

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JULY 16, 2013, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JULY 16, 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 6:32 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 (Arrived late at 6:35 p.m.), 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 spoke on volunteer efforts, led by the Mayor, by a group assisting with the Yarnell Fire clean-up on Saturday (July 13).

Councilmember McBrady arrived at 6:35 p.m.

4.1. Supervisor, Tom Thurman, Meet and Greet/Introduction to Council.

Mr. Thurman spoke to the Council on ways in which the County can be of help to the Town. He introduced some Yavapai County Staff who attended with him: Charlie Cave (Director of Yavapai County Flood Control) and Marlyn Summers (Administrative Assistant-District 2). He spoke on the recent challenges with the passing Boyce McDonald, the Doce and Yarnell Hill fires, the loss of the 19 Hot Shot firefighters and some County-wide funding cuts.

Charlie Cave spoke on monies available for the town for drainage projects through the YC Flood Control. He spoke on expectations for future funding for these projects.

There was discussion on property taxes, the Hot Shot 19 Monument and problems with the Yarnell clean-up and some illegal activity where people are trying to take advantage of the property owners.

5. **Town Manager's Report.** Update on Current Events.
Town Manager Kimball spoke on the Federal Environmental Protection Agency being in town last week and working on a public meeting tentatively scheduled in September.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the July 2, 2013 Regular Council Meeting.
Councilmember Hamilton made a motion to approve the minutes as presented, seconded by Councilmember Wright. 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. Old Black Canyon Highway follow-up from July 2nd meeting and next steps.

Discussion and possible next steps.

Councilmember Hamilton made a motion to repealing the motion made last meeting regarding research on a document he provided, seconded by Vice Mayor Repan. It was approved unanimously.

Councilmember Hamilton made a motion to waive the client/counsel privilege for the Old Black Canyon Highway communication dated August 10, 2012, seconded by Councilmember Wright.

There was discussion on waiting until the Council could review this document and/or verifying if the privilege had already been waived previously; and on previous decisions regarding the OBC ownership issue. Councilmember Hamilton spoke on questions he has for the attorney and recommended they submit an article for the newsletter informing the citizens on the reasons for the decision made about this roadway.

A vote was taken on the motion to waive the client/counsel privilege. It failed by a 3-4 vote, Councilmembers Alen, McBrady, Williams-Rowe and Mayor Nolan voting against.

Councilmember Alen made a motion to ask staff to aggregate all the data on Old Black Canyon Highway and then set a study session once that data is gathered and the council has had a chance to review it, seconded by Councilmember McBrady.

There was discussion on how far back to research and gather. It was decided that going back to 2012 was adequate.

Public comment was taken on this item.

Jerry Brady spoke on there being no legal descriptions of the town, only for those subdivisions within town. He spoke on records being burned in a fire in 1900.

Town Manager Kimball spoke on three options she felt the Council had: 1. Do a legal description then proceed with the dedication, purchase or condemnation. 2. Do nothing and continue doing what has been done so far. 3. Treat the road as the town's and maintain it as such. Just say it is ours. She spoke on the level of work that the road needs and liability issues with options 2 and 3. Mayor Nolan spoke on the previous council decision to not spend more money on this but wait until the property owners go through the process to bring the road into the town maintained plan through the established "Private to Public Roadway" process.

A vote was taken on the motion to set a study session for this item. It was approved by a 5-2 vote in favor, Vice Mayor Repan and Mayor Nolan voting against.

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

9.1. Discussion on what criteria will be used and how the Council will conduct its performance review for the Town Manager (TM). Council Action on evaluation form and timeframe to conduct the review. [CAARF requested by CM Wright]

Councilmember Wright gave a review of her request and spoke on historically doing a review of the town manager prior to determining a raise. She spoke on compiling the

Town Council Regular Meeting Minutes for July 16, 2013 responsibilities of the TM from the Code of Ordinances and including the ICMA performance evaluation. She suggested they do this prior to Ms. Kimball's January anniversary date.

Councilmember Wright made a motion to put the Town Manager's performance review agenda item on the September 10, 2013 Work Session, seconded by Councilmember McBrady. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

9.2. Modification of town code 30.031C through council action, resolution and ordinance. [CAARF requested by VM Repan]

Vice Mayor Repan spoke on agenda items 9.2 and 9.3 being modifications for the same issue, modifying the deadline for submitting Agenda Item Requests to correspond with the Agenda Preparation Meetings.

Vice Mayor Repan spoke on withdrawing the two items to rework them and bring them back later.

9.3. Modification of town code 30.105D through council action, resolution and ordinance. [CAARF requested by VM Repan]

Withdrawn by Vice Mayor Repan to rework and bring back later.

9.4. Inter-Governmental Agreement with Yavapai County regarding Flood Control Funding. Acceptance or rejection of the IGA.

Town Manager Kimball gave an overview on the monies being allocated to the Town to do drainage projects (\$75k). It was approved by the Yavapai County Board of Supervisors earlier this day.

Councilmember Wright asked about the projects planned with this money. Town Manager Kimball explained they will come back to Council if they engage a contractor for a large project.

Vice mayor Repan made a motion to accept the IGA with Yavapai County Flood control for funding of drainage projects up to \$75,000, seconded by Councilmember Alen.

Public comment was taken on this item.

Jerry Brady spoke in support of obtaining the funding. He also spoke on other Federal funding available to the town.

Town Manager Kimball spoke on the cost for the headwall construction on Foothill Dr.

A vote was taken on the motion which passed unanimously.

9.5. Rescheduling July 9th, 2013 Council Work Session which was canceled because of no quorum.

Councilmember Hamilton made a motion to reschedule the work session for July 23, 2013 at 2:00 p.m., seconded by Vice Mayor Repan. It was approved unanimously.

10. Public Hearing Agenda.

10.1. Use Permit for Off-Premise Sign. Discussion and possible action of Use Permit 2013-3 (an off-premise sign application to be located at parcel 402-10-073).

Councilmember McBrady recused himself from this discussion and stepped down from the dais.

Town manager Kimball reviewed the materials contained in the meeting packet regarding the use permit and read the Planning and Zoning Commissions recommendation to accept the use permit for a 5-year period. Questions were asked about the structural components of the tank supports (piers) and possible engineering requirements for the sign. Town Manager Kimball explained this use permit is to allow the use of an off-site sign being put on this property. After that they will need to apply for a sign permit. During the sign permit process, if it is determined that some type of building structure inspection is needed it will be handled accordingly.

Public comment was taken on this.

Jerry Brady spoke on the historic structure following railroad design standards, the tank not being filled with water, and having a group handle historic uses to set design standards.

There was discussion on the fee to renew a use permit.

Councilmember Hamilton made a motion to approve the Planning & Zoning Commission's recommendation for Use Permit 2013-3 (an off-premise sign application to be located at parcel 402-10-073) with the recommended stipulations, seconded by Mayor Nolan. It was approved by a 6-0 vote in favor, Councilmember McBrady being recused from the vote.

Council was reminded they still needed to open the Public Hearing before moving on and would then need to review their decision made before the public hearing.

Mayor Nolan opened the Public Hearing at 8:29 p.m.

Kevin Leonard thanked the Council for passing the use permit. He spoke on the tours and it helping the historic society and town.

Jerry Brady suggested it is minimally intrusive and won't be a burden to infrastructure. He spoke on the options available for the origination of the tour groups.

The Public Hearing was closed at 8:32 p.m.

Councilmember Wright made a motion to accept the recommendation of the Planning and Zoning Commission for Use Permit 2013-3 with the recommended stipulations:

1. Sign and its structural components along with any accessory items shall be constructed as shown and submitted rendering to P&Z Commission and Town Council.
2. Next step, assuming P&Z Commission and Council both approve the application, is to apply for a sign permit as required by Town Code Section 153.138. See below requirements.
3. Staff had originally recommended a one-year use permit; at the July 11th P&Z meeting. It was decided that the use permit would be valid for a period of 5 years.
4. Use permit is subject to all the requirements of Town Code Section 153.091 Use Permit.

The motion was seconded by Vice Mayor Reban. It was approved by a 6-0 vote in favor, Councilmember McBrady being recused from the vote.

Councilmember McBrady returned to the dais at 8:35 p.m.

11. Comments from the Public.

Jerry Brady spoke on conditions in Dewey-Humboldt being similar to other wildfire areas. He spoke on maps not matching since surveys were done in WWII and have not been updated.

He spoke on how this could affect the town with lightning strikes. He spoke on having an IGA with Yavapai Flood Control to help with this.

Mayor Nolan spoke on T-shirts supporting Yarnell being available at Scoopz, Mama's Kitchen Café, and Gifts & Games.

12. Adjourn.

The meeting was adjourned at 8:37 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk