

**Minutes
Town of Clifton
Town Council Regular Meeting
July 14, 2022
2:00 P.M.**

Members Present

Mayor Luis Montoya
Vice-Mayor Laura Dorrell*
Council member Anthony James
Council member Ray Lorenzo
Council member Ray West
Council member, Karen Crump-Frye
Council member, Vacant

*Excused

Quorum Present

The Town's legal counsel participated via telephone.

Call To Order: The meeting was called to order by Mayor Luis Montoya followed by the Pledge of Allegiance.

Call to the Public: There was no response from the audience.

Council Reports: Council member Crump-Frye stated that the Tourism Council had hosted a successful brunch honoring their volunteers.

Mayor Montoya provided information released by the Greenlee County Health Department related to an increase in Covid-19 infections.

There were no further reports.

Consent Agenda: Motion to approve the following items as listed under consent agenda was made by Council member Ray West, seconded by Council member Ray Lorenzo:

1. Approval of the June 2, 2022 Work Session Minutes and June 9, Regular Meeting Minutes;
2. Receive Department Reports;
3. Approval of June 2022 Demands.

Voting in favor of the motion were Council member West, Lorenzo, James, Crump-Frye and Montoya. Council member Dorrell was absent. Motion carried.

At approximately 2:06 p.m., Mayor Montoya temporarily recessed the Regular Meeting and proceeded to call the required Budget Public Hearing to order.

Public Hearing on the FY 2023 Budget for the Town of Clifton: Town Manager, Rudy Perez explained that the tentative budget had been approved by Council on June 9, 2022 and since then, no changes to the proposed final budget have been made. He also explained that the budget document was made available to the public by publication in the local newspaper as well as accessible on the town's website.

Mayor Montoya invited members of the audience to comment on the FY2023 proposed budget, and after no response was received, the public hearing was adjourned.

At approximately 2:15 p.m., Mayor Montoya reconvened the Regular Meeting and continued with the agenda.

New Business:

Discussion and/or action to adopt the Primary Property Tax Levy for FY 2022-2023 pursuant to A.R.S. §42-17107(A) 4: Town Manager, Rudy Perez reviewed the proposed tax rate as incorporated into the budget. He reported that this year's tax rate is 3.9577 which would set the primary property levy at \$540,000. He further explained that the primary tax rate is a .27 tax reduction from last year's tax rate. Additionally, the proposed tax rate of 3.9577 is below the minimum tax rate that can be imposed without requiring a truth in taxation hearing.

Motion to adopt the Primary Tax Levy with the tax rate at 3.9577 was made by Council member Karen Crump-Frye. Second to the motion was made by Council member Ray West.

Voting in favor of the motion were Council members Crump-Frye, West, James, Lorenzo and Montoya. Council member Dorrell was absent. Motion carried.

Discussion and/or action to adopt Resolution No. 2022-07: Adoption of the Budget for FY 2022-2023: There being no further discussion on the proposed budget, motion to adopt Resolution No. 2022-07 adopting the FY2022-2023 Budget in the amount of \$11,578,071 was made by Mayor Luis Montoya. Second to the motion was made by Council member James

Voting in favor of the motion were Council members Montoya, James, Crump-Frye, West and Lorenzo. Council member Dorrell was absent. Motion carried.

Discussion and/or action to adopt Resolution No. 2022-08: A Resolution Of The Common Council Of The Town Of Clifton, Greenlee County, Arizona, Adopting A Policy And Prescribing Procedures For Purchasing From The Mayor And Any Member Of The Council: Mayor Montoya explained that consideration of this resolution is an annual requirement. It serves as a reminder to members of the Town Council of requirements set by state statute.

Motion to adopt Resolution No. 2022-08 was made by Council member West. Second to the motion was made by Council member Lorenzo.

Voting in favor of the motion were Council member's West, Lorenzo, James, Crump-Frye and Montoya. Council member Dorrell was absent. Motion carried.

Discussion and/or action to approve amending Personnel Policy Rule IV Fringe Benefits, Section 11 Holidays to replace Good Friday (1/2 day) and the day after Thanksgiving with Martin Luther King, Jr. Holiday (third Thursday Monday of January) and Juneteenth Holiday (June 19): Mayor Montoya explained that he has initiated consideration of this policy change due to realizing that the Town of Clifton is one of only a few government entities that is not closed for the MLK holiday and just recently the federal government along with many cities and towns are now adding Juneteenth as an official holiday.

Additionally, due to the four-day work week already implemented by most departments, it makes little sense to have paid holidays on an already scheduled day off, specifically, Friday.

Council member West asked if the employees had been surveyed on the proposal? Town Manager, Rudy Perez explained that he had approached department supervisors with the proposal and they were in favor of the change.

Motion to approve amending Personnel Policy Rule IV Fringe Benefits Section, 11. Holiday's to replace Good Friday (1/2 day) and the day after Thanksgiving with Martin Luther King, Jr. (third Monday of January) and Juneteenth Holiday (June 19th) was made by Council member Ray West. Second to the motion was made by Council member Anthony James.

Voting in favor of the motion were Council members West, James, Lorenzo, Crump-Frye and Montoya. Council member Dorrell was absent. Motion carried.

Discussion and/or action to approve the Preliminary Land Exchange Agreement between the Town of Clifton and Freeport Minerals Corporation: Town Manager, Rudy Perez explained that the preliminary land exchange initiates the process to appraise the properties identified in the land exchange agreement. These properties involve the town to receive the parcel of property where the town's wastewater treatment plant is located. Freeport McMoRan Inc., would receive town owned property commonly referred to as the Stanton Stadium (Clifton High School Football Field) which is approximately ½ of the field and town owned property on the Riverside Dr. parking lot.

Mr. Perez explained that this proposal has been brought to Council for consideration before, however the proposal did not address access to the Wastewater Treatment Plant. Mr. Perez further explained that an additional concern was to determine the value of the parcels to determine the proposed exchange would involve properties of equal value. He stated that FMI has also offered a donation of up to \$10,000 if their property is of less value.

Discussion from members of the Council included concern that the value of the appraisal might not include the value of the water rights certificate currently held by the town. Additional questions related to the town's water rights prompted the question of what does that entitle the town too? Council requested more information on water rights prior to making a decision. Other concerns included what FMI has planned for the future of the properties if successfully exchanged.

Trish Stuhan, Town Attorney explained that she had reviewed the preliminary agreement and didn't find any legal concerns that would legally bind the town to the land exchange if there were issues with the results of the appraisals for example.

Motion to table the item was made by Mayor Luis Montoya. Second to the motion was made by Council member West.

Staff was directed to provide additional information related to:

- Provide additional information related to the town's Water Rights Certificate
- Determine outcome if town properties exceed value of FMI properties
- Negotiate the previous offer of a 99-year land use lease between FMI and town for the parcel of property where the WWTP is being constructed or discuss the possibility of a donation
- Request that FMI disclose the intent of future use of exchanged property.

Motion carried.

Voting in favor of the motion were Council member Montoya, West, James, Lorenzo and Crump-Frye. Council member Dorrell was absent. Motion carried.

Discussion and/or action to approve the design of the base and posts for the Welcome to Clifton sign: Town Manager Rudy Perez explained that the town had donated \$1,500 to the Tourism Council for a "Welcome to Clifton" sign. After review of the proposed design, Mr. Perez informed representatives of the Tourism Council that he was rejecting the use of a 4'x8' vinyl banner as part of the design. It was not quality level for the "Welcome to Clifton sign and it aesthetically didn't match with the base. He continued to explain that the Tourism Council informed him that the amount of funds donated would only cover the cost of the base and posts. Mr. Perez also stated that if the project moves forward, the town would have to cover all costs related to the sign.

Mr. Kovach, representing the Tourism Council, explained that they would also handle filing the required permitting from the Arizona Department of Transportation since the structure would be located in their right-of-way.

Motion to approve the design of the base and posts for the Welcome to Clifton sign and approve the Town of Clifton to design and install the sign was made by Mayor Luis Montoya. Second to the motion was made by Council member Ray West.

Voting in favor of the motion were Council members Montoya, West, James, Crump-Frye and Lorenzo. Council member Dorrell was absent from the meeting. Motion carried.

Manager's Report: Mr. Perez reported on the following projects and activities:

- Informed Council that the mountain slope stabilization project on Coronado Boulevard has been suspended until September due to monsoon weather interruptions;
- Reported that MW&E reports that they are waiting for Valley Telecom to remove their services lines in order to continue with wooden pole removal. Target date: August 2022
- Explained that town staff has finalized its review of plans submitted by Circle K for their new facility with comments and town is awaiting their response.
- Reported that the Palacio paving project has been cancelled at the request of Sunland Asphalt due to the inability to meet the project completion deadline.

Executive Session

Pursuant to A.R.S. §38-431.03(A.1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Town Manager.

- a. Performance Evaluation – Rudy H. Perez, Town Manager.

At approximately 3:30 p.m. motion to adjourn into executive session was made by Council member Ray West. Second to the motion was made by Council member Ray Lorenzo.

Voting in favor of the motion were Council members West, Lorenzo, James, Crump-Frye and Montoya. Council member Dorrell was absent. Motion carried.

Council reconvened to regular session at approximately 4:26 p.m.

Adjournment: Meeting adjourned at approximately 4:27 p.m.