

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
NOVEMBER 10, 2015, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 10, 2015, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:03 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.
3. **Study Session.** No legal action to be taken.

Mayor Nolan spoke on wanting to read a proclamation for Veteran's Day but it was not on the agenda. There was discussion on why this could not be done on a Study Session (not agendized).

3.1. Proposed "Reasonable Accommodations" Ordinance. Council review and discussion.

Town Manager Kimball spoke on why this is coming before the Council, Reasonable Accommodations requests have been received and she wanted a procedure to follow. The Town Attorney was present to answer any questions of the Council.

Council discussed with the attorney "discrimination", Fair Housing Act; ADA; state law requirements to adopt the state ADA standards; only being able to ask for what is needed to make a determination; reasonable to request updates annually.

3.2. Proposed "Animal Ordinances". Council review and discussion.

Town Manager Kimball gave an overview explaining the time taken on this ordinance compilation with two parts in the Town Code: 90 Penalty and 153 Zoning. Penalty section 90 is handled by the Sheriff's Department. Animal Control Officer Deb Dean was present and answered Council's questions. Magistrate Judge Cathy Kelley and Community Planner/Code Officer Steven Brown were present as well for questions.

Steven Brown started on his list of possible changes to the code. The first one was requiring a 6-foot leash rather than the retracting leads. Ms. Dean explained the longer leads are fine, animals can be managed on those.

There was discussion on rabies vaccines and vaccine tags, along with license tags. Ms. Dean explained many veterinarians no longer provide a tag with a vaccine, therefore the YCSO can't enforce the Town's code the way it is currently written. She suggested a license program online to allow each dog owner to have their own information to access anytime and the registration of animals through this program. It would allow them to find owners and post lost dogs, and enforce rabies vaccinations. Current statute mandates if any domestic has an encounter with a wild animal with no current rabies vaccine then a 6 month quarantine or euthanize requirement must be enforced. The vaccinating age has been lowered to 3 months for rabies.

There was extensive discussion about intact dogs and the higher cost for registering these dogs to encourage spay and neutering; show dogs and breeding kennels and consideration to possibly allow an exception for intact dogs for these purposes.

Public comment was taken on this item.

Vickie Wendt spoke on the higher cost being fine for show breeders with intact dogs; danger with collars and preferring microchipping; concerns with rabies vaccines on young immune systems and recommended keeping it at 6 month as the earliest; raising dogs in a home not changing the overarching use of the property as a residence.

Patrick (refused to provide his last name) spoke on the wild animal contact; database for rabies and self-incrimination if not turning in current rabies vaccinations on time; becoming immune to certain vaccines.

Deb Dean explained animal control does not look for rabies vaccines if animals are on their own property.

Council reviewed Section E – General Provisions. CM Wright noted that the word “Shall” emit..., be added. Town Attorney Susan Goodwin stated the animal care section was added.

Deb Dean spoke on the current wording the YCSO uses to determine “frequent” when addressing barking. There was discussion on the typical case regarding dog barking and keeping the wording as is, as it is standard language and works. This is a standard, not specific in writing.

Attorney Goodwin spoke on cleaning up (F) (2) since it is already defined; Ms. Kimball spoke about #4 last sentence being updated to accurately reflect the correct section of code.

Council decided to take #3 out due to difficulty in enforcement.

There was discussion on who responds to farm animals (Department of Agriculture). Ms. Goodwin spoke on adding back in “farm animals”.

Council heard from Magistrate Judge Kelley regarding the actual cost of a \$50 fine (\$226) due to other court fees that come in to play.

Deb Dean explained YCSO will not issue citations on livestock nor containment. There was discussion on open range laws and fencing.

Vice Mayor Hamilton spoke on including Section 153 for P&Z to work on along with obtaining their input on kennels. Section 153 was summarized: grandfathering of existing kennels but restrict future kennels in residential. This will require they know what kennels are currently in existence (on a fixed date) to make those legal. VM Hamilton stated he did not think the current definition for kennels was a good one.

Public comment was taken.

Victoria Wendt spoke on how many kennel definitions there are; USDA controls who breeds dogs; asked about if intent of structure is for human occupancy and whether it can be changed. Send to P&Z.

Ms. Kimball reviewed that the direction is to send this section regarding kennels to P&Z along with the rest of Section 153 that pertains to animals, but not Section 90.

3.3. Discussion and consensus on when, how and what process to use for the Town Manager’s performance review. [CAARF requested by CM Wright]

Councilmember Wright gave an overview explaining Council needs to determine a method for the Town Manager’s performance review prior to her anniversary date in January. Prior, Council did a performance review using an ICMA form. This performance review will need to be put on a future executive session agenda for Council and Manager review and discussion.

There was discussion on the type of review, setting goals and review of past performance, and communication of vision.

Council directed Staff (Attorney, Town Manager) to locate some applicable evaluation forms for Town Manager performance review. There was discussion on the purpose of review (performance, goals, and compensation) and finding forms that closely match Council's intent.

3.4. Discuss amendment to 30.031 B (11). [CAARF requested by CM Repan]

Councilmember Repan spoke on his two CAARFs (3.4 and 3.5) running in conjunction with each other. He explained he only had a problem with one proclamation that was controversial. Council discussed allowing the Mayor to bring controversial proclamations to the council for their feedback in advance; and they asked about how to stop a proclamation in a meeting.

Town Attorney Goodwin was asked to give an opinion on the "point of order" suggestion for proclamations. If it can be done this way then no code changes would be necessary.

3.5. Additional verbiage to 30.085. [CAARF requested by CM Repan]

Councilmember Repan explained that he is looking for clarity on the requirement that anything said by the mayor in a public forum reflects the opinion of council.

There was discussion on radio interviews and editing by removal of statement "personal opinion".

Town Attorney Goodwin suggested keeping (E) as is and adding after (E) "if official opinion adopted by council the council member will also state that as well". This wording will be handled by the Attorney and brought back to council.

4. Special Session. Legal action can be taken.

4.1. 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.

Consensus was to not hold any additional special sessions this month.

5. Adjourn. The meeting was adjourned at 4:46 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk