

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

Tuesday, December 18, 2018, 6:30 P.M.

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

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

AMENDED AGENDA SUMMARY

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

Councilmember Wendt reminded the community that there is a Firewise meeting in the Council Chambers tomorrow night, 12/19/18, and she encouraged attendance.

Mayor Nolan announced there is going to be a meeting with the EPA at the Humboldt school at 6:00 p.m. on 1/29/19. They are going to be discussing what the community would like to see done with the Superfund site.

6. **Public Hearing Agenda** Discussion and possible legal action may be taken.
 - A. **Community Development Block Grant (CDBG) First Hearing for citizen input on possible projects and use of the possible funds**

1. **Report from Isabel Rollins of Northern Arizona Council of Government (NACOG)**

Ms. Rollins presented on the NACOG CDBG. D-H gets funds every four years and next year the Town gets a grant. Two public hearings are required for the grant, one for ideas and one to pick the project. The CDBG is a HUD small cities program that provides funds for housing and community development in rural Arizona. The Department of Housing administers the funds and NACOG administers the planning of the allocations. To be eligible for the funds there is certain criteria needs to be met. The amount of money that will be available is based on estimates right now, but we are expecting about \$300,000-\$330,000. There is also a competitive round every year that you can apply for, but this hasn't been announced yet.

Ms. Rollins gave some example for projects: Public Works projects; community facilities; food banks; public service projects i.e. job training; shelters; housing projects; economic development; historic preservation; and administration funds.

Ms. Rollins stated D-H has been through three rounds of CDBG funds. The Town has done owner/occupied housing rehabilitation; given money to the West Yavapai Guidance Clinic; sidewalks were done in the Placer and Wells Addition; and in 2015 the Town did road and drainage improvements in the Blue Hills area and on Huron Street sidewalk. They are only allowing one project this year, as they cannot handle multiple projects. The second hearing is scheduled for January 15th and we will put together a letter of intent to submit to the state by February 1st. The funds will be awarded in the fall.

Councilmember Timmons asked if we could use this for an ingress/egress road project in the Blue Hills. Ms. Rollins stated the project has to result in a completed project. Public Works Director Hanks stated this is not enough money to fulfill that project. Ms. Rollins advised to put the project on the record and see if it is eligible. That type of project would need an income survey. Projects have to be completed in 2 years. The public, Town Council and Staff can present a project, but the Town Council has the authority to pick the project.

Mayor Nolan asked how long does it take to do the income survey. Ms. Rollins stated an income survey would not be completed before a project has been chosen. She suggested having a back-up project.

2. **Project Recommendations from Ed Hanks, Public Works Director**

PWD Hanks presented a couple of projects that should be able to meet these requirements. First, we could do road improvements on Humboldt and Hill Streets, as well as a sidewalk. Second, we could do road improvements on Helca Street and extend the sidewalks. We have already met a lot of the criteria in the past in this area. We also looked at the Blue Hills side and don't think anything will meet the criteria

in the short time that we have.

Councilmember Timmons asked if these two projects would cover the \$330,000, plus the competitive amount, or do we need to pick one. PWD Hanks stated one or the other, unless we get the competitive, but we don't know that amount.

Councilmember Wendt asked if we have looked at the drainage problems on Shirley and Marilyn Lanes. PWD Hanks stated he didn't think that would qualify. Flood Control funds took care of the drainage issues on Marilyn and Staff is currently working on Shirley. Councilmember Wendt asked what about the drainage problems on Hopi and Smoki Trail? PWD Hanks stated that would be a better Flood Control project. Councilmember Wendt asked what projects have we looked at in the past that didn't qualify. PWD Hanks stated we tried to add a sidewalk on Kachina Place from the Blue Hills Market to the Post Office.

Councilmember Hamilton asked if we had a survey done for the first project. PWD Hanks stated we had a survey done for the Huron Street sidewalk. Councilmember Hamilton stated the public doesn't always want to disclose their financial information. PWD Hanks stated we have to go through the neighborhoods and do a survey and hope we get enough volume to meet the 51%.

Councilmember Timmons asked if the water control project that was previously done on Foothill was CBDG. PWD Hanks stated that was Flood Control.

3. Open Public Hearing and Receive Public Comments

Mayor Nolan opened the Public Hearing at 6:55 p.m.

Karen Brooks spoke regarding the safety aspect of the Blue Hills area with thousands of acres of oak brush to the south. She stated we need to put this on the highest priority and use the CBDG funds for an ingress/egress road. She gave two suggestions, one being from Read Star Mine Road to Rifle Ridge Road and the second being from Hopi Trail to Rocky Hill Road. These are two areas that could be used daily. She talked about need for the road due to the Goodwin fire and the California fires. She felt we would be able to get an income survey done and that it would meet the necessary requirements.

Linda Horvath spoke about the Goodwin fire and needing a safer way out of the Blue Hills area. She stated the fire trucks couldn't make it through one the roads, they had to back up and go all the way around, which lost time. She said that she knows the devastation of losing everything due to a fire.

Leigh Cluff stated she agreed with what Karen Brooks and Linda Horvath had to say about adding a road.

4. Close Public Hearing

Mayor Nolan closed the Public Hearing at 7:04 p.m.

5. Discussion and possible Council action

Councilmember McBrady asked PWD Hanks to look into the roads and get with Ms. Rollins to find out what needs to be done. PWD Hanks stated he would.

Councilmember Timmons stated that we can't discuss it later, so if you have any ideas we need to present them tonight. PWD Hanks stated he would get together with Ms. Brooks and explore the other options.

7. Public Comment on Non-agendized Items

Karen Brooks spoke about a Sunday newspaper article on the second page of the sports section regarding fiber optic cables that were buried along railroad ROWS. I don't know if anyone is interested, but this is a class action suit for people who own or owned land under or next to railroad ROWS where fiber optic cable was installed.

8. Consent Agenda

A. Approval of Meeting Minutes:

- 1. Special Meeting & Study Session of October 2, 2018**
- 2. Regular Council Meeting of October 16, 2018**
- 3. Study Session of November 6, 2018**
- 4. Study Session & Special Meeting of December 4, 2018**

Councilmember Treadway made a motion to approve the Consent Agenda, seconded by Councilmember Timmons. The motion passed unanimously.

9. Reports

None

10. General Business

Discussion and Possible Legal Action may be taken on any issue

A. Discussion and possible authorization to retain an employment recruitment firm regarding the Town Manager position vacancy. (CAARF – Mayor Nolan)

Mayor Nolan stated that he would like to hire an employment recruitment firm to look for a Town Manager. If we do that we won't need to hire an Interim Town Manager, as it would be faster. We can let the Staff handle the day-to day issues until we get a Town Manager hired.

There was Council discussion with Staff and the Town Attorney regarding the proper Administrative Regulations on how to proceed to advertise for a new Town Manager. Advertising will be done according to our Administrative Regulations.

There was further Council discussion with Staff and the Town Attorney regarding the possibility of hiring an Interim Town Manager or appointing someone on the Staff to serve as Interim Town Manager.

Public Comment

Linda Horvath spoke of the possibility of hiring PWD Hanks as the Town Manager. She suggested looking at in-house Staff before you look outside.

Karen Brooks stated she didn't think we needed to hire an employment recruitment firm. She thought we should get the ads out locally and see what we get back.

Mayor Nolan stated we will not be hiring an employment recruitment firm.

B. Discussion regarding compensation for Judge Kelley as Interim Judge since she has resigned. (CAARF – CM Hamilton)

Councilmember Hamilton stated several months ago Judge Kelley resigned. During the transition plan, she volunteered to work unpaid as an Interim Judge. This process has gone on longer than expected and he thought she should get paid for her Town work.

There was Council discussion with Staff regarding compensating Judge Kelley for her work as Interim Judge.

There was also Council discussion with Staff on where we are in the process of hiring a new Judge.

Vice Mayor Hughes made a motion to bring this back to the next meeting with more information, seconded by Councilmember Wendt. The motion passed unanimously.

C. To consider reviewing previous Town Manager applications; Consideration of a consulting Interim Town Manager for service one day per week or more; Possible advertisement for Interim or Permanent Town Manager with newspaper advertisement or website postings. (CAARF – CM Wendt & Vice Mayor Hughes)

Councilmember Timmons stated we already had Council discussion on this under item 10.A.

Councilmember Wendt stated that we need to make a motion. She said although the Mayor's CAARF was accurate and a good CAARF, she, along with Vice Mayor Hughes, thought that it needed to be expanded upon to advertise for a permanent Town Manager.

Councilmember Wendt made a motion to advertise for a permanent Town Manager, seconded by Councilmember Treadway. The motion passed unanimously.

D. Mayor's Annual Update on External Memberships and Committees Report to Council [per Town Code §30.031 (B)(12)]

Mayor Nolan stated his report is in the Agenda Packet and it shows everything that he has done this past year.

There was Council discussion thanking the Mayor for all he has done this past year.

Lynn Collins asked about the 1/10/18 meeting with Ms. Ricci wanting to know whom she is affiliated. Mayor Nolan stated she isn't affiliated with anyone. She is in New River and had questions about incorporation. Ms. Collins asked who is Duane Hunn, who is he affiliated with and what possible development project? Mayor Nolan stated he is a developer and he isn't affiliated with anyone. Ms. Collins asked about a possible

development project at State Routes 69 & 169. Mayor Nolan stated the gas station will be going in once they complete reincorporation. Ms. Collins stated it was something other than gas station project. Ms. Collins asked who is RTAC. Mayor Nolan stated it is Rural Transportation Advocacy Council. Ms. Collins also asked what was the meeting about on 6/26/18 regarding Main Street development. Mayor Nolan stated a group of people came in and talked about developing Main Street. Ms. Collins thanked Mayor Nolan for all of his work this past year.

Councilmember McBrady asked about how much the Mayor has been reimbursed for his work. Mayor Nolan stated nothing but the League Annual Conference in Scottsdale and his mileage to Havasu City for the Rural Transit Summit. Councilmember McBrady stated that you should be reimbursed for the things that you do.

E. Executive Session

Vote to recess to Executive Session

Councilmember Timmons made a motion that Council go into Executive Session, seconded by Vice Mayor Hughes. The motion passed unanimously. Council entered Executive Session at 7:48 p.m.

- 1. An Executive Session pursuant to A.R.S. § 38-431.03 (A) (3) for discussion or consultation for legal advice with the Town Attorney regarding the response to a letter from J. Jeffrey Coughlin related to the use permit issued to Heli Swift Aviation and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding contemplated litigation related to the use permit issued to Heli Swift Aviation and response to letter from J. Jeffrey Coughlin**

Close Executive Session/Reconvene Special Meeting

The Executive Session was adjourned at 8:00 p.m. and the Regular Meeting was reconvened.

F. Review and possible direction regarding the response prepared by Town Attorney Goodwin to Attorney J. Jeffrey Coughlin regarding the Heli Swift Aviation conditional use permit (As directed by Council 12/4/18)

Councilmember Hamilton made a motion to have our Town Attorney send a response letter to Attorney J. Jeffrey Coughlin regarding the Heli Swift Aviation conditional use permit, seconded by Vice Mayor Hughes. The motion passed by a 6-1 vote, with Vice Mayor McBrady voting against.

Public Comment

Lynn Collins asked why the J. Jeffrey Coughlin letter was not in the packet. Mayor Nolan stated the Executive Session was for the response letter from the Town Attorney to Attorney J. Jeffrey Coughlin. Councilmember Timmons clarified that Ms. Collins believed the letter from J. Jeffrey Coughlin should have been a part of a previous packet.

Councilmember McBrady asked the Town Attorney when the response letter would be available. Town Attorney Goodwin stated 12/19.

G. Transition of Council

1. Presentation to outgoing Councilmembers Jack Hamilton and Doug Treadway

Mayor Nolan presented plaques of appreciation to Jack Hamilton and Doug Treadway for their years of service (June 2013-December 2018 and June 2014-December 2018, respectively) on the Town Council. He spoke of their accomplishments and their hard work as Council Members.

2. Comments of Outgoing Council Comments Jack Hamilton and Doug Treadway

Doug Treadway wished the new Council well, to be respectful and advised them to listen to what your other Council Members have to say. Some words from President Thomas Jefferson – "He who knows best, knows how little he knows". He stated this is a learning process and you have a daunting task ahead of you. I wish you the very best.

Jack Hamilton stated he found being on the Council very enlightening and very educational. Being on the Town Council involves a lot of work. There is a lot of responsibility. It's more than sitting at the meetings, you have to get involved in the community.

3. Oath of office for Mayor Terry Nolan and Council Members Karen Brooks; Mark McBrady and Lynn Collins and signing of Code of Ethics

Thomas Thurman, Yavapai County Supervisor, invited the Mayor Nolan, Karen Brooks, Lynn Collins and

Mark McBrady to the front of the room to perform their oaths of office. They were sworn in and immediately following they signed their oaths and Code of Ethics and provided their Open Meeting Law signoff sheets. Once this was done, they were asked to take a seat at the dais.

4. **Roll Call** Town Council Members: Karen Brooks; Lynn Collins; Mark McBrady; Amy Timmons; Victoria Wendt, Vice Mayor John Hughes and Mayor Nolan were present.

Mr. Thurman spoke to the new Council and suggested their role and offered help if they had any questions through the start of their terms. He explained the importance of their positions and to remember to do what you promised to do while you were campaigning.

5. **Incoming Council Comments**

Councilmember Karen Brooks thanked everyone and stated she hoped she could keep her promises. She stated she would continue her first campaign issue, which was the ingress/egress for the Blue Hills.

Councilmember Lynn Collins stated there is a lot of work to do and no time to bicker.

Mayor Terry Nolan thanked everyone for the support that he has gotten for Mayor. He stated we are going to be moving fast in the next two years to get some things accomplished from the Superfund site to the General Plan. We're going to have to put our heads to the grindstone, investigate and look at everything possible. He thanked past Councilmembers Jack Hamilton and Doug Treadway for their service.

Councilmember Mark McBrady stated he'd like to thank the public for voting for him. He stated we have a tough year ahead and he hopes that the Council can work together civilly.

H. **Council Regional Organization Appointments [per PG No. 15-01]**

1. Central Yavapai Metropolitan Planning Ass'n. (CYMPO)

Primary Mayor Nolan

2. Greater Prescott Regional Economic Partnership (GPREP)

Primary Councilmember Hughes

3. Northern Arizona Council of Government (NACOG)

Primary Councilmember Brooks

4. Yavapai County Interagency Coordination Committee (Emergency Management)

Primary Councilmember Wendt

5. Yavapai Regional Medical Center (YRMC)

Primary Councilmember Timmons

6. Greater Arizona's Mayor's Assn. (GAMA)

GAMA Primary Mayor Nolan

There was Council discussion about appointing someone to attend Central Arizona Fire and Medical Authority (CAFMA) meetings.

Councilmember Wendt made a motion to approve the Regional Organization Appointments, seconded by Councilmember Hughes. The motion passed unanimously.

I. **Appointment of the Vice Mayor [per Town Code §30.031(E)]**

There was Council discussion regarding the Vice Mayor appointment process.

Councilmember Hughes made a motion to elect Councilmember Wendt as Vice Mayor, seconded by Councilmember Brooks. The motion passed unanimously.

11. **Consideration of additional Special Session(s)** This is an established agenda item for Council's discussion on whether to add an additional Special Session and, if so, set the date.

No Special Sessions were added.

12. **Adjourn** The meeting was adjourned at 8:26 p.m.