

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

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, October 27, 2015 at 3:00 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 3:03 P.M. by Mayor Von Gausig.**

**Town Council:**

Mayor Doug Von Gausig

Councilmember Bill Regner

Vice Mayor Richard Dehnert

Councilmember Curtiss Bohall

Councilmember Scott Buckley (absent)

**Town Staff:**

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Services/Human Resources Director Janet Perry

Senior Planner Beth Escobar

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.

**There was no public comment.**

**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 – September, 2015
  - Capital Improvements Report – September, 2015
  - Magistrate Court Report – September, 2015
  - Water and Wastewater Report – August and September, 2015
  - Police Department Report – September, 2015
  
- B. **Town Manager annual evaluation process** – Approval of the review process for the Town Manager Annual Evaluation.

- C. **Intergovernmental Agreement between the Office of Manufactured Housing and the Town of Clarkdale** – Approval of the renewal of the Office of Manufactured Housing IGA.

**Councilmember Bohall moved to accept Consent Agenda items A – C as presented. Vice Mayor Dehnert seconded the motion. The motion passed unanimously.**

## **NEW BUSINESS**

### **WORKSESSION REGARDING CHAPTER 7, SECTION 11, EXCAVATION AND GRADING - Discussion regarding draft changes to Chapter 7, Section 11, Excavation and Grading of the Town Code.**

In anticipation of an increasing number of development projects, and as part of the continuing review to update codes impacting development, the Public Works Department and Community Development Department have reviewed the existing Excavation and Grading section of Town Code and are suggesting several changes to this regulation.

This section of the Town Code was last amended in 2006.

#### **Purpose:**

Grading projects can be associated with new commercial or residential construction and new infrastructure or drainage projects. The purpose of the grading code is to regulate projects to prevent detrimental or hazardous situations and protect natural and historic areas, adjacent properties and neighborhoods, protect viewsheds and preserve existing native vegetation.

#### **Review Process:**

The staff team reviewing the existing regulation included the Town Manager, the Utility and Public Works Director, the Community Development Director and the Building Official.

In preparation for drafting changes to the grading regulation, staff researched the grading ordinances of the City of Sedona and Yavapai County. The Sedona City Engineer provided input and pointed out several standard clauses missing from our ordinance.

Mr. Krishan Ginige of SEC, acting as Town Engineer, has reviewed the draft document.

The Town Attorney has reviewed the document and provided comments.

#### **Recommended Changes:**

1. Rename the Section 'Grading and Drainage'
2. Reformat the entire document for logical flow of information
3. Update references to other codes
4. Assign discretionary ability to the Community Development Director or representative. In the current code various positions have been assigned this ability.
5. Add a definition for 'cut'.
6. Remove Section 7-11-5-1 and redefine permit requirements to include all projects involving dirt work except for specific exemptions listed in Section 7-11-7.

7. Add specific detailed requirements for permit application
8. Add a requirement for a Sedimentation Control and Stormwater Pollution Prevention Plan
9. Establish timelines for permit review and issuance
10. Expand the section on Financial Security to reflect same standards as subdivision regulations
11. Clarify requirements for protection of adjacent property section
12. Add new inspection fee to fee section
13. Add deposit for outside consultant fees to fee section
14. Add a reference to the plant list in the re-vegetation section
15. Remove sections titled ‘Development Review Adjacent to Peaks or Ridges’ and ‘Development Guidelines for Peaks and Ridges’ and move to separate section in Section 7. These sections encompass regulations broader than the grading code that are specific to only certain areas of Town.
16. Expand the Site Inspection Section to include the ability to terminate project
17. Add a section outlining requirements for a Notice of Intent/ADEQ permitting
18. Restate the appeals process

Senior Planner Escobar presented information on this agenda item and addressed questions from the Council.

Council would like to see more specific language in 7-11-7 Item J regarding dust pollution, i.e., who determines the definition of dust pollution and what rules would be in force, dust control resources (use terms “reclaimed” or “non-potable” as opposed to “effluent”).

Questions and discussions followed regarding grading and permit requirements.

**This is a discussion item only and no Council action is required.**

**FISCAL YEAR 2015-2016 BUDGET UPDATE** – A worksession to discuss the first quarter of the 2015-2016.

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 Kathy Bainbridge presented information on this agenda item.

<u>Account</u>	<u>YTD Actual</u>	<u>% of Budget</u>
Streets – Revenue (w/o DF)	\$ 100,386.68	24.80%
Streets – Expenses (w/o DF)	\$ 63,628.45	15.72%
Wastewater – Revenue	\$ 149,852.74	24.76%
Wastewater – Expenses	\$ 139,222.45	23.01%
Sanitation – Revenue	\$ 75,379.73	25.73%
Sanitation – Expenses	\$ 70,574.54	24.09%

Water – Revenue	\$ 411,573.59	30.53%
Water – Expenses	\$ 315,760.06	23.42%
Cemetery – Revenue	\$ 14,180.52	33.23%
Cemetery – Expenses	\$ 8,816.29	20.66%
General Fund – Revenue (w/o DF)	\$ 585,960.89	17.07%
General Fund – Expenses (w/o DF)	\$ 633,281.78	18.45%

Vice Mayor Dehnert expressed appreciation for proactive approach to the projected decrease in local/construction sales tax revenues. Dehnert asked about the oversight the Arizona Department of Revenue has over local businesses and if they are audited to make sure they are paying their fair share. Bainbridge explained that the State has a department that does spot audits unless they are notified with a specific request for an audit. The Finance Department does follow larger construction projects for tax revenues and some local businesses for year to year comparisons.

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

#### **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.

Commercial River Runner operations began for the first time on the Verde River @ Clarkdale in 2014, when we had 6,367 commercial customers served by two outfitters here in Clarkdale. As a result of the popularity of commercial recreational opportunities, the Town developed a Prospectus process to solicit outfitters who were interested in providing commercial services on the river during the 2015 season. The objectives of the permit process were to:

- Provide commercial recreational opportunities on the Verde River @ Clarkdale, for visitors and residents;
- Provide safe and enjoyable recreational experiences on the Verde River @ Clarkdale;
- Provide financial sustainability for the Verde River @ Clarkdale project and economic development opportunities for the Town of Clarkdale.

To provide guidance for the 2015 permitting process, on January 13, 2015, the Clarkdale Town Council established capacity limits for commercial river runner operations on the Verde River @ Clarkdale for the 2015 river season. During the discussion relating to establishing capacities, the Town Council agreed that it would be best to establish capacity limits on a year by year basis during the initial years of the Verde River @ Clarkdale project. The capacities established by the Town Council for the 2015 season were:

- 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.

On completion of the 2015 prospectus process, the Outfitter Permit Review Committee recommended issuance of permits to 4 commercial outfitters. Only two of those outfitter executed permits for the 2015 season, resulting in a significant reduction in commercial operations compared to the 2014 season.

Even with the reduced commercial use in 2015, it is known that competitive interest exists for commercial opportunities on the Verde River @ Clarkdale in 2016 and the Town of Clarkdale is once again using the prospectus process for selecting applicants and awarding permits for our remaining commercial capacity.

Please note, Commercial Outfitters who were awarded permits in 2015 and have demonstrated acceptable performance and compliance with their existing permits are eligible for reissuance of their permit for the upcoming calendar year. Staff is in the process of reissuing permits to both of our 2015 outfitters, and the capacity allocated to those outfitters will be deducted from what is offered in the 2016 Prospectus/Invitation to Bid. Additionally, the Town holds back 10% of the available capacity from our bid offerings so that we can accommodate special events and other uses throughout any given year. As a result, a maximum of 5,593 recreational customer units (a maximum of 500 of which may be unguided) and at least 442 guided interpretive/educational customer units will be available during the 2016 permit process. (If demand for guided interpretive/educational trips is in excess of the minimum amount available, the capacity needed to meet that demand may be deducted from the available capacity for recreational trips.)

At this time, the Town staff feels that the capacity limits established by the Town Council in 2015 sufficiently address our goal to maintain quality experiences for visitors and residents who recreate at the Verde River @ Clarkdale, while protecting, preserving and restoring the Verde River and its habitat. With this in mind, we are recommending no changes to the commercial capacities adopted in 2015.

Mayor Von Gausig declared a conflict of interest and turned the remainder of the meeting over to Vice Mayor Dehnert who introduced this agenda item.

Town Manager Mabery presented information on this agenda item.

Discussion followed regarding the different categories of river trip types, i.e., guided versus unguided. Mabery stated that due to the river capacity numbers coming back to the Council annually, experience will lead to setting those figures and allowing for more flexibility within this recommendation would not be necessary at this time.

Vice Mayor Dehnert opened the discussion to public comment. There was no public comment.

**Councilmember Regner moved to establish the following 2016 Commercial River Runner Capacity:**

- **Maximum capacity of 9,200 commercial customers during the 2016 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.**

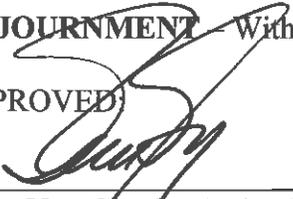
- Maximum of up to thirty-six (36) unguided commercial recreational customers (in a vessel that meets the Arizona definition of a watercraft) per day.
- Maximum of 20% of the total commercial recreational capacity may be allocated for unguided commercial recreational customers.

Councilmember Bohall seconded the motion and 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 4.41 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 27<sup>th</sup> day of October, 2015. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10 day of Nov, 2015.

SEAL

  
Kathy Bainbridge, Town Clerk