

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 18, 2012, 6:30PM**

**A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 18, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA.**

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.** Led by Dee Parker.
  - 2.2. **Invocation.** Given by Councilmember Wright.
3. **Roll Call.** Town Council Members David Hiles, Mark McBrady (arrived late at 7:17 p.m.), 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.**

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 a recent race the Town Clerk ran; spoke on attending a meeting with the Central Yavapai Fire District (CYFD) regarding a call center, sharing suggestions he made; announced a meeting 9/19 with Prescott and Prescott Valley regarding Chino water which Vice Mayor Dibble will attend.

- 4.1. **Possible Interviews and Appointments of Commission and Committee Vacancies.**

Possible interviews and appointments to the following vacancies: 2 – P & Z, 2 – OSAT and 2 – EIAC.

Dian (Dee) Parker was interviewed for the Planning and Zoning Commission. She spoke on her background and interest in volunteering in that capacity.

Councilmember Hiles made a motion to appoint Dee Parker to the Planning and Zoning Commission, seconded by Vice Mayor Dibble. It was approved by a 6-0 vote in favor, Councilmember McBrady being absent for the vote.

- 4.2. **POW/MIA Recognition Proclamation.**

Mayor Nolan read the POW/MIA Recognition Day Proclamation. There was discussion about the new replacement POW/MIA flag being purchased and flying outside of Town Hall.

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

Town Manager Kimball spoke on research done and her findings regarding other municipalities' ownership of town halls-the standard is to own rather than lease; gave a progress report on the forms organization done by staff.

6. **Consent Agenda.**

- 6.1. **Minutes. Minutes for the September 4, 2012 Regular Council Meeting.**

Councilmember Rogers made a motion to approve as presented the Minutes for the September 4, 2012 Regular Council Meeting, seconded by Councilmember Repan. It was approved by a 6-0 vote in favor, Councilmember McBrady being absent for the vote.

7. **Comments from the Public (on non-agendized items only).** Mayor Nolan reminded the public that they are to be limited to three minutes.

Jerry Brady spoke on the second street survey; platting versus surveying and where to obtain the most accurate and current information on properties.

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.

None.

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

- 9.1. Ratification of On-Call Engineer/Planning Services Selection.** Discussion and possible action.

Town Manager Kimball gave an overview on how many responses were received and how the short list was selected. Two members of the selection team were present at the meeting (Jack Hamilton and Barry Smiley). The three firms selected were AZTEC, CivilTec and SWI.

Mr. Aldridge with SWI was in attendance and spoke to the Council on his background in his field. He also mentioned their office is just 20 minutes away.

Mayor Nolan made a motion to accept these three Engineering firms (AZTEC, CivilTec and SWI) as On-Call Engineering Services for the Town, seconded by Councilmember Hiles.

Councilmember Repan asked for details on how the selection process occurred.

Selection Team member Barry Smiley spoke to the Council on his background, determining what the town's needs are and matching the best firms to the town's needs. All proposals came from reputable and qualified firms, but a few stood out as more suited to addressing Dewey-Humboldt's needs. He recommended the town still interview those firms selected. Councilmember Repan responded that this explanation satisfied his question as having in depth knowledge and they did a good job.

A vote was taken on the motion which passed by a 6-0 vote in favor, Councilmember McBrady being absent for the vote.

- 9.2. Selection of FY12/13 Pavement Preservation Project Contractor.** Discussion and possible action.

Town Manager Kimball spoke on receiving 3 bids for the Pavement Preservation Project with the lowest responsible bidder being Earth Resources. Staff is recommending awarding the contract to Earth Resources. Councilmember Wright asked about using the surplus funds (as the bid came in lower than projected) to do more roads. TM Kimball explained there were other projects coming up where those monies could be used.

Councilmember Repan made a motion to award the 2012 Pavement Preservation Contract to Earth Resources, seconded by Councilmember Hiles.

Public comment was taken on this item.

Jack Hamilton spoke on how much road work was being done and his concerns for not doing enough roads to maintain the roads.

Jerry Brady spoke on a 30 year plan (PARA Transportation Plan) from ADOT for construction and maintenance on the town's roads. He spoke on being in a floodplain and problems with the roads holding up with the maintenance being done.

The motion passed by 6-0 vote in favor, Councilmember McBrady being absent.

**9.3. FEMA National Flood Insurance Program-Community Rating System Verification Visit.**

Town Manager Kimball gave an overview.

Councilmember Repan made a motion to authorize the Mayor to execute this document, seconded by Vice Mayor Dibble.

Public comment was taken on this item.

Jerry Brady spoke on the insurance companies and FEMA working on verify problems with this area regarding flood hazard zones to rate for insurance.

Councilmember McBrady arrived at 7:17 p.m.

Councilmember Roger spoke on updating the town's address on the document to properly reflect the mailing address and correct the zip code. Councilmember Repan amended his motion to include the amendments to the document as stated, the second agreed to the amendment.

The motion was approved by a unanimous vote.

**9.4. Release of Privileged Council/Client Memo from Town Attorney regarding Prayers at Council Meetings. [CAARF CM Repan Request].**

Councilmember Repan made a motion to approve releasing the memo available to the public for use by the council, seconded by Councilmember Hiles. It was approved unanimously.

**9.5. Discussion and Possible Action on not Paying for the Town Attorney Opinion on Prayer/Invocations at Council Meetings. [CAARF CM Wright Request].**

Councilmember Wright gave an overview of why she is asking the town not pay the town attorney for this opinion. There was discussion on whether it was appropriate to receive this opinion and whether this is an administrative issue that would be better handled through the Town Manager rather than the Council.

Public comment was taken on this item.

Jerry Brady spoke on the Town Attorney's actions being appropriate to provide the town a heads-up.

David Nystrom spoke in support of being provided this information if the information could affect how the town carries on its business.

Councilmember Wright explained that she didn't feel it should have come to them until the 9<sup>th</sup> circuit court agreed with the ruling.

Councilmember Hiles made a motion to let the Town Manager handle the matter, seconded by Councilmember Repan. It was approved by a 6-1 vote in favor, Councilmember Wright voting against.

**9.6. Consideration of Distributing Agendas Electronically and Issuing iPads or Similar Devices to the Mayor and Council. [CAARF VM Dibble Request].**

Vice Mayor Dibble explained he brought this up as it was discussed at the conference and he wanted to give the council time to consider whether to do this in the next budget, for the next council. He gave an overview on how the process could be handled and some estimated costs for equipment. There was discussion on Open Meeting Law concerns and whether going paperless would be a cost savings and possible complaints/impacts for doing so.

Public comment was taken on this item.

Jerry Brady spoke on the Boeing Scan 8 system and recommended using it.

David Nystrom suggested those Councilmembers with iPads already use them at meetings for a trial period to see if it will work for them. Consider the public and whether it will work for them.

Jack Hamilton spoke in support of the printed packets and stated he didn't want to have to print his own packet but wants the town to continue printing packets for the public.

**9.7. Discussion and Possible Action on having Town Hall Open on Friday Afternoons.**  
[CAARF CM Wright Request].

Councilmember Wright gave an overview on her request. Original purpose for closing on Friday afternoons was to support staff while short-staffed and during a down economy.

There was discussion on other municipalities and whether they are closed on Fridays. Councilmember Repan stated this was an administrative issue and the Town Manager should make the decision if she sees fit. There was discussion on this.

Public comment was taken on this item.

Jack Hamilton spoke on Council researching issues prior to meetings and on his feeling that it is Council's decision to make rather than the Town Manager's.

Councilmember Hiles responded to the comment by saying he has confidence in the Town Manager to make the right decision and reminded everyone that staff is still in the office on Fridays all day, and are not taking the afternoon off.

Councilmember Hiles made a motion to leave this up to the Town Manager to make the decision, seconded by Vice Mayor Dibble (VM Dibble responding to Mr. Hamilton's criticism about research, stating he was not approached by anyone complaining about this and had only heard Mr. Hamilton's one complaint).

Councilmember Repan agreed the Council had the right to make the decision but felt it best to trust the Town Manager on this one.

Jerry Brady spoke on Yavapai County being closed on Fridays and suggested the town follow the lead of the federal government on how business can be conducted online and by phone.

Mayor Nolan spoke on the effectiveness since implementation and agreed it should be the Town Manager's decision. Town Manager Kimball spoke in support of how well it has been working and how staff uses the time efficiently and effectively, and that town hall is still open 40 hours a week.

The motion passed by a 6-1 vote in favor, Councilmember Wright voting against.

**9.8. Discussion and Possible Action on Requiring the Owner of the Humboldt Center to go through the Proper Procedure to Split the Property Prior to Expending any Town Funds on an Appraisal or Title Search.** [CAARF CM Wright Request].

Councilmember McBrady recused himself from the agenda item and left the dais at 8:00 p.m.

Councilmember Wright gave an overview her request. When she realized the property was not already split she wanted to have that done before proceeding with an appraisal.

Councilmember Wright made a motion to not proceed with the appraisal until the property has been split, seconded by Councilmember Rogers.

Councilmember Repan spoke on due diligence and considering this before proceeding, but still having the Town Manager manage this process. There was discussion on whether they could proceed with an appraisal without splitting the property or not.

Property owner Mark McBrady spoke to the council on the process to split a property being a hardship and preferring to appraise without splitting using proposed property lines. Councilmember Wright called a point of order stating that Mr. McBrady had a conflict of interest and should not be talking. Mayor Nolan stated it was not a conflict of interest. Mr. McBrady responded he was not making a decision but explaining himself.

Public comment was taken on this item.

Jerry Brady spoke on research that can be done with the Dept. of the Interior; different needs determining whether surveys, trusts, deeds or plats are needed.

David Nystrom suggested analyzing the needs of the town before selecting a property to purchase; having the owner decide a selling price prior to negotiation and having the appraisal done prior to closing.

Mayor Nolan responded that the seller has had an appraisal, but it is the Council that requested an additional appraisal be done.

Jack Hamilton spoke on making a determination on how much of the property the council is interested in before having it appraised.

Councilmember Repan spoke on also considering other properties if this one is not in the position to be sold.

Councilmember Wright reiterated that the seller would need to follow town code to split his property. Councilmember Rogers explained the Council has looked at other properties but none of them would work. She withdrew her second on the motion based on being able to appraise the property without coordinates. The motion failed for lack of a second.

Councilmember McBrady returned to the dais.

#### **9.9. 2013 Rural Economic Development Grant Program. [CAARF Mayor Nolan Request].**

Mayor Nolan made the recommendation that the town support Mortimer's turning in the grant proposal from the first of the year again for reconsideration. There was discussion on which grant opportunity that was (the greenhouse proposal). The deadline to submit is October 1<sup>st</sup>. The council discussed if there were any other businesses who might want to apply for the grant and whether this suggestion included verifying if the Mortimer's are still interested in their earlier business proposal.

Councilmember Hiles made a motion to approve contacting the Mortimers and if they are in agreement to resubmit their January proposal for the Rural Economic Development Grant, seconded by Councilmember Wright.

Public comment was taken on this item.

Jerry Brady explained a business would get a higher rating if submitted through the town; REDI certified program used for Prescott Valley's development; the designation of Yavapai County as rural; pursuing that grant money but needing a development plan; the technical training and assistance grant.

David Nystrom spoke in favor of submitting Mortimer's proposal if they are interested; putting the information out to other local business to see if they want to apply.

The motion passed by a unanimous vote.

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

**11. Comments from the Public.**

Jerry Brady spoke on the Federal Organic Act for assignment of resources to municipal government; surveying the properties within Dewey-Humboldt, since most platted but not surveyed; federal and state requirements for grant monies.

Bart Brush asked about getting an explanation on the attorney's opinion (agenda item 9.4).

Mayor Nolan and Town Manager Kimball explained he can make a public records request for that opinion.

**12. Adjourn.**

The meeting was adjourned at 8:35 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk