

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 4, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 4, 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 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Held.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, 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.
 - 4.1. **Yavapai College District Governing Board's (DGB) County-wide Survey Presentation.** A Council approved presentation (October 7th Regular Meeting) by Dr. Stuart Blacklaw, Vice President for Instruction and Student services.

Stuart Blacklaw with Yavapai College, gave a presentation and answered questions on the outcome of the Yavapai College Survey. Some of the question were on the Sedona Center access and parking; curriculum versus job opportunities; the technical facility; shared faculty and resources with Embry Riddle; JTEP program; rate of response for the survey; master plan does not address any new buildings at this time.
 - 4.2. **Interview and possible appointment of Victor Hambrick to the Planning and Zoning Commission.**

Victor Hambrick was present for his interview and answered questions.

Mayor Nolan made a motion to appoint Victor Hambrick to the Planning and Zoning Commission, seconded by Councilmember Williams-Rowe. It was approved unanimously.
 - 4.3. **Diabetes Month Proclamation.**

Mayor Nolan read the Diabetes Month proclamation.

Councilmember Wright made a public apology to Ms. Karen Brooks for a comment made by CM Wright at a previous work session meeting.

Mayor Nolan announced the Veterans' Day holiday November 11th and a Veterans' Day parade and event in Phoenix.
5. **Town Manager's Report.** Update on Current Events. None.

6. Consent Agenda.

6.1. Minutes. Minutes from the August 5, 2014 Regular meeting and August 12, 2014 Work Session.

Councilmember Wright made a motion to approve the minutes from the August 5, 2014 regular meeting and August 12, 2014 work session, as presented. It was seconded by CM Hamilton and approved unanimously.

7. Comments from the Public (on non-agendized items only). None.

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

8.1. Plan Joint meeting(s) with P&Z to discuss Accessory Dwelling Units (ADU) proposed ordinance, Set-back Task and Animal Code review task; and scheduling of the meeting(s).

Council discussed when to hold the previously approved Joint Meeting with P&Z. Council agreed to review all three topics at the Council Work Session on December 9th, to reach consensus on direction to P&Z; notify the P&Z of the Joint meeting to be held on January 8th at 6:00 p.m.

Public comment was taken on this item.

Karen Brooks asked for clarification of the joint meeting time.

8.2. Public Body Code of Ethics Complaint Process. [CAARF requested by Mayor Nolan]

Mayor Nolan spoke on his request explaining he hadn't heard back from any other Council members on their draft proposals for Ethics complaint process. He recommended having Judge Kelley propose a person or firm to be the hearing officer and have all complaints go directly to that individual.

Council reviewed Mayor Nolan's draft proposal with comments about who should be the hearing officer and striking #5 from the draft process.

Mayor Nolan made a motion to hold off on all the ethics complaint hearings until this process has been approved by the Council. The motion failed for lack of a second.

Council reached consensus to add the Ethics Complaint process as an agenda item to the Special November 14th Work Session. Council should submit their proposals to the Town Manager by November 10th at noon, and the proposals will be included in the packet for the November 14th meeting.

Karen Brooks called a point of order asking about the motion made which did not get voted on. Mayor Nolan explained it failed for lack of a second.

8.3. Approve release of Attorney prepared document (unmarked) of "Code Enforcement Procedure and Forms", for dissemination and information. [CAARF requested by CM Repan]

Councilmember Repan explained his request, wanting the information released to the public since there was nothing sensitive in it.

Councilmember Hamilton made a motion to approve the release of the attorney's prepared document "Code Enforcement Procedure and forms", seconded by Vice Mayor Alen. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

8.4. Approve release of phase one environmental assessment and title report for 12938 E. Main Street, Humboldt, for public information. [CAARF requested by CM Repan]

Councilmember Repan explained his request to provide an understanding to the public for the decision to be made, with tax dollars paid for it. There was discussion on the private property owner's right to privacy and the how releasing it might affect the negotiation process, and considering the timing of the public record release.

Councilmember Repan made a motion to contact the Town Attorney to get her opinion on this issue, seconded by CM Hamilton. It was approved unanimously.

8.5. Several town residents are asking for the release of the summary of first COE hearing including status, recommendations, and findings to council and public. [CAARF requested by CM Repan]

Councilmember Repan gave an overview on his request, wanting feedback on where the first hearing is in the process. Vice Mayor Alen explained the outcome of the COE hearing she chaired would be going before the Council at the next available council meeting for council to review. The very first hearing was held prior to the COE hearing process being established. Mayor Nolan explained there has been scheduling conflicts with the members of that committee. CM Repan spoke on due process to take place in a timely manner. Council will wait until they have worked out the process, then the committee can be scheduled for follow-up.

8.6. Office Holiday Closing Friday, December 26th and Friday, January 2nd. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview on his request, explaining both Christmas and New Year's day are on Thursdays and he proposes Council approve giving the following two Fridays off as well, as paid holidays.

There was discussion on whether it was appropriate for the Town to pay for those two extra days or whether staff could just take them off using their vacation days instead.

Public comment was taken on this item.

Ulys Brooks spoke on those not eligible for paid time off (PTO) would still need to be supervised.

Karen Brooks spoke in support of giving those days off (PTO) as extra holidays, this year.

Councilmember Repan made a motion to approve allowing staff to take the Friday after Christmas and New Years off, seconded by VM Alen. It was approved unanimously.

Town Manager Kimball thanked the Council for their consideration of the Staff.

9. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

- 9.1. Continued discussion and possible action regarding acquisition of the real property located in Dewey-Humboldt at 12938 E. Main Street (APN 402-10-026 A) through donation for Town use.** [Staff report and council discussion and possible action on preparatory work conducted as directed at the June 3, 2014 meeting] 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.

There was discussion on whether to wait until the Town Attorney weighs in on the property report release. TM Kimball explained prior direction was to bring this back at this meeting after the Council had a chance to review the information on the report.

Public comment was taken on this item.

Troy O'Dell asked if the Town will consult with the other neighboring property owners or considered how it will affect the neighborhood.

Mayor Nolan made a motion to go in to Executive Session on this agenda item, seconded by Councilmember Hamilton. It was approved by a 5-2 vote in favor, Councilmembers McBrady and Repan voting against.

Council recessed the regular session and convened in to Executive Session at 8:16 a.m.

- 9.1.1. 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 donation, purchase, sale or lease of real properties located at 12938 E. Main Street (APN 402-10-026A), Humboldt.

- 9.1.2. Reconvene into Regular Meeting.**

Council recessed the Executive Session and reconvened into the regular meeting at 8:40 p.m.

Councilmember Repan made a motion to accept the property donation of 12938 Main Street and direct staff to proceed with the acceptance process, seconded by CM Hamilton.

Councilmember McBrady spoke on not having enough questions answered and taking more time shouldn't jeopardize the donation. Councilmember Repan explained the report addressed some of CM McBrady's questions.

Mayor Nolan spoke on his concerns for the neighbors of the donation property.

A vote was taken on the motion, which passed by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

- 9.2. Continued discussion and possible action regarding potential acquisition of real property located in Dewey-Humboldt at 12130 E. Iron King Rd. (APN 402-01-059 D) in response to property owner's offer to sell.** 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.

Mayor Nolan made a motion to go in to Executive Session. The motion failed for lack of a second.

Town Manager Kimball gave a review of the property purchase proposal. The owner has offered to sell to the town; the property is located within the Superfund site.

There was discussion on the location of the site and concerns over environmental issues and the cost to the town if bill for remediation is passed on to the property owner.

Councilmember Repan made a motion to refuse the offer to acquire this property, seconded by CM Williams-Rowe.

Public comment was taken on this item.

Karen Brooks spoke on environmental concerns with that location.

A vote was taken on the motion which passed by a 6-1 vote in favor, Mayor Nolan voting against.

9.2.1. 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 at 12130 E. Iron King Rd. (APN 402-01-059D).

9.2.2. Reconvene into Regular Meeting.

10. Public Hearing Agenda. None.

11. Comments from the Public. None.

12. Adjourn. The meeting was adjourned at 8:57 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk