

**TOWN COUNCIL OF DEWEY-HUMBOLDT
SPECIAL STUDY SESSION MEETING NOTICE**

Tuesday, September 12, 2017 2:00 P.M.

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA SUMMARY

1. Call To Order.

2. Roll Call. Town Council Members Jack Hamilton, Doug Treadway, Victoria Wendt, Vice Mayor McBrady (arrived late at 2:05 p.m.) and Mayor Terry Nolan were present. Council Members Timmons and Hughes were absent.

3. Study Session. No legal action to be taken.

3.1. Discuss what the Council wants to do about a future Town Hall. [CAARF by CM Hamilton]

Councilmember Hamilton spoke of the current building lease being on an extension and, if the Council is going to do something such as build, buy or continue to rent, a decision should be made this year, however, without a quorum he asked to defer this to another Work Session when there will be a full quorum.

3.2. Discuss and give direction to Staff regarding proposed Ordinance 17-139 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding new Chapter 100 Other Domestic Animals, all related to the control and regulation of domestic animals other than dogs, dangerous and biting domestic animals other than dogs, maintenance standards for domestic animals other than dogs and enforcement.

Mayor Nolan gave an overview of the agenda item and referred to a section, which mentioned non-human mammals and referred to this as hard to control.

Councilmember Wendt spoke of the livestock being mixed back in with the other animals and this was not what Council addressed the Attorney and Staff to do. Council directed at the last meeting for this to come back with the other Ordinance that was just looked at and this shouldn't be in here yet.

Town Attorney Goodwin stated that she watched the tape of the last meeting on the Dog Ordinance about five times and heard that the Ordinance was adopted. The Ordinance should be adopted in the legislative format. Attorney Goodwin explained this process and the reason why it is done this way in Arizona. When the Ordinance is codified, it is clean and does not show the legislative format markups. Attorney Goodwin said that she listened to that meeting and the 9/5/17 meeting, as well, to figure out Council's desire. The Dog Ordinance was adopted and the Interim Town Manager provided a clean copy. She spoke of it not being clear exactly what Council's direction was. Attorney Goodwin spoke of answering one of their questions, whether you can deal with the nuisance Ordinance in the Zoning Code. It is a strong recommendation that this does not happen. Zoning Code deals with numbers of animals. Attorney Goodwin asked Council for further direction.

Councilmember Wendt answered that her direction last week exactly was to bring forward the resolution that they had just looked at, to get the strikeouts out, but she has seen no clean copy. She has since discovered that there has been a word inserted into that prior Ordinance that was

just looked at last week, which was not in there before. If she needs to, she will bring this Ordinance back again to remove that word.

Attorney Goodwin asked what the word was. Councilmember Wendt replied the word was “not” under the section regarding “Imminent Danger” and said that is why it is so important that it comes back because the final signature once the strikeouts have been removed, then it goes to the Mayor. Attorney Goodwin interjected that she will not bring back a version that doesn’t have the legislative format, unless Council decides to just ignore legal advice. All cities adopt the legislative format, she can bring back the legislative and the clean version, but what gets adopted is the legislative format. She spoke of having a solution, in that the Dog Ordinance was adopted on September 5, 2017, but that it does not take effect for 30 days. At the next meeting the Ordinance can be rescinded with the corrections made and adopt the corrected Ordinance, as well as provide the clean copy and the legislative format, and do the other animals at the same time. There was Council consensus for this recommendation.

Councilmember Wendt spoke of the definition for household pet having been eliminated in this draft. Attorney Goodwin explained this was removed was because the only place this was used was in another definition for “farm animals” and they struck farm animals, so why would you define a term that is not used. CM Wendt spoke of not wanting the definition to appear in the dog Ordinance, which was not what was directed. Attorney Goodwin explained that what CP Brown did was take the Dog Ordinance and parallel it to apply it to other domestic animals. Attorney Goodwin said this was also what she understood from viewing the tape of the meeting at which this was discussed. She summarized that they were looking for direction from Council, as it is unclear what they want.

Councilmember Wendt noted that at the August 8th meeting at 1 minutes 19 seconds it was discussed that it was supposed to be county language. It was also discussed at 18 minutes 22 seconds where they directed the Attorney to come up with language used by the county, simplified, easy livestock-related, that doesn’t include all the other domesticated animals you have here such as snakes, fish, turtles, etc... Also, Mr. Hamilton agreed to that at 19 minutes and 33 seconds.

Attorney Goodwin noted that she watched the tape. CM Wendt noted that those minutes need to be revised, as they are not complete. Attorney Goodwin referred to no understanding when she says put the county language in. Attorney Goodwin brought the county Ordinance and referred to the litter and nuisance Ordinance being standard and typical but does not speak much to animals. Attorney Goodwin spoke of the county zoning Ordinance having a definition of farm animals and household pets but all the other provisions in the county Ordinance are similar to the D-H Ordinance. The Animal Ordinance does not deal with farm animals, it is dogs.

CM Wendt said that was their objective, to separate the dogs from farm animals, if you need to adapt the language in the zoning, again, to a simplified paragraph or two.

Attorney Goodwin asked how you want to regulate farm animals. CM Wendt spoke of them already being in the zoning. Attorney Goodwin replied that they are not covered in the zoning. Zoning only covers location, size of lots and numbers. There are no maintenance standards or adequate care covered in the zoning. She noted that the county Ordinance is in the D-H zoning Ordinance.

Councilmember Treadway spoke of the Ordinance needing to cover more than just farm animals. There was further Council discussion regarding revisions to the proposed Ordinance.

Councilmember Hamilton recommended going through the Ordinance line by line

Councilmember Wendt recommended bringing this discussion back to a 6:30 p.m. meeting where farmers and ranchers could attend. She noted two Council Members were missing. She recommended rescinding Ordinance 17-137, bring it back in to strike the word that Council did not approve and go from there. She spoke in favor of the community being involved. Attorney Goodwin spoke of Staff not being blamed because they did not understand the direction.

Councilmember Hamilton recommended going through the proposed Ordinance to get it cleaned up before bringing it back again for the next discussion.

Council subsequently reviewed the proposed Ordinance line by line. All revisions including additions and strikes were noted. Attorney Goodwin will make all the noted revisions and bring the revised Ordinance back to Council for approval.

Attorney Goodwin left the meeting at 3:25 p.m.

3.3. Discuss Interim Administration Core Goals.

Interim Town Manager (ITM) Lee Elliott spoke of having met with the Council Members individually and was able to identify some core goals of the interim government. 1.) The General Plan will require an update and Community Planner is working on a RFQ for this process. 2.) Town Manager search. 3.) Blue Hills emergency access.

Mayor Nolan acknowledged a citizen from the audience

Public Comment

Linda Horvath spoke of her recent house fire of May 2nd. Due to Lovin Lane conditions, the Fire Department was unable to respond promptly. She noted that it has been graded and thanked the Town for their effort stating that it has made a difference.

ITM Elliott continued with his report. 4.) Street/Road Plan and subsequent funding 5.) Superfund site. ITM Elliott summarized that these were the five key items brought up in a majority of the discussions.

CM Treadway concurred with ITM Elliott endorsing the need to concentrate on the General Plan and Town Manager search.

CM Wendt spoke of needing to finely tune the animal Ordinances and agreed with the other items identified as core goals.

CM Hamilton spoke in agreement of these goals.

Public Comment

Linda Horvath inquired when the Animal Ordinance would be discussed again. Mayor Nolan noted the next Work Session is scheduled for October 10, 2107, at 6:30 p.m.

4. Special Session. Discussion and possible action. Legal action can be taken.

4.1. Discussion of the core qualities, salary and benefits of the permanent Town Manager position for the preparation of the employment advertisement, as well as possible authorization for the advertisement submission.

There was Council discussion with recommendations of using the same process that was used for the Interim position; the time frame and avenues for advertisement; and the salary range.

Councilmember Wendt left the dais at 3:46 p.m. and returned at 3:49 p.m.

There was continued Council discussion regarding the salary range with differing opinions. ITM Elliott pointed out that the interim is usually not the top range and recommended Council may want to go higher on the permanent position.

Councilmember Treadway left the dais at 2:45 p.m. and returned at 2:47 p.m.

There was discussion to continue this discussion in an Executive Session. Councilmember Hamilton noted an Executive Session was not necessary at this point.

After further discussion regarding the salary range and review of a handout from Mayor Nolan on other Town Manager salaries, there was Council majority consensus to advertise for 30 days in the local newspaper, ICMA and the League of Cities websites offering an annual salary range of \$60-80K.

Councilmember Hamilton made a motion to get the ad out to the appropriate places for 30 days with a salary range of \$60-80K and the other things that was in the last ad, seconded by Councilmember Wendt.

There was further discussion about the services that the Town does not provide and that it would be presumed that, any candidate will research the Town before an interview.

Vice Mayor McBrady spoke of his feeling that the salary range was too low and encouraged the top end of the range to be increased to \$90K. Mayor Nolan disagreed. Councilmember Wendt recommended splitting the difference and going with \$85K. Councilmember Treadway recommended a \$70 -85K range.

Councilmember Hamilton asked to call the question. Mayor Nolan called for the vote on calling the question. Mayor Nolan asked the Town Clerk to restate the motion. Town Clerk Gibson read the motion: To get the ad out to the appropriate places for 30 days with a salary range of \$60-80K and the other things that was in the last ad.

Mayor Nolan called for a roll call vote on the motion. The motion passed by a 3-2 margin, with Council Member Treadway and Vice Mayor McBrady voting against.

Mayor Nolan asked if Council wanted to appoint a subcommittee to review the applications. Council consensus was for the entire Council to review the applications. The process of interview questions was discussed and it was determined that Council would be on the same page with the same questions and interview methods. ITM Elliott offered to forward to Council the pamphlet from the League of Cities that has good interview questions and form some recommendations.

Councilmember Wendt noted that they had not discussed the Town Manager's work schedule. Mayor Nolan spoke of it being 4-10 hour days, like the rest of the Staff. Councilmember Hamilton noted that he felt the Town Manager would have the choice of 4-10s or 5-8s. CM Wendt preferred that the schedule be 5-8s. She does not have a problem with the Staff rotating but noted an incident where she needed a Town Manager on a Friday and the TM was not present. There was further discussion of the Town Manager and the Town Clerk on alternating schedules of days off. ITM Elliott spoke of the 4-10 schedule being favored by applicants as a benefit. CM Treadway agreed with ITM Elliott on the 4-10 schedule.

Council agreed to bring the Town Manager search discussion back to the October 10, 2017, Work Session.

Councilmember Treadway asked when the ad would be run in the newspaper. ITM Elliott noted that the ads could be placed the next day. CM Treadway asked if the applications could be

provided on a weekly basis. ITM Elliott confirmed he would forward the applications on a regular basis.

Mayor Nolan left the dais at 4:11 p.m.

4.2. 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.

This item was not discussed.

5. Adjourn.

Vice Mayor McBrady adjourned the meeting at 4:13 p.m.