

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

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 14, 2009, at 6:00 PM at Administration Building Community Room, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER 6:07 PM

Vice Mayor Wiley called the meeting to order in the absence of the Mayor.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Richard Dehnert

Town Staff:

Assistant Town Manager Janet Perry
Public Works Director Steve Burroughs
Police Chief Pat Haynie
Deputy Town Clerk Walt Good

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

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.

Vice Mayor Wiley turned the meeting over to Mayor Von Gausig at 6:12 PM. Mayor Von Gausig called for public comment.

Drake Meinke, Clarkdale, made presentation to Council on the placards to be installed in the historical markers. The panel displayed depicted the proposed colors and the general arrangement. A panel master list will be provided at the Clarkdale Heritage Museum and other sites. Mr. Meinke also informed Council that on July 18, 2009, Tuzigoot will celebrate its 70th anniversary.

INFORMATIONAL REPORTS

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

1. Mayor Von Gausig met with Sedona Mayor Rob Adams to discuss a possible Trust Land Reform Legislation that would move to preserve trust land as open space.
2. Mayor Von Gausig met with Yavapai County Supervisor Chip Davis regarding water resources for the Verde Valley in the future and the possibility of an initiative to form an Active Management Area (AMA) for the Verde Valley and the Big Chino. An initiative AMA is different from a State established AMA in that you can define the boundaries and goals and write all the legislation in the agenda.
3. Mayor Von Gausig attended the Technical Working Group of the Bureau of Reclamation study on 2050 future water usage requirements. Mayor Von Gausig turned in an estimate that the Town of Clarkdale will use 75 gallons per person per day.

4. Mayor Von Gausig attended a Natural Resources Committee Meeting, a group of the Verde Valley members of Water Advisory Council (WAC). The City of Cottonwood is considering not hosting this group they may pull Bob Hardy from the group. Mr. Hardy has been the facilitator of the group in the past. Councilmember Williams asked if the Town of Clarkdale could become the facilitator.
5. Mayor Von Gausig and Town Manager Mabery met with Virginia Turner, US Representative Kirkpatrick's area delegate. Discussion was on VRBP and that Representative Kirkpatrick felt that because WAC and VRBP were not in agreement she could not support funding for VRBP.
6. Mayor Von Gausig attended the Arizona Department of Transportation Board reception dinner.
7. Mayor Von Gausig met with the Yavapai Council of Governments meeting of mayors and managers discussed various issues pertaining to Yavapai County communities.
8. Mayor Von Gausig and Town Manager Mabery met with Joanne Keene, Governor Brewer's Northern Arizona delegate, and Janet Regner, this meeting was to inform each party where the Town of Clarkdale was and where the Governor's priorities were.
9. Mayor Von Gausig had conference call with Arizona League of Cities and Towns Executive Committee to discuss the possible State of Arizona Budget Shutdown and the possible impacts.
10. Mayor Von Gausig attended the Technical Working Group of the Bureau of Reclamation Study meeting
11. Mayor Von Gausig attended the Town of Clarkdale Fourth of July event in the park. This year's event was setup and run by volunteers, Vineyard Church did setup and cleanup, Clarkdale Jerome School District managed the games, and the Clarkdale Chamber of Commerce managed the Childrens and Pets Parade. The Mayor thanked everyone that volunteered for a very fun day. Pancakes were provided by the Clarkdale Police and Clarkdale Fire District. The mayor presented the Spirit of Clarkdale awards and the parade winners their awards.
12. Mayor Von Gausig and Town Manager Mabery attended a Yavapai-Apache Nation meeting in regards to their federal water rights. This is a complex issue and the Town of Clarkdale will need to watch and be involved with this process.
13. Mayor Von Gausig met with the Verde Valley Managers and Mayors group. Talked about the broadband collition and that the area mayors would sign one letter to go with the funding request.
14. Mayor Von Gausig attended a Natural Resources Committee Meeting, a group of the Verde Valley members of Water Advisory Council (WAC). Talked about the AMA.
15. Mayor Von Gausig met with City of Cottonwood Mayor Diane Joens regarding the proposed Forest Land Annexation and the proposed dual council meeting to discuss the possibility of an Intergovernmental Agreement that protects the area from annexation and preserves it in its natural state managed by Coconino Forest. Came to an agreement to have a meeting.

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

1. Janet Perry, Assistant Town Manager, informed Council that the second edition of Small Talk will be going out in the Utility Bills starting on July 15.
2. The next Concert in the Park is Saturday, July 18, Sentimental Journey will be the band and it is sponsored by the Clarkdale Foundation.
3. Saturday July 18, is Tuzigoot's seventieth anniversary.
4. Saturday July 25, the Western National Parks Association hosting an awards presentation for conservancy. The Town of Clarkdale and the Mayor and Council are to receive an award. Award is for achieving preservation of the history of the Upper Verde Valley.
5. Janet Perry also informed Council that the Town Manager is on vacation for the balance of the month.

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

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District – Councilmember Williams reported no meeting will have one next week and will report on it next month.

NACOG - A report regarding the Northern Arizona Council of Governments Vice Mayor Wiley reported that NACOG Executive board approved their budget, had a discussion on the weatherization program and the possibility of using local contractors to do the work instead of paying Flagstaff contractors housing and travel to go all over Northern Arizona doing the weatherization.

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association Mayor Von Gausig attended via a conference call; discussion was in regards to SB1035. This is in regard to the impact fees. Governor Brewer has since vetoed this bill. NAMWUA will also have another meeting next week.

VVLPI – A report regarding the Verde Valley Land Preservation Institute – Written Report 6/8/09 included in packet. Had a meeting last week in Sedona where Mike Bauer came and made a presentation regarding the Cottonwood State Land proposed annexation and their proposed utilization plan.

VRBP – A report regarding the Verde River Basin Partnership – Mayor Von Gausig met with VRBP and resigned as Chairman, new Chairman is Ed Wolfe.

WAC - A report regarding the Yavapai County Water Advisory Committee Mayor Von Gausig attended the WAC meeting; discussion was on the Technical Working Group of the Bureau of Reclamation study. Also Federal Senate Bill 787 was discussed which is the clean Water Act and the changes would include all waters of the US, that includes a puddle. This legislation is good for the environment but maybe to over reaching for Congress to pass.

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 June 9, 2009 and the Special Meeting held June 23, 2009.
- B. **Claims** - List of specific expenditures made by the Town during the previous month.
June Check Report, PPE 6/6/09, 6/20/09
- 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 6/10/09
Design Review Board minutes of the meeting - no meeting held
Heritage Conservancy Board minutes of the meeting held 6/24/09
General Plan Update Committee minutes of the meeting held 6/15/09
Library Advisory Board minutes of the meeting held 6/4/09
Parks and Recreation Board minutes of the meeting held 6/10/09
Planning Commission minutes of the meeting held 6/25/09

- D. Intergovernmental Agreement for Police Dispatch Services** – Approval of the 2009-2010 Intergovernmental Agreement between the City of Cottonwood and the Town of Clarkdale for Police Dispatch Services.
- E. Facilities Use Agreement** – Approval of a 2009-2010 Facilities Use Agreement for the use of Town Facilities by the Yavapai Community College District.
- F. Parks and Recreation Commission Appointment** – Approval of a Resolution making an appointment to the Parks and Recreation Commission.
Resolution #1301
- G. Facilities Use Agreement** – Approval of a 2009-2010 Facilities Use Agreement for the use of Town Facilities by the Clarkdale Chamber of Commerce.
- H. 2010 U.S. Census Proclamation** – Approval of a proclamation declaring the importance of the 2010 U.S. Census.

Councilmember Williams pulled consent agenda items D and E.

Vice Mayor Wiley moved to approve the consent agenda items A, B, C, F, G, and H as prepared by staff. Councilmember Bohall seconded motion. Motion approved unanimously.

Councilmember Williams wanted to get information on the dispatch agreement, this agreement is a lot of money and she would like information ensuring that it is in the best interest of the Town. Police Chief Haynie replied that it is the amount for personnel and equipment to dispatch officers 24/7. Councilmember Williams asked about the possibility of a regional dispatch for police for the whole Verde Valley. Police Chief Haynie replied that issue is still being reviewed in other communities but it is an expense issues for those communities going to a regional dispatch. If the Town of Clarkdale provided the service itself it would probably cost in excess of \$300,000 per year. Councilmember Bohall asked if this included 9-1-1. Yes it does, except for Camp Verde and Sedona. Councilmember Dehnert asked if there is a formula for the amount, Chief Haynie replied that there was.

Councilmember Williams moved to approve the Intergovernmental Agreement between the City of Cottonwood and the Town of Clarkdale for the 2009-2010 Police Dispatch Services. Vice Mayor Wiley seconded the motion. Motion approved unanimously.

Councilmember Williams wanted to know who would be able to take advantage of those scholarships. Janet Perry replied that the scholarship^s are offered to the Town employees first and then to the public. There is a group of individuals that take these classes and they are informed of the availability of the scholarship if the Town does not utilize it. Several Town employees have used the scholarship and one just received his AA degree.

Councilmember Williams moved to approve the 2009-2010 Facilities Use Agreement for the use of Town Facilities by the Yavapai College. Motion seconded by Councilmember Bohall. Motion approved unanimously.

2. ADJOURNMENT 6:58 PM

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, July 28, 2009**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 28, 2009, at 2:30PM, in the Administration Building 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:

Assistant Town Manager Janet Perry
Bailey Town Clerk Kathy Bainbridge
Town Attorney Eugene Neil

Community Development Director Sherry

CALL TO ORDER – Mayor Von Gausig called the meeting to order at 2:30 PM

1. 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

2. EXECUTIVE SESSION - The Council may vote to discuss the following matters 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.

Without opposition, the Council recessed to Executive Session at 2:35 P.M.

A) LEGAL ADVICE ON MOUNTAIN GATE SUBDIVISION SAFEGUARD BOND LITIGATION - Discussion and consultation with the Town Attorney for legal advice regarding the possibility of litigation with Safeguard Bond for bonds pertaining to Mountain Gate Subdivision.

4. ADJOURNMENT - Without opposition, the Council adjourned the Executive Session at 3:00 p.m. Without any further business, the Council adjourned the Special Session at 3:01 p.m.

ADJOURNMENT

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk

Minutes of a Special Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, July 28, 2009

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, July 28, 2009, at 3:00 PM at Administration Building Community Room, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER 3:00 PM

Town Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Richard Dehnert

Town Staff:

Assistant Town Manager Janet Perry
Utility Director Wayne Debrosky
Police Chief Pat Haynie
Library Manager Charlotte Hawken

Town Clerk/Finance Director Kathy Bainbridge
Community Development Director Sherry Bailey
Deputy Town Clerk Walt Good

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, updated the Council on the Arizona Centennial Legacy and stated he would assist anyone on a grant application.

Ellie Bauer, Clarkdale, informed Council about the Gala Opening of the e-GO Gallery on Friday, July 31, 2009.

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. Reports - Approval of written Reports from Town Departments and Other Agencies
Building Permit Report – June 2009
Capital Improvements Report – June 2009
Magistrate Court Report – June 2009
Police Department Report – June 2009
Water and Wastewater Report – June 2009
Clarkdale Fire District Report and Mutual Aid Responses Report – June 2009
Cottonwood Area Transit (CAT) Operations Report – May 2009

Verde Valley Humane Society – June 2009

- B.** Resolution To Authorize The Town Clerk To Conduct Elections In 2010 As All “Mail Ballot” Elections Pursuant To A.R.S. 16-409 (B). – Approval of a resolution authorizing the Town Clerk to conduct elections in 2010 as all “Mail Ballot” elections.
Resolution # 1302
- C.** A Resolution Supporting The Application For The Department Of Agriculture Rural Utility Services Broadband Initiatives Program And The Department Of Commerce National Telecommunications And Information Administration Broadband Technology Opportunities Program Grant – Approval of the Resolution Of The Town Of Clarkdale, Arizona, Supporting The Application For The Department Of Agriculture Rural Utility Services Broadband Initiatives Program And The Department Of Commerce National Telecommunications And Information Administration Broadband Technology Opportunities Program Grant For Federal Funds For The Broadband Infrastructure Construction And Program Development For The Verde Valley Broadband Cooperative Project.
Resolution # 1303
- D.** Waiver of Conflict of Interest– Approval of Waiver of Conflict of Interest for the firm Boyle, Pecharich, Cline, Whittington & Stallings, related to their representation of Verde Exploration and the Town of Clarkdale, in regard to the possible acquisition of the Clark Mansion by Verde Exploration and any related necessary amendments to the Restated Development Agreement, rezonings, or other legal matters arising due to Freeport McMoran’s desire to convey the Clark Mansion and surrounding property to Verde Exploration.

Vice Mayor Wiley moved to accept the Consent Agenda as prepared by staff.
Councilmember Bohall seconded the motion. Motion approved unanimously.

NEW BUSINESS

ARCHIVE IMAGE ACCESS POLICY – Discussion and consideration of the Heritage Conservancy Board recommendation on an Archive Image Access Policy for the Town of Clarkdale.

Library Manager Charlotte Hawken read the staff report background to the Council. Mayor Von Gausig stopped Library Manager Charlotte Hawken when she got to the sentence; “This policy pertains only to photographs taken prior to the Town’s incorporation.” Mayor Von Gausig wanted to know if there were photos in the archive after 1957 and if the Town had copyrights on them? Also what is the difference in before incorporation and what is after incorporation? Assistant Town Manager Perry replied that Town Clerk/Finance Director Kathy Bainbridge had an input on why we differentiate between the two what is archival and what is public record.

Kathy Bainbridge stated that items before incorporation are archival items that do not fall under the same laws as items that are public records. Anything after incorporation that has to do with

the Town of Clarkdale business is considered a public record and State of Arizona statutes define how they will be handled.

The Mayor asked if there are photos in the archives that were taken after 1957 and are these archival or public record. Kathy Bainbridge did not know if there were photos after 1957 but if there was and they were part of the Town of Clarkdale business they are a public record.

Mayor Von Gausig asked about the comment on page 2 under the heading "How to Order Archive Photographs", where it states "full size photographic prints, digital prints", what is a digital print? Is the Town only going to provide photos or are we only going to supply digital copies? Charlotte Hawken replied, when somebody asks for a photo we give them a copy of the photo from the copy machine we do not make a print from a negative.

Mayor Von Gausig asked about Section 8 Credit Line. How is the fine incurred, how is it enforced and who manages the money? Councilmember Bohall stated he thinks that some of these items need to be revisited like who collects the money, where does it go and who is responsible.

Councilmember Williams on page 2 how to order photos for personal use, thinks the price is excessive. There is nothing in here about other museums wanting photos. Councilmember Williams would like to see something in regard to other museums pricing.

Mayor Von Gausig asked Library Manager Charlotte Hawken if it was her understanding that if Clemenceau requested something for their use or a display they would be charged these rates. Library Manager Charlotte Hawken said that per this policy it would. Mayor Von Gausig said that what he and Councilmember Williams would like to see other museums have a separate rate.

Councilmember Williams stated that the Clarkdale Heritage Museum would have to pay the Town to put things on display. Mayor Von Gausig stated the he did not believe that is what the Town or the Museum had in mind. Councilmember Bohall stated he thought this item needs to be returned to staff.

Mayor Von Gausig said that the prices are reasonable to someone in the industry but staff should revisit the policy in regards to the clarification on photo, digital, and copies. Also the policy on non-profit sales and remove the "(3)" on page 6 under the "Nonprofit Entities, 501 (C) (3)" as some non-profits could have a different designation.

PUBLIC HEARING REGARDING THE FISCAL YEAR 2009-2010 PRIMARY TAX LEVY AND FINAL BUDGET – A hearing to receive public input regarding the Town of Clarkdale's proposed primary tax levy, property tax collection and final budget for fiscal year 2009-2010.

Mayor Von Gausig opened the meeting for public comment on the FY 2009-2010 Primary Tax Levy and the FY 2009-2010 Final Budget.

Billy Roland, Clarkdale, read statement to Council on the point that the Town should function

with what the Town has and not increase taxes.

“I can’t believe the audacity of our Mayor and City Councilmen to even think about increasing our taxes at a time like this. The entire country is in the midst of a severe economic recession or you might even call it a depression as it is still going down and down and will continue to do so for some time yet. We are all having difficult times financially as the price of almost everything is going up, almost daily, and who knows where it will stop. Many of us living in this area are on fixed incomes, as retired people, and as a result of the recession will not receive any increases in our retirement pay for as long as this recession continues and yet you propose to decrease our spendable income by increasing the taxes on our homes, which we have planned well in advance for so as to have our expenses well in hand by this time in our lives. The cities as all of the residents are having a tough time of it right now, so we just bite the bullet and live within the means and incomes we have and try to ride out these hard times. The city should do the same thing. Live within what you have in your pocket at this time just maintain not increase. I wouldn’t go over to my neighbor’s house and demand some of his money just because I am running short for the month. The city should not come over to my house and demand some of my money just because they are running short for this period. You should live within your income until this recession is over just the same as I should live on what I have in my pocket until my situation gets better. If I ask my neighbor for some of his money, he can say “no” but if you initiate this tax increase, I cannot say “no”. Everybody wants a little more of what I have and soon my pocket is empty. More taxes at this time is drastically wrong. I say “No” to you now, before it is a done deal. No, this is wrong.”

Ellie Bauer. Clarkdale, what will the Town do in two years when we have the next crisis if we are already at the maximum tax levy amount? Ms. Bauer also would like to know where the concerns voiced at the budget meetings are addressed in the budget.

Phyllis Douglas. Clarkdale, she bought her home two years ago and tried to get relief from the value she has lost, the county was unable to help. Ms. Douglas voiced her concern over the tax levy increase. Ms. Douglas has had to make adjustments in her life to get through these financial times and thinks that an increase at this time is out of line.

Mayor Von Gausig closed the public hearing.

RESOLUTION FOR THE ADOPTION OF THE FINAL BUDGET FOR FISCAL YEAR 2009-2010— Discussion and consideration of a resolution adopting the FY2009-2010 Budget per A.R.S. § 42-17105 (B) to consider, finally determine and adopt estimates of the proposed expenditures for the purposes stated in the published budget of the Town.

Resolution # 1304

Kathy Bainbridge, Finance Director/Town Clerk, presented Council the FY 2009-2010 Final Budget for adoption.

Vice Mayor Wiley moved to adopt the FY 2009-2010 Final Budget. Councilmember Bohall seconded the motion.

Role Call Vote

Councilmember Dehnert Aye

Councilmember Williams Aye

Councilmember Bohall Aye

Vice Mayor Wiley Aye

Mayor Von Gausig Aye

Motion approved unanimously.

RESOLUTION REGARDING THE FISCAL YEAR 2009-2010 PRIMARY TAX LEVY –

Discussion and consideration of a resolution acknowledging that, as a result of the proposed primary tax levy, property tax collections in the Town of Clarkdale will increase in the 2009-2010 fiscal year.

Resolution # 1302

Kathy Bainbridge, Finance Director/Town Clerk, presented Council the proposed FY 2009-2010 Primary Tax Levy. Kathy Bainbridge stated that the Truth in Taxation had been published in the paper as required. The ordinance setting the amount will be coming to Council in August.

Vice Mayor Wiley moved to approve the proposed primary tax levy, property tax collections in the Town of Clarkdale will increase in the 2009-2010 fiscal year. Councilmember Bohall seconded the motion.

Discussion – Vice Mayor Wiley said that the Town of Clarkdale is only 9% of the property tax levy and that 91% is out of the Town’s control.

Role Call Vote

Councilmember Dehnert Aye

Vice Mayor Wiley Aye

Councilmember Bohall Aye

Councilmember Williams Aye

Mayor Von Gausig Aye

Motion approved unanimously.

ADJOURNMENT 3:48 PM

APPROVED:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk