

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, APRIL 15, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 15, 2014, 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 6:34 p.m.

Mayor Nolan announced that the man who had been missing (see 4.1.1.), was found deceased. He asked they remember him and his family during the invocation.

2. **Opening Ceremonies.**

2.1. Pledge of Allegiance. Made.

2.2. Invocation. Given by Councilmember Nancy Wright.

3. **Roll Call.** Town Council Members Jack Hamilton, Dennis Repan, Sonya Williams-Rowe (absent at roll call-arrived during agenda item 4.2.), Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present. Council member Mark McBrady was absent (medical absence).

Mayor Nolan explained he was making an exception and moving **7. Comments from the Public** sooner on the agenda to let Mr. Mangarella make an announcement to the Council, as Mr. Mangarella is not able to drive after dark.

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

Paul Mangarella explained he wanted to donate a piece of property to the town for a park with the stipulation that the town council waive the judgment fine against the property. He spoke on getting used playground equipment that was in need of repair but the park would be self-supporting. He spoke on also donating 5 acres to the Central Yavapai Fire District for a location for a water tank for any emergencies in the area.

Carl Marsee with the Dewey-Humboldt Historical Society spoke to the Council on the support the town Council has provided for the museum and publicly recognizing this with a framed "Gold Member" letter. The letter was presented to the Mayor.

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. Public Safety Quarterly Update.**

- 4.1.1. Yavapai County Sheriff's Office report presented by Lt. Auvenshine.** Topics for possible discussion include: Overview - Self-Initiated, Calls for Service, Traffic Stops including number of citations, Arrests (Family Fight, Disorderly, DUI/Drugs); Criminal Investigation; Animal Control - Calls for Service; Calls for Service Comparison-Days of Week, Time of Day; Average Response Times; Part 1 Crimes Comparison.

Lt. Auvenshine spoke on finding the missing person, Mr. Stewart, and where he was found. The Lt. gave the Yavapai County Sheriff's Department presentation on the first quarter of 2014, going over the PowerPoint details. There were no questions asked regarding his presentation.

- 4.1.2. Central Yavapai Fire District report presented by Rick Chase.** Topics for

possible discussion include: Fire Prevention and Fire Incidents in Dewey-Humboldt.

Fire Marshall, Rick Chase spoke on the history of fires in Dewey-Humboldt and wildfires. He provided the town with “firewise” handouts and spoke on property assessment services the CYFD offers for this purpose. He spoke in support of the firebreak project (grant application), and fireworks ordinance banning fireworks in Dewey-Humboldt.

Public comment and questions were taken.

Steve Rutherford asked Mr. Chase about the property donated to CYFD. Mr. Chase responded they are looking at using it for a water tank placement for fire suppression in that area.

Sharla Mortimer asked about his thoughts on professional fireworks displays versus non-professional. Mr. Chase responded the professional events are carefully planned and managed, home fireworks are not.

Lt. Auvenshine recommended people sign up for notification of emergencies on the YCSO website under the Emergency Notification System Tab “Click here to Sign-up” - Code Red link.

Jerry Brady spoke on dispatch maps using multiple information and asked Mr. Chase if the information was correct. Mr. Chase responded that is handled by dispatch and the GIS departments.

Carl Marsee asked about calling 911 if people hear fireworks being discharged. Mr. Chase responded affirmatively.

4.1.3. Magistrate Court report presented by Judge Catherine Kelley. Topics for possible discussion include: Customer Service, citations, and the Great Seal of the State of Arizona.

Magistrate Judge, Cathy Kelley spoke on the correlation between what the YCSO reports and what the Magistrate’s office sees. She spoke on new technology where a judge can talk with a criminal in jail using an iPad, rather than visiting in person. This will cut down on commute time. She told the Council she will be having the State’s and Town’s seals made and hung in the Council Chambers using the Court’s budget funds.

Mayor Nolan thanked the judge for her work and the excellent job she does.

4.2. Water Advisory Committee (WAC) Pre-Budget Presentation. A Presentation by John Rasmussen, Coordinator of Yavapai County Water Advisory Committee about WAC as it relates to the Town’s membership with this committee.

John Rasmussen, Coordinator for the YC WAC gave his PowerPoint presentation. He reviewed the municipal members in WAC and the cost for the Town to continue their membership (\$4,170, about \$1.07/person) this coming year. He reviewed what WAC does for the community (education, well testing, etc.) and stated they are a resource for people with water issues.

Councilmember Hamilton asked about membership with WAC versus the Groundwater Advisory Council (GUAC) and Arizona Department of Water Resources (ADWR). Mr. Rasmussen responded by reviewing the benefits of membership in WAC (Study being done, unified communication, being at the table).

Councilmember Williams-Rowe arrived at 7:57 p.m.

Councilmember Repan asked about operation budget breakdown and Supervisor Thurman's recommendation to support WAC this year but not necessarily next year. Mr. Rasmussen gave the details of the operational budget and spoke on changes to WAC with possibly two regional groups evolving from it after next year.

Public comment was taken on this item.

Jerry Brady spoke on an informative report and on historical water wars in Yavapai County and benefits of being informed of issues affecting legal water rights; surveys done on water resources, historically and whether they should be reviewed by WAC. Mr. Rasmussen offered to speak with Mr. Brady individually on these subjects.

4.3. Greater Prescott Regional Economic Partnership (GPREP) Pre-Budget Presentation. A presentation by GPREP Staff and Chairman, on GPREP overview and regional statistics as they relate to the Town's membership with this agency.

Mr. Steve Rutherford, GPREP Board President, spoke on the purpose of the GPREP, current members, and benefits of membership (business attraction team, resources, information/experience, website, grant resource, increase tax base benefit, lighten burden for existing residents).

There were questions on the survey, who did it and who did they speak with; benefits to the town since D-H does not have the infrastructure for drawing economic development. Mr. Rutherford reiterated the earlier mentioned benefits (growth increases regional tax base).

Public comment was taken on this item.

Jerry Brady spoke on APS and Economic Development; history-based tourism; improving airport surface transportation regionally.

Mr. Rutherford responded by speaking on the need to substantially upgrade the bus transportation service.

4.4. Day of Remembrance Proclamation.

Mayor Nolan read the Day of Remembrance Proclamation – Holocaust and response for April 27 through May 4th.

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

Town Manager Kimball announced the candidate election packets will be available for distribution starting April 28, 2014 with the Candidate Orientation date to be announced at the May 6th meeting.

5.1. Preliminary Budget Worksheet Acknowledgment and Next Steps. Council acknowledgement.

Town Manager Kimball explained this is a procedural item. She reviewed the worksheets were printed and provided to Council Friday, April 11th. The first Budget Workshop is scheduled for Tuesday, April 22nd, at 9:00 a.m. Ms. Kimball plans to summarize the highlights from the workshops at the regular meetings following the workshops.

Councilmember Hamilton announced that Yvonne Kimball has been appointed by Governor Jan Brewer, to the board of the ADWR AMA (Arizona Department of Water Resources Active Management Areas).

6. **Consent Agenda.**

6.1. **Minutes.** Minutes from the March 18, 2014 Regular meeting and April 1, 2014 Regular meeting.

Councilmember Hamilton pulled the April 1, 2014 Regular meeting minutes from the consent agenda. He stated the minutes needed to be modified to show a motion made regarding Gosar's visit. Town Clerk Morgan explained this would be researched, modified and brought back to the council for approval at a future meeting.

Councilmember Wright made a motion to approve the minutes from the March 18, 2014 Regular meeting, seconded by Councilmember Repan. It was approved unanimously.

7. **Comments from the Public (on non-agendized items only).** Mayor Nolan moved this agenda item to the beginning of the agenda following "**Roll Call**" to accommodate a speaker's request. (see above)

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. **Yavapai Resource Advisory Committee (RAC) Grant Applications for Firebreak and Newtown Road Trailhead.** Update and Council review and feedback of application packets prior to submitting.

Town Manager Kimball gave an overview on the RAC grant, and explained OSAT Chair, Sandra Goodwin was present to speak on the details for the Trailhead application and Mayor Nolan would review the firebreak application.

Sandra Goodwin spoke on the grant application being for an environmental study (NEPA), not to build a trailhead, which is necessary before beginning the project. The application has received support from the Prescott National Forest (PNF) District Manager. There are two trailhead locations being considered and the NEPA study will have a recommendation for one of those. She thanked the PNF staff for their help in writing the application.

Ms. Goodwin answer questions regarding minor elements and modifications (items identified have been modified on the most current application to go out), made to the application. There was discussion on the pros and cons of each proposed trailhead location.

Public comment was taken on this item.

Jerry Brady spoke on options for shared use of trailhead and ranching uses; benefits of the Newtown Road trailhead for access to water, links to trails, Prescott Trail system, National Scenic and historic designation.

Rink Goswick spoke on his history running cattle in this area (hauling water, panels and working cattle) and his concerns that a trailhead would hinder his operation. He explained the improvements he has made for this operation and concerns with the increased use and access a trailhead would encourage.

Sandra Goodwin expressed her desire to speak with Mr. Goswick about his concerns and pledged her willingness to come together and consider his needs.

Jerry Brady spoke on other locations for a trailhead and the amenities they would provide.

Sharla Mortimer spoke on problems with people using gates accessing grazing land and not leaving them the way they find them (either open or closed).

Mayor Nolan spoke on the Firebreak application, explaining it is a 2.4 mile section along the west end of town clearing a 100' swath and maintaining it.

There was discussion on this work being reimbursed at a later time, in-kind contribution and maintenance of the firebreak.

Public comment was taken on this item.

Rink Goswick spoke on the traditional use of logging, grazing and mining for wildfire control.

There was council discussion about the NEPA study; cost estimates for clearing the swath of land of brush; monitoring through CYFD, town's fiscal responsibility for in-kind contribution and up-front costs.

Public comment was taken.

Rink Goswick spoke in support of the proposed Smoki trailhead location.

Sandra Goodwin spoke on problems with the Smoki location for a trailhead and stated they will work with the ranchers.

Rink Goswick asked about the firebreak and why the town would pay for it.

John Hughes spoke on the fire department maintaining the firebreak once it has been established.

Jerry Brady spoke on his experience with this and equipment used for this purpose and challenges with the terrain, and town responsibilities.

Councilmember Repan made a motion to move forward with both grants, with those minor modifications identified, seconded by Vice Mayor Alen. The motion was approved unanimously (6-0 vote in favor, Councilmember McBrady being absent).

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

9.1. "Agent Change/Acquisition of Control" Liquor License for Cherry Creek Ranch. Hearing and legal action to approve or disapprove.

Mayor Nolan gave an overview.

Councilmember Hamilton made a motion to approve the agent change/acquisition of control liquor license for Cherry Creek Ranch, seconded by Councilmember Repan. It was approved unanimously.

9.2. Foothill Drainage project update and next steps to proceed with bidding and construction phases. Approve, disapprove or modify the recommended next steps.

Town Manager Kimball and Public Works Supervisor Hanks gave an overview. Council reviewed the two sites for the drainage project. The project is being bid as one project which will span June and July, utilizing two budget years and the Yavapai County Flood Control funding. This will allow the cost to be lower, overall and will be done before the monsoon season.

Councilmember Wright called a point of order and stated according to the Town Code if the meeting is to exceed 10:00 p.m. they must vote on it.

Mayor Nolan made a motion to approve continuing the meeting after 10:00 p.m., until done, seconded by Councilmember Repan. It was approved unanimously.

Councilmember Repan made a motion to proceed with the bidding and construction phases for the two projects, as recommended by staff, seconded by Vice Mayor Alen.

Councilmember Hamilton made a motion to amend the motion to remove the guardrail from the project, seconded by Councilmember Wright.

PW Supervisor Hanks spoke on his recommendation to keep this as an option as an add-alternate. There was discussion on how best to handle this, having the council remove it as an option or letting the project evolve with a decision on this coming at that time.

The maker of the amendment to the motion withdrew his amendment motion as the guardrail is already planned as an option/alternate.

A vote was taken on the original motion to proceed with the bidding and construction phases for the two projects, as recommended by staff, which passed by a 6-0 vote in favor.

9.3. Contract with Shephard-Wesnitzer, Inc. (SWI) for bidding and construction services for the Foothill Drive drainage project. Award, reject or accept with modifications the contract with SWI.

Town Manager Kimball gave an overview and recommended they approve this contract with the on-call engineering contractor.

Councilmember Hamilton made a motion to approve awarding the contract to Shephard-Wesnitzer, Inc. (SWI), as presented, seconded by Councilmember Repan. It was approved by a 6-0 vote in favor.

9.4. Discussion and possible action on enacting a fireworks ordinance for the Town. [CAARF requested by CM Wright]

Councilmember Wright gave an overview and explained she felt an ordinance was necessary for the town to address fireworks use and spoke on the town's liability with commercial firework displays.

Councilmember Wright made a motion to approve waiving the client/counsel privilege for the Attorney's memo dated May 29, 2012, pertaining to fireworks. The motion was seconded by Councilmember Repan. It was approved by a 6-0 vote in favor.

Councilmember Wright spoke on Flagstaff's liability in a fireworks display and suggested an option to increase the liability policy requirement to \$2 million per event.

Public comment was taken on this item.

Sharla Mortimer gave her feedback on a commercial fireworks displays Mortimer Farms had as part of a special event, which was reviewed and approved in advance by the town and fire department, and their liability insurance was for \$10 million coverage for that event.

There was discussion on procedures in place and who holds the liability for a commercial fireworks display.

Councilmember Hamilton made a motion to approve having the attorney draw up a fireworks ordinance banning non-professional fireworks use, seconded by Councilmember Repan.

There was discussion on fire department bans restricting fireworks during normally high use periods (New years and Independence Day). There was discussion on whether this should be put in the newsletter for public input prior to approving the ordinance.

A vote was taken on the motion which passed by a 4-2 vote in favor, Councilmember Williams-Rowe and Mayor Nolan voting against.

9.5. Discussion of microphones on the dais. [CAARF requested by Mayor Nolan]

Mayor Nolan postponed his agenda item until a future date to be determined later.

10. Public Hearing Agenda.

None.

11. Comments from the Public.

None.

12. Adjourn.

The meeting was adjourned at 10:36 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk