

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

Tuesday, February 19, 2019, 6:00 P.M.

**COUNCIL REGULAR MEETING
2735 S. HWY 69**

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

AGENDA SUMMARY

- 1. Call To Order** Mayor Nolan called the meeting to order at 6:03 p.m.
- 2. Roll Call** Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Amy Timmons, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present.
- 3. Pledge of Allegiance** Mayor Nolan led the Pledge.
- 4. Invocation** Given by CM Lance.
- 5. Discussion of Town Manager recruitment – discussion of applications and selection of short list for further consideration** Discussion and possible legal action may be taken.

Council Member Lance recused herself from the Town Manager recruitment process.

Town Attorney Goodwin stated that CM Timmons' asked if she was prohibited from attending the Executive Session. She is not prohibited from attending the session; however, because one of her relative is an applicant, she cannot participate in the discussion of any candidate. She will be listening with her back to the Council.

A. Executive Session

Vote to recess to Executive Session

VM Wendt made a motion to go into Executive Session, seconded by CM Brooks. Mayor Nolan called the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

1. An Executive Session pursuant to A.R.S. § 38-431.03 (A) (1) for discussion or consideration of employment or appointment, and salary of a Town Manager

Council entered Executive Session at 6:10 p.m.

Close Executive Session/Reconvene Special Meeting

VM Wendt made a motion to close the Executive Session, seconded by CM Collins. Mayor Nolan called the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

B. Discussion and direction on the next step of the Town Manager recruitment process

Mayor Nolan announced that Council has selected some people to interview and a date will be selected to proceed with interviewing candidates for the Town Manager position. Town Attorney asked if Council wanted background checks on all the candidates. There was Council consensus to wait until the list was narrowed. There was Council discussion regarding the number of interviews to conduct. It was determined that interviews would be held on Wednesday, February 27, 2019, at 10:00 a.m. and Monday, March 4, 2019, at 10:00 a.m. and the alternate date would be March 8, 2019. Council's personal interview questions are to be submitted to the Town Clerk to be passed on to the Town Attorney for review by Friday, February 22, 2019.

6. Public Hearing Agenda Discussion and possible legal action may be taken.

A. Liquor License – Conduct public hearing and consider approval of a new “006 BAR” Liquor License for Mortimer Farms, Inc. located at 12907 E. State Route 169, Dewey, AZ 86327.

1. Staff Report

The Public Hearing was opened at 6:47 p.m. Interim Town Manager Hanks stated that the Mortimers have applied for a Series 6 liquor license. All steps were followed as well as posting the property. The permit was submitted to the Fire Marshall and Yavapai County Sheriff's Office for review with no objections.

2. Open Public Hearing and Receive Public Comments

No Public Comment was forthcoming.

3. Close Public Hearing

The Public Hearing was closed at 6:49 p.m.

4. Council Discussion and Possible Action

CM McBrady made a motion to approve the license, seconded by CM Collins. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

7. 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.

Mayor Nolan announced the Coldwater Farm Conservancy fund is still accepting donations, as they are \$7,000 short of their \$60,000 goal. He spoke in favor of the purpose of this land conservancy.

VM Wendt announced that the Firewise meeting the next evening had been cancelled due to inclement weather threats.

8. Town Manager's Report

Update on Current Events. No legal action 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.

No report.

9. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Council Member may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Minutes of December 18, 2018, Regular Council Meeting

B. Approval of Minutes of January 8, 2019, Study Session & Special Meeting

C. Approval of Minutes of January 15, 2019 Regular Session

Mayor Nolan had a question on Page 4 of 7 of the January 15, 2019, minutes. He inquired if the Governor's Office or Karen Fann had been contacted regarding the Blue Hills ingress and egress. Town Attorney Goodwin advised that this was not on the agenda.

CM Timmons made a motion to approve the minutes as printed, seconded by CM Brooks Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

10. Public Comment on Non-agendized Items

The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

Jack Hamilton spoke of transparency and trust noting the Council has always been transparent due to Open Meeting Law. Trust is another matter. He spoke of anonymous letters and rumors circulating in the Town, which destroys trust. He believes that some of the Council is guilty of this. He noted that the trust is broken in the Town and that is why some people prefer the county and their procedures.

Carole Stensrud spoke of hoping that the Firewise board is making a difference in the Town. Fire safety is crucial in this area with Blue Hills the most critical and the Foothills following. These areas have been targeted for abatement.

Leigh Cluff addressed Mr. Hamilton's comments. She said he was on the Council and that is partly why the Town doesn't trust. The Town stepped up and elected new people to build the trust back. She spoke of building the community, a Country Town. She hopes the new Town Manager will love the Town and help the Town to grow in friendship and love.

11. General Business Discussion and possible legal action may be taken.

A. Council consideration to re-appoint Gary Ford and Linda Horvath to the Board of Adjustment and give direction to Staff to advertise one member vacancy

CM Brooks made a motion to accept the reappointment of Gary Ford and Linda Horvath to the Board of Adjustment, seconded by CM Hughes. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

B. Council consideration to re-appoint Victor Hambrick to the Planning & Zoning Advisory committee and give direction to Staff to advertise two member vacancies

CM Brooks made a motion to extend Victor Hambrick on the Planning and Zoning Committee and to advertise for the two vacancies, seconded by CM Hughes. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

C. Discussion and direction on Town Hall Lease

CM McBrady recused himself from this discussion.

Interim Town Manager explained that the current lease expires 12/31/19 and that all the extensions have been exercised. They would like to begin negotiations begin with the property owner to extend the lease or generate a new lease so that budget considerations can be made. They would like someone from the Town Attorney's office to represent the Town in the negotiations.

CM Timmons asked if the owner of the Hall had been contacted to see if they were interested in selling.

Town Attorney Goodwin stated that the negotiations can be cumbersome as the landlord is on the Council, so she would appoint someone from her office to handle the negotiations. CM Timmons inquired if purchase had been previously discussed during negotiations. Town Attorney Goodwin said there was not an extensive discussion on this previously.

CM Timmons made a motion to allow the Attorney's office, specified by our Attorney, to contact the owner regarding lease, possible purchase of land, if possible, if that is a possibility, either or, seconded by CM Collins.

CM Brooks asked how many square feet we are leasing. Interim Town Manager Hanks said he would send an email to everyone with the estimated square footage.

Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

D. Discussion and action regarding the extension of the Agreement between the Prescott Area Wildland Urban Interface Commission, Blue Hills/Foothills Firewise Board and the Town of Dewey-Humboldt

CM McBrady rejoined the Council on the dais.

Interim TM Hanks gave an overview of the PAWUIC agreement explaining it was an agreement, which allows the money for grants to be processed. He believes that it also expands the area to be abated.

VM Wendt noted that the grant would include undeveloped lots this year, as well. This is \$24K in grant money being awarded for nine acres in the Blue Hills (where it transitions to Newtown and up) and seven acres in the Foothills east (169 South to Foothills to Beverly Hills Drive).

CM Brooks inquired how a contractor would get their name on the official contractor list. There was further discussion regarding the contractor selection process.

VM Wendt made a motion for Council to accept the Memo of Understanding between PAWUIC, the Town of Dewey-Humboldt and our Firewise Board, seconded by CM Timmons.

Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – abstain, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

E. Discuss amending outside storage 153.086 (H) (13) (a) to (g) Steel Cargo Containers, discuss as a possible emergency measure, allow on 25,000 s/f lot (CAARF – CM Collins)

CM Collins gave an overview of her CAARF noting that she attended a Firewise meeting that was on evacuation and would like to come up with a way to speed this up. This would shorten evacuation time if families could store their valuables in storage containers. The code prevents containers on certain size lots. She would the government get out of the people's ways. She wants containers allowed on 35,000 square foot lots, as animals are allowed on those size lots.

There was further Council discussion on storage containers including fireproof standards as well as the setback requirements and the number of containers to be allowed per parcel.

CM Timmons made a motion to send this request to Planning & Zoning to possibly restructure the requirements including the amount of storage containers per the acre, the one per limit per residential parcel, the no residential container, well the 8 x 20 doesn't bother me, be restructured and brought back in front of the Council. CM Collins seconded the motion.

Public Comment

Leigh Cluff spoke of this being an excellent idea as they will last longer than some sheds made of other materials. She supports having more than one. She has seen two used to make a carport. She recalls in the past having to get a permit, not for setbacks, but to be sure she was not in a flood zone.

Carole Stensrud thanked CM Collins for coming to the workshop last month. She felt that if this were sent to P & Z, they may not have as much awareness. This code should be drafted by the attorney and the people here and send that to P & Z. She recommended Interim TM Hanks inviting Firewise to address the Planning and Commission.

CM Timmons amended her motion to include a taping of a portion of this meeting, as well as invite the Chairwoman of Firewise to speak at the P & Z meeting where it is brought up, seconded by CM Collins.

Mayor Nolan called for the vote on the amendment.

Public Comment

Jack Hamilton spoke of believing that the purpose of Firewise was to protect building to not burn down. When you evacuate, you don't go back in, which creates more of a problem. Changing this for the whole town could create a problem. They are unsightly and will affect your property value. This will divide the Town.

Leigh Cluff stated she has been here 34 years and does not recall a vote on storage containers. She clarified that the containers would be for the whole town as the whole town can burn. She spoke in appreciation of the Firewise committee.

Jack Hamilton pointed out that Ms. Cluff was allowed to speak twice.

Ron Miller spoke of establishing anything on property for storage would be a plus.

Mayor Nolan stated that there is an amendment on the floor: To include a taping of a portion of this meeting, as well as invite the Chairwoman of Firewise to speak at the P & Z meeting that it is brought up at made by CM Timmons and seconded by CM Collins.

Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – aye, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

Mayor Nolan called for the vote on the main motion. Town Clerk Gibson asked CM Timmons to restate her main motion. CM Timmons declined to provide the wording. Interim TM Ed Hanks said to send 153.086 to P & Z for review and restructure, prior to going to the attorney. Town Clerk Gibson asked if he had CM Timmons approval on the wording. CM Timmons withdrew her motion.

F. Discussion to delete the Study Session on the first Tuesday of the month and replace it with a regular action meeting (CAARF – Mayor Nolan)

There was Council discussion on the merits of having two Regular Council meetings instead of one regular and one study.

CM Timmons made a motion to have the Study Session the first Tuesday of the month, have a regular meeting the third Tuesday of the month, and have a regular meeting the 4th Tuesday of the month, seconded by Lynn Collins.

There was further Council discussion on the issue. Town Attorney Goodwin stated that some of her Councils have Study Sessions with public participation.

Public Comment

Leigh Cluff said that it was a good idea to retain the Study Session. If Council needs to vote, they can do it on the 2nd, 3rd, or 4th Tuesday. Try that for a while in order to build the trust. She feels there should be devoted time to study and discuss without making decisions.

Jack Hamilton stated that the Mayor has the right to call a Special Session. If a Council Member wants to just discuss something, you can note that on the CAARF. He explained that there are times that the CAARF process can cause things to take more time. Having two Regular Sessions would mean that you don't have to come back to Council again.

There was further Council discussion.

CM Brooks asked to table this, think about out, receive input from citizens and bring this back at a future meeting.

CM Brooks made a motion that this issue is brought back on the May 21, 2019, meeting for a vote or final opinions for it to be decided at that time, seconded by CM Hughes. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – aye, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

Mayor called the vote for CM's Timmons previous motion. CM Brooks – nay; CM Collins – nay; CM Hughes – nay; CM McBrady – nay; CM Timmons – nay, VM Wendt – nay; Mayor Nolan – nay. The motion failed.

G. Discuss bringing Mr. Stump (ADOT) in to discuss development at Hwy 69 & Hwy 169 (CAARF – Mayor Nolan)

CM Hughes made a motion to schedule Mr. Stump in, at his convenience, to have a discussion about 69 and 169, seconded by CM Brooks.

CM Timmons inquired if he wasn't just in a few months back on this issue. It was clarified that the previous meeting attendance was about the gas station.

Public Comment

Leigh Cluff recommended not having an ADOT representative come in to speak until there is a permanent manager.

Carole Stensrud said she was excited that the Mayor brought this CAARF. She was of the understanding that this was not in the ADOT budget at this time. She recommended citizen committees for anything related to ADOT and she would volunteer to be involved. Mayor Nolan said this could be asked of Mr. Stump.

Mayor Nolan called for the vote on the motion: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – nay, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

H. Council to decide between the two identified routes for emergency ingress/egress from the Upper Blue Hills (CAARF – Mayor Nolan & Vice Mayor Wendt)

Mayor Nolan described the two proposed routes. There was Council discussion regarding the routes.

Public Comment

Leigh Cluff asked VM Wendt to help her recall having the Fired Department and a couple other organizations and they all agreed on Bandit way, the green line. Why are we having this conversation again? She spoke of Town Staff having slowed the process that was started a year ago.

VM Wendt asked Mr. Hanks to go over the route on the map. Either route will be difficult but a decision has to be made and started. She referred to a former Town Staff member stopping the progress.

Public Comment

Will Orr agreed with the intent of Council to make a decision. If Council makes a decision, he will get with Mr. Hanks and drive the routes. Not a time for talk, pick one and go.

There was further Council discussion.

Jack Hamilton would like to have the attorney give an opinion regarding if you spend public money on the road, can you keep them off it? He said that there will be a problem with the merging of Henderson and Prescott Dells Ranch Road. He also described different fire scenarios. He spoke in favor of abatement for the perimeter of the whole town. Roads make good firebreaks and Shirley Lane would be a good firebreak. Firewise that area. He described his plan in further detail. He spoke of this being a lot cheaper than building a road.

There was further Council discussion.

Doug Treadway spoke of not kicking the can down the road. This will be expensive no matter what way you go. Select the route that will accommodate the most people and get the out expeditiously. Make a decision and move forward.

Carole Stensrud spoke of Darryl Willis speaking at Firewise on January 16, 2019, who has many credentials. He talked on firebreaks and when fires are moving fast and you don't have roads to get people out, the only thing you must do is to not send people down the way the fire is coming up. She is glad the Council is working on a way to get the people out.

Will Orr agrees with Ms. Stensrud and Mr. Hamilton had good comments. We are not in the business of fighting fires – we are trying to get people out before the fire fighting begins. Either road is going to cost money, neither road will cost lives.

Leigh Cluff said it is not only the community lives you are saving, you are saving fire fighters lives as well.

Tom Mallette drove the Prescott Dells Ranch Road three months ago it is feasible to build a road through there. It will serve the most people; the southern route won't serve as many people.

Mike Donovan asked if anyone noticed that all the exit routes are going east. Why are you not going toward Prescott Valley instead of everything going to 69? He spoke of assumptions that the fire will come from the west and his research shows winds come from every direction. He spoke further on the proposed routes. He noted that when the roads go in, it will affect property value and inquired if this would affect anyone on the Council. Mayor Nolan noted that he has five acres on Iron King Road, which is in the Superfund designated area.

Jay Vaughan (sp) said that it seems as though the arguments presented for the Prescott Dells exit is the one that makes immediate short-term sense for approval.

There was further Council discussion regarding the proposed routes.

VM Wendt made a motion to approve the route for Bandit Way across to Prescott Dells as an emergency ingress/egress and to be able to proceed contacting homeowners for easements, surveys, and so on. Town Attorney Goodwin asked if any Council member owns property on the proposed route. Mayor Nolan stated that he owns property on Prescott Dells Ranch Road. Attorney Goodwin said that if he is one of ten or more property owners it would be a remote interest and not a conflict of interest.

Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Timmons – aye, VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

I. Consideration of additional Special Session(s) Whether to hold and, if so, set the date

No further meetings were scheduled.

12. Adjourn The meeting was adjourned at 9:05 p.m.