

**Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale  
Held on Tuesday, October 13, 2009.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, October 13, 2009, at 6:00 PM at Clark Memorial Clubhouse, Men's Lounge, 19 North Ninth Street, Clarkdale, Arizona.

**CALL TO ORDER 6:03 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  
Utility Director Wayne Debrosky  
Deputy Town Clerk Walt Good

Town Clerk/Finance Director Kathy Bainbridge  
Community Development Director Sherry Bailey  
Police Chief Pat Haynie

**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.

Ellie Bauer, Clarkdale, invited the Council and public to visit the Made in Clarkdale e-Go Gallery open Thursday through Monday 11:00 AM to 4:00 PM.

Robyn Prud'homme Bauer, Clarkdale, reminded Council that Salt River Materials Group will be celebrating their Fiftieth year in Clarkdale on Saturday, October 17, 2009 at the Clarkdale-Jerome School ball field.

**INFORMATIONAL REPORTS**

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

1. Mayor Von Gausig met with Community Development Director Bailey regarding the Library technological grant application in preparation for making a presentation in Phoenix on it to the Governor's Information Technological Agency (GITA).
2. Mayor Von Gausig, Assistant Town Manager Perry, and Jodie Filardo from Sedona traveled to Phoenix to make the GITA presentation. Before the presentation went to ASU to visit the Ira Fulton School of Engineering, Bio-Design Institute. Contacts were made with ASU personnel regarding the Clarkdale Sustainability Park.
3. Mayor Von Gausig attended the Technical Working Group meeting for the Bureau of Reclamation study. Water study of how much water will be needed by 2050 in Yavapai County and where the communities are going to get that water. Clarkdale is using about 400 acre feet of water a year currently and project consumption at about 1,000 acre feet a year in 2050.

4. Mayor Von Gausig took about 300 digital pictures of existing historical pictures that had been lent to the Heritage Museum and wanted them digitalized.
5. Mayor Von Gausig and Town Manager Mabery met with Stephanie Prival and Richard Travis, consultants and lobbyist, trying to form an organization of Greater Arizona Mayors from rural Northern Arizona from Lake Havasu to Payson to discuss some of the possible benefits of getting that type of group together.
6. Mayor Von Gausig took pictures of the fire and Clarkdale Fire District training at the building at Main Street and Broadway.
7. Mayor Von Gausig and Town Manager Mabery met with a land owner in Page Springs to discuss water rights value. The Town is not looking to purchase, the landowner was curious.
8. Mayor Von Gausig had lunch with Ron Epperson; discussion was on alternative energy projects.
9. Mayor Von Gausig and Assistant Town Manager Perry met with Andy Tobin and Chip Davis on the Clarkdale Sustainability Park.

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

1. Town Manager Mabery reported on the GITA Library and Broadband rankings. The process is to make application to the federal government and then send the request to the state governors to rank all the state requests. Governor Brewer assigned that task to GITA to review the Arizona applications. GITA then sent their rankings to Governor Brewer for her review. Those rankings were released last week and only five computer applications received rankings, Town of Clarkdale did not.
2. Town Manager Mabery announced to Council:
  - a. October 19 to October 23 is Arizona Cities and Towns Week; the Town of Clarkdale will host the Clarkdale-Jerome kindergartners and first graders on Thursday, October 22. The second through fifth graders have prepared posters that are on display in the Library. Town employees will be judging their preferences for best poster.
  - b. Verde Valley Theatre is back in full swing, the current play is *Moonlight and Valentino*.
  - c. Halloween is on Saturday, October 31, 2009, the costume judging will take place at the Gazebo at 5:00 PM. Trick & Treating on Main Street area is again from 5:00 to 7:00 PM. Town is still in need of candy donations.
3. Town Manager Mabery reported to Council on the City of Cottonwood Forest Land annexation. The City of Cottonwood has requested that the Town of Clarkdale join with them and request a General Council Opinion from the Arizona League of Cities and Towns on if a signature is needed on the annexation or not. Council is aware that the League has issued a General Opinion but not a General Council Opinion. The City of Cottonwood has also requested that Town Manager Mabery and Robert Pecharich, Town Attorney meet with them to begin discussions on boundary agreements between the two communities that would protect both communities. This could become a model for the Verde Valley communities.

CAT – A report regarding the Cottonwood Area Transit – Councilmember Williams reported no CAT meeting; however there has been an increase in riders in Clarkdale and Councilmember Williams would like to have an article in Small Talk promoting CAT and the new routes and cost to ride.

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District – Councilmember Williams reported that she had not prepared the minutes yet and they will be in next month's reports.

VVLPI – A report regarding the Verde Valley Land Preservation Institute – Councilmember Williams reported the meeting was yesterday and the report will be in next month. Bob Rothrock reported that the Institute has had a meeting with City of Cottonwood on the State Trust Land Annexation.

NACOG - A report regarding the Northern Arizona Council of Governments – Vice Mayor Wiley was out of Town and missed the meeting.

VVTPO – Report regarding the Verde Valley Transportation Planning Organization & other transportation affiliations – report was handed out by Councilmember Bohall.

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association – Mayor Von Gausig said that NAMWUA has not had a meeting and will have a phone conference call to discuss a letter to the Governor in support of Department of Water Resources.

VRBP – A report regarding the Verde River Basin Partnership - Mayor Von Gausig attended a VRBP meeting and discussed a 20 page letter being sent to the Arizona federal delegation with the mission and science behind VRBP.

WAC - A report regarding the Yavapai County Water Advisory Committee – Mayor Von Gausig did not attend the WAC meeting.

**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 9/22/09 and the Special Joint Meetings held 9/17/09, and 9/29/09.
- B. Claims** - List of specific expenditures made by the Town during the previous month. September 2009 Claims and PPE 9/12/09 & 9/26/09
- 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 canceled 9/23/09.  
Design Review Board minutes of the meeting held 9/9/09.  
Heritage Conservancy Board minutes of the meeting held 9/16/09  
General Plan Update Committee minutes of the meeting held 9/21/09.  
Library Advisory Board minutes of the meeting held 9/13/09  
Parks and Recreation Board minutes of the meeting held 9/9/09  
Planning Commission minutes of the meeting held 9/24/09
- D. Intergovernmental Agreement with City of Cottonwood for a Public Transit System** – Approval of an Intergovernmental Agreement for a public transit system within the Clarkdale Town limits with the City of Cottonwood department known as C.A.T.

- E. Ordinance Amending Section 3-4-8, Purchasing – Professional Services of the Town Code** – Approval of an Ordinance of the Town of Clarkdale amending Section 3-4-8 Purchasing – Professional Services; of the Town Code adding architects, and similar professions.  
**Ordinance # 323**
- F. Resolution Declaring Arizona Cities and Towns Week** – Approval of a resolution declaring October 19 through October 23, 2009 as Arizona Cities & Towns Week.  
**Resolution # 1316**
- G. Resolution Supporting a Landscape Vision for the Verde Valley** – Approval of a resolution supporting the public planning efforts regarding the future use and management of the area described as the Verde Front of the Prescott National Forest and the Greenway Corridor of the Middle Verde River.  
**Resolution #1317**
- H. Proclamation Celebrating Salt River Material Group’s Phoenix Cement Fifty Year Anniversary** – Approval of a proclamation celebrating Phoenix Cement Fifty Year Anniversary in Clarkdale.
- I. Resignation of Chris Calderon from Library Advisory Board** – Acceptance of the email notification of resignation from Chris Calderon from the Library Advisory Board.
- J. Special Event Liquor License for Verde Valley Medical Center** – Approval of a Special Event Liquor License for the Verde Valley Medical Center for an event on October 30, 2009.
- K. Yavapai County Elections Vote-By-Mail Services Agreement** – Approval of a Vote-By-Mail Services Agreement service agreement with Yavapai County Elections Department.
- L. Yavapai County Elections Vote-By-Mail Services Agreement Addendum** – Approval of a Vote-By-Mail service agreement addendum with Yavapai County Elections Department allowing the Town of Clarkdale a discounted fee rate for election help.

Mayor Von Gausig pulled item J at the request of Verde Valley Medical Center.

Vice Mayor Wiley moved to accept and approve Consent Items A, B, C, D, E, F, G, H, I, K, & L as submitted by staff. Councilmember Williams seconded the motion. Motion was approved unanimously.

## **NEW BUSINESS**

**PUBLIC HEARING REGARDING THE HOME RULE OPTION** – A hearing to receive public input regarding the Town of Clarkdale’s proposed placement of the Home Rule Option (Alternative Expenditure Option) on the March 9, 2010 ballot.

Mayor Von Gausig opened the discussion on the Home Rule Option and explained that Home Rule Option has been a Clarkdale Proposition every four years since 1980 and been approved by

the voters every time. Finance Director/Town Clerk Kathy Bainbridge explained to Council the difference between the amounts of revenue available to the Town if the Home Rule Option was approved.

Mayor Von Gausig opened public hearing on Home Rule Option

No public comment.

Mayor Von Gausig closed the public hearing.

**LIQUOR LICENSE AGENT CHANGE AND ACQUISITION OF CONTROL FOR MAIN STREET CAFÉ & PIZZERIA** – Discussion and consideration of a recommendation to the Arizona Department of Liquor License and Control for approval of a liquor license application Agent Change and Acquisition of Control from Main Street Café & Pizzeria located at 920 Main Street in Clarkdale.

Deputy Town Clerk Walt Good informed Council the reason for the change was the removal of a partner from the liquor license.

Councilmember Dehnert moved for Council to recommend to the Arizona Department of Liquor License and Control the approval of a liquor license Agent Change and Acquisition of Control application from Main Street Cafe and Pizzeria located at 920 Main Street in Clarkdale. Vice Mayor Wiley seconded the motion. Motion approved unanimously.

**ENFORCEMENT OF SURETY BONDS ISSUED BY BOND SAFEGUARD INSURANCE COMPANY ON MOUNTAIN GATE SUBDIVISION**—Discussion and consideration of authorizing the Town Attorney to file a court complaint against Bond Safeguard Insurance Company for failure to honor its surety bonds issued to the Town of Clarkdale on the Mountain Gate Subdivision, insuring the completion of the subdivision infrastructure required to be constructed by the developer, Empire Residential Construction Company, L.P.

Rob Pecharich, Town Attorney, presented Council information that Bond Safeguard is not moving towards the completion of the work and work areas that were identified to them as items not yet completed Empire Residential Construction Company, L.P.

Bond Safeguard's position is not to improve the property but wait for a future contractor taking over the development rights and hopes that someone will step in and assume Empires responsibilities.

Mayor Von Gausig would like the Town of Clarkdale to be first in line with creditors with Bond Safeguard and felt the Town needs to enforce the terms of the bonds to get the attention of Bond Safeguard. If the Town does file the lawsuit, Mayor Von Gausig would like to ensure that the Town keeps a close eye and all the expenditures of such action. Mayor Von Gausig knows that the Town Manager does review the Town Attorney billing, but would like this item to be closely watched and the Council apprised of the cost being incurred.

Councilmember Dehnert motioned to authorize the Town Attorney to file a court complaint against Bond Safeguard Insurance Company for failure to honor its surety bonds issued to the Town of Clarkdale on the Mountain Gate Subdivision, insuring the completion of the subdivision

infrastructure required to be constructed by the developer, Empire Residential Construction Company, L.P. Vice Mayor Wiley seconded the motion. Motion was approved unanimously.

**CLARKDALE SUSTAINABILITY PARK** – Direction to staff relating to the advancement of the proposal to create a Clarkdale Sustainability Park.

Town Manager Mabery informed Council that the Clarkdale Sustainability Park has taken on a world of its own. When the Town began discussions on the Clarkdale Sustainability Park, enthusiasm for the concept is greater than the Town Manager had witnessed before. Positive comments have come from several different people who were in attendance and those who have heard about it from other sources. It is exciting and will demand a lot of attention as we move forward to the next steps. Before the Town Manager directs staff to shift workloads to support this project, staff needs direction and approval from Council. The staff reports defines some first steps to allow this project to move forward; development of a scope of work for the feasibility study, making presentations to key stakeholders, developing presentation and outreach materials and work with property owners to identify land acquisition. Some of those presentations to key stakeholders have already taken place from the enthusiasm generated from the September 29 Council meeting.

Mayor Von Gausig informed Council that the time resource of the staff has been a major discussion of the Clarkdale Sustainability Park working group of Mayor Von Gausig, Town Manager Mabery, Assistant Town Manager Perry and Community Development Director Bailey that have already been working on the project. This project will need time and involvement from staff, Council, General Plan Update Committee, Planning Commission, and all the other Town Boards and Commissions. The Clarkdale Sustainability Park working group has begun to identify a study group for a feasibility study on the scope of work that will tell us how the project will work and go together. The Town Manager and Mayor will be blocking time to give presentation on the project to identified stakeholders.

Councilmember Williams stated that COCOPAI Executive Committee had met and had requested a presentation to them at their January meeting. COCOPAI is federally funded and does have some funding capabilities.

Councilmember Dehnert asked Town Manager Mabery what she saw as the problems of diverting staff time to this project. Town Manager Mabery replied that there is an impact on the staff but not a detriment. The Strategic Planning session should set the direction to staff. Staff has in the past used the Strategic Planning meeting to create the plan of direction with Council prioritization.

Councilmember Dehnert questioned what if the direction to staff is to do no more than apply for a grant to do a feasibility study? Town Manager Mabery replied, there is a lot to do to get to the feasibility study, a scope of work has to be done and a formation of involvement group. Staff will continually report back to Council on this project.

Councilmember Dehnert asked where is the biggest strain on Town staff in getting the normal flow of work and essential services done. Town Manager Mabery replied that Community Development Director Bailey and the Community Development department will have the most impact. The General Plan Update Committee has already moved, the projected date for the General Plan Update to November 2011.

Councilmember Dehnert is in support of the project and believes in the project but with the new economic realities, the Town may hit a brick wall in the future and may require him to change support in the future.

Mayor Von Gausig agreed with Councilmember Dehnert and added that essential Town services cannot suffer from the support of this project.

Vice Mayor Wiley supports the essential Town services, which is what the Town does and is the mission. The money the Town has should support Town services. The concept is great and Vice Mayor Wiley is enthusiastic about the project and agrees with Councilmember Dehnert, he will give his support now, but the Town needs a Strategic Planning session, and information on positive timeframes and positive dollars. Funds need to be grant dollars and Vice Mayor Wiley does not support the use of Town funds or the project being placed on the shoulders of the current taxpayers of Clarkdale.

Councilmember Williams is for the project and supports the application for grant money for the feasibility study. This is going to be a very long and large project and we need to be aware of that fact. In the long run this would be a benefit to the Town.

Councilmember Bohall thought this was the ideal time to do this project, with Community Development not busy with construction and permits at this time they may have the ability to support the project.

Councilmember Bohall moved to authorize the staff, mayor and council to work on the development of a scope of work for the feasibility study of the Clarkdale Sustainability Park; to make presentation to key stakeholders including legislators, land owners, potential tenants, and/or investors, the media, educational and other civic and business institutions; to develop presentation and outreach materials for on-line and print; and to work with property owners to identify land acquisition alternatives. Councilmember Williams seconded the motion.

Further Discussion: Councilmember Dehnert had one point of concern in the staff report background summary; "At this early stage, it is important for the staff to have solid instruction from the Town Council that Clarkdale's political will is truly behind this effort," is a major statement. Councilmember Dehnert does not know if his political will is behind the project, but does want to find out more. Mayor Von Gausig felt that the political will is behind this effort, the effort being these preliminary steps. Councilmember Dehnert does support these early steps.

Motion was approved unanimously.

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

Set date for next Clarkdale Council Strategic Planning.

#### **ADJOURNMENT 7:20 PM**

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