

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, August 11, 2015**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 11, 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 6:00 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  
Human Resources/Community Services Director Janet Perry  
Community Development/Economic Director Jodie Filardo  
Utilities/Public Works Director Wayne Debrosky  
Police Chief Randy Taylor

**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 and business owner** – commended the Town for last week's Rural Policy Forum event.

**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** –

- July 15 – Attended Arizona Navigable Stream Adjudication Commission (ANSAC) discussion with Verde River Basin Partnership;
  - CRRT meeting
- July 17 – Gave Arizona Forward Presentation in Sedona about the Verde River @ Clarkdale and Geo-tourism
- July 23 – Participated in conference call for a briefing on the Clarkdale Water Model from Laurel Lacher

- CRRT meeting
- July 28 – Attended National Geographic Geotourism meeting
- July 29 – Met with John from Bisbee
- July 30 – Met with Senator Steve Pierce to talk about water
  - Participated in conference call regarding the United Verde Soil program – SAP/QAPP review
- August 4 – Attended Water Committee meeting with Paul Brierly (University of Arizona – water efficiency)
  - Attended National Night Out and participated in National Night Out’s Dunk Tank
- August 5 – Met with Cottonwood councilmember Randy Garrison
  - Attended Rural Policy Forum mixer at the Copper Art Museum
- August 6 – Attended Rural Policy Forum’s Welcome to Clarkdale; presented Verde River talk
  - Participated in a panel discussion at Rural Development Conference with Rene de Young from the Governor’s office, Chip Davis and Matt Lore about effective engagement of local governments
  - Attended Rural Policy Forum dinner at Blazin’ M Ranch

#### Vice-Mayor Dehnert’s Report –

- July 31 – Attended Clarkdale Block Party
- August 4 – Attended Board of Health meeting in Prescott which included the identification of West Nile Virus at Tavasci Marsh and the department stated they are aware of and monitoring the progress of the United Verde Soil’s program

#### Councilmember Bohall’s Report –

- July 18 – Attended ribbon cuttings at Yavapai-Apache Nation’s Marketplace in Camp Verde and Chateau Tumbleweed Winery
- July 22 - VVTPO
- August 6 – served on selection committee regarding clubhouse design upgrades
- Noted impressive display in window of downtown building by Downtown Business Alliance

#### Councilmember Regner’s Report –

- July 15 – Attended ANSAC conference
- July 18 – Attended the ribbon cuttings at Yavapai-Apache Nation’s Marketplace and Chateau Tumbleweed
- July 29 – Attended Yavapai College Verde Valley Board Advisory Committee meeting
- July 31 – Participated as a safety boater on Verde River float trip;
  - Attended Clarkdale Block Party
- August 4 – Attended National Night Out
- August 5 – Attended Yavapai College Verde Valley Board Advisory Committee meeting
- August 6 and 7 – Attended Rural Policy Forum meeting

Councilmember Buckley's Report –

- End of July – Participated in planning for Downtown Business Alliance Block Party
- July 31 – Participated in the execution of Block Party
- August 4 – Attended Downtown Business Alliance meeting for planning of Clarktoberfest

Town Manager Mabery's Report –

## Reminders:

- There will be three Concerts in the Park left this season, one this upcoming weekend, one August 29 and one September 5;
- The Clarkdale Downtown Business Alliance is conducting the Second Annual Poker Stroll in conjunction with the Thunder Valley Rally;
- October 3 - Clarktoberfest and Poker Run

There was a storm today and we lost a tree at the park.

**Organizational Reports** – Reports regarding regional organizations.

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

- 12<sup>th</sup> Street is scheduled to be paved in September and October
- Next spring to start on re-construction of Mingus from Willard to 10<sup>th</sup> Street
- CATs has 4 new buses and ridership increases

NACOG - Northern Arizona Council of Governments. Vice Mayor Dehnert (represented by Councilmember Regner):

- No report

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

- No report

VRBP – Verde River Basin Partnership. Mayor Von Gausig:

- ANSAC meeting

VVLP – Verde Valley Land Preservation. Councilmember Regner:

- No report

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

- July 15 – Presentation from Dean James Perey presented outline of Verde Valley Strategic Plan;
- Presentation by Dr. Craig Ralston, Dean of Arts and Humanities

**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 14, 2015 and Special Meeting July 28, 2015.
- B. **Claims** - List of specific expenditures made by the Town during the previous month. July, 2015 check log and PPE dated July 6, 11 and 25, 2015.
- 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 minutes of the meeting held July 22, 2015  
Design Review Board minutes of the meeting held July 1, 2015  
Planning Commission Notice of Cancellation of meeting July 21, 2015  
Library Advisory Board minutes of meeting held July 9, 2015  
Municipal Property Corporation minutes of meeting held July 15, 2015
- E. **Change Order No. 2 for the Intergovernmental Agreement (IGA) between the Town of Clarkdale and the Yavapai County Flood Control District** - Approval of the Change Order for IGA FY 15/16 in an amount not to exceed \$74,631.09 between the Town of Clarkdale and Yavapai County Flood Control District.
- F. **Intergovernmental Agreement between the Town of Clarkdale and the Yavapai County Flood Control District** - Approval of the IGA for FY 15-16 in an amount not to exceed \$50,000.00 between the Town of Clarkdale and Yavapai County Flood Control District.
- G. **Designated Funds** – Approval of designated funds for FY2015-2016.

Councilmember Bohall pulled item D.

**Councilmember Regner moved to accept Consent Agenda items A – C and E – G as presented. Councilmember Buckley seconded the motion and the motion passed unanimously.**

- 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 Clarkdale Historical Society and Museum fundraising event to be held on Saturday, September 19, 2015 from 4:00 p.m. to 7:00 p.m. at 900 1<sup>st</sup> North Street, Clarkdale, AZ.

**Applicant withdrew application for Special Event Liquor License. No further action by council was required.**

### **NEW BUSINESS**

**UNITED VERDE SOIL PROGRAM WORK PLAN COMMENTS** – Discussion and possible action to approve the Town of Clarkdale’s official comments to be submitted to the Arizona Department of Environmental Quality on the Work Plan for the United Verde Soil Program.

In July, 2014, Freeport Minerals Corporation (Freeport) submitted an application with the Arizona Department of Environmental Quality’s (ADEQ) Voluntary Remediation Program to undertake the United Verde Soil Program (UVSP). According to Freeport, because the United Verde smelter operated in an era before emissions control equipment was commonly used, historical air emissions from the smelter may have deposited metal-bearing particles (lead, arsenic and copper) on nearby soil. Freeport began providing public information about the United Verde Soil Program in Clarkdale in April, 2015.

Freeport has identified an initial study area on lands located near the former smelter in Clarkdale, and proposes to conduct a soil testing program to investigate potential elevated metals concentrations in soil on properties in that area. Under the program, owners of eligible properties within the initial study area will be contacted and have the opportunity to have soil on their properties sampled and tested for smelter-related metals that are associated with the United Verde/Jerome ore body. If test results determine that metal concentrations for lead, arsenic or copper in the soil exceed Freeport’s established target cleanup levels, then Freeport will offer soil replacement and landscaping restoration to impacted property owners. There is no cost to property owners to participate in the program.

In accordance with requirements in their program application, Freeport recently submitted a Sampling and Analysis Plan and a Quality Assurance Project Plan (together ADEQ refers to these documents as the “Work Plan”) to provide details to ADEQ about the proposed soil sampling to be performed in Clarkdale. ADEQ has established a public comment period through August 17, 2015 so that parties wishing to submit written comments on the work plan can do so.

Full copies of the Sampling and Analysis Plan and the Quality Assurance Project Plan can be found under the United Verde Soil Program section of the Town of Clarkdale’s website, [www.clarkdale.az.gov](http://www.clarkdale.az.gov) Hard copies of the documents are also available at the Clark Memorial Library, 39 North 9<sup>th</sup> Street in Clarkdale.

The ADEQ has invited parties wishing to submit written comments regarding the Sampling and Analysis Plan for the United Verde Soil Program VRP site to do so to:

ADEQ  
Attention: John Patricki  
Voluntary Remediation Program  
1110 W. Washington Street  
Phoenix, AZ 85007

Or by email to:

[jp10@azdeq.gov](mailto:jp10@azdeq.gov)

Comments should include the reference “United Verde Soil Program-Work Plan” in the subject line. **Comments must be postmarked or received by ADEQ no later than 5 p.m. on August 17, 2015.**

The Town of Clarkdale has established an internal work team consisting of Mayor Von Gausig, Town Manager Mabery, Public Works/Utilities Director Wayne Debrosky, Town Clerk/Finance Director Kathy Bainbridge, Community & Economic Director Jodie Filardo and Senior Planner Beth Escobar to review documents and guide the Town’s efforts relating to the UVSP. The work team consulted with our Environmental Attorney (Chris Thomas, Squire Patton Boggs) and our Environmental Consultant (Gary Boettcher & Associates) in order to develop the recommended comments and questions relating to the UVSP Work Plan.

While our work team has recommended comments for submission on both the Sampling and Analysis Plan and the Quality Assurance Project Plan, we provide the following summary of the most substantive points below. Each of these particular items are focused primarily on the Sampling and Analysis Plan.

- A. Beginning in Section 1 – Introduction, and throughout both documents, the differences between the “Study Area” and the “Initial Study Area” should be articulated. The plans currently include maps that reference the “Study Area”, but should be labeled as the “Initial Study Area”, which serves as an acknowledgement that the area to be tested and potentially remediated is subject to expansion over the life of the soil testing program.
- B. Beginning in Section 1 – Introduction, and throughout both documents, the definition for “Planned For Development” (when describing which properties within the Study Area are eligible for inclusion in the UVSP) is too narrow. The Town would like the definition expanded to include any property zoned in a way that allows for future residential use.
- C. Section 1 – Introduction, notes that industrial properties are not eligible for the program. However, there are industrially zoned properties in Clarkdale that have been used primarily for residential and commercial purposes (not industrial purposes) that would be wholly excluded from the testing program should this definition stand. We suggest the following amended provision: *“Properties that are, and generally were, used industrially, are not eligible for the soil program as they represent different exposure scenarios and human health risk considerations.”*
- D. Section 1.2 – Target Constituent and Cleanup Levels, Table 1-1 raises question about the cleanup levels that were selected for this project. The residential cleanup levels shown in this table were developed through a site specific Human Health Risk Assessment (Damian, 2015). The non-residential cleanup levels for copper (Cu) and lead (Pb) were selected based on ADEQ’s pre-determined values, but the non-residential cleanup levels for arsenic (As) was selected to match the residential standard. It seems inconsistent to use three different methodologies to determine the cleanup levels for this project. Why were ADEQ’s pre-determined values only used for non-residential Cu and Pb, and not applied for non-residential As, and residential Cu, Pb, and As? What are ADEQ’s pre-determined values for residential cleanup?

- E. Section 1.4 – Adjustments to the Study Area, should contain a more explicit method for determining whether an expansion of the Study Area is warranted. The expansion should not exclusively rely on test results and patterns within the Initial Study Area, but should include some method for sampling outside the Initial Study Area as well.
- F. Section 2 – Community Involvement, Outreach and Solicitation, should be broadened to include additional methods of outreach, including: bi-lingual materials and interpretation; a project website; agreed upon schedule of project briefings with the Town of Clarkdale; neighborhood open houses; etc.
- G. Beginning in Section 3 – Sampling Approach, and at various other locations throughout the documents, decision points about testing and remediation are proposed to be made without any established “appeal” process for property owners. Where such decisions are made, the Town believes that property owners should have a definitive appeal process.
- H. Table 3-1 indicates that soil at the 3-6” depths will not be tested. We believe that soil at the 3”-6” depths could contain a predominance of the target constituent metals, and would like it included in the testing.
- I. A Project Verification and Split Sampling Section should be added on Page 10 as follows:  
“Permission will be granted to the Town of Clarkdale, ADEQ and their authorized agents and contractors to enter upon properties being tested at reasonable times to verify that the work is being performed in accordance with the work plan, is approved pursuant to A.R.S. 49-177, or has been performed in accordance with the report submitted pursuant to A.R.S. 49-181. Town of Clarkdale and ADEQ’s review may include field inspection and reasonable sampling. Freeport must include language to this effect on any Property Owner Consent agreements, in order to secure such right of entry.”
- J. Section 3.5.1, Page 11: This entire section provides details on how sample locations will be developed in order to avoid testing areas that may have been impacted from lead from other sources (lead-based paints, lead-contaminated vehicle fluids, prior emissions from leaded gasoline). The protocols as designed result in a lack of testing for other important target constituents (arsenic and copper) in the use areas. In addition, the blanket provision to stay at least 5 feet from any building presumes that the building was impacted by lead based paint, when, in fact, many structures may have been built well after the date that lead based paint would have been used. Our comments relating to this issue focus on ensuring that sampling and remediating for arsenic and copper are not hindered by protocols that are designed to avoid lead impacted areas.

The full list of recommended comments and questions is attached in your Council packets as Exhibit A. Staff will be happy to address each item in Exhibit A individually at the Council meeting (if requested). To review the Sampling and Analysis Plan and a Quality Assurance Project Plan in their entirety, please follow the links on the United Verde Soil Program page of the Town of Clarkdale website.

Town Manager Mabery presented information on this agenda item and provided Council with an updated Exhibit ‘A’ which included suggestions and comments on behalf of Town staff and citizens. Additional suggestions were provided by Karen O’Regan, former Environmental Remediation Manager from the City of Phoenix (now a Clarkdale resident), and her husband, Phil Briggs, who reviewed the

plans and comments put together by the team. The updated exhibit includes these suggestions which have been highlighted.

An additional comment that was made that was not included in the updated Exhibit had to do with community involvement which will be referenced in the cover letter being sent to ADEQ: "I wanted to make an overall comment about community involvement. In a project like this, it is quite common and often mandatory to have a separate community involvement plan that is based upon interviews with key community officials and other stakeholders and reflects the diversity and concerns of the community. This helps to focus and drive the community involvement activities. In addition to specifying community involvement activities that will be undertaken the plan will often specify key decision points at which the community can comment and be involved. It could also specify the community appeals process that you have asked for and seems necessary in this situation. In a project of this magnitude, it is very odd to find an extremely brief description of community involvement activities stuck in the middle of a sampling plan. A separate detailed plan which is provided for but not mandatory, under the voluntary remediation program, could address in an upfront manner, community concerns that are bound to crop up later on, such as appeals."

Mayor Von Gausig commented that in reviewing the remarks made about the plans it was apparent how much staff time was spent putting in huge numbers of hours looking over these documents, ensuring that there would be nothing in the plan that would negatively effect Clarkdale or Clarkdale residents.

Discussion followed with regard to clarification of processes in the plan.

**Councilmember Regner moved to approve the comments on the United Verde Soil Program as drafted in the amended Exhibit A, and direct staff to submit the comments to the Arizona Department of Environmental Quality. Vice Mayor Dehnert seconded the motion and the motion carried unanimously.**

**GENERAL FUND BUDGET ADJUSTMENTS** – Discussion and consideration of adjusting various General Fund Department 2014-2015 adopted operating budgets to reflect year end expenditures.

The proposed budget balancing adjustments between General Fund departments will move budgeted funds from one department with remaining funds to offset those departments that were in need of additional budgeted funds at year end along with adjusting budgeted transfers.

General Fund Account Number	Description	Current Budget	Reallocation	New Budget
<b>Contingency</b>				
01-5-2000-9851	Transfer to CIP	\$ 0.00	+\$16,450.00	\$ 16,450.00
01-5-2000-9801	Transfer to CIP	\$ 51,500.00	-\$ 16,450.00	\$ 35,050.00
01-5-2000-9800	Transfer to Streets	\$ 87,650.00	-\$21,650.00	\$ 66,000.00
01-5-2000-8901	PS Equip & Deprec	\$ 27,825.00	-\$ 3,075.00	\$ 24,750.00
<b>Administration</b>				
01-5-2100-7022	Dues & Association	\$ 2,800.00	-\$ 700.00	\$ 2,100.00
01-5-2100-7021	Publication & Adv	\$ 1,600.00	-\$ 500.00	\$ 1,100.00

## Human Resources

01-5-2102-7030	New Hire Expense	\$ 3,923.00	-\$ 700.00	\$ 3,223.00
01-5-2102-6030	Travel & Training	\$ 250.00	-\$ 200.00	\$ 50.00
01-5-2102-7021	Publication &Add	\$ 3,000.00	-\$ 600.00	\$ 2,400.00
01-5-2102-7023	Health Management	\$ 500.00	-\$ 500.00	\$ 0

## Town Wide

01-5-2300-9004	Legal Municipal	\$ 40,000.00	-\$13,000.00	\$ 27,000.00
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## Library

01-5-2400-9002	IT Contract	\$ 8,500.00	-\$ 3,100.00	\$ 5,400.00
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## Parks &amp; Recreation

01-5-2600-7300	P&R Programming	\$ 3,450.00	-\$ 3,000.00	\$ 450.00
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## Verde River @ Clarkdale

01-5-2905-6000	Salaries	\$ 40,000.00	+\$ 1,600.00	\$ 41,600.00
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## Public Works

01-5-3101-7503	Building Maintenance	\$ 7,000.00	+\$ 5,500.00	\$ 12,500.00
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## Police Department

01-5-2900-6000	Salaries	\$419,905.60	+\$ 6,300.00	\$426,205.60
01-5-2900-6022	Health Insurance	\$ 90,394.14	+\$ 7,900.00	\$ 98,294.14
01-5-2900-6025	Life Insurance	\$ 5,000.00	+\$ 1,000.00	\$ 6,000.00

Total		\$793,297.74	-\$24,725.00	\$768,572.74
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Finance Director Bainbridge presented information on this agenda item and noted that the balanced trial balance was transmitted to the auditors earlier today.

**Vice Mayor Dehnert moved for the approval of 2014-2015 General Fund Budget Adjustments as presented. Councilmember Bohall 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 2015-2016 ALONG WITH ADOPTING THE TAX LEVY FOR SAID PROPERTY – Discussion and consideration of Ordinance #367, adopting the tax levy and setting the valuations of property in the Town of Clarkdale for fiscal year 2015-2016.**

On July 28, 2015 the Council adopted the Property Tax Levy Resolution and the Fiscal Year 2015-2016 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 2015-2016 is 1.7165 to raise \$490,000.00 for primary tax purposes. A valuation as quoted by the Yavapai County Assessor's Office for primary taxes is \$28,546,654. The following is a history of tax rates and the revenues raised with each tax rate:

<u>FISCAL YEAR</u>	<u>TAX RATE</u>	<u>TAXES</u>
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
2015-2016	1.7165	\$490,000

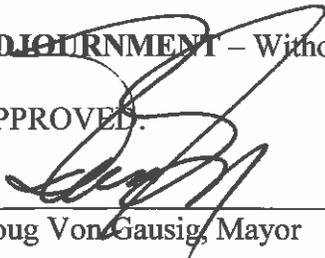
Finance Director Bainbridge presented final information on this agenda item and provided background. Public Hearing was held at last meeting as required.

**Councilmember Regner moved to approve Ordinance #367, 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 2015-2016 along with adopting the tax levy for said property. Vice Mayor Dehnert seconded the motion. The motion passed unanimously.**

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

**ADJOURNMENT** – Without objection, Mayor Von Gausig adjourned the meeting at 6:50 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 11<sup>th</sup> day of August, 2015. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 9 day of Sept, 2015.

SEAL

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