

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
MARCH 17, 2015, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 17, 2015, 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 6:33 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; and Mayor Terry Nolan were present. Vice Mayor Jack Hamilton was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**
 - 4.1. **Brief Verbal Presentation, “Yavapai College Update”.** A representative of the College to provide update about services provided by Yavapai College. [Mayor Nolan CAARF approved at March 3, 2015 Regular Meeting]

Stuart Blacklaw with Yavapai College gave a presentation on the Annual Report for the District Governing Board for 2014. He spoke on Education, Economic Development and Community Services; how they measure their services to the community; accomplishments; new programs, degrees and hosted events that brought people to the area. He answered questions regarding scholarships for students and service dog program.
 - 4.2. **Central Yavapai Fire District presenting the 50th anniversary challenge coins to Mayor and Council by Chief Scott Freitag.**

The CYFD representative was not present so the Council postponed this agenda item until Chief Scott Freitag was in attendance.
 - 4.3. **Proclamation for Mayors Day of Recognition for National Service – April 7, 2015.**

Mayor Nolan read the proclamation regarding the Mayors Day of Recognition for National Service on April 7, 2015.

Councilmember Wright announced that Vice Mayor Hamilton was not in attendance as he was attending to his ailing elderly father.
5. **Town Manager’s Report.** Update on Current Events.
 - 5.1. **Old Black Canyon Highway letters to property owners follow up (directed at the January 10, 2015 meeting)**

Public Works Supervisor Ed Hanks spoke to Council regarding the outcome of letters sent out to property owners on Old Black Canyon – 19 property owners sent letters; asked for a response by February 27th and no written responses to date. In answer to a Council question he responded that there was wording in the letter speaking to giving feedback if problems or concerns.

Public comment was taken on this item.

Jerry Piper spoke on Old Black Canyon being a passable road, owners not wanting work

done on it and other roads in town that need work to make them safe. He suggested they put this question on a ballot for a vote.

Jerry Brady spoke on ARS 9-240-28(B) and it pertaining to OBC Hwy maintenance.

Town Manager Kimball spoke on the timeline for the work, getting preliminary work done by the end of March and start the drainage work before monsoon season.

6. Consent Agenda.

6.1. Minutes. Minutes from the February 3, 2015 Regular Meeting and February 17, 2015 Regular Meeting.

Councilmember Wright made a motion to approve the Minutes from the February 3, 2015 and February 17, 2015 regular meeting minutes, as presented. Councilmember Repan seconded. It was approved unanimously (6-0 vote).

7. Comments from the Public (on non-agendized items only).

Jerry Brady referenced ARS 9-240 regarding General powers of common council, pertaining to encumbrances on Road and Administration of rights-of-way.

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.

Councilmember Wright spoke on 9.1 being requested to NOT be held in Executive Session. Mayor Nolan suggested they move that up on the agenda for open session discussion by Council prior to the Executive Session items.

9.1. Discuss and Possible Action on what to do about Chaparral Street and obtain legal advice. (moved up in order on the agenda)

Town Manager Kimball explained the title company was contracted regarding Chaparral Street right-of-way from 1st to Third Street and it was determined to belong to the town.

Town Attorney Goodwin spoke on the ROW never having been improved or used as a public road so she doesn't believe the town has a legal obligation to improve it into a roadway.

Council and legal counsel reviewed the access and looked at GIS mapping. Ms. Goodwin explained the town does have the right to control access to Main St. There was discussion on whether to improve the "Chaparral Gulch neighborhood" access for safety reason and if improving, to what level (paved or dirt).

Public comment was taken on this item.

Jerry Brady spoke on fiduciary duty, state offset funds, comprehensive plan, and regulating the access with a stop sign creating responsibility for the town.

Council continued discussion on various options to consider.

Jerry Brady spoke on the Town's liability if exercising sovereignty over it.

Councilmember McBrady made a motion to approve directing staff to look in to the cost to make Chaparral St. a dirt road, seconded by Councilmember Treadway. It was approved by a 5-1 vote in favor, Councilmember Repan voting against.

Town Manager Kimball explained it will be more than getting an estimate, as it will require a survey, utilities issues (relocating, etc.), ROW never having been improved so it will need a contract engineer to look at it and pay for a design, costing money and time.

Councilmember McBrady asked that the Council address the next agenda items that are Executive Session separately as he will need to recuse himself for one of them. Mayor Nolan explained they can move that item last for him.

Councilmember Repan made a motion to go in to Executive Session for 8.1., 8.2, 8.3, and 8.4, seconded by Councilmember Alen. It was approved unanimously (6-0). Council recessed into Executive Session at 7:34 p.m.

8.1. Discussion with the Town Attorney in Executive Session on Town Manager's contract, duties as listed in Town Code, and clarification of some related issues. [CAARF requested by CM Wright] HELD IN EXECUTIVE SESSION

8.1.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body and pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the employment contract with the Town Manager.

8.1.2. Reconvene Regular Meeting.

8.2. Discussion and possible action or direction related to the Lease Agreement for the Town Hall and Yavapai County Sheriff's Substation at Humboldt Station. 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. HELD IN EXECUTIVE SESSION.

8.2.1. 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 lease Agreement for the Town Hall and YCSO Substation located at 2735 S. Highway 69, Dewey-Humboldt, Arizona.

8.2.2. Reconvene Regular Meeting.

8.3. Consideration of the option to obtain "First Right of Refusal" for the property located at 12925 E. Main Street., Dewey-Humboldt. (continued from the March 3, 2015 meeting in response to CM Treadway CAARF) HELD IN EXECUTIVE SESSION.

8.3.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding legal issues related to property acquisition.

8.3.2. Reconvene Regular Meeting.

8.4. Further discussion on the draft Franchise agreement with Arizona Public service (APS) and obtaining legal advice (continued from the December 19, 2014 meeting). Discussion and possible actions on the draft agreement, including direction of next steps upon obtaining legal advice. HELD IN EXECUTIVE SESSION.

8.4.1. Recess into and hold an executive session 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 regarding the Town's position regarding a franchise agreement with Arizona Public Service Company.

8.4.2. Reconvene Regular Meeting.

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

9.1. Discuss and Possible Action on what to do about Chaparral Street and obtain legal advice. [CAARF requested by CM Hamilton] MOVED UP ON THE AGENDA.

Council reconvened into open session at 9:08 p.m. No formal action was taken on any of the Executive Session items – 8.1: no direction given; 8.2: direction was given to staff; 8.3: discussion will occur later; 8.4: no direction given.

10. Public Hearing Agenda.

None.

11. Comments from the Public.

Councilmember McBrady returned to the Open meeting.

Jerry Brady spoke on looking at the easiest way to deal with things; gave an example of another jurisdiction; town history is located in the mining district records in the rare book library in Jerome; Jerome has a 100 year water supply; Jerome is self-sustained due to the museum bringing in so much money.

12. Adjourn. The meeting was adjourned at 9:13 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk