

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

Tuesday, September 17, 2013, 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 6:30 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Dennis Repan; 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. None.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the September 3, 2013 Regular Meeting.

Vice Mayor Repan made a motion to approve the September 3, 2013 Regular meeting minutes as presented, seconded by Councilmember Alen. It was approved unanimously.
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. **Ordinance 13-99 to amend 30.018 D Council actions and 30.105 C Council Agenda.**

Adopt, reject or send the proposed ordinance for further revision. Direction to amend from May 7, 2013 meeting.

Town Manager Kimball gave an overview on this item, explaining it came from a decision made from Council on the May 7th meeting to change town code. This ordinance incorporates those changes.

Vice Mayor Repan made a motion to adopt Ordinance 13-99 as presented, seconded by Councilmember Alen.

There was discussion on the timeframe for submitting agenda items for insertion on agenda. Vice Mayor Repan explained he had suggested a change regarding this but the Council chose to leave it as is at the May 7th meeting.

The motion passed by a 4-3 vote in favor, Councilmembers McBrady, Williams-Rowe and Mayor Nolan voting against.
 - 8.2. **Ordinance 13-100 to amend Town Code Section 30.031 E (5) Mayor and Vice Mayor.**

Adopt, reject or send the proposed ordinance for further revision. Direction to amend from May 14, 2013 meeting.

Council reviewed what was decided by Council regarding this at a previous meeting, changing

“Mayor” to “Council”; and the Attorney’s recommendation was to remove E5 in its entirety as it is not the correct spot for this to be placed in the code. Town Code section 30.031 pertains to the Mayor and Vice Mayor duties, not the Council’s. There was discussion on this and whether to spend more time reviewing the attorney’s memo.

Councilmember Alen made a motion to table the discussion on this until the next regularly scheduled meeting and then re-send the attorney’s memo to the council in the meantime, seconded by Councilmember McBrady.

Councilmember Wright made a motion to accept the ordinance as recommended by the attorney, deleting 30.031 E5 in its entirety, seconded by Vice Mayor Repan. It was approved unanimously.

The first motion failed since the subsequent motion passed, making this motion null and void.

8.3. Discuss and direct the Town Manager to add one full-time employee to Public Works.

Direction made at the September 10th Study Session - a continuation from the September 3rd Regular session [original CAARF VM Repan].

There was discussion on when this position could be filled and whether to fill it now full-time or part-time, or wait until the next budget year. Vice Mayor Repan spoke on needing someone now since Council approved the accelerated road plan, Public Works has plenty of work and they are short-handed.

Vice Mayor Repan made a motion to approve moving forward with hiring a full-time Public Works employee, seconded by Councilmember Williams-Rowe.

Councilmember Wright spoke on first needing job duties and measures established before recruiting for this position.

The motion passed by a 4-3 vote in favor, Councilmembers Alen, Hamilton and Wright voting against.

8.4. Council Discussion of Town Manager Evaluation. Direction made at the September 10th Study Session - a continuation from the July 16th Regular session [original CAARF CM Wright].

Council reviewed the reason this is on the agenda, to approve the evaluation form to be used and the deadline dates for the evaluation process.

Councilmember Wright made a motion to approve the form as included and the following process dates: December 6th deadline to get evaluations to Judge Kelley; January 7th for evaluation with Town Manager, seconded by Councilmember Alen. It was approved unanimously.

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

9.1. Mortimer Family Farms Use Permit Renewal. Approve, deny or send the renewal matter for further revision.

Community Development Coordinator, Warren Colvin gave an overview on the renewal of the Mortimer Family Farms Use Permit 2011-1 and 2013-2 extension. This renewal is for a 5-year period. Planning and Zoning had no formal objections to the renewal. Staff recommendation is for Council to approve the use permit extension for a 5-year period with stipulations:

1. Must apply for special event permits.
2. Property signage stays in compliance with code.
3. Modifications, alterations or increased intensities that conflict with use permit and/or conditions of approval shall result in a new use permit application.

4. Use permit extension granted to Mortimer Farms who operates farming industry at SR169, owned by Yavapai Land Holdings LLC. Change of occupancy constitutes termination of this use permit. Transfer, modification or alterations of the use permit shall result in the requirement of a new application.

5. Use permit extension is granted to the applicant for uses occurring on parcel #402-02-013 where the store building is located (12907 E. S.R. 169) only.

There was discussion on the stipulations, why a use permit was required, and health code requirements.

Vice Mayor Repan made a motion to accept Staff's recommendation, approving the use permit extension for a 5-year period and with the attached stipulations, seconded by Councilmember Alen.

Public comment was taken on this item.

Sue Palacio spoke in support of Mortimer Family Farms and their events and what they bring to the community.

Carol Wagner spoke in support of the renewal of the use permit. She said it was good for the economy and Mortimer's tries to comply.

Councilmember McBrady spoke in support of what Mortimer's has done and the good job they have done.

The motion passed by a unanimous vote in favor.

9.2. Place all renewing IGAs in the Consent Agenda. Put all Town Proclamations in the Consent Agenda. [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview on his request. He recommended renewing IGAs are just being approved pro forma. He stated proclamations are already included in the packet so therefore they do not need to be read aloud.

Mayor Nolan spoke in agreement with the placement of IGAs on the consent agenda but explained the proclamations are made by the Mayor and therefore read them allowed to proclaim an issue, it is not up for approval by the council.

Councilmember Hamilton made a motion to place all renewing IGAs in the Consent Agenda, seconded by Councilmember Wright. It was approved unanimously.

9.3. Change Code 30.030 (G) Part 6 to remove language, "with the ratification of the Town Council". [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview on his request, having spoken to the risk-pool attorneys (at the League conference) about minimizing their (Council's) liability by not being involved in the administrative duties of the town. There was discussion on why this wording was originally placed in the town code and whether it was still needed.

Councilmember Hamilton made a motion to change code 30.030 (G) Part 6 removing language "with ratification of the Town Council", seconded by Councilmember Alen.

Councilmember Wright reminded council that they will need an ordinance developed to codify this change.

The motion passed by a 6-1 vote in favor, Councilmember Wright voting against.

Town Manager Kimball asked for clarification on whether it only removes the section about ratify by council. Council confirmed this.

9.4. Discussion of Mayor Nolan’s comment during the 8/20/13 meeting, item 11, Comments from the Public, that “many of the agenda items being frivolous and time consuming”.
[CAARF requested by VM Repan]

Vice Mayor Repan spoke on his reasons for requesting this agenda item and wanting clarification on whether this is allowed. Mayor Nolan explained it was brought up at a League conference that it was okay to speak during public comment from the dais. Councilmember Wright wanted documentation about this right.

Councilmember Hamilton made a motion to have the attorney get back with them on the law about “Council and Mayor speaking from the dais as a public comment”, seconded by Councilmember Wright. It was approved unanimously.

Vice Mayor Repan spoke on the second part of the agenda item “frivolous and time consuming” statement. He spoke on agenda item requests coming from citizen requests. There was discussion on this. Mayor Nolan expressed his opinion that the agenda items should be more service-oriented rather than word-smithing code.

10. Public Hearing Agenda. None.

11. Comments from the Public. None.

12. Adjourn. The meeting was adjourned at 7:44 p.m.