

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

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 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 2:59 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig

Councilmember Bill Regner

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Reynold Radoccia

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Development/Economic Director Jodie Filardo

Utilities/Public Works Director Wayne Debrosky

Human Resources/Community Services Director Janet Perry

Interim Public Safety Director John Wintersteen

Senior Planner Beth Escobar

Administrative Assistant Mary Ellen Dunn

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

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 – June, 2012
 - Capital Improvements Report – June, 2012
 - Water and Wastewater Report – June 2012
 - Clarkdale Fire District Report and Mutual Aid Responses Report – June, 2012
 - Police Department Report – June, 2012

- B. **Resolution Making Appointments to the Municipal Property Corporation** – Approval of Resolution #1400, amending Resolution #1363 making appointments to the Municipal Property Corporation.
- C. **Salary Range Placement Table Resolution** – Approval of Resolution # 1401, A Resolution of The Mayor and Common Council of the Town of Clarkdale, Arizona, Amending Resolution #1375, Adopting a Range Placement Table for Employee Salary Ranges and Setting Effective Dates.

Councilmember Regner moved to approve Consent Agenda Items A-C as presented. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

NEW BUSINESS

BINGO LICENSE APPLICATION FOR THE VERDE VALLEY MOOSE LODGE 1449 – Discussion and consideration of a recommendation to the Arizona Department of Revenue – Bingo Section for a Bingo License for the Verde Valley Moose Lodge 1449 located at 1051 S. Broadway, Clarkdale, AZ.

We received a “Class B” Bingo License Application from Verde Valley Moose Lodge 1449 located at 1051 S. Broadway, Clarkdale. Their application states that they wish to hold bingo on Tuesdays and Saturdays from 4-6 p.m. except for Thanksgiving and Christmas at the 1051 S. Broadway location and that the proceeds will be used for lodge operations, local charities and building improvements.

Anyone who conducts games of bingo with prizes and charges players to play bingo must obtain a bingo license. Bingo is legal in the State of Arizona for recreational purposes or to allow certain types of nonprofit organizations to generate funds to support their activities. Special laws govern the way bingo is to be conducted. These laws are enforced by the Arizona Department of Revenue Bingo Section.

A new bingo license applicant may apply for either a Class A, Class B, or Class C license.

- The **Class A** license is designed for people who wish to play bingo primarily for recreational purposes and is restricted to gross sales of \$15,600 per year or less, file an annual financial report and pay a tax of 2.5% on the amount of money left after paying bingo prizes.
- The **Class B** license is designed to allow qualified organizations to generate funds to help support their lawful activities. Gross receipts may range up to \$300,000 per year. If a licensee finds that they are going to exceed \$300,000 gross receipts in a year, they must apply for Class C license. The Class B license may be obtained only by qualified non-profit organizations, defined as a homeowner’s association or any bona fide charitable, social, fraternal, religious, veterans or volunteer fire fighters organization, or nonprofit ambulance service which been in existence in Arizona continuously for two years immediately preceding the application for the license. All persons who participate in any manner in conducting games of bingo must be members of that organization. Bingo funds may not be mixed with any other organization’s funds and must be kept in a special bingo checking account. Prize amounts are limited to \$1,000 for a single game and \$3,000 for the entire occasion unless a Special Bonus Game license has been obtained first. Licensing fees

include a one-time fee of \$25 payable to the local governing body and an annual \$50 license fee payable to the Arizona Department of Revenue. Class B licensees file quarterly financial reports and pay 1.5% of their gross receipts as a bingo tax.

- A **Class C** license is required if the annual gross receipts exceed \$300,000; otherwise, all information is the same as for a Class B license except that the annual license fee payable to the Arizona Department of Revenue is \$200.

Conditions of License

1. Bingo games may be played only on the days and times and at the location specified on the license.
2. In order to make any changes to the day or time of play, including the cancellation of a bingo occasion, the licensee must notify the licensing authority prior to the change taking effect.
3. A change of location must be pre-approved by the licensee's local governing body. Once that approval has been obtained, the Bingo Section will review the application for compliance and then issue a license for the new location.
4. Each person designated as a Proceeds Coordinator, Manager or Supervisor must file an affidavit and receive written approval prior to participating in any manner in the conduct of bingo. Assistants are to submit affidavits if they assist in conducting games for Class B or Class C licensees.
5. A person may not act in the capacity of Proceeds Coordinator, Manager or Supervisor for more than one licensee. A person may act as an assistant for multiple licensees as long as the statutory and organizational membership requirements are met for the licensees.
6. Persons choosing to work as an assistant for more than one Class B or Class C licensee shall submit an affidavit for each licensee.
7. Any person who has been convicted of a misdemeanor involving moral turpitude or any felony is prohibited by law from participation in any manner in a bingo operation.
8. Licensees are to notify the Bingo Section of each person who is to be deleted from their bingo license.
9. Bingo may not be conducted with rented equipment.
10. Up to six licensees may conduct bingo at one location as long as the equipment is jointly owned.
11. No more than five occasions may be conducted during a calendar week.
12. No more than twelve hours of bingo shall be conducted in any building or on any premises during any calendar day.

Term of License

1. A bingo license expires one year from the date it is issued and must be renewed each year in order to continue bingo games.
2. If the renewal is filed late, there is a thirty day grace period during which a licensee may file for a renewed license. A late filing penalty equal to the license fee must be submitted along with the regular license fee. If a licensee files for renewal during this late filing grace period, bingo games may not be conducted until the new license is received.
3. If a licensee fails to file a renewal prior to the end of the thirty day grace period, the license expires. If the licensee wants to re-start bingo, the licensee would have to reapply for a new license through its local governing body.

Although there are no specific requirements on exactly what the Town's due diligence is prior to endorsing the application and forwarding on to the State, it was suggested by the State that we handle the Bingo License Application as we would a Liquor License Application. Although Arizona law does not require a background check for individuals listed in the license application, and does not spell out what is included in a background check, the application form includes a question on whether a background check has been performed.

The Police Department followed the following protocol in performing background checks related to this and future Bingo License applications:

1. A search of the entire police records management system data base, which was implemented at the Clarkdale Police Department in 1998, will be made to determine the nature, severity, number, frequency, etc., of all police calls for service to the location, and those that pertain to the crimes, disturbances and alcohol-related incidents listed.
2. A search of the police records management system data base, which covers all Verde Valley municipalities, will be made on each individual listed in the license application.
3. Each individual listed in the license application will be fingerprinted.
4. Each individual listed in the license application will be interviewed by a police officer to elicit information on misdemeanors involving moral turpitude and felonies the individual reports being convicted of, and other similar crimes which the individual may have been involved in or committed.
5. If there is any information indicating that the individual listed in the license application could be or has been involved in activities or situations that warrant further investigation:
 - A. The fingerprint card will be submitted to the Arizona Department of Public Safety Criminal Identification Section, along with a check for the required fee provided by the Bingo License applicant.
 - B. Further investigation to determine of the fitness of the individual will be conducted as applicable.
6. The Police Chief will prepare a report summarizing the results from the steps above, and including a recommendation for approval or disapproval of the Bingo License application, will be made to the Town Council.
7. Because the Town Council must vote on the Bingo License application within 45 days of submission, and results from the fingerprint card checks typically take more than 45 days to be returned from DPS, if additional unfavorable information is received, the information will be provided to the Bingo Section, Arizona Department of Revenue, for consideration whether to disapprove the application, or if already issued, to take action against the Licensee.

Sergeant Troy Smith conducted background investigations on July 13, 2012 for:
Allen Marx, Jr. Past Governor – Serving as Manager & Proceeds Coordinator & Supervisor
Cheri Marz, Jr. Past Graduate – Serving as Supervisor
Arthur Breidenbauch, Administrator – Serving as Manager & Supervisor
Loren Elderedge, Governor

Joseph Bucalo, Treasurer - Serving as Assistant

Upon completion of the background investigations, Sergeant Smith found nothing criminal that would prevent the Town of Clarkdale from moving forward with the licensing process.

The Community Development Department stated that the Moose Lodge is in a R-2 zoning district, which permits single-family and multiple family residential uses. However, the property file reflects a variance was requested for the lodging use in 1974. The bingo parlor would therefore be an extension of the lodging use, and would be permitted, per Section 1-6-E of the Zoning Code, which allows for extension of a legal, non-conforming use, as long as all building and fire codes are met.

Chief Moore has no objection or concerns regarding the request made by the Moose Lodge to have Bingo. They do not have their maximum occupancy limit posted, however they are working with them to establish the occupancy number and to get that posted.

Town Clerk Bainbridge gave overview and update of the Bingo Application status and recommendation. The application is being handled in a similar fashion as a liquor license, however lighting issues, posting notices, and equipment issues have arisen causing staff to change the initial recommendation for approval until these items can be remedied.

Councilmember Regner moved for the approval of a recommendation to the Arizona Department of Revenue – Bingo Section for a Bingo License for the Verde Valley Moose Lodge 1449 located at 1051 S. Broadway St., Clarkdale, AZ following completion of the recommended safety upgrades to lighting, posted notices, and equipment. Vice Mayor Dehnert seconded the motion. Motion was approved unanimously.

DESIGN AND AMENITIES FOR THE CROSSROADS AT MINGUS PARK, TRACT F – Discussion and consideration regarding the proposed design and amenities for the Crossroads at Mingus Park, Tract F and moving the project onward to the Design Review Board for public hearing.

The design for the proposed park at Tract F of the Crossroads at Mingus Subdivision has been an ongoing process. A neighborhood meeting was held on January 5, 2012 where input was garnered from the community regarding what type of amenities should be included in this neighborhood park.

The park designer then met with the Parks and Recreation Commission in a worksession on February 8, 2012 to discuss amenities for this park. The Commission also identified active and passive areas for the park at Tract F.

Subsequent to the Council's adoption of the 'Guidelines for Parks and Open Space Development' on February 14, 2012, and incorporating input from the public and the Parks and Recreation Commission, the park designer revised the draft site plan for the park.

The new site plan includes the following amenities:

- A basketball court
- Two horseshoe pits
- Five par course sites

- Three pet waste cleanup stations
- Three covered picnic areas with barbeque grills. The roofs over the picnic areas are proposed to be metal or tile.
- Ten benches
- One bicycle rack
- One playground area including a swing set and other equipment
- One restroom, similar to those used in the city of Portland that provides privacy and is more secure from vandalism.

An approximately 12,000 square-foot grass area is proposed. Grass will be a mix of Bermuda and rye. As much as possible, the site will be designed to retain rainwater and direct to the grass area and other areas with vegetation to be planted.

The active amenities of the park, the basketball court, etc., are concentrated in the southeast corner of the property, in the area on the site that has been previously disturbed and is farthest away from existing homeowners.

This revised preliminary design was presented to the Parks and Recreation Commission at their June 13, 2012 meeting. The Commission recommended approval of the preliminary design with the following stipulations:

1. Extend the fencing along Old Jerome Hwy. to accommodate balls coming off of the north end of basketball court;
2. Add native shrubs and ground cover to the disturbed areas to be similar to existing densities on site in the undisturbed areas;
3. The final alignment of the trail will be worked out in the field to minimize disturbance to the existing grade and wildlife habitat while still allowing interest and exploration onto the site; and
4. Relocate the bike rack out of the lawn area.

Staff is asking Council to review the revised site plan and provide comments and direction on the proposed amenities. This park will eventually be dedicated to the Town, and the Town will be responsible for all maintenance.

The site plan and design of the park will be scheduled for review by the Design Review Board in a public hearing. Per Section 17-4-1 of the Town Code, the Design Review Board has the power to approve, conditionally approve or deny applications. Per Section 11-7 of the Zoning Code, the decisions of the Design Review Board may be appealed to Council by the applicant or any member of Town Council.

Senior Planner Escobar presented information to the Council with regard to Tract F of this development. The developer, Steve Biasini, adopted some of the guidelines and site plan concepts into the plan and was present for questions and comments. A brief 'walk-through' of the site plan was provided.

Questions about the par courses, trails, parking, and bathroom design were discussed. Determination of whether the restroom would be purchased or built would be a matter of what made the most sense financially.

Town Manager Mabery noted that the parking issue had not been a concern with the neighbors and if future problems occur specific areas could be posted as 'no parking' zones. There are currently no restrictions for on-street parking on Mescal Spur. Mayor Von Gausig stated that his main concern with parking was the safety issue that arises when larger groups of people go to the park.

Mayor Von Gausig questioned if the Town was prepared to maintain the park the way it is designed. Town Manager Mabery responded that the developer and staff have been responsive to all of staff's suggestions. Public Works Department and Parks and Recreation have been involved as well and there have been numerous discussions about building the park in a way that makes the most sense from a maintenance perspective.

Mayor Von Gausig opened the discussion for public comment.

Karen Daniels, resident of Clarkdale and proposed park area, discussed problems she had with the pathways going through areas of the park and her concerns were addressed and discussed.

Mayor closed public comment.

Senior Planner Escobar explained some of the planning that took place to the Council to clarify how the park proposal had gotten to this point. The planning took into consideration all of the comments received and a neighborhood meeting was held. Dawn Norman, Town Staff member, prepared guidelines for parks and open space development which was presented to the Council in January that specifically addressed Tracts F and K. The decision regarding what parts of the park would be active and which would be passive was a contribution of the Parks and Recreation Department and the Town Council.

Mayor Von Gausig asked if all of the parks meetings were public meetings, properly posted, and if the agendas were accurate. Escobar responded affirmatively and noted that, in addition, the neighborhood meeting was posted and published.

Town Manager Mabery advised Council on history of neighborhood concerns, surveys, and public participation in the planning process. There were a number of people who participated in the process and originally disagreed with the plan but since then have had questions answered and are satisfied.

Vice Mayor Dehnert moved to approve moving the project onward to the Design Review Board with the list of amenities and stipulations previously noted from the Parks and Recreation Commission. Councilmember Bohall seconded the motion.

Discussion followed and Councilmember Radoccia recommended that Karen Daniels and neighbors participate in the process of the ensuing design and plan and that there would be another opportunity for public input.

The motion was approved unanimously.

PUBLIC HEARING REGARDING THE FISCAL YEAR 2012-2013 PRIMARY TAX LEVY AND FINAL BUDGET- A hearing to receive public input regarding the Town of Clarkdale’s proposed primary tax levy, property tax collection, and final budget for fiscal year 2012-2013.

In previous years the Town had to notify the property taxpayers of its intention to raise the primary property taxes over the previous year’s level in order to stay in compliance with Section 42-17107, Arizona Revised Statutes.

The 2012-2013 adopted preliminary budget and proposed final budget includes a property tax levy of \$412,391 with a levy rate of \$1.3333. The current year net assessed real and personal property values for the Town of Clarkdale are \$30,930,102, down 17.88% from last year’s value of 37,661,550. Although the actual property tax levy was not raised from last fiscal year, due to the drop in assessed values, the levy rate changed from \$1.0950 to the \$1.3333. The Property Tax Oversight Commission informed the Town of Clarkdale that they would only need to hold a truth in taxation hearing if the Town intended to levy a tax rate greater than \$1.3428.

<i>FISCAL YEAR</i>	<i>TAX RATE</i>	<i>TAXES</i>
2006-2007	1.1281	\$327,383
2007-2008	.7100	\$246,169
2008-2009	.7100	\$288,949
2009-2010	.9121	\$403,892
2010-2011	.9121	\$412,724
2011-2012	1.0950	\$412,395
2012-2013	1.3333	\$412,391

On June 26 2012, Town Council adopted the preliminary budget for the Town of Clarkdale which set the maximum limits the Town could spend for fiscal year 2012-2013. All cities and towns in Arizona are subject to some form of expenditure limitation (the amount they can spend in a fiscal year). The Town of Clarkdale has adopted an alternative expenditure limitation in the form of a pure home rule option. This option states that each year the Council will, after a public hearing, set the coming year’s expenditure limitation (the fiscal year budget).

The final budget of \$27,181,907 on the Summary of Estimated Revenues and Expenditures/Expenses includes the expenditures for the following major funds:

General Fund (Department Budgets & Donations)	\$ 3,496,989
Special Revenue Funds (Streets, Grants, Impact Fee, Developers)	\$12,005,675
Capital Projects	\$ 650,463
Permanent Funds (Cemetery Perpetual Care Funds)	\$ 56,485
Enterprise Funds (Water, Wastewater, Sanitation, Cemetery)	\$10,972,295

Included in the Special Revenue Funds budget is \$9,926,819 for possible grants, \$1,406,030 for possible development reimbursement projects. By budgeting for the additional funds, if funds are received from grant sources or developers, the municipality will be able to expend these funds.

There have been no changes in the Final Budget from the Preliminary Budget which reflects a 10.67% decrease from the 2011-2012 budget.

The public hearing is to allow the public a chance to speak in favor, or against the proposed FY 2013-2013 budget and the Primary Tax Levy. The complete budget has been published in the newspaper and is available at the Town Hall for inspection. The only deadline for adoption of the final budget is triggered by the statutory adoption date of the third Monday in August of the property tax levy. The property tax levy must be adopted at the August 14, 2012 Council meeting.

Mayor opens the discussion for public comment. There is no public comment. Mayor then closes for public comment.

RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, ACKNOWLEDGING THE PROPOSED PRIMARY TAX LEVY OF \$412,391.00 WHICH REFLECTS A TAX RATE OF \$1.3333 FOR PROPERTY TAX COLLECTIONS IN THE 2012-2013 FISCAL YEAR BUDGET FOR THE TOWN OF CLARKDALE – Discussion and consideration of Resolution #1402, a Resolution acknowledging the proposed primary tax levy of \$412,391.00 which reflects a tax rate of \$1.3333 for 2012-2013 property tax collections.

The primary tax rate for fiscal year 2011-2012 was \$1.0950, with a total of \$412,395 collected for the Town. The proposed rate for 2012-2013 is \$1.3333, which calculates to a total collection of \$412,391 in primary property tax. Although the actual property tax levy was not raised from last fiscal year, due to the drop in assessed values, the levy rate changed from \$1.0950 to the \$1.3333.

Truth in Taxation is a legislative practice to inform residents that their property taxes will increase due to either an increase to their property tax values or an increase in the property tax levy. The Property Tax Oversight Commission informed the Town of Clarkdale that they would only need to hold a truth in taxation hearing if the Town intended to levy a tax rate greater than \$1.3428.

This vote by Council will be taken by roll call.

Finance Manager Bainbridge stated that this was the final step in the process of the approval of the proposed primary tax levy.

Vice Mayor Dehnert moved to approve Resolution #1402, a Resolution of the common council of the Town of Clarkdale acknowledging the proposed primary tax levy, of \$412,391.00 which reflects a tax rate of \$1.3333 for property tax collections in the 2012-2013 fiscal year budget for the Town of Clarkdale. Councilmember Regner seconded the motion.

Voting Member	Aye/Nay
Council Member Curtiss Bohall	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Reynold Radoccia	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

RESOLUTION FOR THE ADOPTION OF THE FINAL BUDGET FOR FISCAL YEAR 2012-2013– Discussion and consideration of Resolution # 1403, a Resolution adopting the FY 2012-2013 Budget per A.R.S. § 42-17105 (A) to consider, finally determine and adopt estimates of the proposed expenditures for the purposes stated in the published budget of the Town.

On June 26, 2012, Town Council adopted the preliminary budget for the Town of Clarkdale which set the maximum limits the Town could spend for fiscal year 2012-2013. All cities and towns in Arizona are subject to some form of expenditure limitation (the amount they can spend in a fiscal year). The Town of Clarkdale has adopted an alternative expenditure limitation in the form of a pure home rule option. This option states that each year the Council will, after a public hearing, set the coming year’s expenditure limitation (the fiscal year budget).

The final budget of \$27,181,907 on the Summary of Estimated Revenues and Expenditures/Expenses includes the expenditures for the following major funds:

General Fund (Department Budgets & Donations)	\$ 3,496,989
Special Revenue Funds (Streets, Grants, Impact Fee, Developers)	\$12,005,675
Capital Projects	\$ 650,463
Permanent Funds (Cemetery Perpetual Care Funds)	\$ 56,485
Enterprise Funds (Water, Wastewater, Sanitation, Cemetery)	\$10,972,295

Included in the Special Revenue Funds budget is \$9,926,819 for possible grants, \$1,406,030 for possible development reimbursement projects. By budgeting for the additional funds, if funds are received from grant sources or developers, the municipality will be able to expend these funds.

There have been no changes in the Final Budget from the Preliminary Budget which reflects a 10.67% decrease from the 2011-2012 budget. The state-mandated form has been published in the newspaper twice per statute with the further notice about the public meeting this evening.

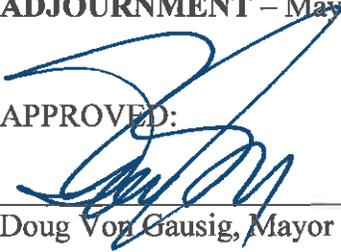
Vice Mayor Dehnert moved to approve Resolution #1403, a Resolution for the Adoption of the Final Budget for Fiscal Year 2013. Councilmember Bohall seconded the motion. The motion was approved unanimously.

Councilmember Bohall announced the VVTPO meeting tomorrow morning from 9 – 10:30 a.m. with the new manager of the Cottonwood Transportation System being introduced and make a presentation. The meeting will be held in one of the upstairs conference rooms near Supervisor Davis’s office at the County building on 6th Street and Mingus.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda. None

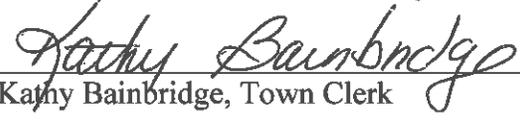
ADJOURNMENT – Mayor Von Gausig adjourns the meeting at 4:09 P.M. without objection.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



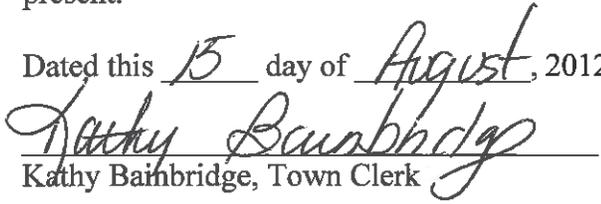
Kathy Bainbridge, Town Clerk

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 July, 2012. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 15 day of August, 2012

SEAL



Kathy Bainbridge, Town Clerk