

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, February 9, 2016**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 9, 2016, 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 5:59 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
Senior Planner Beth Escobar
Utilities Supervisor Ellen Yates
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 owner and business owner – League of Women Voters are putting together a voter program for education on election issues and candidates and a reminder to register to vote. Asking Clarkdale to put a link to Service Arizona on the website for voter registration.

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 –

- 01/15/16: Met with Chris Turner and Aaron Weiss at the effluent disposal site to set temperature recorders
- 01/26/16: Set additional five (5) temperature recorders on the Bitter Creek property to refine the temp data for future uses. Maps are available.

- 01/28/16: Met with Verde Front Interpretive Group;
 - Took a field trip with Clarkdale-Jerome School to Big Spring
- 02/05/16: Met with Eric Glomski at Page Springs Cellars regarding the May wine festival in Clarkdale
- 02/08/16: Met with citizens Greg Jiede, Drake Meinke and Robyn Prud'homme-Bauer regarding cell tower concerns and ideas
- Also worked with Arizona Cities and Towns on the Drone Task Force

Mayor Von Gausig also made the announcement that Town Manager Gayle Mabery was presented with the prestigious John J. "Jack" DeBolske Award for Professional Excellence from the Arizona City/County Management Association, awarding those managers who demonstrate the highest level of professional excellence in local government and who have made life contributions to furthering the city management profession. It is the highest honor given to a member by the ACMA.

Vice-Mayor's Report –

- Wrapping up duties at Spectrum Health Care and Monday will begin retirement!
- Echoed Mayor's congratulations to Town Manager Mabery for Award

Councilmember Bohall's Report –

- 01/15/16: Met with Town Manager to discuss transit issues
- 01/26/16: Emergency Management Community meeting
- 01/27/16: Attended TPAC meeting

Councilmember Regner's Report –

- 01/20/16: Attended VVBAC meeting and Local First Arizona mixer
- 01/25/16: Attended VVLP annual board meeting
- 01/28/16: Met with Mayoral candidate Tim Elinsky
- 02/01/16: Met with District 6 Senatorial candidate Nikki Chek Bagley
- 02/03/16: Attended VVBAC meeting and Verde Valley Forum Recruitment meeting

Councilmember Buckley's Report -

- 01/19/16: Attended Downtown Business Alliance meeting
- 01/20/16: Attended Local First Arizona mixer
- 01/26/16: Attended committee meeting for Spirit of Clarkdale awards
 - Attended Flood Emergency Management meeting
- 02/02/16: Attended Downtown Business Alliance meeting

Town Manager's Report –

- 01/26/16: Attended Flood Emergency Management meeting
- 02/06/16: Attended Clarkdale Police Department Awards Banquet which recognized

other organizations that have assisted them as well as awards to members of Town of Clarkdale staff

Reminders:

- 02/13/16: Tuzigoot National Monument is sponsoring a bird walk at Tavasci Marsh at 9 a.m. Saturday morning
- Clarkdale Historical Society is hosting Sentimental Journey and Big Band Dance preceded by dance lessons
- 02/20/16: Grand Finale video shoot for the Human Trafficking Project in Prescott
- 02/25/16: Intergovernmental meeting in Sedona
- 03/12/16: Annual Lions Club Car Show and Downtown Business Alliance Chili Cook-off

Town Manager Mabery thanked the Town staff and elected officials for support in receipt of award.

Organizational Reports – Reports regarding regional organizations.

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

- VVTPO meeting held January 27, 2016: Yavapai County Public Works Mike Willett is retiring this month;
- Members gave updates on issues in their communities
- Developers in Cottonwood beginning to work on 89A and Cornville Road
- Groseta Ranch Road will be opened up again;
- ADOT making 5 year plan presentations in Flagstaff and Chino Valley;
- Robert Mills from Yavapai-Apache Nation just received \$300,000 grant to enable them to expand coverage

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

- No report

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

- No report

VRBP – Verde River Basin Partnership. Mayor Von Gausig –

- No report

VVLP – Verde Valley Land Preservation. Councilmember Regner –

- Annual board meeting met January 25, 2016 – Bob Rothrock stepped down as president and Steve Estes assumed the office;
- Received public comments on why the national monument had not been successful;
- Sedona Dells land use presentation;
- Discussed 89 and Vine development;
- Exploring change of structure to allow municipalities to select a community member for the board rather than just limiting to an elected official.

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

Meetings on 1/20/16 and 2/3/16:

- Location of Culinary Arts Center discussion;
- Welcomed President Penny Wills;
- Retention of independent consultant to discuss a separate Verde Valley college administrative structure

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 and Special Meeting XXXX, 2016.
- B. Claims** - List of specific expenditures made by the Town during the previous month. January, 2016 check log and PPEs dated January 9, 13, 23, and 27, 2016.
- 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 January 27, 2016
Design Review Board minutes of the meeting held January 6, 2016
Planning Commission minutes of the meeting held
Community Services Commission minutes of meeting held January 13, 2016
- 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 Verde Valley Habitat for Humanity Clarkdale, Inc. during their fundraising event to be held on Saturday, April 23, 2016 at the Clark Memorial Clubhouse, 19 N Ninth Street, Clarkdale, AZ.
- E. Salary Range Placement Table Resolution** – Approval of Resolution #1513 adopting a change to the Salary Range Placement Table.

Vice Mayor Dehnert moved to accept Consent Agenda items A – E as presented. Councilmember Buckley seconded the motion. The motion passed unanimously.
NEW BUSINESS

PUBLIC HEARING REGARDING THE SBA TOWERS VI, LLC CONDITIONAL USE PERMIT APPLICATION FOR A WIRELESS FACILITY – a hearing to gather information from the public regarding the SBA Towers VI, LLC Conditional Use Permit application for a wireless facility which includes 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).

Project Summary:

Applicant: SBA Towers VI, LLC, a communication site development services company,

Location: 555 Miller Road

Access: private easements.

Zoning: Industrial. Location is within Industrial Zone A allowing a maximum height of 200 feet.

Acreage: Approximately 13.18 acre

Property owner: Town of Clarkdale

National Environmental Protection Act (NEPA) review has been completed with a recommendation of soil testing on site prior to any construction.

Section 106 comments regarding potential impacts to historic elements have been submitted and are under review by State Historic Preservation Office.

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.

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 home located approximately 1,000 feet to the east of the subject property. This was formerly the residence for the smelter superintendent. It is located on property zoned Industrial.

Agency Review

The following agencies reviewed this application and expressed no concerns:

- Town of Clarkdale Public Works/Utilities Department
- Clarkdale Police Department
- Clarkdale Building Official
- Clarkdale Fire District
- Cottonwood Airport Authority

The applicant has received determination of “No Hazard” from the Federal Communication Commission.

Public Process

November 6, 2015 – Applicant published the required legal notice in the Verde Independent.

November 19, 2015 – One resident submitted an email response to the applicant’s public notice.

November 25, 2015 – Property was posted and notices were mailed to 31 property owners within 1,000 feet.

November 29, 2015 – Public notice for the 12/15/15 Planning Commission meeting published in the Verde Independent.

November 29, 2015 – The December 1, 2015 neighborhood meeting was also posted on the Town’s Facebook page on November 25th.

December 1, 2015 – Planning Commission attended a site visit and the neighborhood meeting was conducted. Two residents attended the public meeting.

December 15, 2015 – The Planning Commission conducted a public hearing.

One resident expressed concerns about the proposal at the Planning Commission meeting and has subsequently submitted an email detailing his concerns.

One resident of the Verde Valley submitted an email to Council expressing opposition to the proposal and cell towers in general.

Planning Commission forwarded the CUP to Council for consideration.

January 21, 2016 – Property was posted and notices were mailed to 31 property owners within 1,000 feet.

January 26, 2016 – A Council worksession on this topic was conducted.

Analysis

Town Regulations

Per Section 5-5 of the Town Zoning Code, the Planning Commission shall make findings on a conditional use permit application based on the following six elements:

1. **Applicable Regulations:** Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statute, and any ordinance or policies that may be applicable.

Staff Analysis – The proposed use is allowed in the Industrial District with a conditional use permit. During the process to adopt a Wireless Ordinance the industrial area of Town was identified as an appropriate location for wireless facilities since it would have minimal impact on residences.

2. **Bulk Regulations:** The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

Staff Analysis – The site is adequate to accommodate the proposed use. The proposed 199-foot height is within the maximum allowed of 200-feet for a cell tower in the Industrial District.

3. **Performance:** That the location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience of persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general in that the facility, once completed should not interfere with the day-to-day operations of the existing businesses.

Staff Analysis – The proposed use should have minimal impact on the surrounding neighbors.

The location in the industrial area is approximately 1,000 feet from the one single-family home on Luke Lane, at least 1,500 feet from the homes on Ninth, Tenth and Main Street in Upper Clarkdale and at least 1,750 feet from homes in Lower Clarkdale, minimizing any potential negative impact. The existing businesses in the industrial area have not submitted any concerns regarding this project.

Section 332(c) (7) of the Communications Act preempts local zoning decisions based directly or indirectly on the environmental effects of radio frequency (RF) emissions from a cell tower. Staff will therefore not address this issue in this report.

4. **Traffic Impacts:** The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition of approval.

Staff Analysis – A nominal increase in traffic to the site is anticipated. During agency review of the application it was noted the access needs to be designed to fire safety standards. In addition, the access should be shifted to the east so as not to impede any future development on the property. Details regarding the final access design will be addressed through the Town lease if this application is approved.

5. **Landscaping:** Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining area and with the intent of Town policies.

Staff Analysis – The subject property is vegetated with typical desert scrub plants. Some existing vegetation will be removed for placement of the concrete pad.

The applicant is proposing to install a chain-link fence with barbed wire for security around the leased area. Installation of the compound associated with the facility will not have a large visual impact on adjacent properties. Since no water service is planned to be installed as part of this proposal, staff is suggesting the landscaping requirements of Section 9-9 of the Town Zoning Code be waived for this facility at this time. However, since the Town's long term plan is for development of this area into an economically vital region, staff is suggesting the applicant provide funds to purchase any future landscaping determined to be necessary for screening of the compound from future development.

6. **Nuisance:** That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibrations, signage or illumination.

Staff Analysis – No hazardous materials will be unsafely stored on site creating a hazard from explosion, contamination or fire. If the conditional use permit receives approval, a building permit for the facility will be required. The cell tower must meet Electronic Industries Alliance/ Telecommunication Industries Association standards. The building permit will be forwarded to the appropriate review agencies for approval.

Summary: In staff's opinion, and with the recommended conditions, the application is in compliance with the required findings for a Conditional Use Permit.

Planning Commission Recommendation:

Having determined the application to be complete and in compliance with the requirements of Section 5-6 of the Town of Clarkdale Zoning Code, the Planning Commission unanimously recommended approval with the following conditions:

