

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

**Tuesday, July 2, 2013, 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 6:32PM.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright, Vice Mayor Dennis Repan, 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.

Mayor Terry Nolan spoke on a memorial for the 19 firefighters killed and the paving work starting next week on Highway 169 from I-17 toward Highway 69.
5. **Town Manager's Report.** None.
6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the June 11, 2013 Work Session and June 18, 2013 Regular Meeting.

Councilmember Alen made a motion to approve the June 11, 2013 Work Session and June 18, 2013 Regular Meeting Minutes as presented, seconded by Vice Mayor Repan. The motion passed unanimously.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on a 1903 survey map he brought to the meeting; a gap on the survey showing an offset deviating 13 degrees east. He claimed the surveys were done as a fraud to sell a property multiple times; no accurate description of the Town requested and affected many functions of this Town.
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. **Town Council review and endorsement of “Newtown Ave.” Trailhead Development Proposal.** Discussion and possible action on the proposal.

Town Manager Yvonne Kimball gave an overview to date on this project. Proposal put together by OSAT Chair Sandra Goodwin and Town Manager Kimball, with Chair Goodwin doing most of the work. OSAT will gather signatures from citizens declaring their support of this project. Councilmember Hamilton spoke in favor of the IGA, not purchasing land. Town should consider the traffic plan, put a base on the road as it becomes muddy. Chair Goodwin spoke to Council on this item, OSAT was told the hot shots would clear the trail but they will not be able to do this; possibly ask the community to help clear the trail.

Jerry Brady spoke on Forest Supervisor requesting community assistance for a trail survey; both trails are primitive walking trails primarily; he spoke on Green Gulch being a historically and archaeologically significant area.

Councilmember Hamilton made a motion to direct staff to proceed with the IGA agreement. Councilmember Wright amended the motion to change the wording of the letter, "The Council of the Town of Dewey-Humboldt believes this proposal represents the best interests of the Town...". Motion-maker accepted the amendment. The motion passed unanimously.

Denise Rogers spoke on modifying the agreement to properly state "Avenue", not "Road".

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

**9.1. Illegal Lot Divisions issue and suggested solutions.** Discussion and possible action on Planning and Zoning Commission recommendation.

Town Manager Kimball gave a brief overview. Community Development Coordinator, Warren Colvin, spoke on this issue and what Planning & Zoning recommends to Council. He reviewed problems caused by Illegal Lot Divisions, how they are brought into compliance and reviewed the materials in the packet. He noted that they are not changing code to give concessions to someone dividing illegally so people do it in the correct manner, penalty provisions are already in place. He spoke about Commissioner DeWitt meeting with Steve Mauk who met with the County Recorder to discuss how to handle this and a sign has been installed in the Recorder's office which appears to be helping; the June newsletter article explained the procedure; education is helpful in resolving this issue. He stated he recommends no code text change.

Councilmember Wright spoke on different types of illegal lot splits, asked about how to deal with the issue if the splits were done too small. Mr. Colvin stated that a buyer has legal rights as it is illegal to split land without Town's approval and illegal for the realtor to sell it; can review parcel division history.

Councilmember Hamilton asked about whether realtors in the area are aware of the legal responsibility. Mr. Colvin spoke on a current situation and tricks of the trade.

Councilmember McBrady spoke on creating hardships for property owners and about a process in a hardship case to resolve the issue; having a way to rectify the small number of properties. Mr. Colvin spoke on how he handled two recent issues, which is the way most jurisdictions handle it, there is legal recourse available to the buyer.

Councilmember Hamilton spoke in favor of following set procedure.

Councilmember Wright spoke about a list of illegally split properties that were grandfathered from that point forward.

Mr. Colvin stated most of the illegal splits appear to be the right size, just done without going through the proper process.

Jerry Brady spoke on addressing and different access to properties being a problem for CYFD; agencies going to GIS, MIS, GPS to identify properties, Town may find it helpful to do the same.

Vice Mayor Repan made a motion to accept the recommendation of the Planning & Zoning Commission, seconded by Councilmember Alen.

Len Marinaccio thanked Commissioner DeWitt for the sign at the Recorder's Office and spoke on land-locked parcels having an implied easement over the shortest distance from a legal roadway

through part of the property that was split; since Dewey-Humboldt does not enforce easements, best to have an irrevocable easement.

The motion to accept the recommendation of the Planning & Zoning Commission passed 6-1 (McBrady voting against).

**9.2. Council Review and Modification of Planning & Zoning Commission Priority Work List assigned in 2012.** Discussion on the Planning and Zoning Commission's 2012 priority list and possible action to modify the list.

Community Development Coordinator Colvin gave an overview. He recommended that the newly-elected Council revisit the Planning & Zoning priority list to determine if it is still Council's priority list. Illegal Lot Divisions was presented to Council tonight. Accessory Dwelling Unit is nearing completion at P&Z. Mr. Colvin stated item 3 on the list (Historical Buildings) is a complex issue and requires Council direction, it is premature at this point. Item 4 (Outside Storage) was given with "less-restrictive" direction. It is currently well-written and easy to enforce. Item 5 (Parking on Main Street) is also premature, consider doing it with historic buildings. Item 6 (Commercial Buildings), not sure what Council wanted to address on this other than waiving Commercial Design Review. Item 7 (Home Based Business), the code is well-written now. Item 8 (Transient Merchants), would need to find a way to track this and deal with this through a business license and a transient merchant license.

Councilmember McBrady spoke in favor of Mr. Colvin's recommendation, stated concern with Home Based Businesses.

Councilmember Alen spoke on the mindset of Council was different then from now and suggested taking these recommendations to a Work Session to reassess priorities.

Councilmember Alen made a motion to take the Planning & Zoning Priority List to a future work session, seconded by Vice Mayor Repan. The motion passed unanimously.

Mr. Colvin recommended including a few additional items on the priority list. Item 10 – Street Design and Subdivision Standards; Item 11 Text Inconsistencies in Chapter 153 Zoning Regulations; Item 12 Groundwater Supply Issues.

Vice Mayor Repan seconded the motion to take the P&Z Priority List to a future work session.

Councilmember Hamilton spoke on the need for definitions and not getting too simplified; commended Planning & Zoning on their productive work; spoke on reviving the GRAC committee if interested in groundwater supply issues.

Len Marinaccio spoke in favor of sending groundwater issues to GRAC; P&Z's job is to analyze these issues and Council's job is policy-making; consider the country town model when reviewing this list; concerns with items that were excluded from the Omnibus Ordinance.

Jerry Brady spoke on the legal enactment of the codes and Town's authority to enforce; storage of motor vehicles on private property pre-empted by State of Arizona law; water resource requirements and 100 year certificate necessary in some cases before issuing a permit.

Councilmember Hamilton asked Staff to research Mr. Marinaccio's questions. Mayor Nolan asked Mr. Marinaccio to write down his questions and send them to the Town Manager.

Councilmember Wright spoke on the history of the priority list; six items were postponed to bring back in a year and a half (Accessory Dwellings, Commercial Kennels, Home Occupation, Outside Storage, Secondary Medical Dwellings and limit on Guest House); the Commercial Buildings item

related to ARS which allows for minor modifications under \$1,000 not required to have a licensed contractor do the work.

The motion to take the P&Z Priority List to a future work session passed unanimously.

**9.3. To appoint a Council Member to serve on the Board of Directors of the Greater Prescott Regional Economic Council (GPREP).** [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview of his request. Councilmember Wright stated she was not aware Council approved joining this during the budget process. Mayor Nolan stated no bills have been submitted but it would give the Town a seat at the table. He reviewed the other agencies who have signed on. Councilmember Alen spoke on the job of the Board of Directors is to look at the budget and bylaws once that board has been put together, it is favorable for Dewey-Humboldt if at the table. Councilmember Hamilton requested that before joining the Board, he wants a cost-benefit ratio.

Jerry Brady spoke on high poverty rates in Dewey-Humboldt and Yavapai County; the Town did not participate in the 5-year Economic Development Plan for this area and is missing out on benefits.

Mayor Nolan made a motion for the Council to appoint the Mayor to serve on the board until the time they get a bill.

Vice Mayor Reapan spoke on hesitancy on this item since Council has not decided to join this group.

The motion for the Council to appoint the Mayor to serve on the board until the time they get a bill was seconded by Councilmember McBrady. The motion passed 6-1 (Wright voting against).

**9.4. What to do about Old Black Canyon Highway.** [CAARF requested by CM Hamilton]

Councilmember Hamilton gave an overview. Old Black Canyon Highway was a territorial, state and county road; Councilmember Hamilton thinks he has an easement on this. He spoke on a slight conflict of interest as he is not sure if it describes his land. He suggested having staff follow up on this information by checking with ADOT on project S38 for any further information and check on Green Gulch Bridge. If ADOT does not have anything then copy the other five documents from Yavapai County and plot on a map to see what road area is covered. Town should proceed as if Town owns the road, currently doing this by filling pot-holes. He suggested moving it up on the list for repair and maintenance.

Councilmember Wright spoke on finding out who owns the road and assert eminent domain.

Councilmember Alen spoke on Council needing to address this item and would like to see it in a Study Session with cost factors; not in favor of eminent domain; requested the history of this project.

Councilmember Hamilton made a motion to direct staff to do some research on the documents for project S38 that he has provided and bring it back to council when determination is made, seconded by Councilmember Wright.

Councilmember McBrady spoke on finding out cost to determine who owns the road; surprised Staff repaired the road.

Town Manager Kimball spoke on Council being informed of the practice on Old Black Canyon Highway to fill pot-holes when there was a safety concern, the procedure for Staff to do a project that is not on Town-owned property; conflicting information received and the Town has

spent quite a bit of money on this complex issue already; a detailed survey (estimated \$60,000) would be necessary to determine where the road easement is versus where the road currently is.

There was further discussion on property owners having to prove they own it; complexity of the road history; budget for this item; safety and liability concerns of filling potholes until ownership determined; forming a road committee; repercussions of abandonment; procedure for property owners to have the Town take over a road.

Jerry Brady spoke on Highway 69 being a pre-existing legal non-conforming use; survey system has not been rectified; incorporate this issue into the emergency responder drill that is being planned; he spoke on Prescott Valley backing off on annexing due to Old Black Canyon Highway and the requirement of bringing the road up to current standards all the way to Cordes.

The motion to direct staff to do some research on the documents for project S38 that Councilmember Hamilton has provided and bring it back to council when determination is made passed 4-3 (Alen, Repan, Nolan voting against).

**9.5. Appoint a new Vice-Mayor per Town Code.** [CAARF requested by CM Wright]

Councilmember Wright spoke on this item should automatically go on the agenda after the election to appoint a new Vice Mayor. Town Manager Kimball stated this item was discussed with the Town Clerk around election time noting the Vice Mayor is to be appointed for one year, explaining that Vice Mayor Repan was appointed in November. Town Clerk Judy Morgan explained John Dibble was appointed in June and upon resignation Vice Mayor Repan was appointed in November. There was discussion about who was next in line for Vice Mayor and the time period.

Councilmember Wright made a motion to keep Dennis Repan as Vice Mayor through the end of December, to match up with the new election cycle, seconded by Councilmember Williams-Rowe. The motion passed unanimously.

**10. Public Hearing Agenda.** None.

**11. Comments from the Public.**

Jerry Brady suggested that the Council direct the Town Attorney to interview Mr. Bass about an emergency first response; water supply standby transported over Town roads, routed on Old Black Canyon Highway from Prescott Country Club to Blue Hills; dispatcher unaware it was not a maintained road, it showed as an emergency route; file report regarding change in status of Town roads with State Land Commission.

**12. Adjourn.** The meeting was adjourned at 8:48PM.