

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, November 15, 2005.

A special meeting of the Common Council of the Town of Clarkdale was held on Tuesday, November 15, 2005 at 6:00 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 North Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor	Doug Von Gausig
Vice Mayor	Jerry Wiley
Councilmember	Frank Sa
	Patricia Williams
	Tim Wills (absent)

Town Staff:

Town Manager	Gayle Mabery
Town Clerk	Joyce Driscoll
Town Attorney	Anna Young
Police Chief	Pat Haynie

Others in Attendance: Robyn Prud'homme-Bauer, Curt Bohall, Margaret Keener and Amy Bayless.

AGENDA ITEM: CALL TO ORDER - Mayor Von Gausig called the meeting to order at 6:05 p.m. and noted that Councilmember Wills was absent.

AGENDA ITEM: PUBLIC COMMENT -

Robyn Prud'homme-Baur, 1750 Cholla, passed out brochures for the Made in Clarkdale art exhibit and stated the Gala opening would be on December 2nd.

AGENDA ITEM: CONSENT AGENDA - Vice-Mayor Wiley moved to approve Item A. Councilmember Sa seconded and the motion passed unanimously.

- A. **Ordinance** - Adoption of an ordinance making changes to Section 2-1-4 of the Town Code of the Town of Clarkdale regarding vacancies on the Council.

AGENDA ITEM: PUBLIC HEARING - A hearing to receive input from the public regarding Home Rule Option.

Town Clerk Driscoll presented the staff report, as follows:

Background: There will be an Alternative Expenditure Limitation (Home Rule Option) question on the ballot. In 1980, Arizona voters approved a tax reform package that placed an expenditure limitation on cities and towns. However, this legislation allowed local voters to approve an exception to the state imposed expenditure limitation in their city or town.

Under the state-imposed expenditure limitation, a city or town may only spend a certain amount of funds. Regardless of the city or town's revenue or individual needs, its budget is limited by the state-imposed ceiling.

Under the Home Rule Option, the city or town may determine its own expenditures based on its budget. With voter approval of the Option, the Town will be limited to the expenditure of the estimated available revenues, whether such expenditures are less than or more than the state imposed limit.

To continue the Home Rule Option, it must be passed by the voters every four years. The Town of Clarkdale voters have approved the Home Rule Option every four years since 1980.

AGENDA ITEM: RESOLUTION #1173-

Discussion and consideration of adopting a Resolution placing Home Rule Option (Alternative Expenditure Limitation) on the March, 2006 ballot.

Councilmember Williams moved to approve Resolution #1173 placing the Home Rule Option (Alternative Expenditure Limitation) on the March 2006 ballot. Vice-Mayor Wiley seconded and the motion passed unanimously.

AGENDA ITEM: WORKSESSION - A

worksession to discuss the present and future needs of Clarkdale's Magistrate Court with the Town Magistrate.

Town Manager Mabery presented the following staff report:

Background: Several months ago, Judge Dwyer expressed a desire to meet with the Council and discuss the future needs of the Clarkdale Magistrate Court.

Mayor Von Gausig agreed that this type of discussion would be best served through a worksession with the Council, and suggested that it be scheduled as soon as possible after the Council's Annual Strategic Planning Session.

Attached for the Council's reference is a copy of the Annual Report for FY 05 for the Clarkdale Magistrate Court. In addition, Judge Dwyer plans to address the Council about future court facilities and staffing needs, and any other pertinent planning issues relating to the Clarkdale Magistrate Court.

Recommendation: As this is a worksession, no action is necessary on this agenda item.

Judge Dwyer gave a comparison of the staffing and court cases of this court to other courts in the state, as follows:

<u>Location</u>	<u># of clerks</u>	<u># of hours</u>	<u>Cases</u>
Mammoth	2	40	552
Springerville	2	40	583
Clarkdale	1	24	652
Eager	2	40	699
Florence	2	56	700

She gave the following reasons for having more staff:

1. Coverage for sick time and vacation.
2. The community is growing.
3. The police department is growing.
4. To always have the court open to address questions, take phone calls and take fine payments.

She listed the following court functions:

1. Citation of all complaints
2. Accepting payments.
3. Criminal and criminal traffic cases
 - a. Initial appearances
 - b. Arraignments
 - c. Order pretrial conferences
 - d. Motion calendars
 - e. Evidentiary hearings
 - f. Change of pleas
 - g. Imposing sentences (fines, jail time,

- h. Trials
 - i. Appeals
 - j. Sentence reviews
 - k. Issuing orders to show cause for contempt
 - l. Arrest warrants
 - m. Quash warrants
4. Search warrants
 - a. Swear in officer
 - b. Determine probable cause
 - c. Issue order
 - d. Docket warrant
 - e. Accept return and inventory of items seized
 - f. Transfer to other court (jurisdictional issue)
 5. Civil traffic
 - a. Plea proceedings
 - b. Not responsible
 - c. Default judgments (suspension of driving privileges)
 - d. Diversion driving program
 - e. Impose fines
 - f. Set and preside over hearings
 - g. Judgment
 6. Orders of protection and injunctions
 - a. Provide petition
 - b. Swears in plaintiff
 - c. Case number assigned
 - d. Hearing
 - e. Order granted
 - f. Service on defendant
 - g. Hearing request
 - h. Dismiss order
 - i. Docket
 7. File requirements
 - a. Minute entries
 - b. Docket in computer all action
 - c. Event codes assigned
 8. Reports
 - a. Monthly financial
 - b. Monthly state remittance
 - c. Monthly stats

- d. Quarterly revenue surveys
- e. Situations to MVD
- f. Minimum account standards
- g. Bank accounts (3)
- h. Auditor - 4 times per year

Judge Dwyer stated she knows there has been discussion of a shared court/council facility. She stated that this court answers to other Arizona courts. She showed a model court design from the AOC. Town Clerk Driscoll stated that a medium sized court runs from 1200 to 1500 square feet.

Judge Dwyer stated that a combination court/council space is doable, but needs to be thought out. The AOC has guidelines for design. A joint court facility with Cottonwood would be ideal with two courtrooms and a shared jury deliberation room. She noted that locating a court in a subdivision was not a good idea and that it is difficult to have a multi-use court facility. She noted that she would like to have phone jacks in the courtroom.

There was a comment from the audience that new courts need room for victims. There was discussion about security, with a buzzer to the police department. Vice-Mayor Wiley noted that he does not feel there is adequate security in various departments.

Judge Dwyer requested that the town get past its make-do attitude. She wants to do planning and move forward. It would be nice to be able to take care of some items. There was discussion of Maria Contreras' time and ability to complete work within her current hours.

Councilmember Sa requested a copy of the courtroom blueprints mentioned in the presentation.

AGENDA ITEM: WORKSESSION - A
 worksession to discuss the federal Community Development Block Grant (CDBG) funds expected to be received by the Town in 2006 and possible projects or programs to be funded.

Town Clerk Driscoll presented the staff report, as follows:

Background: CDBG, or Community Development Block Grants, is a U.S. Housing and Urban Development (HUD) Small Cities Program that provides funds for housing and community development activities in rural Arizona. The Arizona Department of Housing is the state agency which administers the funds. Northern Arizona Council of Governments (NACOG) administers the planning of annual allocations and provides technical assistance for application preparation for northern Arizona.

The Town of Clarkdale receives CDBG funds on a four-year rotating basis through NACOG. The 2006 allocation for Clarkdale should be \$433,020. The application process begins with a hearing on December 13. Also on the 13th the council will be requested to select a project, or projects to fund with this grant money.

Projects must meet certain criteria to be eligible. Primarily, they must benefit low income persons. The Town must demonstrate that whatever the service area is of the project, that there are over 50% low-income households in that area. This is done by extensive door to door surveying by town staff. Survey results must be approved by the Department of Housing and are considered valid for five years. Currently the Town has an approved survey of the area of town that is served by Town sewer which is still within the 5-year time-frame. Any project in this service area should already meet the low-income threshold. Projects which are for the "removal of architectural barriers" (making facilities accessible to disabled persons) provide benefit to disabled persons who, according to CDBG, are considered low-income, therefore these types of projects do not require a valid survey.

Town Staff has listed the following community development projects that are CDBG eligible:

- Removal of architectural barriers in the Clubhouse (remodeling of restrooms to create ADA toilets, modifying existing entrances with steps to ADA accessible ramps, wheelchair lift onto stage, etc.
- Trail on existing railroad right-of-way in Lower Clarkdale
- Restroom/Concession stand building in Mongini Park

- Effluent disposal
- Patio Park curb/gutter and sidewalk
- Handicap curb cuts in needed areas of the Town
- Wastewater interceptor lines
- Curb, gutter and sidewalks in lower Clarkdale
- Curb, gutter and sidewalks in upper Clarkdale
- Program to assist low-income persons with water bills (and/or other town utilities).
- Installation of effluent line to Centerville park for watering
- Installation of effluent line to Mongini park for watering
- Construction of connector street from Broadway to Highway 89a (Centerville connection)

CDBG can fund a diverse assortment of projects. However, to be eligible for funding, projects must meet at least one of the three national objectives.

- At least 51% of the persons who benefit from the project must be low to moderate income;
- The project must aid in the prevention or elimination of slums or blight; or
- The project must solve an urgent need health hazard.

Historically, most projects will meet the first national objective, benefit to at least 51% low-to-moderate income persons. It should be noted that Congress has designated "target populations" which are considered to meet that criteria.

- Persons who are elderly (age 62 or over)
- Adults with severe disabilities (age 16 or older and unable to perform functional activities or activities of daily living)
- Persons who are homeless
- Abused children
- Battered spouses
- Persons who are illiterate

- Persons living with AIDS
- Migrant farm workers

As mentioned, CDBG can fund a variety of projects, as long as one of the three national objectives is met:
The general categories of eligible activities are:

Public Works and Safety

- Water system and wastewater system improvements
- Road and street improvements, parking facilities
- Flood and drainage improvements
- Fire protection facilities and equipment

Community and Supportive Housing Facilities and Removal of Architectural Barriers

- Parks, playgrounds, and recreational facilities
- Libraries
- Neighborhood facilities (youth center, senior center, social services center)
- Supportive Housing (shelters, halfway houses, group homes, hospitals, nursing homes)

Public Services

- Child care, health care
- Education programs, job training programs
- Services for senior citizens, homeless, counseling
- Will fund labor, supplies, materials, operations and maintenance

Housing

- Housing rehabilitation
- Housing development support
- Home-ownership assistance
- Housing development by eligible sub-recipient

Economic Development

- Assistance to businesses
- Infrastructure improvements, acquisition of land or buildings, construction of building to create permanent, full time jobs

Neighborhood Revitalization and Redevelopment

- Pedestrian malls or walkways
- Historic preservation
- Clearance or demolition
- Commercial or industrial rehabilitation

Planning and Capacity Building

- Comprehensive plans
- Community development plans
- Functional plans
- Policy, planning, and management capacity building

Administration

- General grant administration - Up to 18% of the total grant amount.

There was discussion of the desire to do a project in Patio Park and to do a water bill assistance program.

AGENDA ITEM: WORKSESSION – A worksession to discuss water-bill payment assistance programs.

Town Manager Mabery presented the following staff report:

Background: The Town of Clarkdale has been very proactive with community outreach during the water company acquisition process. During many of the discussions of the project, community and Council members expressed concern about individuals or families who live on fixed or limited incomes and who would be most impacted by the increase in the water rates. With those concerns in mind, the Mayor and Council have identified the creation of a water bill payment assistance program as a high priority in conjunction with the water company acquisition.

The City of Cottonwood identified the same concern shortly after they established the Cottonwood Municipal Water Utility. On July 1, 2005, they entered an agreement with Catholic Social Services to administer a Water Utility Assistance Program on their behalf. Like Cottonwood, our staff feels that contracting with a separate entity, and one that qualifies individuals for assistance programs as part of their mission, is an appropriate step to take. The City of Cottonwood pays Catholic Social Services \$500 per year to administer the contract. The City of Cottonwood agreement is attached for your review.

The City of Cottonwood chose to have a multi-tiered qualification process for its program. Applicants are rated based on where they fall on a graduated income scale, what their total energy burden is, and whether they

are classified as elderly, disabled, working poor, or have a child under 6 years old living in the house. The ratings in each of these categories generate a raw score that is used for ranking applicants for priority of assistance.

However, before an applicant can move into the ranking phase, they must also meet a pre-determined water conservation standard. Since water conservation has been identified as one of the benefits of municipal ownership, the Cottonwood Council wanted to ensure that any program that was adopted had a strong incentive for water conservation. The water use eligibility standard for applicants in the Cottonwood program are:

75 gallons/person/day Between May 1 and September 30

60 gallons/person/day Between October 1 and April 30

Calculated on a monthly basis, a one person household could only use between 1,800 and 2,250 gallons of water per month (depending on the season) to qualify for the program.

After discussions with representatives from the City of Cottonwood and Catholic Social Services, it is apparent that the extremely low threshold for water usage has limited applicants from eligibility in the program. In fact, since July 1, 2005, although many applicants have met the income requirements, none have qualified for the program because they can't meet the water usage requirements. None of the \$10,000 that has been set aside for that program has been used to date.

The Clarkdale staff believes that the base premise of Cottonwood's program is valid, and that including a water conservation component is extremely important. However, if we consider that the current average household use in Clarkdale is 11,000 gallons per month, and the average household in Clarkdale has 2.5 people, our average per person daily usage is 147 gallons. Although we have not yet adopted a policy of what our target daily usage should be, we do widely expect a 10% decrease once the new tiered rate structure is implemented. A 10% decrease would result in a 132 gpd per person usage. With that in mind, and to continue to promote water conservation in our programs, staff suggests that a more appropriate water use eligibility requirement for a water utility assistance program for

Clarkdale would be:

- 125 gallons/person/day
Between May 1 and September 30
- 100 gallons/person/day
Between October 1 and April 30

Calculated on a monthly basis, a one person household could use between 3,000 and 3,750 gallons of water per month (depending on the season) to qualify for the program.

Funding for the program would obviously have to be set aside. The Town Staff is recommending a two-source approach to the funding, with one source being budgeted from the water utility revenues, and the second source being CDBG grant funding. The Town of Clarkdale is eligible for CDBG funding every 4 years (with our next funding being awarded in 2006). Since CDBG contracts are effective for two years each, we could effectively develop a program where we fund our water assistance on two year rotating cycles, as follows:

- July 1, 2006 – June 30, 2007
CDBG Grant
- July 1, 2007 – June 30, 2008
CDBG Grant
- July 1, 2008 – June 30, 2009
Water Utility Revenues
- July 1, 2009 – June 30, 2010
Water Utility Revenues

In order to use CDBG grant money, staff would have to work with the Arizona Department of Commerce to ensure that our eligibility format for applicants meets current CDBG standards. However, based on our initial review, most, if not all, of the program that has been designed by the City of Cottonwood would likely meet those CDBG requirements.

Recommendation: If the Council is interested in moving forward, direction should be given to staff on:

- 1) whether to start discussions with Catholic Social Services about program administration;
- 2) whether we should include a water conservation component in the program;

- 3) what level of annual funding the Council would like to start the program with;
- 4) whether the Council is supportive of using the rotating funding approach, alternating CDBG funding with water utility revenue funding; and
- 5) when the program would become effective (staff is recommending implementation on July 1, 2006, to correspond with the beginning of the Fiscal Year).

With that direction, staff can begin developing a program that is specific to Clarkdale and bring it back to the Council for final approval.

Discussion included the following issues:

1. What the program should look like.
2. Basing eligibility on income and concern over customers requesting assistance but not conserving water.
3. Eligibility worksheet used by the City of Cottonwood for their assistance program.
4. Amount of money to allocate for the program and the percentage of bills to subsidize for qualifying customers.
5. Using Catholic Social Services for administering the program.
6. Request to find out from Catholic Social Services how many people would probably qualify for assistance from an income aspect.
7. Having a worksession with Catholic Social Services in January.

AGENDA ITEM: WORKSESSION – A discussion and direction to staff regarding priorities for Impact Fee Study areas.

Town Manager Mabery presented the following staff report:

Background:

The Development Impact Fee Proposal received by the Town of Clarkdale provides for four or five study areas that could be conducted for the cost amount the town approved. Each study area requires significant research

and analysis in order to meet the requirements specified by Arizona Revised Statutes § 9-463.05. Each individual fee area requires its own study and report based on the following criteria:

1. Prepare growth projections;
2. Identify facility standards;
3. Determine the amount and cost of facilities required to accommodate new development based on facility standards and growth projections;
4. Calculate the public facilities fee by allocating the total cost of facilities per unit of development.

The Town needs to determine which areas of study it would like included in the Impact Fee Study on which we will base our program. Typically communities include Transportation facilities [streets, sidewalks and intersections]; Park facilities [both recreational and cultural], Fire facilities; Police facilities; Civic facilities [including corporation yard], Community Center facilities; Library facilities; Sewer facilities; Drainage facilities; Reclaimed water facilities; Water facilities; Beautification, trails and related facilities. The guiding principal needs to be distinguishing between facilities needed to serve growth [that can be funded by impact fees] and facilities needed to correct existing deficiencies or raise facility standards for the existing service population [that cannot be funded by impact fees].

Town Manager Mabery stated that staff identified three areas to look at: water, wastewater and streets. The council set aside \$50,000 in the budget for this study. Staff felt that that impact fees for a reclaimed water master plan study be folded into this study. Impact fees by themselves will probably never fund all of the costs of a project. The following were other possible impact fee areas that were identified:

1. Parks, trails and beatification.
2. Public works facilities and equipment.
3. Public safety equipment.
4. Municipal facilities - council/court facility.

Discussion included the following issues:

1. What projects would be most attributed to new growth.
2. Which projects are more difficult and which have marginal costs.
3. Staffing and maintenance cannot be funded through impact fees.
4. Other possible funds to address some of these areas.

Mayor Von Gausig stated his priorities were water, sewer, transportation, community facilities and then parks. The Council agreed with these priorities.

Town Manager Mabery noted she would bring a contract to the council on December 13th.

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

None.

AGENDA ITEM: ADJOURNMENT - With no further business before the Council, and without objection, the meeting adjourned at 8:17 p.m.

APPROVE:

Doug Von Gausig, Mayor

ATTEST:

Joyce Driscoll, Town Clerk

SUBMIT:

Charlotte Hawken, Admin. Assistant