

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, January 13, 2015**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 13, 2015, 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 5:58 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Curtiss Bohall

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Development/Economic Director Jodie Filardo
Community Services/Human Resources Director Janet Perry
Police Chief Randy Taylor
Deputy Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. 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 business owner and resident, commented on the Christmas and holiday decorations put up by the Town and thanked the crew and residents for those decorations.

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

- 12/10/14: Attended California Groundwater Management Act webinar
 - Bank Robbery re-enactment rehearsal
- 12/11/14: Participated in training of newly-elected officials for League of Cities and Towns
- 12/12/14: Attended Arizona Forward Luncheon – Mayor received Leadership Award in sustainability
- 12/13/14: Participated in bank robbery re-enactment
- 12/16/14: Met with Councilmember Buckley

- 12/18/14: Participated in arrangements for next USGS meeting in January (groundwater monitoring – group that used to be in YC Water Advisory Committee) – new report being requested of USGS is hydrogen study in stretch of river upstream from Clarkdale
- 01/06/15: Attended Water Committee meeting for Arizona Forward;
 - Attended Arizona Forward Sustainable Funding Committee
- 01/08/15: Met with Nancy Dallet to talk about Tuzigoot’s comprehensive history
- 01/12/15: Attended Mayor/Manager/Supervisor meeting in Camp Verde
- Congratulated and thanked Public Works and Police Departments on outstanding work done on roads and public service during snowstorm

Vice-Mayor’s Report

- 12/10/14: Bank robbery re-enactment rehearsal
- 12/13/14: Participated in bank robbery re-enactment
- 12/23/14 – Met with Town Manager, Town staff and members of Parks and Recreation commission to review information from December 16, 2014 Council meeting

Councilmember Bohall’s Report

- 12/19/14: Attended Caroling in the Park
- 01/07 – 09/14: Attended Rural Transportation Summit in Flagstaff; at the summit there was a sub-committee of the Transportation Advisory Committee in which a new message was sent to the legislature regarding the HURF funds depletion; Councilmember Bohall publicly expressed importance of transportation and the need to pay for it

Councilmember Regner’s Report

- 12/10/14: Participated in Bank robbery re-enactment rehearsal
- 12/13/14: Participated in Bank robbery re-enactment
- 01/11/14: Attended social event for Yavapai College Verde Campus Advisory committee

Councilmember Buckley’s Report

- 12/11 - 12/14: Attended newly elected officials training in Mesa
- 12/16/14: Had meeting with Mayor Von Gausig

Town Manager’s Report

- 12/31/14: New Year’s Eve Snowstorm: Kudos to Town Crew and to citizens that were watching out for each other and assisting one another
- 01/15 – 16/14: Second Annual Arizona Food and Farm Finance Forum in Clarkdale focusing on bridging the gap between farmers, local food entrepreneurs and presenting opportunities for both private and public investment and collaboration. Everyone is welcome and tickets are available by Googling “Arizona Food Forum Clarkdale” for

registration.

- 01/19/15: Town offices closed for Dr. Martin Luther King, Jr. Day
- 01/21/15: Clark Memorial Clubhouse Tours presented by the Clarkdale Historical Society; meet in front of the museum at 9:45 a.m.
- 01/27/15: Oath of Office Ceremony for our new reserve and full-time police officers at 2:30 p.m. in the Men's Lounge

Volunteer Recruitment was highly successful in 2014. Volunteers served on Boards and Commissions, worked in our offices and for special events sponsored by the Town, worked on building and maintaining land and blue trails, worked in the cemetery and provided countless other services. "Volunteers proved once again to be an integral part of our operations in Clarkdale". Volunteer recruitment through the Community Services department is on-going in 2015 and applications are available on-line at www.clarkdale.az.gov

Water Resource Management Plan Update: The Town expects to open escrow this week on the purchase of 102 acres in the historic industrial area of Clarkdale. "The land will provide the Town with site control for our current effluent disposal operations, and will also provide flexibility as we explore alternative methods of the use of our reclaimed water in the future."

Organizational Reports – Reports regarding regional organizations.

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

CAT: No report
VVTPO: No report

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

No report

NAMWUA - Northern Arizona Municipal Water Users Association. Mayor Von Gausig:

No report

VRBP – Verde River Basin Partnership. Mayor Von Gausig:

No report

VVLP – Verde Valley Land Preservation. Mayor Von Gausig

No report

YC Advisory Board – A report from the Yavapai College Advisory Board representative, Councilmember Bill Regner:

January 7th meeting postponed. Next meeting January 21st.

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 December 9, 2014 and Special Meetings held December 9th and 16th 2014.
- B. **Claims** - List of specific expenditures made by the Town during the previous month. December, 2014 check log and PPE dated December 13, 2014 and December 27, 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 December 24, 2014
Design Review Board Notice of Cancellation of meeting December 3, 2014
Planning Commission minutes of the meeting held December 16, 2014
Parks and Recreation Committee minutes of the meeting held jointly with Council on December 16, 2014 (see Consent Agenda item A)
- D. **Resolution adopting a change to the Salary Range Placement Table** – approval of Resolution # 1489, adopting the Salary Range Placement Table.
- E. **Resolution making appointments to various regional organizations** – Approval Resolution # 1490, A Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona, amending Resolution #1398 making appointments to various regional organizations.
- F. **Personnel Policy and Procedural Manual amendments** – Approval of amendments to the Town’s Personnel Policy and Procedural Manual.

Vice Mayor Dehnert pulled G & H.

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

- G. **Local Food Days Proclamation** – Approval of a Local Food Days Proclamation in support of improving the growth, processing, distribution, consumption and waste management of healthy, local grown foods.

The Town of Clarkdale adopted the Sustainable Clarkdale Initiative on February 28, 2011, including developing sustainable health and wellness opportunities. There are economic development opportunities related to local food production and consumption. The Town of Clarkdale supports

sustainable development of local resources and the Town and Local First Arizona are partnering to present the second annual Food and Farm Finance Forum on January 15 & 16, 2015 in Clarkdale.

The Proclamation proclaims January 15 and 16, 2015 as Local Food Days in support of improving the growth, processing, distribution, consumption and waste management of healthy, local grown foods

Vice Mayor Dehnert moved to approve Consent Agenda item G. Councilmember Bohall seconded the motion and the motion was passed unanimously.

- H. “Start by Believing” Proclamation - Approval of “Start by Believing” Proclamation to elevate public awareness of the trauma of sexual assault victims, in order to improve the responses of friends, family members, and community professionals.

There is a nation-wide effort to pass a proclamation in every government agency in Yavapai County to enhance the awareness of the public to the perils of sexual assault victims, thereby improving the responses of friends, family members, and community professionals, so they can help victims access supportive resources and engage the criminal justice system.

Vice Mayor Dehnert moved to approve Consent Agenda item H. Councilmember Bohall seconded the motion and it was passed unanimously.

Mayor Von Gausig declared a Conflict of Interest, recused himself from the New Business agenda items and excused himself from the remainder of the Council meeting.

Councilmember Regner read a statement regarding his previous conflict of interest and further declared, after consulting with the Town Attorney, that his conflict of interest has been removed by resigning from The Verde River Institute as a safety boater on January 12, 2015.

NEW BUSINESS

COMMERCIAL RIVER RUNNER CAPACITIES FOR THE VERDE RIVER @ CLARKDALE
– Consideration and possible action relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale.

The Clarkdale Town Council and Parks and Recreation Commission held a Joint Worksession on Tuesday, December 16, 2014 to discuss recommendations that the Town Staff had developed relating to the establishment of Commercial River Runner Capacities on the Verde River @ Clarkdale. The purpose of the December 16th worksession was to receive comments and input from the Council, Parks and Recreation Commission and the general public so that the Town Staff could then revise the capacity recommendations and present the revised recommendations to the Town Council for possible approval at their January 13, 2015 Council meeting.

While the initial capacity recommendations that were the subject of the December 16th discussion were developed with a long-term capacity in mind, the Council and Commission expressed support for taking a more conservative approach to setting initial capacities on the river. With that in mind, the Town Staff is recommending that, instead of setting long-term capacities, that the Council consider setting a capacity limit to be applied only to the 2015 river season. Acknowledging that the Town of Clarkdale is on the leading edge of river recreation issues in the Verde Valley, it makes sense to move more slowly, and re-look at capacity issues on a year-by-year basis during the initial years of the Verde River @ Clarkdale project.

Clarkdale Town staff recommends that the following commercial river outfitter capacities be set for the Verde River @ Clarkdale for the 2015 calendar year:

- Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:
 - 7,820 commercial recreational (maximum)
 - 1,380 commercial interpretive/educational (minimum)
- Maximum guided trip size of sixteen (16) people per trip, including trip guides.
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

Taken at potential maximum levels, these recommended capacities are approximately 80% lower than the capacities that were discussed during the December 16, 2014 Joint Worksession. Under the recommendation, the commercial recreational capacities would increase from 6,367 in 2014 to 7,820 in 2015.

During the 180 days of the peak boating season (April 1 – Sept. 30...when 85% of the commercial activity took place in 2014), these capacities could result in an average of 8 more commercial recreational customers per day on the 3-mile stretch of the Verde River @ Clarkdale than we experienced in 2014 (we averaged 36 commercial recreational customers per day in the peak season in 2014 and could average 44 commercial recreational customers per day under the recommended capacity).

Our recommendations are designed to put a strong emphasis on creating capacity in our system for additional interpretive/educational tours. While only 2.11% of the commercial activity on the Verde River @ Clarkdale was the result of interpretive tours in 2014, an increase in that percentage would be in keeping with the principles of the Verde River @ Clarkdale project. A minimum of 15% of the commercial capacity in 2015 will be available for interpretive/educational tours, and if there is unused capacity for the commercial recreational tours, the capacity available for interpretive/educational tours will increase. We understand that some of the capacity designated for interpretive/educational tours may go unused during the year, but feel it is important to reserve this capacity early in our process and work with outfitters to grow the demand for these important types of tours each year.

The capacity recommendations for unguided operations are designed to balance the demand for these activities with the inherent differences between unguided and guided trips (which were articulated in the report) and require that unguided trips be taken in vessels that meet the Arizona definition for “watercraft”. This will eliminate the use of standard inner tubes and other “water toys” on a commercial basis on this stretch of river. During busy summer weekends, there were often more than 36 unguided customers on the river in 2014. The recommended capacities will add a new level of control to that use in 2015.

Unlike the recommendations presented in December which had strict regulations of launch times built into the capacity schedule, launch times for commercial trips will be regulated through the 2015 permit process.

Every permittee is required to file an operational plan, and those plans will be required to address steps to be taken to ensure that appropriate time spacing occurs between launches (in order to ensure appropriate social encounter levels). With the 80% reduction in recommended capacity levels, this method of regulating launch times should be very effective for the 2015 season.

After the Council takes final action on establishing the 2015 commercial capacities on the Verde River @ Clarkdale, staff will begin the process for soliciting bids for the outfitter permits that will be available in 2015. Although the permits themselves will not require Council action, the Town Manager plans to appoint a committee to work with her during the 2015 permit process. In addition to representatives from other land management agencies in the Verde Valley, the Town Manager plans to include at least one Council Member, one Parks and Recreation Commission member and one member of the public on this manager-appointed committee.

Town Manager Mabery gave an update of the changes and recommendations being made regarding capacity and emphasized that the agenda item is specific only to commercial use of the river and does not address any private boaters. Mabery stated that in response to the comments expressed during the December 16th council meeting, the Town's attempt with the new numbers was for a more "measured approach".

Council comments and positions included:

Vice Mayor Dehnert – Noted that the idea for discussing capacity on the river began with the Town staff and Council. Directed public to the Verde River Institute's website for information on studies and data about the Verde River and the Verde River @ Clarkdale. Dehnert also recognized the life's work and knowledge of Mayor Von Gausig and stated he missed his expertise at this meeting.

Councilmember Bohall – Made clarifications regarding commercial capacity being the focus of this agenda item and stated that the Verde River is a public waterway.

Councilmember Regner – Commented that it would be to an outfitter's benefit to space out his or her launch from any prior launches to enhance the customer's river experience.

The following people addressed comments to the Council:

Lisa Cauliff, Jerome Citizen – believes that the proposal to allow commercial outfitter has nothing other than to generate revenue for the Town; opposed to commercial outfitters on the river except for interpretive/educational tours and private boaters.

Lisa Petty, Clarkdale resident – states that she is unclear what the numbers on the report mean.

Marsha Foutz, Clarkdale resident – "American Rivers Organization recognized the Verde River as one of the most endangered rivers in 2006 but a study released in 2011 revealed that the valley residents were indifferent about the river". Believes that the river is now becoming known thanks to the efforts of river advocates but the creation of the Clarkdale river park has made the biggest difference in its popularity. She is in support of establishing capacities and the capacities should not be too small. She stated her students had a great time on the river last summer. Young people involved in the river is critical. River education needs to be a part of the permitting process. Recommends survey of river residents to determine the numbers impacted by the commercial recreation.

Ann Miranda, Clarkdale resident – believes capacity numbers are still too high and supports interpretive tours only.

Chris Jensen, not Clarkdale resident – states that discussion of capacity is important but also believes a key item that has been missing from the discussion is “fun”.

Paul Matthews, not a Clarkdale resident – discussed industry standards for water testing and suggests we adopt those standards; stated Verde River Adventures are not compliant with safety standards; unguided tours have problems with alcohol use.

Jet Tenant, Clarkdale property owner, Cornville resident – opposed to commercial outfitters and prefers interpretive tours; encourage public to use river.

David Baird, not a Clarkdale resident – Sedona River Adventures helped the small businesses a lot in Sedona and the outfitter has helped the small businesses in Clarkdale. Supports the commercial outfitters.

Robyn Prud'homme-Bauer, Clarkdale business owner and resident – agrees with the Town's efforts in putting together education about the river; thinks the outfitter discussion is important; as a downtown business, stated a need for more facilities for the customers to change clothes and use restrooms. States the river has to be managed in a way that meets the needs of everyone.

Bree Nation, Clarkdale resident – enjoys the availability of the outfitters because she doesn't have the equipment to use the river which she really enjoys on her days off. Enjoyed an unguided tour as well as guided tours and felt that the outfitters were responsible. Would like to see that continue at a respectable rate. Appreciates the management of the river.

Lori Revere, not a Clarkdale resident – has lived on the river in Cornville since 1988 and would like to see impact studies done to determine the risks to the ecosystem.

Carrie Anderson, Cottonwood resident – asked how the council perceives enforcement of the quiet zone and would like to see evidence of outfitter responsibility and consequences of infractions of quiet zone written into their contracts. Asked what progress has been made toward impact study and commended Councilmember Regner on his declared conflict and how he cleared that up. Appreciates the Mayor's knowledge of the river and asked if the council has thought of asking the mayor to step aside from participation from his position with the Verde River Institute so that he can participate in this process. Further stated she prefers interpretive tours to commercial outfitters.

Drake Meinke, Clarkdale resident – stated that 44 people per day on the river is a very low capacity and said we shouldn't limit people with quotas and limits; has concerns about tourism.

Alison Gitlan, Verde Village resident – stated she was glad considering temporary capacity; river needs to be accessible to the people; increased demand for capacity is inevitable; does not think private users should be displaced by commercial use; private users should come first. Stated that people should be taught respect for the river.

Bob Rothrock, Verde Valley resident – stated that there is a proposed compromise between one group that supports little or no use of the river and another that wants to advocate for an unlimited number of river users. Stated we must be stewards to guard against its degradation. He stated that when developers come to

drill wells that will dry up the river there are not enough people to help preserve the river and we need to create more river advocates; we need all the experiences of people on the river – those who loudly enjoy and those who quietly enjoy.

Amber Godina, Clarkdale resident – stated that science and safety of the water are important considerations.

Danielle Kyle, Phoenix resident – she is the State Director for American Canoe Association and the regional director for American Whitewater. Likes this section of the river and believes that education will help to create river culture. Stated she lived in Durango where river runs through the city; when they first began to manage and develop it there was a lot of opposition. There were a lot of changes and compromises along the way.

Vice Mayor Dehnert closed public comment.

Mabery addressed some of the questions by clarifying capacity figures and stating that Quiet Zone enforcement lies mainly with the Clarkdale Police Department. An added layer of enforcement, she stated, is in the outfitters' contracts.

Vice Mayor Dehnert noted that letters had been received on the topic from Richard Martin and Jane Moore, both from Jerome. Both letters expressed concerns regarding higher capacities on the river.

Vice Mayor Dehnert stated that the resource of rental equipment is valuable for those who don't have access to boating equipment. He also noted that those who don't think that the Town of Clarkdale is sensitive enough to the Verde River and its ecosystem should recall that the Town Manager re-negotiated the Town's contract with Freeport McMoRan to move the initial upper Tapco access point to lower Tapco to accommodate the two bald eagles that live there.

Councilmember Regner noted that the revenue from commercial outfitters is important to help this work and Vice Mayor Dehnert added that the fees collected from commercial outfitters are kept separate to help pay for maintenance of river access points, Verde River ambassadors and not kept in Clarkdale's general fund.

Mabery addressed impacts of increased usage on wildlife and noted that this concern would not be limited to commercial outfitters. She added that there are many local experts on wildlife and natural systems and recommended that we use those resources to help determine habitat risks.

Councilmember Regner moved to approve establishment of the following 2015 Commercial River Runner Capacity:

- **Maximum capacity of 9,200 commercial customers during the 2015 season, allocated as follows:**
 - **7,820 commercial recreational (maximum)**
 - **1,380 commercial interpretive/educational (minimum)**
- **Maximum guided trip size of sixteen (16) people per trip, including trip guides.**
- **Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.**
- **Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.**

Councilmember Bohall seconded the motion. The motion carried unanimously.

After a 5-minute recess, Vice Mayor Dehnert reconvened the meeting.

WORKSESSION ON COMMERCIAL OUTFITTER REGULATIONS – Discussion of a proposed ordinance that establishes the Town's policies for regulating outfitters that offer commercial outdoor recreation services in the Town of Clarkdale and on lands operated by the Town of Clarkdale.

With the establishment of the Verde River @ Clarkdale project in 2011, the Town of Clarkdale is receiving increasing levels of interest from commercial outfitters who are interested in operating outdoor recreation services on public lands in the Town of Clarkdale and on lands operated by the Town of Clarkdale. While regulation and permitting of outfitters is nothing new to land management agencies across the state and country, it is a new venture for the Town of Clarkdale.

While the Town Staff is well versed in the administration of various permit and license rulemaking and procedures, the Town of Clarkdale does not have an adopted policy to provide a framework for outfitter permitting at this time. To provide clear authority and guidance in the future, the staff has developed a draft ordinance for the Council's discussion tonight and, ultimately, for future adoption.

While most of the interest we are experiencing is focused on river outfitters at this time, the Town has also received inquiries about other types of outfitting services (for example: guided hikes, guided bird watching, and guided horseback tours). The ordinance has been drafted to apply to all types of outdoor recreation outfitting. Special details that are specific to a given type of outfitting activity would be included as part of the administrative rulemaking, and included in the Commercial Outfitter Permit for that particular activity.

For instance, Section 8-7-4 deals with Fees, Terms and Capacities. It acknowledges that the Council may set annual and/or seasonal capacity or volume limitations for certain activities. In cases where capacities are set, like the river capacities currently under discussion by the Council, the staff would reflect the adopted capacities in the permits that are issued. This is a good example of the Council setting the policy (i.e. adopting a capacity limit) and the Staff administering that policy through the administrative permit process.

The ordinance provisions are drafted to provide the level of guidance necessary to establish appropriate policy level decisions, and leave flexibility for appropriate administration of those policies by the staff. The inherent differences and need for specific types of regulation for each type of outfitting operation would be captured in the Commercial Outfitter Permits for that particular type of activity.

For instance, if we were issuing a Commercial Outfitter Permit for a guided hiking activity that crossed into an area with a special resource designation or specially protected area, the Permit criteria would include regulations to address those specifics. There is no need, nor is it practical to assume, that we could include every type of regulation needed in the body of the ordinance. The goal is to draft an ordinance that lays the solid policy foundation for adoption by the Council, and then have the staff perform the administrative rulemaking and implementation of the policies.

This item is scheduled for discussion only on tonight's agenda. The Clarkdale Parks and Recreation Commission will review the draft ordinance at their meeting on January 14, 2015, and make a

recommendation to the Council relating to the ordinance. We expect to bring the ordinance before the Council for action at the January 27, 2015 Council meeting.

Vice Mayor Dehnert opened the topic for public comment:

Lisa Petty, Clarkdale resident – stated she had two concerns about this: Quiet Zone enforcement and the use of supersoakers/water cannons. She feels these water toys should be banned.

Council thinks Town Manager Mabery is going in the right direction and Mabery advised it was her intention to bring back for next meeting for possible action.

This item is for discussion and direction to staff. No formal action is required.

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

ADJOURNMENT – Without objection, Mayor Von Gausig adjourned the meeting at 8:30 P.M.

APPROVED:

ATTESTED/SUBMITTED:


Richard Dehnert, Vice Mayor


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 13th day of January, 2015. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 11th day of February, 2015.

SEAL


Kathy Bainbridge, Town Clerk