

**Minutes of a Special Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, January 26, 2016**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 26, 2016 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 3:01 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

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Services/Human Resources Director Janet Perry

Community Development/Economic Director Jodie Filardo

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.

**Robyn Prud'homme-Bauer, Clarkdale resident, business owner** – thanked the council and Town for getting the Mescal Spur extension open and stated it makes her life a lot easier.

**Beth Escobar, Clarkdale resident and Historical Society update** – stated that one hundred and nine people attended the Historical Society Dance and thanked Janet Perry, Dawn Norman and Joni Westcott for preparing the facility for the event.

**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, 2015  
 Capital Improvements Report – December, 2015  
 Magistrate Court Report – November and December, 2015

## Police Department Report – December, 2015

Councilmember Bohall pulled item B and asked Town Manager Mabery to expand on the subject of Human Trafficking and the proclamation before the Council.

**Councilmember Regner moved to accept Consent Agenda item A as presented. Councilmember Buckley seconded the motion and the motion passed unanimously.**

**B. Proclamation Supporting Increased Awareness Relating to Human Trafficking – Approval of a proclamation supporting increased awareness relating to human trafficking.**

As you may have heard, there is a public awareness/educational project underway in Yavapai County called the Nursery Rhymes Video project with a goal to raise awareness on the issue of human trafficking. The unfortunate reality is that human trafficking exists in every country of the world, including the United States. The U.S. Department of Homeland Security has named Arizona as one of the highest risk states for human trafficking, and we have incidents of human trafficking here in our Yavapai County communities. While many are under the misconception that human trafficking victims are only foreign born and those who are poor, the fact is that human trafficking victims can be any age, race, gender, or nationality and they come from all socioeconomic groups.

The Nursery Rhymes Video project was born out of a song that was written by Scott Mabery, the Director of Juvenile Court Services for Yavapai County. After the kids in the Yavapai County Juvenile Justice Center sang the song in a music therapy session with Scott, the staff members of the Juvenile Justice Center felt that there was a place for the song in raising awareness on the issue of human trafficking. While there are numerous forms of human trafficking, the Nursery Rhymes Video will focus on sex trafficking of the youth of our communities. As word of the project began to gain statewide attention, more and more interest was expressed in getting the music produced and developing a video to assist with public awareness on the issue.

An incredible team of local professionals and community members has come together around the cause, and is working collaboratively to produce the song and shoot the video. Music production began in early December, 2015 and the first scenes of the video began shooting in late December. With the support of our business community, local citizens and the Town, more than half the scenes of the video are being shot in Clarkdale. With several scenes to be shot in January, 2016, the “grand finale” of the video shoot will occur on the steps of the Yavapai County Juvenile Justice Center in Prescott on February 20, 2016. Our goal is to have the video ready for use in April, 2016, which coincides with Child Abuse Prevention Month.

As a show of unity and support for this incredibly important cause, we would be grateful if the Town of Clarkdale would lend its support to our project. Those agencies that choose to sign a Declaration of Support will be recognized on the Facebook page entitled “Nursery Rhymes Video”. In addition, agencies that provide in-kind or other resources for the project will be listed in the credits at the end of the video.

Finally, we invite the members of the Clarkdale Town Council, and others from your organization to be part of the filming of the “grand finale” of the video on Saturday, February 20<sup>th</sup>, at the Juvenile Justice

Center at 1100 Prescott Lakes Parkway in Prescott. This particular scene will symbolize the community coming together to support victims of human trafficking. We anticipate 300 to 500 community members being part of this scene of the video. Although timing is subject to adjustment, those who do participate will need to plan to be on-scene from approximately 10am – 4pm. Agencies that send representatives to participate in this scene are considered in-kind contributors.

This is a great opportunity for us to come together in an effort to shed light on the issue of human trafficking. We also want those involved in this trade to understand that Yavapai County has strong support and is a united front against human trafficking in our communities.

Mayor Von Gausig read the proclamation.

**Councilmember Bohall moved for the approval of the Proclamation supporting increased awareness relating to human trafficking. Councilmember Regner seconded the motion and the motion passed unanimously.**

### **NEW BUSINESS**

**WORKSESSION REGARDING A CONDITIONAL USE PERMIT APPLICATION FOR A 199-FOOT MONOPOLE WIRELESS COMMUNICATIONS TOWER** - Discussion regarding a Conditional Use Permit Application for a 199-foot monopole wireless communications tower and supporting equipment proposed to be located on a 50-foot by 50-foot area of an approximately 13.18-acre parcel at 555 Miller Road in Clarkdale, Assessor's Parcel Number 400-06-003A. The subject property is zoned I (Industrial). The applicant is SBA Towers VI, LLC.

SBA Towers VI, LLC, a communication site development services company, has submitted a conditional use permit for a wireless facility, including a 195-foot monopole with a 4-foot lightning pole on top, proposed to be located on Town-owned property at 555 Miller Road. SBA Towers is acting on behalf of Verizon Wireless.

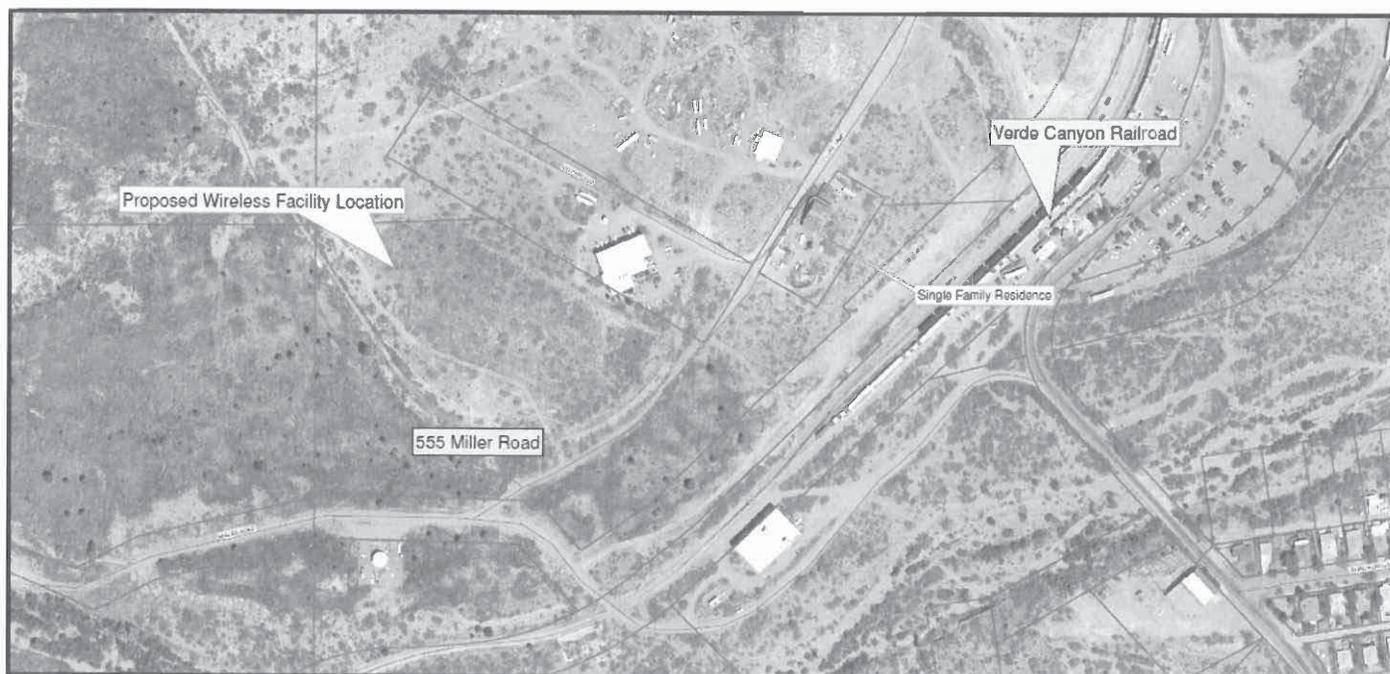
The subject property is approximately 13.18 acres and is part of the property the Town purchased from Clarkdale Minerals, LLC in January 2015.

The applicant is proposing to lease the property from the Town. This lease will be negotiated only following approval of the conditional use permit.

There is an existing access/utility easement from Miller Road running south to north across the subject property.

Access to the property is from Miller Road (a private road) to Rio Torcido (a private road) then to an existing service road spur to the east. An improved access into the subject property will be a condition of approval if the application is approved. This will be negotiated through the required lease.

During the public hearing for the previously approved wireless facility at 1450 SR 89A, the applicant had stated a second higher tower would be needed in the industrial area to provide coverage to areas of town not serviced by the 65-foot tower along the highway.



### **Conditional Use Permit Request**

The applicant is proposing a 195-foot high monopole with a four-foot lightning pole attached to the top for a total height of 199 feet. The pole will be approximately 6 feet in diameter at the base and taper slightly to the top. A microwave dish with a diameter of eight feet is proposed to be placed near the top of the tower (at the 190 foot mark) and a 12-foot triangular antenna array is proposed to be placed at the 150 feet height of the tower. The tower will be placed on a 50-foot by 50-foot portion of the subject property. This will be enclosed with a chain link fence varying in height from seven to eight feet and topped with 12 inches of barbed wire.

The wireless facility compound is being designed for use by Verizon Wireless and possible future co-locators. The compound will include a concrete pad, a diesel generator, equipment cabinets, and a possible future propane tank.

Electrical power will be provided from an existing power pole. A new meter will be placed on the compound.

As a result of discussion during the Planning Commission's site visit, the cell tower and all attachments, including any approved future co-location equipment, will be weathered steel.

### **Zoning and Vicinity**

The subject property is zoned I (Industrial). Per Town Ordinance #352, effective August 2013, Wireless Communication Facilities are a conditional use in the Industrial District. The maximum allowable height for a cell tower in this district is 200 feet.

Surrounding land uses include Bent River Machine (951 Rio Torcido) and a new powder coating business at 450 Luke Lane on the Cannon Salvage property.

Acreage to the west of the subject property has been used by the Town for effluent dispersal for the past several years.

The subject property is in close proximity to the Clarkdale Historic District which was added to the National Register of Historic Places in 1998. The District includes the original smelter location.

There is a single-family residential home located approximately 1000 feet to the east of the subject property. This was formerly the residence for the smelter superintendent. It is located on property zoned Industrial.

### **NEPA Review**

The National Environmental Protection Act requires an environmental assessment of wireless communication facilities. An agent for the applicant, Trileaf Environmental & Property Consultants, conducted a Phase I Environmental Site Assessment Report. This report is intended to identify potential environmental concerns on the property. Per the conclusion of this assessment, no evidence of recognized environmental conditions in connection with the subject property was revealed.

This Phase I report did note the voluntary soil remediation program being undertaken in the area by Freeport-McMoRan, Inc. The subject property is not within the initial testing area. The Phase I report recommends subsurface soil testing be completed prior to removal of any soil on the subject property.

### **Impact on Historic Properties**

Section 106 of the National Historic Preservation Act (1966) requires review of all projects seeking federal approval to analyze the potential for impact to historic properties. Trileaf also is conducting this segment of the National Environmental Protection Act assessment required by the FCC.

The Clarkdale Historical Society and Museum submitted a letter to Trileaf as did the Town in relation to potential impact to historical artifacts on or in proximity to the subject property. These comments are forwarded to the State Historic Preservation Office for review and direction.

### **Internal Agency Review**

The application was sent to the Public Works/Utilities Department, Police Department, the Building Official and Clarkdale Fire District for review.

No objections were filed regarding this application.

### **External Agency Review**

The applicant submitted a form to the Federal Aviation Authority (FAA) regarding the proposal. Per the FAA, the cell tower will need to be registered through their Antenna Structure Registration (ASR) system when completed. No lighting of the tower will be required. The Cottonwood Airport Authority was also asked to review this application and submitted comments in agreement with the FAA determination.

**Visual Impact**

The applicant has provided a visual simulation of the cell tower. For reference, the elevation of the subject property is 3,520. The elevation at the top of C-Mountain which is in the background of the proposed location is 4,080 feet.

**Site Visit**

A drone was deployed for the site visit showing the height and width of the proposed cell tower. The Planning Commission was able to observe this visual representation from the lookout area next to the Museum. The applicant has produced a photo simulation based on information from the site visit.

**Public participation**

Public Notices regarding the December 15 Planning Commission public hearing were sent to 31 property owners within 1,000 feet of the subject property, and the property was posted on November 30, 2015. A public notice was published in the Verde Independent on November 29, 2015.

Included with the public hearing notice was information regarding the neighborhood meeting hosted by the applicant on Tuesday, December 1, 2015.

The neighborhood meeting was also posted on the Town's Facebook page on November 25<sup>th</sup>.

Two members of the public attended the neighborhood meeting and reviewed the displayed material. The drone was flown again at this time and was visible to the attendees from the parking lot.

The applicant published a legal notice in the Verde Independent regarding the proposed facility on November 15, 2015. One member of the public responded in writing to this notice. These comments are included at the end of this report. (Staff note: The email address included in the legal notice is correct and staff has been successful sending emails to this address.)

The Verde Independent included information about the December 15<sup>th</sup> Planning Commission meeting on December 12, 2015.

An email in opposition to the proposal was submitted to Town Council and staff on December 12, 2015.

**Planning Commission**

The Planning Commission conducted a public hearing on this application on December 15. One member of the public spoke at this meeting expressing concern regarding the view impact of the proposed cell tower.

The Planning Commission was provided a copy of the email from December 12 and staff provided a summary of these comments.

**Future Development**

The subject property is in the Bitter Creek Industrial Area. Master planning for this focus area is scheduled to begin in fall of 2016.

Town Council reviewed the possibility of leasing a portion of the Town owned property for a wireless communication facility on June 23, 2015. At this meeting, Council stated they would be willing to

consider a lease. With this information, the applicant proceeded with developing plans for the proposed location.

After seeking advice from the Town Attorney, it was agreed staff would complete the conditional use permit process prior to entering into negotiations for a lease to avoid any appearance of conflict of interest.

Council also directed staff to site the proposed location so it does not impede future development of this area. In staff's opinion, the proposed location meets this requirement and meets the engineering requirements for the developer. The lease area is approximately 90 feet south of the north property line and 100 feet east of the west property line. This is the highest and flattest portion of the property. Placement of the wireless facility at this spot leaves about eight acres of developable property between the lease area and the proposed extension of Luke Lane.

General discussion at the staff level and during the Planning Commission public hearing has been held about requiring a secure, improved access (20-foot width minimum with gravel surface) along the eastern parcel boundary of the property. This separate access would eliminate any conflict with Town wastewater operations and provide the applicant 24-hour access to the lease area.

#### **Council Public Hearing**

Due to the opposition submitted to the Planning Commission, a second public hearing will be scheduled for the February 9, 2016 Council meeting.

Senior Planner Beth Escobar presented information on this agenda item to council. Discussion followed regarding tower colors and camouflages. Mayor Von Gausig stated he would like to work with the images digitally before the next council meeting.

Mr. Reg Destree from SBA Towers/Verizon Wireless was present and available for questions. Mr. Destree also addressed questions regarding the site selection process, service coverage, signal strength and bandwidth capacity. Mr. Destree stated that improved value of the industrially zoned property would be an advantage.

Escobar stated that findings of the historical site question would be available to Council after February 9<sup>th</sup> and noted that the Historical Society has asked for an archaeological survey which would add to information for consideration. Escobar noted that 34 notices were sent out to owners of property within 1000 ft. of proposed site and only Bent River Machine responded with a question about the exact location.

Councilmember Bohall noted that the cement plant tower has been in plain view from most places in town for many years and he has never heard any complaints or comments about that. Escobar noted that the cement plant had not been interested in having a tower on their site in previous conversations.

Vice Mayor Dehnert stated that the discussion had previously occurred with the Capital Telecom cell tower and due to Town ordinances, a tower of this height is allowed in that particular area.

**This agenda item is for discussion only, no Council action is required.**

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

<u>Account</u>	<u>YTD Actual</u>	<u>% of Budget</u>
Streets – Revenue (w/o DF)	\$ 208,364.95	54.69%
Streets – Expenses (w/o DF)	\$ 145,690.02	35.99%
Wastewater – Revenue	\$ 299,033.97	49.42%
Wastewater – Expenses	\$ 285,665.07	47.21%
Sanitation – Revenue	\$ 151,143.84	51.58%
Sanitation – Expenses	\$ 139,901.81	47.75%
Water – Revenue	\$ 726,918.43	53.93%
Water – Expenses	\$ 682,628.64	50.64%
Cemetery – Revenue	\$ 25,101.22	58.82%
Cemetery – Expenses	\$ 21,984.64	51.52%
General Fund – Revenue (w/o DF)	\$1,466,366.63	40.22%
General Fund – Expenses (w/o DF)	\$1,437,726.94	41.89%

Finance Director/Town Clerk Kathy Bainbridge presented information on this agenda item. Bainbridge stated that even though the current budget percentages look good, her projections for the end of fiscal year 15-16 show a shortage of \$35,000 - \$40,000 even though reductions in spending had already taken place.

Options for finding funds to cover that shortfall include:

- Transfer only some of the funds that would have gone to streets;
- Use designated funds that would have gone to other projects;
- Or use fund balance which really shouldn't be used for operational deficits.

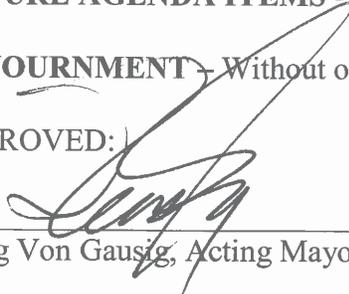
Town Manager Mabery notified Council that late today the City of Cottonwood, working with the developers of Mesquite Hills, has finished the water line that will connect the Del Webb development, Cottonwood Ranch, to the Mesquite Hills well and take it off the Haskell Springs well. Currently Clarkdale provides between two and three million gallons per month of water to the Cottonwood residents of Cottonwood Ranch so that water usage will come off of our well this week and that will hopefully have a savings of running our pumps and wells. Approximately 1/3 of the water produced from Haskell Springs is dedicated to Cottonwood Ranch. That will have a budget impact that we will be watching closely.

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

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

**ADJOURNMENT** - Without objection Mayor Von Gausig adjourned the meeting at 4:39 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 26<sup>th</sup> day of January, 2016. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10 day of February, 2016.

SEAL



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