

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
TUESDAY, AUGUST 12, 2014, 2:00 P.M.**

A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 12, 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 2:02 p.m.

2. **Roll Call.**

2.1. Town Council. Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Sonya Williams-Rowe (arrived late at 2:55 p.m.), Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present.

3. **Study Agenda.** No legal action to be taken.

3.1. Tourism Presentation by Glenn Schlottman (AZOT) [Original CAARF from May 20, 2014 Regular meeting – VM Alen, and approved at the May 20th Council meeting].

Glenn Schlottman gave his PowerPoint presentation on tourism, speaking on the AZ office of Tourism; its purpose to promote tourism to the state; the strategy for promoting tourism throughout the state (research, advertising, trade, media marketing and community outreach and working with communities; statistical information of economic impact of tourism; AZOT no cost resources including business listings, website (visitarizona.com,) travel deals, event calendar, virtual brochures, social media and travel and trade media, FAMS, and educational workshops. He provided information on strategies for marketing in rural communities in AZ. All resources that are business related are located on the website tourism.az.gov.

Mr. Schlottman explained D-H has a page on the website, but it needs to be updated, and needs to have business and community listings. Information can be updated by the Town, we can contact their office staff or we can utilize Glenn as a resource for getting information updated and for development and marketing for town's tourism strategies. The AZOT provides a 50/50 partnership for advertising.

There was discussion on state tourism trade during the economic downturn.

Mayor Nolan asked about how we could to make contact for international recognition.

Mr. Schlottman said he would act as primary contact and then will route specific information on to the correct staff members.

Public comment was taken on this item.

Mr. David Nystrom, Dewey-Humboldt Historical Society Board Member, spoke on DHHS events and using internet access and print materials for marketing.

Mr. Schlottman stated the best way to get the message out would be through social media and if they get information to them, they would assist in getting the information out in a broader sense and recommended the historical society connect through the town to access AZOT.

Mr. Kevin Leonard (who arrived late to the meeting) asked who Mr. Schlottman is and what he did.

Mr. Schlottman reiterated the information he had presented so far.

Mayor Nolan stated that he can see where the AZOC can be very beneficial to the historical society and to the D-H community.

Mr. Schlottman passed out his business card and wrapped up his presentation.

3.2. Determine process and procedure for TC meeting guests, speakers, presentations, reports, etc. in compliance with Open Meeting law, Election law, AG protocols and Town's legal advisor. [Original CAARF from May 13 2014 Work Session – VM Alen]

Vice Mayor Alen gave an overview regarding the purpose for discussing the issue of guest speakers and the criteria for placing speakers/presenters on meeting agenda.

Councilmember Wright questioned the original discussion about the matter and whether there was a quorum present during the discussion and if so was this in violation of open meeting law.

Town Manager Kimball responded and discussed the policy in regards to the council discussion. She spoke on the criteria list. She stated that the original discussion could be done by quorum or by single request brought to the council for quorum decision.

Councilmember Wright spoke against the wording in the draft procedure pertaining to "Agenda Committee" as it is then considered a subcommittee, which would be subject to Open Meeting Law requirements. TM Kimball explained it wasn't intended to create a subcommittee so it can be modified.

CM Hamilton gave his opinion on how the process should work: presenters approach a councilperson to submit a CAARF; or can speak during public comment; if presenting a fact-based issue then both sides should be represented; avoid election issues.

VM Alen spoke on addressing this issue is to establish consistency within the Council on who can speak on certain issues and what issues will be agenzized.

There was discussion on the amount of time to limit speakers to and Council having the ability to waive the time limit if they agree to do so.

There was more discussion on the wording on "agenda committee" and concerns about open meeting law. TM Kimball stated she would consult with the attorney on this, however, it is her understanding that if a staff appointed committee is formed then they are not subject to open meeting law.

There was discussion on staff initiated presenters and making sure presenters are aware of the guidelines in advance; whether this policy brought the decision to the council to decide to hear a presentation or whether it was up to the agenda committee. CM Repan requested the policy clarify this issue. CM Kimball stated as co-author of the policy that Council reserves the authority on whether a presentation is in order. She pointed out a paragraph; if conforms to the guidelines established by the Council, then the presentation can be placed on agenda. Maybe policy is unnecessary since Councilmembers now submit a CAARF for decision on presentations.

CM Sonya Williams-Rowe arrived at 14:55

CM Repan spoke in support of the usefulness for established guidelines for those requesting to make presentations. CM Hamilton stated the policy may not be necessary. VM Alen spoke on the guidelines for the policy and the purpose for saving time and

doing something that isn't arbitrary or subjective then that form would do that for this situation. CM Wright expressed her approval for the written policy but agreed there needs to be some word-smithing on this policy. She recommended modifying the wording to, "presentation is requested by a CAARF submitted by a council member. Once a CAARF is agendized, then council votes on whether to approve the presentation.

TM Kimball will send the word document for all the councilmembers' changes and requested to have them returned by September 9th. Once there is consensus received it will be sent back to the attorney for review.

3.3. Direction to staff whether to proceed with pursuing preparatory work for Council adoption of the 2012 International Code Council (ICC) Code and the 2011 National Electrical Code (NEC). [Original CAARF from May 13 2014 Work Session – VM Alen]

TM Kimball officially introduced Terry Ford as the Town's Building Official/Inspector.

Terry Ford gave a PowerPoint presentation for the purpose of obtaining the council's direction on whether to adopt 2012 ICC or stay with the 2006 version. Mr. Ford recommended that D-H adopt the updated version with amendments.

CM Hamilton questioned Mr. Ford about how the modifications affect the ISO score, and the cost for updating. Mr. Ford explained how it would improve the ISO rating, reducing the cost of homeowner's insurance. He spoke on the amount of work and cost to adopt the new codes. TM Kimball added there would be some legal costs for adopting the ordinance, staff and council time which is minimal considering the scope of the work.

CM Wright asked if the new codes will include the prior amendments made to the other codes, such as the 400 square foot exception. Mr. Ford said the amendments previously made and the Energy Code would remain the same. Mr. Ford explained we choose to go along with what the County does with the codes since we are both rural and there are very few modifications from what the county changes.

Mr. Ford answered other Council questions regarding new exceptions from permitting and remodeling issues.

Council recommended moving forward on accomplishing this update.

3.4 Town Code of Ordinances "Animal Code" review progress staff report. [Original CAARF from May 13 2014 Work Session – VM Alen]

TM Kimball introduced Connie Dedrick as the Community Development Coordinator and explained she would be presenting a progress report on the animal code review.

CDC Dedrick gave an overview on the process to date.

Council asked questions on allowing swine in the D-H community and the solution to the animal problem is for neighbors to be responsible and respectful to each other.

VM Alen spoke on the purpose of addressing the animal codes was to clean up the disjointed codes. The council agreed to task the Planning and Zoning Commission in researching and evaluating all the animal codes and provide recommendations for revisions. The issue has grown with feedback from the community.

CDC Dedrick spoke on: both sides of issues have been presented at her meetings; challenge of how to manage growth and still protect rural animal rights; balance through code enforcement and maintenance codes; networking with other rural communities for

ideas on how to work with the members of the community to find a balance; timeline for this process is December tentatively to allow for additional meetings and feedback; animals limits per household is the most controversial issue among citizens.

CM Wright spoke about researching comparable communities in regards to kennel definition and number of animals allowed per resident; developing a sample agreement between two parties and a mediator to keep problems from becoming legal issues which require litigation; make the code clearer with details on what is allowed and not allowed.

There was discussion regarding complaints and the process for citizens issuing complaints such as barking dogs, and other animal nuisance.

CDC Dedrick spoke on the procedural process for code enforcement and how this affects multiple departments. In regards to animal nuisance matters, staff is working closely with county animal control. Public announcements can be done for the educating the public on the animal code.

TM Kimball spoke on animal codes as being one component in code enforcement. Staff does work together to evaluate the issues and ultimately she is the gatekeeper for public announcement and information relayed in the media. There is some misinformed citizens who may benefit from talking with staff. She recommended that concerns should be brought to staff to address and advised of an anonymous newsletter being distributed around town.

Public comment was taken on this item.

Ulys Brooks spoke regarding the use of dogs for personal protection of private property.

Karen Brooks spoke on growth and differences. She spoke on complaints of her dogs barking and her right to have them to protecting her property as well as their goats. She spoke on what complainants should be required to prove with a complaint and the laws on public records.

Ulys Brooks spoke on past dealings with animal control and staff about his farm, which he stated is grandfathered in.

CM Hamilton spoke on council policy to redact names on complaints and problems about complaints being valid. CDC Dedrick confirmed that the majority of complaints are not anonymous, however there are concerns of retaliation.

3.5 Process and Procedures for hearing Ethics Complaints filed in Dewey-Humboldt plus Hearing Process draft document for discussion and later action. [CAARF requested by VM Alen]

VM Alen gave an overview regarding the purpose of the ethics code and a process for filings and the due process for getting a hearing for a complaint facilitated. The current method is not clearly defined so a draft process has been presented for Council's review. She stated there must be consistent expectations and parameters for all involved and responsibilities defined, and the process needs to be fair and ethical.

CM Repan commented on item four (4) of the first section – process and procedures; the first sentence has implications which need to be clarified. VM Alen stated that when a complaint comes in, the committee should get together and determine if the complaint is valid and justifies further action. CM Repan questioned if the committee had the power to determine if the complaint could be rectified without further action/hearing. VM Alen explained her feeling that the ultimate determination should be made by council,

however, the committee could give a recommendation for dismissal or further action based on findings and fact.

CM Wright questioned how the process would work for minor complaints as well as major complaints. VM Alen stated the existing code might need to be modified for the process to work.

CM Hamilton commended Vice Mayor on the work done to establish a process for the ethic complaint cases.

CM Repan spoke on the timeframe and whether existing complaint cases could move forward without the revised process being in place. VM Alen replied that treating each case different and not being consistent in the hearing process is not right.

CM Repan requested a tentative adoption of the presented code process presented by VM Alen so that the Council can move forward with current ethics complaints.

Consensus was reached to move forward with this draft for now with fine tuning at a future meeting.

4. Special Session. Legal Action can be taken.

4.1 Discussion and direction to Staff to identify how each proposed Council action relates to the values listed in the General Plan. [CAARF requested by CM Wright for possible action]

Councilmember Wright gave an overview, explaining the reason to identify each proposed Council action is to bring awareness of the General Plan and for the purpose of reminding Council Members of the vision of the GP.

There was discussion on previous practice with Council Communications to address this and why it isn't in practice today (previous Town Manager's practice and he was discharged). Mayor Nolan suggested council members should review the General plan under each item and then bring that determination up to council and not depend on the staff to do this. There are mistakes in the GP and reviews will come up soon to make those needed revisions. He stated that staff should not be burdened with this task.

There was discussion on how this process is a burden in time and money.

TM Yvonne Kimball spoke on the findings that show past agenda's do not reflect values but the Council communications do. She passed out the examples of how it was done. Although the staff can provide assistance, it would not be something she would volunteer to do. This can be done for staff proposed action, but asked if council wants staff to do it for council's CAARF's.

Mayor Nolan stated he does not feel it is necessary at this time and it should be left as it is. If presenting a CAARF, then council members should be responsible for making sure it complies with the General Plan (GP).

CM Wright stated that it has been removed from the agenda without council approval and the GP was a good plan. If others do not agree or are not interested in this then it can be dropped.

CM Hamilton stated he did not have a problem with the idea. Vision criteria is so general and doesn't reflect the actual GP. Would like to see it specifically in the GP and believes it is not necessary to pursue and is in support of dropping it.

4.2 Discussion and decision on whether to cancel the August 19th Regular meeting due to League Conference attendance for Council.

Mayor Nolan explained the August 19th meeting conflicts with Council's attendance, in Phoenix, for the League Conference. A Motion to approve cancelling the August 19th regular meeting due to League Conference attendance for council, was made by CM Hamilton, seconded by CM Repan. It was approved unanimously.

4.3 Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

There was discussion on what was coming up for council that might require an extra meeting. A Board of Adjustment (BOA) variance hearing was coming up and the information would likely go out on the 22nd to the Council. Council agreed no added meeting dates were needed this month.

5. Comments from the Public.

Karen Brooks spoke against previous Town Manager Emerson; in support of developing guideline which can be changed and improved; how the recession changed the U.S.

6. Adjourn.

The meeting was adjourned at 2:41 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk