

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
MAY 3, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 3, 2016, 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, Jack Hamilton, Mark McBrady (arrived late at 6:39 p.m.), Dennis Repan, Nancy Wright; Doug Treadway; 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. **Municipal Clerks Week Proclamation.**

Mayor Nolan read the Municipal Clerks Week proclamation.
5. **Town Manager's Report.** Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.
 - 5.1. **Staff report of the April 7 P&Z discussions of the matters related to proposed animal ordinance regarding Chapter 153 zoning regulations.**

Councilmember McBrady arrived at 6:39 p.m.

Community Planner/Code Officer Steven Brown gave his report explaining the proposed animal ordinance for Chapter 153 was still on hold until the May 5th Planning & Zoning meeting.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the March 22, 2016 Special Session.

Councilmember Hamilton made a motion to approve the minutes from the March 22, 2016 Special Session, as presented, and seconded by VM Treadway. It was approved by a 6-0-1 vote in favor, Mayor Nolan abstained from the vote, as he was not at the March 22nd meeting.
7. **Comments from the Public (on non-agendized items only).**

Thomas Thurman spoke on the letter to Senator McCain and his support through sending a letter, as well. He gave an update on the government news: House reducing funding for local government; HURF money-48% going to municipalities; ADOT prioritization of projects; HB1350 removing classifications of residential neighborhood; passing of drug rehab bill; fireworks ban during peak fire danger/fireworks use; SB1244 reimbursing for forest fires process; turnoff roadway work on Highway 169.

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. Ordinance 16-124 Amending Town Code of Ordinances, Title IX General Regulations, Chapter 90 Animals. Possible adoption, rejection, modification. (Revisions directed at the March 22nd meeting).

CM Repan complimented Vice Mayor Treadway on the running of the March 22nd meeting. Mayor Nolan opened public comment.

Public comment was taken on this item.

Victoria Wendt spoke on information she emailed to council prior to the meeting: Issues with the (E3) Animal Care; warrant costs; search and seizure based on eminent danger; fourth amendment articles. Modifying HOUSEHOLD PETS definition by removing last line and placing period after "home".

Debby Pomeroy spoke on fourth and fifth amendment rights violations; conflicting opinion on Chino Valley dog ordinance.

Public comment session was closed as no more comments were received.

Town Attorney Goodwin spoke in disagreement with Ms. Wendt's opinion regarding fourth amendment claims. She spoke on a possible amendment option changing *reasonable belief* to *probable cause*. Magistrate Kelley also weighed in on the wording supporting current law enforcement standards on these issues. There was more discussion on this.

CM Hamilton made a motion to approve Ordinance 16-124 as presented, seconded by CM Wright. It was approved by a 5-2 vote in favor, CM McBrady and Mayor Nolan voting against.

8.2. Review and discussion of regular council meeting of 1/5/16, agenda item 5.2 Entitled "Town attendance at the January 2017 Rural Transportation Summit in Yuma". [Tabled from February 16, 2016 meeting. Originally submitted as a CAARF request from CM Repan]

Councilmember Repan gave an overview on his CAARF explaining he wanted CM Alen to be able to speak on the Mayor's decorum toward Ms. Alen at the January 5, 2016 meeting.

CM Alen addressed her concerns with the Mayor's comments at that meeting. CM Repan spoke against demeaning of council in meetings. There was discussion on whether this might constitute an Ethics Complaint or a Code Violation against the Mayor.

No public comment was received and no action was taken.

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

9.1. Call of Election.

Town Clerk Judy Morgan gave an overview of the Call of Election; stated dates for election events: May 2nd to June 1st - Nomination period for anyone wishing to run for Council or Mayor seat for the August 30th Primary Election. No council action was needed. Notification only.

9.2. Authorization of establishing a Wells Fargo Savings Account and maintain a sufficient cash balance. Possible Council authorization or rejection.

Town Manager Kimball gave an overview and Accountant Deni Thompson explained establishing a bank savings account will allow for quicker access to money by having a separate savings from the LGIP account and having a higher interest earning potential.

Councilmember Hamilton made a motion to approve authorizing of establishing a Wells Fargo Savings Account and to maintain a sufficient cash balance in it, seconded by VM Treadway. It was approved unanimously.

9.3. 2016 Spring Chip-seal project contract award. Possible award of the contract to a contractor.

Public Works Supervisor Ed Hanks presented the chip seal project response: 1 responsible bidder, alternative bids 1 and 2 are road quantities that are part of the maintenance plan. He reviewed what those bid alternates were. Bid price is slightly higher (\$1800) than original budget, as double chip seal wasn't originally anticipated.

Councilmember Hamilton made a motion to award the 2016 Spring Chip Seal project contract to Earth Resources Corporation, seconded by CM Repan. It was approved unanimously.

9.4. Richard Heath, Director of Greater Prescott Regional Economic Partnership (GPREP) would like to make a presentation to council. [CAARF requested by CM Repan]

Councilmember Repan made a motion to approve having Richard Heath give a presentation on GPREP update, seconded by Vice Mayor Treadway. It was approved unanimously.

The presentation will be scheduled for May 17, 2016 Council Meeting.

9.5. Consultation with the Town Attorney on road maintenance issues (as directed at the April 26 special meeting). Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purpose. When the Executive Session ends, Council may act on any matter considered on the agenda.

Councilmember Repan made a motion to go into Executive Session for consultation with the Town Attorney on road maintenance issues, seconded by CM Alen. There was discussion on whether this was necessary. Town Attorney Goodwin answered questions regarding the gift clause pertaining to maintaining private roads. The mover and seconder of the motion withdrew their motion.

Council asked additional questions of the Town Attorney, including the correct way for the town to maintain roadways: (survey, deeds, bring into town ownership, then spend money to maintain). Ownership might include eminent domain, conveyance of easement/access. Process is expensive and lengthy.

Public comment was taken on this item.

Tom Watson spoke on this problem starting with the County and being a long-standing problem; slow response times for many of the roads in town; people living off of Prescott Dells Ranch Road and Rocky Hill Road wanting something done; updating GPS to indicate many roads not passable; fixing the problem.

Council asked questions of Mr. Watson pertaining to cooperation of property owners on this subject; drainage problems and roadway conditions.

There was discussion on the need to develop a policy on this and if a Council Member is still interested in moving forward on this issue then it needs to come back as a CAARF.

9.5.1. 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 pertaining to road maintenance proposals.

Council did not go into Executive Session for this item but had the discussion in open session.

9.5.2. Reconvene into Open Session. N/A

10. Public Hearing Agenda.

None.

11. Adjourn.

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

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk