

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
NOVEMBER 8, 2016, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 8, 2016, 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 2:00 p.m. by Vice Mayor Treadway.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (arrived late at 3:18 p.m.), Dennis Repan, Nancy Wright, Vice Mayor Doug Treadway were present. Mayor Terry Nolan was absent.

Vice Mayor Treadway recommended moving agenda item 4.1 ahead of the Study Session (3.) to accommodate the Town Attorney's schedule.

4. **Special Session.** Legal action can be taken.

4.1. Continuation of next steps for Referendum REF 16-01 "Referring Resolution 16-125 which authorizes and directs the Town Manager and Town Attorney to take necessary actions to acquire title to a certain parcel of real property on behalf of the Town for municipal purposes".

Vice Mayor Treadway invited Town Attorney Phyllis Smiley to speak on this issue.

Town Attorney (TA) Smiley gave an update regarding the ballot language. The language that was on the petition is not what will actually appear on the ballot. What appears on the ballot is whether or not to repeal the resolution that approved the purchase. The language is prepared by the Town, not by the petitioner. The Town Clerk will prepare neutral language containing a descriptive title that contains a summary of the principal provisions of the referendum and cannot exceed 50 words. The election can be on any of the consolidated election dates, but has to be no later than August of 2018, the next general election. The election can be called at any time as long as county limitations are met.

Vice Mayor Treadway noted that the county needs notice by 11/14/16 for a March election. VM Treadway also spoke of talk at the last meeting of repealing the resolution, but noted that he does not believe that is the way to go, and recommends this matter be determined by the citizens.

Councilmember Hamilton made a motion to schedule (call) the election for March 14th, seconded by Councilmember Repan.

Public Comment

Jerry Brady confirmed this motion was in regard to the old bank building. He further spoke that the federal government fiscal year began 10/1/16 for grants for historic preservation and that delays should be avoided. Mr. Brady spoke on the importance of the history of the bank building and spoke of the Zimmerman telegram and the Swedish cut-off telegram and its importance involving the cause of World War I.

Vice Mayor Treadway requested a roll call vote. The motion to approve to call the election for March 14, 2017, was approved unanimously (5-0, CM McBrady and Mayor Nolan being absent on this vote).

4.2. Whether to hold additional special session(s) this month.

There was Council consensus that no additional sessions were necessary in November.

3. Study Session. No legal action to be taken.

3.1. Firewise Community Board Activity Report and staff update.

Vice Mayor Treadway introduced the item and requested Community Planner (CP) Steven Brown give an overview.

CP Brown spoke of the first Firewise meeting having been held on June 6, 2016. At the July 13th meeting the Firewise board was formulated out of the 17 citizens in attendance with 6 of the attendees volunteering to be leaders. At this meeting there was also a six-point action plan adopted. During the August 17th meeting the fall clean-up was discussed. The Firewise program took part by accepting disposal of brush and slash. Will Orr donated the use of a chipper and the resulting mulch was made available to citizens. At the September 14th meeting the board determined to participate in the Agua Fria Days, which included manning a booth with volunteers disbursing information to approximately 300 individuals. During the October 20th meeting the board met with Prescott Area Wildland Urban Interface Commission (PAWUIC) representative Shirley Howell about grant funding opportunities. Firewise is an ongoing program. There has been approximately \$1,000 spent and \$3,000 remains in the fund. Mr. Brown introduced Ms. Howell of PAWUIC.

Ms. Howell spoke of working grants for PAWUIC, otherwise noted as Yavapai Firewise. Ms. Howell referred to being excited to work on the Blue Hills and Foothills mitigation process. Ms. Howell noted that there are approximately 60 Firewise programs in Arizona, with 33 of them being located in Yavapai County. PAWUIC is using Title 3 funds to assist in this project. Ms. Howell noted that one Blue Hills property has been completed and a second is about to begin. There has been interest expressed by homeowners after seeing the completion of the first property. There is stimulated activity, however, this can be stifled by the reimbursement process. The goal is to get Blue Hills and Foothills in a Firewise state.

Councilmember Hamilton inquired as to the reimbursement process.

Ms. Howell explained that they reimburse for work done by contractors. Homeowners can save money by working with the contractors.

Vice Mayor Treadway spoke of the program being a good idea and supports it.

CP Brown requested Firewise program member, Victoria Wendt's, input on this matter.

Victoria Wendt spoke of the difficulties in the beginning of the program and that she offered her assistance by speaking with community leaders in that area. Ms. Wendt described that the grants provide \$1,000 per acre for abatement immediately around the home and that the grant will reimburse 90% of that cost. Ms. Wendt described that there is a possibility of the Town paying the abatement contractors up front and be reimbursed by grant funds after the work is done. Ms. Wendt requested that the Council consider this and look at this issue.

Town Attorney Smiley spoke of checking the gift clause in reference to this request.

Yavapai County Supervisor Tom Thurman spoke of PAWUIC is a fabulous organization. He also spoke of free disposal of slash in April and May at the Mayer yard with free chipping. He referred to the local project as having a great start and the need for this especially in the Blue Hills area.

Denny Faulk, Yavapai County Emergency Manager, spoke of the Firewise program development and the recognition of the need for the program subsequent to the tragedy at Yarnell. Mr. Faulk pledged his assistance to the Firewise program in this community and will assist PAWUIC in whatever way possible. There was a recent meeting of all the stakeholders including the Fire Departments; BOM; PAWUIC, Prescott National Forest, Arizona State Forestry who came to Yavapai County Emergency Operation Center laying out each of the authority's priorities. The area that stood out to Mr. Faulk was the Blue Hills area as there is no separation of fuels, between the forests and home, which is very dangerous. Mr. Faulk spoke of helping with the objectives in this area and thanked the Town for taking leadership and taking Firewise to the next level.

Councilmember Repan inquired if Yarnell participated in the Firewise program.

Mr. Faulk spoke of Firewise programs having been started in that area several years ago, that never took root, however, they are now compliant. There was a firebreak built on the east side which protected the town during this past summer's fire season. Mr. Faulk spoke of the need to do mastication work along the PNF border including a fire line on the back side of the Blue Hills and will be working on this.

Vice Mayor Treadway spoke of a firebreak at the top of the Blue Hills area being a top priority.

Mr. Faulk agreed that the defensible spaces around the homes is a priority, but added that the real danger is the residual fuels, the manzanita up against houses; continuous fuel beds from one structure to the next structure, and the need to mitigate this. Defensible space needs to be built in the home ignition zone. He will tell his stakeholders that Dewey-Humboldt is putting their best foot forward. The community has to do their part as well by concentrating on the defensible space around their homes.

Councilmember Hamilton spoke of a problem with residents not signing on to the program inquiring if they could be forced to participate, as their non-participation may endanger other residents.

Mr. Faulk responded that he is a staunch believer in private property rights, however, he suggested strengthening mitigation requirements.

Public Comment

Jerry Brady spoke of it being beneficial to consider insurance ratings noting that insurance companies have petitioned to raise local insurance rates due to the risk.

Town Attorney Smiley left the meeting at 2:46 p.m.

Will Orr spoke of working with Steven Brown, Community Planner and the Firewise board. Mr. Orr said he is willing to work personally as a citizen, or occasionally, through Earth Resources Corporation to support the program.

Supervisor Steve Thurman spoke of the Cave Creek fire of 2005 and the wake-up call it provided. He asked that Fire Departments give properties a rating based on risk. Homeowners of risk properties were advised by letter of the concern regarding their properties as well as their neighbors. He noted there were good results without government having to put their thumb down and recommended Dewey-Humboldt lean on the Fire Departments to assist in this effort.

Vice Mayor Treadway agreed with this approach.

There was further discussion between Council and the speakers on community involvement. regarding Yarnell and Firewise, as well as community participation in Dewey-Humboldt.

3.2. Improving water quality “solution” grant implementation details. Seek council endorsement.

Town Manager Kimball reminded Council that this was something discussed during budget season but put off till the well-water testing was completed. The intention is to focus on public health.

Councilmember Wright asked if the grant help was only available to those that had high test results.

TM Kimball explained that every Dewey-Humboldt resident is eligible to apply for the grant. TM Kimball explained that the application will provide space for the resident to note their concern. Staff's intention was to open the program to all residents regardless of their water supply.

VM Treadway inquired if the well has to test for arsenic, copper or lead to participate.

CP Brown clarified that the resident did not have to participate in the well-water testing to qualify.

Councilmember Hamilton asked why residents on Humboldt Water Supply qualify as the system is tested and meets state standards. CM Hamilton understands the need for residents relying on wells, but why the Humboldt system.

Councilmember Repan spoke of past contention that while the water is cleaned up at the source, the water flow going through the pipes could still be a concern. CM Repan is all for providing safe water to anyone in the area.

Councilmember Wright noted that the water company has not been forthcoming in the past regarding problems, this could be a proactive approach.

Councilmember Hamilton inquired if there should be a priority to those in the Foothills area or known problem areas, and then increase it the next year for more people.

TM Kimball noted this as a good idea but noted that the Town does not actually know what the risk areas are.

Councilmember Repan spoke that if the program is successful, there could be more money allocated for the cause next year.

Vice Mayor Treadway supported the approach that staff has proposed.

Councilmember Hamilton spoke of it being a good program and that it be considered again in next year's budget based on the response.

3.3. Public Body Ethics Hearing Rules and Procedures Report and direction (as directed at the August 9 Study Session).

Vice Mayor Treadway introduced the item and requested Judge Kelley provide the overview of the item.

Judge Kelley asked if Council had reviewed the materials she submitted and if they had any questions. Judge referred to the current template as being what she used as a pattern. She felt that her revisions dealt with the deficiencies that were identified.

Councilmember Repan commented that this appeared to be a good model and thanked the Judge for her hard work.

Councilmember Alen had a question regarding the section on discovery and commented that during her case, due to time constraints waiting over 14 days to receive documents requested from town staff, as this is written, she would have missed the deadline and been precluded from filing. If someone files a request to get information from the Town and it takes more than 14 days to get it back, they won't know if they have a case or not, they may think they do, but they may not.

Judge Kelley indicated feeling that the 14 days was adequate and would benefit the effort to tighten up the timelines.

There was discussion regarding the original 30 days allowed for this discovery period and Council having changed it to 14 days.

Councilmember Hamilton asked Councilmember Alen what number she would like.

Councilmember Alen replied that during her experience it took 21, probably 22 days, to receive information she requested from the Town.

Judge Kelley spoke of Council's initial intent regarding the timeline and inquired why Council changed the original time frame from 30 days to 14 days. Council was not sure.

Councilmember McBrady arrived to the meeting at 3:18 p.m.

There was Council discussion with Judge Kelley regarding the discovery time frame with varying opinions.

Town Clerk Morgan was consulted regarding the time frame surrounding Information Requests, noting that the time frame depends on the nature of the request. Some requests could take five minutes; some could take weeks, depending on the nature of the information requested.

Public Comment

Ted Brooks recommended Town Council extend the discovery period a few more days, believing it would be in everybody's best interest.

There was further discussion with possible scenarios worked through resulting in Judge Kelley ultimately recommending the discovery period remain at 14 days as previously determined by Town Council.

Public Comment

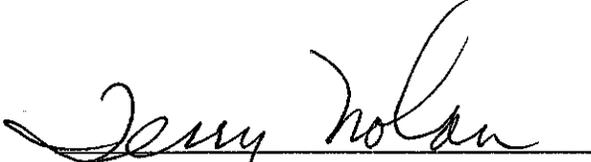
Jerry Brady stated this issue was taken before the Office of Attorney General of Arizona on seven prior occasions. The Town Council was instructed to take additional training on these ethics issues. Town Council may wish to review this. Mr. Brady stated that the Town Council is responsible for ethics under federal and state laws if they are spending public monies. Mr. Brady gave examples of some ethics issues that occurred in other states and referred to Title 18 and seven opinions issued by the Attorney General, which he recommended Town Council review.

There was Council discussion whether to bring this matter back to Council or move forward with what Judge Kelley had prepared. Vice Mayor Treadway requested Council input, with the resulting Council consensus to move forward.

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TM Kimball spoke of Judge Kelley finalizing the forms; the Council making this a public body policy; bringing the policy back to Council for review and adoption, and subsequently advising the Hearing Officer of the changes.

Vice Mayor Treadway asked for any further discussion. There was none.

5. **Adjourn.** The meeting was adjourned at 3:48 p.m.



Terry Nolan, Mayor

ATTEST:



Judy Morgan, Town Clerk