

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

Tuesday, July 16, 2013, 6:30 P.M.

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

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Opening Ceremonies.

2.1. Pledge of Allegiance.

2.2. Invocation.

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.

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.

4.1. Supervisor, Tom Thurman, Meet and Greet/Introduction to Council.

5. Town Manager's Report. Update on Current Events.

6. Consent Agenda.

6.1. Minutes. Minutes from the July 2, 2013 Regular Council Meeting.

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

- 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. Old Black Canyon Highway follow-up from July 2nd meeting and next steps.** Discussion and possible next steps.
- 9. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.
- 9.1. Discussion on what criteria will be used and how the Council will conduct its performance review for the Town Manager (TM).** Council Action on evaluation form and timeframe to conduct the review. [CAARF requested by CM Wright]
- 9.2. Modification of town code 30.031C through council action, resolution and ordinance.** [CAARF requested by VM Repan]
- 9.3. Modification of town code 30.105D through council action, resolution and ordinance.** [CAARF requested by VM Repan]
- 9.4. Inter-Governmental Agreement with Yavapai County regarding Flood Control Funding.** Acceptance or rejection of the IGA.
- 9.5. Rescheduling July 9th, 2013 Council Work Session which was canceled because of no quorum.**
- 10. Public Hearing Agenda.**
- 10.1. Use Permit for Off-Premise Sign.** Discussion and possible action of Use Permit 2013-3 (an off-premise sign application to be located at parcel 402-10-073).

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. Comments from the Public. 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. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

12. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, August 6, 2013, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, August 8, 2013, at 6:00 p.m.

Next Town Council Work Session: Tuesday, August 13, 2013, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2013, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt. By: _____, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JULY 2, 2013, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JULY 2, 2013, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

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 Repan 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.

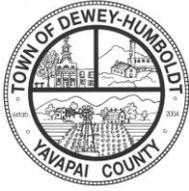
12. Adjourn. The meeting was adjourned at 8:48PM.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

TOWN COUNCIL REGULAR MEETING

July 16, 2013 at 6:30 PM Town Council Meeting Chambers

Agenda Item #8.1 Old Black Canyon Hwy follow-up from July 2nd meeting and next steps

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: July 11, 2013

Recommended action: Rescind July 2nd Council decision on OBC Hwy (item 9.4 What to do about Old Black Canyon Highway. CAARF by CM Hamilton)

Summary:

At the July 2nd Council meeting, at CM Hamilton's request, the Council discussed the Old Black Canyon Highway issue specifically by reviewing CM Hamilton's research on OBC Hwy. The motion was made to "direct staff to do some research on the documents for Project-S38 that CM Hamilton has provided and bring it back to council when determination is made, seconded by Councilmember Wright." (Passed 4-3 with Alen, Repan, Nolan voting against.)

Following the meeting, CM Hamilton advised that there would be no need for staff research on the above mentioned document as he had determined that the document was not pertinent to Old Black Canyon Hwy. CM Hamilton and I also had some further discussion on OBC Hwy ownership issues. Additionally, following the meeting, I was able to have some follow-up discussions with staff and some citizens.

Staff recommends the Council rescind your July 2nd motion with a motion. I also wish to review my latest discussions following July 2nd meeting. It is my understanding that CM Hamilton may have additional information to discuss with the Council at this meeting (July 16th).

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 • Fax 928-632-7365

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: July 8, 2013

Date of Request: June 18, 2012

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

Discussion on what criteria will be used and how the Council will conduct its performance review for the Town Manager (TM).

** Council Action on Evaluation form and time frame to conduct the review.*

Purpose and Background Information (Detail of requested action). It is normal practice to have a performance review for the TM prior to the anniversary date.

Council needs to decide when, how and where the review will take place. It will be up to the TM to decide if she wishes this in open or executive session.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: TM's Contract and Town Code and IMCA Review Form

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: CM Wright

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

S:\FORMS\Council Action Request Form Template.docx

30.030 TOWN MANAGER.

The town hereby identifies the following as the authority and duties of the Town Manager:

(A) *Office created.* The Office of the Town Manager is created and established by this section. The Town Manager shall be appointed by the Council on the basis of his or her administrative and executive ability and qualifications.

(B) *Reserved.*

(C) *Bond.* The Town Manager shall furnish a corporate surety bond to be approved by the Council in a sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Town Manager as herein prescribed. The cost of the bond will be paid by the town.

(D) *Compensation package.*

(1) The Manager shall receive compensation as determined by the Town Council. The Council shall from time to time examine at the salary range to determine if an adjustment should be made.

(2) Health and retirement benefits are the same as for all salaried town employees.

(3) The Town Manager shall be reimbursed for all sums necessarily incurred or spent in the performance of duties, or incurred when traveling on business pertaining to the town under direction of the Council. Reimbursement will be made in accordance with Administrative Rule 10-04.

(E) *Removal from office.* The Town Manager may be removed, with or without cause by the Town Council, by simple majority vote of its members.

(F) *Absence; duties during vacancy.* The Town Clerk will perform the duties of Town Manager during the temporary absence or disability of the permanent Town Manager unless otherwise specified by the Town Manager. In the event the office of Town Manager is vacant and no interim Town Manager has been appointed by the Council, the Clerk shall carry out certain administrative duties of the Town Manager as directed by Council until a Manager or Interim Manager has been appointed.

(G) *Authority and responsibilities.* The Town Manager shall be responsible to the Council for the proper administration of all affairs of the town under the specific direction and control of the Council. The responsibilities are set forth as follows:

(1) Coordinate and execute on behalf of the Town Council general administration and supervision of town employees, and implement the policies set by Council by motions, ordinances, resolutions and codes of the town;

(2) Analyze and supervise the functions, duties and activities of the various departments and services of the town and of all employees thereof, and make such recommendations to the Town Council with reference thereto as in his or her judgment will result in improved efficiency in the overall operation of the town;

(3) Attend all meetings of the Council unless excused by the Mayor individually or the Council. He or she shall present options and recommendations relative to each item on the agenda for approval, rejection or modification by the Council. Also be prepared to report on or discuss any matter concerning the affairs of the departments, services, or activities under his or her supervision upon which the Council shall be informed;

(4) Keep the Town Council, committees, commissions and boards fully advised about relevant information including, but not limited to legal actions involving the town, upcoming discussions and events that pertain to their respective functions. Any information received should be transmitted, as it comes in, so that the committees, commissions and boards will have plenty of lead time to investigate and advise the Council;

(5) Recommend to the Council for their consideration resolutions, ordinances or other measures as needed or appropriate. The Manager is bound by whatever action the Council takes;

(6) Appoint, promote, demote, suspend, and remove employees of the town with the ratification of the Town Council. Town Manager may recommend to the Council appointment and removal of the Attorney and Magistrate;

(7) Keep the Council at all times fully advised as to the financial conditions and needs of the town and to provide whatever reports to the Council as it may deem necessary. It shall further be his or her duty to see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution, the State Budget Law, A.R.S. §§ 42-17101 *et seq.* and the *Principles of Sound Financial Management*, Resolution 08-58;

(8) Supervise the expenditures of all departments or services of the town and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and materials which may be required for any of the departments or services within the existing budget;

(9) Receive from each department of the town, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and operating costs; to tabulate the same into a preliminary consolidated town budget and submit the same to the Town Council annually on the date specified by them, with his or her recommendations for all expenses and revenues;

(10) Either the Town Manager or the Town Clerk shall recommend the issuance of all warrants or checks drawn on the bank account or accounts of the town to be signed by two Council Members;

(11) Follow through and endeavor to resolve all complaints filed against any employee, department or service within two weeks. All such complaints and resolutions shall be forwarded to the Town Council as they are received;

(12) Keep the Town Council informed of all opportunities available from or sought by organizations or individuals whose aim and purpose it is to advance the interests of the town and its residents;

(13) Make and keep an up-to-date inventory of all property owned by the town and exercise general supervision over all property that is under the town's control and jurisdiction of the Council. Recommend to the Town Council the purchase of machinery, and equipment as deemed needed;

(14) See that all franchises, permits and privileges granted by the town are faithfully observed;

(15) Performs such other duties as may be directed by the Town Council.

(H) *Limitations upon responsibility.* The Town Manager, other than making recommendations, shall not exercise any policy-making or legislative functions whatsoever, nor attempt to commit or bind the Town Council or any member thereof to any action, plan or program requiring official action of the Town Council. This section does not grant any authority to the Town Manager that is vested in or imposed by general law or town ordinances in any town committee, commission, board, officer or employee.

(I) *Conduct.* The Town Manager shall endeavor at all times to exercise tact, patience, impartiality and courtesy in his or her contacts with the public, the Town Council, all town boards, committees, commissions, departments and employees.

(J) *Resignation of Manager.* The Manager shall provide the Council with 30 days' written notice of intention to resign his or her position. The Manager shall assist the Council on their recruitment and selection of a replacement if requested by the Council. In the event of resignation due to health reasons or other reasons which a majority vote of the Council deems an emergency, the period of written notice shall be determined in conference between the Manager and the Town Council. During the time that the town has no interim or permanent Manager, the Town Council may act in a limited capacity until a permanent Manager is hired and on board at Town Hall. The duties of the Council will be:

(1) To receive information sent via e-mail or snail mail to the Manager so that no information slips through the cracks;

(2) Answer any questions that come in via phone or in person from citizens or others that would normally be handled by the Town Manager; and

(3) To relay any information without opinions to the whole Council.

(Ord. 08-36, passed 1-15-2008; Am. Ord. 10-76, passed 11-30-2010; Am. Ord. 11-82, passed 3-22-2011; Am. Ord. 11-84, passed 4-5-2011)

30.017 COMPENSATION, BOND AND FINANCIAL DISCLOSURE STATEMENT

(B) *Bond.* Prior to taking office, the town will provide for each Councilmember an official bond enforceable against the principal and his or her sureties. The bond shall be payable to the state, and to and for the use and benefit of the town or any person who may be injured or aggrieved by acts of the officer in his or her official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in a sum as shall be determined by the Town Manager and the premium for the bonds shall be paid by the town.

30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.

(C) The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council.

30.032 TOWN MAGISTRATE

(E) *Duties of Town Council and Town Manager.* The compensation (in an amount to be determined by Council) and the town pro rata portion of the annual "Judicial" membership fee of the State Bar, if any, shall be borne by the town. All training required by the AOC for service to the town (pro rata) shall be paid for by the town. The Town Council shall provide for the financial, physical, personnel and consulting requirements of the Town Court. The Town Council may adopt those additional orders and resolutions which are deemed necessary for the consistent implementation of this section. The duties and responsibilities of the Town Manager in respect to the Town Court shall include but are not limited to:

(1) Establishing such rules, regulations, policies and directives which are not inconsistent with the constitution, state law, town charter, town ordinances or administrative orders of the Supreme Court or lawfully delegated authority; as may be deemed reasonably necessary to the effective operation of the court as a part of the town government and to ensure that the personnel, budgeting and expenditure rules, regulations and requirements are followed by the town court.

(2) Providing for a system for the collection and safeguarding of all fines, sanctions, restitution and bond payments, which may come into the possession of the town court, and for transferring such public monies to the Town Treasurer.

30.105 COUNCIL AGENDA

(A) The Manager and Clerk are responsible for receiving and organizing all materials for the agenda, in collaboration with the Mayor and Vice-Mayor. The Manager will then prepare a memorandum for distribution to the Council containing all agenda items currently scheduled. The Mayor or Vice Mayor should be contacted if an individual Councilmember wishes to modify that schedule.

City Manager Performance Evaluation

City of _____

Evaluation period: _____ to _____

Governing Body Member's Name

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
- _____ Exercises good judgment
- _____ Displays enthusiasm, cooperation, and will to adapt
- _____ Mental and physical stamina appropriate for the position
- _____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

Page 2 of 7 Initials _____

2. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by governing body members and/or staff
- Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- Carries out directives of the body as a whole as opposed to those of any one member or minority group
- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- Disseminates complete and accurate information equally to all members in a timely manner
- Assists by facilitating decision making without usurping authority
- Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

4. POLICY EXECUTION

- Implements governing body actions in accordance with the intent of council
- Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- Understands, supports, and enforces local government's laws, policies, and ordinances
- Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

Page 3 of 7 Initials _____

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the city
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long term trends
- _____ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? _____

What performance area(s) would you identify as most critical for improvement? _____

Page 6 of 7 Initials _____

EMPLOYMENT AGREEMENT

This EMPLOYMENT AGREEMENT ("Agreement") is entered into this ___ day of ~~October~~, 2011 between the Town of Dewey Humboldt ("Town") and Yvonne Kimball ("Kimball") under the following terms, conditions and obligations.

In consideration of the mutual covenants contained herein, the Parties agree as follows:

1. EMPLOYMENT AND DUTIES

1.1 Town employs Kimball and Kimball accepts said employment subject to the terms and conditions of this Agreement, Section 30.030 of the Dewey – Humboldt Town Code ("Town Code"), and to the supervision and direction of the Common Council of Town ("Town Council"). Kimball shall carry out the duties set forth in Section 30.030 of the Town Code, comply with applicable laws of the State of Arizona and perform such other legally permissible administrative and executive duties as required by her position or assigned to her by Town Council.

1.2 Kimball will devote her working day to the business of Town, it being recognized and agreed that the position of Town Manager is full-time and that she will hold no other positions for monetary gains without approval of the Town Council.

1.3 Kimball shall be an exempt employee under the Fair Labor Standards Act and is therefore not eligible for overtime.

2. TERM

2.1 This Agreement commences on January 3, 2012. Kimball, as Town Manager serves at the pleasure of the Town Council and nothing herein shall be taken to prevent, limit or otherwise interfere with the right of the Town Council to terminate the services of Kimball as Town Manager, with or without cause pursuant to section 4 and 5 of this agreement.

2.2 In the event Kimball voluntarily resigns as Town Manager, Kimball shall give the Town Council sixty (60) days' advance notice unless the Parties agree otherwise.

3. COMPENSATION AND BENEFITS

3.1 Town shall pay Kimball an annual salary of Seventy Thousand dollars (\$70,000.00). Payment shall be in equal biweekly installments by direct deposit. At the discretion of the Town Council, the annual base salary may be reviewed either as part of the budget process or by other action of the Town Council. As a result of the review, the decision to increase or not increase the compensation of Kimball is solely within the discretion of the Town Council.

3.2 In addition to the salary and benefits described in Paragraph 3.1 of this Agreement, Kimball will receive the following benefits:

A. Town-provided benefits provided to exempt employees, which currently includes the following:

ICMA-RC 401 (a) retirement account: The Town provides a 2-to-1 match of up to 12% for an employee contribution of 6% (for a total of 18%). The Town does not participate in Social Security or the Arizona State Retirement System. An employee-funded ICMA-RC 457 plan is also available.

After 30 days from commencement of work as set forth in Paragraph 2.1, health (2 plans: one high deductible plan a Health Savings Account), dental, life (\$20,000 from Town, employee paid up to \$300,000), and vision insurance paid by the Town for the employee only (dependent coverage available at employee's expense), supplemented with a Health Savings Account contribution by the Town of \$100 per month (if using the HSA-qualified plan).

Sick leave accruing at the rate of 2.7692 hours each pay period (9 days per year), available after 30 days from commencement of work as set forth in Paragraph 2.1.

Vacation leave accruing at a rate of 4.6154 hours each pay period (15 days per year), available after 30 days from commencement of work as set forth in Paragraph 2.1.

One personal day and 10 holidays.

Off-site training (conferences, etc), on-line training, professional membership dues, civic club dues and associated travel, not to exceed \$2100 per fiscal year.

Hours of Work: Kimball will devote her working day to the business of the Town, it being recognized and agreed that the position of town manager is full-time and that she will hold no other positions for monetary gains without approval of the Town Council. Notwithstanding the full-time nature of Kimball's duties, she shall conduct her work hours as an executive employee, thereby giving to Kimball the discretion as to her actual time and place of work which may include occasional working after regular work hours and on holidays. Such executive obligation will include the privilege that Kimball also has the discretion to absent herself from Town offices for personal reasons, provided that the operations of the Town will not suffer and that she can be reached on short notice.

The Town Council reserves the right to modify the benefits currently provided to its exempt employees.

B. A vehicle allowance in the amount of \$3600 per fiscal year.

C. A telephone allowance in the amount of \$80.00 per month.

3.3 For transition assistance, Town agrees to reimburse Kimball for qualified moving expenses, not to exceed \$5000.00 upon presentation of itemized receipts.

4. **TERMINATION.** For the purpose of this agreement, termination shall occur when:

4.1 The Town Council votes to terminate Kimball as the Town Manager at a duly authorized public meeting by an affirmative vote of the Town Council with all seven (7) members present.

4.2 If the Town reduces the base salary, compensation or any other financial benefit of Kimball, unless it is applied in no greater percentage than the average reduction of all other employees, such action shall constitute a breach of this Agreement and will be regarded as a termination without cause for severance purpose.

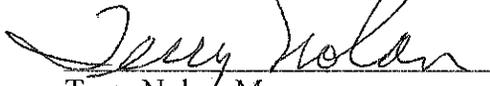
4.3 If the Town Council or citizens act to amend any provisions of the Town Code or Ordinances pertaining to the role, powers, duties, authority, responsibilities of Kimball's position (Town Manager) that substantially changes the form of government, Kimball shall have the right to declare that such amendments constitute termination without cause for severance purpose.

5. **SEVERANCE.** In the event that Kimball is terminated as defined in section 4 TERMINATION or is forced to resign by the Town Council during the time that Kimball is willing and able to perform the duties of Town Manager, then the Town Council agrees to pay Kimball a lump sum cash payment in full settlement of any causes of action, claims, damages, attorney's fees and costs arising out of the termination in the amount of three (3) months annual total base compensation. Prior to receipt of severance pay, Kimball shall execute a waiver and release of claims in a form satisfactory to the Town Attorney. If Kimball is terminated with cause, Town shall have no obligation to pay severance damages. "Cause" includes the following (i) failure to abide by applicable provisions of Town Code 30.030 Town Manager (ii) breach of this Agreement by Kimball, (iii) refusal to carry out a lawful direction of the Town Council made by the affirmative vote of the Town Council at a public meeting, (iv) conviction of a criminal offense, or (v) continuing to act in a manner that causes discredit to the Town after receiving notice from the Council that Kimball's actions cause discredit to the Town.

