

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 3, 2013, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 3, 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 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Councilmember Nancy Wright and Mayor Terry Nolan both gave an invocation.
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.**

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.

None.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball reminded Council and public that this Saturday, December 7th, at 12:30 p.m. the EPA will be holding a community meeting at Humboldt Elementary School Gymnasium regarding the Iron King Mine and Humboldt Smelter Superfund site. The EPA's factsheet has been mailed out to all residences in D-H.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the November 12, 2013 Work Session and November 19th Regular Meeting.

Vice Mayor Repan made a motion to approve the minutes from the November 12, 2013 Work Session and November 19th Regular Meeting, as presented. It was seconded by Councilmember Alen, and it was approved unanimously.
7. **Comments from the Public (on non-agendized items only).**

Ruth Szanto, Staff Attorney with Community Legal Services, spoke about the legal services (civil cases only) they provide to the community. Information will be posted at town hall and possibly put in the newsletter. She offered to give a presentation to the town on their services if the council is interested.
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. **2014 Council meeting schedule and holiday schedule.**

Town Manager Kimball introduced the schedule and explained the November 11th (Veterans' Day) holiday will fall on a regularly scheduled work session. She asked for direction on whether to reschedule or cancel it.

Mayor Nolan made a motion that anytime a holiday falls on a Monday prior to a regularly scheduled council meeting that council meeting should not be held; Councilmember Williams-Rowe seconded the motion.

Councilmember Hamilton spoke on wanting to make those decisions closer to the holiday to determine workload for meetings.

The motion failed by a 2-5 vote, Councilmembers Alen, Hamilton, McBrady, Wright and Vice Mayor Repan voting against.

9.2. Revisit process for CAARF submittals from inception through action. [CAARF requested by CM Alen]

Councilmember Alen explained she had requested this for a work session. She made a motion to move this to a work session, seconded by Vice Mayor Repan.

Town Manager Kimball explained it was an oversight on staff's part that it went on a regular session. Mayor Nolan spoke on code stating CAARF's should be put on regular sessions first for Council to decide if they should go to a work session, discussed then or not addressed at all.

A vote was taken on the motion which passed by a unanimous vote. This item will be placed on the December 10th Work Session.

9.3. What is the procedure for putting on or taking off a Town owned road on the 6-year road maintenance plan? [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview of his request explaining why he felt there was a need to create a procedure for adding or removing roads from the road plan. He spoke on concerns with the Town's liability if not maintaining the Town owned paved roads to a consistent standard. There was discussion on whether there was a need to create a procedure when this is regarding one road's exclusion from the plan.

Public comment was taken on this item.

Jerry Piper spoke on the liability; placement of millings on a road; using traffic counts to set priorities for road work.

Town Attorney Susan Goodwin spoke on liability for defective roads and immunity statutes.

9.4. Discussion and possible action to continue Catherine Kelley's appointment as Magistrate of Dewey-Humboldt, and set salary and term. 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.

Town Manager Kimball gave an overview. Judge Kelley had requested this discussion be held in open session rather than executive session.

There was discussion on what increases in salary have occurred for the magistrate over the last two years.

Councilmember Wright made a motion to approve giving Judge Kelley the maximum merit increase allowed for town employees over the next two years and appoint her to another 2-year term, seconded by Vice Mayor Repan. It was approved unanimously.

9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consultation of employment, term and salary of Catherine Kelley for Magistrate.

Council did not go in to Executive Session on this item.

9.4.2. Reconvene Regular Meeting.

9.5. Discussion and possible action or direction related to the extension of the Lease Agreement for the Town Hall. 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.

Councilmember Hamilton made a motion to approve going in to Executive Session, seconded by Vice Mayor Repan. It was approved by a 6-0 vote in favor, Councilmember McBrady being recused from the vote.

Council recessed into executive session at 7:10 p.m.

9.5.1. 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 extension of the lease Agreement for the Town Hall located at 2735 S. Highway 69, Dewey-Humboldt, Arizona.

9.5.2. Reconvene Regular Meeting.

Council reconvened into the regular meeting at 7:51 p.m.

Councilmember McBrady returned to the Council Chambers and sat in the audience.

Councilmember Hamilton made a motion to revisit this issue on the December 10th work session, seconded by Councilmember Wright. It was approved by a 6-0 vote in favor, with Councilmember McBrady being recused from the vote.

Councilmember McBrady returned to the dais.

10. Public Hearing Agenda. None.

11. Comments from the Public. None.

12. Adjourn. The meeting was adjourned at 7:53 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk