

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale  
Held on Tuesday, May 27, 2008**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, May 27, 2008, at 6:00 PM. At Yavapai College Verde Campus, 601 Black Hills, Room M-137, 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  
Public Works Director Steve Burroughs  
Finance Director Carlton Woodruff  
Town Clerk Kathy Bainbridge  
Deputy Town Clerk Walt Good

Assistant Town Manger Janet Perry  
Community Development Director Sherry Bailey  
Police Chief Pat Haynie  
Utility Director Wayne Debrosky

**CALL TO ORDER** - Mayor Von Gausig called the meeting to order at 6:00 PM and noted that all Council members were present.

**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.

**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) **City of Cottonwood Mechanical Repair Services Agreement** - Approval of the 2008-2009 Intergovernmental Agreement between the City of Cottonwood and the Town of Clarkdale for mechanic repair services.
- B) **Clarkdale-Jerome School District Mechanical Repair Services Agreement** - Approval of the 2008-2009 Intergovernmental Agreement between the Clarkdale-Jerome School District and the Town of Clarkdale for mechanic repair services.
- C) **Clarkdale Fire District Mechanical Repair Services Agreement** - Approval of the 2008-2009 Intergovernmental Agreement between the Clarkdale Fire District and the Town of Clarkdale for mechanic repair services.
- D) **Resignation of Richard Dehnert From Board of Adjustment** – Acceptance of letter of Resignation from Richard Dehnert.

- E) Ordinance Amendment Deleting Article 4-3; International Fire Code of Town Code** – Approval of an ordinance amendment deleting Article 4-3 pertaining to the International Fire Code of the Town Code, and renaming Chapter 4 as Police Department.  
**Ordinance #311**
  
- F) Municipal Property Corporation Appointment** – Approval of a resolution appointing James Gemmill to a term on the Municipal Property Corporation Board of Directors.  
**Resolution #1262**
  
- G) Resolution Renaming Street** – Approval of Resolution # \_\_\_\_\_ renaming of First Street in the Paz and Cota Subdivision to B & D Ranch Road.  
**Resolution #1263**

**Councilmember Williams pulled item B.**

Vice Mayor Wiley moved to accept the Consent Agenda A, C, D, E, F, & G as presented. Councilmember Sa seconded the motion. Approved unanimously.

Councilmember Williams requested clarification on the staff report.

Councilmember Williams moved to accept consent Item B as presented. Vice Mayor Wiley seconded the motion. Passed unanimously.

### **NEW BUSINESS**

**MOUNTAIN GATE ARSENIC TREATMENT SYSTEM – Consideration of approval for the Town staff to move forward with necessary steps to bring the Mountain Gate Arsenic Treatment System into operation on the water system.**

Utility Director Wayne Debrosky discussed the arsenic treatment system at the Mountain Gate Well and the timeline required by ADEQ to bring the system into compliance. As Council is aware, the Arsenic Treatment System (ATS) for the Mountain Gate well will require several modifications before it will be considered operational and put on-line as part of the Town’s water system. Empire Construction was responsible to deliver a fully operational and permitted Arsenic system to the Town as part of their off-site water improvements for the Mountain Gate project. With their operations “frozen” and their recent bankruptcy filing, they’ve left the Town with a partially complete system that will not currently meet federal arsenic requirements. The Town must be in compliance on Arsenic Treatment by December 31, 2008, or cease using the Mountain Gate well to supply water to our customers. We do not have sufficient potable water supplies from our other sources to allow this to happen.

The following steps need to be taken to complete the ATS for the Mountain Gate well:

- A pressure reducing valve (PRV), surge relief valve and well site improvements need to be designed and installed on the well line to the Mountain Gate Arsenic Treatment system prior to system start up.
- The system needs to be disinfected.
- Training and system start-up need to be provided by Kinetico (the system manufacturer).
- A wastewater line needs to be constructed from the 89A reservoirs to the nearest sewer line (in the Valley View Cemetery) to carry the backwash water from the ATS to the wastewater treatment plant.

The design work for the PRV, surge relief valves and well site was completed by Shephard-Wesnitzer, Inc. (SWI) for Empire Companies, but SWI never received payment for the design from Empire. SWI has also designed the sewer line extension to the Valley View Cemetery, and not been paid by Empire. If their fees are paid, SWI is willing to sell the plans to the Town.

Although the expenses for the Arsenic system are included as part of our claims through the bonding company on the Mountain Gate project (Bond Safeguard Insurance), we are not in a position to wait to resolve issues with the bonding company before starting this project due to the federal compliance issues. Therefore, we are proposing to move forward with this project, and seek reimbursement from Bond Safeguard.

In order to move forward with the most immediate issues, staff is recommending that the Council authorize staff to:

- Contract with Shephard-Wesnitzer Inc. (SWI) in the amount of \$8,900.00 for the engineering, design, bid documents, and submittal of documentation for regulatory approval of a pressure relief valve (PRV), surge relief valve and associated well site improvements for the Mountain Gate Arsenic Treatment system; and,
- Contract with Kinetico to an amount not to exceed \$9,000 for training and system start-up.
- Contract with an appropriately licensed contractor to construct the pressure relief valve (PRV), surge relief valve and associated well site improvements.

The above three steps are the most critical to bringing the system into compliance. Additional steps that will need to be taken will include the design and construction of the wastewater line the Valley View Cemetery, and entering a contract in the interim for a company to haul the backwash water to the wastewater collection system. Those items will be presented to the Council for consideration at a later date, if required under our procurement code.

Mayor Von Gausig asked who would be trained. Utility Director Debrosky replied that himself, Utility Tech Ken Rice, Wastewater Superintendent Mick McCullough, Admin Assistant Ellen Yates and various City of Cottonwood water staff would attend the training. The previous training session by Kinetico this past fall was attended by two Town of Clarkdale Utilities staff members who are no longer with the Town of Clarkdale. This training will be video taped for future use as in house training. Once online the Town should be able to sustain in house training.

Councilmember Sa asked how often the pump and dump tank will be drained? Utility Director Debrosky replied it will need to be dumped every other day, the tank is 5,500 gallons. The backwash water will be transported to a site where the water can enter the wastewater collection system. With the water entering the wastewater collection system upstream from the wastewater treatment plant it will have the ability to mix with existing domestic wastewater flows and not surcharge the system at the wastewater plant.

Councilmember Sa inquired if the ATS water could be used for dust control? Utility Director Debrosky said that the ATS is backwashed in four different stages and that stage 1 and 2 were not approved for dust control and the Town does not have the system set up to collect stage 3 and 4 so it would not be economically feasible.

Councilmember Sa inquired if the Town had an estimate on the cost of the PRV and surge valves? Utility Director Debrosky said that he did not have any firm prices because he does not have the engineering plans yet, however, the last PRV that the Town purchased was approximately \$35,000.

Town Manager Mabery stated that the funds for this would be coming out of the Water Company purchase funds and could be repaid by the Mountain Gate settlement.

Utility Director Debrosky informed council that he will be returning to Council with a worksession on the well and the ATS, a contract to purchase the PRV and surge valves, cost for engineering plans on the wastewater line extension and the contract for the hauling of the pump and dump ATS wastewater.

Vice Mayor Wiley moved to authorize staff to contract with Shepherd-Wesnitzer Inc. in the amount of \$8,900.00 and Kinetico for up to \$9,000.00 in order to move forward with the Arsenic Treatment System startup, and additionally to follow appropriate procurement guidelines to hire a licensed to construct the required pressure relief valve, surge protector and associated well site improvements, Seconded by Councilmember Bohall. Approved unanimously.

**RESOLUTION DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “BUILDING CODE ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLES 7-1 THROUGH 7-9; ADOPTING THE 2006 INTERNATIONAL CODE COUNCIL (ICC) BUILDING CODE” OF THE TOWN OF CLARKDALE - Discussion and consideration of Resolution # 1264, declaring as a public record that certain document filed with the Town Clerk entitled “Building Code Ordinance Amendment to Chapter 7, Articles 7-1 Through 7-9, Adopting the 2006 International Code Council (ICC) Building Code” to the Code of the Town of Clarkdale.**

Building Official Mike Baker, explained the changes in the document entitled “Building Code Ordinance Amendment to Chapter 7, Articles 7-1 Through 7-9, Adopting the 2006 International Code Council (ICC) Building Code”. Section 614.1 is an addition that deals with meters on private wells. Requiring meters on private wells is a practice on the East

Coast but not known if any Arizona communities endorse this practice. Town Manager Mabery stated that the Town has one commercial account that has a private well and the Town has history of their previous water usage, which the Town uses as a basis to bill this customer. This section requires both commercial and residential new private wells install a meter on their system for sewer charges.

Councilmember Sa asked if the commercial account would have to put in a meter and at whose cost? Existing commercial accounts on their own well would not have to put in a meter, if they do it will be at their own expense and the Town does have inventory they could sell.

Councilmember Sa moved to declare the document entitled “Building Code Ordinance Amendment to Chapter 7, Articles 7-1 Through 7-9, Adopting the 2006 International Code Council (ICC) Building Code” a public record. Seconded by Vice Mayor Wiley. Approved unanimously.

**Resolution #1264**

**ORDINANCE AMENDMENT TO THE BUILDING CODE, CHAPTER 7, ARTICLES 7-1 THROUGH 7-9; ADOPTING THE 2006 INTERNATIONAL CODE COUNCIL BUILDING CODE – Discussion and consideration of Ordinance #\_\_\_\_\_, adopting the “Building Code Ordinance Amendment to Chapter 7, Articles 7-1 Through 7-9, Adopting the 2006 International Code Council (ICC) Building Code” to the Code of the Town of Clarkdale repealing conflicting ordinances, providing for severability.**

Building Official Mike Baker presented the 2006 ICC Building Code for Council to approve.

Councilmember Williams moved to adopt “Building Code Ordinance Amendment to Chapter 7, Articles 7-1 Through 7-9, Adopting the 2006 International Code Council (ICC) Building Code” to Town Code. Seconded by Councilmember Sa. Approved unanimously.  
**Ordinance #312**

**AUTHORIZATION FOR PARTICIPATION IN THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) PLANNING ASSISTANCE FOR RURAL AREAS (PARA) PROGRAM– Discussion and consideration for authorization of staff to submit an application for a traffic planning study through the Arizona Department of Transportation (ADOT) Planning Assistance for Rural Areas (PARA) Program.**

Public Works Director Steve Boroughs explained the benefits of the Town applying to ADOT for the PARA Program. The major benefit would be the information on traffic patterns gained to be utilized in the new General Plan. Some of the major changes are that the reimbursement is 100% and that you can work with other communities when you submit. The limit is \$250,000 of ADOT funds. Working with Cottonwood could enhance or ability to participate in this program. The Town will pay first and then submit to ADOT for reimbursement.

Mayor Von Gausig asked how the timeline for this program jells with the requirements for the General Plan study requirement timeline. Community Development Director Bailey informed Council that they match well.

Councilmember Williams moved to authorize staff to submit an application to ADOT for participation in the Planning Assistance for Rural Arizona Program. Seconded by Vice Mayor Wiley. Approved unanimously.

**RESOLUTION FOR 2007/2008 BUDGET TRANSFERS – Discussion and consideration of approval of resolution #\_\_\_\_\_ adopting budget transfers for the 2007-2008 fiscal year.**

Finance Director Carlton Woodruff informed Council that each year the Council adopts a balanced budget based on projections of local revenue as well as projections from the State of Arizona revenue (State Shared Revenues and State Sales Tax). It is an ongoing budget goal for the Town of Clarkdale to transfer a portion of revenue from the General Fund to a Contingency Reserve Fund, the Capital Improvements Fund, and the Streets (HURF) Fund. During the year, Council may make changes to a budget based on economic factors by authorizing additional transfers when needs are identified. These economic factors in fiscal year 2007-2008 have caused actual revenues to fall short of projections, resulting in a need to transfer monies back into the General Fund. These factors have also contributed to the need to change revenue sources for expenditure coverage in the Wastewater Fund.

Exact amounts available for the requested budget balancing transfers will not be available until well after June 30<sup>th</sup>, when final sales tax collections are distributed by the State of Arizona and yearly closing entries have been completed. The following transfer totals are based on current projections of year end funds available. Actual transfer amounts may differ due to changes in actual revenue received for the remainder of the year and amounts required to balance the General Fund and Wastewater Fund.

Councilmember Sa asked if any of these transfers would effect carryover funds? Finance Director Woodruff replied there would be no carryover in any of the funds except for the Streets Fund. The transfer from the Streets Fund to the General Fund would only be in an amount up to this fiscal year's General Fund to Streets transfer.

Councilmember Williams moved to adopt the budget transfers for the 2007-2008 fiscal year. Seconded by Councilmember Bohall. Approved unanimously.  
**Resolution #1265**

**RESOLUTION CLOSING WIFA LOAN APPLICATION – Consideration of Resolution #\_\_\_\_\_ to authorize the closing of a Clean Water State Revolving Fund design loan from the Water Infrastructure Finance Authority of Arizona.**

Finance Director Carlton Woodruff informed council the reasons for the closing the WIFA loan application and obtain the design funds. The payment would be twice yearly interest payments over the next three years and then the Town would have to pay the loan off or roll

it into a construction loan. The town would invest the loan money at approximately 3.1% and interest would probably be about 3.75%.

Councilmember Sa asked where the funds to repay the loan would come from? Finance Director Woodruff replied that the first plan of action is not to spend any of the proceeds from the design loan. If any of the proceeds need to be spent to balance the Wastewater Fund, then repayment would be made from Wastewater user revenue. If construction on a new facility is started within the next three years, the total loan amount will be rolled into a construction loan. To have the money for use this year, the Town needs to close the loan this Fiscal Year.

Mayor Von Gausig informed Council there is a risk at obtaining these funds, if the Town uses the money it will have to find a way to repay those funds and pay the interest on the loan.

Councilmember Williams moved to approve Resolution #1266, authorizing the closing of a Clean Water State Revolving Fund design loan from the Water Infrastructure Finance Authority of Arizona. Seconded by Vice Mayor Wiley. Approved unanimously.  
**Resolution #1266**

**BUDGET WORKSESSION** – A Worksession to discuss the 2008-2009 Fiscal Year Budget.

Agenda item pulled by addendum agenda.

**RECOGNITION OF OUTGOING COUNCILMEMBER FRANK SA - Recognition of Sa's Frank Sa's term on the Council.**

Mayor Von Gausig thanked Councilmember Sa for his contribution and dedication to the Town, especially in regards to the budget and finance. Councilmember Sa's attention to finance details has made the Mayor more observant while signing checks and asking the finance department for particular information if he did not understand or know.

Councilmember Williams thanked Councilmember Sa for his help and knowledge he has shared with her and the Council in the area of construction.

Vice Mayor Wiley thanked Councilmember Sa for his work with finance in creating the monthly report in an understandable form.

Town Manager Mabery spoke about Councilmember Sa with these memories. She was surprised that Councilmember Williams pulled an item tonight and not Councilmember Sa. At Councilmember Sa's first meeting he pulled an item and has at several meetings since making sure that he knew what was going on in Town. Councilmember Sa spent many hours getting ready for meetings and gathering information the he would share with other members at the meetings. Frank Sa has kept the Town staff on our toes and we thank him for that. Some of the items that Councilmember Sa had influence on are:

- Fire Sprinkler Code

- Gazebo Reconstruction
- Beginning designs on ADOT 89A construction
- Fire District organization
- Town facilities remodel project
- Adopting 1% Construction Sales Tax
- Covered Load Ordinance
- Property Maintenance Code
- Spirit of Clarkdale Award
- Drought Water Code – that is model for the state
- Water Code

Franks Sa was always on the ground level for the Town and would call in to keep the Town informed on issues that were happening.

Town Manager Mabery presented Councilmember Sa with a plaque commending him for his service to the Town.

**FUTURE AGENDA ITEMS – Listing of items to be placed on a future council agenda.**

None

**ADJOURNMENT** - With no further business before the Council and without objection the meeting adjourned at 7:05 PM.

APPROVED:

---

Doug Von Gausig, Mayor

ATTESTED:

---

Kathy Bainbridge, Town Clerk

SUBMITTED:

---

Walt Good, Deputy Town Clerk