

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
DECEMBER 1, 2015, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 1, 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 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright with an addition made by Mayor Terry Nolan.
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.** 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. Mayor's Annual Report on External Memberships pursuant to Ordinance 15-115.

Mayor Nolan spoke on the missions and purpose of the following agencies: Central Yavapai Metropolitan Planning Organization (CYMPO), Greater Area Mayors Association (GAMA), and Regional Transportation Advocacy Council (RTAC).

There was Council discussion on what they wanted to be reported on: what is applicable to Dewey-Humboldt; written report on substantive issues; overview of reports in binder over past year.

Mayor Nolan spoke on the light at Main Street still in process; working on getting HURF funds back to the communities.

4.2. Planning and Zoning Commission Chair report of P&Z tasks.

Barry Smylie, P&Z Commission Chair gave an overview on what the Planning and Zoning Commission is working on and a presentation by Richard Heath with GPREP. Points made: review the GPREP website for understanding of what they do as this will probably be something the commission deals with at some time; some outstanding issues before P&Z have been closed such as street names with private driveways with new technological advances with GPS and GIS; Accessory Medical Dwelling units although changes might come back regarding square footage allowance; commission is functioning well with 100% participation; in 2016 the focus will be on citizen rights if Council supports this.

5. Town Manager's Report. Update on Current Events.

Town Manager Kimball spoke on the CDBG funding being awarded, and contract signed with the state, \$300k approximately for two areas, Huron Sidewalk and Blue Hills #4 area drainage and road project. Early 2016 Engineering design contract to come before the council. Projects must close out no later than December 2016.

TM Kimball gave a status update on the Main Street Light project, IGA was signed with ADOT, Town is responsible for operational costs once in effect, ADOT has advertised for contractors with selection soon, construction to start in January 2016 with completion expected in May

2016.

There was discussion on the selection of CDBG projects proposal process by Council, ranked and approved. Questions were asked about the Town's responsibility for the traffic light in the IGA. Ms. Kimball agreed to re-send the IGA to Council for their review.

6. Consent Agenda.

6.1. Minutes. Minutes from the November 3, 2015 Regular Council Meeting.

Councilmember Repan made a motion to approve the minutes from November 3, 2015 regular Council meeting, as presented. It was seconded by Councilmember Alen and approved unanimously.

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

Barry Smylie spoke in support of the Town's involvement with agencies such as Central Yavapai Metropolitan Planning Organization (CYMPO) and Associated General Contractors (AGC).

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. "Private well testing kit" program update and direction of next steps. [Original discussion and directions made at the September 8 meeting.]

Steven Brown, Community Planner/Code Officer, gave an overview of the private well-water testing program council allocated \$10k for in the budget. Three vendors have been identified with three levels of pricing for each (Option 1 – Test arsenic only; Option 2 – Test heavy metals only including copper, lead and arsenic; Option 3 – Test comprehensively including arsenic, lead, copper, nitrates, coliform and so on). Other logistics of the program to consider are notification to the public, collection, transportation, results going directly to owners. A volume discount of 50+ kits has been reflected in the quotes. Staff is recommending contracting with Nortest Labs in Flagstaff.

There was discussion on ways to manage testing; which test option is the best choice for the town; test results and how those will go directly to the owner rather than the town.

Vice Mayor Hamilton made a motion to approve Option 2 – Test Heavy metals only including copper, lead and arsenic; and approve Nortest Lab for testing contract. It was seconded by Councilmember Alen and approved by a 6-1 vote in favor, Mayor Nolan voting against.

Council's decision was to leave the administrative components to Town Staff to decide and manage.

8.2. Public Body Policy 15-01 Regional Organization Appointments. Adopt, reject, or modify the policy. [Continued from the November 17 meeting.]

Councilmember Hamilton stated the Yavapai County Emergency Management Interagency Coordination Committee should be added to the list of regional organizations in the policy.

Vice Mayor Hamilton made a motion to approve the Public Body Policy 15-01 Regional Organization Appointments, as amended. It was seconded by Councilmember Repan and approved by a 6-1 vote in favor, Councilmember McBrady voting against.

Council requested the "Regional Organization Appointments" be added to the December 15th agenda for action.

8.3. Public Body Ethics Hearing Officer Contract issues and alternatives. Direction of how to proceed.

Town Manager Kimball gave an update explaining Ms. Spinner was selected by Council as the Ethics Hearing officer but there have been challenges with the contract due to insurance issues. Council has the option of agreeing to her request to indemnify her or pay for her coverage; another alternate is selecting Ellen Van Riper, who has agreed to the contract as it is.

There was discussion by Council on these options.

Councilmember Alen made a motion to select Miss Van Riper in lieu of Ms. Spinner to be the Ethics Hearing officer. The motion was seconded by Councilmember Wright. And approved by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

There were follow-up comments and questions about the complexity of the town's ethics code and the cost for insuring the ethics hearing officer service.

8.4. Discussion of change in process and code to have all CAARF's submitted to a work study session for discussion and review prior to moving them to a regular meeting for any action. Staff report and council direction. [Continued from the Sept. 29th Special Meeting discussion upon CM Alen's CAARF.]

Town Manager Kimball gave an overview explaining staff received a response from the Town Attorney, which is included in the packet. If Council wishes to send all CAARFs to study sessions they can do it without any code change. There are a few housekeeping items to be done though: update CAARF form wording at bottom and removal of meeting types at the top; update the Administrative Regulation 10-08 Agenda process.

There was discussion by Council on various questions and assumptions made previously: addressing this on a temporary basis; regular and work session sections in code and changing those meeting numbers; whether parts of code had to be suspended for trial period; why only section 30.105 (C) was responded to by the attorney and not 30.101 or 30.102. Council discussed the pros and cons of trying this new process.

Public comment was taken on this item.

David Nystrom spoke on the original concept with the CAARF coming to Council at a Regular meeting for determination on whether to work on it, table it, dismiss it or send it to a work session.

There was discussion on trying the process; concerns that now there is no public comment item on a work session and everything would be deliberated at a work session; cost for moving forward on this suggestion. Council did not take any action on this item.

8.5. A group of Town Manager evaluation forms for consideration by Council and process formulation. [Directed at the November 10th meeting upon CM Wright's CAARF.]

Councilmember Repan made a motion to move this item to the next available work session, seconded by CM Treadway. Council reviewed the scheduled agenda items for the next December and January work sessions and discussed ways to provide a timely evaluation to meet the Manager's anniversary date.

Councilmember Wright made a motion to use the performance evaluation form and format provided in the packet from Clarkdale (pg. 63), seconded by VM Hamilton.

There was discussion on timeline for submitting and holding the evaluation; concerns with evaluating past performance with a new form. The motion to use the Clarkdale form failed by a 2-5 vote, Council Members Alen, McBrady, Repan, Treadway and Mayor Nolan voting against.

Public comment was taken on this item.

Karen Brooks spoke on judging the duties and guidelines if given in advance.

The motion to move this to a work session was approved unanimously and Council chose to put the item on the December 8th work session agenda. Any other items scheduled for that work session can be pushed out to a future work session to allow time to work on this item.

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

9.1. Review of 2016 Meeting Dates and Holidays.

Town Manager Kimball explained this was a housekeeping item to verify in advance there are no conflicts with meeting dates in the coming year.

Mayor Nolan spoke on a possible conflict with the July 4th holiday. No modifications were made to the meeting schedule at this meeting.

9.2. Evaluate and discuss the [Magistrate] Judge's performance. Give bonus if warranted. [CAARF requested by Vice Mayor Hamilton.]

Vice Mayor Hamilton made a motion to not go in to Executive Session for this agenda item, seconded by CM Wright. It was approved unanimously.

Vice Mayor Hamilton made a motion to award Magistrate Judge Kelley \$1000 as a one-time bonus. It was seconded by CM Wright and approved unanimously.

9.2.1. Recess into and hold an executive session pursuant to ARS §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.

No Executive Session held.

9.2.2. Reconvene Regular Meeting.

9.3. Discuss the use of the Town Logo on Museum Documents. [CAARF requested by Mayor Nolan.]

Mayor Nolan gave an overview explaining the Dewey-Humboldt Museum would like to use the Town's logo on their documents. There was discussion on concerns with commercial use of the official town seal.

Public comment was taken on this item.

David Nystrom, President of the Dewey-Humboldt Historical Society, stated the original request was only to use the seal with the museum logo on a plaque for donors to the museum, and the Mayor suggested expanding the request to include using it on some of the museum documents as well. He spoke on the support by the people of the town government and expanding the town's visibility by including their seal; enhancing involvement as part of a larger community.

There was more discussion on pros and cons of allowing official town seal use for non-town uses.

Councilmember Repan made a motion “Since the CAARF only speaks about logo use on museum documents, the motion is to deny this use”, seconded by CM Wright.

Karen Brooks (not called on but speaking from the audience) asked about whether it is copyrighted. The response was, it was not.

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

9.4. Holiday for Staff. Since Christmas and New Year’s falls on a Friday this year, we (Council) should give staff Christmas Eve and New Year’s Eve off as nobody will come in to do business. [CAARF requested by Mayor Nolan.]

Mayor Nolan gave an overview on his request and explained it is a nice gesture which would show staff they are appreciated.

Council reviewed a comparison done by Councilmember Wright of Dewey-Humboldt’s paid time off versus a few other local municipalities’. There was discussion on ½ day release; setting a precedence with this allowance.

Councilmember Repan made a motion to leave it at the discretion of the Town Manager on whether to give a half day off on Christmas Eve, seconded by CM Alen. It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

9.5. Limitation on filing for election by incumbent of elective office. Recommended change to code. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview reading the proposed wording change to the town code regarding the requirement to resign the Council seat if running for the mayor position. He spoke on how this becomes a problem for Council. There was discussion on this suggestion and the timing of discussing this with the upcoming candidate election starting in just a few more months.

Councilmember Wright made a motion to table this until next June, seconded by CM Alen.

Public comment was taken on this item.

David Nystrom spoke on the benefits of this concept so vacancies created this way would be selected by election rather than appointment by Council.

The motion passed by a 6-1 vote in favor, Mayor Nolan voting against.

10. Public Hearing Agenda. None.

11. Adjourn. The meeting was adjourned at 9:35 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk