

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE**

**Tuesday, May 2, 2017, 6:30 P.M.**

**COUNCIL REGULAR MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

**AGENDA SUMMARY**

1. **Call To Order.** The meeting was called to order at 6:32 p.m. by Vice Mayor Mark McBrady.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Given by Councilmember Amy Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; and Mayor Terry Nolan (arrived late at 6:35 p.m.) were present. Councilmember John Hughes was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan arrived at 6:35 p.m. and presided over the meeting from this point forward.

Mayor Nolan announced Board of Adjustment member Linda Horvath's house burned down and she is in the hospital. He announced a founding member of Dewey-Humboldt, Betty Joy had passed away the previous week.
5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **Town contribution to the Prescott Area Wildland Urban Interface Commission (PAWUIC) on behalf of Dewey-Humboldt Firewise neighborhoods/Board.**

Town Manager Kimball gave an overview on the agenda item: donation from the town to help with the cost of the PAWUIC agency, based on population of about 800 people in the two neighborhoods. PAWUIC representative was present to give insight and answer questions.

Councilmember Hamilton asked about donating \$2/person rather than \$1/person to bring donation up from \$800 to \$1600.

Councilmember Hamilton made a motion to donate \$2/person (\$1600), but was reminded this is not agendized for action.

Councilmember Wendt gave direction to staff to budget the \$2/person at \$1600 for next year's budget and cut a check this year for \$1600 in this year's budget.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the February 10, 2017 Special Meeting, and February 14, 2017 Work Session, February 21, 2017 Regular Meeting and March 7, 2017 Regular Meeting.

Councilmember Treadway made a motion to approve the Minutes from the February 10, 2017 Special Meeting, and February 14, 2017 Work Session, February 21, 2017 Regular Meeting and March 7, 2017 Regular Meeting, as presented. It was seconded by CM Wendt and passed unanimously by a vote.

**7. Comments from the Public (on non-agendized items only).**

There was discussion on whether this was an appropriate time for a council member to make a comment.

Councilmember Vicky Wendt made a recommendation to Council to speak with the Fire District about the inaccuracies in the GPS. This was a problem when routing to the Horvath fire in the Blue Hills area.

Leigh Cluff spoke on her efforts to help route the water tenders and the ambulance to the fire, as they were using the wrong road.

Mayor Nolan explained although it isn't the Town's authority to update the Fire Districts GPS they can talk with them to let them know of the problem.

**8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**8.1. Follow-up discussion on Study Session hours.** (From January 17<sup>th</sup> Regular Meeting decision)

Councilmember Wendt spoke on having arranged for a speaker/presentation at 6:30 p.m. for the June 13<sup>th</sup> work session.

Councilmember Hamilton stated he was not in favor of moving the work session time from 2:00 p.m. to 6:30 p.m. for many reasons. He spoke on the public being able to send comments for council through the Town Clerk for inclusion in the meeting during public comment; Staff has to attend to give reports/research and having them work 12+ hour days are too long. He spoke on the purpose for work sessions (to find consensus), with it going to a regular session for action. Workday meetings do not create a hardship for staff. The start time can be changed for special circumstances, if necessary.

Councilmember Treadway spoke in agreement with CM Hamilton and stated he hasn't seen a difference in 2 p.m. and 6:30 p.m. meeting attendance by the public. He feels fresher at 2 p.m. Study Sessions can get detailed and run four to five hours. Councilmember Treadway spoke in support of the 2 p.m. meetings.

Vice Mayor McBrady spoke in support of all Councilmembers' attendance. Councilmember Timmons indicated she cannot make the afternoon meetings. Vice Mayor McBrady doesn't think the evening meetings have been a hardship and supported the 6:30 p.m. meetings.

Councilmember Hamilton spoke that in order for any matters to advance it requires a 4-3 vote. He doesn't feel this would be an issue as even with a 3-3 vote, it would not advance. The absent member could lend input through letters on matters of concern. No vote will pass without Councilmember Timmons vote. He prefers the Work Sessions remain at 2 p.m.

Councilmember Timmons indicated that she works during the day. She would have to take vacation time to come to daytime meetings, so she would be paying to attend meetings. She believes that the primary staff members involved in evening meetings are salaried employees and other accommodations can be made in regard to hourly staff to accomplish evening meetings. It's not that she does not want to attend, it's because she cannot.

Mayor Nolan spoke of a community member expressing gratitude that one of the Budget Sessions was held in the afternoon because she cannot drive at night. Mayor noted that there is no action taken at the Work Sessions and any absent Councilmember's input can be passed on by the Clerk and it would be part of the meeting minutes, just as if they were present. Councilmember Timmons spoke of not being able to respond, if she were only able to send written

communication. She did not think this would be effective, as the voting public would not have her input. Mayor Nolan spoke again to people liking to be able to attend the afternoon meetings.

Councilmember Wendt spoke of the 700 citizens that voted for Councilmember Timmons to be considered, but she also understands the working staff's burden. She believes there will be a bigger draw to evening meetings. She is torn on the subject.

Councilmember Timmons spoke of having a similar situation to staff's on Tuesdays. She leaves for work at 8 a.m., gets out at 4:30 p.m., has to rush home, perform all her work at home, take care of her mother, and rush to the 6:30 p.m. meeting. So she understands the burden, however, she is not salary, only hourly.

Vice Mayor McBrady suggested splitting and having one work session a month in the afternoon and one in the evening. Mayor Nolan pointed out there is normally only one work session per month.

Councilmember Treadway made a motion to alternate the meeting start times on a monthly basis. He made a motion to alternate the start time of the Study Session between 2 p.m. and 6:30 p.m. on a trial basis for six months. Seconded by Vice Mayor McBrady. The motion passed on a 4-2 vote with Councilmember Hamilton and Councilmember Timmons voting against.

TM Kimball requested clarification and Mayor Nolan confirmed that even number months will be a 6:30 p.m. start time and odd number months will be 2:00 p.m. TM Kimball suggested working on the Ethics Code at the May 9<sup>th</sup> Study Session. The Budget Session would be held the same day beginning at 9:00 a.m.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

**9.1. Chip-Seal Overlay Contract Award.** Possible contract award, rejection or modification

Mayor Nolan noted that the Public Works Director was unavailable as he was assisting at a local fire.

TM Kimball gave the overview for this agenda item. Earth Resources was the lowest responsible bidder. TM Kimball explained on an overhead map the roads to be chip-sealed.

Councilmember Hamilton made a motion to award the chip-seal overlay contract to Earth Resources, Inc., seconded by Councilmember Wendt, the motion passed unanimously.

**9.2. Council consideration on a potential Partnership between Town and the Prescott Area Wildland Urban Interface Commission (PAWUIC), grant applicants regarding a Defensible Space Grant.**

TM Kimball explained that Community Planner (CP) Steven Brown and Shirley Howell, PAWUIC Representative would speak on the grant details. Ms. Howell wrote this grant.

CP Brown explained that the grant was originally awarded to State Forestry for USDA. The grant covers the time period from 12/5/16 to 12/4/18. There are 14 acres in the Blue Hills area and 8 acres in the Foothills area to be abated during this project, for a total of 22 acres. Reimbursement, for up to one acre, is available per property, up to 90% of the \$1400 value work completed. The property owner would be responsible for 10% or \$140. The reimbursement available would \$1260 per acre or property. If additional funds were necessary to complete the abatement, the property owner would be responsible for said additional money. The Firewise group has been working with PAWUIC, but the challenge is that there is a long time period (90-120 days) for reimbursement.

The property owners have to upfront the cost for the contractors. The agreement the Town is considering is to offset or upfront the 90%. There would be mechanisms to ensure the work was done according to the accepted bid, and successfully complete with paperwork in place to effect the reimbursement.

Vice Mayor McBrady expressed concern over the language "up to 90%". What would happen if they need \$5K worth of work, the grant is only \$1,400, and the property owner doesn't step up for the balance. Ms. Howell explained the process for reimbursement for the work accomplished and that the amount of land abated and the charges are known before there is any reimbursement from the Town. Vice Mayor McBrady's concern was that the Town would not be reimbursed for what was paid. CP Brown again explained the process that would protect the Town.

Councilmember Treadway asked the amount of the total grant. CP Brown replied that the grant is approximately \$27,700. Councilmember Treadway asked for clarification on the assurances that the Town would be reimbursed. CP Brown explained the process which is the same system PAWUIC has successfully used previously. Councilmember Treadway inquired if the money goes directly to the property owner or the Town? Ms. Howell explained that grant funds do not actually hit their hands. The work is done, then paperwork is submitted for payment, and the waiting period begins for the grant payment. Once the money is received and released by the bank, a check will go out immediately to the Town. Checks would be written to the Town. All the paperwork will be completed entirely and accurately to ensure expediency. Councilmember Treadway supports the grant program.

Councilmember Hamilton asked if an Intergovernmental Agreement (IGA) is necessary or written documents to support the process.

TM Kimball spoke of different agreement options. One option was a Memo of Understanding (draft on Pg. 81-83). This could receive attorney review or a different agreement could be drafted.

Councilmember Wendt spoke on the importance of a Memo of Understanding. She feels this is a sufficient document, not too complicated and overwhelming. This is a new and different process. Many residents face financial challenges to pay for this, yet contractors can't wait for payment either. She does see the need to have something in writing.

Vice Mayor McBrady spoke of the importance that property owners understand that the money goes to the contractor only. There needs to be a letter from the Town Attorney that the money is for the contractor. Making a quicker payment would be wise, from the Town directly to property owner, directly to the contractor. Councilmember Treadway spoke of this being a good point. If the Town is dispensing the money, there needs to a legal agreement and he would prefer the check be made out to the contractor.

Ms. Howell's recommendation is that the contractor receive the check after the work is done and approved by the homeowner and assessor, as a follow-up.

Councilmember Wendt asked if the check could be written to the contractor. TM Kimball spoke of consulting the Town Attorney and treating this like the normal procurement process and pay the contractor directly. Councilmember Wendt spoke of the necessity to perform all paperwork and inspections accurately.

There was further Council discussion clarifying possible payment and reimbursement methods, recommendations for safeguards and other input regarding the program.

Councilmember Wendt made a motion that the Town accept the proposal of PAWUIC that the Town put a process in place, it is presented to the attorney, and funded for the \$27,720 and start to move on this, seconded by Councilmember Timmons.

Mayor Nolan indicated that he had questions on this. He recommended the contractor be paid by the Town.

Ms. Howell clarified that the funds are specifically for 22 acres. If six months down the road it is not being used, she will address the Town on this. The money is there and will be there as long as it is being used. Mayor Nolan asked what would happen if the homeowner asked to do less than the acre. Ms. Howell clarified the process and how the abatement and payments are figured.

Councilmember Treadway asked the average price to mitigate an acre of land. Ms. Howell estimated his to be \$1500-\$1600 per acre. She also noted it is important for the homeowners to be completely involved in the process.

#### Public Comment

Leigh Cluff – spoke of the homeowner paying their 10% portion up front with the contractor bringing in the check paid by the property owner and would then be reimbursed for the grant difference through the town directly once the work and assessment is complete.

Councilmember Treadway left the dais at 7:56 p.m.

There was further Council discussion regarding payment, moving forward on this process as the grant runs out in 2018, and moving forward on attorney review.

Councilmember Treadway returned to the dais at 7:58 p.m.

Mayor Nolan asked to have the motion restated. Town Clerk Morgan restated the motion. Mayor Nolan called for a vote on the motion. The motion passed unanimously.

Vice Mayor McBrady spoke of wanting to ask a question even though the vote was taken. Mayor Nolan explained the Council called the question and the item was closed. Mayor Nolan told Vice Mayor to go ahead and ask his question.

Vice Mayor McBrady asked if the contractor puts in a contingency clause indicating the price could go up. Ms. Howell said she has not seen this occur with the mitigation work.

TM Kimball asked for clarification on the grant term and if the Town would be reimbursed by 12/31/18. Ms. Howell indicated that the work can continue up to that date and they would have 30 days thereafter to submit a reimbursement package after 12/31/18. They would come to the Town no later than six months before the grant end with any money concerns. TM Kimball advised this matter would be turned over to the attorney and brought back to Council.

Councilmember Timmons asked if the property owners have been approached yet. Councilmember Wendt indicated that the contact will be made door to door. Councilmember Timmons spoke of appreciation for the work done and for PAWUIC's participation. Vice Mayor McBrady spoke of his support as well.

Ms. Howell thanked the Town for the opportunity, as well as their donation.

### **9.3. Allow Debby Pomeroy to present potential changes to Town Code Title IX, Chapter 90 Animals.** [CAARF requested by CM Wendt, which includes Presentation Request Form]

Councilmember Wendt spoke of being approached by citizens on this subject and she has been working on this for 2.5 years with Ms. Pomeroy. There is a problem with the ordinances in Chapter

90. Ms. Pomeroy is an expert in the field of legislative litigation, she is a liaison in this area. Ms. Pomeroy would like to attend a 6:30 p.m. meeting on this subject. Councilmember Wendt spoke of trying to make this correct, because she feels it is not.

Councilmember Treadway asked how many citizens have talked with Councilmember Wendt on this subject. Councilmember Wendt spoke of less than two dozen, some dog people, ranchers, etc... Councilmember Treadway asked her what the largest concern is with the Code. Councilmember Wendt noted that large animals needs to be separate from small animals. She believes the issue could be handled quickly.

Vice Mayor McBrady saw the Animal Control Officer recently and she agrees that dogs and livestock in the same code is a problem.

Councilmember Timmons made a motion to allow Ms. Pomeroy to speak at the 6/13/17 Work Session, seconded by Councilmember Wendt, the motion passed unanimously.

TM Kimball asked if the Town Attorney, Magistrate, or Animal Control Officer should attend the meeting. Councilmember Wendt did not feel the Magistrate was necessary, possibly the Community Planner, Town Attorney, and Animal Control could attend.

Councilmember Timmons did not feel the Town Attorney would be necessary until a later meeting. Councilmember Wendt said there would be nothing to vote on at the initial meeting.

#### **9.4. Discussion and possible action regarding the Building Lease extension with Community Action Program (CAP) for Dewey-Humboldt Town Library located at 2735 S. Corral Street, Dewey-Humboldt.**

Mayor Nolan gave an overview of the item and noted that he did not think it was necessary to recess to Executive Session as Mr. Mitchell would not change his mind on the proposal.

TM Kimball explained that the attached lease was the current one and was valid for six years. She feels it makes sense to make the new one the same to run concurrent with the County contract. Staff measured the building and their measurement was approximately 200 square feet less than Mr. Mitchell's assessment. There was discussion over contention on the square footage.

TM Kimball spoke of the IGA Service Agreement being worked on too and she could bring these back together, but Council could give staff direction at this time, so she can give Mr. Mitchell assurance.

Councilmember Treadway asked if the rate was \$1 per square foot per month. This was confirmed, as well as clarification that the Town pays maintenance up to \$1,200 per year.

Councilmember Hamilton made a motion to pay \$1 per square foot for the Library, seconded by Councilmember Treadway.

Councilmember Timmons asked if Mr. Mitchell would agree to pay the maintenance fees considering the increase. TM Kimball said that he was very firm on \$1 per square foot. TM Kimball said that over the past contract they have only had to pay a few hundred dollars in maintenance.

Councilmember McBrady spoke of being sad of the missed opportunity that they could have had the building given to the Town in exchange for some road work.

Mayor Nolan called for the vote, the motion passed unanimously.

#### **9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider**

its position and instruct its representatives regarding the real estate property lease for the Town Library located at 2735 S. Corral St., Dewey-Humboldt, Arizona (APN 402-09-030C).

Executive Session was not held.

**9.4.2. Reconvene Regular Meeting.**

Executive Session was not held.

**10. Public Hearing Agenda.**

None

**11. Adjourn.**

The meeting was adjourned at 8:19 p.m.