

**Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, August 11, 2009.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 11, 2009, at 6:00 PM at Administration Building Community Room, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER 6:03 PMTown Council:

Mayor Doug Von Gausig
Vice Mayor Jerry Wiley

Councilmember Patricia Williams
Councilmember Curtiss Bohall - Absent
Councilmember Richard Dehnert

Town Staff:

Assistant Town Manager Janet Perry
Public Works Director Steve Burroughs
Police Chief Pat Haynie

Town Clerk/Finance Director Kathy Bainbridge
Utility Director Wayne Debrosky
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.

Pat Williams, Clarkdale, congratulated Drake Meinke on the job he has done on the Historical Markers outside the Clarkdale Heritage Museum. Mr. Meinke has planted two trees and landscaped the area.

Councilmember Dehnert arrived at the meeting at 6:06

INFORMATIONAL REPORTS

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

1. Met with Nancy Dodd who is writing the history of Tuzigoot and Tavasci Marsh.
2. Met with Dan Campbell, the new Conservation Director for Northern Arizona and Brenda Berman to bring them up to date on what is happening in the Verde Valley.
3. Attended the Verde Valley Leadership Graduation.
4. Attended the Tuzigoot 75th Celebration; the Town of Clarkdale received an award for preservation of heritage in the Upper Verde Valley.
5. Attended the Clarkdale National Night Out, very well attended and everyone had a great time. Congratulations to the Chief and the rest of the Clarkdale Police Department for a successful event.
6. Met with staff to discuss the plasma converter project and the possibilities for the Town of Clarkdale.
7. Met with the Technical Working Group studying the Bureau of Reclamation study on projected populations and water needs for 2050.
8. Worked on the League of Arizona Cities and Towns resolution in preparation for the meeting on August 13, 2009.

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

1. Town Manager Mabery reminded Council of the Joint Council Meeting with City of Cottonwood.
2. Informed Council that the last two Concerts in the Park are coming up.
 - a. August 22, 2009, 7-9 PM – Junction 87 a Country Western style band,
 - b. September 12, 2009, 6-8 PM Hwy 61 a Classic Rock band will be playing.
3. Informed Council that the next Intergovernmental Meeting is scheduled for August 27, 2009, 6 PM in Camp Verde.
4. Informed Council that she, Mayor Von Gausig and Councilmember Dehnert will be attending this year's Arizona League of Cities and towns Conference in Oro Valley.
5. Reminded the Council that Town Hall will be closed for Labor Day.
6. Informed Council that there will be a Joint Meeting of the Clarkdale Council, Planning Commission and General Plan Update Committee on Tuesday, September 29, 2009.

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 handed out the minutes from the last meeting.

NACOG - A report regarding the Northern Arizona Council of Governments – Vice Mayor Wiley reported there was no meeting.

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association
Mayor Von Gausig attended board meeting by teleconference. Main point of discussion was the Clean Water Act Federal Bill 785. NAMWUA decided to write a letter of opposition.

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

VRBP – A report regarding the Verde River Basin Partnership

1. Mayor Von Gausig met by teleconference with the VRBP Coordinating Committee.
2. Mayor attended VRBP meeting discussion was on how to reconstitute a communication committee to go out and explain why the group was created and how it should be funded. The federal law that request studies on the Upper Verde should be done.

VVTPO – Report regarding the Verde Valley Transportation Planning Organization & other transportation affiliations – Written Draft VVTPO Report in packet.

WAC - A report regarding the Yavapai County Water Advisory Committee
Mayor attended WAC meeting in Cottonwood.

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 7/14/09 and the Special Meeting held 7/28/09 ES, 7/28/09.

- B. Claims** - List of specific expenditures made by the Town during the previous month. PPE 7/4/09, 7/13/09, 7/18/09 & July Check Log
- 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 - Cancelled 7/22/09
Design Review Board minutes of the meeting - Cancelled 7/8/09
Heritage Conservancy Board minutes of the meeting held 7/15/09
General Plan Update Committee minutes of the meeting - Cancelled 7/20/09
Library Advisory Board minutes of the meeting held 7/2/09
Parks and Recreation Board minutes of the meeting - Cancelled 7/8/09
Planning Commission minutes of the meeting - Cancelled 7/23/09

Vice Mayor Wiley moved to approve the Consent Agenda as submitted by staff. Councilmember Dehnert seconded the motion. Motion was approved unanimously.

NEW BUSINESS

PROPOSAL FOR PROFESSIONAL SERVICE TO DESIGN A SEWER CONNECTION AND RELATED SEWER INFRASTRUCTURE BETWEEN THE ARSENIC REMOVAL SYSTEM ON 89A AND VALLEY VIEW ROAD – Discussion and consideration of a proposal from Shepard-Wesnitzer, Inc (SWI) to design the sewer infrastructure extension between the arsenic removal system at Hwy 89A and Valley View Road for the Town of Clarkdale.

Wayne Debrosky, Utility Director, explained the project to the Council and the advantages to the Town utilizing Shepard-Wesnitzer, INC. (SWI) to provide the professional service. The sewer line extension would allow the Town to directly flow the arsenic removal water from the storage tank directly into the Clarkdale Wastewater system. This would also expand service to new areas that would include a stub at Valley View Road and another stub behind the Spirit Station for the possibilities of future homes in that area.

Wayne Debrosky, Utility Director, informed the Council that SWI began the project for Mountain Gate and had completed most of the work already. The Town will be paying for the additional work that needs to be done including the two new stub outs and the new path. Mayor Von Gausig asked if we are getting credit for what has already been done for Empire. Wayne Debrosky, Utility Director, replied that the Town would be paying for the work and design done for the Town on this project not for what Empire has already paid for. When Empire pulled out the project was in an incomplete state and the Town will be picking up the design from that point with the new modifications, easements and survey work. This will allow the Town to extend a phone line to arsenic removal site so that the automatic dialer can be connected.

Councilmember Williams asked if there had been a discrepancy between the Town and SWI in the past. Town Manager Mabery replied that SWI had done work for the Town in the past and that the Town had changed professional service providers before, but does not remember any discrepancies with SWI. Wayne Debrosky, Utility Director, stated that the current preliminary estimates would be \$170,000 to \$180,000 for the project, which will come out of the wastewater development fees.

Mayor Von Gausig stated that this is lot cheaper than going out to bid and having a new company begin the process all over. Councilmember Dehnert stated this is the right thing to do, Vice Mayor Wiley agreed.

Councilmember Williams moved to approve the proposal from Shepard- Wesnitzer, Inc (SWI) to design the sewer infrastructure extension between the arsenic removal system at Hwy 89A and Valley View Road for the Town of Clarkdale. Vice Mayor Wiley seconded the motion. Motion was approved unanimously.

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, SETTING FORTH THE VALUATIONS OF PROPERTY IN THE TOWN OF CLARKDALE FOR THE YEAR 2009-2010 ALONG WITH ADOPTING THE TAX LEVY FOR SAID PROPERTY – Discussion and consideration of Ordinance # _____, adopting the tax levy and setting the valuations of property in the Town of Clarkdale for fiscal year 2009-2010.

Kathy Bainbridge, Finance Director/Town Clerk informed Council that this is the final step the Council needed to take to increase the tax levy from 0.71 to 0.912.

Vice Mayor Wiley moved to approve Ordinance #319, an Ordinance of the Mayor and Common Council of the Town of Clarkdale, Yavapai County, Arizona, setting forth the valuations of property in the Town of Clarkdale for the year 2009-2010 along with adopting the tax levy for said property. Motion was seconded by Councilmember Williams. Motion was approved unanimously.

RESOLUTION OF THE MAYOR AND COUNCIL, OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “THE 2009 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CLARKDALE” – Approval of a resolution declaring as a public record that certain document filed with the Town Clerk entitled “The 2009 Amendments to the Tax Code of the Town of Clarkdale”.

Kathy Bainbridge, Finance Director/Town Clerk informed Council that this information comes from the League of Arizona Cities and Towns and is for program communities. The League writes the changes and then provides the Town the Resolution for a public record and the Ordinance in acting the tax code changes by reference.

Vice Mayor Wiley moved to adopt Resolution #1306, a Resolution declaring as a public record that certain document filed with the Town Clerk entitled “The 2009 Amendments to the Tax Code of the Town of Clarkdale”. Motion was seconded by Councilmember Williams. Motion was approved unanimously.

ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING “THE 2009 AMENDMENTS TO THE TAX CODE OF THE TOWN OF CLARKDALE” BY REFERENCE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS. - Approval of an ordinance relating to the privilege license tax; adopting “The 2009 Amendments to the Tax Code of the Town of Clarkdale” by reference; establishing an effective date,

providing for severability and providing penalties for violations, in Article 8-2 of the Town Code.

Kathy Bainbridge, Finance Director/Town Clerk informed Council that this is the Ordinance enacting “the 2009 Amendments to the Tax Code of the Town of Clarkdale” by reference to Resolution #1306.

Vice Mayor Wiley moved to adopt Ordinance #320, an Ordinance relating to the privilege license tax; adopting “The 2009 Amendments to the Tax Code of the Town of Clarkdale” by reference; establishing an effective date, providing for severability and providing penalties for violations, in Article 8-2 of the Town Code. Motion was seconded by Councilmember Williams. Motion was approved unanimously.

ADJOURNMENT at 6:37 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, August 14, 2009.**

A Special Joint Meeting of the Common Council of the Town of Clarkdale and the City Council of the City of Cottonwood was held on Friday, August 14, 2009, at 3:00 PM at Cottonwood Public Safety Building, 199 S. Sixth Street, Cottonwood, Arizona.

Mayor Joens called the Cottonwood City Council to order.

Mayor Von Gausig called the Town of Clarkdale Council to order.

Town Council:

Mayor Doug Von Gausig

Councilmember Patricia Williams

Vice Mayor Jerry Wiley

Councilmember Curtiss Bohall

Councilmember Richard Dehnert

Town Staff:

Town Manager Gayle Mabery

Town Clerk/Finance Director Kathy Bainbridge

Community Development Director Sherry Bailey

Others In Attendance:

Heather Provencio, Red Rock District Ranger, Coconino National Forest

Judy Adams, Red Rock District Land Staff, Coconino National Forest

Cottonwood Mayor Joens opened the meeting explaining that Cottonwood and Clarkdale were gathered together to discuss past and future annexations along with the concept of an Intergovernmental Agreement regarding annexation.

DISCUSSION REGARDING VERDE VALLEY AREA ANNEXATIONS.

Mayor Von Gausig explained the map which the Town of Clarkdale provided that outlined the areas of the Arizona State Trust Land and Coconino National Forest Land in discussion with Cottonwood, the Forest Service proposed Ruskin Land Trade area in Clarkdale, and the Clarkdale Metals Corporation future annexation area. The Ruskin Land Trade area was 1,854 total acres with 800 Ruskin Trade Land, 915 acres Prescott Forest Service Land, and 138 acres Verde Exploration private land. Mayor Joen's position is that when Clarkdale decides to develop the Ruskin Trade Lands, there will be an impact to Cottonwood and wondered what Clarkdale's intention was with those properties. Mayor Von Gausig informed the Cottonwood Council that Clarkdale has identified the area as open spaces and that the current Council had no plans for development.

Mayor Joens told Mayor Von Gausig that from what she understood the Clarkdale Town Council did not have an open dialog with the City of Cottonwood prior to the annexation, but instead, annexed overnight behind closed doors. Mayor Von Gausig read an article from the February 8, 2001 Daily Courier regarding the annexation process for that area. Mayor Von Gausig explained that the article was a fairly accurate representation of what went on at the time. The impetus of the Clarkdale Town Council was to prevent the Ruskin trade and keep the lands open space and the additional 916 acres was not to leave a 916 acre island of forest land surrounded by private property.

Mayor Joens wondered what type of guarantee Clarkdale would give Cottonwood that Cottonwood would be a partner in the development of the Ruskin trade lands. Mayor Von Gausig replied that Clarkdale would work with Cottonwood if Cottonwood had a stakeholder interest in development.

The Forest Service stated that it was their policy to stay neutral on annexation proposals and that annexation does not guarantee that lands will stay open space. The Forest Service does not have any intention of land exchanges for Cottonwood's proposed 8.5 acre annexation of forest lands for several reasons: 1) Threatened and endangered and sensitive species are in the area 2) The Verde Valley Botanical area designation 3) The Deadhorse trail system is in the area 4) Lands are adjacent to Deadhorse State Park, Tuzigoot National Monument, and Tavasci Marsch.

Mayor Joens opened the meeting for public comment. Various public comments were heard from residents of Jerome, Clarkdale, Cottonwood, Verde Village and Sedona regarding their views on annexation.

Dr. Bob Richards, Cottonwood – Regarding the proposed annexation and keeping the land open space by both communities annexing equal shares.

Bob Rothrock, Cottonwood - Requesting the Councils to not annex the forest lands to keep open space and that Clarkdale to de-annex the Ruskin exchange lands.

Jane Moore, Jerome - Speaking as an individual, would not like to see the annexation happen and with the water situation, would like to see newer and better ways to develop existing lands rather than to annex forest lands.

Curt Linder, Jerome – Wants open space and public lands protected from development along with prioritizing regional planning and understand long term consequences of actions.

Daniel Holland, Sedona – Has talked to hundreds of Sedona residents that are against the annexation, the infrastructure needed for large developments and water issues.

Gary Chamberlain, Cottonwood – Respect water resources.

Bob Gillies, Cottonwood – The only way to guarantee open space is to own it and the annexation is not necessary at this time.

Diane Lovett, Cottonwood – A believer in solid planning and when recession is over people will come and planning for the future needs to be done now.

Ron Volkman, Sedona Verde Valley Association of Realtors as their Government Affairs Director. Based on the options and choices the Cottonwood Council felt the annexation of both areas is good long range planning.

Carol Hulse, Cottonwood – Who will be able to manage the forest service lands better and is in favor of annexation.

William Regner, Clarkdale – Worried about the flow of the Verde River.

Margie Beach, Verde Village – Wanted to point out Verde Village as a bad example of development without annexation to the City and being proactive.

DISCUSSION REGARDING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COTTONWOOD AND THE TOWN OF CLARKDALE RELATING TO PRESERVATION OF FOREST SERVICE LANDS.

The Intergovernmental Agreement drafted by Clarkdale ensures Cottonwood that Clarkdale would not annex the Forest Service lands and gives Cottonwood the option to cancel the Agreement and have first right of annexation for 60 days after cancellation. The Agreement was set up on an annual timeline so future councils could act on the IGA after each election and not be bound by the Agreement.

The whole point of Cottonwood's consideration of the annexation is furthered by entering into the Agreement with Clarkdale because the Forest Service has stated that annexation will make it more likely to eventually be "trade bait" and Cottonwood has said that they are afraid if they do not annex the lands, Clarkdale will, although Clarkdale can't. The Agreement removes the complication of the possible threat that Clarkdale would annex first.

Cottonwood requested that Cottonwood "right an earlier wrong" and de-annex Forest Land south of Cottonwood and Clarkdale responded that they should make a proposal for discussion. The option of de-annexing has some legal question, although there are other ways of communication.

DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING ANNEXATION OF FOREST SERVICE LANDS.

Mayor Joens directed staff to put the IGA on their agenda for discussion and consideration.

CALL TO THE PUBLIC--This portion of the agenda is set aside for the public to address the respective Councils regarding an item that is not listed on the agenda for discussion. However, members of the Councils cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02.A.(H).) Comments are limited to a 5 minute time period.

Jane Moore, Jerome – Hopes that everyone in the Verde Valley works together regionally.

Gary Chamberlain – Commented regarding the amount of litter that has been picked up and brought Cornville to separate recyclables and then brought to Sedona Recycle, all free of charge.

ADJOURNMENT – COTTONWOOD CITY COUNCIL.

Adjourned 5:45 P.M.

ADJOURNMENT - CLARKDALE TOWN COUNCIL.

Without objection the Clarkdale Town Council adjourned at 5:45 P.M.

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, 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 14th 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 14th 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:

Doug Von Gausig, Mayor

ATTESTED:

Kathy Bainbridge, Town Clerk

SUBMITTED:

Walt Good, Deputy Town Clerk