

**TOWN COUNCIL OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE**

Tuesday, October 17, 2017, 6:30 P.M.

**COUNCIL REGULAR 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.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Councilmember Hamilton.
 - 2.2. **Invocation.** Given by Councilmember Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, and Mayor Terry Nolan were present. Vice Mayor Mark McBrady arrived late to the meeting at 6:41 p.m.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**
 - 4.1. **Cities and Towns Week 2017 Proclamation.**

Mayor Nolan read the proclamation.
 - 4.2. **Presentation on Greater Prescott Regional Economic Partnership (GPREP) Updates.**

Presentation given by Gary Kellogg and Ginger Johnson. (CAARF/Presentation request approved by Council on 10/3/17)

Mr. Kellogg presented updated handouts to the Council and introduced himself to Council as the Interim Director for GPREP, and Ms. Johnson, who is a long-time Prescott resident. Mr. Kellogg gave an overview of his background working for Lake Havasu City. Mr. Kellogg explained that GPREP has been without leadership for almost a year and they are attempting to get it back on its feet. They are updating the website and have filtered through a backlog of emails. They are focusing on contacting existing businesses for future business leads. Ms. Johnson spoke of the mission to bring in business and provide jobs.

Mayor Nolan spoke of the time period without leadership and his appreciation for Mr. Kellogg and Ms. Johnson's efforts.
 - 4.3. **Interview and possible appointment of applicant for Open Space & Trails Committee.**

Mayor invited Applicant Diane McQueen to tell the Council about herself. Ms. McQueen spoke of moving to the area after retirement in August. She and her husband are avid outdoors people and she would like to volunteer to serve on the committee.

Councilmember Hamilton made a motion to nominate the appointment of Diane McQueen to the OSAT committee, seconded by Councilmember Timmons. The motion passed unanimously.
5. **Town Manager's Report.** Update on Current Events.

Interim Town Manager Elliott updated Council on the hot patch project explaining it would continue through October.

ITM Elliott invited Council to participate in the Trick or Treat event on Halloween at Town Hall.

ITM Elliott advised he would be out of town until Sunday, October 22, 2017, with Community Planner Brown stepping in as Interim Manager.

6. Consent Agenda.

6.1. Minutes. Approval of Minutes from the September 12, 2017, Work Session Meeting.

Councilmember Treadway made a motion to approve the minutes from the September 12, 2017, Work Session Meeting, seconded by Councilmember Wendt. The motion passed unanimously.

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

Christina Korbesello spoke of being a D-H resident of an issue that came to her attention by other residents in the last week. The Main Street is zoned C-1 commercial, however, it has become a nice residential area of single-family, single-residential homes. She understands that a property owner in the area intends to build a multi-story, multi-family home on the corner of Third and Main Street. She does not feel it conforms to the neighborhood and would like to know what is necessary to have this brought up for discussion. Community Planner Brown confirmed that he has had contact with the property owner and the land is zoned C-1 which allows for this type of housing. The discussion was about a duplex home. If all the constraints are met, the property zoning supports the proposed construction. Mayor Nolan recommended that this matter be brought back to the Town Manager on Monday. Ms. Korbesello invited the Council to drive by and view the area and how it has developed.

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. Council direction regarding survey for BLM road development. (continued from September 5, 2017, meeting)

Community Planner Brown explained that this matter was being brought forth by himself and Public Works Director Hanks. On September 5, 2017, Council gave permission to Staff to contract for surveys in regard to emergency access in the Blue Hills area. The responses from property owners on Bandit Way and Read Mine were positive and the BLM has agreed to a right-of-way linking those two and they have added a section of Lovin' Lane that they need to have connectivity. The estimate presented on September 5 2017, was \$1800 which has turned out to be low. They have need to add some areas, as well as the travel ways of the roads, to the survey. The actual estimate is \$4750 from Meridian Surveyors. CP Brown and Director Hanks are seeking permission to continue with the survey at the estimated cost.

Mayor Nolan asked for the map to be displayed. CP Brown gave an overview of the areas to be surveyed on the map.

There was Council discussion and CP Brown explained that they can't go further in the process of this project without the survey and he and Mr. Hanks both felt it was a fair survey bid.

Attorney Goodwin stated that a formal conveyance needs a legal description, which the survey would provide. You could do a letter of intent before you spend the money, that is possible, but does not replace having an agreement for the easement.

There was further Council discussion on the need for the survey and the egress.

Councilmember Wendt made a motion to accept the survey and what is stated in the agenda and have Council approve that and go ahead and proceed, seconded by Vice Mayor McBrady.

Mayor Nolan opened this to Public Comment.

Public Comment

Tom Watson spoke of the necessity for Council to explain to people of Prescott Dells Ranch Road that the Council wants to open the road up to the Blue Hills without taking responsibility. He

explained that, ultimately, Prescott Dells Ranch Road is a private road and while they have to let people pass, they can do anything to the roads. He recommended Council talk to his neighbors about how they feel.

Frank Davidson advised of a fire that broke out yesterday a couple miles west of his home on the top of the ridge. He spoke of the dangerous situation.

Deborah Smith spoke of being a Prescott Dells Ranch Road resident for 25 years. She is concerned as she just found out about all of this and that it will increase traffic to the road. Mayor Nolan spoke of the plan for gates on both ends of the road. He spoke of this not being an imminent matter. Ms. Smith asked if there would be fencing in addition to the gates so people can't drive around the gate. Mayor Nolan spoke of the BLM section already being fenced and putting gates in the fencing. There is a rancher with grazing rights on this land. Ms. Smith spoke of the existing horrific road conditions and concern for maintenance.

Councilmember Hamilton and Councilmember Treadway spoke of this being for emergency access only and there should not be an increase in traffic except for an emergency.

Vice Mayor McBrady recommended checking to see if the residents want to grant easements to the Town and allow the Town to take them over and maintain them.

Samuel Thompson spoke of living on Dewey Road and that the Mayor had petitions to get something done to the road. Ninety percent of the people approached agreed to deed the road over. He spoke of not being aware of what happened with the petitions. Mayor Nolan said that the petitions were presented to the Town Council, who turned it down, but noted there is a different Council now.

Councilmember Wendt reminded people that this emergency access road is both in and out. If there were a fire that cut off access for Prescott Dells Ranch Road, they could cut across over the Blue Hills on Henderson and get out. This is for emergency purposes only, not a thoroughfare.

Sam Dougherty spoke of Prescott Dells Ranch Road being horrible and nobody maintains it except for those that live on it. She does not feel this is a wise thing unless you will guarantee that it won't be crash gates. Mayor Nolan said this subject will come back on a future agenda.

Bill Cernak just moved here a month ago to Prescott Dells Ranch Road. He spoke of some of the traffic being crazy out there. He noted it would be nice to have the road paved. He also spoke of having called in the fire yesterday. He owns the road in front of the house, if there is a crash in front of his house, is he liable? Attorney Goodwin said she could not comment on the specifics of this without more information. Mr. Cernak would like the Town to take over maintenance and ownership of the road.

There was clarification that the survey was not solely the BLM land, but this portion of the whole project. This was confirmed.

Mayor Nolan called for the vote on the motion. The motion passed unanimously.

8.2. Discussion and possible action regarding possible amendments to the Zoning Regulations regarding use permits for (i) intoxicating beverage sales, (ii) retail sales and services and (iii) public recitals, concerts or dances. (directed at the September 19, 2017, Meeting)

Councilmember Hughes offered to recuse himself from this discussion. Attorney Goodwin indicated this was not necessary as the discussion was about zoning regulations, not specifically his property.

Community Planner Brown gave an overview of the agenda item relating that on September 19, 2017, Council asked to have this item placed on this agenda. CP Brown explained the chart in the ordinance.

Councilmember Hamilton spoke of two possible fixes and that Council can amend this. Town Council can make a determination on what is best for the community.

Attorney Goodwin spoke of having given this much thought. The general rule is that it has to be compatible and in compliance with the General Plan. The Council does not have unlimited discretion to, if it meets their codes they generally have to grant it. Council will not have the ability to just deny. You are opening up the residential districts to possibly some uses that you would have to show are not compatible. Without the listings you would have to prove it. The rule is whether it is compatible or not. The consequence of deleting something from the list doesn't mean you have to grant it, but you would have to take the extra step and show the incompatibility. It just makes it a bit unclear.

Councilmember Hamilton inquired if they would have to grant a similar permit if someone else applied. Attorney Goodwin said you don't have to grant every one that comes along but you have to treat people similarly.

There was extensive Council discussion about the zoning regulations.

Public Comment

Mike Kessler spoke of attempting to pass judgment on something that hasn't happened yet. H recommended taking out the work intoxicating and put alcohol in its place.

Rick Bartells spoke of having lived on Foothill Drive over 20 years. He spoke of the former owner, Pete Woolsey, telling him about acquiring the ability to sell beer and exchange money at the roping events. Mr. Bartells said he was in Montana five years and came home to a mess. Mr. Woolsey was proud of what he had accomplished. Why doesn't Council just go with it and make it a commercial piece of property.

Leslie Chester is concerned that it is all or nothing, all three or nothing. The last time this was the topic at the meeting, she thought she walked away and it would be business as usual. She spoke of an event two Saturdays ago and excessive musical noise and there was no consideration for the neighbors. She does not want to have to listen to this every Saturday night. Councilmember Hamilton explained that the use permit had a limit of 30 events per year and then spoke on the noise ordinance, and that the site was not exempt from that.

Leigh Cluff spoke of not being there the night of the event, but if the Sherriff was there, they would have gone in if there was an issue.

Attorney Goodwin explained that this agenda item was not about the Hughes property specifically.

Rick Bartells said he has sat through three meetings and has heard to same thing about the General Plan. What is the date for the General Plan. Community Planner Brown said the General Plan expires May 29, 2019. Councilmember Wendt noted that they want the community to get involved at that time.

There was Council discussion regarding the music and the volume with varying opinions regarding the acceptability.

Leigh Cluff asked if anyone called the Hughes in a neighborly manner.

Audrey Stroud has had no reason to complain about the Hughes over the last 4.5 years. She spoke of having to call the Sherriff three times on the night being discussed. She spoke of her husband having PTSD and that the noise on this particular evening being excessive making it extremely hard on him. She said that she filed a complaint with the Community Planner today, noting that the noise ordinance doesn't have language about decibels only concerns levels. She noted hearing complaints from other neighbors the following day.

Ulyss Brooks spoke of neighbor situations where he would contact the neighbors directly and receive cooperation and was never refused and often received apologies later. Talking to people is the best way to handle this.

Councilmember Hamilton recommended moving on as there appeared no way around this according to the attorney.

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

9.1. Discussion of Town Council Meeting Schedule.

Interim Town Manger Elliott spoke of it being his observation over the last 72 days, after speaking with Council Members, Staff, and considering other comments he received, that something for Council to consider in the future was the challenge created by the frequency of Council meetings and trying to provide more effective meetings. ITM Elliott recommended that the quality of the meetings could improve by adapting to a schedule of one Regular Council Meeting and Work Session per months.

There was Council discussion regarding the pros and cons of the ITM Elliott's proposal.

Mayor Nolan noted pursuant to the discussion that there appeared to be consensus to try the new recommended schedule.

Attorney Goodwin informed Council that they could implement this schedule on a trial basis without changing the Town Code, it is not perfect, but it did not violate Open Meeting Law. When a final decision is made Council could amend the Ordinance, if a change is required.

Mayor Nolan noted that Council will look at this and try to work it in.

9.2. Discussion of Town Manager recruitment – discussion of applications and selection of short list for further consideration.

9.2.1. Recess into and hold an executive session pursuant to A.R.S. 38-431.03 (A)(1).

Discussion or consideration of employment/appointment/salary of a Town Manager.

Councilmember Hamilton noted that he did not think they should be talking about this in Executive Session and asked if the candidates were notified. This was confirmed and no one expressed wanting their application discussed in Open Meeting. Town Attorney Goodwin explained why candidates prefer to have this discussion in Executive Session.

Councilmember Timmons made a motion to recess and go into Executive Session to discuss interviews of candidates for Town Manager, seconded by Vice Mayor McBrady. The motion passed unanimously.

The Regular Meeting was closed at 8:22 p.m. Executive Session was opened at 8:24 p.m.

9.2.2. Reconvene Regular Meeting.

The Executive Session was closed at 9:03 p.m. Regular Meeting was reconvened at 9:05 p.m.

9.3. Discussion and direction on the next steps of the Town Manager recruitment process.

There was Council discussion regarding the interview process. It was decided to consult a form that was distributed by ITM Elliott from the League of Cities for interviewing.

Attorney Goodwin noted that it is best to ask consistent questions of each interviewee. She also noted that there are questions that cannot be asked during interviews and gave examples.

There was further discussion regarding the process, as well as possible reimbursement of travel expenses for the candidates, with no further direction from Council.

10. Public Hearing Agenda.

None.

11. Adjourn.

Mayor Nolan made a motion to adjourn the meeting, seconded by Councilmember Timmons. The motion passed unanimously. The meeting was adjourned at 9:19 p.m.