

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

**Tuesday, September 1, 2015, 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. Mayor Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Led by Councilmember Dennis Repan.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady (absent at roll call-arrived at 6:35 p.m.), Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
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 announced some upcoming events in the area: Prescott Valley Healing Fields, September 5-11; Yavapai County Fair, October 1-5; Agua Fria/Old West Days Festival, September 26.

**4.1. Save the Museum Letter from the Gold Prospectors of Phoenix.** Mayor's announcement.

Mayor Nolan read the letter from the Gold Prospectors of Phoenix pertaining to the Dewey-Humboldt Museum.

**4.2. Grandfamily/Kinship Care Month Proclamation.**

Mayor Nolan read the Grandfamily/Kinship Care Month proclamation.

**4.3. Planning and Zoning Commission report to Council by P&Z Chair Barry Smylie.**

Planning and Zoning Commission Chairman Barry Smylie was in attendance and spoke to the Council on the status of the commission: excellent group and staff; Arizona Chapter APA is a resource for knowledge for role of P&Z; asked about culture of whether to cancel or hold meetings if not a direct need; will report goals and accomplishments in the future; working on places in code that are vague but making sure they are only working on those items that are feasible and are within their purview.

Council comment was taken on directing P&Z to read the current citizen survey; what or if the commission needs direction on; code requirement for P&Z to meet at least quarterly and working on projects directed through Council to avoid wasting resources.

5. **Town Manager's Report.** Update on Current Events.

**5.1. Two grants application status – a. ACA Rural Economic Development Grant, and b. (Congress reauthorized) Yavapai Resource Advisory Committee (RAC) grant to improve watershed, forest health or infrastructure maintenance.**

Town Manager Kimball gave an overview of the two grant applications. A. Will not proceed with the ACA REDC grant as there are no eligible projects. 2. RAC grant is being prepare by staff and

will come to council for their approval to submit.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the July 21, 2015 Regular Council Meeting, August 4, 2015 Regular Council Meeting and August 11, 2015 Work Session.

Councilmember Wright made a motion to approve the minutes from the July 21, 2015 Regular Council Meeting, August 4, 2015 Regular Council Meeting and August 11, 2015 Work Session, as presented. The motion was seconded by CM Repan. It was approved unanimously.

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

No comments were received.

**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.

There were no agenda items under this section.

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

**9.1. Award of the 2015 Pavement Preservation contract to a qualified bidder and authorize the Mayor to execute the contract.** Possible awarding the contract to a bidder or rejection of all bids.

Public Works Supervisor Ed Hanks was present and gave an overview on the process and bids received. He answered questions on the type of oil sprayed and on traffic control bidding.

Vice Mayor Hamilton made a motion to approve awarding the 2015 Pavement Preservation contract to Earth Resources Corporation, accepting the base bid with the added alternate. The motion was seconded by CM Repan. It was approved unanimously.

**9.2. Ordinance 15-114 amending Town Code Section 30.107 Time of Adjournment.** [Directed by Council at the July 14<sup>th</sup> meeting] Possible adoption, rejection and/or modification.

Mayor Nolan made a recommendation to move the adjournment time for Work Sessions from 6pm to 5pm.

Councilmember Repan made a motion to waive the client/counsel privilege on the Memo from the Town Attorney dated August 10, 2015 regarding these ordinances. The motion was seconded by CM Alen. It was approved unanimously.

There was discussion on the Mayor's recommendation of a 5pm adjournment limit.

Councilmember Repan made a motion to adopt Ordinance 15-114 as amended by the attorney (as presented at the meeting), seconded by CM Alen. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

**9.3. Ordinance 15-115 amending Town Code Section 30.031 Mayor and Vice Mayor related to renaming the section and clarifying the duties and responsibilities of the Mayor.** [Directed by Council at the July 14<sup>th</sup> meeting] Possible adoption, rejection and/or modification.

There was discussion on the Attorney's recommendations to remove language added by Council (page 55, (B)(2)) and this statement applying to all Council members already under 30.085 (E).

There was discussion on the section that talks about signing documents within a certain time and problems with execution of this section of code; reporting on outside meetings biennially rather than immediately following each meeting.

Public comment was taken on this item.

Troy O'Dell spoke on his opinion of where and when oral reports on meeting attendance should be given to Council.

Councilmember Repan stated Council owes the citizens a report of outside meetings attended, along with the agenda and minutes from those meetings; how their money is being spent and how it affects the community.

Vice Mayor Hamilton made a motion to change section B-12 to only require an annual report in December, seconded by Mayor Nolan. It was approved by a 6-1 vote in favor, CM Wright voting against.

Mayor Nolan made a motion to change the ordinance to allow the Mayor to choose the Vice Mayor. The motion failed for lack of a second.

Mayor Nolan made a motion to approve Ordinance 15-115 as amended, seconded by VM Hamilton.

Public comment was taken on this item.

Troy O'Dell spoke on emergency actions; spoke against heavy restrictions on the Mayor; striking D-4; Sections C and D applying to all Council, not just the Mayor.

There was consensus by Council to make these punitive components apply to all of Council, not just the Mayor.

A vote was taken on the motion which passed by a 5-2 vote in favor, CM McBrady and Mayor Nolan voting against.

Town Manager reviewed the amendments: page 51, last sentence – amend to “last meeting in December”, removing “June”. She will add an agenda item on the December meetings in the future. She reminded Council that Staff will implement ordinance but can't be responsible for Mayor/Council to submit reports. Wording “biennial” will be revised to “annual”, as well.

**9.4. To add to Town Code the requirements per Arizona Revised Statutes for a recall election and the limitations.** [CAARF requested by CM Wright]

Councilmember Wright gave an overview of her request, explaining the town code has a section on Initiatives and Referendums but not on Recalls. Council reviewed her request and it was noted that it uses ARS statute verbatim except for Item (B)(3) referring to a residency requirement, which CM Wright hoped to add.

Councilmember Repan made a motion to add to Town Code the requirements per Arizona Revised Statutes for a recall election and the limitations to the Town Code, sending CM Wright's added verbiage to the Town Attorney for review and to bring it back as an Ordinance, seconded by VM Hamilton. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

**9.5. [Consideration of whether to grant to the Dewey-Humboldt Historical Society the temporary use of town vacant property located at 12938 E. Main St., Dewey-Humboldt for a] Parking area for [the Agua Fria] Festival.** [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview of the request received from the D-H Historical Society for the “temporary” use of town vacant property for the Agua Fria/Old West Days Festival.

Sue Palacios from the D-H Historical Society was present and spoke on the use of the vacant lot for vendors and the need to clean the lot prior to the event.

Councilmember McBrady made a motion to allow D-H Historical Society the use of the land for the festival, seconded by CM Alen. It was approved unanimously.

**9.6. Pursuant to Town Ordinance 15-112 Public Body Code of Ethics, Appointing a Hearing Officer or Hearing Officers for pending Public Body Code of Ethics complaints.**

[Continued from the August 11<sup>th</sup> meeting; Hearing Officer list presented to Council at the same meeting]

Council discussed the previous decision to appoint Debbie Spinner as the Hearing Officer for Public Body Code of Ethics complaints. Appointment by motion was needed to proceed.

Councilmember Repan made a motion to retain Debbie Spinner as a hearing officer to resolve all the current cases, seconded by CM Alen. It was approved unanimously.

**10. Public Hearing Agenda. None.**

**11. Comments from the Public.**

Barry Smylie complimented the Council on the difficult work they do and how well they do it.

**12. Adjourn.**

The meeting was adjourned at 8:20 p.m.