

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, DECEMBER 4, 2012, 6:30PM**

**A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 4, 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 6:31 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** The pledge was led by Dee Parker.
  - 2.2. **Invocation.** The invocation was given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members David Hiles, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; 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.
  - 4.1. **Pearl Harbor Remembrance Day Proclamation.**

Mayor Nolan read the proclamation. He spoke on an event at the Arizona Capital Mall for Pearl Harbor at 10:51 on December 7<sup>th</sup>, as well as a WWII Memorial event following.

Public comment was taken on this item.

Jerry Brady spoke on the attack at Pearl Harbor and previous military knowledge of the attack.
  - 4.2. **Open Space and Trails Committee Interview and possible appointment.** Laurence McCormick application to be appointed to the OSAT Committee.

Mayor Nolan explained Mr. McCormick was not available to attend for his interview. His interview will be rescheduled for a future meeting.
5. **Town Manager's Report.** Update on Current Events.

Town manager Kimball spoke on the change of venue for the Council retreat from Prescott Valley's meeting room to the Dewey-Humboldt Activity Center. This change was made through the advice of the Town Attorney to avoid a violation of Open Meeting Law.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the November 13, 2012 Work Session; and November 20, 2012 Regular Meeting.

Councilmember Wright made a motion to accept the Consent Agenda, seconded by Councilmember Rogers. It was approved unanimously.

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

Jerry Brady spoke on the Council being able to respond to citizens' comments and the procedure to do so.

**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. Council Vacancy Appointment replacing John Dibble's seat vacated through resignation.** Discussion and possible action.

There was discussion of the sample ballot in the packet, and discussion on how to decide a winner. Town Clerk Morgan spoke on the need for a motion and vote on the appointment.

A simple ballot to put the voter's name and the #1 choice was handed out to each council member. The ballots were collected and votes compiled aloud and on the overhead projection system. There was a tie, with Arlene Alen and David Nystrom each receiving 3 votes a piece. Ms. Hays and Mr. Berry receiving 0 votes.

There was discussion on how to handle the tie breaker. Each council member spoke briefly on why they made the selection they did.

A second round of ballots was handed out and votes compiled. The vote came back the same: Alen 3, Nystrom 3. Council discussed the two tied applicants again in more detail.

Public comment was taken.

Jack Hamilton spoke on people wanting to know where a public body member stands on issues and coming to meetings to voice ones opinion on issues.

Jerry Brady made a suggestion for breaking the tie by allowing the two candidates to speak on their vision plan and answering questions. He spoke on the town's ordinance relating to deciding a vote.

Earl Goodwin spoke on tie breakers historically with the town, the mayor only being the deciding vote when all 7 seats are filled, and a suggestion on how to select their appointment.

A third round of ballots was handed out and votes compiled. Arlene Alen had a majority of 4 votes, Councilmembers Rogers, McBrady, Vice Mayor Repan and Mayor Nolan voting for her. A motion was made by Vice Mayor Repan to appoint Arlene Alen as replacement for the vacant council seat, seconded by Councilmember McBrady. It was approved by a unanimous vote.

Ms. Alen will be sworn in at the December 11<sup>th</sup> meeting.

CM Wright asked as a point of information if Ms. Alen will still be on the P&Z for Thursday's (December 6<sup>th</sup>) meeting, but not after that meeting. Town Clerk Morgan responded, "yes".

**8.2. Centennial Monument for Butte Street Park.** Discussion and possible action.

Mayor Nolan gave an overview. Chair of the Open Space and Trails Committee, Sandra Goodwin presented the suggested wording for the plaque. There was

discussion on the wording and recommendations were made. (Arizona's; In appreciation to the community of Dewey-Humboldt; remove Est.; remove to after thanks.

Public comment was taken on this item.

Jerry Brady spoke on the history of the area and recognizing that both Dewey and Humboldt have the same establishment date.

Councilmember Rogers made a motion to approve the centennial monument wording for Butte Street Park with the changes as quoted by Ms. Goodwin, seconded by Vice Mayor Reban.

Jack Hamilton spoke on using the plaques for historic purposes, not a new park.

Mayor Nolan asked about the change as recommended by CM Wright ('s) being included in those changes. This change will be included. The motion passed unanimously.

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

**9.1. Report on Dog Barking Ordinance and Enforcement review multi-agency meeting.** Discussion and possible action.

Town Manager Kimball gave an overview on the meeting held regarding this issue. Both the Magistrate and Police Chief agreed the ordinance was adequate with no changes requested at this point. TM Kimball suggested the code could be amended to reduce the number of dogs allowed. There was consensus that a signed petition may not be necessary for every dog barking complaint and the town prosecutor should be more involved in this type of case.

Councilmember Wright spoke on establishing the town's own procedure to follow, rather than following the County's procedure. There was discussion on this.

Public comment was taken on this issue.

Jack Hamilton spoke on having the Magistrate Judge speak to the Council on different criteria which could be prosecuted.

Earl Goodwin spoke on the town's history with the sheriff's department services. He recommended inviting Sgt. Dean, who manages animal control department, to talk with the Council on this issue.

Jerry Brady spoke on civil and criminal procedures and appeal system.

Bart Brush spoke on the current procedure and making the law more flexible for determining excessive barking.

Town Manager Kimball explained Lt. Newnum will give a report to Council in January or February, along with the animal control officer. She recounted direction given: Council as a whole thinks the current procedure for building evidence is too extreme and it should be loosened; and the prosecutor will be more involved in these issues.

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

**11. Comments from the Public.**

Sandra Goodwin spoke on the council's appointment for the council vacancy; and volunteerism.

David Nystrom congratulated Ms. Alen on her appointment to Council, and approved of the way the Council unanimously voted.

Jerry Brady spoke on flight limitations; procedures for claims; and rules of courts. Councilmember Hiles left the meeting at 8:39 p.m. Mr. Brady continued to talk on court procedures, and if changing the procedure used for barking dogs to make sure it is right.

**12. Adjourn.**

The meeting was adjourned at 8:40 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk