

**Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale  
Held on Tuesday, April 14, 2009.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 14, 2009, at 6:00 PM at Clark Memorial Clubhouse, 19 North Ninth Street, Men's Lounge, 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  
Public Works Director Steve Burroughs  
Police Chief Pat Haynie  
Assistant Town Manager Janet Perry

Town Clerk/Finance Director Kathy Bainbridge  
Community Development Director Sherry Bailey  
Utility Director Wayne Debrosky

**CALL TO ORDER 6:00 PM**

**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.

Frank Sa, Clarkdale - Commented on the 2009/2010 Trial Budget.

Judy Fox, Clarkdale – Questioned the number of commercial or industrial permits requested vs. issued.

Ellie Bauer, Clarkdale – The League of Women Voters is hosting a water forum at Verde Campus of Yavapai College in Room M137. Date of the event is Saturday, April 18, 2009 at 10 AM.

Drake Meinke, Clarkdale – Reported that there have been 10 permanent kiosks installed around Town along with 2 temporary kiosks in the park. He requested input regarding the locations of the kiosks in the park.

Robyn Prud'homme Bauer, Clarkdale – Reported that there would be an open house at the Caboose on April 18 and about 165 European and British autos would be in Town around 2:00 PM.

**INFORMATIONAL REPORTS**

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

1. Attended the Verde Valley Mayors and Managers meeting – discussed common issues.
2. Meeting at cemetery regarding problems and conflicts.
3. Attended the Verde River Greenway State Parks Braintrust meeting.
4. Attended the Public Safety Retirement meeting.

5. Attended the Yavapai Association of Governments – Topic was budget crisis and local solutions.
6. Met with Yavapai County Supervisor Davis regarding water issues and SR 260 parkway concepts.
7. Attended March Against Meth Parade as a judge.
8. Attended a Plasma Conversion Group meeting – possible plasma converter for the area taking land fill items and creating fuel.
9. Met with the water technical working group for study of the plans of sufficient water versus demands. Looking at non-exempt wells and their impact on the area.
10. Greeted the Historical Society Meeting in the Ladies Lounge
11. Attended a Tavasci Marsh workshop in the Men's Lounge – National Park Service looking at rehabilitating Tavasci Marsh.
12. Met with the Verde River Citizens Alliance regarding Big Chino Pumping.
13. Attended Trial budget Workshops.
14. Attended the Verde Valley Mayor and Managers meeting regarding the new parkway concept for SR 260.
15. Attended a Nature Conservancy workshop in Prescott regarding threats in the Verde River.

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

1. Trial Budget Workshops had first meeting last week and we staggered the meetings for greater public availability.
2. The General Plan group has been working for four or five months on a plan that will guide the Town's future growth.
3. It takes volunteers to put on all the events in Town and the Town is actively seeking volunteers to help at the Fourth of July and Halloween event. Town does not have money to pay staff in the budget so need to get volunteers.
4. Northern Arizona Intergovernmental Public Transit Authority met with Councilmember Dehnert and Councilmember Bohall and staff regarding the proposed route and the alternative Clarkdale proposal. A new agenda item should come back to Council within a month.

Councilmember Dehnert commended Councilmember Bohall for his research and efforts preparing for this meeting. The information presented to NAIPTA made it possible for the Town to take a strong position on how this route affects Clarkdale.

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District – Councilmember Williams handed out minutes from meeting.

CAT – A report regarding the Cottonwood Area Transit – no meeting

NACOG - A report regarding the Northern Arizona Council of Governments – no meeting

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association – no meeting

VRBP – A report regarding the Verde River Basin Partnership – Mayor Von Gausig attended a coordinating meeting hoping to set up meetings with Representatives Kirkpatrick and Pastor, hoping for an appropriation to fulfill what Senator McClain wrote in the Charter when it was created but not funded.

VVLPI – A report regarding the Verde Valley Land Preservation Institute – Councilmember Williams handed out minutes from meeting.

VVTPO – Report regarding the Verde Valley Transportation Planning Organization. – Councilmember Bohall supplied a written report for the 3/25/09 meeting.

WAC - A report regarding the Yavapai County Water Advisory Committee – Mayor Von Gausig attended the meeting discussing various studies that are being conducted. Meetings are being televised between Prescott and Cottonwood Yavapai County facilities and are open to the public.

**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 3/10/09 and the Special Meeting held 3/24/09.
- B) **Claims** - List of specific expenditures made by the Town during the previous month.  
**PPE 3/14/09, PPE 3/28/09, March Check 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 no meeting.
  - Design Review Board minutes of the meeting held no meeting.
  - Library Advisory Board minutes of the meeting held 3/5/09.
  - Planning Commission minutes of the meeting held 3/26/09.
  - Parks and Recreation Board minutes of the meeting held 3/11/09.
  - Heritage Conservancy Board minutes of the meeting held 3/18/09.
  - General Plan Update Committee minutes of the meeting held 3/16/09.
- D) **Resolution Adopting a Fair Housing Policy** – Approval of a Resolution adopting a Fair Housing Policy for the Town of Clarkdale.  
**Resolution 1293**
- E) **Approval of the Town Manager’s Evaluation as Written by the Mayor** - Approval of the review of the Town Manager’s Evaluation conducted on December 9, 2008, by Town of Clarkdale Common Council in Executive Session.
- F) **Proclamation – April 2009, As Substance Abuse Awareness Month** – Approval of a Proclamation declaring April 2008, Substance Abuse Awareness Month in the Town of Clarkdale.

Item E pulled by Councilmember Bohall.

Vice Mayor Wiley moved to accept the Consent Agenda items A,B,C,D, and F as presented. Motion seconded by Councilmember Dehnert. Motion approved unanimously.

Councilmember Bohall requested that the last paragraph be read by the Mayor into the record so the public could hear the statement.

The Town of Clarkdale is fortunate to have Gayle Mabery in the Manager’s office, and the fiscal, cultural and physical health of our Town is due, in great part, to her leadership and professionalism.

Councilmember Williams moved to accept Consent Agenda item E as presented. Motion seconded by Councilmember Bohall. Motion approved unanimously.

**NEW BUSINESS**

**PUBLIC HEARING SEWER FEE RATE** - A Public Hearing to receive public input on the proposed Sewer Fee Rate increase.

Utility Director Debrosky presented Council the information on the proposed Sewer Fee Rate increase. Mayor Von Gausig asked if the Town would profit from the rate increase. Utility Director Debrosky replied that a fund balance for future items will allow the Town to pay for line replacement and sludge removal in the future. Last time that sludge was removed from the wastewater plant it was at a cost of well over \$100,000.00 about eight years ago. At the end of this year the Town will have approximately \$40,000.00 in a fund for this expenditure.

Town Manager Mabery reminded Council that in this year's audit report the auditors noted that this enterprise fund was not standing on its own and rates should be increased. This is not an accumulation of excess funds, this is basically a savings account for a future expenditure the Town knows it will have.

Mayor Von Gausig noted that all monies collected on behalf of the sewer system are spent on the sewer system.

Councilmember Dehnert requested Utility Director Debrosky read a line of information in the staff report to provide the public with more information.

The increase is needed to fund the wastewater enterprise funds for the operation and maintenance of the plant and sewer lines, line replacement and sludge removal.

Mayor Von Gausig opened the public hearing.

Frank Sa, Clarkdale, asked about the loan that was approved for the wastewater plant. Town Manager Mabery replied that Town was authorized for the loan but had not taken the loan. Mr. Sa stated that with the economic situation that currently exist this rate increase is about 36% while the last increase was 5%. It cost more to operate the system but this increase is out of line because of economic pressures we are all experiencing. The Town does not have a new sewer plant, we have had eleven building permits in the last year and most of those were remodels. What is going to happen to Mountain Gate, nobody knows. So at this time he felt this was a bad time for a 36% increase.

Mayor Von Gausig explained that if the increase is not approved the Town will have to find the money elsewhere to pay for it instead of charging the users of the system for their use. One way or the other the money will have to be raised.

Darrell Macey, Lamplighter Village, Lamplighter Village is an age restricted community and most residents are on Social Security and a fixed income. An \$8.00 increase in addition to the sales tax increase will both affect the residents as they pay sales tax on their space rentals.

Lee Daniels, Clarkdale, this is a tough increase on a fixed income people and is sure that that was considered in reaching this decision. Is the sludge fund restricted where it cannot be used for

other purposes? Town Manager Mabery replied that this was a restricted fund and it would take Council action to use this fund for anything other than what it was intended for. Mr. Daniels asked if the funds were invested. Town Manager Mabery replied they were with the State's Local Government Investment Pool.

Vice Mayor Wiley stated that it has been since 2005 for the last increase and that most communities review and adjust this fund yearly. Because the Town has not yearly reviewed this fund we need to have a larger increase. Council made a mistake in not reviewing this yearly, but when Utility Director Debrosky came to the Town and reviewed the funds he informed Council we would need to make adjustments so as not to operate in the red.

Town Manager Mabery agreed with the Vice Mayor and that it had been five years since the last increase but now the Town has calendared a review of enterprise accounts on a yearly basis to insure all these accounts stay in the black.

Ida deBlanc, Clarkdale, asked about the tiered water rates. Mayor Von Gausig explained that the Water and Wastewater accounts are two separate accounts that have to stand on their own and fund monies cannot be used for any other fund.

Mayor Von Gausig closed the public hearing.

**RESOLUTION MAKING ADJUSTMENTS TO SEWER FEE RATES IN THE TOWN FEE SCHEDULE** – Discussion and consideration of a resolution replacing Resolution #1292 setting the Sewer Fee Rate for the Town of Clarkdale.

Town Manager Mabery explained to the public that there are two items on the agenda pertaining to the Sewer Rate Increase. The first was the public hearing and this is the resolution for Council to review enacting the increase.

Utility Director Debrosky explained the reason that the Town could not include the sewer rate increase in the Resolution that the Town approved on March 10, 2009, was because of State notification requirements.

Town Manager Mabery informed Council that if approved, this rate increase would not go into effect for thirty days and that would be the middle of May. The increase would be in the June billings cycle.

Mayor Von Gausig explained the enterprise accounts for the Town; Cemetery, Water, and Wastewater. These funds operate as little businesses but not at a profit just to cover expenses. You build excess in to pay for future use. Users need to pay for what services they use. Funds were not growing at the rate needed to fund the account.

Vice Mayor Wiley moved to approve Resolution 1294 setting the sewer fee rate for the Town of Clarkdale, effective with the June billing cycle. Motion seconded by Councilmember Dehnert. Motion approved unanimously.

Resolution #1294

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; AMENDING THE TOWN TAX CODE, CHAPTER 8A-2, ARTICLE IV, BY INCREASING THE GENERAL RATE OF TAXATION FROM TWO AND ONE-QUARTER PERCENT (2.25%) TO THREE PERCENT (3%); AND BY INCREASING THE RATE OF TAXATION ON CONSTRUCTION ACTIVITIES FROM THREE AND ONE-QUARTER PERCENT (3.25%) TO FOUR PERCENT (4%); PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; DESIGNATING AN EFFECTIVE DATE AND MAKING PROVISION FOR EXISTING CONTRACTS - Discussion and consideration of possible approval of an ordinance increasing the privilege sales tax by .75%.**

Kathy Bainbridge, Town Clerk/Finance Director, reported that Council had directed Staff to bring a proposed increase to Council for a sales tax increase. Town Clerk Bainbridge also explained the sunset option that Council had requested staff to research.

Councilmember Bohall asked if the Town has the ability to review and reduce the rate in the future without a sunset clause. Town Clerk Bainbridge replied that any Council may review and adjust the sales tax rate each year. Councilmember Bohall asked if the sunset date was included would they still be able to review the sales tax rate amount. Town Clerk Bainbridge responded that the Council would have to repeal by ordinance the sunset clause.

Councilmember Dehnert questioned Section 5 regarding the collection of taxes on a contract that was entered into before the tax rate came into effect. Town Clerk Bainbridge said that the Department of Revenue is the enforcement agency and would be the one who would investigate collection issues. This ordinance came from the Arizona League of Cities and Towns. Town Manager Mabery explained that the League prepares a tax code that is used by all communities and each community works and makes changes as needed to that tax code model. The league works with the Department of Revenue on behalf of the cities and towns.

Vice Mayor Wiley, asked if it was legal for business to have a contract with others that is lower than what is approved by the community? Council discussion on Section 5 was held. Town Manager Mabery said that there is discussion for the Verde Valley communities to join together and hire an outside auditor to review local business tax records. Mayor Von Gausig said we could write the League to get an answer.

Mayor Von Gausig opened the item for public comment.

Frank Sa, Clarkdale, if the trial budget is not used for some reason and there is no need for the sales tax increase would this be repealed? Town Manager Mabery replied that an ordinance repealing the increase would have to come before Council and be approved. Mr. Sa stated Cottonwood sales tax is higher because they do not have property tax. Clarkdale residents pay an equal sales tax amount and a property tax. Mr. Sa continued that the Council was not listening to the public, in his opinion. Vice Mayor Wiley replied that he had sympathy for those who are going to have to pay and he is going to have to also. He was elected to represent the residents and also be fiscally responsible to the residents in the management of the Town. Mr. Sa replied that Council needs to take into consideration what, the residents want, not what the Council wants and the Town should postpone this item for more public comment.

Mayor Von Gausig stated that Council is charged with being fiscally responsible. Everyone on this Council is not in favor of any tax increase, it is a last resort.

Robyn Prud'homme Bauer, Clarkdale, stated that she did not agree with the increase and felt that it will affect her business as it is something customers look at in their buying decision.

Spencer Lower, Clarkdale, I look at this two ways, if local business were smart enough to use this to create more business, then good for them, but if a company was doing this to evade then it is not good. I ask Council to look at closing this loop hole.

Mayor Von Gausig closed public comment.

Town Clerk/Finance Director Bainbridge explained the process used to come to this increased amount.

Mayor Von Gausig stated that we are looking at a budget shortfall of \$600,000.00 and through budget reductions of about half that and revenue increase of the other half the Town has the trail budget we are working on.

Vice Mayor Wiley moved to approve Ordinance 318, an Ordinance Of The Town Of Clarkdale, Arizona, Relating To The Privilege License Tax; Amending The Town Tax Code, Chapter 8a-2, Article IV, By Increasing The General Rate Of Taxation From Two And One-Quarter Percent (2.25%) To Three Percent (3%); And By Increasing The Rate Of Taxation On Construction Activities From Three And One-Quarter Percent (3.25%) To Four Percent (4%); Providing Penalties For The Violation Thereof; Providing For Severability; Designating An Effective Date And Making Provision For Existing Contracts with the effective date being changed from July 1, 2009 to May 15, 2009. Motion seconded by Councilmember Williams. Motion approved unanimously.

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

None

**ADJOURNMENT at 7:45 P.M.**

APPROVED:

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Doug Von Gausig, Mayor

ATTESTED:

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Kathy Bainbridge, Town Clerk

SUBMITTED:

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Walt Good, Deputy Town Clerk