

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, April 22, 2008

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 22, 2008, at 6:00 PM. 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 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
Building Official Mike Baker

Assistant Town Manger Janet Perry
Community Development Director Sherry Bailey
Police Chief Pat Haynie
Utility Director Wayne Debrosky
Deputy Town Clerk Walt Good
Interim Utility Director Ron Doba

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.

Robyn Prud'homme Bauer, Clarkdale, reported that the Chamber of Commerce would be holding their Annual Downtown Block Party on May 10th from 5:30 p.m. – 9:00 p.m.

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) **Council Meeting Location Change** - Approval of relocating the Regular and all Special scheduled Town of Clarkdale Council meetings to Yavapai College, Verde Valley Campus, Community Room M137, from May 27 through August 28, 2008.
- B) **Proclamation – April 2008, As Child Abuse Prevention Month** - Approval of a Proclamation declaring April 2008, Child Abuse Prevention Month in the Town of Clarkdale.

Vice Mayor Wiley moved to accept the Consent Agenda as presented. Councilmember Sa seconded the motion. Approved unanimously.

Mayor Von Gausig presented Kathleen McLaughlin, Director, Yavapai Family Advocacy Center the signed Proclamation declaring April 2008, Child Abuse Prevention Month in the Town of

Clarkdale.

NEW BUSINESS

WORKSESSION ON THE ARSENIC REMOVAL FACILITIES FOR MESCAL WELL – A worksession to discuss the proposal from Basin Water for the lease purchase of arsenic removal facilities for the Mescal Well.

Interim Utility Director Doba introduced the new Utility Director Wayne Debrosky and Ben Buchsieb from Basin Water for a discussion on the arsenic removal facility for Mescal Well.

The purpose of this worksession is for the Council to receive a presentation on how the Basin Water Arsenic removal system works and understand the benefits of the ion exchange system. The Mescal well is located adjacent to the Highlands Subdivision and was dedicated to the Town by Verde Highlands LLC. In addition to the well, Verde Highlands deposited \$265,000 with the Town in 2006 in return for providing water service to the Highlands Subdivision and commercial development.

Willdan Engineering has been designing the infrastructure required to operate the well and is ready to include the Arsenic removal system. The Arsenic in the well is 19 ppb and the maximum allowable level is 10 ppb as mandated by the Safe Drinking Water Act. Basin Water is providing the Arsenic removal facilities for Cottonwood. Cottonwood is in the process of installing approximately twenty Basin Water Arsenic removal systems of various sizes for their wells. Basin Water has been asked for a proposal to provide Arsenic removal facilities for Clarkdale.

The Basin Water treatment system is a proprietary ion exchange system that requires no pH control or sewer connection. The other Arsenic removal system the Town owns is the Kinetico system that was installed by Empire for the Mountain Gate Well. The Kinetico system is an oxidation, co-precipitation, and filtration system that requires injecting ferric chloride into chlorinated water to adsorb the Arsenic. The pH is controlled via acid feed to a range of 7.2 to 7.6. The water is then filtered and the backwash discharged to the Town sewer. The proposal from Kinetico (July 14, 2006) indicates the proposed cost for that system was \$543,000 which included a backwash treatment system (\$199,000) that was eliminated in favor of a sewer to dispose of the backwash to the Town's wastewater treatment plant.

The Basin Water Arsenic treatment facility would be a container surrounded by an 8' block wall, which could be any color. Servicing would take place once a week by a truck/trailer and once a month with a semi truck which would stay only 30 minutes. The semi truck would haul away the spent brine to a landfill as non-hazardous waste at specified times convenient to the neighborhood. The system is a quiet unobtrusive operation which would go before the Design Review Board for approval.

The monthly lease to purchase fee is \$5,490.00 with a \$50,000 deposit and a \$320 per acre-foot treatment fee. The treatment fee is based upon a 50% utilization of the well and is inclusive of consumables, maintenance, residual management, system performance and

component guarantee for the term of the agreement. If the well is used more than 50%, the price per acre foot goes down. Projected monthly treatment fees would be approximately \$6,000 based upon 50% utilization of well. Chemical costs would be adjusted in the water service agreement based upon CPI or water quality changes. Purchase options to the ten year lease were discussed with a comparable savings of approximately \$100,000 if the Town would refinance at the end of one year and pay the system off with a 4% interest rate WIFA loan.

Some questions needing to be answered before a decision is made are:

1. When do we want to commission the well
2. We need to figure out how the well will be used and the effect on the WSA
3. Will either Haskell well or the Mountain Gate well service the Town if one goes down
4. Options on the reservoir well rehabilitation
5. Buying options vs. lease options.

TOURISM PRESENTATION – Presentation by Lisa O’Neill, Verde Canyon Railroad Marketing, discussing the Arizona Office of tourism and NAU-Arizona Hospitality Research & Resource Center Report on the 2007 Verde Valley Visitors Study.

Lisa O’Neill, Verde Canyon Railroad Marketing, presented the 2007 Verde Valley Visitors Study prepared by NAU-Arizona Hospitality Research & Resource Center. Ms. O’Neill explained that the Verde Valley is a primary destination for affluent baby-boomer couples on leisure vacations, who stay overnight, dine out, hike and shop for arts and crafts. The survey collected a total of 1,284 surveys from the Verde Valley communities of Sedona, Cottonwood, Camp Verde, Clarkdale and Jerome over a 12-month period. Clarkdale is missing capturing some of the approximate 3,786,167 Sedona to Jerome visitors spending approximately \$529.3 million dollars. About 48.8 %, or 1.8 million visitors to the Verde Valley travel along 89A to Jerome. Clarkdale should develop this area in order to capture some of the benefits of these travelers. The Verde Canyon Railroad draws about 90,000 visitors per year. There needs to be some creative ideas to find ways to divert the railroad traffic from Broadway to downtown. The Clarkdale Chamber of Commerce is applying for grant funds to produce brochures which are allowed to be distributed within a radius of 60 miles.

WORKSESSION WATER CONSERVATION CODE – Discussion and possible direction to staff on policy issues associated with the Town’s Water Conservation Code.

Sherry Bailey, Community Development Director, presented Council a PowerPoint presentation on the Water Conservation Code. It includes a strong commitment to replacing aged and leaking infrastructure through an aggressive Capital Improvements Program, adoption and application of conservation ordinances, and a continuing education program to keep water conservation in the public eye. A successful program also provides incentives to the public to change their habits and to reward them for actions they have taken to meet the ordinance. The Conservation Ordinance would set policy that conservation of water is in the best interests of the Town and that it is necessary for the Town to protect its limited water supply and to allocate and monitor water usage to both existing and future development

within its jurisdictional boundaries in order to ensure the sustainability of the Town's water resources. The scope of the Ordinance would apply to all residents of the Town and/or users of the Town provided utilities.

The use of evaporative coolers would be prohibited and new construction would provide for the capture of drainage from a minimum of 85% of the roofed area. Mayor Von Gausig thought that mandated rainwater collection might encourage an unwanted use from vegetation receiving the additional collected water needing the additional water all the time and did not think that this area would provide enough rainwater collection to be worth the cost.

The installation of new turf would be prohibited in residential front yards and native vegetation would be required for front yards along with prohibiting plants requiring longer than two years of watering to establish. Form Based Codes encourage front porches, but this does not encourage front yard usage.

Construction of new outdoor swimming pools would be prohibited. This would curtail hotel/motel growth in Clarkdale during a time when the 89A corridor could provide the ability to capture some tourist revenue. Community Development Director Bailey will find a compromise for pools with options being: No outdoor pools, allow outdoor pools, encourage indoor pools or have the latest technology for less evaporation if outdoors, allow hotels/motels to have pools, but encourage indoor pools or have the latest technology for less evaporation.

Once the Council has narrowed down the program direction, public education will be conducted at meetings which will be scheduled for public input through newspaper, radio, and website advertisement prior to being brought back to the Council for review. Mayor Von Gausig stated that he would like the public meetings to be on the Council agenda so that the Council could hear the public concern and comment.

The Code provides for a qualifying landscape credit program, rainwater harvesting credit program, and a retrofitted structure or low water use appliance rebate program. The Town will have to decide how much they are willing to pay for saving water usage, what are the real savings in water, and where funds will come from for the programs.

WORKSESSION ON THE 2006 BUILDING CODES, CHAPTER 7 OF THE TOWN CODE - Worksession on the proposed adoption of the 2006 International Code Council (ICC) Building Codes to the Town Code of the Town of Clarkdale.

Building Official Mike Baker stated that the International Code Council publishes updated building codes every three years. The Community Development Department has determined that by adopting the 2006 ICC versions, we will remain in the mainstream of the building code process. Amendments to institute some energy and water conservation measures and address problems that were not covered in the Codes were also included. Some of the proposed changes are:

1. Reverse Osmosis systems will not be permitted in new structures. Mayor Von Gausig thought that these systems should not be regulated for those with private wells.
 2. Existing lawn sprinklers may be repaired but not expanded. Only drip irrigation or other water saving approved systems are allowed. Sprinklers will be allowed for now and can be amended later to have this condition.
 3. Roof must have rain water collection system such as gutters or pipes and be channeled into the yard or a tank.
 4. Evaporative coolers are not allowed in new construction, except for replacement.
 5. Swimming pools must meet all State and Building Code requirements, regardless of the age of the occupants.
 6. New guest houses, and buildings converted to guest houses, or any other structure, all or part of which is used for full or part time residential use must be sprinklered.
 7. Dust on the job site is not permitted and a stop work order can be issued for the entire project to abate dust.
- There will have to be some coordination between the proposed conservation code and this code.

ORDINANCE AMENDMENT OF CHAPTER 9, ARTICLE 9-4(S); HEALTH AND SANITATION - INTERNATIONAL PROPERTY MAINTENANCE CODE – Discussion and possible approval of Ordinance 308, adopting changes to the Town of Clarkdale International Property Maintenance Code, Chapter 9, Article 9-4(S) - Section 302.8 Motor Vehicles; regarding the fencing of unlicensed vehicles.

Building Official Mike Baker was directed by Council in December of 2007 to amend the 2003 International Property Maintenance Code to regulate the number and means of storing unlicensed vehicles. The amended ordinance allows for no more than two vehicles being allowed in a fenced area not visible from adjoining public or private property, no limit to the number of vehicles or their condition as long as they are enclosed in a structure, and would be effective one year from the date of passage.

Councilmember Williams moved to adopt Ordinance Number 308, Amendment of Section 9-4(S) International Property Maintenance Code of the Town of Clarkdale repealing conflicting ordinances and providing for severability as amended by deleting “or in disrepair”, changing inoperative to inoperable, and changing 1a to #2. Vice Mayor Wiley seconded the motion. Approved unanimously.

ORDINANCE – Consideration and possible adoption of Ordinance # 309 amending Section 19-1 “Definitions” of the Town Water Code calling for a clarification of the Hearing Officer verbiage.

Assistant Town Manager Janet Perry informed the Council that the Town’s new Water Code was adopted at the February 26, 2008 meeting. During that process, worksession discussions focusing on the intent for the Hearing Officer included that this person be appointed by the Council.

The Code as it was adopted, however, includes confusing “boiler plate” verbiage for the Hearing Officer definition which actually achieves the exact opposite of Council’s original intention. A change to the definition of a Hearing Officer is being proposed at this time to correct the Code verbiage so that staff can move forward based on Council’s original direction for filling this position.

Councilmember Sa moved to approve adoption of Ordinance # 309 amending Section 19-1 “Definitions” of the Town Water Code calling for a clarification of the Hearing Officer verbiage. Councilmember Williams seconded the motion. Approved unanimously

HEARING OFFICER APPOINTMENT – Consideration and possible approval of the appointment of Town Magistrate Cipriano as the Town’s water service Hearing Officer.

Assistant Town Manager Janet Perry informed the Council that Clarkdale Water Code Section 19-3 ‘Conditions of Service; Appeals’ calls for a Hearing Officer to render decisions on appeals made by a system customer. During Council’s worksession discussions on this matter, a preference for Town Magistrate Harry Cipriano to fill this position was noted.

Judge Cipriano has since agreed to serve as the Town’s water service Hearing Officer. Judge Cipriano’s current employment contract with the Town contains no restrictions to his ability to serve in this additional capacity. Any demands posed by this responsibility should be easily worked in to Judge Cipriano’s existing schedule. If, however, this task should warrant a greater time commitment, modifications to the Judge’s schedule will be considered as needed.

Vice Mayor Wiley moved to approve appointment of Town Magistrate Cipriano as the Town’s Water Service Hearing Officer. Councilmember Sa seconded the motion. After discussion Vice Mayor Wiley withdrew his motion and Councilmember Sa withdrew his second.

Vice Mayor Wiley moved to approve appointment of the Town Magistrate as the Town’s Water Service Hearing Officer. Councilmember Sa seconded the motion. Approved unanimously.

FISCAL YEAR 2007/2008 BUDGET– Discussion and possible action regarding authorization for fund transfers within the Fiscal Year 2007/2008 budget and other budget balancing options.

Finance Director Carlton Woodruff explained that as a result of a recent development stoppage and the slowdown in the economy, the Town of Clarkdale is currently projecting actual revenues to be significantly lower than budgeted revenues. The current economic conditions have also put the construction timeline for the new wastewater treatment facility in question. With a delayed funding source in the Wastewater Fund, it will be necessary to adjust the current budget by eliminating or reversing budget transfers from the General Fund to other funds. These budgeted funds will then be transferred in an amount required to

balance the Wastewater fund until such time there is sufficient cash flow to repay each individual fund.

Solutions totaling \$806,000 consist of the Contingency Fund's \$226,000 budgeted transfer not being made at year end, the CIP Fund year end transfer will only include dept service total of \$40,000, a transfer of \$310,000 will be made from the Streets Fund to the General Fund, and a transfer from the prior CIP Fund to the General Fund of \$230,000. One other solution to cover the needed \$820,000 would be for the Council to approve a resolution accepting the loan closing documents for WIFA in the amount of \$730,000. The WIFA loan would be for three years at interest only with repayment at the end of three years or rolled into construction financing. Interest could be repaid from LGIP earnings on the loan funds. Resolutions authorizing budget transfers and accepting the loan closing documents will take place at a future council meeting.

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

Finance Director Carlton Woodruff presented 2008-2009 budget revenue projections. Sales Tax projection for next year's budget will drop 15% to about \$780,000. Building Permit projected revenues will drop to \$70,000 with contingency fund for any excess revenues. All departments will return to base budget amounts, and in come cases those will be reduced. No new projects will be budgeted for the coming year.

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

- Solar Power Presentation
- Council Stipends

ADJOURNMENT - With no further business before the Council and without objection the meeting adjourned at 10:05 PM.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

