

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JUNE 19, 2012, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JUNE 19, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:36 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Jerry Brady.
 - 2.2. **Invocation.** Given by Councilmember Wright.
3. **Roll Call.** Town Council Members David Hiles, Mark McBrady, Dennis Repan, Denise Rogers, Nancy Wright; Vice Mayor John Dibble; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Councilmember Wright made a few announcements: Open Meeting Law training available through the League of Arizona Cities and Towns website; Dewey-Humboldt recognized in the AMRRP newsletter with an award of excellent 0-10% Loss Ratio for workers' comp.; thanked Heidi Remakel for putting in over 1000 hours volunteering at the Library; thanked all the other volunteers for the Library as well.

- 4.1. **APS Grant Check presentation.** Matt Meierbachtol to present the check for the Butte Street Pocket Park.

Matt Meierbachtol with APS was in attendance and presented Mayor Nolan and Sandra Goodwin, Chair of the Open Space and Trails Committee a check for \$4k to the town for the pocket park. He announced APS will donate trees for the park, as well.

5. **Town Manager's Report.** Update on Current Events. None.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the May 15, 2012 Special Meeting and May 29-30, 2012 Special Meeting.

Councilmember Rogers made a motion to approve the minutes as presented, seconded by Councilmember Wright. It was approved unanimously.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on a Historic Preservation conference which was held in Prescott the previous week. He offered information so the town could be put on contact registers. He spoke on a visit from the German Consulate to this area in the near future and their looking at sister city programs. He stated Karl Mai will meet with the council to advise them on history-based programs with the state and federal agencies. He spoke on Continuing Legal Education (CLE) being offered.

Jack Hamilton spoke on WAC (Water Advisory Committee) dues increasing and questioned how this happened. John Dibble responded he will look into it as he did not recall a vote on it, only a discussion.

Sandra Goodwin introduced the other members of the OSAT committee in attendance, Skip Gladue and Kevin Leonard.

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. FY2012-2013 Budget Final Review.

Town Manager Kimball gave an overview on the status of the budget. The final adoption is scheduled for June 26, 2012 at 10:00 a.m.

Councilmember Wright addressed the following issues:

1. Increase the size of the spreadsheets in the document. This will be done if possible without making it blurry.
2. Clarify staff size as she thought it was increasing. TM Kimball reviewed the positions proposed.
3. Clarify number of total, paved and unpaved roads. TM Kimball explained 38 paved and 12 unpaved. This information will be updated on the town website.

Councilmember Rogers found a correction to be made on page 6 regarding the Vice Mayor. It will be updated to reflect Vice Mayor, John Dibble. There was discussion on the font color and readability.

Councilmember Repan asked about the WAC dues amount being accurate and if the - 70k under HURF was for the Kachina project. TM Kimball responded affirmatively.

Mayor Nolan spoke on including \$5k for the Agua Fria Festival as a way to contribute to the commerce of the community. There was discussion.

Public comment was taken on this item.

Jerry Brady spoke on eligibility for federal and state aid requiring an engineered surface for roads.

Jack Hamilton spoke on donating money for the park not for the Agua Fria Festival.

No action was taken on this item.

9. Public Hearing Agenda.

9.1. Sign Code. Final Revised Sign Code Review.

The public hearing was opened at 7:17 p.m.

Jack Hamilton spoke on Exempt Sign chart (page 58) and questioning the different sized signs for different uses. Judy Morgan, Town Clerk and Phyllis Smiley, Town Attorney both explained this section pertained to signs exempt from permitting.

Jerry Brady spoke on including wording in the sign code to assimilate state standards referenced by statute.

Councilmember McBrady asked whether they would be voting on the sign code adoption and stated he had some issues with the sign code and would like to have a work session with the P&Z commission to discuss it. Mayor Nolan explained an Ordinance to adopt the sign code was on the agenda under 10.2.

Councilmember Rogers asked about the valuation wording included in the sign code and how it relates to the code. TM Kimball explained valuations can be calculated as in building codes and to consider that some signs can be structures.

Councilmember Wright spoke on simplifying corner lot signage; removing specific position titles and including a liability clause.

Councilmember Hiles stated he was not happy with the sign code as presented. They asked for shorter, simpler, less restrictive, and with less regulations. He stated this was not accomplished.

Andy Peters, Planning and Zoning Commissioner spoke on the request being made to the commission and their initial work on the sign code significantly reducing it, but information came back to them from a staff member and the Attorney indicating things that needed to be put back in.

Councilmember Hiles spoke on those new requirements, but seeing other places where they could have been less restrictive but were resistant to do so.

Councilmember McBrady spoke on businesses struggling and allowing bigger signs to draw people in off the highway.

Jerry Brady spoke on adopting the state codes, with modifications; referencing mandatory requirements. Yvonne Kimball, Town Manager explained there is no state statute regarding sign codes. This was affirmed by Town Attorney Smiley. Jerry Brady explained ADOT regulates signs visible from highways.

Jack Hamilton spoke in support of not having the sign code so simple as people will take advantage of it. It needs to be spelled out to mean anything.

The public hearing was closed at 7:40 p.m.

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

10.1. Ordinance 12-92 to amend code 31.22 Board of Adjustment and related provisions.

Town Manager Kimball gave an overview, explaining a motion to change this section of code was made but no ordinance was drafted and approved so it was not codified. Once this was discovered the Attorney was asked to draft an ordinance to address those changes approved.

Phyllis Smiley, Town Attorney explained the ordinance and what was modified, to bring it into compliance as well as to make the changes that were approved through motion in August 2011. (Removal of wording giving BOA ability to waive fees – not allowed; move BOA from committees section to Zoning; appeal to superior court not town council; powers and duties are those set forth in state statute).

Councilmember Repan asked about the member size requirement and if only four members if they are out of compliance. Ms. Smiley responded affirmatively. CM Repan then asked if the decision made at a recent hearing was valid or not. Ms. Smiley stated she would need to look into that further and provide an answer. CM Repan asked about the Chair being able to call a meeting if not a hearing and whether this was allowed based on state law. Ms. Smiley responded the BOA normally only meets when they have business to do, therefore would have no reason to have regular meetings. But since the town code allows it the Chair could call a meeting for something other than a hearing, such as training.

Councilmember Wright asked about the zoning administrator reference as ex-officio member and did not feel that should be in there. Ms. Smiley explained that was in the existing code and saw no reason to change it. CM Wright spoke on the wording regarding minute taking and her preference for it to be done by a staff member. Ms.

Smiley explained the existing wording does not limit it to a member of the board taking the minutes.

Councilmember Wright made a motion to bring back the ordinance with changes made for a future meeting, seconded by Councilmember Repan.

Public comment was taken on this item.

Jerry Brady spoke on other resolutions for appeal; most issues being resolved administratively; consulting the Yavapai County Attorney and Clerk of the Court in the Office of Administration for Yavapai County Superior Court.

Lydia Chapman spoke on her frustration with the council examining the BOA and their non-hearing meetings; how they are handling the minutes now; she read from some information she received from a BOA Attorney regarding privileges, secretarial duties, staffing, reforming how staffing is handled for the board, who should serve on the board. She asked the Council to figure out if they want them or not and if they do then make it easy for them.

Jack Hamilton explained the last hearing was not appealed so it is a moot point. He stated how minutes are being handled is working fine, but keep it consistent by requiring all committees to keep their own minutes. TM Kimball explained she just had that conversation with staff and it will be addressed shortly.

Lydia Chapman thanked Ms. Smiley for rewriting the code regarding the BOA as it is parallel to the law and other documents. She would like the secretarial part taken out as it is hard to understand.

Jerry Brady spoke on Clarkdale; ethics issues for a board of adjustment coming before the AZ Dept. of Commerce and recommended resolution through this department for re-education.

Councilmember Wright asked about 31.22 Reserved. Ms. Smiley will modify it to un-strike the BOA wording. CM Wright spoke on the Zoning Administrator advising the BOA being a problem and recommended removing the technical aid reference. She spoke on how much time she thought staff spends on all the committees, commissions and boards and thinks they should support those public bodies like the council is supported.

A vote was taken on the motion to bring the changes back for a future meeting and it passed unanimously.

10.2. Ordinance 12-93 to amend Town Code 153.125 – 153.138 Sign Code.

Councilmember Hiles made a motion to send the sign code back to Planning and Zoning, reiterating the Council wants it shorter, simpler, less restrictive, with less regulations, seconded by Vice Mayor Dibble. It was approved unanimously.

Town Manager Kimball asked for guidance on what to do with active requests for sign permits, whether to work off the existing sign code or not. There was discussion on the moratorium on the sign code and what was decided previously during the period where the sign code is being revised.

Councilmember Wright made a motion to approve enforcing the existing sign code until the updated sign code is adopted. The motion failed for lack of a second.

Town Attorney Smiley explained the current code would remain in effect until the revised code is adopted. Lifting of the moratorium would need to be agendaized at a future meeting if it is still in effect.

11. Executive Session. Upon a public majority vote of the members constituting a quorum, the ***Council may hold an Executive Session that is not open to the public for the following purposes.*** When the Executive Session ends, Council may act on any matter considered in this Agenda.

Councilmember Hiles made a motion to not go in to Executive Session, seconded by Councilmember Wright. It was approved by a 6-1 vote in favor, Mayor Nolan voting against. Council moved on to agenda item 12.1.

11.1. Call for Executive Session. An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consultation of employment and salary of Warren Colvin for the position of Community Development Coordinator.

12. Return to Open Session. Legal Action can be taken.

12.1. Ratification of hiring Warren Colvin for the Community Development Coordinator position. Discussion and possible action.

Councilmember Rogers made a motion to honor the recommendation of the Town Manager and ratify the hiring of Warren Colvin for the Community Development Coordinator position, seconded by Councilmember Hiles. It was approved unanimously.

13. Comments from the Public.

Jerry Brady spoke on the Board of Adjustment and appeals; concerns of Prescott Valley doing string annexation along Highway 69, it being a National Defense Highway; recommended reciting the conference title before voting on motions.

Jack Hamilton pointed out a minor correction on the budget agenda council communication (contingency fund to 20%, should be 30%). TM Kimball agreed it was a typo.

Doris Lake spoke on a zoning adjustment and asked why it takes so long to get something done.

14. Adjourn.

The meeting was adjourned at 8:39 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk