

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale
Held on Monday, May 19, 2008**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Monday, May 19, 2008, at 4:00 PM. in the Finance Conference Room, 15 North Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Frank Sa

Town Staff:

Town Manger Gayle Mabery
Finance Director Carlton Woodruff
Community Development Director Sherry Bailey

Assistant Town Manger Janet Perry
Town Clerk Kathy Bainbridge

Town Attorney Rob Pecharich

CALL TO ORDER - Mayor Von Gausig called the meeting to order at 4:00 PM and noted that all Council members were present except Councilmember Sa.

PUBLIC COMMENT – Mayor Von Gausig informed the audience that the Council could not reply to comments on items that were not on the posted agenda per state law. The Council is interested in the public’s comments, but may not be able to respond other than to offer clarification or direct staff. There was no comment.

MOUNTAIN GATE SUBDIVISION DEVELOPMENT AGREEMENT - Legal advice from the Town Attorney regarding the Empire Construction bankruptcy proceedings and Town claims.

The Council may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A) (3) discussion or consultation for legal advice with the attorney of the public body; and (4) discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations. The Executive Session will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda.

Without opposition, the Council approved Attorney Scott Cohen’s attendance at the Executive Session meeting.

Without opposition, the Council recessed to Executive Session at 4:05 P.M.

Without opposition, the Council resumed the meeting in Open Session at 5:10 P.M.

APPOINTMENT OF SPECIAL LEGAL COUNSEL – Discussion and consideration of appointment for special legal counsel to the Town with regard to Empire Construction, et al’s bankruptcy proceedings.

Vice Mayor Wiley moved to approve Attorney Scott Cohen of Engelman / Berger P.C., Attorneys at Law, to handle the Empire Construction et al bankruptcy proceedings. Councilmember Williams seconded the motion. Motion passed unanimously.

ADJOURNMENT - With no further business before the Council and without objection the meeting adjourned at 5:12 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk