

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR SESSION MINUTES
TUESDAY, JULY 17, 2012, 6:30 P.M.**

A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JULY 17, 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 6:30 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Given by Councilmember Wright.
3. **Roll Call.** Town Council Members Mark McBrady, Dennis Repan, Denise Rogers (absent at roll call, arrived at 6:34 p.m.), Nancy Wright; Vice Mayor John Dibble; and Mayor Terry Nolan were present. Councilmember David Hiles was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** None.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball spoke on submitting the Arizona Commerce Authority (ACA) Vision Grant Application for Mortimer Family Farms extension project. She explained the Historical Society website grant application did not proceed as the President of the D-H Historical Society, Kevin Leonard advised her not to proceed with it. Councilmember Rogers arrived at 6:34 p.m.

6. **Consent Agenda.**

6.1. Minutes. Minutes from the June 12, 2012 Special Study Session, June 26, 2012 Special Study Session, and July 3, 2012 Regular Meeting.

Mayor Nolan moved the July 3, 2012 minute off of the consent agenda.

Councilmember Wright made a motion to approve June 12, 2012 and June 26, 2012 Minutes as presented, seconded by Councilmember Repan. They were approved unanimously.

Mayor Nolan explained he inadvertently voted incorrectly on one item and wanted to make that change to the minutes. Councilmember Wright commented that change would not be done with the minutes as they accurately reported the vote.

Mayor Nolan made a motion to approve the July 3, 2012 minutes as presented, seconded by Councilmember Repan. They were approved unanimously.

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

Jack Hamilton spoke on dissolving the Board of Adjustment, the Council taking over those duties and requirements to set up rules of procedure. He thanked Lydia Chapman for the time spent educating the board members.

Mike Nathe spoke on business issues with Councilmember Mark McBrady, Gabriel's Deli Mart changes and conduct through those changes. He said he did not want CM McBrady in public office.

Frank Inglese spoke on personnel changes at Gabriel's Deli Mart.

Blaine Cooper spoke against personnel changes at the Deli Mart.

Kim Nathe spoke against what CM McBrady did to Gabriel, Mike Nathe and her.

Chris Berry spoke on CM McBrady having a conflict of interest and suggested McBrady “step aside”.

Jerry Brady suggested addressing this issue in executive session. He spoke on Dewey-Humboldt’s district changes and how it will affect grants.

Terry Nolan (speaking as a public citizen) stated the issue brought up regarding Mark McBrady was a private business issue not a council issue.

8. Discussion Agenda – Unfinished Business. None.

9. Discussion Agenda – New Business.

9.1. Pre-approval of travel for regular monthly meetings attended by Council members.

Specifically WAC in this case, but others should be considered. [CAARF requested by VM Dibble]

Vice Mayor Dibble gave an overview asking for pre-approval on his travel expenses to attend the Water Advisory Committee (WAC) meetings through the end of the year. Councilmember Wright explained she already had her travel for the NACOG meetings approved at a prior meeting. Mayor Nolan asked about receiving pre-approval for his regular monthly meetings.

Councilmember Repan made a motion to pre-approve the Vice Mayor’s request for travel costs to the WAC meetings, seconded by Councilmember Rogers.

Public comment was taken on this item.

Chris Berry spoke in agreement with reimbursing Council for those official meeting expenses incurred.

Jerry Brady spoke in agreement on this as well and suggested in person meetings should be encouraged rather than just emails.

The motion was approved unanimously.

9.2. Explanation of Campaign Signage timeframe. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview and asked for feedback on whether they should allow campaign signage 60 days prior to the actual election-day or 60 days prior to the early voting ballots going out (33 PTE). There was discussion on this and what other local municipalities are doing.

Public comment was taken on this item.

Jack Hamilton spoke on it clearly referring to Election Day.

Council consensus was it should refer to the election-day. Yvonne Kimball explained that since the Council has agreed it will refer to the election-day, she asked if the council will waive their counsel/client privilege on the opinion regarding this issue by legal counsel, to allow Planning and Zoning to read the Attorney’s opinion for their work on the sign code, as it pertains to campaign signage.

Councilmember Rogers made a motion to waive the client/counsel privilege on the attorney’s opinion regarding campaign signage to allow the Planning and Zoning commission to review it, seconded by Vice Mayor John Dibble. It was approved unanimously.

9.3. Use of a Town Right-of-Way (S. Second Street) by Dewey-Humboldt Historical Society. [Requested by D-H HS President Kevin Leonard].

Mayor Nolan invited Kevin Leonard, President of the Dewey-Humboldt Historical Society to come forward and talk on this issue. He gave an overview on finding mining equipment, a 1880 pipe boiler, and its history and importance to the community. There was discussion on where the boiler was placed at the Dewey-Humboldt Historical Society Museum location and what the implications are if part of it is on Town right-of-way (ROW).

Public comment was taken on this item.

Jack Hamilton spoke on breaking standard procedure allowing Kevin Leonard to present his position before staff did.

Chris Berry spoke on the historic value of the machinery and encouraged council to allow the piece to stay where it was placed.

Jerry Brady spoke on encroachment permits and roadways not being surveyed. He stated more mining equipment would be coming and working with the Forest Service and BLM in this effort.

Kevin Leonard spoke on who they contacted regarding the boiler and the owner of the property donating it to the D-H Historic Society.

There was more discussion on where the right-of-way is located and determining the property lines to clear up this issue.

Mayor Nolan made a motion to allow the D-H Historical Society to maintain the position of the boiler for 30 days to obtain a survey to ensure it is within their property lines and if it is not, then to turn it parallel to the building, seconded by Councilmember Wright. There was discussion on the motion and whether to include the action of moving the boiler and whether there is a liability to the town by allowing it to be partially placed in the ROW. The motion failed by a 2-4 vote, Council Members McBrady, Repan, Rogers and Vice Mayor Dibble voting against.

Councilmember Repan made a motion to approve directing the Town Manager and Staff to look at this and come up with a solution, seconded by Councilmember Wright. There was discussion on whether the Council should still be involved in that solution. The motion failed by a tie vote, Councilmember McBrady, Vice Mayor Dibble and Mayor Nolan voting against.

Councilmember Wright made a motion to approve sending staff to look into this and bring back to council possible solutions at the next council meeting, seconded by Councilmember Repan.

Councilmember Rogers made a motion to approve authorizing a variance to allow the boiler to stay there, adding that other items added can't stick out any farther than the boiler, seconded by Vice Mayor Dibble. The motion was amended to say to allow the boiler to stay there with the condition that any additional items can't exceed that distance on the property from the ROW. There was discussion on whether a variance on this was allowed, and looking into legal liabilities of encroachments. The motion failed by a tie vote, Councilmembers Repan, Wright and Mayor Nolan voting against.

A vote on the motion to send to staff to look into it and bring back to council was approved unanimously.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady suggested obtaining legal property descriptions through the title and trust company, and photos of the property. He suggested having the property owners provide the legal property description. He spoke on legal surveys not being done when incorporated and where the benchmarks are.

Kevin Leonard spoke on communicating with Town Hall on the location of the boiler and receiving an okay from staff prior to placement. He stated they do not have the money to move it nor will they move it.

Chris Berry spoke on allowing the boiler to stay where it is, and have the Historical Society list the town as an additional insured on the property.

12. Adjourn. The meeting was adjourned at 8:21 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk