

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale  
Held on Tuesday, August 25, 2009.**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 25, 2009, at 3:00 PM at Administration Building Community Room, 39 North Ninth Street, Clarkdale, Arizona.

**CALL TO ORDER**

Mayor Von Gausig called the Clarkdale Town Council to order at 3:00 P.M.

Town Council:

Mayor Doug Von Gausig  
Vice Mayor Jerry Wiley - Absent

Councilmember Patricia Williams - Absent  
Councilmember Curtiss Bohall  
Councilmember Richard Dehnert

Town Staff:

Town Manager Gayle Mabery  
Public Works Director Steve Burroughs  
Police Chief Pat Haynie

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

Town Attorney Rob Pecharich

**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.

No public Comment

**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 – July 2009
  - Capital Improvements Report – July 2009
  - Magistrate Court Report – July 2009
  - Police Department Report – July 2009
  - Water and Wastewater Report – July 2009
  - Clarkdale Fire District Report and Mutual Aid Responses Report – July 2009
  - Cottonwood Area Transit (CAT) Operations Report –June 2009
  - Verde Valley Humane Society – No report
- B. Ordinance Amending Section 2-4-1, Regular Meetings, of the Town Code** – Approval

of an Ordinance of the Town of Clarkdale amending Section 2-4-1 Regular Meetings; of the Town Code allowing the Town Clerk to be able to reschedule Regular Meeting dates and times.

Ordinance #321

- C. **Ordinance Amending Section 3-4-2, Purchasing - In General, of the Town Code** – Approval of an Ordinance of the Town of Clarkdale amending Section 3-4-2 Purchasing - In General; of the Town Code changing the purchasing threshold policies of the Town. Ordinance #322

Councilmember Bohall moved to approve the Consent Agenda as submitted by staff.

Councilmember Dehnert seconded the motion. Motion was approved unanimously.

## **NEW BUSINESS**

### **LEGAL SERVICES AGREEMENT FOR INTERIM PROSECUTING ATTORNEY SERVICES – Discussion and consideration of a Legal Services Agreement between the Town and the firm of Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C. for interim prosecuting attorney services.**

Prosecuting attorneys exist to provide professional legal research, jury, and court trials, and appeals for criminal cases. While it is not a requirement that a municipality partner with a specific prosecutor or legal firm to provide such services, the Town has seen the benefits to be had from the consistency with one particular individual acting in that position.

Our existing relationship with Kenton D. Jones for providing the Town's prosecuting attorney services began in May, 1988. Mr. Jones has also attained the position of Magistrate for the Town of Chino Valley. Recently, the Arizona Office of Courts (AOC) notified Mr. Jones that he cannot serve in both prosecutorial and judicial capacities due to ethics standards. The AOC has allowed for Mr. Jones to extend his prosecution services until September 18, 2009. This date was identified specifically, as it will allow Mr. Jones to complete his scheduled September appearance in the Clarkdale Magistrate Court.

While the intention is to go through a new selection process for a Town Prosecutor, that is a lengthy procedure. In order to ensure a smooth turnover, while allowing for continued prosecution services in the meantime, the Town Attorney firm of Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C. (BPCW&S) is willing and able to provide those services. BPCW&S has agreed to furnish those services at the same hourly billing rate paid to Mr. Jones, which is one hundred twenty-five dollars (\$125.00) per hour. This interim arrangement also allows for the prosecutorial representative from BPCW&S to participate with Mr. Jones in both the August and September appearance dates in the Clarkdale Magistrate Court. These actions will help to ensure as smooth a transition with pending cases as possible.

Councilmember Dehnert moved to enter into an agreement for interim Town Prosecutor services with Boyle, Pecharich, Cline, Whittington & Stallings. Councilmember Bohall seconded the motion. Motion was approved unanimously.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE IN SUPPORT OF THE VERDE VALLEY HUMANE SOCIETY'S NEW ANIMAL SHELTER – Discussion and consideration of a resolution supporting the Verde Valley Humane Society (VVHS) new building.**

Verde Valley Humane Society (VVHS) President Nick Hunseder has requested support from the Verde Valley Communities for the VVHS new animal shelter. VVHS is short of funds to finish construction of phase one of their new building. VVHS is paying for the construction on a cash basis, no financing is involved.

Councilmember Bohall moved to approve Resolution # 1307, a Resolution in support of the Verde Valley Humane Society's new animal shelter. Councilmember Dehnert seconded the motion. Motion was approved unanimously.

**SEPTEMBER REGULAR MEETING DATE AND TIME – Discussion and consideration to direct the Town Clerk to change the date and time of the September Regular Meeting.**

The September 8, 2009, Regular Meeting will not have a quorum. On advice from the Town Attorney, the Council may move a Regular Meeting Date, Time or Location.

Councilmember Dehnert moved to direct the Town Clerk to reschedule the date and time of the September 8, 2009 Regular Meeting to September 22, 2009 at 3:00 P.M. in the Men's Lounge, Clark Memorial Clubhouse. Councilmember Bohall seconded the motion. Motion was approved unanimously.

**INTERGOVERNMENTAL AGREEMENT RELATING TO PRESERVATION OF FOREST LANDS AND THE CITY OF COTTONWOOD'S PROPOSED ANNEXATION OF 8.5 SQUARE MILES OF COCONINO NATIONAL FOREST – Discussion and consideration regarding an intergovernmental agreement between the City of Cottonwood and the Town of Clarkdale relating to the preservation of Forest Service land and the City of Cottonwood's proposed annexation of 8.5 square miles of Coconino National Forest.**

In October, 2008, the Clarkdale Town Council expressed concern that the process for annexation of these forest lands might require the annexation ordinance to be adopted before more attractive alternatives were considered. After hearing a mutual desire from both Councils to retain these lands in the National Forest, the Town of Clarkdale drafted a proposed IGA in order for the two Councils to fully explore such an option. The Clarkdale Town Council and the Cottonwood City Council met in Joint Session on August 14<sup>th</sup> to discuss, in part, this proposed Intergovernmental Agreement. The most pertinent provisions of the IGA include: 1) Cottonwood will not take action to finalize the annexation of the lands described in Exhibit A and subject to the blank annexation petition filed by Cottonwood with the Yavapai County Recorder's Office on September 18, 2008. 2) Cottonwood and Clarkdale agree not to file annexation petitions for any lands identified in Exhibit A at any time that the agreement is in effect. 3) The Agreement shall be effective for a period of one year commencing on October 1, 2009, and expiring on September 30, 2010. In the event written notice is not given by either party to this agreement to the other 60 days prior to the termination date as hereinabove provided, this agreement shall automatically be extended on the same terms and conditions

herein provided, all for an additional period of one year. Said agreement shall continue thereafter for one-year periods unless either party hereto gives at least 60 days written notice in advance of the then applicable expiration date, to the other party that the party does not wish to extend this agreement for an additional one-year term. 4) Further, Clarkdale agrees not to take action to annex any portion of the lands identified in Exhibit A until 60 days after termination of this agreement.

After lengthy discussion at the August 14<sup>th</sup> Joint Meeting, both Councils directed their respective staffs to place the Intergovernmental Agreement on their upcoming agendas for consideration. The Cottonwood City Council approved on a 5-2 vote to direct staff to complete the annexation process of the forest service land north at their Regular meeting held August 18, 2009 and directed staff to return to the Council with a resolution expressing its desire for the forest service land not be traded and kept as open land.

**Pursuant to A.R.S. §38-431.03, the Council may vote to recess the meeting and move into Executive Session on any item, which 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 3:30 P.M pursuant to A.R.S. §38-431.03 (A) (3) - Discussion or consultation for legal advice with the attorney of the public body.

Meeting was reconvened at 4:07 P.M.

Mayor Von Gausig stated that Clarkdale has an opportunity to sign the Intergovernmental Agreement, which the City of Cottonwood has chosen not to sign as of now, as an act of good faith.

Councilmember Dehnert moved that the Town of Clarkdale adopt the Intergovernmental Agreement Relating to Preservation of Forest Lands with the City of Cottonwood's proposed annexation of 8.5 square miles of Coconino National Forest conditional upon the Intergovernmental Agreement receiving the City of Cottonwood's signature within thirty-seven (37) days of today's date. Councilmember Bohall seconded the motion. Motion was approved unanimously.

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

None

**ADJOURNMENT**

Adjourned 4:10 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