

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

Tuesday, October 10, 2017 6:30 P.M.

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

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

AGENDA SUMMARY

1. **Call To Order.** The meeting was called to order at 6:30 p.m. by Mayor Nolan.
2. **Roll Call.** Town Council Members Jack Hamilton, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady, and Mayor Terry Nolan were present. Council Member Timmons arrived late to the meeting. Council Member John Hughes was absent.
3. **Study Session.** No legal action to be taken.

3.1. University of Arizona Superfund Program Update.

Dr. Raina Maier gave an update on the research program. The National Institute of Health funds are being cut back and it will affect the Dewey-Humboldt project. There will be no further revegetation projects. They will now be focusing on two projects: 1) the oral history of perceptions of mining and garden roots and 2) home gardening. She considered the previous projects a real success. Documentation is available at the local library in the repository section. Denise Moreno spoke of her oral history project, which involves short interviews with community residents. There is an actual website www.voicesunheard.sites.arizon.edu that can provide further information on this project. There was further update on the Project Harvest, Citizen Science project. The Dewey-Humboldt Community Educator is Ron Thibadeau who is focusing on the rainwater-harvesting portion of this program. Dr. Maier stated that the final remedy is necessary before the final closure and capping will occur in the cleanup process.

3.2. Public Works Quarterly Report.

Public Works Director Hanks reported that a temporary employee was hired to fill in during an employee's medical leave.

Throughout October, they will be focused on hot patch repairs, then moving onto drainage repairs and winter projects. There will be spot maintenance on the town-owned dirt roads. Director Hanks provided a list of the monsoon repair projects that were completed since July 1, 2017. The Fall preservation work is completed. Dirt road grading is completed. The on-call culvert projects are completed. In-house maintenance has cleaned, built or rebuilt 7500 linear feet of ditches, flushed 18 culverts, 80 tons of rip rap have been placed for erosion control, installed culverts where needed, cleaned 22 low water crossings three times this summer, regraded dirt roads as needed on the west side, placed 80 tons of A.D. for shoulder erosion, installed 15 signs, clean the park, removed road kill, standard line of sight brush removal and equipment maintenance.

The Town Clean Up project was a big success taking in 1.5 times more trash than last year. They took in seven to eight dump truck loads of brush producing double the mulch/chips as last year. He feels the three-day program is beneficial.

Councilmember Hamilton asked if funds from Flood Control were being used for some of these projects. Director Hanks confirmed this listing some of those sites.

Public Comment

Mike Kessler spoke of moving here ten years ago and noted the road erosion problem has improved since Director Hanks has assumed the position with Public Works. He noted Director Hanks' professionalism with his crew observing a recent project near his home. He thanked the Council for the service.

Robert Jobst spoke of residing on Outback Road for the past year noting that he has only seen a grader on the road one time in the last year. He has seen better cow paths than this road. He inquired of the possibility of having the road graded more frequently. Mayor Nolan noted that the County is contracted to provide this grading. Attorney Goodwin noted this was not on this agenda item for discussion and would need to be brought up during Public Comment.

3.3. Finance Quarterly Report.

Town Accountant Moore provided a copy of the Financial Statements for the first quarter of the fiscal year.

Councilmember Hamilton asked when the audit would be complete. Accountant Moore noted the audit is final and would be completed within the next year. Henry & Horne will attending a meeting to present the audit later.

There were no further questions.

4. Special Session. Legal action can be taken.

4.1. Discussion and possible action regarding the property owner's responses received on split zoning issues. [As directed by Council at the August 1, 2017, Work Session]

Community Planner Brown gave an update that he was directed to send out letters to the property owners who were split by the zoning line. Twenty-three letters were sent out with eight responses having been received back. CP Brown showed an overhead map depicting the results of the responses. He is looking to Council for further direction. His recommendation was to do this rezoning, as a group effort, which would be the most effective method, but there, is the issue of the fees involved. He made sure the respondents understood they might be responsible for the cost incurred.

There was extensive Council discussion on the rezoning.

At the conclusion of the discussion, Councilmember Hamilton recommended that there was no consensus or agreement and that they should move on.

Mayor Nolan made a motion to go ahead and allow the zoning change on these lots so the people are satisfied with what they wanted.

CP Brown clarified that the Mayor intended that he wants Staff to work with the property owners to prepare for the rezoning process and implement the zoning as requested. Mayor Nolan confirmed this.

Vice Mayor McBrady indicated that this was a Study Session, indicating he did not think action should be taken on this. Mayor Nolan clarified that the agenda was worded allowing for action.

Councilmember Treadway seconded the motion. A roll call vote was requested. The motion failed by a 4-2 vote, with Councilmember Wendt, Councilmember Timmons, Councilmember Hamilton, and Vice Mayor McBrady voting against.

4.2. Review and discussion, Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding New Chapter 100 Animals Other Than Dogs related to the control and regulation of domestic animals other than dogs, maintenance standards for domestic animals other than dogs, and enforcement. [Directed by Council to bring back at the September 12, 2017, Work Session]

Community Planner Brown gave an overview explaining that the Town Attorney was directed to make further revisions and bring this back to Council for further review and that has been completed.

Councilmember Wendt questioned that the Ordinance number was incorrect. Staff investigated this and confirmed that the ordinance number was repeated. Attorney Goodwin noted this as a clerical error and that the Town Clerk would correct it.

Mayor Nolan spoke off topic while this was being researched to Mr. Jobst that his issue regarding road grading would be looked into.

Attorney Goodwin noted that she made all the changes noted by Council at the September 12, 2017. She deleted the definition of household pets as requested; however, she did feel that it should possibly be put back in. After discussion, Council directed that it be left out. She noted that In Section 100.02 she removed some language that did not make grammatical sense in regard to animals at large.

There was Council discussion regarding the proposed ordinance.

Councilmember Wendt requested that the words “very” and “immediately” on Page 17 be removed. There was discussion that the second copy of the ordinance in the packet reflected this change and the second version should be used for further review.

Councilmember Hamilton did not feel it was necessary to list every animal, but did note the word rabbit was misspelled.

There was further Council discussion regarding the complaint process and Enforcement Officer involvement.

Councilmember Hamilton made a motion to approve the Animal Ordinance law with the word “immediate” taken out. Town Attorney Goodwin asked if she was supposed to take out “farm animals include but is not limited to” or add alpaca. Councilmember Hamilton indicated it was fine as it was.

Councilmember Wendt noted that she felt it was premature to bring this to a motion indicating the need to hear from the public on this.

Public Comment

Mike Kessler spoke of being a horse owner. He indicated he read the document and he has marked up, deleted and rewrote on the following pages. He asked if this was the right forum for him to go over his changes one at a time. It would take a couple hours to go through his changes. He spoke of agreeing with Councilmember Timmons request to just go by the county’s ordinance. He asked for clarification on what an Enforcement Officer is and what are the qualifications of an enforcement officer. There was dialogue between the Council and Mr. Kessler about the enforcement officer. Mayor Nolan instructed the Town Manager to take a copy of Mr. Kessler’s notes and return the original to Mr. Kessler.

Councilmember Timmons proposed waiting on any decisions regarding this document. She as a citizen is getting a group of people together and invited Mr. Kessler to join her group to look at this and see what they can improve on, and what needs to be there and what doesn’t need to be there.

There was further discussion between Mr. Kessler and Council regarding livestock, Livestock Officers and different scenarios of animals at large.

Councilmember Hamilton recommended tabling this matter until further information is forthcoming. He indicated that he was withdrawing his previous motion.

Councilmember Wendt seconded tabling this matter.

Mayor Nolan inquired about the timeline. Councilmember Wendt said to table this to the next available Work Session at 6:30 p.m.

Councilmember Hamilton made a motion to table this to whenever the Council gets feedback from Councilmember Timmons group; when she gets feedback, she can turn in a CAARF to schedule it. Councilmember Wendt seconded the motion.

Mayor Nolan stated that he was confused as Council went through the ordinance line by line and edited it and now they want another group to come in and look at what they have here and redesign everything that was worked on. Councilmember Treadway noted that this was ridiculous that they were going to go back through and rehash this all over again, noting that this was very frustrating.

Councilmember Wendt indicated to Mayor Nolan and Councilmember Treadway that when this was originally discussed at the Work Session she indicated that this needed more work, it was a first draft. She indicated that Council is not done with this, it is a big deal, and input from the Public wouldn't hurt. Mayor Nolan noted the Public should have been here tonight at the evening Study Session.

Councilmember Timmons pointed out that it took 2.5 years to get an animal ordinance and the livestock people deserve the same courtesy. Mayor Nolan replied that Council has been working on the whole thing those 2.5 years. Councilmember Hamilton and Councilmember Treadway confirmed this.

Mayor Nolan called for the vote on the motion. Councilmember Hamilton noted that Vice Mayor McBrady did not cast an oral vote. Vice Mayor McBrady indicated that he was casting a "no" vote. The motion failed by a 3-3 vote.

Councilmember Hamilton made a motion to approve the ordinance with the amendments, seconded by Mayor Nolan. Mayor Nolan called for a roll call vote. The motion failed by a 3-3 vote.

There was Council discussion that the matter could be brought back by CAARF.

4.3. Discussion regarding Town Manager Selection calendar.

Mayor Nolan read the introduction to the item reminding Council that the deadline for Town Manager applications was Friday, October 13, 2017, and reminded Councilmembers to pick up applications from their mailboxes for review.

Councilmember Hamilton made a motion to approve the memorandum with a possible Executive Session, seconded by Councilmember Treadway.

Councilmember Timmons stated that her understanding was that these would be evening sessions. ITM Elliott noted that the October 17, 2017, Regular Meeting was at 6:30 p.m. and the October 24th meeting would be a special executive session.

Mayor Nolan called the vote on the motion, which passed unanimously.

5. Adjourn.

The meeting was adjourned at 8:25 p.m.