

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
NOVEMBER 17, 2015, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 17, 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 6:32 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Councilmember Nancy Wright gave the invocation with an addition made by Mayor Nolan.
3. **Roll Call.** Town Council Members Dennis Repan, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present. Council Members Arlene Alen, Mark McBrady and Doug Treadway were absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** None.
5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **Follow-up on existing projects and prelude to future meeting items:** Possible subjects may include the FY 16 Citizen Survey preparation; well-testing program preparation; Town Manager evaluation forms; University of Arizona Superfund research program presentation.

Town Manager Kimball spoke on the following:

- Gave an update on the citizen survey process explaining a newsletter blurb was going in the December newsletter. No detailed dates for conducting the survey yet but will touch base with Alex Wright.
- Gave an update on the private well-testing kit project, explaining staff met with Councilmembers Repan and Treadway on details of kits available. More information will come to Council at the December 1<sup>st</sup> meeting.
- Gave an update on the direction from Council to obtain performance review forms for her review.
- Announced a request from the University of Arizona Superfund Research Program Coordinator to give a presentation to council on their research. This will be on the December 15<sup>th</sup> meeting.
- Explained there are contract issues with the Ethics Hearing Officer selected by Council. This issue will come before the Council at the December 1<sup>st</sup> meeting.
- Code changes to 30.085 have been sent to the Attorney and should have a response soon.
- Council's question regarding CM Alen's request to put all CAARFs on Work Sessions has been sent to attorney and will come back soon.

Councilmember Wright asked whether the Town Manager Performance Evaluation forms will be handed out in advance to the packet going out. TM Kimball responded the forms are being organized currently and the plan is to get the December 1<sup>st</sup> meeting

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packet out much sooner due to the holiday.

**5.2. Review of Proposed Public Body Policy 15-01 Council Representation at Regional Organizations.** (Council direction made at the November 3 meeting)

Town Manager Kimball gave an overview: Council directed staff to draft a policy; presenting draft to Council for further review and direction; not sent to attorney until additional feedback from Council.

There was discussion on whether to add other meetings or just organizations. Modifications to the list were: NACOG – Council; YRMC - board of electors (not directors). There was discussion on editing 3.3 wording; appoint an alternate representative at the same time as primary; list of organizations matches town expenditures; including wording, “not an inclusive list”.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the September 29, 2015 Special Study Session; October 6, 2015 Regular Council Meeting; October 13, 2015 Work Session; and October 20, 2015 Regular Meeting.

Mayor Nolan spoke on a minor change to the October 13, 2015 Minutes – 3.4 agenda item, changing wording from “wire” to “pipe”. He also asked Council whether they asked the question he requested to be asked as stated in the October 20<sup>th</sup> minutes (page 16).

Councilmember Wright made a motion to approve the September 29, 2015 Special Study Session, October 6, 2015 Regular Meeting and October 20, 2015 Regular Meeting minutes as presented and October 13, 2015 Work Session minutes as amended. It was seconded by Vice Mayor Hamilton, and approved unanimously (4-0 vote in favor).

**7. Comments from the Public (on non-agendized items only).** None.

**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. Contract for Town Independent Public Defender with Patricia O’Connor, Esq. for a term of two years.** Accept, reject or modify the contract.

Vice Mayor Hamilton spoke on addressing both agenda items 9.1 and 9.2 at the same time.

Magistrate Judge Kelley explained the difference between the two contract services. She answered questions regarding the rates as customary and reasonable and explained there has been no increase for four years, this being the first.

Vice Mayor Hamilton made a motion to approve the contract for Town Independent Public Defender with Patricia O’Connor, Esq. for a term of two years (as presented) and contract for Town Prosecutor Legal Services for Carrie A. Montavon, P.L.L.C. for a term of two years (as presented). It was seconded by Councilmember Repan and was approved unanimously (4-0 vote in favor).

**9.2. Contract for Town Prosecutor Legal Services with Carrie. A. Montavon, P.L.L.C. for a term of two years.** Accept, reject or modify the contract.

See agenda item 9.1 action above.

**9.3. Magistrate Judge Re-appointment. 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.

There was discussion on whether the term could be longer than 2 years. Judge Kelley explained it could be 2 or 4 year term but 2 years is customary.

Ms. Kelley was asked whether she wanted this item in open or executive session. Judge Kelley indicated she did not care whether council discussed this agenda item in open or closed session. Town Clerk Morgan explained Ms. Kelley was not provided notice of possible executive session as required to hold this in closed session.

Vice Mayor Hamilton made a motion to approve Catherine Kelley's appointment as Magistrate of Dewey-Humboldt for a 2-year term, seconded by Councilmember Reban. It was approved unanimously (4-0 vote in favor).

**9.3.1. 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 recess into nor hold an executive session.

**9.3.2. Reconvene Open Meeting.**

**10. Public Hearing Agenda.** None.

**11. Adjourn.** The meeting was adjourned at 7:00 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk