

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, April 12, 2005.

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 12, 2005 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa Patricia Williams Vacancy

Town Staff:

Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Town Attorney	Robert Pecharich
Com. Dev. Director	Steven Brown
Public Works Mgr	Steven Burroughs
Finance Director	Coleen Gilboy
Police Chief	Pat Haynie

Others in Attendance: Robyn Prud'homme-Bauer, Chris Boothe, Ellie Bauer, John and Linda Coles, Curt and Robin Wilber, Kathleen Fleenor, Hank and Chairperson Stevens Stevens, Teri Von Gausig and Jerry Doerksen.

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:02 p.m. and noted that all members were present.

PUBLIC COMMENT - *Robyn Prud'homme-Bauer*, 1750 Cholla, invited everyone to the Downtown Revitalization celebration on April 30th from 4 to 9 pm on Main Street.

EMPLOYEE RECOGNITION - Recognition of Library Aide Pat Watson for 5 years of service. This item will be rescheduled.

INFORMATIONAL REPORTS

MAYOR'S REPORT - Mayor Von Gausig reviewed his activities, including the following:

1. He joined a group from the Verde Valley on a hike/tour/symposium to the headwaters of the Verde River, just north of Chino Valley

and South of Paulden and gained a great deal of insight and perspective on the watershed that produces our Verde. If you care to see photos of the headwaters, he has posted some of the picture he took at <http://www.sendpix.com/albums/05040308/fcyqzasdwo/>

2. Cottonwood Councilperson Diane Joens and he attended the Yavapai County Board of Supervisors meeting in Prescott. We represented the WAC Verde Valley contingent to urge the BOS to hire John Munderloh on a contract basis for a few months until we could replace him.
3. Town Manager Mabery, Vice-Mayor Wiley and he toured the entire perimeter and interior of the Mountain Gate project with Brian Nicholl from Empire. The tour was really beneficial, and we all gained a much better "picture" of what would be where when the project is complete. He Town Manager Mabery and Community Development Director Brown a CD of the 200 pictures he took on that tour in order to have a record of what it was like "before."
4. Town Manager Mabery and he went to the Water Company Acquisition work group meeting in Cottonwood. It feels like we are getting closer to our goal, and we are confident that Cottonwood and Clarkdale will be able to complete the transaction in time, and that we will have a workable IGA in place that guides and governs the future of this complex relationship.
5. Town Manager Mabery, Town Attorney Pecharich, Public Works Manager Burroughs and he attended a meeting at ADEQ offices in Phoenix to discuss the sewer leak that occurred in September of 2003. We came away from that meeting somewhat more optimistic than we felt at past meetings with ADEQ. It seemed that they would be willing

to at least discuss one of more "SEPs" in lieu of the fine that they had been proposing in the past. SEPs are "Supplemental Environmental Projects", and they are intended to mitigate the potential damage that is caused by an environmental infraction. We may be able to use SEPs to offset the entire or a part of the fine.

6. He met Dan Campbell, of The Nature Conservancy (TNC), near Peck's Lake to shoot a segment of a new film that is a joint project of Arizona Public Service (APS) and TNC. TNC got "experts" from all along the Verde River to explain the impacts and benefits of the Verde River in their area. They've filmed in the Big Chino, here in Clarkdale (my segment), at Dead Horse, with Max at Castillo, and in Cottonwood with Chip Davis. Brenda Hauser will do the Camp Verde segment. The film will be available to educational institutions, etc. when completed. For more information contact Dan Campbell at The Nature Conservancy in Prescott.
7. Governor Napalitano will be visiting the Verde Canyon Railroad this month.

TOWN MANAGER'S REPORT - Town Manager Mabery noted the deadline for Council applications is April 15th and one application has been turned in. The Clarkdale-Jerome school is involved with a Hands Across America and they are holding a scavenger hunt on Friday, which includes a picture of them with a town employee. The Gala dinner theater is on April 21st. The volunteer appreciation event is on April 29th from 4:30 p.m. to 6:30 p.m. The town has two teams for the Relay for Life on April 22-23.

NACOG - No report.

NAMWUA - Mayor Von Gausig stated they are working on hiring a new director.

WAC - John Munderloh is resigning as the coordinator. The County is contracting with Mr. Munderloh to continue a few more months until his replacement is found.

CATS - No report.

COCOPAI - Councilmember Williams stated that at the March meeting they discussed sediment and run-off for construction sites. A report is available in Community Development for public viewing. They also are currently working on a noxious weed survey and want to obtain a grant to have a consultant complete the survey.

Town Manager Mabery encouraged the public to consider applying for vacant board and commission positions.

CONSENT AGENDA

- A) **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meetings held March 1, 2005 and March 8, 2005.
- B) **Claims** - List of specific expenditures made by the Town during the previous month.
- C) **Board and Commission Minutes** - Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.
 - Library Advisory Board March 3, 2005.
 - Planning Commission March 21, 2005.
 - Parks and Recreation February 14, 2005.
 - Heritage Conservancy March 16, 2005.
 - Design Review Board February 9, 2005.
 - Board of Adjustments January 26, 2005 and February 23, 2005.
- D) **Reports** - Approval of written Reports from Town Departments and Other Agencies.
 - Building Permit Report - March 2005.
 - Clark Memorial Library Reports -November 2004, December 2004, January 2005.
 - Cottonwood Area Transit System (CATS) Operations Report - February 2005.
 - Fire Department Report and Mutual Aid Responses Report - March 2005.
 - Magistrate Court Report - February 2005.
 - Police Department Report - March 2005.
 - Verde Valley Humane Society - February 2005 and March 2005.

- E) **Board and Commission Resignation** - Acceptance of resignation from Parks and Recreation Board Member, Crystal Turner.
- F) **Old Business** - Approval of Intergovernmental Agreement outlining the employment of a Magistrate Court Clerk between the Town of Clarkdale and the Town of Jerome.
- G) **Proclamation** - Approval of a Proclamation naming the week of April 18-24, 2005 as Volunteer Appreciation Week.
- H) **Special Event Liquor License** - Approval of a Special Event Liquor License and the closure of a portion of 10th Street for the Clarkdale Chamber of Commerce Block Party to be held April 30, 2005.
- I) **Agreement** - Approval of an agreement with Arizona Department of Housing for a Community Development Block Grant (CDBG) for wastewater treatment plant upgrades.

Councilmember Williams moved to approve all of the Consent Agenda items. Vice-Mayor Wiley seconded and the motion passed unanimously.

RESOLUTION – Consideration of a resolution authorizing the distribution of funds donated by the Yavapai-Apache Nation.

Mayor Von Gausig stated that on March 8th Chairman Fullmer present the Town with a check for \$31,196.60. He stated the Nation wanted 20% to be passed on to the Clarkdale-Jerome School. Studies show that the school has done a great job with their kids and they wanted to reward them. They have suggested the funds be used for athletics, but that is at the school’s discretion. They also felt giving 20% to the Clarkdale Chamber of Commerce for tourism would affect Clarkdale as a whole.

Town Manager Mabery noted that the resolution was drafted to reflect what the Tribe has requested.

Vice-Mayor Wiley moved to adopt Resolution #1137, authorizing the distribution of \$31,196.60 as requested by the Yavapai-Apache Nation, with 60%

going to Town Parks and Public Safety, 20% to the Clarkdale-Jerome School Athletic Fund, and 20% to the Clarkdale Chamber of Commerce. Councilmember Sa seconded and the motion passed unanimously.

RESOLUTION – Consideration of a resolution making an appointment to the Design Review Board.

Mayor Von Gausig stated the interview committee interviewed six applicants and recommended Anke Pitrella. Vice-Mayor Wiley moved to adopt Resolution #1138, amending Resolution #1119, making appointments to the Design Review Board and inserting Anke Pitrella. Councilmember Williams seconded and the motion passed unanimously.

Town Manager Mabery noted that Ms. Pitrella would not be seated before the next Design Review Board meeting. She can be seated 24 hours after signing and submitting the Oath of Office.

REPORT – An annual report from the Clarkdale Town Magistrate.

Judge Dwyer thanked the Council for addressing the needs of the court with the temporary police office space. She reported on the following items:

1. She reviewed two forms that have been revised, the Plea of Guilty and Immigration Consequences under Rule 17.2. The latter advises anyone who is not a citizen that there may be immigration consequences if they are pleading guilty or no contest to a crime. They are making posters of each form.
2. She stated she would like to have a liaison between the Court and the Council. This would be someone to go to with questions for the Council or the Court. She noted that using the town manager in this position would negate the separation of the branches of the government.
3. Mayor Von Gausig noted that the boards and commissions recommend items to the Council frequently and he would not mind if she came to him with court issues.

4. She stated that the Supreme Court is looking at the security of the courts in light of recent violence in courtrooms and advises installing panic buttons. When they shared a building with the police department, it seemed safer. If the police offices will be separate for 8-10 months something else may need to be done.
5. She noted that Clarkdale hosted the last monthly meeting of the Yavapai County limited jurisdiction judges.
6. She also noted she has been elected to the board of the Magistrates Association and she will make a presentation at the yearly meeting.
7. She stated she has the best court clerk, who is also fluent in Spanish. If she were certified for interpretations in court, they would not have to pay for a certified court interpreter, who are in great demand.
8. Town Manager Mabery asked if Court Clerk Contreras would then be on call to other courts or police departments and Judge Dwyer responded that she could do so on her own time, not as a town employee, unless there was an intergovernmental agreement. They require an interpreter about twice a year.
9. This court is seeing an increase in citations. It is extremely important that everything they be entered in to court software in a time sensitive manner. She is asking for an increase in the court clerk's hours from 20 to 24 hours per week. The clerk is currently working 20 hours in the court, 4 hours at town hall, and 16 hours in the Jerome court per week under an intergovernmental agreement. She is seeing disgruntled people and feels that will be reduced or eliminated with this change. She wants to be responsive to the public.
10. Long term, if and when a new facility is proposed, she recommends housing multiple courts in one building for economy of scale. She currently does not have room for a jury

trial.

11. The Supreme Court would like to see all fines go to one place. This is currently in a holding pattern, but she has been told it will occur statewide. They will charge \$7 per charge, not per ticket. This court could be a partial or full FARE participating court. She sees it as problematic, because it is another layer. Judges see both benefits and burdens to this system.
12. She wants to create a digital media system, with English and Spanish viewing on a television set. Before court starts, she must give preliminary information. This could played be on the screen at the beginning of each session. Additional information about the court process could also be presented in this manner.
13. She will look into the cost of metal detector wands.
14. The current magistrate contract expires in January 2006. Having Jerome as a separate court is working, but is not as easy as when it was part of the Clarkdale Court.

REPORT – A report and discussion regarding Arizona Department of Transportation's (ADOT) proposed Highway 260 Plan.

Mayor Von Gausig stated he met with County Supervisor Davis regarding the ADOT 260 plan. ADOT planned for some time to widen 260 between Cottonwood and Camp Verde. A couple of land owners decided they wanted more for their land for ADOT to acquire as right of way. It looked like ADOT could not do anything, but Supervisor Davis and ADOT discussed a bypass. Acquisition costs would be low for this option. The landowners along 260 didn't like this idea. A large part of the Camp Verde General Plan was predicated on a 260 commercial corridor. The landowners also decided that if stoplights were installed every mile or so they would come down on their land price. Supervisor Davis requested Council opinions.

Mayor Von Gausig stated he feels the least number of stoplights as possible would be best. Camp Verde

has discussed only having 3-4 stoplights and a 45 mph limit. Mayor Von Gausig was looking for direction from the Council.

Vice-Mayor Wiley read his statement, as follows:

“The first priority should be to safely increase traffic flow. The next consideration is to accomplish this at the most economic cost to the non-participating payers – those people who will have no economic advantage from either plan. If the state and county can acquire the needed right of way at or near the original estimated cost, go with the original plan. If acquisition cost skyrocket, then go with the new road from the General Crook Trail to the north side of Steve Coury. It is our obligation to get the people from Clarkdale to the interstate highway or to Camp Verde, but give them a choice.”

The council agreed that they want to get to I-17 with the least amount of stops.

AUTHORIZATION – Authorization for the Police Department to accept a grant through the Triple 9 Foundation for a Narcotics Canine.

Police Chief Haynie stated that as the community and the drug problems grow, a narcotics canine would be a valuable asset. One concern in the past was the legalities. The dogs are trained to look for drugs only when prompted.

Officer Chris Wylie stated that the dogs are prompted with a toy and are generally trained to look for four types of drugs. When a dog is walking with an officer it is trained to not be working. The US Supreme Court has addressed the probable cause issue. A dog alert gives the right to search unless it is a residence and then a warrant would be needed. An officer cannot make a traffic stop just for a dog to check the car. Last month, using Cottonwood’s canine, he made an arrest and confiscated drugs. As a supervisor, he is less likely to transport prisoners, and thus can still take calls.

There was discussion of the workload with a dog and a dog alerting when not commanded. Donations have been secured for the dogs care.

Vice-Mayor Wiley moved to authorize the Police Department to accept a grant through the Triple 9

foundation for establishment of a Narcotics Canine program within the clarkdale Police Department. Councilmember Sa seconded and the motion passed unanimously.

AGREEMENT – Consideration of an Agreement and Certifications to receive funding from Arizona Department of Emergency and Military Affairs (ADEM) /Federal Emergency management Agency (FEMA) for damage caused by flooding.

Town Manager Mabery noted that the funding amounts to \$5800.

Councilmember Sa moved to approve the Agreement and Certifications ADEM/FEMA funding. Vice-Mayor Wiley seconded and the motion passed unanimously.

NOTICE OF INTENT – Consideration of adoption of Notice of Intent to increase wastewater user fees.

Finance Director Gilboy reviewed the process to adopt a new fee and noted that the proposed increase is from \$19.80 to \$20.47.

Councilmember Sa moved to adopt the Notice of Intent to increase wastewater user fees. Mayor Von Gausig seconded and the motion passed unanimously.

NOTICE OF INTENT – Consideration of adoption of Notice of Intent to increase wastewater commercial/industrial capacity fees.

Finance Director Gilboy noted the proposed increase is for commercial/industrial users.

Vice-Mayor Wiley moved to adopt the Notice of Intent to increase wastewater commercial/industrial capacity fees. Councilmember Williams seconded and the motion passed unanimously.

FUTURE AGENDA ITEMS

1. Mayor Von Gausig requested more frequent reports from the judge.
2. Vice-Mayor Wiley requested something regarding security in the court.
3. Councilmember Williams requested a discussion of the 89A plan regarding

roundabouts. Town Manager Mabery noted that ADOT is currently in the process of scheduling public hearings.

ADJOURNMENT - With no further business before the Council, and without objection, the meeting adjourned at 8:00 p.m.

APPROVE:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Charlotte Hawken, Admin. Assistant