

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
JUNE 16, 2015, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JUNE 16, 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; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

None.
5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **Report on the meeting with Karen Gaylord, environmental attorney with JH&C law firm, and Phil Lagas, with Haley Aldrich consulting firm regarding town superfund sites.**

Town Manager Kimball reported on the meeting with Karen Gaylord and Phil Lagas regarding successful superfund opportunities available and environmental projects; EPA being the best source for funding for re-furbishing or cleaning out as there are no significant private sources available for this purpose.
6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).**

David Nystrom spoke on a grant for the museum to purchase a stamp mill. He asked for continued support from the Town Council for the museum.

Jerry Brady spoke on history in the area pertaining to land splits.

Earl Goodwin spoke on the budget (estimated revenues and expenditure) and recommended providing more services or requests for funding.
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. **Accountability Contract with the Dewey-Humboldt Historical Society (DHHS) for partially reimbursing the current museum rent (museum address: 12925 E. Main St., Dewey-Humboldt).** Discussion and possible action.

There was discussion on the contract and whether the DHHS was involved in drafting the agreement; whether the town should pay for 100% of the rent.

Vice Mayor Hamilton made a motion to approve the Accountability Contract with Dewey-Humboldt Historical Society for partially reimbursing the current museum rent, as presented. Councilmember Wright seconded the motion.

Public comment was taken on this item.

Jerry Brady spoke in on supporting the museum and recommended broadening the scope of ways to assist the museum.

David Nystrom thanked the town for the support for the museum; the increase in museum rent; decreasing the level of support decreases the level of services provided by the museum; museum's positive attribute to the town and tourism; asked Council to consider restoring support to \$600/month.

Earl Goodwin spoke on the agreement and questioned why both parties did not negotiate the agreement; agreement missing a termination clause; having an equal partnership and waiting until the DHHS board has reviewed the agreement before approving it.

A vote was taken on the motion which passed by a 4-3 vote in favor, Councilmembers McBrady and Treadway, and Mayor Nolan voting against.

**8.2. Waive the Counsel-Client Privilege for Attorney's Memo dated 4/1/15 regarding Land Splits on Large Parcels and to have a discussion regarding this issue and determine whether to start the process to modify Town Code pertaining to this issue.** [CAARF requested by Mayor Nolan] Continued from the May 19<sup>th</sup> meeting, directed at the June 9 meeting.

Mayor Nolan gave an overview on his request.

Public Comment was taken on this item.

Jerry Brady spoke on large parcel splits being the biggest issue for "scandalous frauds".

Mayor Nolan made a motion to waive the client/counsel privilege for Attorney's memo dated 4/1/15 regarding Land Splits on Large Parcels, seconded by CM Alen.

There was discussion with the Town Attorney on the background of this memo issue and why they are being asked to waive the privilege on this information. A letter was sent to the town stating the town had exceeded its authority regarding large land splits. This issue is not required to go through the P&Z Commission but could go to them.

A vote was taken on the motion which passed by a unanimous vote in favor.

Town Attorney, Susan Goodwin answered Council questions regarding the town's authority to regulate subdivisions and land divisions but not to prohibit large land divisions; and land lock issues being a civil manner.

Public comment was taken on this item.

Earl Goodwin spoke on ingress/egress as it pertains to land division, when he was mayor.

Jerry Brady spoke on previous land splits and only being able to move against them when petitioning for a building permit.

There was further discussion on lot splits for those parcels greater than 2.5 acres.

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

**9.1. Equestrian Signage and/or other warning signage (for safety purposes) placed within the Town.**

Public Works Supervisor, Ed Hanks spoke on the proposed signage placement recommended by the Open Space and Trails (OSAT) Committee, warning motorists of horses, fitting rural lifestyle. Staff recommendation is to proceed with purchasing and placement of equestrian signage.

Vice Mayor Hamilton proposed having pedestrian, equestrian and bicycle cautionary wording on each sign. There was discussion about this and where in the budget to cover the cost of approximately \$1700.

Public comment was taken on this item.

Jerry Brady recommended checking with the Arizona Horseman's Association (AHA) regarding these issues.

Vice Mayor Hamilton made a motion to put up pedestrian/horse/bicycle signage as needed, seconded by Councilmember Treadway. It was approved by a 6-1 vote in favor, CM Repan voting against.

**9.2. Master Maintenance Intergovernmental Agreement (IGA) for Traffic Signals, Roadway Lighting and Electrical Power between ADOT and the Town of Dewey-Humboldt for Kachina Road & SR 69 (existing signal) and Main Street & SR 69 (to be installed).** Discussion and possible action.

PW Supervisor, Ed Hanks gave an overview of the IGA, explaining the Town will pay for the electricity for the signals and ADOT will be responsible for the maintenance.

There was discussion on the type of lights used (LED), added cost is included in FY 15-16 budget.

YK spoke on asking ADOT for a pedestrian crossing at the Main Street location, but being told they probably won't have that funding.

Jerry Brady spoke on a government program offering federal funding for traffic control systems.

Vice Mayor Hamilton made a motion to approve the Master Maintenance IGA with ADOT, as presented. Seconded by CM McBrady. It was approved unanimously.

**9.3. Ordinance 15-113 Amending Town Code of Ordinances, Title XV Land usage, Chapter 152 Subdivision Regulations, sections 152.02, 152.03, 152.05 pertaining to Large Land divisions.** Directed at the June 9<sup>th</sup> meeting. Possible adoption, rejection or modification.

Mayor Nolan and Town Manager Kimball gave an overview and history of this item.

Councilmember Repan made a motion to adopt Ordinance 15-113 Amending Town Code of Ordinance, Title XV Land usage, Chapter 152 Subdivision Regulations, Sections 152.02, 152.03, 152.05, pertaining to Large Land Divisions, as presented. The motion was seconded by CM Wright.

Public comment was taken on this item.

Jerry Brady spoke on land splits being a major problem and recommended they look at land use regulations.

A vote was taken on the motion, which passed unanimously.

**9.4. Unified Emergency Management Intergovernmental Agreement (IGA) with Yavapai County Office of Emergency Management for FY 2015-16 and appoint a town representative to the County EM Advisory Committee.** Discussion and possible action and appointment.

Town Manager Kimball gave an overview explaining this committee is something new. She recommended dealing with the IGA (changed from annually to a 5-year term) first,

then address the representative issue secondly. It is up to the town whether to have a representative from staff or council. If council does not wish to nominate a council member as the representative then she will delegate Ed Hanks as the representative.

Councilmember Repan made a motion to approve the Unified Emergency Management IGA with Yavapai County Office of Emergency Management for 2015-16, seconded by Councilmember Alen.

Public comment was taken on this motion.

Jerry Brady spoke on it being vital to approve the IGA for compliance with laws.

A vote was taken on the motion which passed unanimously.

Councilmember Wright made a motion to appoint Ed Hanks as the representative to the County EM Advisory Committee.

There was discussion on the town needing to be NIMS compliant; whether the Mayor or Town Manager should be the representative to the committee due to classified information.

CM Wright withdrew her first motion and made a new motion to appoint the Mayor as the primary representative and the Vice Mayor as an alternate to the EM Advisory Committee. The motion was seconded by CM Repan.

Public comment was taken on this motion.

Jerry Brady spoke on classified v. non-classified; certification training at Embry Riddle; certification standards and restriction of military information.

The motion was approved unanimously.

**9.5. Proposed Council Procedural Policy on the Administrative Adjustments allowed by Town Staff to any Town Codes. TC Policy 15-01. [CAARF requested by CM Wright]**

Councilmember Wright gave an overview on her request stating the administrative adjustments allowed should be specified in the code, to be authorized.

There was discussion on having a secondary authority when making adjustments in the zoning.

Town Attorney Susan Goodwin explained the code has some limited authority on adjustment issues and the recent situation involving placement of a Manufactured Home does not apply to this area of the Town Code. CM Wright expressed her wish to have a policy included to address these issues. TM Kimball explained she has had some of these discussions with the Attorney already requesting wording in the code for "reasonable accommodations". There was further discussion on concerns where staff states something erroneously and it carries some authority.

There was discussion regarding this; the Town Manager's final authority on these issues and providing more training for staff on administrative adjustments and other zoning issues.

Public comment was taken on this item.

Jerry Brady spoke on one of the purposes of a General Comprehensive Plan is to set limitations on responsibility for Town manager and staff.

Direction was given to have the Town Attorney work on this.

**9.6. Discussion and possible action regarding acquisition of property located at 12925 E. Main Street which is currently occupied by the Dewey-Humboldt Historical Society Museum.** 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.[CAARF requested by CM Alen]

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

Vice Mayor Hamilton made a motion to go in to Executive Session, seconded by CM Alen. It was approved by a 6-0 vote in favor, CM McBrady being recused from the vote.

Council recessing into executive session at 8:24 p.m.

**9.6.1. Recess into and hold an executive session** pursuant to A.R.S. Section 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main Street in Dewey-Humboldt.

**9.6.2. Reconvene into Open Session.**

Council reconvened into Open Session at 9:43 p.m. No further action was taken on 9.6.

**10. Public Hearing Agenda.** None.

**11. Comments from the Public.**

Jerry Brady spoke on commercial permits and warranty deeds involving Emergency Responses for FEMA Accountability Standards.

**12. Adjourn.** The meeting was adjourned at 9:48 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk