

**TOWN COUNCIL OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE**

Tuesday, August 14, 2018, 6:30 P.M.

**COUNCIL REGULAR MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA SUMMARY

1. **Call To Order** Mayor Nolan called the meeting to order at 6:32 p.m.
2. **Pledge of Allegiance** Councilmember Hamilton led.
3. **Invocation** Given by Councilmember Timmons.
4. **Roll Call** Town Council Members: Jack Hamilton, Mark McBrady, Amy Timmons, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Councilmember Doug Treadway was absent.
5. **Announcements regarding Current Events; Guests; Appointments; and Proclamations**

A. Presentation of 2017 Volunteer of the Year Award

Mayor Nolan presented a certification of recognition to the Dewey-Humboldt 2017 Volunteer of the Year Recipient, Lindsay Statler, in recognition of her dedication and hard work as President of the Dewey-Humboldt Little League organization.

B. Child Support Awareness Month Proclamation

Mayor Nolan read a proclamation in recognition of Child Support Awareness Month.

6. Town Manager's Report

Town Manager Wilson spoke of the recent monsoon storms commending Public Works Director Ed Hanks and the Department of Public Works for their hard work and effort repairing the storm damage.

A. Update on Heli-Swift Use Permit UP 17-003 Demonstration and Public Hearing

Town Manager Wilson gave an overview of the Heli-Swift Use Permit progress. Council chose to continue this matter beyond the initial hearing of May 15, 2018, which would allow for a demonstration of the training helicopter. A demonstration was scheduled and noticed for Saturday, September 8, 2018, at noon on the property site located on Omega Drive. The continuation of the Public Hearing was scheduled to take place after the demonstration at the Regular Council Meeting on September 18, 2018. Certified mailings of these notices were mailed out on 8/9/18 to property owners within 300 feet of the site, as well as to other interested residents. Town Manager Wilson received word over the weekend that Mr. Pena had transported the training helicopter to his property site on Saturday, 8/11/18, to conduct the demonstration. TM Wilson is not sure how there was a miscommunication on the dates and he noted that Mr. Pena was not able to provide an explanation. TM Wilson hopes that Mr. Pena will agree to conduct another demonstration on 9/8/18. The Public Hearing will be held on September 18, 2018, there may be a change to the demonstration and he will keep Council and the residents updated.

Public Comment

Myron King – spoke of being an Omega Drive resident and that he heard the helicopter engage on Saturday and he drove down to view. The trainer was shut off shortly after he arrived but what he did hear was not excessively noisy. If a demonstration showed that it was quiet, he may reconsider his position. He said that Mr. Pena appeared to be a nice

guy. He felt that if more people were able to view and hear the training helicopter, they might change their idea, as well. He recommended a second demonstration be held on-site.

There was some Council discussion regarding the date, time and the probability of a second demonstration. TM Wilson said that he would convey to Mr. Pena that Town Council feels the demo has meaning and that Council will be open-minded.

Leigh Cluff – spoke of having received the notice in the mail and that there were conflicting dates. TM Wilson clarified that the correct date is September 8, 2018.

7. Consent Agenda - None

8. Public Comment on Non-agendized Items

Ray Smith of Lost View Lane – inquired if Town Council was aware of the contamination of well water in his area. Mayor Nolan spoke of the water test kits that were passed out the last two years. Mr. Smith asked if the results from these tests were private. Mayor Nolan confirmed this. Mr. Smith spoke of the extreme arsenic level and asked for some guidance from the Town. He has contacted DEQ and the EPA and received a nonchalant response. He asked for guidance or help on this matter.

Karen Brooks - spoke of a possible ethic violation involving a rumor that when Town Council dismisses the Town Manager in Executive Session later this night, that he has hired himself back in as the Code Enforcement Officer for the Town. This would be void and is only a rumor. She wanted everyone to be aware.

David Nystrom – thanked the Town Council for their support of the Dewey Humboldt Historical society. It is greatly appreciated. They began their move to the farm with the transition of some of the outdoor exhibits over the weekend. He also thanked the Mortimers for their generosity in working with DHHS and providing a new home for their museum to tell the story of the local farming, ranching and mining history.

9. Unfinished Business - None

10. New Business Discussion and Possible Legal Action on matters not previously presented to the Council.

A. Dewey-Humboldt Historical Society's request to use Town property located at 12938 E. Main Street (Agua Fria Festival)

Town Manager Wilson spoke of the request received from DHHS to use the right of ways and the Main Street property, as in past years, for the Agua Fria Festival on September 22, 2018.

David Nystrom and Sue Palacio of DHHS gave an overview of the upcoming plans and their desire to use the property as in the past. They have the required insurance and submitted the Special Event Application. Ms. Palacio cited that this would be a fantastic festival, bigger and better than ever.

Councilmember Hamilton made a motion to approve the Special Event Permit for the Historical society to hold the Agua Fria Festival, seconded by Councilmember Wendt.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – aye; CM Treadway – absent; CM Wendt – aye; Vice Mayor Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

B. Mortimer Family Farms Use Permit UP 2013-03 Extension located at 12907 E. State Route 69, Dewey, AZ 86327 (approve, deny or send the extension matter for further revision)

Town Manager Wilson gave an overview of the Use Permit explaining that this was a five-year permit, which will expire on 9/13/18, and the application would grant a five-year extension. He noted that the permit applies to a portion of the Mortimer Family Farm property along Highway 169. This application did not require publication or posting. Town Staff made an inspection upon receiving the application, noted an unpermitted structure, and requested that it be removed. The Mortimers met the request and effectively removed the structure. Staff recommends a five-year extension as long as there are no material changes to the original uses.

Councilmember Hamilton did not feel a fee should be charged for the permit as he felt it was a Special Event permit, not a Use Permit.

TM Wilson explained that the permit the Mortimers applied for covers ongoing uses that occur on a daily basis on the property. It is identical to the previous permit.

Vice Mayor Hughes spoke of being very familiar with this process as it is much like his Use Permit for his facility. In layman terms, this is a continuation. The Mortimers do not want to have to come back every few months. This is an extension of what they are doing now. He encouraged the Mortimers to speak on his interpretation.

Sharla and Gary Mortimer spoke of being honored to be the owners of Mortimer Farms in D-H and appreciate the five-year extension of the permit. They would like to continue with the use permit, which covers the day-to-day operations. They do apply for Special Use permits for the bigger events held on-site.

Gary Mortimer spoke of the structure that was removed from the site noting that they received initial permission to construct it and they were later tagged with a stop work order. Ms. Mortimer came into see Judge Kelley four times. There were also miscommunications over mailings of court date appearances, which he felt was crooked. He spoke of situations like this happening to other residents in the community and that it does not build bridges in the community.

Vice Mayor Hughes asked if he had interpreted the extension application correctly. Mr. Mortimer confirmed VM Hughes interpretation.

There was further Council discussion regarding the structure and the permit.

Sharla Mortimer spoke of the Judge telling her that the structure was within the Use Permit; however, they did move the structure in order to receive the permit extension.

CM Wendt made a motion to approve the extension of Mortimer Family Farms Use Permit UP 2013-03, seconded by CM Timmons.

The vote result was CM Hamilton – aye; CM McBrady – aye; CM Timmons – aye; CM Treadway – absent; CM Wendt – aye; Vice Mayor Hughes – Aye; Mayor Nolan – aye. The motion passed unanimously.

C. Discuss and possible action on the Town Manager's Employment (preferably an Executive Session) (CM Hamilton CAARF)

Councilmember Hamilton spoke of not being able to move forward on this item as the Town Manager's contract required seven Council Members be present for a vote. He recommended postponing this matter. Town Attorney Goodwin confirmed that a seven member Council vote was required, if there was to be a termination. There was Council

discussion regarding upcoming meeting dates with Council consensus to postpone this matter to the September 18, 2018, Regular Council meeting.

D. Executive Session

This item was postponed to the September 18, 2018, Regular Council Meeting.

Vote to recess to Executive Session

1. An Executive Session pursuant to A.R.S. §38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of Tom Wilson, Town Manager and pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Employment Contract between the Town of Dewey-Humboldt and Tom Wilson, Town Manager.

Close Executive Session

E. Discussion and possible action regarding the employment or termination of Tom Wilson, Town Manager, and/or give direction to Staff with respect to the employment of Tom Wilson, Town Manager.

This item was postponed to the September 18, 2018, Regular Council Meeting.

11. Public Hearing Agenda - None

12. Whether to hold additional special session(s) this month – None

13. Adjourn The meeting was adjourned at 7:40 p.m.