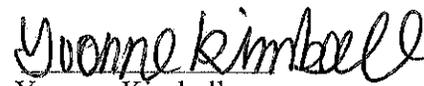
6. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement between the parties and shall be governed by and construed in accordance with the laws of the State of Arizona.

7. CONFLICT OF INTEREST. This Agreement may be terminated pursuant to ARS Section 38-511.

TOWN OF DEWEY-HUMBOLDT


Terry Nolan, Mayor

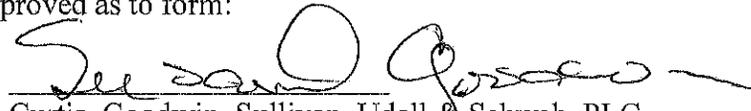
TOWN MANAGER


Yvonne Kimball
10-21-2011

ATTEST:


Judy Morgan, Town Clerk

Approved as to form:


Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Susan D. Goodwin

30.031C Am. Ord. 09-56, passed 9-8-2009

The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council.

To be amended to read:

The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council. These agenda setting meetings will be held no less than one week prior to the next Council meeting. Unless precluded under the terms of 30.031E3, all agenda requests will be submitted and due at that time. Agenda items submitted after the agenda setting meeting will be scheduled for review and setting, at the next agenda setting meeting.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 • Fax 928-632-7365

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 7/16/13

Date of Request: 6/27/13

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

Modification of town code 30.105D through council action, resolution

and ordinance

Purpose and Background Information (Detail of requested action). _____

TO READ: SEE ATTACHED SHEET

Staff Recommendation(s): _____

Budgeted Amount: N/A

List All Attachments: 30.105D

Type of Presentation: Verbal

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: VM Repan

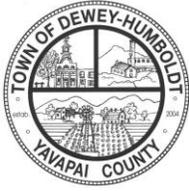
Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

30.105 D Am. Ord. 11-89, passed 10-18-2011

(D) In order to accurately describe what agenda action is proposed, the “Council Agenda Action Form” should be used and submitted at least six days prior to the next regularly scheduled Council meeting.

30.105D To be amended to read: In order to accurately describe what agenda action is proposed, the “Council Agenda Action Form” should be used and submitted in a timeframe no less than the agenda setting meeting prior to the next requested, scheduled Council meeting.

The Mayor, or Council designee, coordinates with the Town Manager in the development of agendas for meetings of the Town Council. These agenda setting meetings will be held no less than one week prior to the next Council meeting. Unless precluded under the terms of 30.031E3, all agenda requests will be submitted and due at that time. Agenda items submitted after the agenda setting meeting will be scheduled for review and setting, at the next agenda setting meeting.



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TOWN COUNCIL REGULAR MEETING

July 16, 2013 at 6:30 PM Town Council Meeting Chambers

Agenda Item #9.4 IGA with Yavapai County Flood Control

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: July 11, 2013

Recommended action: Accept the IGA

Summary:

Attached is the IGA with Yavapai County's Flood Control Office for up to \$75,000 on drainage related projects for the Town of Dewey-Humboldt.

The IGA has been reviewed by the Town Attorney. It is to be reviewed by Yavapai Board of Supervisors on Monday, July 15.

With this IGA, the town staff recommends utilizing the funding for the engineering design for constructing headwall/spillways for two large drainage culverts located off Foothills Dr. and some low water crossings throughout the Town. Staff's recommendation on those projects is based on the need.

The condition of the "culverts (without headwalls/spillways) is not safe and severe road bank erosion has occurred. It is critical to repair the two "culverts" as soon as possible. In FY13-14, we are hoping for design and in FY14-15, we are hoping for more funding from the Flood Control Office to complete the construction. At this juncture, staff is anticipating the headwall/spill wall project in the total of \$125,000 for design and construction.

For the low water crossings, the Public Works Dept. has identified some that were constructed incorrectly and therefore cause water pooling. There are also locations where new water crossings may be needed. The repair and construct of the new crossings would improve drainage flow throughout the town.

The last time the Town received this funding was in 2009/10 (it is my understanding that the fund was utilized to construct new water crossings). Once again, staff recommends the Council's acceptance of the IGA. Once the IGA is executed, staff will proceed with necessary steps for engineering design of the headwall/spill way projects and plan for low water crossing work, if possible.

When recorded in the Office of the
Yavapai County Recorder, return to:

Yavapai County Flood Control District
1120 Commerce Drive.
Prescott, AZ 86303

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this 15th day of July 2013, by and between the YAVAPAI COUNTY FLOOD CONTROL DISTRICT, a special district legally created in the State of Arizona (hereinafter called "District") and the Town of Dewey-Humboldt, a municipal corporation of the State of Arizona, (hereinafter called "Town") for a period commencing, July 15, 2013, and extending through completion of the named project.

This agreement provides for financial contribution from the District to the Town in support of the Eastern Area Drainage Improvement Project. This agreement is funded in an amount not to exceed \$75,000 for Fiscal Year 2013/2014. Funding contributions for the project in future fiscal years will be dependant on project progress and funding availability. Funding for future Fiscal Years must be requested in writing and will be at the discretion of the Board of Directors of the Yavapai County Flood Control District. All design, engineering, bidding, contracts, inspection and project management shall be the sole responsibility of the Town. The District's involvement in the project is limited to financial contribution as approved by the Board of Directors.

WITNESSETH:

WHEREAS, the District and the Town have the authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes, Section 11-952, Section 48-3603(9) and Section 9-240(5); and,

WHEREAS, the Town lies within the legal boundaries of the District (Yavapai County); and,

WHEREAS, property owners within the corporate limits of the Town pay ad valorem taxes to support the District; and,

WHEREAS, the Town has experienced storm water control and flooding problems for a number of years in various locations; and,

WHEREAS, the District is authorized to expend funds for flood control projects (including storm water control) and has approved and budgeted amounts necessary to provide funding assistance for flood mitigation work.

NOW, THEREFORE, IT IS AGREED as follows:

PURPOSE

1. The purpose of this Agreement is to authorize the Flood Control District to pay and

contribute to the Town funds in support of the Town's Eastern Area Drainage Improvement Project. Funding for Fiscal Year 2013-2014 shall not exceed Seventy Five Thousand Dollars (\$75,000.00). Funding contributions for the project in future fiscal years will be dependant on project progress and funding availability and will be at the discretion of the Board of Directors of the Yavapai County Flood Control District. The District shall make said contributions to the Town in partial payments based upon periodic invoices from the Town. Invoices shall be provided to the District for review prior to reimbursement. The District agrees to pay said invoices monthly or upon an alternate schedule as agreed to between the Town and District.

2. The Town shall use said District funds exclusively for reimbursement of approved costs associated with the projects described above.
3. The Town shall be responsible for the administration, right-of-way acquisition, design, construction, inspection and materials necessary to complete the project.

DURATION

The term of this Agreement is for the entire period of construction of the Eastern Area Drainage Improvement Project. ~~This Agreement is subject to cancellation pursuant to ARS §38-511.~~

TERMINATION

Either party may terminate this Agreement upon ninety (90) days' written notice to the other Party. If terminated by District and if the Project is active and completion is dependent upon funding as provided by this Agreement, District shall pay all invoices for expenses already committed by Town.

RENEWAL

The Parties may, upon mutual written consent, extend this agreement as necessary to carry out its purposes. Upon a written request from the Town, the Board of Directors of the District may provide additional funding for this agreement in future Fiscal Years if the project is not completed within Fiscal Year 2013/2014.

SEVERABILITY

The parties agree that if any part or parts of this Intergovernmental Agreement are held to be void or unenforceable by a court of competent jurisdiction, the remaining parts of the Agreement shall remain in full force and effect.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties with respect to the subject

matters herein, and it may be amended, modified, or waived only by an instrument in writing signed by both parties.

CONFLICT OF INTEREST

This Agreement is subject to cancellation pursuant to ARS §38-511.

INDEMNIFICATION

The Town and the Flood Control District each agree to hold the other party harmless and indemnify the other for any loss, liability, or damages arising from any action, omission, or negligence of each party's employees, officers, or agents, regarding the performance of this Intergovernmental Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials on the aforementioned date.

TOWN OF DEWEY-HUMBOLDT

YAVAPAI COUNTY FLOOD
CONTROL DISTRICT

Terry Nolan, Mayor

Arlo G. (Chip) Davis, Chairman
Yavapai County Flood Control District
Board of Directors

ATTEST:

ATTEST:

Judy Morgan, Town Clerk

Ana Wayman-Trujillo, Clerk of the Board
Yavapai County Flood Control District

APPROVED AS TO CONTENT
AND FORM:

APPROVED AS TO CONTENT
AND FORM:

Town Attorney

Deputy County Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding contributions for flood mitigation work performed by the Town has been reviewed by the undersigned town attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Town of Dewey-Humboldt.

Town Attorney

Date: _____

In accordance with A.R.S. §11-952, this proposed Intergovernmental Agreement for funding contributions for flood mitigation work performed by the Town has been reviewed by the undersigned town attorney who has determined that said Agreement is in appropriate form and is within the powers and authority of the Yavapai County Flood Control District.

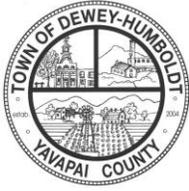
Deputy County Attorney

Date: _____

Headwall located off Foothills Dr.



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TOWN OF DEWEY-HUMBOLDT
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Phone 928-632-8562 ▪ Fax 928-632-7365

TOWN COUNCIL REGULAR MEETING
JULY 11, 2013, 6:30 p.m. Town Council Meeting Chambers

Agenda Item #9.5 Rescheduling July 9th, 2013 Council Work Session which was canceled because of no quorum.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: July 11, 2013

Recommendation: Reschedule the meeting to July 23, 2013

Summary:

The originally scheduled July 9th study session was canceled due to no quorum. Staff is asking the Council to reschedule the meeting to Tuesday, July 23rd at 2pm if you are available.

If the suggested date or time does not work for the Council, please suggest a date that would work and/or provide direction on how to proceed with the agenda items on July 9th agenda.

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TOWN COUNCIL REGULAR MEETING

July 16, 2013 at 6:30 PM Town Council Meeting Chambers

Agenda Item #10.1

To: Mayor and Town Council Members

From: Planning and Zoning Commission by Warren Colvin

Date submitted: July 12, 2013

Agenda Item: Use Permit for off-premise sign

Recommended action: Discussion and possible action to approve use permit for an off-premise sign on parcel 402-10-073 (owner/applicant: Mark McBrady) for a mining tour business for a period of 5 years as recommended by Planning & Zoning Commission.

Summary:

The application:

The Use Permit application is for an off-premise sign to be installed on parcel# 402-10-073 (located just south of the intersection of Main Street and Huron Street).

The property is currently zoned C1-1 and would be allowed to have off premise signage per Town Code section 153.130 of the new revised sign code. Though this use permit application, the applicant has requested a waiver from two (2) requirements of the Town Code section 153.130. (1) Request that the 200' setback to residentially zoned property be reduced to 85'. (2) That the sign be allowed to have more than three supports.

The proposed sign is made from an 8' diameter old water tank that is supported by a trestle structure. The total height of the sign will not be over 20' and the width will be 8'. Total sign square footage as proposed is 44.75 square feet which is well under the 160 square feet allowed by section 153.130 of the Town Code. The sign location as shown on the site plan is in compliance with the setback requirements of a 1' to 1' ratio.

According to the applicant, the intent is to recreate a historic looking railroad water tank that will be placed near where the original railroad tank was located at the turn of the century in Humboldt. The applicant stated that the sign would be used to advertise for back country mining tours, which would coordinate with and raise money for the Humboldt museum.

The process

Staff received the application in June. The application has been following the use permit procedure outlined in the Town Code.

On June 18, 2013 a Citizen's Participation meeting was held after notifying neighbors within 300' of the property. During this meeting it was noted that no citizens showed up to the meeting to speak in favor or opposition of this project. On June 24, 2013 staff posted the site in three locations for Notice of Public Hearing and sent out letters to six adjacent owners within 300' of the project site. June 25, 2013 a Public Notice was published in the local newspaper announcing the dates for the Planning and Zoning Commission meeting along with the Town Council meeting. July 11, 2013 a Public hearing was held by P&Z Commission and received no objection to this Use Permit application; the use permit application

was approved by Planning and Zoning Commission with stipulations listed below. It was a vote of 5 to 0 in favor for a time frame of 5 years.

Staff Recommendations:

Staff supports the two waiver requests by the applicant (see Paragraph Two of this memo) because: 1). The sign will have no exterior illumination and mainly vacant property adjacent to this parcel. The property is located on top of a hill and would not cause any sight obstruction. Further, the property is located close the original location of the “water tank” (the structure of the sign). 2). As of July 3, 2013 the Town has received no letters in opposition to this project. 3). Applicant performed a Citizen Participation meeting as required and no opposition was stated at this meeting.

As for the request to allow for more than three supports (applicant requested four supports to the sign while the town’s sign code allows for no more than three supports for free-standing signs), staff fully supports this waiver as the reason for allowing only three supports was to minimize the impact on traffic sight issues. Due to the location of this sign staff feels that allowing additional supports will help maintain the historic reproduction of the sign and will not create any traffic sight issues.

Stipulations:

- 1). Sign and its structural components along with any accessory items shall be constructed as shown on submitted rendering to P&Z Commission and Town Council.
- 2). Next step, assuming P&Z Commission and Council both approve the application, is to apply for a sign permit as required by Town Code section 153.138. See below requirements.
- 3). Staff had originally recommends a one-year use permit; at the July 11’s P&Z meeting, it was decided that the use permit would be valid for a period of 5 years.
- 4). Use permit is subject to all the requirements of Town Code Section 153.091 Use Permit.

Town Code Section §153.138 SIGN PERMITS

(A) Permit required. A sign permit shall be secured from the Town Community Development Department prior to the erection, relocation, construction, installation or substantial reconstruction (including painting or enlarging a painted sign on the surface of a permitted structure) or any non-exempt sign exceeding eight (8) square feet in area, or higher than eight feet above grade at the sign, regardless of value.

(B) Fees.

(1) The fees shall be as set forth in and amended from time to time, Appendix A, Fees, Town Code Chapter 153 Zoning Regulations.

(2) The sign permit fees established in division (B)(1) above shall be double in the event that the erection, relocation, construction, installation or substantial reconstruction of any sign is begun prior to the issuance of a sign permit.

(C) Sign permit application. Each application for a sign permit shall be made at the Town Hall on the appropriate form(s) and shall contain at a minimum the following information:

(1) Assessor's parcel number identifying the property;

(2) Street address, if any, legal description of the property, and dimensions thereof. In the case of a metes and bounds parcel (a parcel that is not part of a recorded subdivision), a copy of the recorded legal description must be submitted with the application;

(3) Nature of the proposed use of the sign and premises;

(4) Type of sign and materials used, methods of support, freestanding or other;

- (5) Estimated true value of sign and associated structural supports;*
- (6) Dimensions of sign panel as well as bottom and top heights above grade;*
- (7) Type, placement and strength of illumination, if any;*
- (8) Number and orientations of faces of sign (aerial-view sketch, if necessary, to depict faces and orientation);*
- (9) A (signed) plot plan showing the following:*
 - (a) Shape and dimensions of lot boundaries, adjacent street right-of-way, driveway, buildings (existing and proposed);*
 - (b) North designation; and*
 - (c) Location of sign (s) on property (indicate type).*
- (10) A (signed) elevation view, with dimensions and approximate copy ad design, of the sign(s) faces;*
- (11) Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the subchapter requirements;*
- (12) Name, address and phone number of property owner and agent, if any; and*
- (13) Signature of applicant or agent.*

19 2013

TOWN OF DEWEY-HUMBOLDT DEVELOPMENT APPLICATION

Received

PROJECT DESCRIPTION:

Historic reproduction of 19 century railroad water tank
To be used as off premise signage

- | | | |
|--|---|--|
| <input type="checkbox"/> General Plan Amendment - Major | <input type="checkbox"/> General Plan Amendment - Minor | <input type="checkbox"/> Pre-Application |
| <input type="checkbox"/> Community Master Plan | <input type="checkbox"/> Major Use / Site Plan | <input type="checkbox"/> Preliminary plat |
| <input type="checkbox"/> Commercial Design Review | <input type="checkbox"/> Annexation | <input type="checkbox"/> Zoning Clearance |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Abandonment | <input type="checkbox"/> Rezone |
| <input type="checkbox"/> Land split (3 parcels max) | <input type="checkbox"/> Lot Combine | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Area Plan / Amendment | <input type="checkbox"/> Final Plat / Amendment | <input type="checkbox"/> Land Use District |
| <input type="checkbox"/> Other _____ | | |

LEGAL DESCRIPTION:

Property Address: None Assigned at this time

Number of Lots / Units Proposed: _____

Assessor's Parcel Number: 402-10-073 Parcel Size (Acres): _____

Existing Land Use District: _____ Proposed Land Use District: _____

Plat Name: Humboldt Block: _____ Lot: _____ Tract: _____

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- | | | |
|--------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Water _____ | <input type="checkbox"/> Gas _____ | <input type="checkbox"/> Sewer _____ |
| <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Electric _____ | <input type="checkbox"/> Cable _____ |

Describe Public Access to Property: _____

FEES

Base Fees: _____ Other Fees: _____ Other Fees: _____ Subtotal: _____ Total: _____

*APPLICANT / CONTACT INFORMATION:		OWNER INFORMATION:	
Name: <u>Mark McBrady</u>	Address: _____	Name: <u>Same as Applicant</u>	Address: _____
Phone: _____	Email: _____	Phone: _____	Email: _____

Mark McBrady
Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

LETTER OF INTENT

I'm intending to recreate a historic looking Railroad water tank to be placed on or near where an original Railroad water tank was at the turn of the century in Humboldt Arizona. The propose of this water tank will be to draw attention to the Historic Humboldt Downtown area and to promote a Historic back country MINING and site seeing business that has been giving old mining and ghost town tours for the past 4-5 years. These tours have been coordinating with and raising money for the Humboldt Museum.

The water tank will look like the attached drawings and will stand on the right side of Main Street just before one enters old town Humboldt.

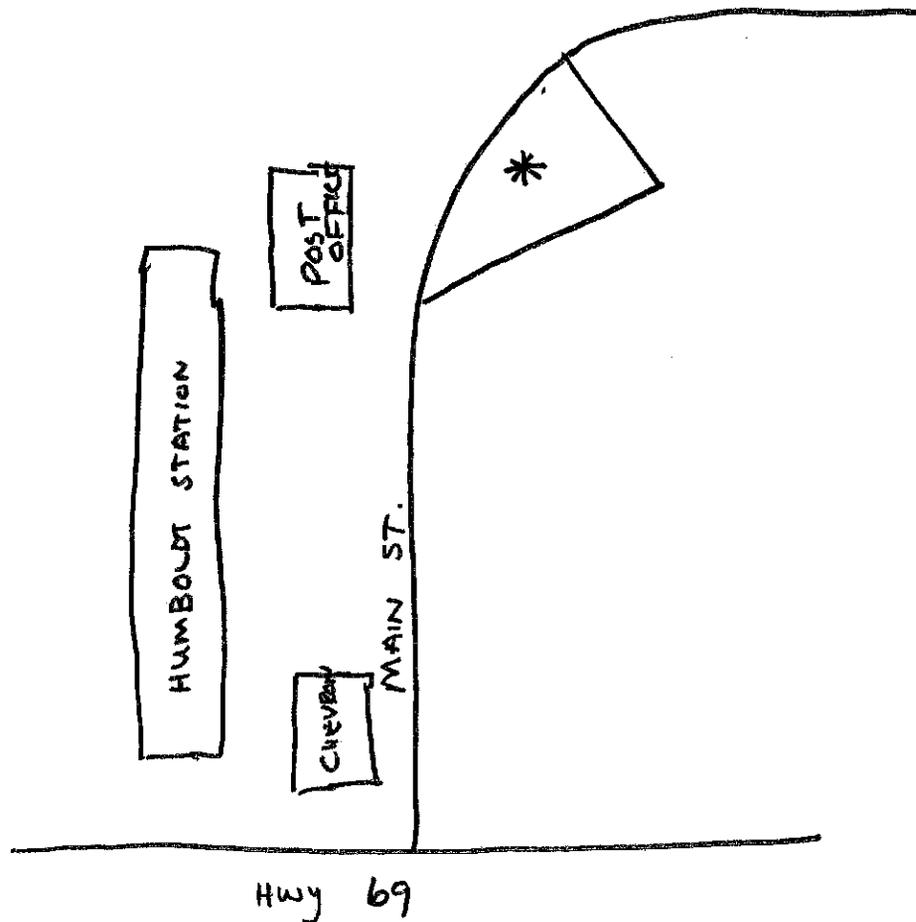
I am also requesting a waiver from Town code section 153.130 off premise signs, to reduce the requirement of off premise signs to not be closer than 200' feet of a residential zoning district. The set back that I am requesting is 85 feet from the nearest residential property. Do to property slope and the sign not being lit and the historic nature of this location is my reasoning for requesting this waiver.

Town of Dewey-Humboldt

Directions to Site

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-10-013 Address NONE





TOWN OF DEWEY-HUMBOLDT
Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Mark McBrady
 Signature

6-17-2013
 Date

Orientation of Plot Plan

Dimension & Lettering				
Dimension & Lettering				

Document #

Sec

Twn

Rng

A P N

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

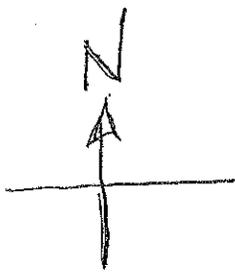
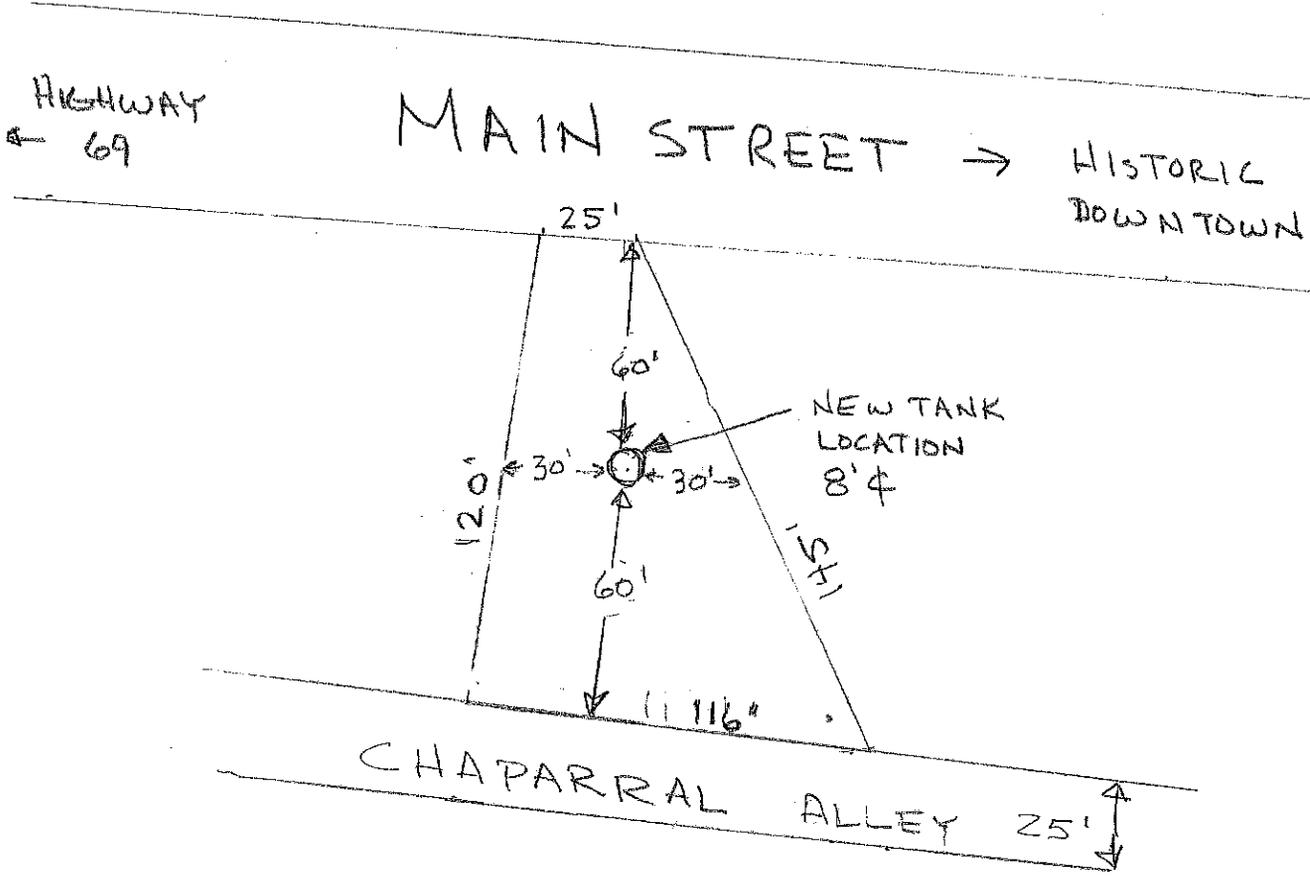
Lot Area

Lot %

Density Used:

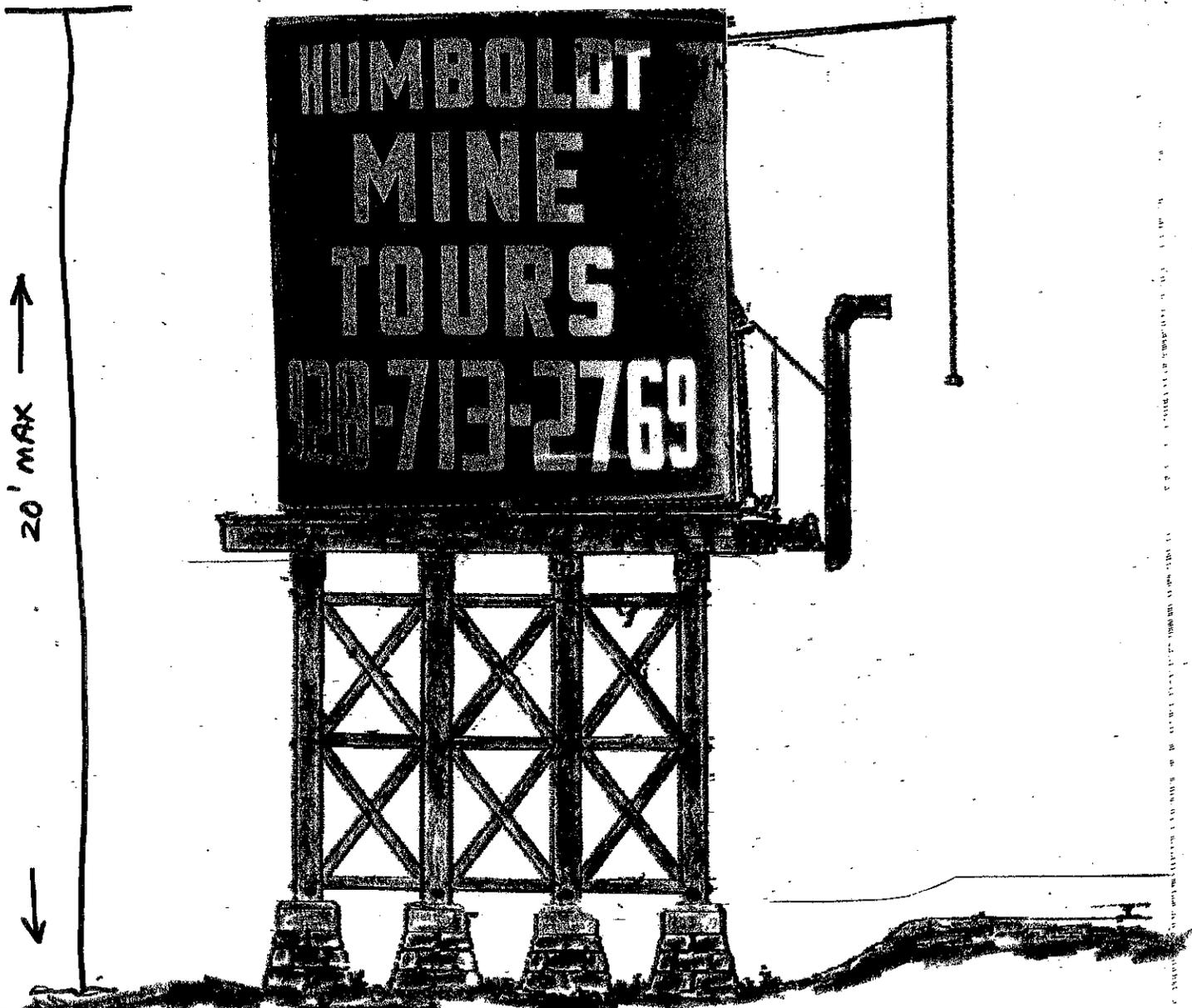
Scale:

North Arrow



MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

← 8' →





03.07.2013



03.07.2013

Interactive Map NOTICE - This application will be replaced with the new BETA Interactive Map on Friday July 19th, 2013

The image shows a web-based interactive map interface. The main map area displays an aerial view of a residential subdivision with yellow parcel boundaries. One parcel, 402-10-073, is highlighted with a red border. The map includes a toolbar on the left with various navigation and tool icons, and a map scale of 1:1,000 at the bottom center. The sidebar on the right contains the following information:

- Map Layers** | **Search** | **Results** | **Other** | **Hel**
- Information for Parcel 402-10-073:**
- Owner**
 - HUMBOLDT STATION INC
 - Owner's Mailing Address**
 - PO BOX 815
 - HUMBOLDT, AZ 86329
 - Secondary Owner**
 - N/A
- Recorded Date**
 - 1995-02-01
 - NOTICE: The Recent sales and Last Transfer docket/page will be changing to display all records in Assessor database.
- Last Transfer Doc Docket**
 - 2985
- Last Transfer Doc Page**
 - 900
- Parcel**
 - Check Digit**
 - 4
 - Physical Address**
 - 12809 E Main St
 - Incorporated Area**
 - Town of Dewey-Humboldt
 - Assessor Acres**
 - 0.18
 - Subdivision** (Recorded Docs)
 - Subdivision Type**
 - Humboldt