

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, AUGUST 5, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 5, 2014, 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 6:31 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 Jack Hamilton, Mark McBrady (absent at roll call - arrived late at 6:56 p.m.), Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; 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. None.
5. **Town Manager Report.** Update on Current Events. None.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the June 24, 2014 "Special" Regular Meeting and July 1, 2014 Regular Meeting.

Councilmember Wright made a motion to approve the June 24, 2014 "Special" Regular meeting and July 1, 2014 Regular Meeting Minutes, as presented; seconded by Vice Mayor Alen. It was approved by a 6-0 vote in favor, CM McBrady being absent for the vote.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on the City of Prescott meeting regarding firefighter life safety and ICC Codes; state renewal of gas funds; mandatory conformation of firefighter life-safety standards; subdivision rules for ingress/egress; ISO ratings going down in the area.

Ulys Brooks spoke in support of Community Partnership grants for Meals on Wheels and Agua Fria Festival and he suggested they help the food bank too.
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. **Reconsider the motion of approving the June 17th Regular Council meeting minutes with modifications, made at the July 15, 2014 Regular Council meeting. Approve the minutes of June 17, 2014 as presented.**

Town Clerk, Judy Morgan explained the minutes were accurate as presented at the June 17th meeting, therefore the Council is asked to reconsider their earlier motion to “modify the minutes - adding a motion”, which did not occur.

Councilmember Hamilton made a motion to approve the minutes of June 17, 2014, as presented; seconded by Vice Mayor Alen. It was approved by a 6-0 vote in favor, CM McBrady being absent for the vote.

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

9.1. To discuss and support or decline Resolution from Bullhead City, AZ: EPA (proposed) jurisdiction over local waterways. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview on a resolution presented at the League conference (Resolution Committee meeting) where they are asking Councils whether they wish to support it.

There was discussion on the impact the resolution would have on Dewey-Humboldt; what it is about; what entity governs navigable waters.

Councilmember Hamilton made a motion for Council to support the Resolution from Bullhead City, AZ: EPA (proposed) jurisdiction over local waterways, seconded by Vice Mayor Alen.

Public comment was taken on this item.

Jerry Brady spoke on a public meeting regarding this in Prescott; this issue affecting all contiguous waters of the U.S. not just navigable; contamination of the water coming from Prescott Valley and remediation of contamination making it more expensive.

A vote was taken on the motion which passed by a 6-0 vote in favor, CM McBrady being absent for the vote.

9.2. Whether to invite County Officials to make a presentation about County Sales Tax for new jail. [CAARF requested by Mayor Nolan]

Mayor Nolan explained the County could be invited to speak on a possible ½ percent tax to build a jail.

There was discussion on whether they could have a presentation on this if it might influence the outcome of an election and whether someone with opposing views would be invited to present as well.

Town Attorney, Susan Goodwin explained the law isn't clear on this, and it is within the law if they come and tell the facts. If it is done in a public meeting then it is then a limited public forum but if broadcast over the air then it is a campaign.

Councilmember McBrady arrived at 6:56 p.m.

There was more discussion on whether anyone could be contacted with an opposing view; who makes the presentation; if an opinion has been stated for or against this; what other cities and towns have done.

Public comment was taken on this item.

Jerry Brady spoke on who controls electoral issues; the Yavapai County Board of Supervisors having a way to receive public feedback.

There was discussion on whether to receive the information through documentation or by a presentation. No action was taken on this agenda item.

9.3. Request legal advice regarding water issues.[Council direction upon CM Hamilton July 1st CARRF request]

Councilmember Hamilton spoke on his wanting legal advice from the Town Attorney regarding water issues. Town Attorney, Susan Goodwin reviewed CM Hamilton's questions and gave brief responses to the questions asked. She explained a water provider has a duty to serve the responsibilities in the certified areas with reasonable terms and conditions. There was discussion on responsibilities and costs for extension of water lines, if service was extended outside of the existing areas; water study being a good place to start when considering the viability of the town in the future; extending water service to areas without water would increase property values and increase density.

Public comment was taken.

Jerry Brady spoke on the town not having any water interests in the state, therefore not being a registered interested party to find out what is going on. He spoke on large undeveloped water areas within town limits.

Jerry Piper spoke on the need to have a water line run to the top of the hill in the Blue Hills.

No action was taken on this item.

9.4. Seeking approval to contact Town Attorney with Town Manager, to discuss and obtain legal opinion on ethics violation investigations and hearings during election season. [CAARF requested by VM Alen; council discussion at the July 15 meeting]

Vice Mayor Alen gave an overview explaining the Council wanted to hear the Attorney's "general" response on this. Council discussed whether this should be done in open or Executive Session.

Vice Mayor Alen made a motion to approve recessing into and holding an executive session for this agenda item, seconded by Mayor Nolan. It was approved by a 4-3 vote in favor, Councilmembers Hamilton, Repan and Wright voting against. Council recessed into Executive Session at 7:45 p.m.

9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Town's Ethics Committee, processing complaints of violations of the Code of Ethics, and the Committee's legal obligations in light of upcoming elections.

Executive Session was held.

9.4.2. Reconvene into Regular Meeting.

Council reconvened into the regular open meeting at 8:21 p.m. Mayor Nolan explained there was no statement to give or action to take.

9.5. To determine if it is ethical and legal that person who files the complaint can sit on the Ethics Committee and participate on the committee that determines the outcome of the accused. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview.

Town Attorney Susan Goodwin explained that if a person who sits on the ethics committee files a complaint against a Council Member, that person should step down from the ethics committee for due process.

9.6. [Hold] An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding public private partnership arrangement, and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney and Town Manager regarding a possible public private partnership contractual arrangement for a Main Street Program. [CAARF requested by VM Alen]

Vice Mayor Alen made a motion to go into Executive Session, seconded by Mayor Nolan. There was discussion on whether to go into Executive Session. Town Attorney Goodwin gave clarification on why this would be discussed in Executive Session and stated it was agendaized only for Executive Session, not public session.

A vote was taken on the motion which passed by a 4-3 vote in favor, Councilmembers Hamilton, Repan and Wright voting against.

Council recessed into executive session at 8:31 p.m.

9.6.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussions or consultations for legal advice with the Town Attorney regarding public private partnership arrangement, and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney and Town Manager regarding a possible public private partnership contractual arrangement for a Main Street Program.

Executive Session was held on this agenda item.

9.6.2. Reconvene into Regular Meeting.

Council reconvened into the regular meeting at 9:15 a.m. with no statements or action taken.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on water rights and Jerome's history regarding adjudicated rights of water. He showed a document to council and stated he would provide them with it.

12. Adjourn.

The meeting was adjourned at 9:19 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk