

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, October 8, 2013**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, October 8, 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 6:03 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Rennie Radoccia

Councilmember Bill Regner
Councilmember Curtiss Bohall

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Services/Human Resources Director Janet Perry
Community Development/Economic Director Jodie Filardo
Utilities/Public Works Director Wayne Debrosky
Police Chief Randy Taylor
Senior Planner Beth Escobar
Deputy Clerk 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.

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.

Mayor Von Gausig’s Report –

9/10/13 – Attended Arizona Forward Water Committee meeting in Phoenix

9/11/13 – Chaired Public Safety Personnel Retirement System Board meeting

9/12/13 – Participated in Verde Float Trip with Jef and Dale Steward from AZ Hiking Shack in Phoenix – Tapco to Tuzigoot - river flowing at 600 cfs

9/13/13 – Participated in Verde Float Trip with Coconino County Supervisor Matt Ryan, Matt Bailey, Brad Stephens

9/17/13 – Participated in kayak trip with Councilmember Regner, Terry Greene Sterling and her husband – Terry is doing an Arizona Highways story

9/18/13 – Participated in Clarkdale Water Resource Management Plan working team on conference call; attended Water Advisory Committee meeting in Cottonwood

9/20/13 – Attended State Parks Verde River interactive exhibit meeting with Cristie Statler from Arizona State Parks Foundation, and Chip Norton from Verde Watershed Restoration Coalition regarding new interactive exhibit probably to be housed at Dead Horse State Park

9/25/13 – Interviewed with Terry Green Sterling for the Arizona Highways article

9/30/13 – Attended meeting with SEDI relating to Sustainable Business Activity Center; met with Kim Schonek (Nature Conservancy) in Camp Verde for a tour of her projects

10/3/13 – Gave presentation on “Restoration Efforts in the Middle Verde” at the Investment Strategies to Restore Arizona Forests and Watersheds workshop given by SRP and Arizona Forward, Freeport McMoRan at the Scottsdale Resort and Conference Center; attended public meeting regarding Main and Broadway intersection in Clarkdale

10/7/13 – Attended Verde Valley Sci-Tech meeting at Yavapai College; took representatives from Walton Family Foundation on tour from Tapco to Tuzigoot

10/8/13 – Gave Blue Trail presentation to City of Cottonwood Council

Spent approximately 23 hours researching possible effects of smart meter installations on human health.

Vice-Mayor Dehnert's Report –

- Participated in Verde River Days at Dead Horse State Park
- October 1st attended Cottonwood Town Council meeting and Mayor Joens declared this week Mental Illness Awareness Week
- Discussed with Town Manager a letter that went out to Clarkdale citizens about the Clarkdale Parkway Pedestrian and Bicycle Pathway Enhancement Project

Councilmember Bohall's Report –

9/10/13 Participated Boards and Commissions interviews

9/17/13 Met with Cottonwood Area Transit advisory group in Sedona; Conducted more Boards and Commissions interviews

9/18/13 Conducted more Boards and Commissions interviews

10/1-2/13 Conducted more Boards and Commissions interviews

10/3/13 – Took the new CAT bus tour from Cottonwood Library to Poco Diablo to uptown Sedona and then back to Cottonwood library; attended Main/Broadway Intersection discussion

10/7/13 – Discussed Main/Broadway Intersection project Utilities Director Debrosky

Councilmember Regner's Report –

- Conducted several Boards and Commissions interviews since last meeting. Commented that the quality of people currently on the Boards as well as the applicants. Unfortunately there are not enough positions for the applicants we had; Board and Commission members and applicants were highly complimentary of Clarkdale staff.
- September 12th: Yavapai College Foundation – GVVC Fundraising committee
- September 13th: Verde River Float trip with Mayor Von Gausig, Terry Green Sterling
- September 15th: YCF-GVVC booth for Wine in the Woods event in Flagstaff
- October 8th: Meeting with Verde Canyon Railroad, representatives from the Arizona Office of Tourism, and others.

Councilmember Radoccia's Report –

Had two meetings with Town Manager Mabery and two with Mayor Von Gausig

Town Manager Mabery's Report –

Had ride on CAT bus to attend a meeting in Cottonwood to the County complex. Intends to use **once** a month and urges everyone to look at those transit schedules; we are fortunate in the Verde Valley to have this system; ridership increase would be great for the system

Reminders: Art in Public Places exhibit is ongoing from October 1 – 31 in the Library with contributions by MUHS fine arts students and faculty;

October 10th:

- 11 a.m. Building M Room 137 at Yavapai College there will be an opportunity for the college to share its master plan process that will impact programs in Clarkdale;
- 6 p.m. Yavapai College is hosting public meeting to talk about agreement with the City of Cottonwood about effluent line for watering the vineyards – they are missing a small easement so they are holding the meeting to educate those homeowners in Cottonwood Ranch

Homeowners Association – also in Building M Room 137

10/12/13 6:30 – 9:30 p.m. Clarkdale Historical Society is hosting a Big Band dance with the music of Sentimental Journey - \$10 per ticket

10/17/13 10:30 a.m. – 12:00 p.m. Celebration of Artwork donation – Ruth Waddell original pastel

10/29/13 10:00 a.m. Dedication and tours of the Wastewater Treatment Plant – also will tour the adjoining river property that Clarkdale owns

10/31/13 – Halloween in Clarkdale – Safe Trick or Treating 5 – 7 pm; the Town typically gets about 3500 people and about 1500 trick or treaters; we welcome volunteers and donations; the costume contest at 5:30 p.m. in the park

Reminder – November 5th we will have the third in a series of public meetings on the Water Resource Management Program; food will be served; would like to see at least one or two people from every neighborhood

November and December will each have only one Council meeting due to holiday conflicts.

Organizational Reports – Reports regarding regional organizations.

CAT/ VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations.

Councilmember Bohall - September 25, 2013 VVTPO meeting –

- The Town of Clarkdale will have a public meeting October 3 at 6:30 p.m. to discuss the Broadway intersection improvements, the Clarkdale Parkway, and Safe Routes to School
- Yavapai County reported on the HSIP Project, Mingus Avenue Extension, Jacks Canyon, and Salt Mine Road.
- Camp Verde discussed the PARA Grant, State Route 260, HSIP Signage, Industrial Drive roundabout and transit.
- Cottonwood reported on 10th Street from Main to Mingus, 12th Street from 89A to Fir, and CATS.
- Sedona commented on Airport Road, JOC bids and bus shelters.
- Yavapai Apache Nation discussed the transit program.
- Arizona Department of Transportation discussed the ongoing I-17 climbing lane project, Industrial and 260, State Route 260, and Sedona TI – Stoneman Lake TI

- NACOG reported on the 2014 Transportation Summit, and ADOT.

NACOG - Northern Arizona Council of Governments. No report

Vice Mayor Dehnert reported he received an email from Chris Fetzer with update regarding the federal government shutdown and how it affects Northern Arizona. He then read letter from Mr. Fetzer which stated that due to careful financial management, NACOG has adequate funds to maintain payroll through the month of October.

NAMWUA - Northern Arizona Municipal Water Users Association. No report

VRBP – Verde River Basin Partnership. No report

VVLP – Verde Valley Land Preservation. No report

Councilmember Radoccia reported that there is an event on November 7th at the Town Hall called “A River Runs Through Us” art show.

WAC - Yavapai County Water Advisory Committee.

Mayor Von Gausig reported the full WAC committee met last week. Discussing the Central Yavapai Highlands Water Resource Management Study (CYHWRMS), the biggest water management study ever in Yavapai County. CYHWRMS is the result of request for all communities to give planning estimates, water usage estimates, etc. for populations through 2050. The third phase defined several alternatives that might lead to sustainable water usage in future for Yavapai County. Some of the statistics include that in 2006 there were approximately 64,000 – 65,000 people in the Verde Valley. By 2050 we expect to have about 200,000 people in the Verde Valley. By 2006 we were already overdrafting our aquifers and they will continue to be depleted as well as the level of the Verde River. There will be a video link in the Main Boardroom in the Yavapai County complex at 2 p.m. on Wednesday, October 16th.

VVREO – Verde Valley Regional Economic Organization. No meeting.

Councilmember Regner announced:

- October 8th – a VIP reception will be held as part of the Annual Speakers Series from 5:30 – 7 p.m., Canyon Patio Sedona Hilton Resort and Spa.
- October 9th – Annual Speakers Series Event with guest speakers Jack Schultz and Craig Lindvahl presenting on “Boomtown USA’s Millennials”.

YCL – A report from the Yavapai College Liaison.

Councilmember Regner:

- Master Plan Process meeting on effluent line

- Art Wine and Dine Event October 18 at College Pavilion and Room 137
- Adopt-A-Vine program with donor gifts from Clarkdale businesses.
- Dr. Stuart Blacklaw is the new Vice President of Instruction and Student Services

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 September 10, 2013 and Special Meeting held September 24, 2013.
- B. Claims** - List of specific expenditures made by the Town during the previous month. September, 2013 check log and PPE dated 9/7/2013 and 9/21/2013.
- 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 September 25, 2013
Design Review Board Notice of Cancellation of meeting September 4, 2013
Planning Commission minutes of the meeting held September 17, 2013
Parks and Recreation Committee Notice of Cancellation of meeting September 11, 2013
- D. A Resolution of the Clarkdale Town Council to recognize 2013 Cities & Towns Week around the State of Arizona** – approval of Resolution # 1441, a resolution to recognize 2013 Cities & Towns Week around the State of Arizona.
- E. A Resolution in support of American Rivers Blue Trails designation for the Verde River** – Approval of Resolution #1442, a resolution in support of American Rivers Blue Trails designation for the Verde River.
- G. Resolution Making Appointments To The Parks And Recreation Commission** – Approval of Resolution # 1443, amending Resolution #1407 making appointments to the Parks and Recreation Commission.

Vice Mayor Dehnert pulled item F.

Councilmember Regner moved to approve Consent Agenda items A – E and G as presented. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

- F. Proclamation for Mental Illness Awareness Week** – Approval of a Proclamation for Mental Illness Awareness Week October 6-13, 2013.

Serious mental illness such as major depression, bipolar disorder, schizophrenia, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and posttraumatic stress disorders

affect one in every four people annually. Serious mental illness is a highly treatable medical illness of the brain posing the same concern as cancer, heart disease, diabetes and other illnesses.

Mayor Von Gausig read the Proclamation for Mental Illness Awareness Week.

Vice Mayor Dehnert moved to approve Consent Agenda item F as presented. Councilmember Bohall seconded the motion. The motion was approved unanimously.

NEW BUSINESS

WORKSESSION REGARDING CIVIL UNION OR DOMESTIC PARTNERSHIP – A
worksession relating to development of a Civil Union or Domestic Partnership ordinance in Clarkdale.

Council Member Bohall has requested that the Town Council consider enactment of an ordinance recognizing civil unions (i.e. recognition of the relationship of any two persons regardless of their gender or sexual orientation to manage their personal affairs through the formation of contractual agreements).

There are at least four communities in Arizona that have passed civil union ordinances. These are Bisbee, Tucson, Jerome and Sedona. The City of Sedona reviewed a draft ordinance at their September 11, 2013 Council Meeting and adopted their ordinance at their September 24, 2013 meeting. The majority of the information in this staff report has been duplicated from Sedona's research on this issue.

Cities and towns can enact ordinances recognizing agreements creating civil unions to the extent that those agreements concern matters within their authority. Ordinances cannot however, pre-empt state law or attempt to grant rights and authority to couples that contravene state or federal law.

The Arizona Attorney General's office weighed in on this issue after the City of Bisbee adopted an original draft of an ordinance earlier this year. As a result of the Attorney General's opinion that cities and towns may only include provisions in civil union ordinances which legislate on matters within the jurisdiction and control of the municipality, Bisbee modified and adopted a new version of their ordinance. Subsequent ordinances that have been adopted by the other cities and towns also comply with the Attorney General's position, and spell out only two areas that cities and towns legislate: hospital visitation rights and city/town insurance benefits.

In the ordinances, persons who have entered into civil unions are entitled to have the same visitation rights in hospitals and emergency rooms that a married couple would have. Likewise, persons who have entered into a civil union have the right to be beneficiaries on the city sponsored insurance policies and any other city activities that deal specifically with married couples. Like several of the other cities that have adopted ordinances, the Town of Clarkdale's health insurance provider already offers benefits for domestic partners. Clarkdale's insurance provider defines a domestic partner as: "a person of the same or opposite sex, who has the same principle place of abode as the employee and meets the requirements such as legal age, not being related by blood, and having lived with the other person for at least 12 months."

Bisbee and Jerome's ordinances are substantially similar. Sedona prepared a draft ordinance that borrows from all three of the other city ordinances, as explained below. Assuming that the Council directs staff to proceed with preparation of a final civil union ordinance, some of the issues that staff will need Council guidance on include the following:

1. *Filing fee amounts.* The City of Bisbee charges a filing fee of \$75.00. The Town of Jerome charges a \$73 filing fee. The City of Tucson charges a filing fee of \$50.00 and then an additional fee of \$10 for each extra copy of the "civil union registration statement" (explained below). Tucson also charges a \$10.00 fee for filing a termination statement. The City of Sedona charges a \$50 filing fee.
2. *Criteria for Civil Unions.* Bisbee and Tucson have common criteria regarding age, marital status, competency, and blood relationship. Tucson, however, requires additional findings that both parties "declare that they are each other's sole civil union partner and that both parties currently share a primary residence and are in a relationship of mutual support and declare that they intend to remain in such for the indefinite future." Sedona selected the provisions that were included in the Jerome ordinance for this section of their ordinance.
3. *Additional documents memorializing rights between parties:* The town of Bisbee allows applicants for civil unions to file an additional document with the City Clerk "designating and documenting certain rights and obligations that have been agreed to by the parties." This document is a form that is provided by the City Clerk. They may also include other agreements such as real property management agreements, child custody agreements, property disposition agreements, etc. In contrast, Tucson only allows the parties to file a list describing separate documents that the parties have entered into. This separate list is a public record, but the documents themselves are not. Sedona's draft follows the Tucson model for reasons of preserving the privacy and public non-disclosure of personal agreements. In addition, the Tucson model creates less of a burden on the Town Clerk in terms of document retention and storage.
4. *Statement of Shared Intentions:* The Tucson and Sedona ordinances allow the parties the option of filing "a statement describing their shared intentions regarding the scope of the relationship, regardless of whether or not they have entered into any contracts or agreements."
5. *Issuance of a "Civil Union Certificate";* The Bisbee and Jerome ordinances require the City Clerk to issue a civil union certificate upon receiving a notarized affidavit from the parties requesting a civil union. In contrast, the Tucson and Sedona ordinances merely require the filing of a "civil union registration statement." Payment of the filing fee entitles the parties to receive two certified copies of the registration statement, which shall constitute a civil union certificate.
6. *Solemnization of Civil Unions:* The Bisbee ordinance states that people authorized by state statutes to perform marriages are also authorized to "solemnize" civil unions. Sedona omitted this provision from their draft, citing that there may be legal concerns about the ability of cities and towns to authorize persons to "solemnize" a civil union.

The following additional items are included in your Council packet for your review and information:

- A legal memo prepared by the Sedona City Attorney for the Sedona City Council that examines the legal framework of states including the State of Arizona with respect to enactment of such ordinances.
- Copies of the Bisbee, Tucson, Jerome and Sedona Ordinances.

Town Manager Mabery and Mayor Von Gausig clarified that no action would be taken it is strictly a worksession and allows public input and discussion.

Councilmember Bohall introduced the agenda item and made opening statements.

Discussion followed among the Council and the discussion was opened for public comment by Mayor Von Gausig.

Sandy Boothe, Clarkdale resident: Thanked Councilmember Bohall for putting this on the agenda; believes that one day marriage equality will exist in the United States and believes that this is the civil rights issue of our time. It includes several important rights, i.e., social security and pensions, survivor benefits and inheritance, hospital visitation, end of life decisions, adoption, health care benefits, and taxes. The General Accounting Office tallied 1,138 federal statutory provisions in which benefits, rights and privileges are contingent on marital status.

Harold Boldin, Clarkdale resident: States he does not speak for or against this type of ordinance, but a decision as important as this should not be made by a small Council. Feels the issue should be resolved by the voters.

Ann Found, Clarkdale resident: States this is a potentially controversial issue and should be weighed by all voters. Does not see a benefit to anyone that this type of ordinance would provide. Believes there is also the issue of money. The time that staff has devoted to researching this issue and costs associated with administering an ordinance would cost more money and staff time. Stated she does not feel that this issue is consistent with our identity and we should not be mired down with this controversial issue.

Stuart Wreschinsky, Clarkdale resident: If someone does not want to get married for financial reasons this type of ordinance is fair. Stated that people have a right to be equal and not be separated by who they are. Decisions about how to die are very important. In the 1970s it was illegal to cohabit outside of marriage. Unmarried couples could not help with decisions about partner's health care. Stated that no one should be bound by Dark Age rules. If cities continue to go with this type of ordinance, the state will follow.

Ida deBlanc, Clarkdale resident: Thanked the Council for consideration of this topic. Stated she appreciates the civil and polite way people are speaking and expressing their opinions. Sees the questions people have on this topic and acknowledges this terrific town and its citizens.

Constance Kuraz, Clarkdale resident: States she is a strong advocate of human rights and sees this issue as more of a humane issue, a non-gender issue that affects people in their everyday lives. States she has heard many stories of people not being honored in their relationships and end of life wishes.

William Martin, Clarkdale resident: Believes that a lot of the issues surrounding this issue could be resolved by legal powers of attorney and doesn't see why the city would have to have an ordinance. States he agrees that everyone should have a vote and not put up to the Council.

Jacqueline Leslie, Clarkdale resident: Stated she does not like that the Town would like to legislate for everyone else what they are doing. If there is already an insurance policy that covers employees in the Town then the issue is moot and is sorry that the issue came up.

Andy Viresik, Clarkdale resident: Stated he is not sure what the issue is or what the ordinance would be and would like that someone explain.

Mayor closed public comment.

Mayor Von Gausig explained that this is a worksession relating to the development of a civil union or domestic partner ordinance in Clarkdale. The form it takes is the function of this worksession. The Council may later decide to direct staff to bring a draft ordinance before them for more public discussion. The Council would then vote on the topic.

Town Manager Mabery informed the Council and audience of the wording of the Sedona and Jerome ordinances and how they deal with the health insurance issue and any potential conflict. She then read the section of the Jerome ordinance that bypasses that conflict.

Council discussion followed.

Ordinance issues that were discussed included –

- Filing fees
- Staff's estimate of true costs of ordinance administration
- Solemnization
- Reciprocity
- Insurance Clause
- Termination procedure
- Statement of shared intentions
- Civil union certificate; registration statements, notarized or not

Councilmember Radoccia explained that bringing the issue to a vote in Clarkdale would not be practical as this issue is not substantive enough to put out for a vote. It is really a discussion about civil rights and the cost of an election would be very high.

This item is scheduled as a worksession only. There will be no Council action. The Council directed staff to move forward with drafting an ordinance.

Mayor Von Gausig recessed the Council at 7:55 p.m. and reconvened at 8:03 p.m.

PUBLIC ELECTRIC UTILITIES SMART METERS – Presentation by Sedona Smart Meters relating to deployment of smart meters in the Verde Valley in early 2014. The presentation will be followed by questions and/or comments from the Town Council and opportunities for Public Comment.

Clarkdale Town Council Members have been contacted by two Clarkdale residents in the past few months who have expressed concerns about the early-2014 deployment of electric utility smart meters in Clarkdale and the Verde Valley. Both residents requested that the Council invite representatives from Sedona Smart Meter Awareness to make a presentation to the Council. Council Member Reynold Radoccia has sponsored that request and placed this item on tonight's agenda.

The Arizona Corporation Commission (ACC) is the elected body that regulates the electric utility company in the Verde Valley. The ACC opened a Generic Docket ([#E-00000C-11-0328](#)) for the investigation of Smart Meters on August 29, 2011. Comments on that docket were on-going through 2011, 2012 and early 2013. On May 23, 2013, the ACC issued a memo asking for submission of all remaining scientific studies, surveys, review or findings by governmental, educational or research institutions by **June 28, 2013**. The May 23, 2013 memo noted, "after the Commission has had an opportunity to review the written comments that they received, they may convene an Open Meeting or other proceedings on the smart meter matter."

All of the studies and information presented to the ACC are accessible on their website, www.azcc.gov

Prior to the June 28, 2013 deadline, the City of Sedona issued a statement to the ACC, "*expressing concerns on behalf of our Sedona citizens that smart-meters have not been proven safe and until such time as definitive proof exists, the Arizona Corporation Commission should allow the Sedona Community to opt-out without penalties.*" (The letter in its entirety is included in your Council packet.)

Following the conclusion of the public comment period, on August 5, 2013, the ACC held a staff meeting which resulted in a request that Arizona Department of Health Services conduct a study on the potential health effects of exposure to radio frequencies emitted from smart meters. The study is expected to take up to 12 months.

Separately, Arizona Public Service (the local electric utility provider) filed an application with the ACC for approval of automated meter opt-outs on March 22, 2013. The docket number for this case at the ACC is [#E-01345A-13-0069](#) and the APS filing is included in your Council packet. The proposal includes a \$75 upfront fee and a \$30 per month charge for customers who opt-out from the use of a smart meter. The Commission does not currently have a hearing set for this particular case, but continues to take comments on it. It is possible that the Commission may not take action on APS's Opt-Out proposal until the Department of Health Services has completed the study as referenced above, but that is speculation at this time.

APS has approximately 1.1 million customers, of which approximately 850,000 are currently served with smart meters. Current customers who do not want smart meters can opt out at no cost (but this will change if the ACC grants approval to the APS application referenced above). Approximately 1% of APS's customers (about 8,500 people) have opted out of the use of smart meters. Smart meter deployment in the Clarkdale/Cottonwood/Jerome/Camp Verde area will begin in January, 2014 and take about 12 weeks, concluding by April, 2014.

The literature on both sides of the smart meter issue is voluminous and therefore difficult to evaluate. I've included the Wikipedia entry relating to smart meters in your council packet. When the City of Sedona considered this issue, their staff included this information and noted their opinion that it may be "the most succinct and presumably dispassionate summary of the history and public response to smart meters". This entry provides a very cursory overview, some very limited discussion of issues associated with health risks and a detailed examination of how smart meters are being implemented not just in the United States but throughout the world.

A number of interested parties have submitted comments to the Arizona Corporation Commission docket previously mentioned (#E-00000C-11-0328). The Council is urged to view this docket for more detailed information and discussion of this issue. Some members of the Council have provided reports/studies/information for distribution to the Council. Although not included as an exhibit in the staff report, those documents and others that the City of Sedona had available will be shared by email (to save costs of printing).

In sponsoring this agenda item, Council Member Radoccia asked that the following schedule be used for the agenda item:

Sedona Smart Meter Awareness Presentation	20 minutes
Council Questions/Comments	20 minutes
Public Comment (up to 3 minutes each)	Up to 45 minutes

Mayor Von Gausig prefaced the discussion by stating that the Arizona Corporation Commission is operative agency on Smart Meters and all things concerning public utilities in Arizona, except those operated by municipalities. In Clarkdale we rely on Arizona Public Service which is solely regulated by the Arizona Corporation Commission. That is the body that can make substantive differences in the deployment of smart meters, what the charges are for not having one, opt-in and opt-out provisions, etc.

Warren Woodward, Sedona resident, presented power point presentation on the issues and problems of smart meters. Mr. Woodward cited health issues, economic issues, and requests by utilities for rate increases, etc. and his group is asking that the Town of Clarkdale contact the Arizona Corporation Commission to opt-out of the smart meter program.

Councilmember Regner questioned the source of the studies discussed by Mr. Woodward who stated he would get that information for the Council.

Mayor Von Gausig questioned Sedona's opt-out figures cited by Mr. Woodward.

Councilmember Radoccia clarified information on Sedona Mayor Rob Adams's letter to the Corporation Commission about the city opting-out of obtaining smart meters.

Mayor Von Gausig opened the discussion for public comment and first read a letter from Clarkdale resident, Sandy Sullivan, who opposes the smart meter program.

Chris Boothe, Clarkdale resident: Stated he is frightened by the implications of the presentation and would like Clarkdale to opt out.

Andy Vircsik, Clarkdale resident: Stated that existing definitive proof is not available yet that smart meters are safe. Stated he feels that smart meters are the cigarettes of the 21st century. Two options to smart meters are use of telephone lines and cable lines. Asked what the benefit is to the people of the Town.

Charles Seiverd, Clarkdale resident: Presented copies of some of the APS 2012 annual report, discussed cell phone usage and links to health risks and drew parallels to APS technology with smart metering. Stated he is against the use of smart meters.

Debra Geddie, Clarkdale resident: Spoke about the health risks of the smart meter technology and wants choices whether to have electronics that contribute to "energy pollution". Stated she would like a community opt-out rather than just individual opt-out.

Konstanz Kuraz, Cottonwood resident: Stated she sees the smart meter issue as a grass roots issue. She commented that there are health risks, privacy, and safety concerns associated with smart meters and the fees to opt out are high.

Sondraya Bradley, Cottonwood resident: Stated that the issue is global and the opt-out needs to be a community-wide one. She further stated that there are issues of freedom of choice. Said that most people are not educated about smart meters so can't make informed decisions.

Patrice Rohmer, Cottonwood resident: Stated there are too many EMFs in the room right now. She also stated that she heard that Clarkdale has already installed digital meters for the water.

Andrea McShane Radoccia, Clarkdale resident: Clarkdale should be open to scientific research that questions the safety of smart meters and their radiofrequencies. Stated she would like Clarkdale to opt out. Said she would like Clarkdale to wait for further studies that ensure safety.

Stuart Wreschinsky, Clarkdale resident: Suggested that water meter readers in Clarkdale could also read electric meters. Also suggested that Clarkdale should require APS to elevate the smart meter up above the first floor of a home like the satellite company.

Kim Wright, Clarkdale resident: Wondered if he is required by law to have a meter on his house or if he can use solar power. He also asked law enforcement if he would be arrested if he escorted smart meter installer off his property.

Tom Evans, Clarkdale resident: Stated he is concerned about the health risks of smart meters and also wants his right to choose. He believes Clarkdale should opt out and looks to the council to protect the town and its citizens.

Sarah Irani, Clarkdale resident: Is concerned about health risks of microwave radiation from smart meters and supports community-wide opt out.

Nancy Baer, Sedona resident: Ms. Baer is one of the founders of Sedona Smart Meter Awareness and stated that microwave radiation has been known about for 81 years. The increase in the rates of mental illness, Alzheimer's, dementia, and autism needs to be looked at.

Monnie Ramsell, Sedona resident – Spoke of acute/chronic damage from smart meter radiation and EHS syndrome (electronic hypersensitivity). Stated she is against the use of smart meters.

Jenna Buchanan Loyabager (uncertain spelling), Clarkdale resident: Thanked the council for allowing the information to be shared and stated she is strongly in favor of the whole Town opting out.

Veronica Vida, Clarkdale resident: Stated she is concerned about the safety to the people in the community and strongly in favor of opting out.

Donna Whitmore, Clarkdale resident: Told the Council her brother, an electric company employee for many years, died recently. Stated she feels strongly that she knows the source of his cancer. Stated she would like the Town to opt out of using smart meters.

Mayor Von Gausig closed the public comment.

- Councilmember Regner stated that he is concerned about the health aspects of this issue. He discussed his willingness to challenge APS and cited the discussion of net metering and his record of opposition on that issue. He stated that this council does not hesitate to challenge APS and are willing to do the research to do so. The smart metering issue differs from that issue. Stated he questions if anyone benefits from the smart meters other than APS. The idea of opting out and the fees being charged to do so will prompt him to write letters to the Corporation Commission.
- Councilmember Radoccia stated that the available information is unqualified and there is not a scientist here tonight to help with the information. He also noted there is a privacy issue. Addressing the financial issue he stated that the opt out charges are unrealistic. He stated that the issue needs to be addressed as a community and would like to see this issue as an agenda item soon.
- Vice Mayor Dehnert stated that the smart meters are not the idea of the council. He said he hears the fear in the voices of the people and is concerned that so many people are living in fear of their environment. Council reads various studies that disagree with each other and we don't have the scientific knowledge to decipher which studies are true and which are not. The council will have this on our agenda in the future and will review it; however the town has very little discretion in how they deal with this issue.
- Councilmember Bohall stated that the same set of facts can be interpreted in different ways. He added that he is still a pretty healthy 80-year-old despite his history in the Navy surrounded by UHF/VHF waves, radar, etc.

This agenda item is scheduled for presentation/discussion only. No action can be taken by the Council under this agenda item.

NOTICE OF INTENT TO INCREASE WASTEWATER RATES – Discussion and consideration of a Notice of Intent to increase wastewater rates for construction of the wastewater treatment plant.

At Council's direction, the Town Staff requested funding from WIFA for a new wastewater treatment plant and to work with SEC to complete the design of the new WWTP. Felix Construction was selected as the prime contractor for this project and is working for the Town of Clarkdale under a JOC with Peoria.

WIFA is an independent agency of the State of Arizona and is authorized to finance the construction, rehabilitation, and/or improvement of drinking water and wastewater. On July 26, 2011 the Town Council approved debt authorization for the new WWTP in the amount of \$5,500,000 during a Special Council Meeting.

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 first draw on the WIFA loan was submitted to WIFA on January 5, 2012. 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.

There were four (4) sewer rate increases of \$5.00 each slated to go into effect over a four year period and a fifth (5th) sewer rate increase of \$5.00 which may not be necessary depending on the actual amount of money financed through WIFA. After the construction is finished, the Town will be reviewing the need for that final rate increase based on the actual amount of money financed through WIFA. Council approved two previous \$5.00 monthly sewer rate(s) increases which went into effect with the January 2012 and 2013 utility billings.

The Notice of Intent to Impose or Increase Fees or Taxes, as required by A.R.S. 9-499.15, was posted on September 12, 2013 in order to comply with providing notice at least sixty days prior to the date the proposed new or increased fee or tax is scheduled to be approved or disapproved at a meeting of the Clarkdale Town Council.

The Notice of Intent to Set Wastewater Rates will satisfy WIFAs initial requirements concerning commitment by the Town of Clarkdale to the repayment of the Clean Waters Loan that the Town has to fund the design and construction of this new WWTP.

The Notice of Intent to Set Wastewater Rates schedules the required public hearing in order to officially consider the wastewater rate increase before Council for discussion and consideration as required by A.R.S. 9-511.01.

- | | |
|--------------------|--|
| September 12, 2013 | Post Notice of Intent to Impose or Increase Fees or Taxes
(60 days prior to action by Council) |
| October 8, 2013 | Council Adopts Notice of Intent to Set Wastewater Rates at a Regular Council meeting. |
| October 8, 2013 | File report with data supporting the increase of rates with Town Clerk at least 30 days prior to the Public Hearing. |
| October 13, 2013 | Public Hearing Notice published in newspaper. |

(Not less than 20 days prior to the public hearing.)

November 12, 2013 Hold Public Hearing & Consider Adoption of Rates by Resolution.
(Not less than 30 days after adoption of Notice of Intent.)

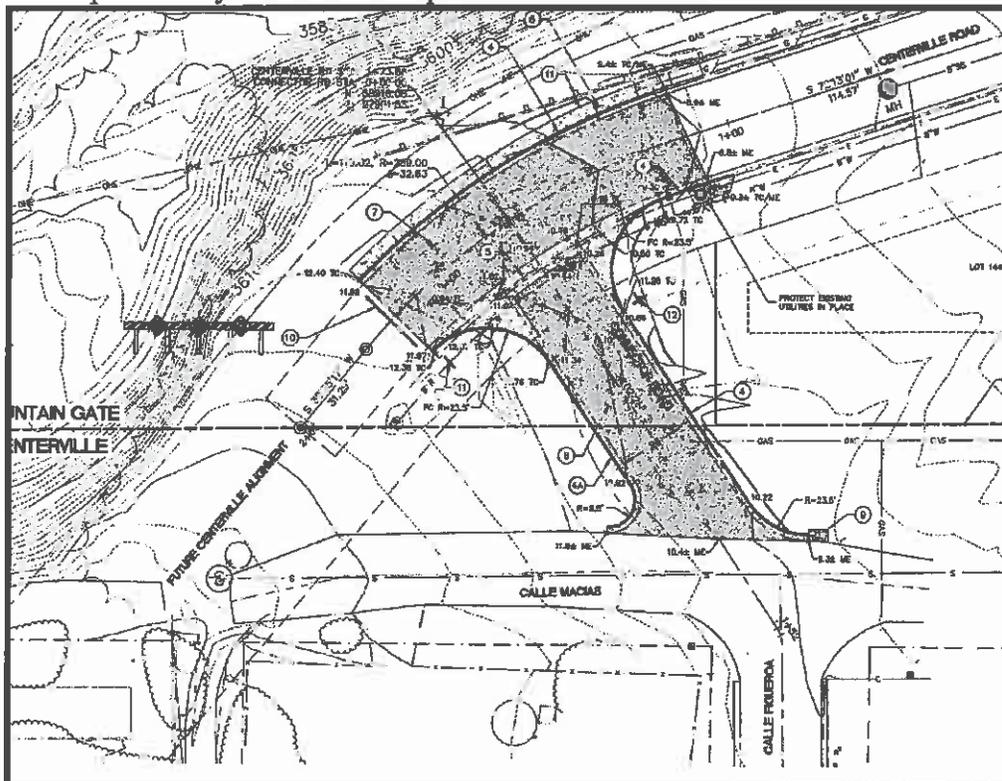
December 12, 2013 Rates become effective. (30 days after the adoption of the Resolution or upon specific future date).

Utilities Director Debrosky presented information on this agenda item.

Vice Mayor Dehnert moved for the approval of the Notice of Intent to Set Wastewater Rates. Councilmember Bohall seconded the motion. The motion was passed unanimously.

RESOLUTION ACCEPTING THE TRACT "T" OF THE MOUNTAIN GATE PLAT, YAVAPAI COUNTY ASSESSOR'S PARCEL NUMBER 400-06-679, INTO THE STREET SYSTEM INVENTORY - Discussion and consideration of Resolution #1444, a resolution accepting Tract T into the Town of Clarkdale's street system inventory which starts the one-year warranty on infrastructure improvements.

BC Land Group, who took over the Mountain Gate Development from Empire, completed the construction related work on Tract T in August 2013 and desire to turn this section of road infrastructure over to the Town by October 23, 2013 as per their Development Agreement (DA) with the Town. This infrastructure includes road pavement, sidewalks, curbs, drainage structures, and traffic control signage which were paid for by BC Land Group.



Utilities/Public Works Director Debrosky presented information on this agenda item. Debrosky stated that the neighbors seem to be happy with this addition of Tract T.

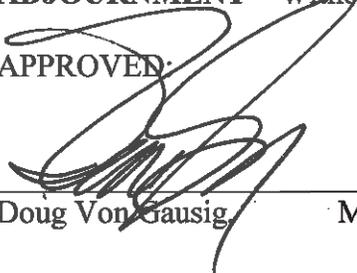
Councilmember Regner moved for the approval of Resolution #1444, a resolution accepting Tract T of the Mountain Gate Plat, Yavapai County Assessor's parcel number 400-06-679, a pie shaped, approximately 0.07 acre parcel within the Mountain Gate Subdivision, accepting Tract T into the Town of Clarkdale's street system inventory. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

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

- Councilmember Radoccia requested the Smart Meter issue be re-visited by Council.

ADJOURNMENT – Without objection, Mayor Von Gausig adjourned the meeting at 10:07 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 8th day of October, 2013. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13 day of November, 2013.

SEAL



Kathy Bainbridge, Town Clerk