

**Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, September 14, 2010.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 14, 2010, at 6:00 PM at Community Room of the Clarkdale Administration Building, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 6:00 PM by Mayor Von Gausig at the Community Room of the Clarkdale Administration Building.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Development Director Sherry Bailey
Human Resources/Community Services Director Janet Perry
Public Works Director Burroughs
Utilities Director 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.

Drake Meinke, Clarkdale – Brought 10 mock kiosk panel units for the Council to look at.

INFORMATIONAL REPORTS

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

1. Visited Sedona Recyclables to see how their organization works from a load being delivered, sorted, bailed and sent to their customer.
2. Met with Attorney Pecharich and Town Manager Mabery regarding the property around Peck's Lake.
3. Had lunch with Dan Campbell, Jean Marie Haynie, and Mayor Joens regarding Jean Marie's position duties on the Yavapai County WAC Technical Advisory Committee.
4. Revised the Clarkdale Sustainability Park PowerPoint for the Governor's World Development Conference presentation.
5. Attended a workshop with the Four Forest Restoration Initiative where they are looking at

opportunities for the slash and organics from thinning the forests.

6. Met with Nature Conservancy representatives regarding possible changes to irrigation systems in the Verde Valley.
7. Attended the Resolutions Committee meeting at League Conference along with attending the League Conference.
8. Worked with the Clarkdale Sustainability Park group regarding review of the CSP management applications.
9. Held a Clarkdale Sustainability Park presentation.
10. Met with Ray Bluff regarding bidding alternatives in California.
11. Attended interviews for the CSP management position.

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

1. Clarkdale is hosting the Yavapai County Mayors and Managers meeting at Su Casa on Friday.
2. The next Clarkdale Sustainability Park presentation is on September 29th at 3:00 p.m.
3. The Fire District is holding hands-on training events for CCR on October 5th in the Clark Memorial Clubhouse and October 6th at Yavapai College.
4. The Pool Committee is meeting every two weeks and is having their first fund raising event with a dinner at Main Street Restaurant.

CAT – A report regarding the Cottonwood Area Transit. Councilmember Williams reported that there was no meeting, but passed out an article regarding Yavapai County dropping funding to CAT. Town Manager Mabery explained that Yavapai County only reduced funding, and NAIPTA received a grant which will offset some of that. Probably, the Verde Villages will be impacted, not Clarkdale.

VVTPO – Report regarding the Verde Valley Transportation Planning Organization & other transportation affiliations. No report

COCOPAI – A report regarding the Coconino Yavapai Resource Conservation District. Councilmember Williams stated that the meeting would be next week where a decision will be made as to whether COCOPAI will continue to be an organization or not due to lack of participation, funding being in limbo, and lack of a coordinator.

VVLPI – A report regarding the Verde Valley Land Preservation Institute. Councilmember Williams handed out the approved Minutes, which are on file. There was a special meeting called regarding a Quit Claim Deed for the Fox Ranch (conservation) easement.

NACOG - A report regarding the Northern Arizona Council of Governments. Vice Mayor

Dehnert reported that he was unable to attend the 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 the Verde River Basin Partnership meeting which had discussions regarding spending the Walton Family Foundation grant money. They also decided to pursue 501 C3 Nonprofit Corporation status.

WAC - A report regarding the Yavapai County Water Advisory Committee. Mayor Von Gausig attended the Technical Working Group CYWORMS meeting working with discussions regarding looking at future supply issues for Phase 3 of the Bureau of Reclamation Study. If growth continues, there would be a 45,000 acre foot deficit, which means that we are using all the water that is legally available to us now and any additional growth causes a deficit in the supply.

VVREO – A report regarding the Verde Valley Regional Economic Organization. Councilmember Regner reported that there was a presentation from the National Bank of Arizona regarding lending programs to fund conversions to energy efficient technologies that are paid back primarily through cost savings. There were also updates on the Broadband Coalition, eSedona being available in Clarkdale, concern about Yavapai County zoning requirements regarding wind and solar generating sites, creation of state wide Enterprise Zoning, sustainable agricultural update, and discussion of VVREO's role and branding. By-law questions regarding the participation of municipal elected official representatives are being looked at. Councilmember Regner will attend the meetings in order to keep the Council updated on their progress.

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 August 10, 2010.
- B. Claims** - List of specific expenditures made by the Town during the previous month. August check log and PPE 8/01/10.
- 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 cancelled notice for August 25, 2010
 - Design Review Board minutes of the meeting held August 11, 2010
 - General Plan Update Committee cancelled notice for August 16, 2010
 - General Plan Update Committee/Planning Commission cancelled agenda for August 3, 2010
 - General Plan Update Committee/Planning Commission cancelled agenda for August 17, 2010

Parks and Recreation Board minutes of the meeting cancelled notice for August 11, 2010
Planning Commission minutes of the meeting held August 17, 2010

Councilmember Williams moved to accept the Consent Agenda Items A – C as prepared by staff. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

NEW BUSINESS

REQUEST FOR WAIVER OF TOWN FEES FOR THE SECOND ANNUAL HISTORIC BUILDING AND HOME TOUR OF CLARKDALE – Discussion and consideration of a request from the Clarkdale Historical Society and Museum for a waiver of Town Fees for the use of the Men’s Lounge for the Second Annual Historic Building and Home Tour of Clarkdale scheduled for December 11th and 12th, 2010.

The Clarkdale Historical Society and Museum is currently organizing the Second Annual Historic Building and Home Tour of Clarkdale. This will be a fundraising event for the Clarkdale Historical Society and Museum and is scheduled for December 11th and 12th, 2010. Tickets to attend the event are \$20.00 per person.

This is an annual fundraising event which will offer the opportunity to share our rich history with residents and visitors, while creating a tourist destination at the same time. The tour will include St. Cecilia’s Church, Clarkdale High School, and five homes in both upper and lower Clarkdale. After the tour the group will gather in the Men’s Lounge for a catered lunch and the opportunity to explore through the Clubhouse, this includes the Men’s Lounge, Ladies’ Lounge, Auditorium and Reading Room. The event will be held in conjunction with Made in Clarkdale and the Library’s Annual Book Sale allowing the tour to showcase the unique architecture of the Clark Memorial Clubhouse.

The Clarkdale Historical Society and Museum has requested a reservation for the Men’s Lounge for December 11th and 12th, 2010. They have committed that the Clarkdale Historical Society and Museum will be responsible for set-up, break-down and clean-up for this event. The possibility exists that they might also request the kitchen facilities, but that will be confirmed later. Cindy Emmett, on behalf of the Clarkdale Historical Society and Museum, is requesting that the Town waive the regular fees, including the damage/cleaning deposit, for use of the Men’s Lounge in support of this event.

The standard fees for use of the Men’s Lounge would total \$480.00 which would include a \$300.00 refundable deposit fee.

Councilmember Williams moved to approve waiving the fees, including the required damage/cleaning deposit, for use of the Men’s Lounge for the Second Annual Historic Building and Home Tour of Clarkdale December 11&12, 2010. Motion seconded by Councilmember Bohall. Motion approved unanimously.

REPORT REGARDING THE 2010 LEAGUE OF ARIZONA CITIES AND TOWNS ANNUAL CONFERENCE – Discussion regarding information gathered at the 2010 League of Arizona

annual conference.

Mayor Von Gausig, Vice Mayor Dehnert, Councilmember Bohall, Councilmember Regner, and Town Manager Mabery attended the 2010 League of Arizona Cities and Towns Annual Conference. Everyone attending thought that it was a great networking opportunity. Councilmember Regner relayed that it expanded his understanding of town government and was able to gather pertinent information from the sessions he attended. Mayor Von Gausig conducted concurrent sessions on the Fundamentals of Open Meeting Laws and a session on sustainability and attended blue ribbon panel on water sustainability. Mayor Von Gausig was elected as Vice President of the League which is a great opportunity for Clarkdale and Northern Arizona.

Future agenda items - None

ADJOURNMENT - Without opposition, the Council adjourned at 7:00 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

Kathy Bainbridge, Town Clerk

**Minutes of a Special Meeting of the Common Council of the Town of Clarkdale
Held on Tuesday, August 31, 2010.**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, August 31, 2010, at 3:00 PM at the Community Room of the Clarkdale Administration Building, 39 North Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 3:00 PM by Mayor Von Gausig at the Community Room of the Clarkdale Administration Building and immediately adjourned and reconvened in the Men's Lounge in the Clark Memorial Clubhouse.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Development Director Sherry Bailey
Human Resources/Community Services Director Janet Perry
Public Works Director Burroughs
Acting Police Chief Troy Smith

Town Attorney Robert 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.

There was 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 2010
Capital Improvements Report – July 2010
Magistrate Court Report – July 2010
Police Department Report – July 2010
Water and Wastewater Report – July 2010
Clarkdale Fire District Report and Mutual Aid Responses Report – July 2010

Cottonwood Area Transit (CAT) Operations Report – July 2010
Verde Valley Humane Society – July 2010

- B. Resignation of John Stevenson from the Library Advisory Board** – Acceptance of the letter of resignation from John Stevenson from the Library Advisory Board.
- C. Resignation of Paul Peck from the Heritage Conservancy Board** – Acceptance of the letter of resignation from Paul Peck from the Heritage Conservancy Board.
- D. Resignation of Krysta Dehnert from the Parks and Recreation Commission** – Acceptance of the letter of resignation from Krysta Dehnert from the Parks and Recreation Commission.
- E. Joint Funding Agreement with the United States Geological Survey (USGS) for Water Resources Investigations** - Approval of the Joint Funding Agreement provides the mechanism for the Town to provide a sub-grant to the Verde River Basin Partnership/USGS for the Walton Family Foundation Grant.
- F. Intergovernmental Agreement Between Yavapai County Flood Control District and the Town of Clarkdale** – Approval of the IGA with the Yavapai County Flood Control District for flood control projects not to exceed \$100,000.00.
- G. A Resolution Amending Resolution #1291 by Changing the Composition of the General Plan Update Committee of the Town of Clarkdale** - Discussion and consideration of Resolution #1344, a Resolution amending Resolution #1291, changing the composition of the General Plan Update Committee.

Councilmember Williams moved to accept the Consent Agenda Items A – G as prepared by staff. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

Upon general consent, Mayor Doug Von Gausig re-ordered the agenda to take Item #6 out of order.

STEWARDS OF PUBLIC LANDS – A report relating to the Stewards of Public Lands recent receipt of a 2010 Conservation Organization of the Year Award from the Arizona Wildlife Federation.

The Arizona Wildlife Federation (AWF) is a non-profit organization dedicated to educating, inspiring, and assisting individuals and organizations to value, conserve, enhance, manage, and protect wildlife and wildlife habitat. The AWF was founded in 1923 to take politics out of fish and game management and to promote the management of Arizona's natural resources on a scientific basis. Each year, the AWF selects an Arizona organization to receive their Conservation Organization of the Year Award. Organizations are selected in recognition of their efforts towards conservation of Arizona's wildlife and natural resources for the preceding calendar year.

The Stewards of Public Lands is a group that organizes volunteers, government agencies and businesses to clean up and maintain the Verde Valley's beautiful public lands. Stewards work in creative ways to encourage collaboration of governmental entities at the federal, state and local level, working across jurisdictional lines and pooling resources.

This summer the Stewards of Public Lands were recognized by the Arizona Wildlife Federation with the 2010 Conservation Organization of the Year Award.

The Stewards of Public Lands "lead by doing." Stewards have provided more than 2000 hours of volunteer effort to clean 3300 acres of public lands in the Verde Valley since the organization formed. Stewards facilitated a process whereby towns, cities, counties, and state and federal governmental entities collaborated beyond jurisdictional boundaries, combining resources to remove more than 110 tons of trash and litter from upper Verde Valley public lands. Stewards have maintained the cleaned lands, as well as coordinated monitoring and law enforcement activities. The Stewards and their partners placed "No Dumping" signs covering more than 2200 acres, with plans in progress to place signage over the remaining 1100 acres. Additional dumping is greatly reduced and Stewards' maintenance efforts keep the minimal additional dumping cleaned up, thanks to the law enforcement and signage deterrents.

The Town of Clarkdale, through the leadership of Police Chief Patrick Haynie, has been involved with the Stewards of Public Lands since its beginning. Among the many Stewards volunteers, there are numerous Clarkdale citizens involved, and people like Debbie LaFrance (Clarkdale Utilities Department) who spends countless volunteer hours for this organization. Because the Stewards of Public Lands especially appreciate their municipal and county partners, Cottonwood's Mayor Diane Joens, who has been tirelessly involved with the organization since its inception, attended the Council meeting to show the Council a presentation.

Mayor Joens and Debra LaFrance presented the Mayor an award from the Stewards: "We appreciate the continued support of the Town of Clarkdale. Together we make a difference, and we appreciate your dedication. Thank you!"

PRESENTATION REGARDING YAVAPAI COUNTY WATER ADVISORY COMMITTEE'S (WAC) ROLE IN WATER STUDIES – John Rasmussen, WAC Coordinator, presentation on water and Yavapai County Water Advisory Committee's role in water studies.

The Yavapai County Water Advisory Committee (WAC) has been the principal water advisory and research organization in Yavapai County for more than 10 years. WAC is supported by all of the incorporated communities in Yavapai County and the county itself. Dues are set at \$1.00 per citizen. The WAC has a paid coordinator, Mr. Rasmussen, and holds monthly board meetings that alternate between Prescott and Cottonwood. There are two Co-chairs on the board, and they are currently Councilman Mike Flannery, of Prescott Valley, and Mayor Von Gausig. The board consists of elected

officials or their representatives from all incorporated communities and the three County Supervisors. It operates on a "consensus" basis.

WAC has been responsible for coordinating and contributing to several important USGS and consultant-conducted studies that have helped us define our water resources, and allow us to make more accurate decisions based on water usage patterns. WAC also supports several public education campaigns, including the "Project WET" classes and field days given to our area primary school students.

Funding for WAC studies is generally leveraged by grants from USGS, DWR and other agencies who cooperate with WAC. The WAC Technical Advisory Committee has members from "both sides of the mountain" and consists of water managers, hydrologists and other water professionals. The TAC advises the WAC board on technical issues and provides analysis of studies performed by the organization. The TAC members are appointed by the board.

WAC is currently involved in two major projects. The "Northern Arizona Groundwater Flow Model" is just being completed. It will provide us with the most accurate available data on how the groundwater in our area is flowing and allow us to make more informed decisions about the effects of pumping on our groundwater resources. WAC is also a major contributor and cooperator in the Central Yavapai Highlands Water Resource Management Study (CYHWRMS) currently being coordinated by the Bureau of Reclamation. This study will help predict population patterns for the next 40 years and provide guidance regarding the supply and demand of our current and future water resources."

The Arizona Wildlife Federation (AWF) is a non-profit organization dedicated to educating, inspiring, and assisting individuals and organizations to value, conserve, enhance, manage, and protect wildlife and wildlife habitat. The AWF was founded in 1923 to take politics out of fish and game management and to promote the management of Arizona's natural resources on a scientific basis. Each year, the AWF selects an Arizona organization to receive their Conservation Organization of the Year Award. Organizations are selected in recognition of their efforts towards conservation of Arizona's wildlife and natural resources for the preceding calendar year.

John Rasmussen, WAC Coordinator, attended the Council meeting to show the Council a presentation regarding membership and funding, mission and goals, past successes, current priorities and future plans.

Mayor Von Gausig reported that the Management Strategies of Safe Yield and Integrated Management were adopted by the Town of Clarkdale previously.

SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE HIGHLANDS SUBDIVISION BETWEEN THE TOWN OF CLARKDALE AND PTM ENTERPRISES, LLC – Discussion and consideration of the Second Amendment to the Development Agreement for the Highlands Subdivision with PTM Enterprises, LLC.

Community Development Director Bailey explained that on April 27, 2010, the Town Council held a worksession to discuss development issues relating to The Highlands Subdivision, which included several proposals being explored by PTM Enterprises (the current owner of the project) that focused specifically on wastewater service for the project. During the worksession, the Council expressed support for the efforts to move the development forward, but also expressed reservations about looking at wastewater options that included septic systems as part of the wastewater solution. Since that time, Town staff and the representatives of PTM have been working on a proposal for a 2nd Amendment to the Development Agreement that will provide a framework for both an interim wastewater solution as well as a permanent solution that both parties can agree to support.

The proposed 2nd Amendment to the Development Agreement includes the following provisions:

- ***Amends a paragraph in Section 8 of the Original Development Agreement with regard to Wastewater Development Impact and Wastewater Connection Fees.***

The amendment states: “The wastewater development impact and wastewater connection fees outlined above will be calculated throughout the development of the project, and will be subject to fee credits or reimbursements to the Developer if the Developer provides funds or constructs wastewater infrastructure that is the subject of the development impact and/or connection fees.”

The original Development Agreement and the 1st Amendment to the Development Agreement anticipated that, in exchange for the developer’s contribution towards wastewater infrastructure, the wastewater development and connection fees for the project would be waived (up to an amount that equaled the developer’s contribution). However, the current developer anticipates that many of the lots in this subdivision will be sold individually, and that custom homes will be built by individual owners. The new language in the proposed amendment will ensure that, as lot owners pay their individual fees, that appropriate amounts are credited to the developer in recognition of the developer’s up-front contribution towards the infrastructure. Were those fees simply waived, as anticipated in previous agreements, there is no way for the developer to recoup his contributions.

- ***Replaces Section 16 (which deals with the Wastewater System) of the original Development Agreement and the 1st Amendment to the Development Agreement in its entirety to reflect existing conditions today and define expectations for moving forward***

Section 16 of the original Development Agreement (which was approved in February, 2005) included provisions that, 1) identified the developer’s contribution towards the construction of a new wastewater treatment plant, 2) established fee credits for wastewater development and connection fees, 3) included provisions for the developer to install a on-site, temporary wastewater package plant to handle wastewater flows prior to the construction of the permanent solution (i.e. the new plant); and 4) called for the construction of sewer transmission lines and effluent deliver lines.

The proposed amendment provides specifications to guide the Developer and the Town to work towards adoption of a Permanent Wastewater Treatment Agreement, and establishes an initial 6-month time frame to do so. It also provides more specific provisions for the conditions under which the developer can proceed with construction of an Alternate Plant, if a Permanent Wastewater Treatment Agreement is not reached between the parties. The 2nd Amendment also establishes the uses for the \$1,826,200 of assurance funds that remain from the developer's original \$2,012,520 contribution towards construction of a new wastewater treatment plant.

The 2nd Amendment also calls for the town to allocate 25,000 gallons per day (gpd) of capacity at the existing wastewater treatment plant to be used for the initial phase of the subdivision. The total wastewater needs for this subdivision are estimated at 90,000 gpd, so the 25,000 gpd will serve approximately 28% of the subdivision's wastewater treatment needs. The initial phase (Phase 1) would include the commercial property, the existing 46 sold lots and the lots in the lower section, east of Old Jerome Highway. This provision provides the opportunity for the owners of the lots already sold to develop their lots in a timely manner, if they so desire.

Community Development Director Bailey explained that the 25,000 gpd commitment was arrived by looking at the peak usage over the year as a starting point. Then all of the lots around Town that had been guaranteed sewer connections which included vacant lots that had not been built on yet and had a right to be hooked up were looked at. About 40 lots in Mountain Gate have already paid fees which were allocated for along with development areas that had commitments and future areas such as the churches and existing small subdivisions that are on the books were also considered. That baseline allocation and what was available above that along with reserving what the Utilities Director felt comfortable reserving based upon ADEQ's requirement all went into the calculation.

Attorney Pecharich explained that under the 2nd Amendment the owners of the 46 lots have priority reservations for 11,000 gpd of the 25,000 gpd.

The 2nd Amendment also provides more specific requirements relating to the construction of a new wastewater treatment plant or permanent alternate treatment plant on site, lift stations, flow monitoring equipment and sewer interceptor lines from Mescal Spur to the connection point at Lisa Street from the remaining amount of assurance funds for construction of the wastewater treatment plant of about \$1,826,200. A requirement regarding the infrastructure construction occurring during the next year has also been included.

Mayor Von Gausig reiterated that there is no septic system alternative for this development.

- *Replaces Section 17, Construction of Town Facility, in its entirety.*

The original Development Agreement called for the Developer to dedicate land within the development and dedicate and construct a 3,000 square foot municipal building within 24 months of approval of the Final Plat of the subdivision.

The 2nd Amendment requires the Developer, within 48 hours of approval of the 2nd Amendment, to provide the Town with \$300,000 to be used for purchase of facilities or property, construction, or remodel of existing Town facilities. Such facilities and/or improvements shall be in a location and manner as deemed appropriate solely by the Town.

Market and economic conditions have changed considerably since this development was originally proposed in 2004 and finally approved in 2005. To their credit, the Developer (PTM Enterprises) have worked diligently to try to ensure that this project was not simply turned over to their financing institution (as so many projects across the state have been) as a victim of the economic downturn. Staff believes the proposed 2nd Amendment to the Development Agreement greatly improves the previous version of the Development Agreement, more accurately reflects the current and future needs of the Town, is fair to both the Town and the Developer and provides the best effort by all parties to move this development forward.

The funding for the \$300,000 building will be deposited into building fund for the Council to establish use at a later date.

There will be a \$100,000 deposit in an escrow account as agreed upon in the Escrow Agreement between PTM Enterprises, LLC and the Town of Clarkdale which will be simultaneously executed with the 2nd Amendment to the Development Agreement.

Vice Mayor Dehnert inquired about the lot owners as stakeholders - this Agreement gives priority to those 46 lots. Impact fees will be required when a building permit is pulled by the owners. The Town has tried to assure through the Agreement that any new costs incurred by the developer would not be subject to new liens going forward by owners of the original 46 lots.

The Town received a letter from Don and Carla Williams regarding their hardships with past development of this area which is on file.

Mayor Von Gausig opened Public Comment:

Barbara VanNye, Clarkdale – wondered about the timing of the wastewater treatment solution. Town Manager Mabery stated that the Agreement provides for a 6 month timeline, but gives as long as is needed for a long term solution. Ms VanNye also asked if there was a timeframe for completion of infrastructure. Town Manager Mabery explained that the only specific timeframe is moving forward with the interceptor.

Steve Biaisini, Project Manager – bids out for paving currently and design work for connection to Lisa Street is under way. The current package plant will certainly go away.

Mayor Von Gausig closed public comment.

Attorney Pecharich stated that under Section 16.5 there is a deadline of September 30, 2011 for the developer to arrange for completion for the lift station, flow monitoring equipment and sewer interceptor lines leading to and through the property to the Town's existing sewer connection line located in Lisa Street.

Attorney Pecharich stated that the Agreement in the council packet does not have two recent updates regarding the rights to the 46 property owners, which is included in the final 2nd Amendment as follows:

A language change under Recitals, paragraph B which states "Other than approximately 46 lots which have been conveyed to third parties ("Third Party Owners"), the Property, which has been known in the past as "Cliffrose" and "Verde Highlands", currently is owned by the Developer. Land Design Group L.L.C. no longer has any right, title, or interest in or to the Property."

The addition of Number 6. Third Parties. "The Third Parties who own the "Sold Lots" (reference above) shall not be responsible for the covenants and obligations of Developer which are imposed by, or agreed to in, this Amendment. Further, in absence of an express assumption of the provisions of the Agreement, as amended by this Amendment, the benefits and burdens of the Agreement shall remain vested solely with Developer."

Attorney Pecharich asked Attorney Dana Belnap, attorney for the developer, if she agreed that Attorney Pecharich had correctly read in the two provisions as described to the Council. Attorney Belnap agreed.

Councilmember Regner moved to approve the 2nd Amendment to the Development Agreement for the Highlands Subdivision between the Town of Clarkdale and PTM Enterprises L.L.C. as clarified by the Town Attorney with the additions read into the record. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

RESOLUTION DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER 13, FLOOD DAMAGE PREVENTION, OF THE CLARKDALE TOWN CODE IN ITS ENTIRETY, AND RECREATING CHAPTER 13, DAMAGE PREVENTION, SECTION 13-1-1, ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS, OF THE CLARKDALE TOWN CODE; ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS FOR YAVAPAI COUNTY, ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ADOPTING BY EMERGENCY MEASURES"-- Discussion and consideration of Resolution #1345, declaring Ordinance #328 to be a public record.

The Town of Clarkdale has previously delegated the responsibility of floodplain review and management to the Flood Control District of Yavapai County as provided for in ARS 48-3610. The referenced ordinance updates that agreement and brings Chapter 13 of the Town Code into compliance with the federal program. The Town has been a party to the Federal Insurance Program since the original Ordinance 71 was passed December 28, 1982. Working cooperatively with the County, the Town reviews each building application to see if the ordinance comes into play. Once that has been determined, the building division reviews their application to make sure everything complies with the floodplain ordinance. This relationship is beneficial to the Town, and to the individual applicant.

FEMA has informed the Town that they must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements by September 3, 2010, to avoid suspension from the NFIP. If suspended, the community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Whereas it is necessary for the preservation of the peace, health and safety of the Town of Clarkdale, Arizona, an emergency may be declared to exist and this Ordinance would become effective immediately, operative and in full force after the date of the posting with an affirmative vote of three-fourths of all the members elected to the Town Council, taken by ayes and noes, and also approved by the Mayor.

To save the cost of publishing in the newspaper a lengthy ordinance, this change is being first made a public record by resolution (this agenda item) and then is adopted by reference by an ordinance.

Councilmember Bohall moved to adopt Resolution # 1345, a Resolution declaring as a public record that certain document filed with the Town Clerk and entitled "An Ordinance Of The Mayor And Council Of The Town Of Clarkdale, Yavapai County, Arizona, Deleting Chapter 13 – Flood Damage Prevention of the Clarkdale Town Code In Its Entirety, And Recreating Chapter 13, Section 13-1-1; Flood Damage Prevention-Establishment Of Special Flood Hazard Areas; Adopting By Reference Revised Flood Insurance Study And Flood Insurance Rate Maps, And Floodplain Management Regulations For Yavapai County, Arizona; Providing For Repeal Of Conflicting Ordinances; Providing For Severability; And Adopting By Emergency Measures". Motion seconded by Councilmember Regner. Motion approved unanimously.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, DELETING CHAPTER 13, FLOOD DAMAGE PREVENTION, OF THE CLARKDALE TOWN CODE IN ITS ENTIRETY, AND RECREATING CHAPTER 13, DAMAGE PREVENTION, SECTION 13-1-1, ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS, OF THE CLARKDALE TOWN CODE; ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS FOR YAVAPAI COUNTY, ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ADOPTING BY EMERGENCY MEASURES - Discussion and consideration of Ordinance #328 , an Ordinance deleting Chapter 13, Flood Damage Prevention, of the Clarkdale Town Code in its

entirety, and recreating Chapter 13, Damage Prevention, Section 13-1-1, establishment of Special Flood Hazard Areas, of the Clarkdale Town Code, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations for Yavapai County, Arizona; providing for repeal of conflicting ordinances; providing for severability; and adopting by emergency measures.

The Town of Clarkdale has previously delegated the responsibility of floodplain review and management to the Flood Control District of Yavapai County as provided for in ARS 48-3610. This ordinance updates that agreement and brings Chapter 13 of the Town Code into compliance with the federal program. The Town has been a party to the Federal Insurance Program since the original Ordinance 71 was passed December 28, 1982. Working cooperatively with the County, the Town reviews each building application to see if the ordinance comes into play. Once that has been determined, the building division reviews their application to make sure everything complies with the floodplain ordinance. This relationship is beneficial to the Town, and to the individual applicant.

FEMA has informed the Town that they must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements by September 3, 2010, to avoid suspension from the NFIP. If suspended, the community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Whereas it is necessary for the preservation of the peace, health and safety of the Town of Clarkdale, Arizona, an emergency may be declared to exist and this Ordinance would become effective immediately, operative and in full force after the date of the posting with an affirmative vote of three-fourths of all the members elected to the Town Council, taken by ayes and noes, and also approved by the Mayor.

Vice Mayor Dehnert moved to approve Ordinance #328, an Ordinance of the Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, deleting Chapter 13 – Flood Damage Prevention of the Clarkdale Town Code in its entirety, and recreating Chapter 13, Section 13-1-1 ; Flood Damage Prevention- Establishment of Special Flood Hazard Areas; adopting by reference revised flood insurance study and flood insurance rate maps, and floodplain management regulations for Yavapai County, Arizona; providing for repeal of conflicting ordinances; providing for severability; and adopting by emergency measures. Motion seconded by Councilmember Regner. Motion approved by roll call vote.

- | | |
|---------------------------------|-----|
| Councilmember Curtiss Bohall | Yes |
| Vice Mayor Richard Dehnert | Yes |
| Councilmember Bill Regner | Yes |
| Mayor Doug Von Gausig | Yes |
| Councilmember Patricia Williams | Yes |

Upon general consent, Mayor Doug Von Gausig re-ordered the agenda to take Items #10 and #11 out of order.

A RESOLUTION OF THE TOWN OF CLARKDALE INCREASING THE PROJECT LIMIT UNDER THE MOHAVE JOB ORDER CONTRACT (JOC), FOR THE LOWER TOWN WATER MAIN REPLACEMENT PROJECT (LTWMRP), TO ONE MILLION SIX HUNDRED THOUSAND DOLLARD (\$1,600,000.00) –Discussion and consideration of Resolution #1346, A Resolution Increasing the Project Limit Under the Mohave Job Order Contract (JOC), for the Lower Town Water Main Replacement Project (LTWMRP), to \$1,600,000.00.

Utilities Director Debrosky reported that Arizona Revised Statutes 34-605 sets a one million (\$1,000,000) dollar job-order-contracting limit, but provides for an “agent”, by following public meeting procedures, to establish a higher or lower limit per job order.

On August 9, 2010 Parsons, under the Mohave Job-Order-Contract, submitted a scope of work, bid tab, and a cost estimate of \$1,383,499.91 for the Lower Town Water Main Replacement Project (LTWMRP) to upgrade water mains and appurtenances. A contingency line of \$138,350.00 or 10% of the project cost would bring the project total to \$1,521,849.91.

Since the purchase order for Parsons is above the \$1,000,000 limit, a Resolution increasing the project limit under the Mohave Job Order Contract (JOC), for the Lower Town Water Main Replacement Project (LTWMRP), not to exceed \$1,600,000.00 needs to be completed prior to acceptance of the purchase order.

Vice Mayor Dehnert moved to approve Resolution #1346, a Resolution Increasing the Project Limit Under the Mohave Job Order Contract (JOC), for the Lower Town Water Main Replacement Project (LTWMRP), not to exceed to One Million Six Hundred Thousand Dollars \$1,600,000.00. Motion seconded by Councilmember Bohall. Motion approved unanimously.

PARSONS CONTRACTING PURCHASE ORDER FOR THE OLD TOWN WATERLINE REPLACEMENT PROJECT - Consideration and possible approval of purchase order with Parsons Contracting for the Old Town Waterline Replacement Project, in the amount of \$1,383,396.00 using the Mohave Educational Services Cooperative, as authorized by ARS 41-2632.

On August 11, 2009 the Town Council approved a proposal from Wildan Engineering to design the above referenced water system infrastructure upgrades for Lower Town in the Town of Clarkdale.

These water system upgrades include replacing approximately 12,300 feet of aging waterlines located in Lower Town Clarkdale with new 8-inch C-900 PVC water mains, upgrading fire hydrants, and providing new customer service connections from the new mains to the water meters. The new Lower Town water mains would be tied into the recently completed Main Street water main and pressure reducing station. These improvements would reduce service outages, reduce water loss through system leaks, and improve fire protection for Lower Town.

The Mohave process is different than what everyone is used to for public procurement. Mohave is a non-profit corporation authorized by a fairly new statute (ARS 41-2632) to operate a co-op for the benefit of governmental entities. Mohave does all the competitive bidding, public notice, invitation to bid, etc in compliance with statute, so that its members, such as the Town of Clarkdale, do not have to. The advantage is that as a large co-op Mohave gets low prices that its individual members probably could not, due to the volume of business Mohave can send to approved vendors, through its membership. This is a contracting procedure that allows for the award of a competitively negotiated firm fixed price contract to the agency. It is based on unit pricing which is adjusted by an appropriate adjustment based on the appropriate work area. It allows more control of projects that just awarding a contract to a low bidder by limiting change orders. Parsons was qualified by Mohave to enter into contracts with entities and then Parsons acts as a project manager getting sub contractors and securing procurement of the items and providing the work. Parsons does the competitive bidding through approved contractors, providing the bonds, certificates of insurance, etc.

The Town has used Mohave JOC (Job Order Contracting) previously with the library renovations, paving, and Patio Park curb and gutters. Currently there are about 750 governmental entities using the Mohave Educational Services Job Order Contracting, including Phoenix.

Town Manager Mabery explained that there is a balancing act determining if you are going through a standard low bid process or using a job order contract. One thing looked at was the engineer's estimate, what is seen in the market, and where projects are coming in compared to the engineer's estimate. In this case going to the job order contractors, knowing what the engineer's estimate and working with them, knowing where we would come in. The engineer's estimate was about 1.5 million which did not allow a contingency. Those figures were a guiding factor, along with the other advantages of a JOC, and we felt that, from a pricing perspective, that we were in a good ball park compared to a standard low bidder scenario. Due to the various unknown factors that this project could run into, it was important to include a contingency so that we had enough funding. Contingency allows staff to add on additional cost saving items between the \$1,383,396 and \$1,521,736 amounts without bringing it forward to council.

On August 9, 2010 Parsons, under the Mojave Job Order Contracting (JOC), submitted a scope of work, bid tab, and a cost estimate of \$1,383,396.00 for the Lower Town Water Main Replacement Project (LTWMP) to upgrade the above referenced water mains and appurtenances. A contingency line of \$138,340.00 or 10% of the project cost would bring the project total to \$1,521,736.00. Parsons is the management services and they will select the contractor from a pool of contractors. The funding source is the capital funds put aside at the time of purchase of the water company for infrastructure projects.

Parsons went through the Mohave bidding process and was approved by Mohave. Our Town Code allows us to work under a cooperative agreement such as this. Parsons is a licensed contractor. Parsons secures sub-contractors for pre screening under the Mohave guidelines.

The 10% contingency allows the staff the administrative authority to extend the contract up to 10% higher than the \$1,383,396 to add on additional cost savings projects. If it goes beyond that, staff needs to come back to Council for authority.

If the project went out for low bid, it could come in with a lesser price with a very real possibility for many change orders so the cost estimate would come in higher. With a low bid process, the Council must accept the lowest qualified bid.

Councilmember Bohall moved to approve the purchase order with Parsons Contracting for the Lower Town Waterline Replacement Project, as corrected (instead of Old Town Waterline Replacement), in the amount of \$1,383,396.00, using the Mohave Educational Services Cooperative, as authorized by ARS 41-2632. Motion seconded by Councilmember Regner.

Mayor Von Gausig opened Public Comment.

Ray Bluff, Gantry Constructions - Not necessarily a project that Gantry would bid on due to size. He questioned his thought of missing the public bid, but now understands that bidding process was not publicized due to the cooperative agreement process. The cooperative agreement process has two layers of project management overhead. No one came out and actually did on site cost estimate, they base their price on unit pricing. Richardson and Means were used which are estimates that are factored by area. The contracting method discourages change orders but change orders would occur due to changed conditions, changed designs, or poor initial designs. Who is the contract with – who is ultimately responsible? Project management could be done for a cost by the design engineer if the project is bid out. Wished the Town luck in the project.

Town Manager Mabery explained that Wildan will play a role in the project management and working closely with the project manager, contractor and Town. The Town opted last year not to put them in a full management role because it was about an extra \$300,000 and the Town felt they had the combined resources to have them do some of it and staff the other portion. It is their ultimate responsibility to sign off on the project.

Vice Mayor Dehnert is uncomfortable with the procurement process.

Councilmember Regner still feels uncomfortable regarding the benefits of the change order process through a JOC discussion and feels the decision should not be made based upon limited change orders through this process.

Attorney Pecharich explained that we could go out for bid and reject all bids which could take another two months.

Mayor Von Gausig stated that a Utility Director has been hired to give the Council advice on how to proceed in their line of work, decisions should be made based upon that. Council agreed upon that.

Motion approved with Councilmember Regner opposed.

Councilmember Regner stated that his nay vote was no reflection on staff.

FINANCIAL OPERATION GUIDE UPDATES- Discussion and consideration regarding updates to the Financial Operations Guide for the Town of Clarkdale.

The purpose of the Financial Operation Guide (FOG) is to set policies and procedures established to govern and to implement fiscal policy and financial management related to the Town of Clarkdale. The general purpose of this document is to provide a working guide to established financial policies and procedures.

The Financial Operations Guide (FOG) working group, made up of representatives from various departments, reviewed the Introduction, Payroll, Cash Receipts, and Cash Disbursements sections of the FOG. Since the last update to these sections was in 2002, there were many changes referencing new staff positions, new accounting software and the actual working processes currently being used.

Councilmember Regner moved to approve the Introduction, Payroll, Cash Receipts, and Cash Disbursements sections of the Financial Operations Guide as presented by staff. Motion seconded by Councilmember Williams. Motion approved unanimously.

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

None

ADJOURNMENT - Without opposition, the Council adjourned at 6:30 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

Kathy Bainbridge, Town Clerk

**Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, September 21, 2010**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 21, 2010, at 3:00 p.m. in the Administration Building Conference Room, 39 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 3:00 PM by Mayor Von Gausig at the Community Room of the Clarkdale Administration Building.

Town Council:

Mayor Doug Von Gausig

Vice Mayor Richard Dehnert - Absent

Councilmember Patricia Williams

Councilmember Curtiss Bohall

Councilmember Bill Regner

Town Staff:

Town Clerk/Finance Director Kathy Bainbridge

Community Development Director Sherry Bailey

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 .

EXECUTIVE SESSION - The Council may vote to discuss the following matters in executive session pursuant to §38-431.03(A)(3) discussion or consultation for legal advice with the attorney representing the public body; A.R.S. §38-431.03(A)(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 in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. The executive session will be held immediately after the vote and will not be open to the public.

A) GUSTAVO A. AND VICTORIA L. VARGUS vs. TOWN OF CLARKDALE

Without opposition, the Council recessed to Executive Session at 3:05 P.M.

Without opposition, the Council adjourned the Executive Session at 3:24 P.M.

ADJOURNMENT - Without Opposition, the Council adjourned at 3:25 P.M.

APPROVED:

ATTEST/SUBMITTED

Doug Von Gausig, Mayor

Kathy Bainbridge, Town Clerk

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Town Council:

Mayor Doug Von Gausig

Vice Mayor Richard Dehnert - Absent

Councilmember Patricia Williams

Councilmember Curtiss Bohall

Councilmember Bill Regner

Town Staff:

Town Clerk/Finance Director Kathy Bainbridge

Community Development Director Sherry Bailey

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No public comment .

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Without opposition, the Council adjourned the Executive Session at 3:24 P.M.

ADJOURNMENT - Without Opposition, the Council adjourned at 3:25 P.M.

APPROVED:

ATTEST/SUBMITTED

Doug Von Gausig, Mayor

Kathy Bainbridge, Town Clerk

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 28, 2010, at 3:00 PM at Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 3:00 PM by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig

Vice Mayor Richard Dehnert

Councilmember Patricia Williams

Councilmember Curtiss Bohall

Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery

Community Development Director Sherry Bailey

Human Resources/Community Services Director Janet Perry

Acting Police Chief Troy Smith

Utilities Director Wayne Debrosky

Public Works Director Steve Burroughs

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

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 – August 2010

Capital Improvements Report - August 2010

Magistrate Court Report – August 2010

Police Department Report – August 2010

Water and Wastewater Report – August 2010

Clarkdale Fire District Report and Mutual Aid Responses Report – August 2010

Cottonwood Area Transit (CAT) Operations Report – August 2010

Verde Valley Humane Society – August 2010

B. Intergovernmental Agreement Between the State of Arizona Through its

Department of Transportation (ADOT) and the Town of Clarkdale – Approval of an Intergovernmental Agreement (IGA) between the State of Arizona through its

Department of Transportation (ADOT) and the Town of Clarkdale for bridge inspection

services.

- C. **Resolution Making Appointments To The Board Of Adjustment** – Approval of a resolution amending Resolution #1312, making appointments to the Board of Adjustment.
- D. **Resolution Making Appointments To The Design Review Board**– Approval of a resolution amending Resolution #1313, making appointments to the Design Review Board.
- E. **Resolution Making Appointments To The Parks And Recreation Commission** – Approval of a resolution amending Resolution #1315, making appointments to the Parks and Recreation Commission.
- F. **Resolution Making Appointments To The Planning Commission** – Approval of a resolution amending Resolution #1332, making appointments to the Planning Commission.
- G. **Resolution Making An Appointment To The Public Safety Personnel Retirement Board** – Approval of a resolution amending Resolution #1309, making an appointment to the Public Safety Personnel Retirement Board.
- H. **Resolution Making An Appointment To The Heritage Conservancy Board** – Approval of a resolution amending Resolution #1325, making an appointments to the Heritage Conservancy Board.
- I. **Yavapai County Free Library District Library Service Agreement**– Approval of the 2010–2011 Yavapai County Library District Library Service Agreement with the Town of Clarkdale.
- J. **Funding Agreement Between the Arizona Department of Housing and the Town of Clarkdale for Broadway Road Improvements** – Approval of the Funding Agreement with the Arizona Department of Housing for the Community Development Block Grant (CDBG) Broadway Road Improvement Project.

Councilmember Williams moved to accept the Consent Agenda Items A through J as prepared by staff. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

UPDATE BY THE HERITAGE CONSERVANCY BOARD REGARDING THE STATE CENTENNIAL PLANS - An update by the Heritage Conservancy Board regarding the State Centennial Plans.

The Town Council requested the Heritage Conservancy Board to lead the organization of the 2012 Centennial Celebrations for the Town of Clarkdale. On October 21st, 2009, the Heritage

Conservancy Board agreed to accept this role in preparing for the State and Town Centennials in 2012.

The State has asked Arizona municipalities and counties to celebrate the state centennial throughout 2012. In an effort to accomplish this, the Yavapai County Centennial Committee was formed. The Yavapai County Centennial Committee meets once a month and is working on several projects, including coordinating celebrations at each of the municipalities throughout the county. Drake Meinke, Heritage Conservancy Board Chairperson, has accepted the role to represent the Town of Clarkdale on this committee.

The Heritage Conservancy Board continues to discuss different ideas for the Centennial Celebrations. The Heritage Conservancy Board has invited the Clarkdale Historic Society and Museum and the Clarkdale Chamber of Commerce to get involved in the planning of the Centennial events.

Drake Meinke – HCB Chair described a notebook being made available for each kiosk. He attended a Northern AZ Centennial Summit in Flagstaff 3 weeks ago, a meeting to discuss a variety of ideas for celebrations throughout the state. He described many ideas and presented a display illustrating potential Centennial projects. He recommends Clarkdale's Historic District be a Legacy Project and distributed a possible submission for that idea. The Mayor asked how HCB is moving forward; Drake stated the Legacy Project will be their focus. The Town Manager noted 7-1-12 is the Town's Centennial, making the 4th of July celebration an appropriate date of recognition. Council members were in agreement.

A RESOLUTION AMENDING RESOLUTION #553 BY CHANGING THE COMPOSITION OF THE LIBRARY ADVISORY BOARD OF THE TOWN OF CLARKDALE - Discussion and consideration of a Resolution amending Resolution #533, changing the composition of the Library Advisory Board from seven (7) members to five (5) members.

In 2008, the Library Advisory Board (LAB) Application Review Committee requested the Deputy Clerk to investigate why the Board was the only Board/Commission that had seven (7) members. The Deputy Clerk found no legal reason for the LAB to be a seven (7) member Board. This information was presented to the 2009 Library Advisory Board Application Review Committee, who then recommended changing the composition of the Board to five (5) members through attrition by not appointing members to fill vacancies throughout the year.

The LAB was originally created by Resolution #553 on December 13, 1988. The LAB is not mentioned in Chapter 17 – Boards and Commission, thus not requiring an ordinance change. Section 2-4-7, Committees and Commissions of the Clarkdale Town Code, gives the Council the authority to create boards, committees, and commissions. Currently, the LAB has three (3) vacancies due to resignations. The proposal to Council is to create a five (5) member LAB through attrition.

Councilmember Bohall moved to approve Resolution # 1353, A Resolution Amending Resolution #553 by Changing the Composition of the Library Advisory Board of the Town of Clarkdale. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

A RESOLUTION MAKING APPOINTMENTS TO THE LIBRARY ADVISORY BOARD – Discussion and consideration of a resolution amending Resolution #1308, making appointments to the Library Advisory Board.

The Library Advisory Board has six vacancies, three terms expiring September 30, 2010 and three vacancies. Paula Olguin, Roberta Peterson, Sue Hill and Joy Best have applied. The Application Review Committee met, reviewed the applications and put forward their recommendation that Paula Olguin, Roberta Peterson, and Sue Hill be appointed to a two year term on the Library Advisory Board and Joy Best be appointed to a three year term in order to stagger terms. Approval of this recommendation would comprise the LAB of five members.

Councilmember Bohall moved to approve Resolution # 1354, a Resolution Amending Resolution #1308, Making Appointments to the Library Advisory Board. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

WORKSESSION ON THE REGULATION OF FIREWORKS WITHIN THE TOWN BOUNDARIES – Discussion regarding the local regulation of fireworks.

HB2246 from the Second Regular Session of the 49th Arizona Legislature 2010 authorizes the sale of certain kinds of consumer and display fireworks in the state. It defines these fireworks and authorizes the State Fire Marshal to adopt rules regarding the sale of fireworks and requires retailers to comply with those rules. The legislation includes provisions allowing cities and towns flexibility to regulate the use of fireworks within their municipal boundaries. The bill is effective December 1, 2010.

As a result of significant interest expressed by cities and towns relating to the regulation of fireworks in their jurisdictions, the League of Arizona Cities and Towns put together a work group to develop guidelines for implementing HB2246, as well as a model ordinance that communities could customize depending in their level of interest in regulating fireworks.

The League's Model Ordinance is written to give cities and towns a menu of options to consider. The options are completely up to the individual cities and towns, and include a broad range of possibilities, including:

- Entirely banning the use, discharge or ignition of fireworks within the city/town
- Banning the use in most cases, but providing exceptions for:
 - The use, discharge or ignition of fireworks within the City/Town on certain days (i.e. Fourth of July and New Year's Eve) and during certain hours (i.e. 4:00 p.m. and 10:00 p.m.)
- Banning the use, discharge or ignition of fireworks on all public property including in all public parks and public right of way.
- Banning the use, discharge or ignition of fireworks on days specified by the Fire Marshall/Chief as presenting a high fire danger.
- Allowing Fireworks only with a permit issued by the Fire Marshal/Fire Chief, or a designee.

Several jurisdictions in the Verde Valley are considering the adoption of some sort of fireworks regulations. The Clarkdale Fire District is interested in seeing the Town of Clarkdale adopt an

ordinance that regulates fireworks in some way, and are expected to discuss their recommendations at their September 16th Board Meeting.

It is important to note that, out of concern for increased fire dangers, the local Fire Districts/Departments are taking the lead role in advocating for the adoption of local ordinances regulating the use of fireworks. However, enforcement of any ordinance that is adopted will primarily fall to the Clarkdale Police Department.

Chief Moore's reported that the Fire District Board has unanimously agreed to a complete ban of fireworks. A concern is that if Clarkdale remains a lone town approving the use of fireworks, we are inviting increased activity to our area. A positive is that enforcement is clearer if ban is complete, year round. It was clarified the ban would be for private use, not to affect commercial firework displays. Forest Service maintains a zero tolerance for use of fireworks. Chief Moore will return data on number of fires started each year by use of personal fireworks.

Discussion: The capability exists to legally restrict certain sales in certain areas; good signage is a vital part of informing of the enforcement; it would be a misdemeanor offense; whether or not to include sparklers in list of prohibited 'novelty items' in the ban, deciding to leave novelty items exempt from the ban.

Council directed staff to work with the Clarkdale Fire District to develop an ordinance regulating the use of fireworks in the Town of Clarkdale.

ISO'S (INSURANCE SERVICES OFFICE, INC.) PUBLIC PROTECTION CLASSIFICATION SUMMARY REPORT FOR THE CLARKDALE FIRE DISTRICT - A review from Clarkdale Fire District Chief Joe Moore of highlights in the Public Protection Classification Summary Report.

The ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. In each of those communities, ISO analyzes data and assigns a Public Protection Classification (PPC) – a number from 1 to 10, with Class 1 representing exemplary fire protection. The surveys are conducted whenever it appears that there is a possibility of a classification change.

The efforts of the Fire Department/District itself are only one part of the overall criteria used to determine the PPC. A community's PPC depends on:

- Fire alarm and communication systems, including telephone systems, telephone lines, staffing and dispatching systems.
- The fire department, including equipment, staffing, training and geographic distribution of fire stations/companies.
- The water supply system, including condition and maintenance of hydrants, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires.

The last time ISO came to Clarkdale to conduct a full evaluation of the department, water system and communication systems, was in 1989. As a result of the 1989 evaluation, Clarkdale's ISO rating was 7/9. Properties which are over 1000 feet from the nearest hydrant were classified as a

“9” and those within 1000 feet were rated a “7”. Obviously, much has changed in Clarkdale since the last ISO evaluation. In 1989, Clarkdale had an all-volunteer municipal department. In those days, although we had very dedicated personnel, there were not very many of the policies/procedures and standards in place that ISO looks for during an evaluation. Since the Clarkdale Fire District formed, they have strived to improve the service they provide to the community in many ways, including:

- Consistent equipment testing, i.e. hydrants, hoses, ladders, engine pumps, etc.
- Extensive documentation of maintenance and repair records of equipment and apparatus.
- Purchase of equipment, i.e. large diameter hose, pike poles, attic ladder, nozzles, etc.
- Additional manpower. With the assistance of a SAFER grant, the Clarkdale Fire District was able to hire three additional personnel in March 2009, resulting in three full-time personnel on every shift.
- Personnel training. A large part of a firefighter’s time is spent training. The amount and type of training is now methodically tracked and documented.

In addition, the Town of Clarkdale purchased the local water company from a private owner. Private owners of water systems in Arizona have no responsibility to provide water for fire protection. With that in mind, prior to the Town’s purchase in 2006, there was no reason for the private water company owner to make capital improvements to the water system specifically for fire protection. The Town of Clarkdale does have a responsibility to provide water for fire protection, and is funding projects specifically to improve fire protection capacity.

ISO’s PPC Program plays an important role in the underwriting process at insurance companies. Most U.S. insurers use PPC information as part of their decision making process when deciding what business to write, coverage’s to offer or prices to charge for personal or commercial property insurance.

Because many of the changes since the 1989 rating were expected to improve the community’s PPC, and could, therefore, have a positive impact on insurance rates for property owners in Clarkdale, Clarkdale Fire Chief Joe Moore requested a review from ISO in 2009. As a result, representatives from ISO conducted a review for the Clarkdale Fire District which began in 2009 and concluded in February, 2010. The review included evaluations not only of the Clarkdale Fire District, but of the Town of Clarkdale’s water delivery system for fire suppression. As a result of the review and subsequent report, the PPC for Clarkdale improved from 7/9 to 5/9.

Clarkdale Fire District Chief Joe Moore reported that challenges to ISO’s data resulted in the 5/9 rating being brought very near 4/9. Chief Moore will continue working through remaining data hoping to reach the 4/9 rating. A letter of accreditation from ISO will be issued, each homeowner will need to address the rating with their own homeowner insurance.

AUTHORIZATION TO ALLOW A TEMPORARY USE AS A HAUNTED HOUSE AT THE OLD SCHOOL HOUSE LOCATED AT 600 FIRST NORTH FOR THE WEEKENDS LEADING UP TO HALLOWEEN – Discussion and consideration regarding a temporary use as a haunted house requested by Ron Roope of Haunted Tours of Jerome for the property located at 600 First North.

The owners of the old school house at 600 First North Street and Ron Roope of Haunted Tours of Jerome have requested that the Council allow them a temporary use for the weekends of

October 8, October 15, October 22, and October 29, 2010. They would like to have a haunted house tour at that location. They intend on using just half of one floor and will be holding the tours only on the above mentioned weekends Friday through Sunday. This haunted house design will be similar to the ones that used to be held at Young's Farm. Individuals will enter only on the First North side through the main entrance. This entrance will be lighted with low level lights to prevent light pollution but provide for safety. There will be attendants in each room with flashlights to direct traffic and prevent any mishap. The attendees will park in front of the school and at the ball field.

The school is in a R-3 multi-family zone. It has historically been used not just as a school but as individual artist's studios. This request does not fit neatly into any category in our Zoning Code. Normally, such a request would be handled as a conditional use which would run with the land. However, since this is a temporary use request which will expire after Halloween a conditional use did not seem appropriate. A rezoning also did not seem warranted. Given the short nature of the request, staff believes this does fit under the accessory use definition of the Code that allows uses incident to a permitted use, in this case the artist's studios.

Discussion: The neighbors that have been informed of the request have not expressed negativity. The homes nearby should be notified. There was concern about closing time.

Ron Roope of Haunted Tours of Jerome stated that they have walked the school neighborhood and spoken with many residents who were all receptive to the idea, saying Supervisor Davis suggested the idea of a haunted house in the school building. He shared a promotional poster. A visit through the haunted house would last about 30 minutes. Mr. Roope will report back regarding whether or not this a taxable operation. The noise level should not be a factor. Chief Moore would like to inspect the premises every Friday. Proceeds will benefit local museums.

Mayor Von Gausig moved to authorize the temporary use as a haunted house for 600 First North Street on the weekends of October 8, October 15, October 22, and October 29 with the following stipulations:

- a. The hours are limited to 6:00 p.m. to 10:30 p.m. Friday and Saturday only on the above stated weekends.
- b. The interior design must receive approval from the Clarkdale Fire Department and the Fire District will inspect the premises prior to operation.
- c. All parking must have directional signage and be limited to First North Street and the ball field site.
- d. Exterior lighting will be low level and will not violate the town's night sky lighting ordinance.
- e. The structure, both interior and exterior, will be returned to its original state with all evidence of the last haunted house removed within one week of the end of event.

Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

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

None.

ADJOURNMENT - Without any further business, the Council adjourned at 4:20 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

Kathy Bainbridge, Town Clerk