

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, January 27, 2015**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 27, 2015, at 3:00 p.m. in the Clarkdale Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor Doug Von Gausig

Councilmember Bill Regner

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Scott Buckley

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Public Works/Utilities Director Wayne Debrosky

Community Services/Human Resources Director Janet Perry

Community Development/Economic Director Jodie Filardo

Senior Planner Beth Escobar

Police Chief Randy Taylor

Deputy Clerk Mary Ellen Dunn

Meeting was called to order at 3:01 P.M. by Mayor Von Gausig.

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, spoke on behalf of Clarkdale Historical Society Museum's recent makeover.

Robyn Prud'homme-Bauer, Clarkdale business owner and resident, Clarkdale businesses are participating in Clarkdale's Beer Week, February 12 – 21, 2015. Businesses will have special deals for patrons.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Reports** - Approval of written Reports from Town Departments and Other Agencies
- Building Permit Report – December, 2014
 - Capital Improvements Report – December, 2014
 - Magistrate Court Report – December, 2014
 - Water and Wastewater Report – December, 2014
 - Clarkdale Fire District Report and Mutual Aid Responses Report – December, 2014

NAIPTA Transit Report – December, 2014

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

NEW BUSINESS

WORKSESSION REGARDING AMENDMENT TO CHAPTER 13 OF THE TOWN ZONING CODE, SECTION 13-2(C): PROCEDURES FOR AMENDMENTS AND SECTION 13-2(F) PROCEDURE FOR AMENDMENTS – Discussion regarding a requirement for a specific development plan to accompany all zone change applications and adding guidelines for the Planning Commission to use in evaluation of a zone change request.

Subsequent to the processing of a rezone application in 2014, staff and the Planning Commission reviewed Chapter 13 of the Zoning Code: Enforcement, Amendments & Penalties. During this review, possible improvements to the zone change application and review processes were identified. The Planning Commission conducted two worksessions regarding proposed changes to Chapter 13 of the Zoning Code and directed staff to draft changes to this section, including requiring a specific development plan to accompany all zone change applications and adding guidelines for the Planning Commission to use in evaluation of a zone change request.

Proposed Changes

Regarding the zone change application process, language is being added to Section 13.2.C listing new conditions for an application, including the requirement for a detailed description of a specific development proposal to accompany a zone change request. This has not been required in the past, so staff has not had the ability to refuse to accept applications for zone changes not based on a specified use or development.

In addition, to facilitate measuring the impact any proposed change has to the surrounding neighborhood, an obligation is being added under Section 13.2.C.7 requiring the applicant to complete a neighborhood participation plan prior to the application moving forward to a public hearing. This provides the opportunity for the applicant to address issues raised by neighbors at an early stage of the project.

Proposed language is being added to Section 13.2.F listing criteria for the Planning Commission to examine when considering a zone change application.

Included in Section 13.2.F.8 is language specifying the applicant shall fund and construct all improvements required as part of a recommendation of approval.

Legal Opinion

Per the Town Attorney, the Town may modify the existing zone amendment procedures without risking exposure under the Arizona Private Property Protection Act of 2006 (Prop. 207).

The changes being proposed are in conformance with Arizona Revised Statutes, Section 9-462-01.12.E, which states the Town may 'approve a change of zone conditioned upon a schedule for development of the specific uses or uses for which rezoning is requested'.

Public Hearing

The Planning Commission held a Public Hearing on these proposed changes on December 16, 2014. Notice of this hearing was published in the Verde Independent.

No public comment was given at this meeting.

In the opinion of the Planning Commission and staff, these proposed code changes will result in a better zone change application process, including more neighborhood involvement early in the process to help shape the application to mitigate impact on surrounding properties.

Senior Planner Beth Escobar presented information on this agenda item. Escobar informed the council that the Planning Commission's vote on this issue was unanimous in favor of these changes.

Escobar confirmed that the biggest change they are recommending is that a property owner requesting a zoning change will be required to inform staff, Planning Commission and adjacent neighbors of what the development plan for that piece of property would be.

Discussion followed regarding limitations on property owners and definitions of "development".

Town Manager Mabery clarified the Town's position that zoning changes are not rights but rather discretionary and subject to procedures and regulations.

Escobar stated revisions could be made clarifying and defining "development plan". Mabery stated that this change involved best practices and coincides with the practices of other cities and towns.

Council agreed that the amendments were improvements to the current code.

Mabery asked if a development plan would be required of the Town if a private property zoning change request would be Town-initiated and Escobar stated that the answer would be yes unless exemptions were included in the code.

This is a worksession only. No official action by Council is required.

WORKSESSION REGARDING WAY-FINDING SIGNAGE - Discussion regarding Way-finding signage at key locations throughout Clarkdale.

Since July 2014, the Community Development Department has been working on an array of concepts to enhance the introduction to and navigation around Clarkdale as one of the recommended strategies from the Sustainable Community & Economic Development Plan adopted by Town Council in June,

2013. Implementing way-finding signage in key locations within the Town is the discussion for this meeting.

On January 6, 2015, staff shared the most recent draft of way-finding concepts with the Downtown Clarkdale Business Alliance representatives, all of whom seemed delighted with the prospect and encouraged staff to move forward.

The intention of the project is to create a similar look and feel for the Town's signage and to use that concept at key locations as follows (and as noted on the following map):

1. On Broadway at Main Street facing traffic heading from the train depot;
2. On State Route 89A heading from Cottonwood just prior to the Clarkdale Parkway Roundabout;
3. On State Route 89A heading down the hill from Jerome just prior to the Clarkdale Parkway Roundabout;
4. On Broadway at the Wastewater Treatment Plant heading towards Main Street, Clarkdale;
5. On Clarkdale Parkway heading down from the roundabout at SR 89A before the Mountain Gate entrance; and
6. On Broadway heading toward Clarkdale just before the Moose Lodge.

All these signs are planned to be deployed in rights-of-way owned by the Town with the exception of sign 2 above which is located on land owned by the UVX Mongini Cattle Company. (Staff has not approached this property owner yet pending the outcome of the Council discussions in this work session.)

The format of the signs will be similar with the directional signs changing as needed. Here's a sample of the sign as a mock-up placed into its location at the corner of Broadway and Main heading from the train depot.

Each sign features the Clarkdale Topper (also used on all the Main Street banners) followed by the Welcome Sign, then the Shop & Dine Sign, the Town Park sign, the Town Hall Complex sign, and finally the directional arrow. The specifications of the signs are shown on the right. The signs will be mounted on bronze-colored metal frames with capitols as noted below similar to the sign.

Following the implementation of Council direction from this work session, staff will obtain 3 quotes for the manufacture of the signs and the frames plus the installation of each sign at its designated location. Staff is hoping to complete the project prior to June 30, 2015.

Community Development/Economic Director Filardo presented information on this agenda item. She stated she would like to receive feedback from the council, make adjustments, take to Design Review Board, and go out for quotes.

Councilmember Regner would like to see a sign for people who are leaving the Tuzigoot area and entering Broadway.

Vice Mayor Dehnert noted that perhaps distances could be added to a sign and placed by the railroad directional sign and Mayor Von Gausig suggested a sign that said "89A" might be appropriate as well.

Mayor Von Gausig also noted that people might be more used to seeing a wine glass and eating utensil as opposed to the shopping bag for the "Shop and Dine" signs and the contrast of color between the copper and white might not be as visible as other combinations.

Mabery suggested investigating lighting of the signs.

This is a worksession only. Staff is asking Town Council to provide staff direction.

FISCAL YEAR 2014-2015 BUDGET UPDATE – A worksession to discuss the second quarter of the 2014-2015 FY budget.

This budget update is designed to provide the Town Council with an overview of the current budget position, discuss current budget and revenue projections, and talk about key areas in the Town's short term economic outlook.

Finance Director/Town Clerk Bainbridge presented the budget update information.

Councilmember Regner stated he was amazed at Bainbridge's ability to project as accurately as she always does, commended her and asked with Governor Ducey's new budget, what kinds of discussions and things we might expect. Bainbridge stated that updates would be forthcoming pursuant to weekly conference calls through the Arizona League.

Mayor Von Gausig stated that the Arizona League's perception of the new Governor's attention to cities and towns is better than it has been in the past few years and so far Governor Ducey seems much more sympathetic.

2014-2015 Budget Update for Month Ending December 31, 2014 (50% of FY Complete)

<u>Account</u>	<u>YTD Actual</u>	<u>% of Budget</u>
Streets – Revenue (w/o DF)	\$ 197,912.59	51.11%
Streets – Expenses (w/o DF)	\$ 166,250.03	42.93%
Wastewater – Revenue	\$ 267,865.06	48.29%
Wastewater – Expenses	\$ 275,606.31	49.69%
Sanitation – Revenue	\$ 150,355.39	51.32%
Sanitation – Expenses	\$ 121,534.45	41.48%
Water – Revenue	\$ 679,228.74	50.41%
Water – Expenses	\$ 616,381.60	45.74%
Cemetery – Revenue	\$ 10,515.18	23.32%
Cemetery – Expenses	\$ 24,313.98	53.92%
General Fund – Revenue (w/o DF)	\$1,476,518.76	50.54%
General Fund – Expenses (w/o DF)	\$1,382,944.02	47.34%

This item is scheduled as a worksession only, and no official action is necessary from the council.

Mayor Von Gausig recused himself from the next agenda items citing a previously declared Conflict of Interest. The meeting was turned over to the chairmanship of Vice Mayor Dehnert.

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: "COMMERCIAL OUTFITTERS CODE" – Discussion and consideration of Resolution #1491 declaring the Commercial Outfitters Code as a public record.

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 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). Regulation and permitting of outfitters is a common practice among land management agencies across the state and country, and much of the proposed ordinance is modeled after examples from different jurisdictions.

To provide clear authority and guidance in the future, the staff developed a draft ordinance for the Council's discussion at the January 13, 2015 Council Meeting.

The ordinance was 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 set by Council on January 13th, 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.

The Clarkdale Parks and Recreation Commission reviewed the draft ordinance at their meeting on

January 14, 2015 and unanimously recommended approval of the ordinance. The Town Attorney is currently reviewing the ordinance, and his review comments are expected after the packet for this meeting has been distributed. Staff will update the Council packets with any changes recommended by the Town Attorney prior to the Council meeting.

The Town Manager's Commercial Outfitter Advisory Committee has also reviewed the ordinance, and, as a result of comments from the committee, some clarifying changes were made to the draft ordinance, including:

- ✓ The definition for "Commercial Outfitter" was amended to make clear that, in addition to other categories previously identified, persons offering instruction in outdoor recreation skills are also regulated under this ordinance.
- ✓ The definition for "Commercial Outfitter Permit" was amended to make clear that, in addition to the other categories previously identified, persons offering instruction in outdoor recreation skills are required to have a permit under this ordinance.
- ✓ Section 8-7-3 F was added to specify that Commercial Outfitters who have been contracted by the Town of Clarkdale to provide a program, event or activity on behalf of the Town of Clarkdale may be exempt from the need to secure an Outfitter Permit if they are regulated under a separate contract with the Town of Clarkdale
- ✓ Section 8-7-3 B clarified that licenses may be reissued for additional terms based on successful performance under the permit.

Separately, the Town Attorney reviewed the ordinance, and recommended the following changes:

- ✓ To comply with Arizona Revised Statutes regulating cities and towns, Section 8-7-4 (B) was amended to provide that a permit may be issued for a one year term. Permits may still be reissued for subsequent one year terms if permit holder is in compliance with the permit conditions at the end of the term.
- ✓ In Section 8-7-6 A (1), a reference to Limited Liability Corporations was added.
- ✓ In Section 8-7-8 A (6), the requirement for an outfitter, skill instructor, guide, trip leader or guide instructor to be at least 18 years of age was added.

If adopted, the attached Resolution would make the "Commercial Outfitters Code" a public record, and would then require a separate action to also adopt the associated Ordinance.

Town Manager Mabery presented information on this agenda item.

The reply was affirmative when Vice Mayor Dehnert asked if the Parks and Recreation Department contracted with an already permitted outfitter would that be outside the scope of their existing permit.

Councilmember Regner moved to adopt Resolution #1491, 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: "Commercial Outfitters Code". Councilmember Buckley seconded the motion. The motion passed unanimously.

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED THE “COMMERCIAL OUTFITTERS CODE” REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY – Discussion and consideration of Ordinance #365, an ordinance adopting by reference Article 8-7-1 through 8-7-10 titled “Commercial Outfitters Code” by emergency clause to become immediately operative and in force.

With the advertisement for commercial river runner permits at hand by the end of January, staff is recommending that the Council adopt the Outfitter Ordinance with an emergency clause, so that it can become immediately effective and can therefore be more easily incorporated into the solicitation for applications for river runner permits.

Passage of an emergency ordinance requires an affirmative vote of three-fourths of all the members elected to the town council, taken by ayes and nays. Because Mayor Von Gausig has declared a conflict of interest and will not participate, it will take a unanimous vote by the remaining four Council Members to pass this ordinance with an emergency clause. As an alternative, it takes a simple majority of those present to pass the ordinance without the emergency clause.

During the January 27, 2015 Council meeting, the Council will first consider the adoption of Resolution #1491 that articulates the details of the Commercial Outfitters Code. If the Council supports the adoption of the Commercial Outfitters 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 the Commercial Outfitters Code.

Mabery reviewed things reflected in the permit but not the ordinance: supersoakers limitations would be banned within the designated quiet zones on the river for commercial outfitters; how would we consider outfitters to have changing facilities for patrons – are trying to work through that issue – trying to see if it would be an ordinance or procedural issue; river runner permits – capacity volumes approved by the council would be reduced by 10% for reserve capacity in special event occasions; az state parks discussions – permitting process will be consolidated to one permit with town and state parks rather than having outfitters obtain two permits.

Councilmember Buckley moved to adopt Ordinance #365, An Ordinance Of The Town Of Clarkdale, Arizona, Making Changes To The Town Code By Adopting By Reference That Certain Document Entitled The “Commercial Outfitters Code” Repealing Conflicting Ordinances; Providing For Penalties; Providing For Severability And Declaring An Emergency. Councilmember Bohall seconded the motion.

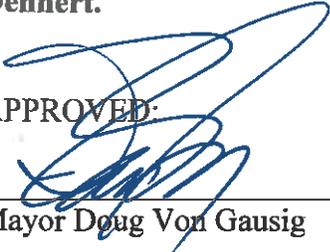
The nature of the proposed Ordinance requires a roll-call vote:

Councilmember Bohall – Aye
Councilmember Buckley – Aye
Vice Mayor Dehnert – Aye
Councilmember Regner - Aye

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

ADJOURNMENT – without objection the meeting was adjourned at 4:32 P.M. by Vice Mayor Dehnert.

APPROVED:



Mayor Doug Von Gausig

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 27th day of January, 2015.

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

Dated this 11 day of February, 2015.

SEAL



Kathy Bainbridge, Town Clerk