

**Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, December 9, 2008**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, December 9, 2008, at 6:00 PM at Clark Memorial Clubhouse, 19 North Ninth Street, Men's Lounge, Clarkdale, Arizona.

CALL TO ORDER at 6:00 PM

Town Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Richard Dehnert

Town Staff:

Town Manager Gayle Mabery
Public Works Director Steve Burroughs
Finance Director Carlton Woodruff
Town Clerk Kathy Bainbridge
Deputy Town Clerk Walt Good

Assistant Town Manager Janet Perry
Community Development Director Sherry Bailey
Police Chief Pat Haynie
Utility Director Wayne Debrosky
Town Magistrate Harry Cipriano

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Drake Meinke, Clarkdale, addressed Council on behalf of the Heritage Conservancy Board and the Heritage Museum. Both organizations had collaborated to submit an Arizona Historical Advisory Board Grant. The Heritage Conservancy Board was notified that they were awarded the full amount of \$4,200.00 for archival document work. This is a 100% funded grant with no matching fund requirement.

The kiosk project is moving forward, the first prototype will be assembled and viewable in the parking lot of the Copper Museum. The height will be lower as Drake was unable to dig through the ground in his parking lot.

The Heritage conservancy Board is cleaning some of the furniture from the reading room, and placing it in locations throughout the Town complex. This work is not stripping and refinishing the furniture just cleaning and minor repairs.

Mayor thanked Drake and the Heritage Conservancy Board for their work on the grant and the Town's archives.

INFORMATIONAL REPORTS

MAYOR'S REPORT – A report from the Mayor on current events.

1. Attended the Celebrate Education Event at the Yavapai College Sedona Center for

Arts and Technology.

2. Met with Town Manager Mabery and Utility Director Debrosky along with the City of Sedona representatives to discuss the Sedona effluent. Town of Clarkdale and the City of Cottonwood are interested in discussion on the effluent and the possibility of using it as an aquifer recharge for Clarkdale and Cottonwood in the future.

3. Met with Town Manager Mabery, Community Development Director Bailey, Vice Mayor Wiley, and Public Works Director Burroughs regarding the Cement Plant Road and the future possibilities for it and the surrounding area.

TOWN MANAGER'S REPORT – A report from the Town Manager on current events.

1. Town Manager Mabery informed Council that the December 23, 2008 Special Meeting was canceled due to lack of agenda items,

2. The Town offices will be closed several days: December 25, 2008 for Christmas; January 1, 2009 for New Years; and Friday, January 2, 2009 is the first Friday that the Town will be closed due to budget restraints.

3. Janet Perry is working on a list of items that had to or will have to be changed to accommodate the Friday closing. The Council packet and the agenda due dates will be changed, and Utilities will change water shut off and turn on to the beginning of the week so that a customer whose service is being shut off for non-payment would not be without water over the three days.

4. Decisions on how to utilize the Yavapai-Apache Nation Prop 202 are

- The expense of the holiday lights (staff, electricity and supplies) about \$3,200.00 and the steps taken to put the lights on timers.
- Concerts in the Park.
- The last two issues of the Talk of the Town.

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District Councilmember Williams presented Council a written report.

CAT – A report regarding the Cottonwood Area Transit
No meeting report.

NACOG - A report regarding the Northern Arizona Council of Governments
No meeting report.

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association. NAMWUA had a conference call to discuss the recommendation from the IRS regarding the group becoming a 503-C6 versus a 503-C4 non-profit agency.

PFSG – A report regarding the Prescott Forest Stewardship Group
No meeting report.

VRBP – A report regarding the Verde River Basin Partnership
Met to discuss the assimilation into WAC and or the possibility of VRBP taking a hiatus to decide what and if the group has a continued need.

VVREO – A report regarding the Verde Valley Regional Economic Organization
No meeting report. VVREO had contacted Councilmember Dehnert to serve on the board but

the dates of the meeting conflicted with time that he has to attend another meeting in Phoenix for his employer and he had to decline. With the change in meeting dates Councilmember Dehnert asked if anyone else on the Council was interested in being the Town's representative. Mayor Von Gausig inquired if the VVREO was going to be the Verde Wine Consortiums partner and Councilmember Dehnert replied that is the apparent decision.

VVLPI – A report regarding the Verde Valley Land Preservation Institute
No meeting report.

WAC - A report regarding the Yavapai County Water Advisory Committee
Mayor attended WAC and reviewed USGS Verde River primary ground flow model.

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) Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held 11/17/08 and the Special Meeting held 9/9/08
- B) Claims** - List of specific expenditures made by the Town during the previous month.
PPE 11/7/08, PPE 11/21/08 & Check/Credit Card Report
- C) Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.
 - Board of Adjustments minutes of the meeting held 11/26/08
 - Design Review Board minutes of the meeting held 11/12/08
 - Library Advisory Board minutes of the meeting held 11/6/08
 - Planning Commission minutes of the meeting held 11/20/08
 - Parks and Recreation Board minutes of the meeting held 11/12/08
 - Heritage Conservancy Board minutes of the meeting 11/19/08
- D) Reports** - Approval of written Reports from Town Departments and Other Agencies
 - Building Permit Report – November 2008
 - Capital Improvements Report – November 2008
 - Police Department Report – November 2008
 - Water and Wastewater Report – November 2008
 - Clarkdale Fire District Report and Mutual Aid Responses Report – November 2008
 - Verde Valley Humane Society - October 2008
- E) IT Services Agreement** – Approval of an agreement with Four-D, LLC for Information, Communication, and Technology (ICT) services for the Town of Clarkdale.
- F) Resolution Approving the Transfer of Funds** – Approval of a resolution approving the transfer of funds in the Local Government Investment Pool 5 to the Local Government Investment Pool 7.
Resolution # 1286

- G) Resolution – Approval of Resolution #_____ canvassing the results of the November 4, 2008 APS Franchise Agreement election.
Resolution # 1287**
- H) Intergovernmental Agreement Between the Town of Clarkdale and the City of Cottonwood – Approval of the revised IGA for the operation and maintenance of the Town of Clarkdale Municipal Water Utility by the City of Cottonwood.**
- D) Mountain Gate Arsenic Treatment System Change in Vendor – Approval of a change in vendor for the Mountain Gate Arsenic Treatment System, changing the vendor from the previously approved Kinetico to Accurate Water Solutions in order to take the necessary steps to bring the Mountain Gate Arsenic Treatment System into operation on the water system.**
- J) Addendum #1 To The November 27, 2007 Employment Agreement Between The Common Council of The Town of Clarkdale and Gayle Mabery – Approval of an Addendum to the Town Manager’s Employment Contract, reducing the Town Manager’s annual base salary by 10%.**
- K) Addendum #1 To The June 25, 2008 Employment Agreement Between The Common Council of The Town of Clarkdale and Harry Cipriano – Approval of an Addendum to the Town Magistrate’s Employment Contract, reducing the Town Magistrate’s annual salary to \$17,500.**
- L) Renewal of the License Agreement between Jackie Harrison, dba: Gypsy Wind Carriage Co., and the Town of Clarkdale – Approval of the renewal of the License Agreement to operate and maintain a horse drawn carriage company between Jackie Harrison, dba: Gypsy Wind Carriage Co., and the Town of Clarkdale.**
- M) Special Event Extension of Hours of Operation under the License Agreement between Jackie Harrison dba: Gypsy Wind Carriage Company and the Town of Clarkdale - Approval of one-time extension of hours of operation to 12:30 a.m. (1/01/09) for the 2nd annual Clarkdale New Year’s Eve Celebration Event.**
- N) Proclamation – Approval of a proclamation declaring December as Arts Month in Clarkdale.**

Vice Mayor Wiley moved to accept the Consent Agenda as submitted, Councilmember Williams seconded the motion. Motion passed unanimously.

NEW BUSINESS

DEVELOPMENT AGREEMENT WITH CLARKDALE METALS –Discussion and Consideration for approval of a Development Agreement with Clarkdale Minerals Corporation LLC.

Town Manager Mabery informed Council that the agreement should be tabled because the Clarkdale Minerals parent group had not reviewed the final changes and some of the exhibits

were not recordable quality. Also the Town would like to tighten the assurances in each Phase to ensure the Town's protection. Community Development Director Bailey informed Council that the Clarkdale Minerals engineers are producing better exhibits and by tabling the item the Town can get the desired changes down and the signatures attached.

Mayor Von Gausig requested that any changes be highlighted to enable the Council to review those changes.

Tom Piccioli, Clarkdale Minerals, stated that the Town Manager Mabery and Community Development Director Bailey had been able to secure a five year extension on the effluent spray area.

Mayor Von Gausig moved to table this item to a meeting in January 2009. Motion seconded by Councilmember Bohall. Motion approved unanimously item was tabled.

SMART GROWTH SCORE CARD - Discussion and Approval of The Town of Clarkdale Smart Growth Scorecard.

Community Development Director Bailey explained the Smart Growth Score Card along with the reasoning and self evaluating method used to come to the Score Card results. At the Board and Commission training in Phoenix the Arizona Department of Commerce had a session on the Smart Growth Scorecard and did not know what the changes will be if we get a new Governor. However, the process that the Town used to complete the scorecard was valuable and is already being utilized by the General Plan focus groups.

Vice Mayor Wiley moved to approve the Score Card and direct staff to submit the document. Councilmember Williams seconded the motion. Motion passed unanimously.

RESOLUTION # _____ ADOPTING THE 2008 PUBLIC SERVICE HANDBOOK FOR THE TOWN OF CLARKDALE AS A PUBLIC RECORD – Discussion and consideration of Resolution # _____, adopting the 2008 Public Service Handbook for the Town of Clarkdale as a public record.

Resolution # 1288

Town Clerk Bainbridge informed Council that the changes requested had been made. The question on if the town can request insurance higher than the state minimum, is still under review by the Town Attorney. If that is found to be possible, it is a finance operation item and that document will be coming to council for revision review soon and can be addressed then.

Councilmember Williams moved to adopt the 2008 Public Service Handbook and make it a Public Record of the Town. Councilmember Dehnert seconded the motion. Motion passed unanimously.

UPDATE ON EFFORTS TO PROMOTE PUBLIC OWNERSHIP OF THE LANDS SURROUNDING THE PECK'S LAKE AREA – Discussion and possible direction to the Mayor regarding the Town's support of on-going efforts relating to Peck's Lake and the property known as Verde Valley Ranch.

Mayor Von Gausig explained the discussions that he has had with different groups and that

before he continued these talks he wanted to confirm that the Council envisioned this area as a possible public ownership area. The negotiation to convert the Verde Valley Ranch into a public controlled area is complicated. First Freeport-McMoRan has to be willing to convey the property into public hands and the question of what would they want for the property. The State Parks, the National Forest Service, Tuzigoot, land preservation groups, SRP, Clarkdale and any other involved group would have to come to the table to begin the negotiations on a Freeport-McMoRan land conveyance. The land was acquired in the 1930's because of the smoke damage claims from the smelter and the land has no mineral value.

Councilmember Williams stated she would like to see the land in public control.

Councilmember Williams asked if Freeport-McMoRan was interested in pursuing the Verde Valley Ranch. Mayor Von Gausig replied that at this time no plans are being discussed about the possible future of that project. Councilmember Dehnert would like the area to become a recreational area and maybe Peck's Lake a focal point. Mayor expressed concern that Peck's Lake is not a healthy lake and something would have to be done if it was to continue to be a lake. Freeport-McMoRan might have concerns with the dredging of the lake; mining companies are very concerned today with environmental items. Other problems with the lake are that it is not a natural lake, it utilizes water from the Verde River and natural springs. The maintenance of the Verde River diversion is expensive to repair after flooding. If left to the natural springs there would be pockets of marsh area. All councilmembers spoke in favor of some sort of public ownership and preservation of this land.

This is an update only and no action by Council was taken.

FORMATION OF A VERDE COUNTY – Discussion of the recent proposal for the formation of a Verde County.

Mayor Von Gausig informed the Council that the reason for this update was that this item had been on the Verde Valley Intergovernmental meeting in November and at that time all the communities agreed to take the issue back to their Councils for discussion and direction. Councilmember Williams stated that the need for the formation of Verde County has not been proven and there are many unknowns that would have to be discussed before consideration could be debated.

Vice Mayor Wiley said the smaller the government entity the closer the representation is to the voters. However, the cost of this move is expensive and could be prohibitive at this time. The census in 2010 would require the county to increase to five (5) supervisors and the redistricting would still have more votes on the Prescott side because they have twice the population. The differences between both sides of the county are great but not unmanageable.

The Mayor commented that before a change was made it would have to make good financial sense to both sides of Mingus not just the residents of the Verde.

Councilmember Bohall said that if the individuals that are interested in this are not proud enough to put their names on the document then he does not feel that it warrants serious consideration from others. Councilmember Bohall would have to evaluate the benefits for both sides to be able to evaluate the situations. Not enough information yet.

Councilmember Dehnert does not see any compelling argument for the new county. He has

worked with several county agencies in conjunction with his employment and does not see a disparity of service between the two sides. If a new county was created we would incur the cost of duplicated services and this would not be a cost savings to the property owner. The county would probably still be in the same political legislative district, except the representative might not live in the Verde so would not have as close of ties with the community. At the present time Yavapai is one of the larger population counties in the state and is able to get more notice from the state. A new county would be in the bottom tier of population. Councilmember Dehnert sees no urgent need to form a new county.

Mayor Von Gausig opened the meeting to the public for comment.

Debbie Wright, Cottonwood, spoke in favor of the new county. She feels we should be looking at the population projections for the next 20 years and the disaster sharing preparation for the county is mainly concerned with the Prescott side. The funds for the United Way and Red Cross are mainly expended in the Prescott area and no utility assistance funds are distributed in the Verde Valley.

With no other public comment on the item the Mayor closed public comment.

No further Council discussion.

This is an update only and no action by Council was taken.

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

Clarkdale's 100 year Anniversary – Town will have several meeting on this item.

2009 Budget Process – The Council will begin working on this at the January Strategic Planning.

ADJOURNMENT 7: 28

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, December 9, 2008**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, December 9, 2008, at 5:00 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 Richard Dehnert

Town Staff:

Town Manager Gayle Mabery
Town Clerk Kathy Bainbridge
Community Development Director Sherry Bailey

Town Attorney Rob Pecharich

CALL TO ORDER

Mayor Von Gausig called the meeting to order at 5:00 P.M.

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment

EXECUTIVE SESSION - The Council may vote to discuss the following matters in executive session pursuant to A.R.S. § 38-43103:

A.R.S. § 38-43103(A) (1) - Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting; and

A.R.S. § 38-43103(A) (3) - Discussion or consultation for legal advice with the attorney of the public body; and

A.R.S. § 38-43103(A)(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 recessed to Executive Session at 5:05 P.M. per A.R.S. § 38-43103(A) (1), A.R.S. § 38-43103(A) (3), and A.R.S. § 38-43103(A)(4) .

Town Attorney Pecharich informed Council that this was an Executive Session and all discussions are confidential and for legal advice. Mayor reminded councilmembers that this session is for legal advice only and that all discussions pertaining to the decision must take place in the public session per open meeting law.

TOWN MANAGER EVALUATION – Discussion regarding the evaluation of the Town Manager.

DEVELOPMENT AGREEMENT WITH CLARKDALE METALS – Discussion and consultation with the Town Attorney for legal advice relating to the Development Agreement with the Town of Clarkdale and Clarkdale Metals.

Without opposition, the Council adjourned the Executive Session at 5:45 p.m. and resumed the meeting in Open Session

ADJOURNMENT

Without any further business, the Council adjourned the Special Session at 5:46 p.m.

ADJOURNMENT

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, December 16, 2008**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, December 16, 2008, at 3:30 PM. in the Community Development Conference Room, 39 North Ninth Street, Clarkdale, Arizona.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Richard Dehnert

Town Staff:

Town Manager Gayle Mabery
Deputy Town Clerk Walt Good

Utility Director Wayne Debrosky

CALL TO ORDER

Mayor Von Gausig called the meeting to order at 3:33 P.M.

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment

NEW BUSINESS

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF CLARKDALE AND THE CITY OF COTTONWOOD – Discussion and consideration of the revised IGA that was approved at the December 9, 2008, Regular Meeting for the operation and maintenance of the Town of Clarkdale Municipal Water Utility by the City of Cottonwood.

Mayor Von Gausig introduced the item and asked for questions. Councilmember Williams asked if the comments were from the approved IGA, Town Manager Mabery replied they were. Mayor Von Gausig called for the motion.

Vice Mayor Wiley moved to approve the Intergovernmental Agreement between the City of Cottonwood and the Town of Clarkdale for the operation and maintenance of the Clarkdale Municipal Water Utility. Motion seconded by Councilmember Bohall. Motion approved unanimously.

Cottonwood and the Town of Clarkdale for the operation and maintenance of the Clarkdale Municipal Water Utility. Motion seconded by Councilmember Bohall. Motion approved unanimously.

ADJOURNMENT 3:36 PM

Without any further business, the Council adjourned the Special Session at 3:36 p.m.

ADJOURNMENT

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk