

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

Tuesday, December 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 6:33 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Vice Mayor Dennis Repan.
 - 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.**
 - 4.1. **Humboldt Elementary School Award Announcement by Principal, Cole Young.**

Humboldt Elementary School Principal, Cole Young gave an update on the school's recent awards of excellence. They are a National Ribbon School and a National Title One School.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball wished everyone a happy holidays; gave the council a revised schedule to submit CAARFs for the January 7th meeting (December 26); holiday safety tips have been posted to the town's website; Prescott National Forest staff visited the proposed Newtown Trailhead location. The Town Manager, OSAT committee Chair, Sandra Goodwin and committee member Skip Gladue were also in attendance at this visit. Ms. Kimball stated they were positive about the proposed project.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the December 3, 2013 Regular Meeting.

Councilmember Wright made a motion to accept the December 3, 2013 Regular Council meeting minutes as presented, seconded by Councilmember Alen. It was approved unanimously.
7. **Comments from the Public (on non-agendized items only).**

Gwyn Shippy spoke on problems with the grading work being done on Outback Rd.

Town Manager Kimball responded to the criticism and explained Outback Road is within the Town limits but it only serves a small subdivision that is outside of the Town of Dewey-Humboldt's boundaries.
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. **Council Code of Ethics continued discussion and possible adoption of Ordinance 13-103 amending Town Code of Ordinances to include Section 30.020 Code of Ethics.** Discussion and possible action to adopt, reject or send the proposed ordinance for further revision.

Councilmember Hamilton gave an overview on the time spent on the code of ethics document and stated he felt it was ready for a decision.

Councilmember Hamilton made a motion to pass the Code of Ethics (Ordinance 13-103) as presented, seconded by Councilmember Wright.

Mayor Nolan brought up whether they wanted to have a super-majority vote on ethics issues.

Councilmember McBrady stated he wanted the Code of Ethics document printed in the newspaper, in its entirety so the citizens could give their input. He reviewed those sections of the code of ethics he felt were too subjective and vague and stated he felt the document was designed to embarrass, fine and drive-off members of council.

Town Attorney Goodwin explained her comments about the document that she doesn't feel the censure and sanction definitions need to be in the document.

Council discussed the number of times the public has had a chance to provide their input to this document and the reasons for putting it back into town code; ethics as a behavior code; strictness of this code compared to other municipalities.

Councilmember McBrady made a motion to have the local newspaper print the code of ethics document in its entirety then get the public's input at a future meeting, seconded by Mayor Nolan.

There was discussion on the town having to pay to place it in the paper and the number of times this item and document have been on the agenda.

Councilmember Wright called the question. The motion to call the question was approved unanimously. The motion to put it in the newspaper failed by a 2-5 vote, Councilmembers Alen, Hamilton, Williams-Rowe, Wright and Vice Mayor Repan voting against.

Council voted on the earlier motion to approve the ordinance as presented. It was approved by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

8.2. Discussion and possible action or direction related to the extension of the Lease Agreement for Town Hall offices. [Continued from the December 3, 2013 Regular Council Meeting and December 10, 2013 Special Study Session]

Councilmember McBrady recused himself from this discussion and possible action.

There was discussion on each council member's feelings on whether to approve the lease extension or not.

Councilmember Alen made a motion to renegotiate the lease with the landlord, (Mayor, Vice Mayor and Town Attorney), Friday, December 20th, with a Council meeting to be called as soon as it is negotiated. Councilmember Wright seconded the motion.

There was continued discussion on what they might try to achieve in renegotiating the lease; and what if anything has changed in this lease from the original lease.

Town Attorney Susan Goodwin clarified what is required in the existing lease when the town vacates the properties; what has to be done and the length of time necessary for a town hall acquisition.

Mark McBrady was asked if he would consider a 1-year lease. He stated he would not. He also spoke on raising the rent if the town decides to not renew the lease and wants to go month to month. There was more discussion by Council on commercial property lease costs and expenses for tenant improvements.

Councilmember Hamilton called the question. Council approved calling the question by a 5-1 vote in favor, Mayor Nolan voting against. The motion was read by the Town Clerk. As a point of order

Mayor Nolan explained he was not available to renegotiate the lease with the landlord on December 19th or 20th.

The motion maker, Councilmember Alen, withdrew the motion, seconder agreed to the withdrawing of the motion. It was withdrawn.

Councilmember Hamilton made a motion to approve accepting the two-year lease extension, as presented, seconded by Councilmember Wright.

There was discussion on the timing of the lease extension and being proactive on future considerations for town hall.

Repairs included in the extension will need to be done by January 1st or the town can do them then charge it against the rent if not done by that deadline.

Councilmember Hamilton stated he will bring a CAARF to the Council to develop a strategy on how to move forward for a future town hall, with timetables.

A vote was taken on the motion. It passed by a 5-1 vote in favor, Vice Mayor Repan voting against.

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

Councilmember McBrady returned to the dais at 9:01 p.m.

9.1. Have Town Attorney write a letter to Railroad about Railroad right-of-way. [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview on his request. There was discussion on Railroad rights-of-way and once abandoned, do the properties vest in the municipality. Council also discussed how polluted these rights-of-way typically are and considering that before being willing to take these over.

Councilmember Hamilton made a motion to have the Town Attorney write a letter to the BNSF Railroad Company regarding the railroad right-of-way left in the Dewey-Humboldt area, seconded by Vice Mayor Repan. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

9.2. Council discussion and action to clarify what expenses for the Mayor and Town Council need to be approved by the Town Council. [CAARF requested by CM Wright]

Councilmember Wright gave an overview on her request, explaining she had a differing opinion from the Town Manager on what meetings, workshops and conferences need to be approved by council prior to attendance by a council member. There was discussion on how these benefit the town.

Councilmember Hamilton made a motion to approve the expenditure for the Mayor to attend the Rural Transportation Summit, seconded by Councilmember Wright.

There was discussion on who should pay to attend these events; the Mayor's role as a representative of the town; what council considers "preauthorized" meeting attendance.

A vote was taken on the motion, which passed unanimously.

9.3. Direct Staff to aggregate additional information on Main Street Properties. [CAARF requested by CM Alen]

Councilmember Alen gave an overview on her agenda item, bringing to the Council, a new perspective on what could be done with the Main Street Properties, and to report the current status of the Main Street properties.

Town Manager Kimball reported that the Peloso family's offer, given to the Town, still stands.

Vice Mayor Repan asked about Yavapai County Building Department's inspection of the properties, and hearing that report. Town Manager Kimball explained this information has not been made public so it could be provided in executive session.

Councilmember Alen made a motion to go into Executive Session to hear the results of this report, seconded by Councilmember Wright.

Councilmember McBrady asked whether he needed to recuse himself from this since it is in reference to "Town Hall Purposes" and he is the landlord for the Town's current Town Hall. Town Attorney, Susan Goodwin recommend he recuse himself.

A vote was taken on the motion to go into Executive Session, which passed by a 5-1 vote in favor, Mayor Nolan voting against, and Councilmember McBrady being recused from the vote.

9.4. Discussion and possible action regarding acquisition of property for Town Hall purposes and possibly to approve Resolution No. 13-107, authorizing and directing the Town Manager and Town Attorney to obtain appraisals and legal descriptions and take other necessary actions preparatory to acquisition of real property located in Dewey-Humboldt at 12899 East Main Street, 12922 East Main Street and/or 12847 East Main Street on behalf of the Town and directing the Town Manager to present the above information to the Council for possible approval to proceed with the acquisition. The Council may, by majority vote, recess the regular meeting, hold an executive session, and then reconvene the regular meeting for discussion and possible action on this item.

Council convened into Executive Session at 9:43 p.m.

9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(7) for discussion or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located in Dewey-Humboldt, Arizona, at 12899 East Main Street, 12901 East Main Street, 12922 East Main Street and/or 12847 East Main Street.

9.4.2. Reconvene Regular Meeting.

Council reconvened into Regular Session at 10:03 p.m.

Mayor Nolan made a motion to move this item to a January Study Session, seconded by Councilmember Alen. It was approved unanimously (6-0 vote), Councilmember McBrady being recused from the vote.

10. Public Hearing Agenda. None.

11. Comments from the Public. None.

12. Adjourn. The meeting was adjourned at 10:04 p.m.