1. The applicant shall secure a lease with the Town of Clarkdale within 90 days of final approval of the conditional use permit.
2. Applicant shall provide an improved access into the property that meets the requirements of Article 7-7, International Fire Code, of the Clarkdale Town Code.
3. Applicant shall assist the Town in acquiring a legal, recorded access along Miller Road into the property.
4. A building permit shall be issued prior to construction of the facility, following the securing of a legal, recorded access into the property.
5. The site shall meet all of the requirements of the Arizona State Fire Marshal for storage of flammable materials.
6. Applicant shall submit a traffic control plan as part of the building permit submittal to address control of traffic during construction of the site. The plan shall specifically address closing of the one-lane Bitter Creek Bridge during delivery of the cell tower. All construction traffic shall be coordinated to not interfere with the peak traffic times of the Verde Canyon Railroad.
7. All site traffic, including all construction traffic, shall comply with the weight and load limits of Bitter Creek Bridge.
8. Prior to the issuance of a certificate of occupancy for the wireless facility, applicant shall submit funds for future landscaping to screen the facility. Fund amount shall be based on an estimate of landscaping providing adequate screening of the facility from future development as determined during lease negotiation.
9. All electric lines shall be installed underground, per Article 7-15 of the Clarkdale Town Code.
10. No lighting, other than the motion sensor emergency lighting, shall be installed.

11. All components of the facility shall be removed at the expense of the applicant or subsequent tower owner if the facility is decommissioned and not used for 180 consecutive days.
12. Any substantial change to the project dimensions by more than 10 percent of the design of the facility as approved will require an additional Conditional Use Permit application.
13. Any equipment approved to be collocated on the site shall match the material and look of the approved facility.
14. Any installation of additional co-locations on this tower shall be approved via a conditional use permit prior to installation.
15. Obligations of this Conditional Use Permit shall pass to all successors, heirs or assigns.

Senior Planner Beth Escobar presented a summary of information to the Council and public on this agenda item and introduced Reg Destree from SBA Towers who would be available for Council and audience questions

Mayor Von Gausig opened the item for Public Comment and the following persons addressed the Council:

Greg Jiede, Clarkdale resident – opposes tower installation due to viewshed and historical significance of surrounding property

Cindy Emmett, Clarkdale resident – opposes tower installation due to historical significance of surroundings

Meme Perkins, Clarkdale Lodge employee – opposes tower installation due to historical significance and suggested putting tower near cement plant

Drake Meinke, Clarkdale resident and business owner – opposes tower installation due to viewshed and historical significance

Lisa O'Neill, Clarkdale resident – supports tower installation due to having no cell phone coverage in lower Clarkdale and ongoing complaints about same

Robyn Prud'homme-Bauer, Clarkdale resident and business owner – supports increased cell phone and broadband coverage in Clarkdale but wonders about this particular placement of tower as well as its height

Lee Daniels, Clarkdale resident – opposes tower installation due to ill fit with community

Norela Harrington, Bent River Machine property owner – supports tower installation but would like it to be placed on her property

This is scheduled as a Public Hearing only, no action necessary.

SBA TOWERS VI, LLC CONDITIONAL USE PERMIT APPLICATION FOR A WIRELESS FACILITY – Discussion and possible action regarding SBA Towers VI, LLC Conditional Use Permit application for a wireless facility which includes 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).

After discussion and clarification of public questions by Reg Destree, SBA Towers, Council expressed belief that the applicant had done everything they had been required to do.

Town Manager Mabery stated that recommendations of the staff do not deal with the color. The design criteria should be dealt with in the stipulations or there would not be another chance to address that.

Vice Mayor Dehnert moved for the approval of the SBA Towers VI, LLC Conditional Use Permit application for a wireless facility which includes 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 with the following conditions:

1. **The applicant shall secure a lease with the Town of Clarkdale within 90 days of final approval of the conditional use permit.**
2. **Applicant shall provide an improved access into the property that meets the requirements of Article 7-7, International Fire Code, of the Clarkdale Town Code.**
3. **Applicant shall assist the Town in acquiring a legal, recorded access along Miller Road into the property.**
4. **A building permit shall be issued prior to construction of the facility, following the securing of a legal, recorded access into the property.**
5. **The site shall meet all of the requirements of the Arizona State Fire Marshal for storage of flammable materials.**
6. **Applicant shall submit a traffic control plan as part of the building permit submittal to address control of traffic during construction of the site. The plan shall specifically address closing of the one-lane Bitter Creek Bridge during delivery of the cell tower. All construction traffic shall be coordinated to not interfere with the peak traffic times of the Verde Canyon Railroad.**
7. **All site traffic, including all construction traffic, shall comply with the weight and load limits of Bitter Creek Bridge.**
8. **Prior to the issuance of a certificate of occupancy for the wireless facility, applicant shall submit funds for future landscaping to screen the facility. Fund amount shall be based on an estimate of landscaping providing adequate screening of the facility from future development as determined during lease negotiation.**
9. **All electric lines shall be installed underground, per Article 7-15 of the Clarkdale Town Code.**
10. **No lighting, other than the motion sensor emergency lighting, shall be installed.**
11. **All components of the facility shall be removed at the expense of the applicant or subsequent tower owner if the facility is decommissioned and not used for 180 consecutive days.**
12. **Any substantial change to the project dimensions by more than 10 percent of the design of the facility as approved will require an additional Conditional Use Permit application.**
13. **Any equipment approved to be collocated on the site shall match the material and look of the approved facility.**
14. **Any installation of additional co-locations on this tower shall be approved via a conditional use permit prior to installation.**
15. **Obligations of this Conditional Use Permit shall pass to all successors, heirs or assigns.**
16. **The tower and associated affixed equipment will be a natural rust-colored treatment.**

Councilmember Bohall seconded the motion.

Councilmember Regner asked for clarification on the added number 16 stipulation. Vice Mayor Dehnert withdrew his motion and Councilmember Bohall withdrew his second.

Vice Mayor Dehnert amended the 16th stipulation of the motion to say "The cell tower shall be constructed of weathered steel and all attachments shall be painted to match".

Councilmember Bohall seconded the motion. The motion passed unanimously.

PATRIOT DISPOSAL, INC. RESIDENTIAL TRASH SERVICE AGREEMENT ADDENDUM – Discussion and consideration of an Addendum for the Residential Trash Service Agreement between the Town of Clarkdale and Patriot Disposal, Inc. providing for a three (3) year renewal.

Patriot Disposal is currently under an agreement with the Town of Clarkdale to provide residential collection and disposal services within the Town of Clarkdale. That Service Agreement was approved by Council in February 2013 for a period of three (3) years and expires on March 1, 2016. As part of that Service Agreement there is a one-time option to renew the Service Agreement for one additional three (3) year period.

The current terms of the 2013 Service Agreement, for cost and services provided, will be extended to the new three (3) year renewal period which runs from March 1, 2016 to February 28, 2019. Under the current Patriot Disposal Service Agreement the cost for a 60 gallon trash container is \$9.50 per month, and the cost for a 90 gallon trash container is \$10.50 per month, which is the same as the current contract. Patriot Disposal has no charge for recyclables and picks up residential recyclables on a weekly basis. Under the Patriot Disposal single-container recycling program Patriot will collect recyclable materials from 100% of the Town’s residential trash customers on a weekly basis. A single-container system, which collects both trash and recyclables at the same time, reduces impacts to our roads and alleys, and saves fuel reducing our carbon footprint for providing this service.

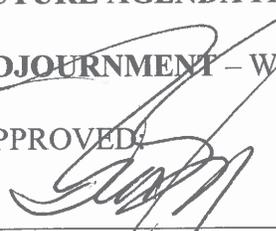
Utilities Supervisor Ellen Yates presented background information on this agenda item.

Vice Mayor Dehnert moved to approve the Addendum to the Collective Service Agreement between the Town of Clarkdale and Patriot Disposal, Inc. providing for a three (3) year renewal. Councilmember Regner seconded the motion and the motion carried 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 8:11 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



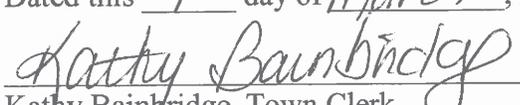
Kathy Bainbridge, Town Clerk

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 9th day of February, 2016. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 9 day of March, 2016.

SEAL



Kathy Bainbridge, Town Clerk