

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

Tuesday, July 19, 2016, 6:30 P.M.

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

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

AGENDA SUMMARY

1. **Call To Order.** The meeting was called to order at 6:33 p.m. Vice Mayor Treadway presided until Mayor Nolan arrived at 6:54, at which time he officiated.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by CM Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; Mayor Terry Nolan (arrived late at 6:54 p.m.) were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** None.
5. **Town Manager's Report.** Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.
 - 5.1. **Purchase a Town Banner, and, if so, create a design for the banner.** [Item directed at the July 12th Study Session]

Town Manager Kimball spoke on the current Town banner having been located and it's use, asking Council if they wanted an additional banner and that the Dewey-Humboldt Historical Society (DHHS) was intending to have a banner representing D-H's participation at the Agua Fria Festival.

Town Council reached consensus that the current banner was adequate.
6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).** None.
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. **Continued discussion of possible action regarding acquisition of Museum Building property located at 12925 E. Main St.** (Continued from June 7, 2016 meeting. CAARF's requested by Mayor Nolan and CM Alen)

Vice Mayor Treadway suggested moving this item on the agenda.

CM Hamilton made a motion to move Agenda Item 8.1 to the end of the agenda, seconded by CM Alen, motion passed unanimously.

 - 8.1.1. **Recess into and hold an executive session** pursuant to A.R.S. Section 38-431.03 (A)(7)

Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main St., Dewey-Humboldt (APN 402-10-018)
 - 8.1.2. **Reconvene into Open Session.**

8.2. Accept or Reject the results of the Citizen Survey [CAARF requested by CM Repan].
Continued from July 5th meeting.

CM Repan asked to move this item to the end of the agenda prior to Agenda Item 8.1, assuming the Mayor will be present at that time to participate. CM Repan made a motion to move Agenda Item 8.2 near the end of the agenda, CM Alen seconded, the motion passed unanimously.

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

9.1. Yavapai County March for Babies, consideration for Mayor to represent the Town.
[CAARF requested by Mayor Nolan]

Vice Mayor Treadway gave an overview of Mayor Nolan’s CAARF.

CM Repan made a motion to approve Mayor Nolan’s attendance at Yavapai County March for Babies, to represent the Town, CM Alen seconded, the motion passed unanimously.

9.2. To purchase radar speed signs for highway. [CAARF requested by Mayor Nolan]

Vice Mayor Treadway gave an overview of Mayor Nolan’s CAARF and spoke to his opinion that this would be a beneficial safety measure.

CM Repan made a motion to moving this Agenda Item until Mayor Nolan shows up to make his CAARF presentation, seconded by CM Wright, approved unanimously.

9.3. Resolution 16-124 repealing Resolution 10-78 authorizing Town officials to perform certain financial acts with Bank of America. Possible adoption or rejection.

TM Kimball explained this was a formality as the Town is no longer conducting business with Bank of America. The Town changed banks in March 2016 and the resolution is no longer of use.

CM Hamilton made a motion to adopt Resolution 16-124 repealing Resolution 10-78, seconded by CM Alen, the motion passed unanimously.

9.4. Dewey-Humboldt Historic Society’s request to use Town property located at 12938 E. Main St. for the Agua Fria Festival on October 1, 2016.

Vice Mayor Treadway gave an overview of the item and asked for discussion on this item, citing that DHHS did use this lot last year.

CM Repan made a motion to approve.

CM Alen, before seconding the motion, inquired of Staff if the property was cleaned up after its use for last year’s festival and there were no resulting problems.

TM Kimball did not recall any problems, but will ensure that DHHS cleans up the lot after the festival. She also spoke to DHHS actively working with an insurance company to have the Town named as an additional insured.

There was further Council discussion, and Ms. Alen recommended a revision to the motion to include contingency language.

Town Clerk Morgan read the amended motion: To approve the use of Town property located at 12938 E. Main St. for the Agua Fria Festival on October 1, 2016, contingent on cleaning the property after its use and including the Town as additionally insured on the liability policy.

CM Repan made a motion to approve the amended motion, seconded by CM Alen. A vote was taken and passed unanimously.

9.5. Town's participation in the 2016 Agua Fria Festival, including parade and a banner.

Vice Mayor Treadway gave an overview of the item.

TM Kimball spoke of DHHS making a banner for the Town as a sponsor and would like to use the Town logo on the banner. They also have indicated that they would waive the entry fee for a Town parade float.

CM Hamilton recommended allowing DHHS to use the Town logo on the banner and that the Town use their own banner for a festival kiosk.

CM Wright pointed out that this wasn't about the kiosk and the Town's own banner, it was about DHHS's banner and the parade.

CM Hamilton made a motion to allow the Town logo be used on the banner, seconded by CM Wright; the motion passed unanimously.

CM Wright inquired about the subject of the parade. There was Council consensus to participate in the parade.

10. Public Hearing Agenda.

10.1. Public Hearing for FY2017 Budget, and Resolution 16-123 to adopt the FY2017 Budget in the amount of 4,182,302 in total expenditure in all funds. Public hearing; Discussion and possible adoption or rejection.

Vice Mayor Treadway gave an overview of the of agenda item.

CM Hamilton commented that he feels the figure is misleading, as the actual budget expenditure is actually closer to \$2,000,000, wishing that the budget would actually reflect this. CM Hamilton also felt that the possible acquisition of the Museum building should be mentioned in the budget.

CM Wright called a point of order that this is a Public Hearing Agenda item and that the Public should be invited to speak first before Council input. Town Clerk Morgan requested Vice Mayor Treadway open the Public Hearing officially.

Mayor Nolan arrived to the meeting at 6:54 p.m.

Vice Mayor Treadway officially opened the Public Hearing Agenda portion of this meeting at 6:55 p.m. There was no public comment.

Mayor Nolan took over officiating the meeting and closed the Public Hearing after no public comment at 6:57 p.m.

CM Hamilton spoke to the possible acquisition of the Museum building being mentioned in the budget.

CM Wright noted that the budget did speak to the acquisition of property.

Vice Mayor Treadway made a motion to adopt Resolution 16-123 to adopt the FY2017 Budget in the amount of 4,182,302, seconded by CM Hamilton, the motion passed unanimously.

Mayor Nolan recommended that Council go back to Agenda Item 8.2.

8.2 Accept or Reject the results of the Citizen Survey [CAARF requested by CM Repan].

Continued from July 5th meeting.

CM Repan gave an overview of his CAARF explaining that as the results of the survey were being discussed from time to time it became clear that there were differences of opinion on the validity of the survey results. There was approval for payment of the survey.

There was discussion on accepting or rejecting the survey; cost of survey; content of survey; and results of survey.

CM Alen made a motion to reject results of the Citizen Survey, CM McBrady seconded the motion.

There was discussion on effects of rejecting the survey; whether the entire survey should be rejected; cost of survey without usable data if rejected; whether results were biased.

Public Comment was taken on this item.

Victoria J. Wendt spoke against accepting the survey results.

Denise Rogers spoke on her concerns with inappropriately weighted questions on the survey.

CM Repan spoke that based on the Council discussion he would make a motion to reject the results of the Citizen Survey. Mayor Nolan explained there was a motion already made.

Mayor Nolan closed the discussion and called for a vote on the motion, the motion to reject the results of the survey passed unanimously.

9.2 To purchase radar speed signs for highway. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview of his CAARF mentioning that he received literature on speed signs and felt that it would be beneficial if speed/radar signs were purchased.

There was discussion on portability of signs; lowering of speed limit on highway; whether signs should be permanent or temporary; timeliness of this consideration; providing additional safety feature; obtaining ADOT feedback on signs; other locations in town for speed/radar sign such as Foothills Drive and Highway 169.

CM Wright made a motion to postpone this until Council has some data from ADOT and the Sheriff's Department.

CM Repan asked for information on whether quantity discounts.

TM Kimball indicated that placing signs on Highway 69 and Highway 169, it may require ADOT or Highway Patrol approval, however, local roads such as Foothill are Town property but Public Works would consult with the Sherriff Department before doing so. Possibly looking into a state contract may provide a better price.

Council suggested looking into the problems with these signs in other local communities; authorization to spend monies on these if not specifically listed in budget.

TM Kimball said this would be covered under the Public Works Department sign budget and upon an inquiry said that she could research into possible grants.

Public Comment was taken on this item.

Denise Rogers suggested looking into leasing or renting of signs; placement of flashing light signs near new traffic light, keeping radar signs temporary rather than permanent for better effect.

8.1 Continued discussion of possible action regarding acquisition of Museum Building property located at 12925 E. Main St. (Continued from June 7, 2016 meeting. CAARF's requested by Mayor Nolan and CM Alen)

CM Hamilton made a motion to go into executive session, seconded by Vice Mayor Treadway, motion passed unanimously.

8.1.1 Recess into and hold an executive session pursuant to A.R.S. Section 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main St., Dewey-Humboldt (APN 402-10-018)

Council went into Executive Session at 7:43 p.m.

8.1.2 Reconvene into Open Session.

The Council reconvened into Open Session at 8:58 p.m.

Mayor Nolan stated that there was no direction given to Staff at this time, however, this did not prohibit motions on this matter. Mayor Nolan made a motion for the purchase of the building, CM Alen seconded the motion. Mayor Nolan added that the Council go ahead and make them an offer to start negotiating for \$138,000 cash to start the negotiation process. Mayor Nolan again made the motion, CM Alen accepted Mayor's proposal of \$138,000.

Town Clerk Morgan clarified that the motion included the purchase price of \$138,000. This was confirmed by Mayor Nolan.

There was Council discussion on the purchase price amount being higher than some felt appropriate; needing more discussion on building's use before making an offer to purchase; stating purchase price publicly being problematic for good negotiating.

CM McBrady made a motion to have the attorney set up a meeting with the owners of the building and open up negotiations for purchase of building.

CM Repan spoke to the Council still needing to come together in agreement before this step.

CM McBrady said the attorney should have a meeting with the Sellers, get a feeling for who the people are, talk to them and then have another Executive meeting with our Council.

CM Alen withdrew her second to the Mayor's motion. She recommended going back into Executive Session.

There was further deliberation on whether an Executive Session was necessary to establish a purchase price before involving the town attorney; what motions were on the floor.

Mayor Nolan stated the original motion is dropped and the second motion received no second.

Mayor Nolan seconded the current motion after having it clarified.

CM Hamilton spoke to the Council needing to have a better agreement than what we have here, noting there was not direction for the attorney to pursue. CM Hamilton recommended more discussion before proceeding further.

Vice Mayor Treadway agreed that Council needs to come together for a consensus on what the offer shall be.

CM Repan made a motion for another Executive Session with the attorney to decide on what kind of offer the Council will make, seconded by CM Hamilton.

Council debated whether the use of the building needed to be decided now or after the purchase.

CM Repan made an amendment to his motion to include discussion of the potential use of the building. CM Hamilton as second to the motion, agreed.

CM McBrady made a motion to have the attorney meet with Council in Executive Session to discuss the purchasing of the building, not to include the discussion of intended use. CM Alen seconded CM McBrady's motion.

Town Clerk Morgan clarified the motion as to have the attorney meet with Council in Executive Session to discuss the purchase of the building, only. CM McBrady asked for a vote. Mayor Nolan asked TC Morgan if she had this down in record. Town Clerk Morgan read the motion: To approve meeting in Executive Session with the attorney and Council to discuss the purchase of the building, only. CM Repan asked if this was similar to the first motion.

Town Clerk Morgan said this was the most recent and read the first motion: "to contact the attorney to have them open up negotiations with the Seller of the property".

Mayor Nolan called for a vote on the last and most recent motion made.

Town Clerk Morgan read the motion again: To approve meeting in Executive Session with the attorney and Council to discuss the purchase of the building, only.

CM McBrady clarified "purchase price" not just purchase, as this would open the subject back up of whether to proceed with the purchase.

Town Clerk Morgan amended the motion to read "To approve meeting in Executive Session with the attorney and Council to discuss the purchase price of the building, only". Mayor Nolan called for a roll call vote. The motion failed by a 4-3 vote.

Mayor Nolan referred to the next motion made by CM Repan, which was to open negotiations with the attorney...

Town Clerk Morgan clarified CM Repan's motion as: to hold another Executive Session with the attorney to decide (council consensus) on what kind of offer the Council will make, with the amendment to include, on the Executive Session, the potential uses of the building. A roll call vote was taken. The motion passed with a 4-3 vote.

There was Council discussion regarding when to schedule the Executive Session to address this item. TM Kimball was to check with the Town Attorney and see if she could attend the meeting either August 2nd or August 16th.

TM Kimball expressed that she would like to return to Executive Session to share information about this item with the Council.

There was Council discussion whether it was necessary to return to Executive Session.

CM Repan recommended that this additional information be shared at the next Executive Session.

CM McBrady recommended returning to Executive Session to hear TM Kimball's information, with no further discussion.

Mayor Nolan made a motion to return to Executive Session, seconded by CM McBrady, the motion passed with a 5-2 vote in favor.

The Council returned to Executive Session at 8:52 p.m.

The Council reconvened open session at 8:58 p.m. There was no further discussion.

11. Adjourn. The meeting was adjourned at 8:58 p.m.