEQ does begin to issue violations, enforcement will be in the form of violation notices, deadlines, and large monetary penalties.

Town Manager Mabery noted that there is a public safety issue that is shared by all the Town's consumers. She further advised that the current request for approval of the \$5.5 million allocation is a large reduction from the original bid by Stantec in 2007 of \$13 million.

Council was provided comparisons of base rates in other nearby communities which are considerably higher than Clarkdale's current base rate of \$28 per user. It was further noted that the facilities in use in these other communities do not provide an A+ effluent rating as is being proposed here.

Councilmember Regner moved to approve the Resolution #1367 A Resolution to Authorize the Application for a Clean Water State Revolving Fund (CWSRF) Loan, From the Water Infrastructure Finance Authority of Arizona (WIFA) in the amount of \$5,500,000.00 for Assistance in funding the new Wastewater Treatment Plant Project. Motion seconded by Mayor Von Gausig. Motion approved unanimously.

THIRTY (30) DAY EXTENSION FOR PROFESSIONAL SERVICES TO CONTINUE DESIGN ON THE WASTEWATER TREATMENT PLANT BETWEEN SOUTHWEST ENVIRONMENTAL CONSULTANTS, INC. AND THE TOWN OF CLARKDALE FOR THE AMOUNT OF \$40,000 – Discussion and consideration of authorizing Southwest Environmental Consultants, Inc. to continue design on the wastewater treatment plant (WWTP) project for a period of thirty (30) days.

The Town desires to have Southwest Environmental Consultants, Inc. to continue design on a new wastewater treatment plant to treat municipal sewer flows for the Town of Clarkdale.

The first thirty percent (30%) of the design was paid for out of funding provided by PTM and allowed the Town to receive preliminary cost estimates for the design and construction of the new wastewater treatment plant. These cost estimates will be used to apply to the Water Infrastructure Finance Authority of Arizona (WIFA) for additional funding to complete the design and construct the new wastewater treatment plant. The thirty (30) day extension for professional services will also be paid out of monies provided by PTM.

In order to maintain the proposed design and construction schedule, purchase the necessary treatment equipment, and start the regulatory review process of the new wastewater treatment plant design and outline the clean closure requirements for the existing WWTP site the Town needs Southwest Environmental Consultants, Inc. to continue the new wastewater treatment plant design and permitting process.

The Mayor opened this discussion to the public.

Fred Goldman, Ph., P.E., consulting engineer for PTM Group discussed the extra time required for the acquisition of two permits prior to being able to break ground on the new plant: one permit to re-rig the Wastewater Treatment Plant that will replace our current one, and one to address a closure plan for our current WWTP. Mr. Goldman advised that he hoped that the approval for these permits would happen within 6 months but it would depend on ADEQ's schedule.

The Mayor closed public discussion.

Councilmember Regner moved to approve a thirty day extension for professional services to continue design on the Wastewater Treatment Plant between Southwest Environmental Consultants, Inc. and the Town of Clarkdale for the amount of \$40,000. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

CONGRESSIONAL, LEGISLATIVE AND YAVAPAI COUNTY REDISTRICTING ISSUES AND SCENARIOS IMPACTING THE TOWN OF CLARKDALE, AZ - Discussion and possible action relating to the Congressional, Legislative and Yavapai County Redistricting Issues and Scenarios Impacting the Town of Clarkdale, AZ.

There are several formal redistricting processes currently underway that will result in changes to the boundary lines of political districts in Arizona and Yavapai County. Arizona's Independent Redistricting Commission is charged with the task of administering the fair and balanced redistricting of the Congressional and Legislative districts for the State of Arizona. The Yavapai County Board of Supervisors is responsible for selecting the new districts for Yavapai County, which will move from 3 districts to 5 districts as a result of the increased population in the County as documented by the 2010 Census.

After conducting a public input process earlier this year, staff from Yavapai County developed 4 alternatives (Maps A, B, C and D) for the Board of Supervisors to consider as part of the redistricting process. The Clarkdale Town Council has previously discussed their position on the redistricting of Yavapai County into 5 supervisor districts, and formally supported Map C at their July 26th Council meeting. The Yavapai County Board of Supervisors will meet on Monday, August 22nd to select a map for the redistricting. They will consider the 4 alternatives developed by County staff, and may also consider other alternatives. In fact, there is at least one modified version of Map A ("Alternative Map A") that has recently been developed that impacts the boundaries in the Verde Valley. That new alternative removes Cornville and both sides of Highway 260 in the Verde Village area from the district that formerly included Cottonwood.

As a result of the decennial U.S. Census held in 2010, there is also a need to redraw Arizona's legislative and congressional district lines. Arizona has an Independent Redistricting Commission with a mission to administer the fair and balanced redistricting of the Congressional and Legislative districts for the State of Arizona. The lines are to be redrawn so that districts are of very nearly equal population as required by the Arizona and United States Constitutions.

Like all states, Arizona must comply with constitutional equal population requirements, and state law further asks that districts have equal population to the extent practicable. Arizona must also, like all states, abide by section 2 of the Voting Rights Act. Arizona is further considered a "covered state" under section 5 of the Voting Rights Act, with the obligation to submit redistricting plans to the Department of Justice or to the U.S. District Court for the District of Columbia, to ensure that the plans do not discriminate against minority communities.

The Arizona constitution requires that the district map begin with a "grid-like pattern." Districts are then adjusted to be contiguous, geographically compact, and respect communities of interest -- all to the extent practicable. The state constitution also provides that, to the extent practicable, district lines should use visible geographic features, city, town, and county boundaries, and undivided census tracts.

Arizona currently has 8 congressional districts, resulting in 8 seats in the U.S. House of Representatives (all States have 2 seats in the U.S. Senate). As a result of the 2010 Census, and Arizona's ranking as the second-fastest-growing state in the nation over the past decade, Arizona will pick up one additional seat in the House of Representatives, resulting in the need to redraw the map to include 9 districts instead of 8.

The Greater Arizona Mayor's Association had a discussion about congressional and State legislative redistricting at their July meeting. Few of the GAMA communities had taken up discussion of this issue with their Councils. After discussion, GAMA decided that redistricting was not an issue that needed to be addressed by them, as the implications of redistricting were more specific to individual cities and towns and to narrower regions than the entirety of GAMA.

The target population for the new State of Arizona Legislative Districts is 213,000 (based on the results of the 2010 Census). Under the Arizona Constitution, we will retain 30 Legislative Districts, but their boundaries will need to be adjusted to reflect new population data. By definition, each Legislative District in Arizona elects one Senator and two members of the Arizona House of Representatives. For reference sake, the population of Yavapai County, according to the 2010 Census, is 211,000, making it a potential candidate as its own Legislative District.

The Council agreed to prioritize the issues concerning redistricting in each of the three (3) areas discussed: Yavapai County, Legislative, and Congressional. The criteria the Independent Redistricting Commissioners must consider are: a) equal population; b) compactness and contiguousness; c) compliance with U.S. Constitution and Voting Rights Act; d) respect for communities of interest; e) incorporation of visible geographic features,

including city, town and county boundaries, as well as undivided census tracts; and f) creation of competitive districts where there is no significant detriment to other goals.

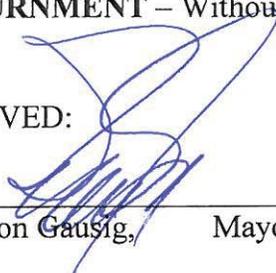
Mayor Von Gausig reported on his meeting with Speaker Tobin, Supervisor Chip Davis, Cottonwood Mayor Diane Joens, and other local officials regarding redistricting. Mayor is requesting the Council's approval to discuss these redistricting issues of importance, i.e., voter rights and competitive districts on behalf of the Town.

Town Manager Mabery presented the Council with visual material showing congressional and legislative grid maps as well as proposed maps for Yavapai County.

Vice Mayor Dehnert moved that Mayor Von Gausig be authorized to represent the community in discussion with other public officials and the redistricting commission in Yavapai County, Legislative, and Congressional redistricting matters as they arise, including the authority to sign letters and approve documents. Mayor noted that the authority would be extended to the Vice Mayor in Mayor's absence. Councilmember Bohall seconded the motion. The motion was approved unanimously.

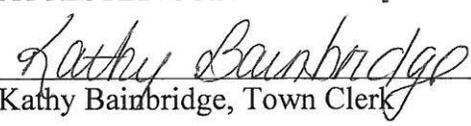
ADJOURNMENT – Without opposition, the Council adjourned the Special Session at 4:58 P.M.

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 16th day of August, 2011. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 14 day of September, 2011

SEAL



Kathy Bainbridge, Town Clerk