

**Minutes  
Town of Clifton  
Town Council Regular Meeting  
April 8, 2021  
2:00 P.M.**

**Members Present**

Mayor Luis Montoya  
Vice-Mayor Laura Dorrell  
Council member Anthony James\*  
Council member Ray Lorenzo  
Council member B. Waddell Reyes  
Council member Ray West  
Council member, Vacant

\*Excused

Quorum Present

**Call to Order:** The meeting was called to order by Mayor Luis Montoya at approximately 2:04 p.m. followed by the Pledge of Allegiance.

**Call to the Public:** First to address the Council was Steve Ahmann. He provided information on the forthcoming Hill Climb Event and expressed his opinion on the potential land exchange currently being considered between the town and Freeport McMoran.

Akos Kovach who also provided information on the Hill Climb Event extended his thanks to the town for their support and assistance of the event. Referring to CDBG potential projects for Council consideration, Mr. Kovach stated that lighting in the Chase Creek Historic District would be a great benefit for the area. Final comments from Mr. Kovach were related to the three candidates who will be considered to fill the Council vacancy and stated all three would serve the town well but recommended Ms. Frye.

Kip Kempton, representing Kempton Chevrolet Auto Dealership, referring to recent purchases utilizing cooperative purchasing contracts, stated that the local dealership can be competitive if given the opportunity.

**Council Reports:** Vice-Mayor Dorrell reported on the CHAP Organization, (Community Health Assistance Program). She explained that this organization is available to Greenlee County residents and assists with medications. The website is [www.greenleeCHAP.com](http://www.greenleeCHAP.com)

Mayor Montoya acknowledged the town's Visitor's Center Director, Leslie Ray for her efforts in featuring the Town of Clifton on the cover of the Drive Guide, a magazine serving the Arizona Traveler. Additionally, the town's tourist attractions are mentioned in the Publishers article.

Mayor Montoya also extended his appreciation to all the local businesses and citizens in their continued support during the pandemic.

He also expressed his concern on the temporary closure of Circle K and the loss of local revenue that will affect the town and will impact this 24-hour retail service for local residents. He reported that

although the company has applied for permits to renovate the facility, it's unclear how long this renovation will last.

The Mayor also read Fire Chief Peter Ortega's resignation letter. Although Mr. Ortega will continue to serve on the Volunteer Fire Department, his position as the Chief will end on May 4, 2021

Chief Ortega offered his thanks for the opportunity to serve the town as the town's Fire Chief.

**Consent Agenda:** Motion to approve the following items listed under Consent Agenda was made by Vice-Mayor Laura Dorrell;

1. Approval of the March 4, 2021 Special Session Meeting Minutes; March 11, 2021 Regular Meeting Minutes and March 17, 2021 Special Session Meeting Minutes;
2. Receive Department Reports.
3. Approval of March 2021 Demands.
4. Approval of Resolution No. 2021-02: A Resolution of the Mayor and Council of the Town of Clifton, Greenlee County, State of Arizona hereby adopting a Supplemental Salary Deferral Plan (SSDP) established by the Arizona State Retirement System.
5. Discussion and/or action to amend the Rental Agreement between the Town of Clifton and the Art Depot.

Second to the motion was made by Council member Ray West.

Voting in favor of the motion were Council members Dorrell, West, Lorenzo, Reyes and Montoya. Motion carried.

**Public Hearing Regarding Use of CDBG Funds:** Mayor Montoya called the public hearing to order at approximately 2:32 p.m. and invited public comments on the proposed projects previously presented during the first hearing.

Mayor Montoya suggested that the project would be beneficial to address street lighting in the town's Historic District. Additional support to use the funding for street lighting in the Chase Creek Historic District were heard from Jeanette West, Steve Ahmann and Tammie McWhinney. Council member Reyes suggested a roads and street improvements project and Cecilia Jernigan spoke in favor of library improvements.

The Public Hearing was closed to further comment at approximately 2:51 p.m.

### **Old Business:**

**Discussion and/or action to approve \$27,000 to purchase and install six light poles and fixtures between Lynch Street and Palacio Loop (Historical Society Museum) as part of the Morenci Water & Electric's Chase Creek Street underground utilities project:** Mayor Montoya and Council member West provided background on the street light dilemma. Mayor Montoya explained that he would like for Council to finalize decisions on the various options on the table to address the lighting.

Council member B. Waddell Reyes, Chair of the town's Historic Preservation Commission, explained that prior to any decision on a light pole and fixture, the matter would have to come before the Commission to obtain a certificate of appropriateness.

**Discussion and/or action on utilization of Town owned electrical poles for Chase Creek lighting:** Mayor Montoya requested that Council make a decision regarding the option of whether to use the “Stargo” Street Poles or at least eliminate them as an option.

Motion to remove the Stargo poles was made by Council member Ray West. Second to the motion was made by Vice-Mayor Laura Dorrell.

Voting in favor of the motion were Council members West, Dorrell, Lorenzo and Montoya. Opposing the motion was Council member Reyes.

Motion carried.

Mayor Montoya stated that he will appoint a committee to discuss lighting options.

**New Business:**

**Discussion and/or action regarding Town Attorney services:** Mayor Montoya explained that the town’s lead attorney, Trish Stuhan has recently left employment with Gust Rosenfeld and joined the firm of Pierce Coleman PLLC. Mayor Montoya further explained that it may be in the town’s best interest to continue with Ms. Stuhan’s services as the town’s attorney due to current legal issues of which she is familiar with. The Law Office of Pierce Coleman has provided the town with a proposal to transfer legal services representation at the same rate as currently offered by Gust Rosenfeld.

Motion to authorize the Mayor to execute the Town of Clifton Assignment document as presented by Pierce Coleman PLLC was made by Mayor Luis Montoya. Second to the motion was made by Council member B. Waddell Reyes.

Voting in favor of the motion were Council members Montoya, Reyes, Lorenzo, West and Dorrell. Motion carried.

**Discussion and/or action to approve the Notice of Intent to increase Wastewater Rates, Fees and Services Charges Pursuant to A.R.S. §9.511.01:** Council member West representing the Rates and Fees Committee explained that the Committee had recently met to review the updated 5-year rate study as prepared by Willdan Consultant which was done in accordance with the WIFA Loan financing issued to the town for the Wastewater Treatment Facility Improvement. Additionally, the Committee also suggested to round the monthly fee to the nearest even number to avoid customers having to write checks or make payments in odd amounts.

Motion to approve the Notice of Intent to increase Wastewater Rates, Fees and Service Charges was made by Council member B. Waddell Reyes. Second to the motion was made by Council member Ray Lorenzo.

Voting in favor of the motion were Council members Reyes, Lorenzo, Montoya, Dorrell and West. Motion carried.

**Discussion and/or action to approve the Notice of Intent to increase Miscellaneous Rates and Fees Pursuant to A.R.S. §9-499.15:** Mayor Luis Montoya, who also serves on the town’s Rates and Fees Committee explained the need to adjust the rates and fees on the rental of the town’s digital marquee and Community Center. Primarily, it was determined that maintenance and utilities on these rental services has increased over time.

Motion to approve the Notice of Intent to increase Miscellaneous Rates and Fees was made by Vice-Mayor Laura Dorrell. Second to the motion was made by Council member Ray Lorenzo. Motion carried.

**Discussion and/or action to develop and implement a Local Purchase Preference Policy:** Vice-Mayor Dorrell explained that the recent concerns from the local auto dealership regarding the town's decision to purchase a vehicle through a cooperative purchasing agreement vs. utilizing the formal bidding process locally giving the local dealership the opportunity to participate in the bidding process resulted in presenting this type of policy for council consideration. She explained that there are benefits from encouraging local vendors to bid on goods which result in return of sales tax dollars and continued support of the local business in the community.

The Town's legal counsel suggested that she be given the opportunity to review the Casa Grande policy as provided to the Council as a sample policy and also would like to research other areas of potential concern related to other local purchase preference policy issues before providing the town council with a recommendation.

Motion to direct the town's legal counsel to develop a local purchase preference policy for Council to review and consider. Second to the motion was made by Vice-Mayor Dorrell.

Voting in favor of the motion was made by Council members Montoya, Dorrell, Reyes, Lorenzo and West. Motion carried.

**Discussion and/or action to award the bid to HT4 in the amount of \$162,010.00 for the construction of a concrete retaining wall on Quinn Street:** Town Manager, Rudy Perez referred council to the bid tabulation report and upon review of the bids received on the Quinn Street Project by Bowman Consulting, HT4 is the recommended contractor for the project.

Under discussion, Mayor Montoya expressed his concern that the original Consultant Town Engineer's estimate was nowhere close to the bid proposals. Mayor Montoya stated that he is not comfortable with occurrences leading up to this final request to award this bid in that insufficient funds were not allocated. Additionally, the Mayor expressed his frustration that the project estimate was so far off.

Chad Crockett, Bowman Consulting explained that their recommendation to award the bid to HT4 was based on the most responsible and lowest bidder. Mr. Crockett explained that the original cost estimate did not consider access to the project site for concrete trucks. Additional project site restrictions included having to excavate material away from the site while they construct and repair the wall then haul that material back in to fill in the road. Mr. Crockett suggested allowing Bowman Consulting to contact HT4 Construction to review the bid proposal to determine if any alternatives could be determined to reduce the cost.

Motion to authorize the Manager to engage the engineer of record (Bowman Consulting) to try to establish a reduced price for the retaining wall and authorize the Mayor to execute an agreement for the project with HT4 in an amount not to exceed \$162,010.00 was made by Council member Ray West. Second to the motion was made by Council member Ray Lorenzo.

Voting in favor of the motion was made by Council members West, Lorenzo, Reyes, Dorrell and Montoya. Motion carried.

**Discussion and/or action to approve \$12,104.18 for the Asbestos and Lead Survey of the former Elks Building:** Town Manager, Rudy Perez explained that this project has been finalized by SCS Engineering and has presented their invoice for services. Upon payment to SCS Engineering, funding will be reimbursed to the town from the Arizona Department of Environmental Quality through the Brownfields Grant Program. A final report will be provided to the town after it is finalized.

Motion to approve the expense in the amount of \$12,104.18 payable to SCS Engineering for the Asbestos and Lead Survey project was made by Mayor Luis Montoya. Second to the motion was made by Council member Laura Dorrell.

Voting in favor of the motion were Council members Montoya, Dorrell, Reyes, Lorenzo and West. Motion carried.

**Discussion and/or action to adopt Resolution No. 2021-03: A Resolution Of The Mayor And Council Of The Town Of Clifton Authorizing The Submission Of An Application(S) For FY 2021 State Community Development Block Grant Funds, Certifying That Said Application(S) Meets The Community's Previously Identified Housing And Community Development Needs And The Requirements Of The State CDBG Program, And Authorizing All Actions Necessary To Implement And Complete The Activities Outlined In Said Application:** The title of Resolution No. 2021-03 was read by the Clerk. Motion to adopt Resolution No. 2021-03 was made by Council member West. Second to the motion was made by Council member Lorenzo.

Voting in favor of the motion were Council members West, Lorenzo, Dorrell, Reyes and Montoya. Motion carried.

### **Executive Session**

Pursuant to A.R.S. §38-431.03(A.1) for discussion or consideration of assignment or appointment regarding a vacancy on the Clifton Town Council: At approximately 4:30 p.m. motion to adjourn into executive session was made by Vice-Mayor Dorrell for the purpose of discussing filling the vacancy on the Clifton Town Council. Second to the motion was made by Council member Reyes.

Voting in favor of the motion were Council members Dorrell, Reyes, Lorenzo, West and Montoya. Motion carried.

Regular Session of the Clifton Town Council reconvened at approximately 5:01 p.m.

**Discussion and/or action to fill the vacancy on the Clifton Town Council:** Mayor Luis Montoya extended his appreciation to all three candidates who expressed their interest to serve on the Clifton Town Council. He encouraged applicants to consider filing as official candidates during the next regular election cycle.

Motion to fill the vacant position on the Clifton Town Council and appoint Karen Crump was made by Mayor Luis Montoya. Second to the motion was made by Council member Ray Lorenzo.

Voting in favor of the motion were Council members Montoya, Lorenzo, Reyes, Dorrell and West. Motion carried.

**Manager's Report:** Town Manager Rudy Perez reported on the following activities:

- Reported that the town has received 3 bids for the Wastewater Treatment Plant Improvement and all bids are substantially higher than the \$3.2 million available loan/grant funds as authorized by WIFA. He explained that the lowest bid received was \$6 million. He has directed Bowman Consulting to contact the lowest bidder KE&G to review their proposal to determine if any reductions are possible. He has also authorized Bowman Consulting to disclose the available funds.
- Stated that he has been working with the Town of Duncan and Greenlee County to update the Greenlee County Multi-Jurisdictional Hazard Mitigation Plan. Final document will be presented to Council for their approval when finalized.
- Informed Council that all town facilities will resume normal office hours on April 12, 2021 and assures health and safety measures will be implemented to protect the public and staff from potential exposure to COVID-19.
- Reported that Circle K is expected to be closed for approximately 6 months per the building permit issued to Circle K for repairs to the existing facility.

**Adjournment:** Meeting adjourned at approximately 5:11 p.m.