

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
TUESDAY, OCTOBER 14 2014, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 14, 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 2:02 p.m. Mayor Nolan presided.

2. **Roll Call.**

2.1. Town Council. Town Council Members Jack Hamilton, Mark McBrady (arrived late-2:14 p.m.), Dennis Repan, Sonya Williams-Rowe (arrived late-2:30 p.m.), Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present.

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

3.1. Community Development Block Grant (CDBG) overview for the upcoming funding cycle. Isabel Rollins, Northern Arizona Council of Governments (NACOG), D-H CDBG Administrator, presenting.

Isabel Rollins, NACOG Administrator, was present and gave a brief overview on the CDBG process. She will assist them with developing eligible projects for the funding. She explained certain criteria such as 50% low to moderate citizens and eliminating slum/blight. Estimated funding to Dewey-Humboldt is about \$260k next year. Exact figures will come in January or later with up to a 10% difference possible. She spoke on funding available for the competitive round (types: Public Works and Safety, fire protection, food banks, senior centers, public service projects, housing rehab, economic development, clearance/demo, planning projects for low to moderate income, elderly or disabled. She reviewed the previous projects the town has done. The funds for the competitive round will be smaller next year than previous years. Proposed projects must be brought up during the hearing period. The first hearing can be a separate meeting from Council and the second hearing can be at a council meeting.

Council discussed possible meeting scheduling for these two hearings.

Councilmember McBrady arrived at 2:14 p.m.

Isabel Rollins provided her email and phone number for any questions on CDBG (778-2692, irollins@nacog.org). Ms. Rollins explained that with the census data the town does not qualify overall for low to moderate income. There are two ways to qualify: income survey of the area which would need a 75% or better response rate; designate a redevelopment area (slum blight area). The process for the later would be sending out a letter to residents in the area; holding a public hearing for comment; council passes a resolution declaring it a slum blight area.

The first public hearing for the CDBG funds (project proposals) will be held on November 18th at 2:00 p.m., the second will be held on the second Council meeting January 20, 2015.

Public comment was taken on this item.

Robert Baker asked if you can match the CDBG grant money with other grant monies.

Ms. Rollins answered that the CDBG funds do not require a match but if a project is more, then you can combine it with other grant monies. Match monies are good for the competitive grant funds though.

Town Manager Kimball asked about using the CDBG monies for housing rehab or donation to a Non-Profit? Ms. Rollins answered yes, if funding a non-profit it must be creating a new service or increasing existing services by at least 25% and they must prove they can continue it for at least a year after the funding. A non-profit 501C3 application must provide substantial amount of backup documentation. Ms. Kimball reiterated that in order to use these CDBG funds for road improvements the neighborhood must be eligible (CDBG eligibility criteria).

Ms. Kimball reminded that all those wishing to propose a project for these funds must be at the first meeting to propose it (November 18th at 2:00 p.m.).

3.2. Revisit process of “Ethics Process” & Draft Submitted by VM Alen plus consideration of optional Mediation of Complaints. (Continued from 9/9/14 Work Session)

Vice Mayor Alen gave an overview on the steps taken to date on this ethics complaint process. They are to talk about the process not the code of ethics. The process is for two purposes: education and perception of council.

Councilmember Williams-Rowe arrived at 2:30 p.m.

VM Alen continued – a response time needs to be added to the process. Timeframes are needed for response, recusal, etc. and committee members should be prepared at their meetings/hearings or consider replacing them with the next eligible person.

Mayor Nolan made the recommendation that complaints should go to a hearing officer.

VM Alen spoke on giving complaints to an outside mediator (paid by complainant and respondent) to avoid frivolous complaints from being filed.

There was discussion on when or if it should go to an outside arbitrator, who it could be and who should pay for it; intention of complaint process being there for the public to file complaints.

Public comment was taken on this item.

Jerry Brady spoke on the arbitration process; the ombudsman’s office determines ethical issues; Electoral Commission process for things voted on; no one on council that has completed ethical and arbitration training.

Karen Brooks spoke in support of having an outside hearing officer or arbitration service; keeping the Council out of this issue.

Mayor Nolan suggested they draft the process to have complaints go to a hearing officer or arbitrator. There was discussion on this and timeframes for the process; who would draft the changes to the process. Council will submit (within three weeks) their draft recommendations to Mayor Nolan for him to compile and bring back the next Work Session.

Public comment was taken.

Jerry Brady spoke on the rules of evidence and procedure.

3.3. Whether to dispose of E. Antelope Way right-of-way in response to adjacent property owner(s) request.

Community Development Officer, Connie Dedrick was present and gave an overview on the Antelope Way right-of-way and the proposal for the town to dispose of it. She explained E. Antelope Way, due to the wash and topography, was not likely to ever be a through street.

Councilmember Wright spoke on the County Board of Supervisors abandoning many parts of streets, and this causing problems in so doing; when abandoning a street it usually gets divided between properties on both sides of the easement.

Ms. Dedrick explained that Mr. Hambrick has requested the abandonment of ROW but the adjoining property owner has no desire to obtain any of that easement. She spoke on the topography and difficulty to ever put the street in. Mr. Hambrick has spoken with the town about a purchase price.

Victor Hambrick was present and spoke to the Council on his request. He explained that for at least 20 years that ROW was used only for ingress/egress to his property and utilities along this easement are just for his property.

Councilmember Hamilton asked about abandoning the easement all the way through from River Drive to the next road (Damfino).

There was discussion on this. Ms. Dedrick explained they would contact the attorney and letters could go out contacting the other property owners; abandonment is the easiest way to do this. Mr. Hambrick explained the south portion of Damfino being in the Agua Fria Wash.

Public comment was taken on this item.

Jerry Brady spoke on the wash being originally platted by the Upper Verde Utility Company. He spoke on checking surveys to make sure who owns the easement (the town or another entity such as a utility)

There was discussion on whether to abandon or sell the easement; whether a legal description exists (in a platted subdivision). Council directed staff to obtain a cost for the entire easement from River Drive to Damfino, contact all abutting owners and contact the utility companies.

Public comment was taken on this item.

Jerry Brady spoke on the IRC 2012 codes being adopted by most jurisdictions; not compromising public health and safety; grades reduced and provided for a turnaround; survey limits tied to a plat but not being accurate as they are not a survey.

3.4. Council consideration of obtaining Transaction Privilege Tax (TPT) Collection Consultant Service and direction to proceed with a service contract.

Town Manager Kimball spoke on a recent Governor's initiative (TPT reform) with new responsibilities for municipalities. This Consultant Service is one of only two available. It wasn't discussed during budget season but thinks the service will pay for itself.

Deni Thompson, Accountant, spoke on the modifications that the Department of Revenues (DOR) is making which probably means less attention being paid to local TPT collection than even now. This service will mean a person who will give attention to the town's needs, providing educational resources on how to move forward.

There was discussion on the costs (per hour) and how the process and education would work with this contracted service; how due to the nature of this issue the difficulty in determining whether changes in TPT collection monies is directly linked to this service; how the policing of local businesses would be handled (current DOR does not audit, only collects TPT).

Public comment was taken on this item.

Jerry Brady spoke on the downturn in businesses in Yavapai County and other expenses businesses have right now. Many chose not to report taxes since the town doesn't require it. He spoke on HURF funds and the town needing to report to ADOT to receive more HURF monies.

There was discussion on the services being provided with this contract; exempt from the RFP process due to type of service. Council, by consensus, gave direction to staff to go ahead and work on this contract.

Public comment was taken on this item.

Bob Baker suggested asking the contractor what other revenues the town may be missing.

3.5. Council consideration of the need for a Banking Service Request for Proposal (RFP) and direction to proceed with advertising for bids.

Accountant Deni Thompson gave an overview explaining they are asking the Council for direction on submitting a Banking RFP to see if there is anything else out there that might work better for the town, and maybe consolidating the banking with the magistrates office.

Council provided direction to proceed with developing a RFP for Banking Services.

3.6. Town's 10th Year Anniversary of Incorporation Program Itinerary and Details.

Administrative Assistant Penney Bell was present to give an overview on her task to come up with a program and itinerary for the upcoming 10-year Anniversary of Incorporation for the town. Council reviewed the draft program. There is a list of Council Members and what part of the ceremony they are tasked with. If they have any problems or feedback she asked to hear from them.

CM Hamilton suggested a plaque with previous Council names wasn't necessary but announcing those names during the ceremony was.

Ms. Bell reviewed that invitations will be sent out, by mail and email, to Mayors, Council Members, Boards, Committees and Commissions. The Governor, and other local dignitaries from other municipalities, will receive an invitation and posters will be placed around town. The celebration will be simple and short, probably less than an hour.

Council discussed holding the celebration at 4 p.m. so it is still light and doesn't conflict with the regular Council meeting at 6:30 p.m.

Public comment was taken on this item.

Jerry Brady spoke on celebrating the past and expressing a vision for 10 years from now; Prescott's sister city program; Courier doing articles on war history in the area.

The Mayor thanked Ms. Bell for her good job and directed Council to provide any further input/feedback directly to staff.

3.7. Code Enforcement Process Staff Review Report and Council Direction in regards to Code Enforcement Operation.

Magistrate Judge Cathy Kelley was in attendance to assist with any questions. TM Kimball explained this is a way to find a more efficient means of handling the code enforcement process. The current codes do already allow for cases civilly or criminally, but has been handled to date only civilly. Staff is looking for Council's buy-in on using a hybrid process to allow for more "teeth" for those few incidents.

There was discussion on the circumstances that would prompt a criminal case, what the current case load is and how it might be affected by this. They reviewed a revised timeline for processing a code violation through to completion, which shortens the process from a minimum of 115 days to 40 days.

There was discussion on modifying the code that pertains to abatement and possibly working on that at some time in the future.

Public comment was taken on this item.

Ted Brooks spoke on creating codes that affect everyone fairly and concerns with shortening the code violation resolution process. Judge Kelley responded by explaining the trial process with the preponderance of evidence being on the prosecutor to prove guilt.

Ted Brooks spoke on his concerns that people who have certain uses grandfathered-in might be targeted in this process.

There was discussion on this process not being mandatory but for those unusual circumstances where civil hearings do not work; consideration of a hybrid timeline which is truncated after the second notice.

Public comment was taken on this item.

Jerry Brady spoke on criminal cases being for extreme cases and keeping proposed penalties appropriate to the offense.

Karen Brooks spoke on legal costs for citizens in defending themselves; looking at the animal ordinances; keeping the codes friendlier; having complaint criteria; concerns of being targeted recently with complaints.

There was council discussion on establishing criteria for criminal escalation; having a lot of information to disseminate and possibly bringing it back at a future work session.

Public comment was taken on this item.

Jerry Brady spoke on having the Yavapai County Sheriff's office serve initial notices; he spoke on a prior hearing for an animal abuse case.

Town Manager Kimball explained it is a complicated process, taking several months to work out, but it is legal and do-able and will make the complaint process less frustrating. The "Fast Track" process is already in the code, just communicating to Council about the possibility of using it. She would like the Council's support for sending those difficult cases to the court.

Public comment was taken on this item.

Bob Baker spoke on the prosecutor determining if there is enough evidence for it to go before the judge; advised to make sure there is no liability with this process.

Jerry Brady spoke on the need to be trained and certified to be involved in criminal law enforcement.

Council will look at this issue at the November Work Session (specially scheduled on November 14th).

4. Special Session. Legal Action can be taken.

4.1. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Council decided to schedule a work session for November 14th at 2:00 p.m. to replace the November 11th meeting date that falls on a holiday. This agenda should only have the Code Enforcement issue on it.

Councilmember Hamilton commented that he felt the meetings have too many comment periods for each agenda item and he will submit a CAARF on this. Mayor Nolan explained he wanted the public to be able to voice their opinion on the issues.

5. Comments from the Public.

Jerry Brady spoke on his education and history pertaining to law and stated the Council serves at the liberty and will of the public and they can remove them.

Karen Brooks spoke on the community meeting (held on Wednesday night), explaining two factions hijacked the meeting talking about barking dogs and property rights.

6. Adjourn.

The meeting was adjourned at 6:14 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk