

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, August 12, 2014**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 12, 2014, 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 Mayor Von Gausig.**

**Town Council:**

Mayor Doug Von Gausig

Councilmember Bill Regner

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Rennie Radoccia

**Town Staff:**

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Development/Economic Director Jodie Filardo

Senior Planner Beth Escobar

Community Services/Human Resources Director Janet Perry

Court Magistrate Ron Ramsey

Court Supervisor Cindy Tinall

Utilities/Public Works Director Wayne Debrosky

Police Chief Randy Taylor

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.

**Drake Meinke, Clarkdale resident – presented information to council regarding Copper Art Museum events and awards/recognition.**

**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 July 8, 2014 and Special Meeting July 22, 2014.
- B. Claims** - List of specific expenditures made by the Town during the previous month. July, 2014 check log and PPE dated July 12, 2014 and July 26, 2014.

- 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 July 23, 2014  
Design Review Board Notice of Cancellation of meeting July 2, 2014  
Planning Commission minutes of the meeting held July 15, 2014  
Library Advisory Board minutes of Special Meeting June 12, 2014 and Notice of Cancellation of meeting July 10, 2014  
Parks and Recreation Committee minutes of the meeting held May 14, 2014 and Notice of Cancellation of meeting July 9, 2014  
Municipal Property Corporation minutes of the meeting held June 25, 2014
- D. Special Event Liquor License** - Approval of a recommendation to the State Department of Liquor License and Control to approve a Special Event Liquor License for the Yavapai College Foundation celebrating the grand opening of the Southwest Wine Center to be held on Saturday, October 18, 2014 from 4:00 p.m. – 10:00 p.m. at 601 Black Hills Road, Clarkdale, AZ.

**Councilmember Radoccia moved to accept Consent Agenda items A – D as presented. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.**

#### **NEW BUSINESS**

**PRESENTATION BY SUPERVISOR DAVIS REGARDING THE YAVAPAI COUNTY JAIL DISTRICT TAX PROPOSAL** - Discussion regarding the Yavapai County Jail District Tax proposal scheduled on the General Election ballot on November 4, 2014.

Upon the recommendation of the Yavapai County Sheriff, the Board of Directors for the Yavapai County Jail District has been considering referring a question to the voters of Yavapai County for authority to impose a county-wide sales tax of up to \$0.005 (1/2 of a cent) per dollar of sales for a period of 20 years, beginning July 1, 2015 and ending June 30, 2035. The Sheriff recommends the referral in order to secure funding for a necessary increase in jail capacity and jail operations. Alternatives to funding would include an increase in the property tax levy and a reduction in county services.

On July 7, 2014, the Yavapai County Board of Supervisors, acting in their capacity as the Board of Directors of the Yavapai County Jail District, approved placing the proposal on the General Election ballot on November 4, 2014. The attached resolution provides history of the existing ¼ cent sales tax as well as information.

A 10 to 15 minute power point presentation that provides history of the jail district and information regarding the proposed ballot measure will be presented. The sheriff will be here to provide information on the need for increased jail capacity and to answer any questions regarding this important issue.

Supervisor Chip Davis was present to present information on this jail district tax item. He was accompanied by Yavapai County Administrator Phil Bourdon and Captain David Rhodes from the Yavapai County Sheriff's Department. Bourdon stated that all sales except food would be subject to the tax and gave a PowerPoint presentation on the topic. The issue will appear on the November 4, 2014 General Election.

County representatives answered Council questions regarding mental health issues, choice of sales tax as opposed to property tax, diversion programs and the existing Prescott jail facility. Captain Rhodes noted that the Prescott facility is only used as a holding place for prisoners waiting for court during the daytime and is otherwise not in use. Prisoners are currently transported between Prescott and Camp Verde jail facility for court appearances and other reasons. The cost for this transportation is about \$1 million per year.

Supervisor Davis noted in closing that the obligation of providing housing in the jail system belongs to the county. If the county does not meet this obligation the federal government runs the program at a cost to the counties.

**Presentation only, no action required.**

**CLARKDALE MAGISTRATE COURT UPDATE** – An update to discuss the administration and operations of the Clarkdale Magistrate Court.

The Town Magistrate's employment contract contains provisions for an annual meeting with the Council in order to provide updates on the administration of the Clarkdale Magistrate Court. Judge Ramsey will be providing a summary presentation of the courts' operations to Council.

Judge Ronald Ramsey and Court Supervisor Cindy Tinal presented information and updates on this agenda item. Judge Ramsey reviewed the new laws and regulations affecting the municipal courts and Tinal gave an overview of the organizational changes made in the court.

**This is an update to Council and no action is required by Council.**

**A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED: "PEDDLERS AND SOLICITORS CODE"** - Discussion and consideration of Resolution #1475, a resolution declaring the Peddlers and Solicitors Code a public record.

On July 8, 2014, Chief Taylor presented information to the Council for review of a possible amended ordinance regarding the Peddlers and Solicitors Code in the Town Ordinances. The Council directed Chief Taylor to proceed with the drafting of the ordinance with a change to 8-1-4(B)(5) to read: "Solicitations or door-to-door sales made by schools funding extracurricular activities and non-profit youth groups such as Boy Scouts, Girls Scouts and youth sports" as the Council noted these groups should be specifically exempted in the ordinance. The old Section 8-1-6 is also being retained in the new ordinance, and was re-ordered to Section 8-1-11; Permission Required for Selling on Streets or Sidewalks.

The Resolution declares the Peddlers and Solicitors' a public record which will be adopted by ordinance by the next agenda item.

Police Chief Randy Taylor presented information on this agenda item.

**Councilmember Regner moved for the approval of Resolution #1475, a Resolution of the Mayor and the Town Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled: “Peddlers and Solicitors Code”. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “PEDDLERS AND SOLICITORS CODE” REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES AND SEVERABILITY** – Discussion and consideration of Ordinance #362, an ordinance adopting by reference Article 8-1, titled “Peddlers and Solicitors Code”.

During the August 12th Council meeting, the Council will first consider the adoption of a Resolution that articulates the details of the Peddlers and Solicitors Code. If the Council supports the adoption of a Peddlers and Solicitors Code, and has voted to make it a public record by adopting the previous Resolution, then the adoption of this proposed Ordinance would be the final step in the process to formally adopt a Peddlers and Solicitors Code.

This ordinance adopts the document made a public record by Resolution #1475. If the ordinance is approved, the Peddlers and Solicitors Code would be effective 30 days after adoption.

**Councilmember Regner moved to approve the Ordinance #362, an ordinance making changes to the Town Code by adopting by reference that certain document entitled the “Peddlers and Solicitors Code” repealing conflicting ordinances; and providing for penalties and severability. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

**RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA AMENDING RESOLUTION #1466, CREATING PEDDLER AND SOLICITOR LICENSE FEES FOR THE TOWN OF CLARKDALE** – Discussion and consideration of Resolution #1474, a Resolution creating Peddler and Solicitor License fees.

The Police Department is requesting the following changes to the fee schedule:

**GENERAL FEES:**

|  |  |
|--|--|
| ➤ <i>Peddler and Solicitor License</i> | <i>\$30.00 for 6 months each person requesting ID card</i> |
|--|--|

The Notice of Intent to Impose or Increase Fees or Taxes, as required by A.R.S. 9-499.15, was posted on April 10, 2014 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.

**Vice Mayor Dehnert moved for the approval of Resolution #1474, a RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA AMENDING RESOLUTION #1466, CREATING PEDDLER AND SOLICITOR LICENSE FEES FOR THE TOWN OF CLARKDALE. Councilmember Regner seconded the motion. The motion passed unanimously.**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, SETTING FORTH THE VALUATIONS OF PROPERTY IN THE TOWN OF CLARKDALE FOR THE YEAR 2014-2015 ALONG WITH ADOPTING THE TAX LEVY FOR SAID PROPERTY** – Discussion and consideration of Ordinance 363, adopting the tax levy and setting the valuations of property in the Town of Clarkdale for fiscal year 2014-2015.

On July 22, 2014 the Council adopted the Property Tax Levy Resolution and the Fiscal Year 2014-2015 Budget. The Council now needs to adopt the property tax levy for the Town. The levy is placed on each one hundred dollars of assessed value of all property, both real and personal, within the corporate limits of the Town of Clarkdale, except property that the law exempts from taxation.

The tax levy for 2014-2015 is 1.5739 to raise \$442,083 for primary tax purposes. A valuation as quoted by the Yavapai County Assessor’s Office for primary taxes is \$28,088,359. The following is a history of tax rates and the revenues raised with each tax rate:

| <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    |
| 2013-2014          | 1.6000          | \$438,220    |
| 2014-2015          | 1.5739          | \$442,083    |

**Councilmember Regner moved to approve Ordinance #363, an Ordinance of the Mayor and Common Council of the Town of Clarkdale, Yavapai County, Arizona, setting forth the valuations of property in the Town of Clarkdale for the year 2014-2015 along with adopting the tax levy for said property. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.**

**PUBLIC HEARING REGARDING ADOPTING ORDINANCE #364 IN THE CLARKDALE TOWN CODE AND ZONING CODE RELATING TO RECOVERING COSTS OF OUTSIDE CONSULTANT FEES** – Public Hearing to gather comments regarding Ordinance #364 relating to the recovery of outside consultant fees.

Town Council reviewed this proposed ordinance at their June 24<sup>th</sup> worksession. In response to direction given to staff the following changes have been made:

- The new language is being proposed to be added to the end of Chapter 3 – Administration in the Town Code. This seems a better fit than Chapter 2.
- Language has been changed to encompass all phases of a development project.
- The deposit amount is being required at the time of application. The proposed ordinance adds language to sections of the Zoning Code related to conditional use permits, design review and

site plan review applications and subdivision applications. In staff's opinion, requiring the deposit at time of submittal of the initial application provides the greatest protection to the Town against incurring consultant fees during the review process.

- The proposed deposit amount has been tiered relative to the cost and scope of the project, starting with a \$1,000 minimum through to a \$5,000 maximum. One thousand dollars would cover approximately five hours of fees from an outside engineer, or three to four hours of legal fees.

Senior Planner Beth Escobar presented information on this agenda item.

Mayor Von Gausig opened the discussion for public comment. There was no public comment.

**Public Hearing only, no action required.**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CLARKDALE ADDING LANGUAGE TO CHAPTER 3 OF THE CLARKDALE TOWN CODE, ADDING ARTICLE 3-5: COSTS OF OUTSIDE CONSULTANT FEES, ESTABLISHING A PROCESS FOR RECOVERING THE COSTS OF OUTSIDE CONSULTANT FEES INCURRED FOR THE REVIEW, PROCESSING, IMPLEMENTATION, INTERPRETATION OF DEVELOPMENT PROJECTS AND/OR ENFORCEMENT OR REVISION OF ORDINANCES, RESOLUTIONS AND CONTRACTS AND AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CLARKDALE ADDING LANGUAGE TO THE ZONING CODE, CHAPTER 5, SECTION 5-3.A –CONDITIONAL USE PERMIT PROCEDURE; CHAPTER ELEVEN, SECTION 11-2 – APPLICATION PROCEDURE FOR DESIGN REVIEW AND SECTION 11-11.B – SITE PLAN APPLICATION SUBMISSION & REVIEW; AND CHAPTER 12-4-1 – OUTLINE OF SUBDIVISION PROCEDURES; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY – Discussion and consideration of Ordinance #364 relating to recovering the costs of outside consultant fees.**

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- The new language is being proposed to be added to the end of Chapter 3 – Administration in the Town Code. This seems a better fit than Chapter 2.
- Language has been changed to encompass all phases of a development project.
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- The proposed deposit amount has been tiered relative to the cost and scope of the project, starting with a \$1,000 minimum through to a \$5,000 maximum. One thousand dollars would cover approximately five hours of fees from an outside engineer, or three to four hours of legal fees.

Escobar explained that zoning changes and subdivisions require a pre-application meeting which allows staff insight as to how an application might proceed. This ordinance allows staff the opportunity of

advising an applicant that outside assistance may be required during the review process. She stated the deposit was not meant to serve as a deterrent but rather a way for the cost exposure the town may incur to be covered.

**Vice Mayor Dehnert moved for the approval of Ordinance #364, an Ordinance of The Mayor and Town Council of the Town of Clarkdale adding language to Chapter 3 of the Clarkdale Town Code, adding Article 3-5: Costs of Outside Consultant Fees, Establishing a Process for Recovering the Costs of Outside Consultant Fees Incurred for the Review, Processing, Implementation, Interpretation of Development Projects and/or Enforcement or Revision of Ordinances, Resolutions and Contracts and an Ordinance of the Mayor and Town Council of the Town of Clarkdale adding language to the Zoning Code, Chapter 5, Section 5-3.A –Conditional Use Permit Procedure; Chapter Eleven, Section 11-2 – Application Procedure for Design Review and Section 11-11.B – Site Plan Application Submission & Review; and Chapter 12-4-1 – Outline of Subdivision Procedures; Repealing Conflicting Ordinances and Providing For Severability. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

## **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's Report** –

- July 9, 2014 Met with Yavapai College Dean James Perey regarding possible different programs at the Verde Valley campus revolving around natural resources
- July 10, 2014 Attended Sedona meeting regarding reclaimed water
- July 11, 2014 Attended meeting with ASU Young African Leaders Institute
- July 14, 2014 Attended Ad hoc reorganization group
- July 16, 2014 Attended Middle Verde WAC meeting
- July 18, 2014 Participated in Verde float trip
- July 21, 2014 Met with Lanny Morrison
- July 22, 2014 Attended WAC ad hoc group
- July 23, 2014 Attended conference calls with Water Resource Management Working Group
- July 24, 2014 Took flow measurements with JeanMarie Hanic
- August 5, 2014 Participated in Brewer's Tunnel conference call
- August 7, 2014 Attended Verde Front Leaders meeting

- August 12, 2014 Met with Duff Sorrels to talk about Brewer's Diversion safety

Mayor Von Gausig read a congratulatory letter stating that the Town of Clarkdale has been selected as a finalist in the Environmental Stewardship SRP Award for Northern Arizona category of Arizona Forward's 34<sup>th</sup> Annual Environmental Excellence Awards Program.

Vice-Mayor's Report –

- No report.

Councilmember Bohall's Report –

- July 23, 2014 Attended VVTPO meeting
- July 24, 2014 Attended CAT meeting
- August 5, 2014 Attended National Night Out
- August 9, 2014 Attended the Concert in the Park

Councilmember Regner's Report –

- July 9, 2014 Attended Southwest Wine Center Gala Planning meeting
- July 15, 2014 Attended Friends of the Southwest Wine Center Board meeting
- July 23, 2014 Attended meeting of Verde Valley Community College Citizens Advocates who discussed current state of affairs regarding the creation of an administrative district for Yavapai College in the Verde Valley and formation of two advisory committees to the college.
- July 31, 2014 Attended Verde River Institute's FAM trip and later Sedona Mayor Nikki Check's poetry reading
- August 1, 2014 Attended VVREO expanded session
- August 4, 2014 Met with Joy Inman, president of the Friends of the Southwest Wine Center
- August 5, 2014 Attended National Night Out
- August 6, 2014 Attended fundraising and Gala planning meeting with Friends of the Southwest Wine Center
- August 9, 2014 Attended the Concert in the Park
- August 11, 2014 Attended Made in Rural America Regional Forum

Councilmember Radoccia's Report –

- Met at Yavapai College with James Perey regarding Haskell Springs area issues, including the vineyard, traffic, aesthetics of tanks, and road conditions.

Town Manager's Report –

## Reminders:

- Concert in the Park August 23<sup>rd</sup>, Burnett Family Bluegrass
- Concert in the Park September 6<sup>th</sup>, Aces and Eights
- September 20 the Clarkdale Business Alliance is putting on the Clarkdale Poker Stroll
- It is Election season – Election Day is August 26<sup>th</sup> Clarkdale Men's Lounge is designated as one of Yavapai county's voting centers
- Part of our emergency management process is to watch river flows – the National Weather Service stated there would be an increase in the river flow in next 36 hours. In consultation with our permitted river outfitter to find out how they will handle their operations during the higher river flows they stated they don't plan to have kayak operations going during that high flow but have larger rafts that may be used and they are focused on safety

**Organizational Reports – Reports regarding regional organizations.**CAT/ VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations. Councilmember Bohall:

- CAT: Bus service is booming (see CAT report). They are looking into feasibility of running a bus to Cornville. Yavapai Nation is running their bus from Clarkdale to Camp Verde every morning. They have received permanent funding from BIA. Beaver Creek Buggy is a public service organization that has a bus that goes to Camp Verde and on special occasions comes to Cottonwood. They are trying to work out something with the tribe.
- VVTPO: Congress extended highway trust fund through February, 2015. In the Grey Fox Ridge area people have expressed concern about the speed of traffic. Cottonwood is considering reduction of speed limit to 45 and would like Clarkdale to do the same.

NACOG - Northern Arizona Council of Governments. Vice Mayor Dehnert:

- No report

NAMWUA - Northern Arizona Municipal Water Users Association. Councilmember Radoccia:

- No report

VRBP – Verde River Basin Partnership. Mayor Von Gausig:

- No report

VVLP – Verde Valley Land Preservation. Councilmember Radoccia:

- No report

WAC/MVWAC - Yavapai County Water Advisory Committee. Mayor Von Gausig:

- Attended three meetings of ad hoc committee to reform WAC. Attended one meeting of the Middle Verde WAC. Yavapai County Board of Supervisors decided it would no longer pay dues to WAC nor to Upper Verde River Watershed Protection Coalition. There has been no public discussion that would explain the reason for this withdrawal of support. The ad hoc committee has met twice since that decision was made. The committee saw no way for WAC to effectively continue without that funding or without some kind of administrative function to operate the organization. It will be up to Middle Verde WAC to maintain well monitors in the Verde Valley.

VVREO – Verde Valley Regional Economic Organization. Councilmember Regner:

- Attended the expanded session on August 1<sup>st</sup> which focused on an “aggregate demand study” for broadband.
- Bill Jump from Out of Africa spoke regarding enterprise called Verde Valley Adventure Center to discuss all of the things that can be done while visiting in the Verde Valley.
- Dr. Penny Wills, Yavapai College President, stated college is exploring a hospitality program that would include programs such as culinary arts and technical programs related to the hospitality industry. Dr. Wills also led a tour of the Southwest Wine Center at the Clarkdale campus.
- Jamie Fulmer announced the One Year Celebration of the Fire Mountain Winery.

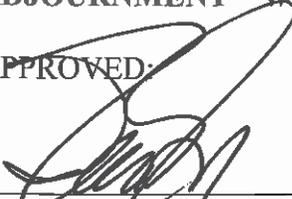
YCL – A report from the Yavapai College Liaison. Councilmember Regner:

- August 12, 2014 Governing board meeting to discuss Verde Valley Advisory Committee
- August 28, 2014 Ribbon cutting at Southwest Wine Center
- October 18, 2014 Southwest Wine and Dine in the Vines event

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

**ADJOURNMENT** – Without objection, Mayor Von Gausig adjourned the meeting at 8:15 P.M.

APPROVED:



\_\_\_\_\_  
Doug Von Gausig, 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 August, 2014. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10 day of September 2014.

SEAL



\_\_\_\_\_  
Kathy Bainbridge, Town Clerk