

**Minutes of a Special Meeting of The Common Council of The Town of Clarkdale  
Held on Tuesday, January 28, 2003, in the  
Men's Lounge of the Clarkdale Memorial Clubhouse, Clarkdale, Arizona.**

A Special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, January 28, 2003 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse.

**Town Council:**

Mayor	Michael Bluff
Vice Mayor	Ellie Bauer
Councilmember	David Leibforth
	Rex Williams
	Tom Groom

**Staff:**

Town Attorney	Robert Pecharich
Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Public Works Dir	Kim Butt
Police Chief	Lloyd Jones
Planning Director	Lyle Richardson
Fire Chief	Berry Van Hook
Finance Director	Coleen Gilboy
Building Official	Brian Pearson
Admin. Assistant	Charlotte Hawken

**Others in attendance:** Robyn Prud'homme-Bauer, Pat Williams, Vern Pierson, Katie Cannon, Ken Poston, John Stevenson, Ed and Dee King, Nathan Shelley, Gary A. Smith, Linda McDonough, Jean Stevens, Pep Bright, Pat Harris, Jesus S. Valdez, Jane Winiecki and others who did not sign in.

Mayor Bluff called the meeting to order at 6:00 p.m. and noted that all members of the Council were present.

**PUBLIC COMMENT** - None.

**RECOGNITION OF A TOWN EMPLOYEE FOR 10 YEARS OF SERVICE.**

Without objection, Mayor Bluff tabled Item 7, Worksession to discuss traffic issues and speeding complaints in residential neighborhoods.

CONSENT AGENDA - Without objection, the Council adopted Consent Agenda items A and B.

A. **Agreement** - Approval of an agreement for wastewater engineering services.

B. **Resignation** - Approval of a letter of resignation from a member of the Board of Adjustment.

**PRESENTATION - Presentations by State Compensation Fund and Arizona Municipal Risk Retention Pool representatives.** *Bill Fox*, a manager at Arizona Municipal Workers Compensation Pool, introduced Ed Van Tell and Leslie Rich and presented information about the pool, noting that 58 out of 86 municipalities in the state are members. He stated that the larger cities usually self-insure. He stated that the pool is member experience rated and that Clarkdale's cost is about \$24,000 a year. *Mr. Van Tell* stated that state law was changed last year regarding the formation of the pool and that by April 2003 the workers compensation pool would change to a service available within the Arizona Municipal Risk Retention Pool.

Town Attorney Pecharich noted that private for-profit insurance companies are getting out of the insurance business for municipalities and specifically not covering certain liabilities as a result of the 9/11 attacks.

*Vern Pierson*, representative from SCF of Arizona, previously called the State Compensation Fund, stated that the town would have paid \$57,000 less since fiscal year 1997 if it had insured with SCF of Arizona, rather than switching to AMWCP. He stated that the rates in general would be lower for 2003.

Mr. Fox presented Mayor Bluff with a plaque for the town's good record for 2001-2002.

**PUBLIC HEARING** - A public hearing to obtain public input on a proposed franchise agreement with Citizens Utilities Company. *Hector Riojas* stated that the new agreement was essentially the same as it has been. *Dennis Nelson* stated that UniSource Energy Corporation anticipates Citizen's

Utilities in July, 2003. **Robert Taylor** and Mr. Riojas, in response to questions, clarified the personal property tax component, the franchise fee, the use of propane injections, municipal rates, service to areas of the town currently improved but not serviced, public education, and joint utility trenching. Mr. Taylor agreed to provide Town Attorney Pecharich with written information on these issues.

Town Manager Mabery noted that there will be another public hearing at the February 11 council meeting and the mail ballot will be on May 20. Publication is required 30 days prior to the election.

Town Attorney Pecharich, in summarizing the agreement, stated that the Town of Clarkdale grants Citizens Utilities to serve natural gas to the residents. The rates are set by the Arizona Corporation Commission. In return the town receives 2% of the gross receipts of the sales in Clarkdale.

Mayor Bluff opened the public hearing. **Jane Winiecki**, 1401 3<sup>rd</sup> South, questioned the relationship of the Yavapai Apache Nation, which is within the Clarkdale town limits, to Citizens Utilities. Nathan Shelley stated that Citizens has a separate agreement with the Nation and he would check on the details of the agreements and get the information to Town Attorney Pecharich.

Mayor Bluff closed the public hearing. Town Attorney Pecharich left the meeting at 7:15 p.m.

Without objection, Mayor Bluff stated the Council would take Item 9 next.

**MINGUS MOUNTAIN LAND EXCHANGE - Consideration of appointing three people to represent the Town of Clarkdale in the Mingus Mountain Land Exchange process.** Without objection, Mayor Bluff opened public comment. Jane Winiecki, 1401 3<sup>rd</sup> south, stated she is interested as a resident and representative of the Indian Nation. She noted that she had previously worked with the Forest Service. Mayor Bluff

clarified that the exchange, initiated by the land owners, involves the Forest Service and three properties high up in the foothills of Mingus Mountain.

Town Attorney Pecharich returned to the meeting at 7:25 p.m.

Vice Mayor Bauer moved to appoint Planning Director Lyle Richardson, Sandy Boothe and Jane Winiecki to the Mingus Mountain Land Exchange Committee. Mayor Bluff seconded and the motion passed unanimously.

Without objection, Mayor Bluff stated the Council would take Items 8 and 10 on the agenda next.

**REQUIREMENTS FOR POSTING PUBLIC MEETINGS - Discussion and possible action regarding legal advice relating to quorums of Council Members in attendance at public meetings.** Town Attorney Pecharich stated that if a meeting relates to Town of Clarkdale business and more than two council members attend then a possible quorum notice needs to be posted. He stated that the Attorney General's office recommends the following: *It's nearly impossible to establish precise guidelines to when this foreseeability test has been met. Each case should be viewed on its own merits and all doubts resolved in favor of compliance with open meeting law. The safest course of action is to comply with the open meeting law whenever a majority of the body discusses the business of a public body and post it.*

Town Attorney Pecharich stated that his recommendation is to post the meeting if there is any question that something relevant to town council business is going to come up and three or more of members are going to attend.

Town Manager Mabery noted that typically when a public meeting is posted there are other requirements, such as it's having an agenda, that minutes are kept and there is a record of what was discussed.

Town Attorney Pecharich responded that the posting should try to describe what is the discussion

that relates to the Town of Clarkdale as part of the agenda.

Without objection, Mayor Bluff continued this item to the next agenda.

**POLICY ON COUNCIL DISCUSSIONS RELATING TO UPCOMING AGENDA ITEMS- Discussion and possible action regarding the need to develop guidelines for Council Members to follow with regard to discussion of issues that will appear on upcoming Council agendas.**

Councilmember Leibforth stated that he prefers to receive only information from people before a Council discussion of an issue and not be lobbied. Town Attorney Pecharich stated that declining to discuss agenda items is appropriate and that each individual can make that distinction.

The consensus was that a policy was not necessary.

Town Attorney Pecharich left the meeting at 7:45 p.m.

**WORKSESSION - A worksession regarding the Facilities Master Plan Project.** Town Manager Mabery summarized the current situation and the impetus for the Facilities Master Plan and stated that the town has the GADA loan money but has not spent any of it.

Without objection, Mayor Bluff opened public comment. *John Stevenson*, 1150 Old Jerome Hwy, member of the Library Advisory Board, stated that he concurs with moving the library to the Men's Lounge. He stated that use provides full utilization of the building and the accessibility is better than with the current building. He asked if the plan could be publicized more and noted that the library needs to work to increase its services. He stated that an alternate plan to move the library to the DMV building would be too crowded.

*Robyn Prud'homme Bauer*, 1750 Cholla Lane, requested the Council discuss updating the whole Clubhouse and ask what are the needs for wiring, lighting and plumbing for the groups that use the

building, such as the Lion's Club, the Chamber, Made in Clarkdale and renters. She stated that, if the library were in the Men's Lounge, it would need to have longer open hours and she would like to see programs for children and events like poetry readings.

*Jesus Valdez*, 1440 Panorama Way, Heritage Conservancy Board member, stated the board has five enthusiastic members ready to deal with the heritage of Clarkdale but with nowhere to do their business. He stated that Clarkdale artifacts need to be in Clarkdale, but he has been collecting materials on Clarkdale and they will go to the Sharlot Hall Museum upon his death because there is no museum in Clarkdale. He stated that the clinic (former DMV building) is ideal for a heritage archives and museum.

There was some discussion about how a heritage museum would benefit the town which was summed up as the benefit that any museum gives in that it presents the heritage of the community and could direct visitors to other sites and activities in Clarkdale.

*Pep Bright*, 1419 Main Street, stated that beginning in 1983 the 15 members of the Restoration Commission worked for eight years to restore the Clubhouse. She stated that having the library in Men's Lounge would protect the building. She stated that the people had come in and destroyed things.

*Jane Winiecki*, 1401 3<sup>rd</sup> South, stated that the town has nothing to represent it to the outside world and she agreed that the Council should develop the whole plan.

*Pat Williams*, 1130 Sunrise Drive, chair of the Heritage Conservancy Board, stated that the library is the soul of the community and the heritage of a community its anchor. She stated that people do not donate artifacts and archives to the town because they will never see it on display and the items would be stolen. She stated she supports the plan and implored the Council to develop a museum.

*Pat Harris*, 1406 Main Street, Library Board member, stated that the library is wonderful as it is and that the town needs it. She stated that the DMV building is too small for the library, but it would be good for a museum.

Mayor Bluff closed public comment. Discussion included the following issues:

- 1) The Facilities Master Plan includes a large meeting room in the present library to accommodate groups.
- 2) The purpose of the Facilities Master Plan is to do a whole plan for all the buildings.
- 3) Moving the library is part of the entire plan.
- 4) Great crowds do not have to come to justify the existence of a library or museum.
- 5) The entire plan would cost \$800,000. The town currently has \$400,000 for which the debt payment will be about \$40,000 per year.

**ADJOURNMENT** - With no further business before the Council, and without objection, Councilmember Bluff adjourned the meeting at 8:40 p.m.

**APPROVED:**

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Michael Bluff, Mayor

**SUBMITTED:**

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Charlotte Hawken, Admin. Assistant

**ATTESTED:**

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Joyce Driscoll, Town Clerk