

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, AUGUST 20, 2013, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 20, 2013, 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.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Mayor Nolan reminded Council to turn on their microphones and speak into them so they can be heard on the A/V system.

Vice Mayor Repan thanked staff for their information and effort that went into the August 13th Study Session.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball spoke on the millings being received with more to come next week. She spoke on the traffic control light at Highway 69 and Main Street but not receiving a specific date for the traffic count.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session.

Councilmember Hamilton made a motion to approve the minutes as presented for the August 6, 2013 Regular Meeting and August 13, 2013 Special Study Session. Vice Mayor Repan asked that the August 6th meeting be amended to include (under item 9.1) his comment made before the vote asking Council be informed about the WAC meetings. The maker of the motion agreed to this amendment. The motion passed unanimously.
7. **Comments from the Public (on non-agendized items only).**

Christine Dehart spoke on her concerns with the high levels of arsenic in the water and the government's responsibility to protect its citizens.
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. **Ordinance 13-98, Amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions.**

Town Manager Kimball gave an overview on this agenda item. This was unfinished business from 2011 where the Council agreed to approve resolution 11-89 which changed the Study Session time from 3:00 p.m. to 2:00 p.m. The ordinance is required to codify this change into law.

Councilmember Hamilton made a motion to approve Ordinance 13-98 amending the Town Code Section 30.102 Study Sessions to Establish the Time of Study Sessions, seconded by Councilmember Wright.

Mayor Nolan asked if he could rescind his motion made back in 2011 so CM Williams-Rowe can be at the work sessions for most of the meeting (start time of 3:00 p.m.). There was discussion on this and the reasons for the change.

Councilmember Wright called the question. The council voted to call the question by a unanimous vote.

The motion passed by a 5-2 vote in favor, Councilmembers Williams-Rowe and McBrady voting against.

8.2. Peloso property inspection, report and next steps. Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107, authorizing and directing the Town Manager and Town Attorney to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of real property located in Dewey-Humboldt at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street on behalf of the Town and directing the Town Manager to present the above information to the Council for possible approval to proceed with the acquisition. The Council may, by majority vote, recess the regular meeting, hold an executive session, and then reconvene the regular meeting for discussion and possible action on this item.

Councilmember McBrady recused himself from this agenda item and stepped down from the dais at 6:50 p.m.

Town Manager Kimball gave an overview explaining options for council: possible resolution to approve, delay or ignore. She asked if they would like to hold this in an Executive Session or an Open Session.

Councilmember Hamilton spoke on why he felt the information should be discussed in open session. There was discussion on this. Ms. Kimball reminded them there are new council members that have not heard the report and they need to be brought up to what the others already know about this issue.

Councilmember Alen made a motion to go in to Executive Session, seconded by Vice Mayor Repan. It was approved by a 5-1-1 vote in favor, Councilmember Hamilton voting against and Councilmember McBrady being recused from this item. The public was asked to leave the room at 6:56 p.m. and the Council recessed into Executive Session.

8.2.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in Dewey-Humboldt, Arizona, at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street.

8.2.2. Reconvene Regular Meeting.

Council reconvened into the Regular Meeting at 7:31 p.m. No action or discussion was taken on this item.

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

9.1. Arizona Department of Administration – AZ State Purchasing Cooperative Procurement Agreement Renewal.

Councilmember McBrady returned to the dais at 7:32 p.m.

Town Manager Kimball spoke on receiving notice that the original agreement was expired. There is no fee to be a member and using the state contract for purchases can be very beneficial.

Mayor Nolan made a motion to approve and execute the renewal of the AZ State Purchasing Cooperative Procurement Agreement, seconded by Councilmember Wright. It was approved unanimously.

9.2. To revisit Council Policy 12-02 for clarification and especially item 4.6 “Legal research results and opinions on specific questions will be disseminated... at the discretion of the TM.” [CAARF requested by CM Wright]

Councilmember Wright gave an overview on her agenda item. She gave her opinion that the wording related to “at the discretion of the Town Manager” should be changed to reflect only two exceptions: Disputes with Council members and issues addressed in ARS.

There was discussion on this. Town Manager Kimball voiced her opinion against removing “discretion” wording.

Public comment was taken on this item.

Jerry Brady spoke in support of disclosure of legal counsel opinions over administrative discretion.

Councilmember Wright made a motion to change item 4.6 of policy PG No. TC 12-02 to remove “at the discretion of the Town Manager” and replace it with “unless forbidden by law”, seconded by Councilmember Hamilton.

There was discussion on removing “staff” wording so it clearly addresses public bodies.

The motion on the floor was amended to remove “staff” from the purpose and scope of this procedure (both mover and seconder agreed).

There was discussion on the pros and cons of removing “discretion” wording. Town Manager Kimball asked for clarification on original wording (specific questions versus requests by council).

Vice Mayor Repan made a motion to move this to a work session where they can take action on this item, seconded by Councilmember Alen.

Public comment was taken on this item.

Jerry Brady spoke on the council’s operation of the microphones and problems with listening to recordings. He stated this agenda item defends the interest of the public.

A motion was taken on the work session motion, which was approved by a 5-2 vote in favor, Councilmember McBrady and Wright voting against. TM Kimball asked which study session they wished to move this to. It was decided to move it to the November 12th Work Session or next available one. The first motion was not voted on as the second motion action over-rode it.

9.3. Change Code (30.085 D&E) through council action and/or resolution. [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview explaining the added wording makes it clear it includes the Mayor. He suggested reporting requirements (report given at a meeting within a 2-week limit). There was discussion on other means of getting information from these agency meetings.

Public comment was taken on this item.

Jerry Brady spoke on “Minutes” law and only being a record of legal action, not discussion.

Councilmember Hamilton made a **motion** to approve 30.085 D&E as proposed, seconded by Councilmember Wright.

Vice Mayor Repan made a **motion** to move 30.085 D&E to a work session, seconded by Councilmember Alen. There was discussion on work sessions and what they are for.

Councilmember Wright made a **motion** to accept 30.085D as proposed, seconded by Vice Mayor Repan. Mayor Nolan spoke on the redundancy of this code change. It was **approved** by a 6-1 vote in favor, Councilmember McBrady voting against.

Vice Mayor Repan **amended the motion** to move 30.085 E (removing from the motion 30.085 D) to a work session, the seconder agreed. It was **approved** by a 4-3 vote in favor. Councilmembers Hamilton, McBrady and Mayor Nolan voting against.

The first motion was **not voted on** as the subsequent motions over-rode it.

Councilmember Wright asked about bringing the 30.085D amendment back as an ordinance to be placed on the consent agenda.

Public comment was taken.

Jerry Brady spoke in support of bringing the code change back to council as an ordinance.

Town Manager Kimball asked Council which study session to put 30.085 E on; whether to proceed with amending the code for 30.085D or to wait until they have worked on 30.085E and have both on an ordinance. There was discussion. Ms. Kimball stated she will submit the discussion to the attorney for ordinance drafting on 30.085D.

9.4. Change Code (30.085F) through council action and/or resolution. [CAARF requested by VM Repan]

Vice Mayor Repan gave an overview. There was discussion on having selected alternate(s) to attend other established agency meetings the town is a member with and having a policy adhered to whereby the primary should contact the alternate if the primary can't attend.

Councilmember Hamilton made a motion to approve the proposed change to Code 30.085F. Councilmember Wright made a friendly amendment to the motion to remove the last sentence, “if no council member is available as a substitute, this information will be made available to the public through the town web site”. With this amendment she seconded the motion. The maker of the motion agreed to the amendment.

There was discussion on notifying the alternate and/or the Town Manager if unable to attend; whether to post meeting notifications on the town website; and “must” wording in code change language.

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

9.5. Discuss section 4.3 of Town Policy PG No. TC 12-03. [CAARF requested by CM Hamilton]

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Councilmember Hamilton gave an overview and requested they discuss this at the same time as VM Repan's code change work session (on reporting-30.085E).

Councilmember Hamilton made a motion to move this agenda item to the same work session where VM Repan's code changes on report summaries is discussed, seconded by Vice Mayor Repan. It was approved unanimously.

9.6. Create a second work study session a month on the 4th Tuesday of the month.
[CAARF requested by VM Repan]

Vice Mayor Repan gave an overview, explaining his opinion for needing an additional work session (spend more time in discussion of an item in a work session to streamline regular meetings). There was discussion.

Public comment was taken on this item.

Jerry Brady spoke in support on the work council does and in support of work sessions for better discussion of issues and to prepare research.

Councilmember Wright suggested limiting the number of agenda items on a work session. There was discussion of other times and days for work sessions. Mayor Nolan explained special meetings can be called if additional time is needed.

Mayor Nolan made a motion that if another study session is needed it will be deemed a special study session and not constituted in the Code of ordinances as a mandatory study session, seconded by Vice Mayor Repan.

There was discussion on whether a motion was needed for this or if it can just be decided and directed at the next work session. Town Manager Kimball asked if they wanted a standing agenda item on whether to have a special study session at each regular study session. The original motion was withdrawn by the maker and seconder.

Mayor Nolan made a motion to establish a line item on future study session agendas for a possible additional study session, seconded by Vice Mayor Repan. It was approved unanimously.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on attorney/client privileges comparing these privileges for local government and the President of the United States. He spoke on the distribution of information on the Town's computers.

Mayor Nolan gave a public comment speaking on many of the agenda items being frivolous and time consuming and spoke on the Council's job to do Town business.

12. Adjourn.

The meeting was adjourned at 9:32 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk