

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 16, 2016, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 16, 2016, 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, Jack Hamilton, Mark McBrady (arrived late at 7:39 p.m.), Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

None.
5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **Public Safety Quarterly Report – 2<sup>nd</sup> Quarter 2016.**

**5.1.1. Yavapai County Sheriff's Office report presented by Lt. Raiss.**

Lt. Raiss reviewed his 3<sup>rd</sup> Quarter report, included in packet: approximately 900 calls; 270 traffic stops and 140 tickets written; Four of these were assault violations, only one assault/disorderly conduct was not related to alcohol. Drug arrests were the result of traffic stops. There were three criminal damage charges as a result of seven different calls due to issues with adolescents moving furniture into roadways after dark; moving traffic barricades to the roadway; damage to vehicles due to pellet guns; and rocks thrown at vehicles. Arrests have not been made but the issue is being investigated. Mail and phone call fraud attempts continues to be an issue. There were 29 animal control issues with an increase in dog bites. Thirteen dogs at large were picked up. Calls are higher typically on Sundays and Mondays. Statistics on a county-wide basis are favorable for D-H.

There was Council discussion and questions of Lt. Raiss regarding high traffic citation areas; flashing mobile speed signs; and the new traffic light.

**5.1.2. Central Yavapai Fire District report presented by Rick Chase.**

Fire Chief Rick Chase advised of the new fire department name as of July 1st "Central Arizona Fire & Medical Authority". EMS responses were 82 for this quarter with four vehicle accidents.

The fire restrictions were able to be lifted in June. Total Dispatch calls were April – 37; May -37; and June 48. The Big Bug Creek fire was the closest major fire this season.

There was Council discussion and questions of Chief Chase regarding statistics comparison reports vs. other locales; possible Blue Hills road access issues; and challenges with the lack of house numbering.

Public Comment

Victoria J. Wendt spoke on an incident which happened the night before at Shirley

Lane where it appeared that the Department was led down bad roads vs. paved roads by the GPS system, which caused a delay. Ms. Wendt recommends that the GPS systems be re-coordinated.

Jerry Brady spoke on issues with GPS/GIS/MIS mapping programs that may cause problems as the original data is set incorrectly, as the metes and bounds coordinates are off. Mr. Brady inquired if the Department has considered using the Henderson/Newtown Road Trailhead for fire operation centers to include a water supply.

### **5.1.3. Magistrate Court report presented by Judge Catherine Kelley.**

Judge Kelley was unavailable to present her report this evening.

Mayor Nolan recommended with Council consensus to move Agenda Items 9.1 and 9.2 forward in the meeting.

### **9.1. 2016 Fall Pavement Preservation bid award.** Possible contract award, rejection, or modification to a contractor.

Public Works Supervisor Ed Hanks gave an overview of the recent bid for fall preservation. There were two contractors bidding. Earth Resources was the lowest responsible bidder at \$71,990.00. A one-time expansion of Foothills/Newtown Road was added into this budget for a total of \$85,000., coming in under budget even after adding the additional work. PW Supervisor recommended that the contract be awarded and the Town move forward with this project.

Councilmember Hamilton made a motion to approve awarding the Pavement Preservation contract to Earth Resources, seconded by Councilmember Alen.

Public Comment – Victoria J. Wendt spoke to the issue of the local wellhead near Kachina, being worked on and asked when it would be back up and operational.

Supervisor Hanks advised that the wellhead would be operational at 8:00 a.m. the next morning.

Mayor Nolan asked for a vote on the motion. The motion passed unanimously.

### **9.2 Town Clean-up Program Details and Vendor Selection Ratification.**

Public Works Supervisor Hanks gave an overview of the proposal results for the clean-up project. The best bid received was from Southwest Waste Services, which was about 25% less than previous vendors. Supervisor Hanks estimates that 10 dumpsters could be utilized over the four days and recommended that the project be awarded to Southwest Waste Services.

There was Council discussion regarding Firewise program involvement.

Councilmember Hamilton made a motion to approve the bid for the waste hauling of the Dumpster Days to Southwest Waste Services, seconded by Vice Mayor Treadway, the motion passed unanimously.

## **6. Consent Agenda. None.**

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

Jerry Brady spoke on a military decoding project and how it would revise the legal history of this town.

Victoria Wendt spoke on hearing the Council is perceived as not being “animal lovers”; stated

a biased prosecution system will breed contempt for the legal system and those government officials that abuse it.

**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. Accountability contract with Mayer Meals on Wheels for Town's contribution in FY 16-17.** Discussion and possible action. (staff recommending approval)

Councilmember Hamilton noted that this was tentatively approved at a previous meeting where it was erroneously omitted from the agenda, and this was just a formality. CM Hamilton made a motion to approve the motion, seconded by Councilmember Repan, the motion passed unanimously.

**8.2. Council Letter to Senator McCain responding to the recent correspondence dated June 16, 2016, from the Environmental Protection Agency concerning Dewey-Humboldt Superfund sites.** [Directed at the August 9 meeting]

Mayor Nolan gave an overview of the item and noted that the letter called for capping of the Iron King Mine site and resumption of quarterly Council presentations.

Councilmember Repan made a motion to approve the letter to Senator McCain on the Superfund site, as presented, seconded by Councilmember Alen, the motion passed unanimously.

**8.3. Right of Way Abandonment legal requirements and possible procedures.** [Directed at the August 9 meeting]

Mayor Nolan gave an overview of the item wherein Town Attorney Goodwin was requested to attend the meeting and explain the abandonment procedure.

Town Attorney (TA) Goodwin explained the most common way to handle abandonment is to adopt a resolution which describes the right-of-way or alley being abandoned, and the property goes to the adjacent property owner. Usually the resolution is recorded. It does not include abandonment of utilities. The abandonment procedure is an exception to the selling of the property. If the interested parties are willing to accept it for maintenance, then the right-of-way property is normally abandoned without compensation. The property could be auctioned, but mischief could occur. You cannot abandon roadway leading to property, if it leaves the property without legal access.

Councilmember McBrady arrived at 7:39 p.m.

There was extensive Council discussion on the advantages and disadvantages of the simple abandonment process vs. the sale of the property with TA Goodwin explaining both processes in detail.

Public Comment – Jerry Brady spoke on all roads in this town being originally owned by the U.S. War Department. Rights-of-way and easements granted ownership but ownership was not conveyed to the local government. Federal Fortification Act Government has not ceded ownership.

There was further Council discussion regarding the abandonment process and estimating the value of the property for a minimum auction bid.

Mayor Nolan advised Town Manager (TM) Kimball that Town Council directs her to find out if the parties would like to purchase the property and that it will be put up for auction, if that is the case.

TM Kimball advised that more investigation needs to be completed before pursuing any of the options. TM Kimball spoke to her concern that the time and money spent for an appraisal would be more than the worth of the right of way. TM Kimball inquired of TA Goodwin, if the Council would be able to rescind, if the purchase offer was not enough.

Public Comment – Jerry Brady recommended getting an abstract of title which would save time, trouble and money relating an issue Prescott Valley experienced in an annexation situation.

TM Kimball received direction to contact the property owners to see if they are interested in the purchase of the property.

**8.4. Bank building acquisition and use of the building. Continued discussion of possible action regarding acquisition of Museum Building property located at 12925 E. Main St.** (Continued from June 7, 2016 and July 19, 2016 meetings. CAARF's requested by Mayor Nolan and CM Alen)

Mayor Nolan gave an overview of the item requesting a motion to go into Executive Session.

Councilmember Hamilton inquired if both the items noted, building acquisition and use, could be discussed in Executive Session and shared information he received from the Ombudsman, which recommended that the use of the building to be purchased should be discussed in open meeting.

Town Attorney Goodwin spoke that if the Council is talking about whether to acquire property and the discussion was about how it might be used, that would be appropriate. If Town Council had already determined to buy the property, then the purpose or use would not be part of the acquisition discussion. If it has been determined to purchase, then the use conversation should be included in public session.

There was further Council discussion expressing opinions of the matter of what should be discussed in Executive Session and what should be discussed in public meeting.

Public Comment – Jerry Brady spoke to this issue having been discussed before prior Town Councils extensively, particularly the use of the building and as a separate issue the purchase of the building. Mr. Brady referred to the Ombudsman decision that the use is a separate decision from the purchase. Mr. Brady recommended engaging the public in this discussion, as long as price and appraised value are withheld.

TA Goodwin pointed out that Executive Session does not include wording about use, only the statute wording but still thought it was within the Council's right to discuss the use as long as it bears on the purchase.

Councilmember Repan recommended discussing the use, with Mayor Nolan opening the issue to discussion.

There was extensive Council discussion with each Council Member expressing their opinions on the purchase of the Museum building, as well as their ideas for the best use of the building, if purchased.

Public Comment was taken on this item.

Victoria Wendt spoke to the Town needing to make a decision advising that the Town needs to purchase the Museum building and allow the DHHS/Museum to stay right there until they outgrow it. She spoke to Phoenix needing to support their museum for many years before it became independent.

Jerry Brady spoke of the museum building being built in 1917 and being built like a military fortification making it difficult to demolish. Mr. Brady spoke against moving Town Hall down there as it would be too costly to modify and would not meet ADA regulations.

John Hughes spoke to the Town being incorporated 12 years and they not having one building of their own and needing to take a step, and if that involves purchasing a piece of property, you have to start somewhere.

Councilmember McBrady made a motion to open the negotiation process to buy the building, seconded by Councilmember Alen.

There was further Council discussion regarding Executive Session and if the motion included any terms on usage.

Councilmember Alen spoke to making a friendly amendment to the motion to start the process of the acquisition of the building and go into Executive Session to discuss the terms and conditions.

Councilmember McBrady accepted this amendment.

Town Clerk Morgan read the motion again: To start the process of acquisition of the building and go into Executive Session to discuss the terms and conditions.

Councilmember McBrady approving the new wording for his motion.

There was further discussion about usage of the building. Town Attorney Goodwin spoke to The Council having had a full and extensive discussion on usage. The purpose of the Executive Session is understood to be the terms and conditions of the purchase.

Public Comment was taken on this item.

Jerry Brady recommended setting up a committee to do some practical reviews regarding pre-existing, legal non-conforming issues.

There was Council discussion with TA Goodwin regarding ADA standards for the building.

Town Clerk Morgan read the motion again: To start the process of acquisition of the building and go into Executive Session to discuss the terms and conditions. Mayor Nolan held a roll call vote, the motion passed by a 4-3 vote with Councilmembers Hamilton, Wright, and Repan voting against.

Councilmember Repan made a motion to go into Executive Session, seconded by Arlene Alen, the motion passed by a 6-1 vote, with Councilmember Hamilton voting against.

**8.4.1. Recess into and hold an Executive Session** pursuant to A.R.S. Section 38-431.03 (A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase of real property located at 12925 E. Main Street, Dewey-Humboldt (APN 402-10-018) and regarding possible lease of that real property.

Council went into Executive Session at 9:35 p.m.

**8.4.2. Reconvene into Open Session.**

Council reconvened to open session at 10:24 p.m. No further discussion was held on this item.

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

Agenda Items 9.2 and 9.3 were moved forward ahead of Agenda Item 6.

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

**11. Adjourn.** The meeting was adjourned at 10:25 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk