

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 15, 2015, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 15, 2015, 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 6:30 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady (absent at roll call; arrived at 6:37 p.m.), Dennis Repan, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present. Doug Treadway was absent.

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.

Mayor Nolan announced Town Receptionist Cathy Jackson's retirement, read about her attributes as a member of the staff and presented her with a plaque for her years of service with the town. Ms. Jackson accepted the plaque and thanked everyone.

**4.1. Domestic Violence Awareness Month Proclamation.**

Mayor Nolan read the Domestic Violence Awareness Month proclamation.

Councilmember McBrady arrived at 6:37 p.m.

**4.2. POW-MIA Recognition 2015 Proclamation.**

Mayor Nolan read the POW-MIA Recognition 2015 Proclamation.

Mayor Nolan read a letter sent to him complimenting the Public Works Supervisor Ed Hanks on an outstanding job he did for a neighborhood by listening and responding accordingly.

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

Town Manager Kimball announced an informal get-together at town hall for Cathy Jackson's last day, Friday the 18<sup>th</sup>; spoke on attending a GUAC meeting, but nothing of note that directly affects the town, just regionally; there will be a study session discussion on well-water tests with research done and the report has been sent to Council via email already.

Councilmember Repan asked about her time away from the office and the chain of command. Ms. Kimball explained she would not be in the office October 1 to the 19<sup>th</sup> and will not be available during that time.

6. **Consent Agenda.**

None.

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

No comments were received.

Mayor Nolan requested moving agenda item 8.2 down to the last action item on the agenda so the public does not need to wait outside the meeting for the executive session. Council was in consensus to this proposal.

**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. Firebreak grant application final review and council authorization to submit application.** As directed to apply at the 7/7/15 meeting.

Mayor Nolan read the firebreak grant application before the Council. There was discussion on what was being proposed (brush removal or firebreak); cost of maintenance; liability concerns; how forest fire incidents are triaged or defended.

Town Attorney Susan Goodwin injected that an agreement between the town and the Forest Service would be necessary and explained the indemnity issues have been resolved and are used for other cities; she didn't think the town was taking on any liability by not doing the firebreak.

A modification to the application was recommended, adding a checkmark to the "fuel/fire prevention" selection. The reason the Forest Service did not support this was due to a lack of a NEPA study which is required and the forest has a long-range plan for fire prevention already.

Councilmember Repan made a motion to apply for the grant by submitting the completed application, seconded by CM Alen. It was approved by a 4-2 vote in favor, CM Wright and VM Hamilton voting against.

Mayor Nolan asked to move Agenda Item 9.4 up on the agenda to accommodate the GPREP representative. Council agreed.

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

**9.4. Council direction on how to proceed with GPREP membership contribution in a form of agreement for the coming year.**

Mayor Nolan gave an overview explaining the Greater Prescott Regional Economic Partnership (GPREP) would require the full \$4k payment for the town's membership in this group and GPREP would not consider a reduction in the membership price. Since the Council only approved \$2k toward this membership it was coming back to the Council.

GPREP Executive Director Richard Heath was present and spoke to the Council on the membership make-up of GPREP (50/50 private/public) and how this membership benefits Dewey-Humboldt (economic development in the region benefits all).

Councilmember Repan made a motion to approve the \$4k payment to move forward with the GPREP membership, seconded by CM Alen. It was approved by a 5-1 vote in favor, VM Hamilton voting against.

**9.1. Use Permit extension for the Dewey-Humboldt Historical Society off-premise sign/water tank located at 12470 E. Legionnaire Way, Dewey-Humboldt.**

Town Manager Kimball gave an overview: this is a renewal for a use permit; applicant has requested a 5-year extension which is the maximum allowed by code; all materials requested have been provided by the applicant.

Vice Mayor Hamilton made a motion to approve the use permit extension for a period of 5-years for the water tank, seconded by Councilmember Repan. It was approved unanimously (6-0 vote).

**9.2. Agreement with OpenGov, Inc. for its software services including visualizing the general ledger, chart of accounts, current year spending, etc.** Possible approval or rejection of the agreement.

Town Accountant Deni Thompson gave an overview and update on questions asked previously regarding OpenGov. She recommended approval of OpenGov.

Vice Mayor Hamilton spoke on his confusion previously regarding this program and his approval of this added service after clearing up his questions with staff.

Vice Mayor Hamilton made a motion to enter in to the lease agreement for OpenGov and to cancel the OpenBooks agreement, seconded by CM Alen. It was approved unanimously (6-0 vote).

**9.3. Ordinance 15-116 amending code Section 30.109 Meeting Protocols.** (Requested by Council at 7/14/15 meeting; last ordinance of the series of the three requested code amendments.)

Mayor Nolan spoke on a request from Councilmembers Repan and Treadway to postpone this agenda item for a future meeting. CM Repan explained that he spoke with CM Treadway who agreed for them to move forward on it at this time, rather than postpone.

Mayor Nolan made a motion to postpone this agenda item until CM Treadway is in attendance to address this issue, seconded by CM McBrady. The motion failed by a tie vote, Councilmembers Repan, Wright and Vice Mayor Hamilton voting against.

Council discussed the proposed code changes: removal of second "Public Comment" agenda item on the Regular meeting agenda; standard procedure for public hearings and voting on agenda item; who can call points-of-order; reasons for certain wording in the preamble and considerations for removing that proposed wording (first amendment rights).

Councilmember Repan made a motion to keep the preamble the original way it was written rather than the version from the attorney, seconded by CM Wright. It was approved by a 4-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

There was discussion on Roberts Rules of Order and wording in the code regarding the presiding officer making rulings on it and this code amendment puts a procedure in place if the council disagrees with the mayor; 15 minute limitation for public comment and how council can extend by a vote; the removal of "Public Comment" agenda item on a study session and reason for this (typically a Study Session is not for public input).

Vice Mayor Hamilton made a motion to approve allowing public comment at a work session under the rules E (6), seconded by Mayor Nolan. The motion failed by a 2-4 vote, Council members Alen, McBrady, Repan and Wright voting against.

Vice Mayor Hamilton made a motion to approve Ordinance 15-116, as amended to include the approved preamble change, seconded by CM Wright. It was approved by a 4-2 vote in favor, CM McBrady and Mayor Nolan voting against.

There was discussion on who can call a point-of-order (Council, Public, Staff). Town Attorney Goodwin explained the approved code allows staff to call a point-of-order if reminding Council about possible violation of Open Meeting Law.

## **10. Public Hearing Agenda.**

**10.2. Resolution 15-118 to adopt the fee for ROW Abandonment. Public Hearing and possible action following to adopt.** Direction made at the 6/9/15 meeting and motion made to consider imposing the fee at the 7/7/15 meeting.

Mayor Nolan recessed the Regular Session to open the Public Hearing at 8:49 p.m.

Mayor Nolan began to read a letter to Council submitted prior to the meeting by Earl Goodwin. Councilmember Wright called a point-of-order stating the letter should not be read. Town Clerk Judy Morgan explained Mr. Goodwin's email had requested his letter be heard at the public hearing.

Councilmember Wright made a motion to not hear the letter at the public hearing. The motion failed for lack of a second.

Mayor Nolan read aloud the letter from Mr. Goodwin, dated 9/10/15.

There was discussion on the fee proposed and whether it was adequate for the staff time necessary to process a ROW abandonment from the public.

The public hearing was closed at 8:55 p.m.

Vice Mayor Hamilton made a motion to approve Resolution 15-118 Adopting Right-of-Way (ROW) Abandonment Fee as presented, seconded by CM Wright. It was approved by a 5-1 vote in favor, Mayor Nolan voting against.

**8.2. Discussion and possible action regarding acquisition of property located at 12925 E. Main Street which is currently occupied by the Dewey-Humboldt Historical Society Museum.** 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. [follow up on the original discussion at 6/16 meeting ]

Councilmember Repan made a motion to recess into and hold an Executive Session, seconded by Vice Mayor Hamilton. It was approved unanimously (6-0). Council recess the Open Session at 8:59 p.m. and recessed into Executive Session.

**8.2.1. Recess into and hold an executive session** pursuant to A.R.S. Section 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main Street in Dewey-Humboldt.

**8.2.2. Reconvene into Open Session.**

Council reconvened into Open Session at 9:43 p.m.

Councilmember Alen made a motion to acquire the building, have the attorney and Town Manager explore the options available with the structure for the future use of the town, but for the present allow the museum to remain, but potentially put in an office of tourism visitor center along with the museum. Use the basement area for storage for the town.

Councilmember Wright spoke on wanting a time certain for the museum to vacate, rather than open ended. Councilmember Repan spoke on concerns over the renovation of the building, specifically cost to do so.

The motion failed for lack of a second.

Vice Mayor Hamilton made a motion to see what the building can be purchased for, purchase it if agreeable to the cost and use it for town space to be determined.

There was discussion on the appraisal done and purchasing considerations.

The motion failed for lack of a second.

Mayor Nolan spoke on not reaching consensus because the council isn't ready to make a decision on investing in a property yet for the town. CM Repan agreed and spoke on considering a partnership if someone is interested in doing something like that. No action was taken on this agenda item.

**11. Comments from the Public.** None.

**12. Adjourn.** The meeting was adjourned at 9:57 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk