

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, January 24, 2012**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 24, 2012 at 3:00 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 3:01 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig

Councilmember Patricia Williams

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Services Director Janet Perry

Community Development/Economic Director Jodie Filardo

Public Safety Director John Wintersteen

Utilities Director Wayne Debrosky

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.

Jerry Wiley, resident, had three comments: 1) he stated he approves of the new recycling/trash system as long as it works and that it appears to him that although it hasn't been approved by Council it is already in operation. He also mentioned a concern that during the summer heat there might be issues with odor; 2) expressed approval of the Mescal Spur and Old Jerome Highway Park; and 3) expressed enthusiasm for the new Waste Water Treatment Plant and is eager for completion.

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 – November and December, 2011
 - Capital Improvements Report – December, 2011
 - Magistrate Court Report – November, 2011
 - Water and Wastewater Report – December, 2011
 - Clarkdale Fire District Report and Mutual Aid Responses Report – December, 2011

- B. **Approval of the Town Manager's Evaluation as Written by the Mayor** - Approval of the review of the Town Manager's Evaluation conducted on December 13, 2011, by Town of Clarkdale Common Council in Executive Session.
- C. **Focused Future II, the economic development project sponsored by Arizona Public Service (APS)** – Discussion and consideration for support of undertaking of the Focused Future II program to establish an economic development project plan.

Councilmember Williams moved to accept Consent Agenda items (Items A – C) as presented. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

1. PRESENTATION OF PUBLIC SAFETY AWARDS

Two incidents, a major apartment fire early on the morning of December 27, 2011, and a motorcycle collision late afternoon January 1, 2012, involved exemplary actions by two Clarkdale police officers and four residents of the apartment complex. The Clarkdale Police Department recently established an awards program for police employees, other Town employees and members of the community so everyone involved in an incident could be recognized in a similar fashion in a single presentation.

Individuals to be recognized:

- **Officer Robert Church, Lifesaving Award**, “for saving/prolonging human life (extended by at least one day”, for making the decision to commence Continuous Chest Compressions on the victim of a motorcycle crash, with the assistance of two unknown bystanders turning the victim onto her back, and performing the CCC. Evidence suggests that the act of turning the victim onto her back relieved positional asphyxia – had she not been turn, the extra minutes before the arrival of emergency medical personnel would have made the case hopeless.
- **Officer Tom Nester:**
 - **Police Star Medal**, for distinguishing himself by “performing in a stressful situation with exceptional” actions, at some risk to his own safety at the apartment fire. In addition to discovering the early morning fire while on patrol and making the first report, he took charge of the fire scene pending arrival of firefighters, specifically issuing orders for others to move away from danger, and gathering the children and adults to establishing accountability of everyone in the apartment complex. He then showed superb initiative by opening the VFW hall so the evacuees would have temporary shelter in a safe and warm location, using the VFW van to transport the evacuees to the VFW and later to a motel and to a store to purchase essentials, and generally taking care of the needs of those involved.
 - **Clarkdale Fire District Above and Beyond the Call Citation**, presented by Fire Chief Joe Moore, for the same actions.

- **Mr. Brad Dangler, Valorous Conduct Award** for situations where the same conduct by a police employee would have resulted in a Medal of Valor. This is the highest award to a non-police employee, and is for “exceptional bravery at the imminent risk of life or serious bodily injury” by demonstrating “exceptional courage by performing a voluntary action in an extremely dangerous situation.” Mr. Dangler, finding it impossible to waken the elderly occupants of the second floor apartment, in his bare feet on rough ground, ran around the building and ascended the stairs there. He broke in the apartment door by crashing into it with his shoulder. He found the elderly woman and her adult grandson on their feet in the kitchen, and the elderly man sitting down, moaning, and making no effort to escape. Mr. Dangler assisted the elderly woman and grandson outside through the heavy smoke. After taking several deep breaths, he re-entered the apartment and assisted the elderly man, who was now standing, to get outside.
- **Mr. Barney McIlvoy, Valorous Conduct Award** for situations where the same conduct by a police employee would have resulted in a Medal of Valor. This is the highest award to a non-police employee, and is for “exceptional bravery at the imminent risk of life or serious bodily injury” by demonstrating “exceptional courage by performing a voluntary action in an extremely dangerous situation.” Mr. McIlvoy, also in his bare feet, attempted to waken the residents of the downstairs apartment, which was already filled with smoke, but was not successful in getting a response. He kicked in the door, injuring his knee in the process, and assisted the four adults and seven children, including a one-month-old infant, outside.
- **Ms. Alison Watkins, Valorous Conduct Award** for situations where the same conduct by a police employee would have resulted in a Medal of Valor. This is the highest award to a non-police employee, and is for “exceptional bravery at the imminent risk of life or serious bodily injury” by demonstrating “exceptional courage by performing a voluntary action in an extremely dangerous situation.” Ms. Watkins, in her bare feet, ran to the part of the apartment complex that was fully involved in flames, and went up the front stairs to waken the residents. Getting no response by pounding on the window of the elderly couple’s bedroom, she broke the window, sustaining a cut. A blast of smoke and heat drove her back from the window, so she went back down the stairs to a garden hose she had seen in the light of the flames. She formulated a plan to use water from the hose to spray the burning second story porch and into the bedroom window so she could break out the rest of the window, awaken the occupants and pull them through the window. Finding that the hose was not connected to a water source, with the help of a neighbor, Ms. Leah McCullough, she connected the sections of the hose to each other and to the hose connection of a neighboring apartment. Again ascending the stairs to the porch, which was fully in flames, she was attempting to suppress the fire on the second floor porch enough to walk across it to spray through the window when Officer Nester arrived and, realizing the futility of this and the extreme danger Ms. Watkins was in, ordered her down from the stairs. She sustained a blister on the sole of one foot from the fire. Ms. Watkins said that had she not been ordered down the stairs by Officer Nester, she was determined to climb through the window into the burning room to rescue the elderly couple.

- **Ms. Leah McCullough, Meritorious Conduct award**, for non-police employees “in situations where the same conduct would have resulted in awarding the ... Police Star ...” Ms. McCullough assisted in various roles, including helping Ms. Watkins connect the sections of the hose to each other and to the faucet. Also in her bare feet on rocky terrain, she exposed herself to burning embers from the flames just above her.

Interim Public Safety Director Wintersteen summarized the reasons and circumstances for the awards and Mayor Von Gausig made the presentations.

LIQUOR LICENSE FOR VERDE CANYON RAILROAD – Discussion and consideration of a recommendation to the Arizona Department of Liquor License and Control for approval of a new Series #10 liquor license application from Verde Canyon Railroad, Agent Robin Brean, 300 N. Broadway, Suite #1, Clarkdale, Arizona.

Robin Lee Brean, Agent for the Verde Canyon Railroad, has applied to the Arizona Department of Liquor Licenses and Control for a Series #10 Liquor License for the property located at 300 N. Broadway, Suite #1, Clarkdale, Arizona.

The Beer and Wine Store Application - Series #10 is a non-transferable, off-sale retail privileges liquor license which allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery.

The Verde Canyon Railroad was posted with the required notification to the public that the Town of Clarkdale Council would review this request in accordance with the Arizona Department of Liquor Licenses and Control requirements on January 3, 2012 which complies with the 20 day notice posting requirement.

The Police Department completed a “due diligence” review of crimes and incidents related to the Verde Canyon Railroad liquor license, focusing on particular alcohol-related incidents. The PD recommends approval without reservation.

Finance Director/Town Clerk Bainbridge advised timeliness and of application and introduced Robin Brean who was available for questions. Ms. Brean described the liquor license application purpose and limitations.

Councilmember Regner moved to recommend to the Arizona Department of Liquor License and Control, approval of a new Series #10 liquor license application from Robin Lee Brean, Agent for the Verde Canyon Railroad, 300 N. Broadway, Suite #1, Clarkdale, Arizona. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, DELETING CHAPTER 10-1-3, DEPOSITS OF INJURIOUS MATERIAL ON THOROUGHFARES /COVERED LOADS, IN ITS ENTIRETY FROM THE CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY – Discussion and consideration of Ordinance #340, an ordinance deleting

Section 10-1-3 to be enforced by State Statutes.

At the February 13, 2007, Town Council meeting, the Council adopted Ordinance #300, an ordinance which created Section 10-1-3 that prohibited material from blowing or falling off trucks and trailers on a public street, and requiring that truck and trailer loads be covered. Signs giving notice that truck/trailer loads must be covered were installed at major entry points into the Town of Clarkdale, citing Ordinance #300.

During the 2007 session, a few weeks after the Clarkdale ordinance took effect, the Arizona Legislature passed, and the Governor subsequently signed into law, Arizona Revised Statute 28-1098 containing similar prohibitions.

Because the state statute is widely known by those in the truck transportation industry, and well tested in courts around the state, police officers have been citing for the ARS 28-1098 violation when warranted, rather than for the Town Code Section 10-1-3

If Town Code Section 10-1-3 is repealed, the signs at the main entrances to the Town of Clarkdale will be removed.

Interim Public Safety Director Wintersteen presented synopsis of history and purpose of ordinance. From police point of view it is better and easier to enforce a state statute that is more recognizable to the trucking industry than a town code. Mayor Von Gausig asked if fine disbursement or collection would be affected. Wintersteen responded that there would be no change to revenue for citations issued within town limits and would still be dealt with in the court system. Vice Mayor Dehnert noted a substantial difference between the state statute and the town code with regard to language in section A. The state statute uses the term 'on highway' but the town code specifies any 'street, alley, sidewalk, public place' with regarding enforcement jurisdiction. Wintersteen stated that streets, roads, and highways are interchangeable. The littering which is enforced in a different section of the code addresses the other areas such as a sidewalk. Councilmember Regner asked if the town code limits anything falling off a load must cause injury. Wintersteen stated that the state code addresses anything that falls even if not injurious and is more encompassing.

Councilmember Bohall moved to approve Ordinance #340, an Ordinance of the Town of Clarkdale, Arizona, deleting Chapter 10-1-3, Deposits of Injurious Material on Thoroughfares/Covered Loads, in its entirety from the Code of the Town of Clarkdale, repealing conflicting ordinances and providing for severability. Councilmember Williams seconded the motion. The motion was approved unanimously.

CLARKDALE WASTEWATER TREATMENT PLANT UPDATE – A presentation by the Utilities Director updating the Town Council on the status of the Wastewater Treatment Plant (WWTP) project.

On June 19, 2011 the engineer for SEC updated the Town Council about the WWTP project, presented the thirty (30%) percent design and feasibility study for the WWTP project, and presented the preliminary cost estimate to the Council. The Town started the process to request funding from WIFA and worked with SEC on the design of the new WWTP along with updating the associated regulatory permitting and cost estimate for the WWTP project. Felix Construction is the prime contractor for this project and is working for the Town under a JOC with Peoria.

The thirty (30%) percent wastewater treatment plant design and feasibility study was approved for payment by Council on August 16, 2011. The funding for this portion of the study and design was provided by PTM Highlands. Also at the Special Council meeting on August 16, 2011 Council approved a 30 day extension with SEC, Inc. to continue the WWTP design and permit application process.

On July 26, 2011 the Town Council approved debt authorization for the new WWTP in the amount of \$5,500,000. The Clean Waters funding application for the WWTP Project was submitted to WIFA on August 18, 2011. WIFA approved the Clean Waters funding application for \$5,500,000.00 at their September 18, 2011 WIFA Board Meeting and the loan closed on November 18, 2011 with an interest rate of 2.912%. The first draw on the WIFA loan was submitted to WIFA on January 5, 2012 in the amount of 286,827.20.

There was a Public Hearing on the sewer rate increase at the October 25, 2011 Council Meeting. Council approved the sewer rate(s) increase at the November 8, 2011 Council Meeting and the rate increase went into effect with the January 2012 Utilities billing.

Felix Construction started the demolition of the Desert Oasis WWTP in December 2011 and on December 28, 2011 the removed tankage was transported to the staging area at the Fisher House. SEC continues to work on the WWTP design and with ADEQ for the permitting process for the new APP for this facility. We should have an updated cost projection for the new electrical service for the WWTP site by the end of January 2012. We changed the design scope to run the new service underground the entire way from the Verde Valley Christian Church site to the WWTP site. The new electric service had been designed to run overhead when crossing Tuzigoot Road.

Note: Worked started on the new PTM sewer force main the week of October 24, 2011 and was completed the second week of December 2011. Construction has started on the two (2) sewer pump stations and is projected to be finished by the end of February 2012.

Utilities Director Debrosky presented information and updates of the process. Councilmember Regner asked if the refurbished equipment has a factory warranty and Debrosky confirmed that it does. Councilmember Williams asked how long the equipment was previously operated and Debrosky informed her that it was six years old.

Currently ADEQ has informed the Town that everything seems to be moving ahead of schedule: Permitting was scheduled to finish in October of 2012 and it is now estimated that it should be done by the end of March or beginning of April, 2012; ADEQ has also given tentative approval to start construction and the Town wants to start in April, 2012 and completion and startup is slated for April or May, 2013. APS extension is scheduled for March to June 2012 and the hope is to start within the next two (2) weeks.

Felix Construction is to provide the Town with a guaranteed maximum price (GMP). There should be three GMPs throughout the life of the project. GMP #1 will cover transportation by Felix, sending equipment back for refurbishing, paying for refurbishing, APS service extension and some additional costs. The first WIFA draw, which was to cover engineering costs, design, and purchasing the existing wastewater treatment plant from Pulte, was requested and received.

The existing lagoon will have to be de-watered. Any council members that would like to go and inspect operations should speak with Wayne for scheduling. Periodic updates will be provided by the Department.

The projected cost of project including engineering, permitting, construction is \$4.2 million. The loan secured from WIFA was \$5.5 million at a 2.912% rate of interest. An update will be brought before the Council at GMP #2 which is the construction phase. GMP #3 will be for closeout and some final construction costs. Felix Construction will provide a slide show of decommissioning that will be available as well as reconstruction.

Vice Mayor Dehnert asked that based on engineer's projection of \$4.2 million, are there any projections on how the reduced costs might affect the re-structure. Debrosky's projection is closer to \$4.5 million. If there is residue of the loan it may mean additional rate increases will not be needed. Dehnert then asked what activities or businesses might be possible on Broadway corridor when the project is completed that are not now possible? Any type of business that would have use of services such as cable, gas, etc. that are available. Town Manager Mabery stated that we are gaining about 100,000 gallons of capacity above and beyond what has been committed to other projects. The business type will be dependent on size and capacity as long as they are able to fund their share of that construction.

This item is scheduled as a presentation only, and no official action is necessary from the Town Council.

FISCAL YEAR 2011-2012 BUDGET UPDATE – A work session to discuss the second quarter of the 2011-2012 FY budget.

This budget update is designed to provide the Town Council with an overview of the current budget position, discuss current budget and revenue projections, and talk about key areas in the Town's short term economic outlook.

Finance Director Bainbridge gave power point presentation reflecting the budget update and status. Budget year is at 50%.

FUND	CURRENT BUDGET	YTD ACTUAL
Streets Fund – Revenue	724,378.00	171,441.17
Streets Fund – Expenses	724,378.00	123,710.96
Wastewater – Revenue	328,700.00	166,113.68
Wastewater – Expenses	328,700.00	141,954.28
Sanitation– Revenue	275,500.00	140,263.21
Sanitation – Expenses	275,500.00	106,092.75
Water Fund – Revenue	1,380,200.00	629,604.62
Water Fund – Expenses	1,380,200.00	532,818.27
Cemetery Fund – Revenue	40,140.00	19,079.21
Cemetery Fund – Expenses	40,140.00	21,345.13
General Fund – Revenue	2,759,404.34	1,262,098.80
General Fund – Expenses	2,759,404.34	1,122,394.71

There was further discussion on current hiring, staffing position changes, and construction projects.

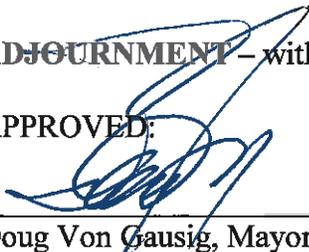
This item is scheduled as a work session only, and no official action is necessary from the council.

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

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

ADJOURNMENT - with no further business, Mayor adjourned the meeting at 4:49 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 24th day of January, 2012. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 16 day of February 2012

SEAL



Kathy Bainbridge, Town Clerk