

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, MAY 7, 2013, 6:30PM**

A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 7, 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, Mark McBrady, Denise Rogers, 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 made a public apology for his actions at the previous meeting.

4.1. Public Safety Quarterly Report. Lt. Newnum and Magistrate Kelley.

Magistrate Cathy Kelley spoke on statistics regarding citizen contact; DPS technology for writing tickets; Credit Card Payment system; and dog issue citations.

The Sheriff's office report was temporarily postponed until later in the meeting allowing them to arrive to give that report. This report was given by Sgt. Myhres at 7:24 p.m. (following agenda item 8.2). Sgt. Myhres reviewed the PowerPoint presentation on the 2013 first quarter's statistics.

4.2. Poppy Month Proclamation. In Support of our Veterans.

Mayor Nolan read the proclamation declaring May as Poppy Month and urging the community's support.

Mayor Nolan announced a special concert for mental health awareness month and the availability of free tickets for the event.

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

Town Manager Kimball's report included information on the EPA team's latest visit, collecting soil samples, with their next return in the fall; Newtown Trailhead efforts with property owners and US Forest Services.

6. Consent Agenda.

6.1. Minutes. Minutes from the April 9, 2013 Work Session and April 16, 2013 Regular Meeting.

Councilmember Wright made a motion to accept the minutes from the April 9, 2013 Work Session and April 16, 2013 Regular meeting as presented, seconded by Vice Mayor Repan. 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. Volunteer of the Year Selection by Council and Recognition Day details.

Vice Mayor Repan spoke as the Chair (non-voting) of the Selection Committee stating Ms. Mathews was selected at that meeting.

Councilmember Alen made a motion to accept the nomination of Pat Mathews as (2012) Volunteer of the Year, seconded by Vice Mayor Repan. It was approved unanimously.

Council discussed when to hold the Volunteer Appreciation Day and details of the event. May 18th was suggested for the event date.

Public comment was taken on this item.

Jack Hamilton suggested donating the money being spent on the event to a charity or fund of Ms. Mathews' choice since she was receiving this award posthumously.

There was Council discussion on this being a special event for all volunteers, giving special recognition; and how to get the word out to the public about the event.

8.2. Continuation of the process for filling the Council Vacancy created by Councilmember Hiles' resignation. Discussion and possible action to appoint a new councilmember or direct Staff regarding the next steps in the process to appoint a new councilmember.

There was discussion on whether election candidates were automatically considered for this vacancy. They were not.

Public comment was taken.

Jack Hamilton spoke against automatically including them; made a recommendation on what to do if there is a split on the vote for an applicant.

Councilmember Rogers made a motion to have candidates come to the work session next week for their interviews (at separate times), seconded by Councilmember McBrady. The motion was amended to add starting the meeting at 1:00 p.m. (mover and seconder agreed). It was approved by a 5-1 vote in favor, Councilmember Wright voting against.

The voting/selection process was discussed.

Councilmember McBrady made a motion to vote for one candidate each, if a tie, then discussion, vote again for one candidate each, then third time go to a rated vote (1st, 2nd, and 3rd). If there is still a tie then re-advertise. The motion failed for lack of a second.

Vice Mayor Repan made a motion to approve using the same process as used previously: 3 times voting, if all ties then re-advertise, seconded by Councilmember Wright. It was approved unanimously.

Mayor Nolan announced that Sgt. Myhres had arrived to speak on the Public Safety quarterly report so council re-opened agenda item 4.1. He reviewed PowerPoint presentation on quarterly stats and answered Council questions.

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

9.1. Council Acknowledgement and Discussion of FY 13-14 Tentative Budget, Review of Budget Calendar, and determination of future Budget discussion meeting dates.

Town Manager Kimball gave an overview and asked Council to acknowledge the tentative budget so it can be posted for public inspection. She reviewed the expenditure changes from last year.

Vice Mayor Repan made a motion to acknowledge the Tentative Budget in the amount of \$3,921.305, seconded by Councilmember Alen. It was approved unanimously.

Town Manager Kimball asked council to decide a schedule for budget meetings. There was discussion.

Councilmember McBrady made a motion to give the dates council members are not available to the Town Manager by the next Council meeting, then let the TM choose soonest date available to all, seconded by Councilmember Alen. It was approved unanimously.

Vice Mayor Repan made a motion to approve the 1st budget session on May 14th at 8:00 a.m., seconded by Councilmember Wright. It was approved unanimously.

There was discussion on the order of meetings for review, public hearing and adoption and timeframe necessary for publishing notices.

9.2. Ordinance 13-97 Consolidated Elections. Discussion and possible action to approve ordinance amending Town Code § 30.015 Town Council Generally related to codifying 4-year staggered terms for councilmembers and clarifying dates for assumption of office; and adding new §§ 30.042 Election Day and 30.043 Referendum and Initiative Elections to set forth the dates for Town elections in conformance with A.R.S. § 16-204 re: consolidated elections.

Mayor Nolan introduced the item explaining the ordinance will shorten the term of those whose terms were to end in 2015 and 2017 by 6 months.

Council asked questions of Town Attorney Phyllis Smiley regarding the consolidated elections bill and how it affects the term length. Councilmember Wright asked about including term limits in this ordinance. Ms. Smiley recommended researching the term limits issue and whether it can be done by ordinance.

Public comment was taken.

Jack Hamilton spoke on deleting the part of the ordinance regarding section 30.043 (C) pertaining to basing signatures on the qualified electors.

Ms. Smiley explained that for initiatives it can be set by the town and they are recommending it this way as it is less burdensome to the town.

There was discussion on whether to make it less burdensome to the town or to the citizens (ballots cast versus qualified electors).

Public comment was taken.

Jack Hamilton spoke in support of keeping it based on the ballots cast as it is a lesser amount of signatures required.

Councilmember McBrady made a motion to approve Ordinance 13-97 Consolidated Elections as written, seconded by Councilmember Rogers. A vote was taken, but a motion was made by Vice Mayor Repan to do a roll call vote, seconded by Councilmember Rogers; this motion was approved unanimously. A roll call vote was made on the motion to approve the ordinance. The motion failed by a tied vote of 3-3, Councilmember Wright, Vice Mayor Repan and Mayor Nolan voting against.

Public comment was taken.

Jack Hamilton asked about just removing the wording regarding initiatives from that section of the ordinance.

Mayor Nolan made a motion to direct staff to rewrite the section 30.043 (C) to reflect ballots cast at the last election, seconded by Vice Mayor Repan. It was approved by a 4-2 vote, Councilmembers McBrady and Rogers voting against.

9.3. Spring 2013 Chip Overlay Project Bid Selection and Approval of a Contract with the Selected Contractor. Discussion and possible action to select a contractor for the spring 2013 Chip Overlay Project based upon the bids submitted in the Town's Notice and Invitation for Bids or to reject all proposals and issue a new invitation for bids.

Public Works Supervisor Ed Hanks reviewed the bids received and gave his recommendation to accept the low bid from Earth Resources.

Councilmember Wright asked about the bid coming in low and doing more roads than original bids to the amount budgeted for this project. Staff agreed they were planning to do this.

Vice Mayor Repan made a motion to accept staff's recommendation to accept the low bid and award the spring 2013 Chip Overlay Project to Earth Resources, seconded by Councilmember Rogers.

Public comment was taken.

Jack Hamilton gave his opinion on the need to fog-coat Old Black Canyon Highway.

A vote on the motion was taken. It was approved unanimously.

9.4. Modification of Town Code 30.018(D) through Council Action, Resolution and Ordinance. [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance to amend Town Code re: presentation of agenda item by councilmember who requested the item.

Vice Mayor Repan gave an overview on his request, explaining he wanted more detail in the town code giving the requestor a chance to introduce their item without restriction. There was discussion on the pros and cons of doing so.

Public comment was taken.

David Nystrom spoke in support of this recommendation.

Vice Mayor Repan made a motion to direct staff to change the town code as amended, seconded by Councilmember Wright. It was approved unanimously.

9.5. Modification of Town Code 30.105(C) through Council Action, Resolution and Ordinance. [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance to amend Town Code re: procedure to remove item from Council agenda.

Vice Mayor Repan gave an overview on his request, explaining it is a continuation on the last agenda item to make changes to the town code giving more detail on how requested agenda items can be removed from an agenda.

Public comment was taken.

Jack Hamilton spoke on an issue the Mayor had with an agenda item at a previous meeting.

There was discussion on pros and cons with this code change.

Councilmember Wright made a motion to direct staff to have the attorney put this together into the proper format for passage, seconded by Councilmember Alen. It was approved unanimously.

9.6. Modification of Town Code 30.106 through Council Action, Resolution and Ordinance. [CAARF Requested by VM Repan] Discussion and possible direction to Staff to prepare Council policy or ordinance re: decorum at Council meetings.

Vice Mayor Repan spoke on proper decorum not being followed at a previous meeting. This wording will allow future councils to not be interfered with unless they are doing something wrong. There was discussion on the pros and cons. Mayor Nolan explained his behavior at the previous meeting and reasons for calling a recess.

Vice Mayor Repan made a motion to give this to staff to further investigate and give to the attorney to work on, seconded by Councilmember Wright. The motion failed by a tie roll call vote of 3-3, Councilmembers McBrady, Rogers and Mayor Nolan voting against.

9.7. Junior Statesmen Foundation Tuition Program. [Requested by Mayor Nolan] Discussion and possible direction to Staff.

Mayor Nolan spoke on this opportunity for the youth of this town to go to the state capital for four days to learn about how laws are made. He suggested they support sending at least 2 to this program.

There was discussion on the short notice and suggestion of considering this for the following year.

Public comment was taken.

Jack Hamilton spoke on getting this in the budget for next year.

9.8. 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, 12901 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.

Councilmember McBrady recused himself from this agenda item and stepped down from the discussion and vote.

Councilmember Wright made a motion to go into Executive Session, seconded by Councilmember Alen. It was approved with a 5-0 vote in favor, Councilmember McBrady recused from the vote.

Jack Hamilton made a comment to give a dollar amount if approving the resolution for the general public's knowledge.

Councilmember McBrady recommended having a public walkthrough of the property prior to purchase, and to consider cost to upgrade. He recommended Bill Otwell give a presentation regarding historic preservation

Town Attorney Phyllis Smiley clarified that no decisions are to be made in executive session. Resolution is to take preparatory steps on the property.

Council recessed into Executive Session at 9:18 p.m.

9.8.1 Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A) (7) for discussions 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.

9.8.2. Reconvene Regular Meeting.

The regular meeting was reconvened at 9:50 p.m. Mayor Nolan directed staff to schedule a walk-through with the Building Inspector and Warren Colvin (Community Development Coordinator) and to contact Bill Otwell regarding the properties and preservation.

9.9. Discussion and possible action regarding Lease Agreement(s) for Current Town Hall Offices Located at Humboldt Station Inc. Property (2735 S. Hwy 69).

Vice Mayor Repan made a motion to go into Executive Session on this item, seconded by Councilmember Wright. It was approved by a 5-0 vote in favor, Councilmember McBrady being recused from voting on this item.

Council recessed into Executive Session at 9:52 p.m.

9.9.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions 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 (Humboldt Station) located in Dewey-Humboldt, Arizona, at 2735 S. State Route 69, Humboldt, AZ.

9.9.2. Reconvene Regular Meeting.

The regular meeting was reconvened at 10:09 p.m. Mayor Nolan made a motion to direct staff to send a letter to the landlord expressing the town's intention to extend the lease for another 2-year term, seconded by Councilmember Alen. It was approved by a 5-0 vote in favor; Councilmember McBrady was recused from voting.

10. Public Hearing Agenda.

No Items.

11. Comments from the Public.

Denise Rogers spoke on behalf of her mom and her mother's selection as the Volunteer of

the Year.

Arlene Alen added that neighbor to neighbor worked to move her nomination forward as well.

Mark McBrady spoke on consideration of and verifying if the candidates are available for their interviews during the time Council selected.

Phyllis Smiley suggested letting staff handle this issue.

12. Adjourn.

The meeting was adjourned at 10:14 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk