

Minutes
Town of Clifton
Town Council Regular Meeting
August 11, 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: Quinn St. resident, Daniel Cervantez commended the town's Public Works Department for their prompt response to post monsoon storm damage that occurred on July 24, 2022.

Council Reports: Council member Karen Crump-Frye provided a brief update on the Tourism Council. She explained that the group is regrouping/re-accessing their missions & goals.

Vice-Mayor Dorrell also extended her appreciation to all departments for their response to the flash flood event of July 24, 2022. Additionally, she expressed her thanks and gratitude to her constituents for their continued vote of confidence.

Mayor Montoya thanked the Town Clerk for overseeing the town's election process and advised Council that a Special Session will be scheduled to canvass the results.

He briefly mentioned a recent legal opinion provided by the League of Cities and Town's affecting "Call to the Public" as defined under the state's Open Meeting Law. He stated that more information would likely follow from the town's legal counsel.

Mayor Montoya announced that the Festival of Lights Event has been scheduled for Saturday, December 3, 2022. Volunteers are encouraged to come forward in order to assure a successful event.

Mayor Montoya also reported that he had attended a roundtable discussion involving Senator Kyrsten Sinema, representatives from both Greenlee and Graham Counties to discuss the Infrastructure Investment & Jobs Act. The Senator's goal was to hear from rural representatives on their infrastructure needs and hopes to have all eligible government agencies across the state benefit from the program. He explained that comments from local representatives included frustration that rural communities don't have the resources to apply for these funds. Mayor Montoya stated that he and County Supervisor Lunt had discussed the possibility of pooling together to pursue the funding.

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

1. Approval of the July 14, 2022 Regular Meeting Minutes;
2. Receive Department Reports;
3. Approval of July 2022 Demands.

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

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

Old Business

Discussion and/or action to approve the Preliminary Land Exchange Agreement between the Town of Clifton and Freeport Minerals Corporation: Town Manager, Rudy Perez, stated that he and Mayor Montoya had met with FMI Representatives, Martha Lujan and Bill Cuthbertson regarding the preliminary land exchange agreement.

During the discussion, Mr. Perez was able to address issues presented by the Clifton Town Council during their last meeting. These issues included:

The town's Water Rights Certificate: Mr. Cuthbertson explained that inclusion of water rights should not have been included. It will be removed from the Preliminary Land Exchange Agreement. This language is standard for their lease proposals.

Determine outcome if town properties exceed value of FMI properties: Mr. Perez reported that FMI has offered to move forward with the appraisals at their expense without formalizing the agreement. Is the Council agreeable to this?

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: Mr. Perez explained that FMI does not prefer a long-term lease at this time.

Request that FMI disclose the intent of future use of exchanged property: Per Mr. Cuthbertson, the intention of the company is to continue to use the Riverside Property as a parking lot for

large semi-trucks as is currently being used. He also reported that there are no plans for the use of the football field.

Comments from members of the Council were as follows:

Mayor Montoya expressed concern that the town's WWTP is currently being reconstructed on FMI land with no formal lease agreement and is further concerned about the commitments the town has made with the Water Infrastructure Finance Authority of Arizona (WIFA).

Council member West expressed his personal preference was to continue to pursue the long-term lease option.

Council member James and Vice-Mayor Dorrell stated that he would like an opportunity as a council to discuss the terms of the proposed land exchange agreement one on one with FMI representatives prior to making a decision.

Town Manager, Rudy Perez requested direction from Council in order to respond to FMI. The options were to pursue the long-term lease for the WWTP property or continue negotiations on the proposed lease agreement.

Council member Ray West made a motion to direct the Town Manager to pursue a long-term lease for the FMI property where the WWTP is located. Second to the motion was made by Council member Karen Crump-Frye.

Voting in favor of the motion were Council members West and Crump-Frye. Opposing the motion were Council members Dorrell, James, Lorenzo and Montoya. Motion failed.

New Business

Discussion and/or action to approve \$37,200 for the annual audit and to authorize the Mayor to execute the Master Service Agreement and Statement of Work between the Town of Clifton and CliftonLarsenAllen LLP: The Town Clerk reported that she had been notified by the auditing firm Principle, Sandra Cronstrom of the proposed increase. She explained that the firm was proposing a 20% increase over last year's fee. She further reported that the proposed increase was driven by the need to attract and retain talent and keep pace with the market.

The question of procurement was brought up at this time. There was concern that the town had not formally gone out to bid for these types of services in a long time.

The Town Attorney referring to the Clifton Town Code § 33.08m states that unless required by the Council, the provisions of this chapter shall not apply to professional services.

Motion to approve \$37,200 for the annual audit and to authorize the Mayor to execute the Master Agreement and Statement of Work between the Town of Clifton and CliftonLarsonAllen LLP

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

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

Discussion and/or action to approve the Easement Agreement between the Town of Clifton and Freeport Minerals Corporation in connection with the Frisco Avenue Bridge Replacement Project and to authorize the Mayor to execute the Easement Agreement: Town Manager, Rudy Perez explained that the agreement is required in order to complete the design phase of the project.

Motion to approve the Easement Agreement between the Town of Clifton and Freeport Minerals Corporation in connection with the Frisco Avenue Bridge Replacement Project was made by Council member Anthony James. Second to the motion was made by Council member Ray West.

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

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

- ✓ Provided an update on the recent submittal of a revised Aquifer Protection Permit (APP) for the new WWTP, as prepared by the town's engineering firm, Bowman Consulting. He stated that the permitting processing could take up to 6 months. Construction of the new facility cannot begin until this permit is issued.
- ✓ Reported that the Parks Lighting Project has been completed.
- ✓ Informed Council that Morenci Water & Electric will be upgrading their water lines in South Clifton with an estimated September 2022 start date.

Adjournment: Meeting adjourned at approximately 3:22 p.m.