

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, March 12, 2013**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, March 12, 2013, at 6:00 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 6:00 P.M. by Kathy Bainbridge, Town Clerk.**

Town Council:

Mayor Doug Von Gausig (absent)

Councilmember Bill Regner

Vice Mayor Richard Dehnert (absent)

Councilmember Curtiss Bohall

Councilmember Rennie Radoccia

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Financial Director Kathy Bainbridge

Community Services/Human Resources Director Janet Perry

Community Development/Economic Director Jodie Filardo

Utilities/Public Works Director Wayne Debrosky

Deputy Clerk Mary Ellen Dunn

**SELECTION OF ACTING MAYOR** – Due to the absence of the Mayor and Vice Mayor, an acting Mayor was chosen by the Council to chair the meeting.

**Councilmember Radoccia moved that Councilmember Regner act as Chair for this meeting. Councilmember Bohall seconded. The motion was passed unanimously.**

**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.

**Jodie Filardo, new Clarkdale resident, praised Town Clerk/Finance Director Kathy Bainbridge and the Finance Department for being the first town in the State of Arizona to have finances listed and accessible through the State of Arizona Transparency website.**

**Acting Mayor Regner closed public comment.**

**REPORTS**

**Current Events** – A brief summary of current events. The council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Councilmember Bohall attended a transportation advisory committee meeting by telephone on March 6<sup>th</sup>. State funding is declining. There are three scenarios that ADOT is anticipating to make the funds last until 2021: (1) preservation; (2) complete existing projects; (3) some

preservation and some project completion.

Councilmember Radoccia – no report.

Acting Mayor Regner – took part in a float trip with a contractor with the Walton Family Foundation and the Clarkdale Mayor from Tapco RAP to Tuzigoot RAP.

Town Manager Mabery:

- Stated that as of today Clarkdale is still the only municipality on the State Open Books website. The State has an effective date of April 1, 2013 for departments to be up on the website, so many will not be in compliance. The website is informative and easy to use. This reporting facilitated changes in our budget process in order to translate better to the website.
- Mabery reported that she received correspondence from Freeport MacMoRan giving us the go-ahead on the new Tapco RAP site. The hope is that a lease draft will be brought before the Council in the next 6 – 8 weeks.
- Has been contacted by ADOT who called first meeting of a technical advisory group regarding the 260 construction project.
- The Twin 5s project is back on track with construction.
- The wastewater treatment plant project is still on track and should be operational within 4 – 6 weeks.

#### **Organizational Reports –**

CATS/VVTPO – Councilmember Bohall attended February 13, 2013 meeting of the advisory committee. One of the agenda items was that the committee decided they did not want to become an official organization and preferred to stay more of a grass roots group of citizens. It was reported that Yavapai Apache Nation is in process of starting a transit system.

NACOG – no report

NAMWUA - no report

VRBP – no report

VVLP – no report

WAC – Acting Member Regner attended the retreat March 1 as the Mayor's alternate. Stated that the SWOT procedure was a cooperative effort, discussing strengths, weaknesses, opportunities, and threats. There were many common interests with only one area of disagreement: the Northern Arizona Groundflow Model. Regner reported that both sides feel the other side (Prescott side of mountain and Verde Valley side) is foregoing the science for political reasons. A major outcome was that Supervisor Chip Davis suggested that WAC divide

into two sub-regions and allow each to do their own studies and research for its region. There seemed to be support for this plan but no firm decision has been made at this time. WAC would then continue to meet on a more limited schedule to report findings.

VVREO – no report

YCL –

- Acting Mayor Regner reported it is now Spring Break.
- Reminded Council that the College is looking for commercial kitchen in which to hold its first two culinary arts classes.
- Registration for the Summer and Fall sessions begins April 18<sup>th</sup>.
- Graduation May 10<sup>th</sup>
- Grapevines to be planted this spring and volunteers are encouraged to participate.
- French Flair is being set for late September or early October.
- The Greater Verde Valley Chapter of the Foundation is looking for community board members to help with efforts to raise funds for programs and scholarships. Please contact Councilmember Radoccia or Regner with suggestions.

**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. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held February 12, 2013, and Special Meetings held January 31, 2013, February 1, 2013 and February 26, 2013.
- B. Claims** - List of specific expenditures made by the Town during the previous month. February, 2013 check log and PPE dated February 9, 2013 and February 23, 2013.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.  
Board of Adjustments Notice of Cancellation of meeting February 27, 2013  
Design Review Board minutes of the meeting held February 6, 2013  
Planning Commission minutes of the meeting held February 19, 2013
- F. “Arizona Gives Day” Proclamation** - Approval of a proclamation designating March 20, 2013 as Arizona Gives Day, a day for Arizonans to come together to make donations to as many nonprofits as possible in 24 hours.
- G. Proclamation Declaring April, 2013 As Water Awareness Month** – Approval of a Proclamation declaring April, 2013 Water Awareness Month in the Town of Clarkdale.
- H. Resolution Adopting a Fair Housing Policy** – Approval of Resolution #1424, a Resolution Adopting a Fair Housing Policy, Making Known its Commitment to the Principle of Fair Housing, and Describing Actions it Shall Undertake to Affirmatively Further Fair Housing.

- I. **Sedona Recycles, Inc. Agreement for Contracted Services**— Approval of an Agreement for Contracted Services with Sedona Recycles, Inc. for recycling drop off services in the Town of Clarkdale.

**Councilmember Bohall pulled items D and E from the Consent Agenda.**

**Councilmember Radoccia moved to approve Consent Agenda Items A, B, C, F, G, H and I as presented. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

- D. **“Welcome Home Vietnam Veterans Day” Proclamation** - Approval of a proclamation setting March 30, 2013 as Welcome Home Vietnam Veterans Day in Clarkdale.

The Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of Republic of Vietnam. By the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached.

It is time for all of us in the spirit of pride and gratitude to recall the heroic accomplishments of the 58,195 service men and women whose names are listed on the Vietnam Memorial Wall. We also wish to recognize the 623 men and women from the great State of Arizona who gave the ultimate sacrifice, and thank them for their unselfish devotion to duty.

On March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam. In 2011, Congress declared March 30th Welcome Home Vietnam Veterans Day, an appropriate day to honor those members of the United States Armed Forces who served.

The American Veterans Traveling Tribute and Traveling Wall (Viet Nam Memorial Wall) will travel through Clarkdale on March 28<sup>th</sup>, and be on display in Cottonwood on March 28-31, 2013.

Councilmember Bohall commented that he wished there was someone from the press and a room full of people to celebrate this item. The Traveling Memorial Wall will be traveling through the Verde Valley, will be displayed at Cottonwood Middle School athletic field and encourages everyone to visit.

Town Manager Mabery stated that the Wall is coming in on flatbeds and will come through Clarkdale March 28 between 3 and 4:30 p.m. Our flag corps will meet the trucks and help put the display together.

**Councilmember Bohall moved for approval of the “Welcome Home Vietnam Veterans Day” March 30, 2013 Proclamation (Item D on the Consent Agenda). Councilmember Radoccia seconded and the motion was passed unanimously.**

- E. **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 11, 2012, by Town of Clarkdale Common Council in Executive Session.

On December 11, 2012, the Town of Clarkdale Council conducted an evaluation of Gayle Mabery, Town Manager. This review is a discussion of the consolidation of all the Councilmembers' reviews from that evaluation and the overall Council assessment.

Councilmember Bohall read last paragraph of the evaluation (Mayor Von Gausig's comments): "It is my sincere pleasure to write this evaluation and state our unambiguous satisfaction with Ms. Mabery's performance of her duties. Her dedication to the Town, to her staff, and to her job is second to none, and the Town of Clarkdale is a better place and has a more efficient, effective government because Gayle is the Manager."

The Council wholeheartedly agreed with the Mayor's assessment.

**Councilmember Bohall moved for approval of Town Manager's evaluation as written by the Mayor (Consent Agenda Item E). Councilmember Radoccia seconded and the motion was passed unanimously.**

### **NEW BUSINESS**

**SERVICES AGREEMENT WITH ARIZONA BOARD OF REGENTS ON BEHALF OF THE UNIVERSITY OF ARIZONA WATER RESOURCES RESEARCH CENTER IN SUPPORT OF THE WALTON FAMILY FOUNDATION-FUNDED SUSTAINABLE CLARKDALE PROJECT** – Discussion and possible action regarding a Services Agreement to help Clarkdale in the development of a model water resource management program to reduce per capita water consumption to sustainable levels.

At the December 11, 2012 meeting of the Council, the new agreement with the Walton Family Foundation for Sustainable Clarkdale, Grant #2012-1205 was approved. As part of the grant funding, two separate sub-grantees for the Water Resource Management Program were funded: Laurel Lacher of Lacher Hydrological Consulting and the Water Resources Research Center at the University of Arizona. At the February 26, 2013 Council Meeting, the contract with Lacher Hydrological Consulting was approved.

On January 22<sup>nd</sup> and 23<sup>rd</sup> of this year, working team meetings were held to plan the initial phase of the project. As presently configured, the total scope of work anticipated from the Water Resources Research Center (WRRC) and covered under this Services Agreement is as follows:

The Town of Clarkdale has requested the WRRC's assistance in their Sustainable Clarkdale initiative. The WRRC's role in this initiative will be to assist Clarkdale in their development of a model water resource management program to reduce per capita water consumption to sustainable levels and thereby protect the Verde River. The Town has requested the WRRC assist them with identifying and bringing together water experts from across the Southwest in 3 meetings over an 18-month period to inform their water management program. The WRRC would facilitate these meetings and assemble a report for Clarkdale before the Termination Date of this Services Agreement. This report will outline recommendations and options for the Town of Clarkdale to balance water consumption and supply, explore benefits and consequences of options, plus the policies and outreach required to initiate a public engagement process and information campaign for Clarkdale citizens.

The estimate for the WRRC's work is \$53,521 of which \$53,480 is to be funded through the grant funds, the remaining balance \$41 will be covered by the Town.

Community Development/Economic Director Filardo presented information on this agenda item.

Councilmember Radoccia asked whether the report developed from Lacher Hydrological Consulting and the report generated from the Water Resources Research Center at the University of Arizona would be combined into one report for presentation to the Council.

Filardo stated that Laurel Lacher will be evaluating and streamlining the Northern Arizona Groundwater Flow Model on behalf of the Town of Clarkdale and running that model with some specific questions we have in mind. Her data and findings will be input to the three expert meetings that the WRRC will be facilitating. The results will be compiled by WRRC and the Town staff to bring to the Council for consideration.

**Councilmember Radoccia moved to approve the services agreement with the Arizona Board of Regents on behalf of the University of Arizona Water Resources Research Center in support of the Walton Family Foundation funded Sustainable Clarkdale project. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA DECLARING AS A PUBLIC RECORD THAT A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER THREE, ARTICLE FOUR – ADMINISTRATION, PURCHASING OF THE TOWN CODE OF THE TOWN OF CLARKDALE IN ITS ENTIRETY AND CREATING CHAPTER THREE, ARTICLE FOUR – ADMINISTRATION, PURCHASING OF THE TOWN CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY” – Discussion and possible action regarding Resolution #1425 which adopts as a public record, Ordinance #350 with changes to Chapter Three, Article Four – Purchasing of the Town Code of the Town of Clarkdale.**

The majority of the current Purchasing Code was drafted in 1999 which had an amendment in 2009 that mainly changed the dollar classifications in Section 3-4-2. The ordinance change before you actually deletes the entire Purchasing Code and creates a new code which is comprised of new concepts, updated language and some of the current code.

**Section 3-4-1 Definitions:**

The new code includes modification of current definitions and the addition of new definitions which add clarification to the code. Among the most important additions are the Professional or Specialized Services and Sole Source definitions. With current technology, the use of specialized professionals are being called upon more frequently, especially for some of the study related grants the Town is being awarded. The same holds true for the definition of Sole Source where sometimes there is only one provider that provides the materials or services for the systems currently in place throughout the Town.

**Section 3-4-2 In General:**

No major changes

**Section 3-4-3 Bidding:**

The addition of items E, F and G clarify additional bidding requirements.

**Section 3-4-4 Determining of Lowest Responsible Bidder:**

The only change was to move explanation of a responsible bidder to the definition section of the code.

**Section 3-4-5 Securities:**

Language added to match the language in the new subdivision regulations for consistency.

**Section 3-4-6 Emergency Purchases:**

Language clarification adds the verbiage for the Town Manager or "designee" in case the Town Manager is absent. The new language also clarifies reasons that an emergency purchase may be required.

**3-4-8 Purchase or Contracts to be Approved by the Town Council:**

This section was added so that it would be clear that even though a purchase or contract may be exempt from the bidding process, it still needed to be approved by Council as in Section 3-4-2(D).

**3-4-9 Exceptions:**

This section was expanded with Professional or Specialized Services, Sole Source Basis, and License and Maintenance Agreements. These services have been specifically included here for clarification to the decision process of "to bid or not to bid".

**3-4-11 Disposal of Property:**

Serves as a reminder that disposal of property has processes to follow.

Town Clerk/Finance Director Bainbridge presented information on this agenda item. Overall the changes in this resolution and subsequent ordinance update the language in the code and allow the Town to conduct business with more clarity.

Town Manager Mabery pointed out that in the Emergency Purchases section there is a paragraph that states "If a situation exists which makes compliance with the procurement process contrary to public interest" – the most important thing for the Council to know is that if we enact emergency purchasing, she must account for that by full reporting to the Council at the next meeting.

Acting Mayor Regner asked what the process is in determining if a sole source is appropriate. Bainbridge stated that the department head along with the Town Manager would determine the need to make sure we are not trying to get around any proper procedure. Mabery stated there has to be backup documentation for accounting purposes. If relying on sole source the Town will still have to justify. For example with computer systems there are technical requirements for types of servers we have and we can't bid out due to the necessity of having a very specific piece of equipment.

Bainbridge further stated that if the purchase is over \$25,000 it has to come before the Council along with the rationale of why we feel it didn't fall within the parameters of going through the bidding requirement. If it was a sole source it would be the staff's job to inform the Council of why they felt that it was necessary and give specific cases of why. Mabery stated that the dollar thresholds stand whether it is a contract, a piece of equipment, etc.

**Councilmember Bohall moved for the approval of Resolution #1425, which adopts as a public record Ordinance #350 with changes to Chapter Three, Article Four Purchasing of the Town Code of the Town of Clarkdale. Councilmember Radoccia seconded the motion. The motion was approved unanimously.**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER THREE, ARTICLE FOUR – ADMINISTRATION, PURCHASING OF THE TOWN CODE OF THE TOWN OF CLARKDALE IN ITS ENTIRETY AND CREATING CHAPTER THREE, ARTICLE FOUR – ADMINISTRATION, PURCHASING OF THE TOWN CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY-** Discussion and consideration regarding Ordinance #350, an ordinance that creates Chapter Three Article Four – Administration, Purchasing of the Town Code of the Town of Clarkdale.

This ordinance adopts the document made a public record by Resolution #1425.

Town Clerk/Finance Director Bainbridge explained that this was the next step in the process that enables the Town to publish only the shortened version of the Ordinance, saving publication costs.

**Councilmember Bohall moved to approve Ordinance #350, an Ordinance of the Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, deleting Chapter 3, Article 4 - Administration, Purchasing, of the Town Code of the Town of Clarkdale in its entirety and creating Chapter 3, Article 4 – Administration, Purchasing of the Town Code of the Town of Clarkdale; repealing conflicting ordinances and providing for severability. Councilmember Radoccia seconded the motion. The motion was approved unanimously.**

**STATE LEGISLATION** – Discussion and possible action relating to legislation being considered by the Arizona legislature that may impact the Town of Clarkdale.

The League of Arizona Cities and Towns reviews drafted legislation prior to introduction to the Arizona legislature and monitors discussions and amendments throughout the legislative process.

Each week the League has phone conferences with various groups such as the Mayors & Managers, Financial departments, and Clerk departments. The pros and cons of pending legislation are discussed during the League's phone conferences with the various groups. Quite often, the League will ask municipalities to contact their legislators in order to let them know the impact legislation being considered will have on their municipality. The majority of these requests are last minute attempts to change legislative outcomes.

Regional Boards and Commissions may also call upon the Town to contact their legislators regarding pending legislation.

Under this portion of the agenda, Council will be able to discuss and take any action necessary to inform the legislature how pending legislation may impact the Town of Clarkdale, or report on those actions taken.

Town Manager Mabery:

- The biggest issue continues to be the transaction privilege tax legislation. There will be a meeting on Friday with some Mayors, ADOR, the League and others; there is movement afoot to make changes to this legislation; the message from league to continue to communicate with our legislators. We don't want them to support this legislation until the joint legislative budget committee has completed its fiscal analysis. There are two processes that take place where

legislators can request a fiscal note or a fiscal memo. A fiscal memo can be gotten without releasing it to anyone; not so with a fiscal note which is issued to everyone. There has been a fiscal memo requested. JOVC is working on the fiscal note which is the most important part. The discussions are currently in the House of Representatives. The League also recommends communicating with our Senators as well as Representatives.

- **HB 2338** – (Regional Water Augmentation Authority) Representative Tobin has made efforts to bring forward although it is still being held. Yuma area agriculturalists have held this up. Tobin is now consulting with the Director of ADWR for advice on how the bill could be amended to ease concerns. If this could be done quickly might move forward in this legislative session.

**This agenda item is for discussion only and no action is required.**

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

**ADJOURNMENT** –Acting Mayor Regner adjourned the meeting at 6:57 p.m. without objection.

APPROVED: -

  
\_\_\_\_\_  
Bill Regner, Acting 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 12<sup>th</sup> day of March, 2013. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 24 day of April, 2013.

SEAL

  
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Kathy Bainbridge, Town Clerk