

STUDY SPECIAL SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
Tuesday, July 8, 2014, 2:00 P.M.

COUNCIL SPECIAL STUDY SESSION 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 2:01 p.m. Mayor Nolan presided.

2. **Roll Call.**

2.1. Town Council. Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present.

3. **Special Session.** Legal Action can be taken.

Mayor Nolan suggested switching the order of 3.1 and 3.2 since the attorney is present and can clarify. Town Attorney Goodwin asked why 3.2 was placed on the agenda. Councilmember Williams-Rowe explained her concerns about possible conflict of interest CM Hamilton might have on OBC.

Ms. Goodwin explained if there are 10 or more property owners on Old Black Canyon then there is possibly an exception to the conflict of interest. She gave her opinion that she feels there is no conflict of interest in respect to CM Hamilton's purpose of establishing an RS 2477 road, but if talking about acquiring the roadway he may be.

3.1. Old Black Canyon Highway Legal questions for Town Attorney and discussion. [Council scheduled this Q&A with Attorney at the June 10, 2014 Work Session]

Councilmember Hamilton explained his opinion that the town is asserting ownership by maintaining the road and by doing so inherits liability since it is not on the road plan.

Town Attorney Susan Goodwin was in attendance to answer these questions. She explained the Town can't obtain claim to property through repeated use. Fair market value must be paid for property acquisition. She spoke on how the liability works for maintenance of a road system over a period of time. She explained in further detail about road defects and state statute.

Councilmember Hamilton stated Old Black Canyon (OBC) was built by the government, a survey was done by the County in 1922 but the right-of-way was lost.

Ms. Goodwin explained if it was used and built prior to the ownership becoming private then it is a public road, but the roadway would need to be surveyed to establish its location for ownership.

There was discussion on the road's history and whether it is an RS2477 road. Councilmember Hamilton suggested the town claim it as an RS2477 road and anyone else claiming ownership would go through the quiet title process. He stated he would like Old Black Canyon highway to be put on the Town's 6-year road maintenance plan. There was discussion on liability if maintaining the road and whether using public money for maintaining a potentially private road might be a violation of the gift clause.

Councilmember Hamilton made a motion to put Old Black Canyon on the 6-year road plan, seconded by Councilmember Wright.

Public comment was taken on this item.

David Nystrom spoke on maintaining the road only if the town owns it and other roads within the town that might have similar safety versus ownership issues.

Ms. Goodwin explained Old Black Canyon has “zig-zag” ownership. The town does own parts of the road and must maintain those parts.

There was discussion on the “dirt” part of Old Black Canyon and the town owning that part, but it may have been moved from the historic location by a previous land owner.

Mayor Nolan called the question; calling the question was approved unanimously. A vote was taken on the motion which failed by a 2-5 vote, Councilmembers McBrady, Repan, Williams-Rowe, Vice Mayor Alen, and Mayor Nolan voting against.

There was discussion on the road being deeded over to the town. Town Manager Kimball explained you must have a legal description to quit claim deed property, therefore a survey would be necessary.

Town Attorney Goodwin left the meeting (due to a prior commitment) at 3:36 p.m.

3.2. Clarification from Attorney in reference to whether a conflict of interest exists for CM Hamilton in reference to Old Black Canyon Highway. [CAARF requested by CM Williams-Rowe]

Addressed before prior agenda item 3.1.

3.3. Discussion and action on appointing an alternative committee member to the Ethics Committee. [CAARF requested by CM Wright]

Councilmember Wright gave an overview explaining the Council currently doesn't have a way to appoint an alternate committee member to the Ethics Committee. Vice Mayor Alen explained when they were working on the Code of Ethics they discussed using the same process for Vice Mayor selection for this purpose.

Vice Mayor Alen made a motion to amend the code to include alternate committee members as needed and selection be done by seniority, seconded by Councilmember Wright.

Councilmember Repan stated the agenda item was not agendaized to amend the code of ethics.

Town Clerk Morgan was asked for the current order of Council Member seniority. That order was given: Wright, Nolan, McBrady, Repan, Alen, and least senior Hamilton and Williams-Rowe, having the same swearing-in date.

VM Alen withdrew her first motion, and CM Wright withdrew her second.

Councilmember Wright made a motion to approve using the seniority method to select the alternate committee members with submittal of a CAARF to change the code brought back at a later time.

The motion passed by a unanimous vote in favor.

3.4. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Councilmember Repan made a motion to not hold a special meeting this month, seconded by Councilmember Hamilton. It was approved unanimously.

4. Study Agenda. No legal action to be taken.

4.1. Discussion and consensus on revising the Town Code on reimbursement for the Town Council (includes Mayor) for travel and/or training expenses. [CAARF requested by CM Wright and moved to a work session at May 6, 2014 meeting]

Councilmember Wright gave an overview, explaining this was coming back to work on through prior Council direction. There was discussion on the reporting process; proof of attendance suggestion and other wording on CM Wright's recommended code changes to 30.085.

Councilmember Repan made a motion to accept the changes to 30.085 as provided by Councilmember Wright.

Town Manager Kimball brought to the Council's attention about wording in the proposed code change about denying reimbursement and her concerns with staff being put in that situation.

The motion was withdrawn by CM Repan.

There was more discussion on the recommended code changes: removing last two sentences; Council approval before attending. CM Wright will take the suggested and wordsmith the code change recommendations. This will come back as a CAARF once it is ready to come back before the Council.

4.2. Revisit policy relating to educational, conference and event reimbursements to council members to clarify what types of these activities will be deemed acceptable. [CAARF requested by VM Alen and moved to a work session at May 6, 2014 meeting]

This will be addressed when the 30.085 Code modifications come back to Council.

4.3. Discussion and consensus on revising the Town Code on reimbursement for Council for travel and training expenses. [CAARF resubmitted by Mayor Nolan]

Mayor Nolan stated this will come back along with the previous two agenda items when they are before Council for discussion again.

4.4. Annual Signature Event for the Town of Dewey-Humboldt. [VM Alen's CAARF continued from March 4th and moved from June 10th WS per VM Alen]

Vice Mayor Alen withdrew this agenda item from this particular agenda but she will bring it back at a future meeting.

4.5. Develop Main Street P3 (Public-Private Partnership) Project Action Plan following ULI (Urban Land Institute) program relating to same [CAARF requested by VM Alen, moved from June WS per VM Alen]

Vice Mayor Alen asked the Council's approval for her to contact the Town Attorney to obtain the correct verbiage to use on a CAARF to talk in Executive Session. She explained why she feels this should be discussed in closed session rather than public session (not wanting to jeopardize the private party owner's privacy). There was discussion on whether to have the Town Manager involved in that meeting with the Attorney and whether this needed to be discussed in an executive session.

Council gave direction to authorize this meeting with the attorney, town manager and vice mayor for this information.

5. Comments from the Public.

David Nystrom spoke on conflict of interest and who decides if there is a conflict.

David Hiles spoke against the Mayor's CAARF and voiced his opinion that Council needs to decide who gets reimbursed for Council expenses.

6. Adjourn.

The meeting was adjourned at 4:20 p.m.