

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

**Tuesday, October 15, 2013, 6:30 P.M.**

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

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

## **AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**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.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

**4.1. Dewey-Humboldt Historical Society (DHHS) Walking Tour announcement.** Gerald Hoyer with DHHS to speak on new walking tour.

**5. Town Manager's Report.** Update on Current Events.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the September 24, 2013 Special Study Session and October 1, 2013 Regular Meeting.

**7. Comments from the Public (on non-agendized items only).** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A **3** minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

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.

Page

9

8.1. **Ordinance 13-102 to Amend town code 30.030 Town Manager (G) Authority and Responsibilities Paragraph (6) related to the requirement for ratification by the Council of certain employment actions (to remove council ratification wording).** Discussion and possible action to adopt, reject or send the proposed ordinance for further revision. (September 17, 2013 meeting Council decision; original CM Hamilton CARRF)

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

17

9.1. **Meeting agendas, reports and handouts binders for NACOG, CYMPO, WAC & all others that Mayor/Council attend on behalf of the Town.** [CAARF requested from CM Alen]

19

9.2. **Determine Town Policy on whether roads should be removed from the 6-year Road Maintenance list if Town ownership is questionable.** [CAARF requested by CM Hamilton]

21

9.3. **To develop a policy or an ordinance for use and possession of notebook or notepad computers for Council.** [CAARF requested by Mayor Nolan]

## **10. Public Hearing Agenda.**

---

**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

---

11. **Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

## **12. Adjourn.**

### **For Your Information:**

Next Town Council Meeting: Tuesday, November 5, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, November 7, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, October 22, 2013, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

### **Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MINUTES  
TUESDAY, SEPTEMBER 24, 2013, 2:00 P.M.**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 24, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DENNIS REPAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 2:03 p.m.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (absent at roll call but arrived at 2:04 p.m.), Sonya Williams-Rowe (arrived late at 3:38 p.m.), Nancy Wright; and Vice Mayor Dennis Repan were present. Mayor Terry Nolan was absent.

3. **Study Agenda.** No legal action to be taken.

**3.1. Town Visioning Exercise Introduction presented by Richard Bowen, VP Economic Development at NAU.** Review and Further Discussion.

Councilmember McBrady returned to meeting at 2:04 p.m.

Richard Bowen was present and gave an introduction on the type of work that he does for small rural communities. He reviewed what was necessary for the Economic Development process: community dialog; figure out how to work together; pull the leaders of the community together for a series of meetings; create a collaborative environment to pool resources and save duplicated efforts; be intentional and figure out D-H's natural niche; create consortiums, tax economic transactions to provide funding for a thriving community; create objects and break them down into "the nuts and bolts", then do something with the plan, take action. His work is to help communities grow appropriately for their situation and build an entrepreneurial culture, moving the community toward the general plan.

There were questions about growth with water and infrastructure concerns, and efforts to reach out to the community and businesses previously. Councilmember McBrady spoke on buying a water company to provide water for the town's citizens.

Mr. Bowen explained this process takes about 3 years. To start the first year they would hold summits (approximately 6) for input. Yavapai County should be part of the process too. Mr. Bowen would work with the town without any cost to the Town, and call it an update to the General Plan, long-term vision of the community. He can also help with the economic development portion of it too.

No action was taken; Council thanked Mr. Bowen for coming.

**3.2. Town Newsletter Discussion.** Clarification on policy and procedure regarding the newsletter.

Town Manager Kimball gave an overview of the direction she was looking for from the Council regarding the newsletter. The Editor of the newsletter, Denise Rogers was in attendance and joined the Council at the table for discussion.

1. Purpose of the newsletter? Should the newsletter be a non-public forum, limited public forum or designated public forum. Council consensus was to keep it a non-public forum, therefore they would not have advertising or citizen opinions.

Councilmember Williams-Rowe arrived at 3:38 p.m.

2. What is staff's expected role in the entire newsletter operation? Staff role has the overall authority. Council discussed what type of businesses can be included in the newsletter under new business. Only those that are within the town's limits. Educational, transportation, food bank or community cupboard articles are good. There was discussion on who can write articles and whether Council and Mayor should have an article. It was decided to have town news articles coming from staff only to keep any possible political flavor out of the newsletter. Council member articles will only be accepted if they are on an (agency) meeting report. Town Manager Kimball reiterated what she heard was to always have something under Town News from Staff. Editor Rogers suggested changing the heading to "News from Town Hall". Articles that are deemed to be non-productive or political would not be included in the newsletter. A notice of a personal event planned for the community by someone on the council will be placed on the bulletin board but an article will not go in the newsletter.

Yvonne Kimball explained she will contact the Town Attorney to draft a policy and will bring it back to the council for their review.

Councilmember Wright asked to move agenda item 4.1 next in line since Mr. Piper is in attendance to speak on this issue. It was addressed next and then Council resumed to the scheduled agenda order. (Please see 4.1 for these discussion minutes)

**3.3. Council Code of Conduct further discussion.** Continued from May 14th, June 11th, July 23rd, August 13th, and September 10th Council meetings.

Council returned to this agenda item after 4.1. Councilmember McBrady excused himself from the meeting at 5:10 p.m. explaining he had a prior commitment he had to leave for. He suggested they move 3.3 Code of Conduct to another meeting.

Vice Mayor Repan gave an overview and spoke on reviewing the violation process, which was the last portion of the Code of Conduct.

Councilmember Hamilton spoke on taking VM Repan's violation process and elaborating on it. This information was provided to Council after the packet was put together so many of the Council members had not had a chance to review or compare it to what VM Repan had provided Council.

Councilmember Williams-Rowe spoke on League conference information regarding fining for violations and she recommended they consider not having those fines.

It was explained that this document will go to the Town Attorney before adoption and the attorney can address those issues she feels are problematic.

There was discussion on censure and sanctions.

Vice Mayor Repan suggested moving this to next month's work session(s). This will allow them to review what CM Hamilton submitted and recommend any changes, looking into sanctions and censure. Town Manager Kimball stated she will place it tentatively on the October 8<sup>th</sup> works session and council can move it to a special "added" work session if they desire.

4. **Special Session.** Legal Action can be taken.

4.1. **Discussion on the Town Council's policy on code enforcement and permits, including but not limited to proactive approach or complaint-driven approach.**  
[CAARF requested by CM Wright] --Moved in the discussion schedule to follow agenda item 3.2.

Councilmember Wright gave an overview explaining Mr. Piper asked her to place this on an agenda for discussion of whether or not to have a code enforcement policy on a complaint basis or a proactive approach.

Jerry Piper spoke to the Council on historic complaint-based handling of code enforcement by the town since incorporation; giving staff "teeth"/authority to respond if they notice a violation; the problem it puts on citizens to turn in their neighbors; and consistency with code enforcement.

Town Manager Kimball explained current policy to deal with code enforcement through the complaint driven process unless there is a public safety concern. There was discussion on the importance of the complainant including their name on a complaint rather than being anonymous, and needing additional resources if staff is to be proactive on code enforcement violations. Council asked for code enforcement staff to come to a future work session to discuss his expertise on this issue and answer questions.

Public comment was taken on this item.

Denise Rogers spoke on issues that pertain to code enforcement that came before the Planning and Zoning Commission but weren't addressed at that time, and how this can affect the controversy with the codes as they are now. The code should be simplified and made less restrictive to reflect the vision of the community.

There was more discussion on reporting health and safety concerns and retaliation with difficult neighbors.

Vice Mayor Repan asked for this to come back in a work session as a general discussion with a decision at the 3<sup>rd</sup> regular Council meeting in October.

5. **Comments from the Public.**

None.

6. **Adjourn.**

The meeting was adjourned at 5:28 p.m.

---

Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 1, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 1, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

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.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan announced Senior Action Day in Prescott on Friday, October 4<sup>th</sup>.

- 4.1. **Public Safety Quarterly report.** Reports by Lt. Richard Martin, Yavapai County Sheriff's Department and Cathy Kelley, Dewey-Humboldt Magistrate Judge.

Lt. Martin with the Yavapai County Sheriff's Department Southern Area Command was in attendance and reviewed the PowerPoint presentation (included in packet) with the Council. He also spoke on the radar trailer that was placed out on Foothill Rd and using step grant money to work traffic.

He answered Council's questions and explained Dewey-Humboldt will be getting Lt. Nate Auvenshine as the Southern Area commander soon.

Mayor Nolan spoke on a recent problem that was brought to his attention regarding a dog-napper in the area. Lt. Martin was directed to the information available on this.

Public comment was taken on this item.

Zona Hays spoke on where the dog napping information flyer is posted.

Jerry Brady spoke on defects and deficiencies with the Emergency Response.

Judge Cathy Kelley spoke on the Court with nothing unusual to report. She announced they now have a printed set of Arizona Revised Statute books in the office and suggested they consider updating them annually. She spoke on the credit card payment usage.

- 4.2. **HUSD presentation on [budget] override issue.** A presentation by Humboldt Elementary School Principal Cole Young. [CAARF requested by Mayor Nolan]

Dan Streeter, Director of Human Resources for HUSD was introduced by the Mayor to the Council. He was in attendance to give the presentation that Cole Young was not available to give due to a prior commitment.

Councilmember Hamilton called a point of order and asked to have the attorney's opinion read on this agenda item. There was discussion on whether this agenda item can be

addressed before the Council as the CAARF indicates it is to gain the support of the Council.

Councilmember Hamilton made a motion that a no vote will mean this agenda item will not be heard, seconded by Vice Mayor Repan. The motion received 3 yes votes and 4 no votes (Councilmembers Alen, Hamilton, Wright and Vice Mayor Repan voting against) so the HUSD presentation on the override issue agenda item was not heard.

Mr. Streeter was thanked for attending but he was not able to give the presentation.

Vice Mayor Repan called a point of order to discuss the Mayor's support on the ballot materials for this election issue. He spoke on the council not authorizing the Mayor to support this issue.

Mayor Nolan explained he supported it personally. Vice Mayor Repan spoke on town code saying members of the council can't represent the town without the support of the council. Mayor Nolan reminded council this is not agendized and therefore they should not be discussing it at this time. Mayor Nolan moved the agenda.

**4.3. Open Space and Trails (OSAT) Committee update on trailhead support.** A presentation by OSAT Chair Sandra Goodwin.

Chair of the OSAT Committee, Sandra Goodwin spoke on what the committee has been doing and what it plans to do in the future. They have collected signatures on their petitions to show the support within Dewey-Humboldt and the surrounding community. She spoke on having a three year wait with the National Forest for assistance with the trailhead and other ways they can get started on the trailhead. Hubbard Trailers is having a workshop at Mortimer Farms to teach people how to turn their trailers around. She asked whether boulders could be cleared out with staff's help. There were Council questions about number of trailers that could be parked (3); location of boulders; putting turnaround on government land; using millings on this road to improve it.

Public comment was taken on this item.

Jerry Brady spoke on the National Forest supporting increasing trails in the area; advancing the Town's priority for funding; Old Black Canyon highway being designated an escape route; Green Gulch development.

**5. Town Manager's Report.** Update on Current Events.

Town Manager Kimball reviewed upcoming projects: Pavement Preservation scheduled for next week, followed by grading of town's dirt roads in late October. EPA meeting scheduled for October 19<sup>th</sup> has been postponed due to Federal shutdown.

EMS Training has been moved to Thursday, October 24<sup>th</sup> from 9-1. They will review the Emergency Preparation plan, have a table topic mock exercise and recap what they covered over lunch. The meeting will be recorded on Granicus for any Council members who can't attend. Council should let staff know by Friday if they can't make it as they need a head-count for lunch.

Public comment was taken.

Jerry Brady spoke on the Community Action Plan (CAP) review as a result of the Hotshot 19 deaths. He recommended they review the two category three high value targets in D-H.

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the September 10, 2013 Special Study Session and September

17, 2013 Regular Meeting.

Vice Mayor Repan made a motion to accept the minutes from the September 10, 2013 Special Study Session and September 17, 2013 Regular meeting, as presented, seconded by Councilmember Alen. It was approved unanimously.

**7. Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on those things that the Council will be reviewing with the Emergency Preparedness Plan exercise. He spoke on concerns with emergency access routes within the town and to review the NFPA 1500 which deals with firefighter safety issues.

**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 13-101 to Amend town code 30.085 representing an official town position by revising 30.085 (D) and adding 30.085 (F).** Discussion and possible action to adopt, reject or send the proposed ordinance for further revision. (August 20, 2013 direction to amend)

Council reviewed this issue and observed that the ordinance came back from the attorney as they had revised town code at the August 20<sup>th</sup> meeting.

Vice Mayor Repan made a motion to adopt Ordinance 13-101 (to amend town code 30.085 representing an official town position by revising 30.085(D) and adding 30.085(F)), as presented, seconded by Councilmember Wright. It was approved by a 4-3 vote in favor, Councilmembers McBrady, Williams-Rowe and Mayor Nolan voting against.

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

None.

**10. Public Hearing Agenda.**

None.

**11. Comments from the Public.**

Jerry Brady spoke on the Gladiator fire and how close it came to Dewey-Humboldt. He spoke on obtaining a copy of the investigative report for the Gladiator fire for their planned EMS exercise.

**12. Adjourn.**

The meeting was adjourned at 7:30 p.m.

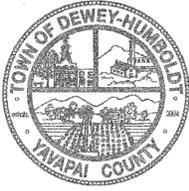
---

Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

**TOWN COUNCIL REGULAR MEETING**

**October 15, 2013, 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item # 8.1 Ordinance 13-102 to Amend town code 30.030 (G) Town Manager authority and responsibilities.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: October 3, 2013**

**Recommendation: Adopt the proposed ordinance**

**Summary:**

At the September 17 Council meeting, Councilmember Hamilton submitted proposed amendments to Town Code sections 30.030 (G). The Town Attorney drafted Ordinance 13-102 to address these changes.

The change is to remove "with the ratification of the Town Council" from 30.030 Town Manager (G) Authority and Responsibilities (6):

(6) Appoint, promote, demote, suspend, and remove employees of the town ~~with the ratification of the Town Council~~. Town Manager may recommend to the Council appointment and removal of the Attorney and Magistrate;

Enclosures: Ordinance 13-102 amending Town Code Section 30.030, original CM Hamilton

CARRF, Sept. 17 minutes

Town Council Regular Meeting

October 15, 2013

Page 9 of 21



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 • Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

Meeting Type:  Regular       Special       Work Session

Meeting Date: 9/17/13

Date of Request: 9/4/13

Requesting:  Action       Discussion or Report Only

Type of Action:  Routine/Consent Agenda       Regular

**Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):**

CHANGE CODE 30,030 G. PART 6 TO REMOVE  
LANGUAGE "WITH THE RATIFICATION OF THE TOWN COUNCIL".

**Purpose and Background Information (Detail of requested action).**

HIRING AND FIRING OF TOWN STAFF SHOULD BE DONE BY THE  
TOWN MANAGER.

Staff Recommendation(s): \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

List All Attachments: PLEASE ATTACH TOWN CODE 30.030 G PART 6

Type of Presentation: \_\_\_\_\_

Special Equipment needed:  Laptop     Remote Microphone  
 Overhead Projector     Other: \_\_\_\_\_

Contact Person: JACK HAMILTON

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

ORDINANCE No. \_\_\_

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.030 TOWN MANAGER, SUBSECTION G AUTHORITY AND RESPONSIBILITIES, PARAGRAPH (6) RELATED TO THE REQUIREMENT FOR RATIFICATION BY THE COUNCIL OF CERTAIN EMPLOYMENT ACTIONS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES**

**Whereas**, the Dewey-Humboldt Town Council has reviewed its processes for appointing, promoting, demoting, suspending and removing employees of the Town and no longer believes it is in the best interests of the Town that the Town Council ratify such actions.

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.030 Town Manager, Subsection G Authority and Responsibilities, Paragraph (6) is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

\* \* \*

(6) Appoint, promote, demote, suspend, and remove employees of the town ~~with the ratification of the Town Council~~. Town Manager may recommend to the Council appointment and removal of the Attorney and Magistrate;

\* \* \*

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By Susan D. Goodwin

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, SEPTEMBER 17, 2013, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 17, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:30 p.m.
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 7<sup>th</sup> 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 7<sup>th</sup> 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

Town Council Regular Meeting Minutes, September 17, 2013  
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 10<sup>th</sup> Study Session - a continuation from the September 3<sup>rd</sup> 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 shorthanded.

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 10<sup>th</sup> Study Session - a continuation from the July 16<sup>th</sup> 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 6<sup>th</sup> deadline to get evaluations to Judge Kelley; January 7<sup>th</sup> 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.

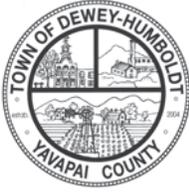
---

Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** \_\_\_\_\_

**Date of Request:** Next Available

**Requesting:**  Action  Discussion or Report Only

**Type of Action:**  Routine/Consent Agenda  Regular

**Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):**

Meeting agendas, reports & Handouts binders for NACOG, CYMPO, WAC &  
all others that Mayor/Council attend on behalf of the Town

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

The material disseminated via email and as handouts for these meetings is important backfill  
for future votes as well as for all members of current and future councils. This material should be  
archived on site in binders along with reports from attendees.

**Staff Recommendation(s):** \_\_\_\_\_

**Budgeted Amount:** \_\_\_\_\_

**List All Attachments:** \_\_\_\_\_

**Type of Presentation:** verbal

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: none

**Contact Person:** Arlene Alen

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 • Fax 928-632-7365**

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** OCTOBER 15 2013

**Date of Request:** \_\_\_\_\_

**Requesting:**  Action  Discussion or Report Only

**Type of Action:**  Routine/Consent Agenda  Regular

**Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):**

DETERMINE TOWN POLICY ON WHETHER ROADS SHOULD BE REMOVED FROM THE 6 YEAR ROAD MAINTENANCE LIST IF <sup>TOWN</sup> OWNERSHIP IS QUESTIONABLE.

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

OHIO BLACK CANYON HIGHWAY IS NOT ON THE 6 YR ROAD MAINTENANCE LIST BECAUSE OF UNCLEAR OWNERSHIP. THIS WILL EFFECT OTHER ROADS.

**Staff Recommendation(s):** \_\_\_\_\_

**Budgeted Amount:** \_\_\_\_\_

**List All Attachments:** \_\_\_\_\_

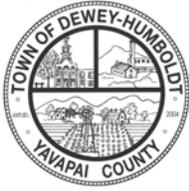
**Type of Presentation:** \_\_\_\_\_

**Special Equipment needed:**  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** JACK HAMILTON

**Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.**

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

---

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular  Special  Work Session

**Meeting Date:** [ 10/15/13 ].

**Date of Request:**[ 10/07/13 ].

**Type of Action:**  Routine/Consent  Regular

**Requesting:**  Action  Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

[ **X** ]. A request by [ Mayor Nolan ] to discuss [ \_\_\_\_ ].

To develop a policy or an ordinance for use and possession of notebook or notepad computers for council.

**Purpose and Background Information (Detail of requested action):** [ \_\_\_\_ ]

**Staff Recommendation(s):** [ \_\_\_\_ ].

**Budgeted/Amount:** \$[ 0.00 ].

**Expected duration of discussion or report:** [ 30 min or less ]

**List All Attachments:** [ \_\_\_\_ ].

**Type of Presentation:** Oral.

**Special Equipment needed:**  Laptop  Remote Microphone

Overhead Projector  Other: \_\_\_\_\_

**Contact Person:** [ Mayor Nolan ].