

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

**Tuesday, March 1, 2016, 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, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; 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. Human Trafficking Proclamation and presentation. Presentation by Scott Mabery.**  
(Approved at February 2<sup>nd</sup> Council meeting)

**5. Town Manager's Report.** Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.

**5.1. EPA Iron King /Smelter Superfund Site related activity update.**

**6. Consent Agenda.**

**6.1. Minutes.** Minutes from the January 5, 2016 Regular Council Meeting.

**6.2. Endorse the efforts to establish FireWise communities in Dewey-Humboldt and direct staff to proceed.** (Directed at the February 23, 2016 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.

Page  
19

**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 Legal Services Solicitation report and process.**

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

21

**9.1. Fiscal Year 2016-17 Budget Calendar.** Council acknowledgment and possible revisions.

**10. Public Hearing Agenda.**

---

**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

---

**11. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, March 15, 2016, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, March 3, 2016, at 6:00 p.m.

Next Town Council Work Session: Tuesday, March 8, 2016, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto: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 \_\_\_\_\_, 2016, 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.

## *Supporting Increased Awareness Relating to Human Trafficking Proclamation*

*WHEREAS, human trafficking is a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain; and*

*WHEREAS, every year, millions of men, women and children are trafficked in countries around the world, including the United States; and*

*WHEREAS, it is estimated that human trafficking generates billions of dollars of profit per year, second only to drug trafficking as the most profitable form of transnational crime; and*

*WHEREAS, human trafficking is a hidden crime as victims rarely come forward to seek help because of language barriers, fear of the traffickers, and/or fear of law enforcement; and*

*WHEREAS, traffickers use force, fraud, or coercion to lure their victims and force them into labor or commercial sexual exploitation. They look for people who are susceptible for a variety of reasons, including psychological or emotional vulnerability, economic hardship, and lack of a social safety net, natural disasters, or political instability. The trauma caused by the traffickers can be so great that many may not identify themselves as victims or ask for help, even in highly public settings; and*

*WHEREAS, the Town of Dewey-Humboldt is supportive of the many efforts underway in Yavapai County, including the production of the nursery Rhymes music video, to bring awareness to the issue of human trafficking.*

*NOW, THEREFORE, be it resolved that I, Terry Nolan, Mayor of Dewey-Humboldt, Arizona, do hereby proclaim the Town of Dewey-Humboldt's support for increasing public awareness of human trafficking.*

*IN WITNESS THEREOF, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt have hereunto set my hand this 1<sup>st</sup> day of March, 2016.*

*ATTEST:*

---

*Terry Nolan, Mayor  
Town of Dewey-Humboldt*

---

*Judy Morgan, Town Clerk*

[Page intentionally left blank]



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

Superfund Division

February 17, 2016

Ms. Yvonne Kimball, Town Manager  
Town of Dewey-Humboldt  
Humboldt Station  
2735 South Highway 69  
Dewey-Humboldt, Arizona 86329

RE: An Update on EPA Activities at the Iron King/Humboldt Smelter Superfund Site

Dear Yvonne:

Here at EPA, we are aware that we have not made contact with the Town for some time. I would therefore like to provide you and the Council with a brief update about our activities at the Iron King Mine/Humboldt Smelter (IKHS) Superfund site. If you could please forward a copy of this letter to councilmembers, it would be greatly appreciated. Let me begin by affirming that we continue to make progress on the site towards its remediation, though the timing of our work may understandably seem extended.

When we visited Dewey-Humboldt last year, we provided an overview of our cleanup remedy selection process along with an update on new information about residential and non-residential aspects of the site. Our primary focus, however, was on providing information about our sampling of residential yards. To this end, we provided community members with a fact sheet and showed residents detailed, color-coded maps of arsenic and lead levels found in yards. We had concluded at that time that soils at the great majority of the almost 600 residential yards we had evaluated did not pose a site-related unacceptable risk to residents. However, some yards did have levels that could pose a long-term risk. Owners of all homes we sampled in 2014 received letters with their results. In addition, we called those whose yards had clearly elevated levels of arsenic and lead to provide guidance and answer questions.

At the time of our last visit, we mentioned that we had not yet completed a critical piece of our work: the human health risk assessment. This evaluation looks in greater depth at all the yards – along with non-residential areas – and evaluates the actual site-related health risks that might exist from all metals and exposure pathways at the site. We use this more complete evaluation when making decisions about which yards will require cleanup actions.

We now have the human health risk assessment in full draft. In addition, we have also drafted the full remedial investigation report. We would like to finalize these reports and provide them to the Town and the public, with outreach, in about 2-3 months' time. The remedial investigation presents and analyzes the extensive sampling and other field work conducted over the last few years and characterizes the nature and extent of contamination at the entire IKHS site. This

information informs how we design cleanup options, not only for those residential yards that are affected, but also for the site's non-residential areas: the mine pile, the Chaparral Gulch, the smelter property and tailings swale, the great tailings flood plain, the dam, and the pathway to the Agua Fria River. Because the tailings are toxic, these non-residential areas do pose potential future environmental and human health risks if not addressed.

While it has been our intention to have returned to the Council and the public by now, we have been waiting to complete further outreach until, instead of reiterating that we are completing studies and working on reports, we can instead provide more tangible information about what we plan to *do* at the site, especially for residential properties. We are nearing the point where we can provide this information. Here are some elements of the current plan and status:

First, we are placing our highest priority on the cleanup of residential yards. We would like to focus first and foremost on mitigating any health risks where people live, and we are aware that uncertainty about whether cleanup actions will be required at a property can potentially affect home sale decisions. We are attempting to use an authority called "removal authority" at the site, which would allow us to take faster action at those yards where cleanup is required. This would also allow residents whose yards do not require any action to move forward knowing that their yards are not adversely affected by the site.

With the completion of our more thorough risk assessment, we will next be deciding our target cleanup levels for residential yards. At that point, it will be very important that we do significant outreach with the community.

In addition, we are also investigating *what* we would do at yards that require cleanup. So far, the residential cleanups we have completed at this site have entailed removing contaminated soil and replacing it with clean soil. However, we are also currently evaluating other cleanup options in order to identify the most efficient – and effective – cleanup method.

Though we cannot yet schedule our next public meeting, we hope to do so soon. In the meantime, if you or the Town Council have any questions, please do not hesitate to contact us, and we will certainly endeavor to answer them. We thank you for your patience with our process, and we look forward to speaking with you soon.

Sincerely,



Jeffrey A. Dhont  
Remedial Project Manager  
Superfund Division



Heather Parker  
Community Involvement Coordinator  
Superfund Division

---

**From:** Gerhardstein, Benjamin (ATSDR/DCHI/WB) [REDACTED]  
**Sent:** Monday, February 22, 2016 5:25 PM  
**To:** Yvonne Kimball  
**Subject:** Invitation to join Iron King Mine Conference Calls

Dear Yvonne,

As you may know, for the last couple years, I've organized quarterly (4 times per year) conference calls with organizations addressing environmental contamination in Dewey-Humboldt. I'm writing to invite you to join the May 18<sup>th</sup> and November 16<sup>th</sup>, 2016 calls. Both calls are scheduled for 2-3:30 pm pacific (I'll send electronic meeting invitations separately).

To date, staff from the Agency for Toxic Substances and Disease Registry, Environmental Protection Agency, Arizona Department of Health Services, Arizona Department of Environmental Quality, and University of Arizona Superfund Research Program have participated in quarterly calls. We are inviting you and Rose Eitemiller (Community Coalition of Dewey-Humboldt & EPA Technical Advisory Grant Recipient) to join the May and November 2016 calls to enhance communication and collaboration with community stakeholders.

In considering this invitation, please review the purpose of and expectations for calls with community leaders (included below). Also, I would like to set up a time over the next couple weeks to discuss your participation and answer any questions you might have.

Thanks, I hope you'll participate on the May and November calls.

Best,  
Ben

### **Community-engaged Quarterly Call Purpose**

The May and November 2016 calls will provide regular, informal opportunities for federal, state, city, and community leaders to

- Share and discuss updates on the work that each organization is doing in Dewey-Humboldt
- Share and discuss questions and concerns about environmental contamination that community members have voiced to participants
- Generate, plan, and develop collaborative projects that are responsive to the Dewey-Humboldt community

### **Expectations for Community-engaged Quarterly Call Participants**

Recognizing that community-leader participants may be less familiar with the Superfund process and/or technical information than existing call participants, everyone should plan to provide a little more background information to put their update in context than has been common practice. That said, community-engaged quarterly calls are not a time for formal presentations to communicate scientific and/or regulatory information to members of the public. Since many of the projects discussed on these calls are in process, participants should understand that information communicated is often subject to change. Finally, individual participants may want to set up a separate time to discuss specific issues that are identified but cannot be fully addressed during quarterly calls.

### **Agendas for Community-engaged Quarterly Calls**

The agenda for each quarterly call starts with each organization providing a brief update on their activities. Next participants discuss any items that were identified in advance of or during the call as warranting group discussion.

ATSDR will solicit discussion agenda items in advance of quarterly calls. All participants are encouraged to suggest discussion agenda items related to environmental contamination in Dewey-Humboldt.

--

**Ben Gerhardstein, MPH**

Public Health Advisor, Region 9 (Pacific Southwest)  
Division of Community Health Investigations  
Agency for Toxic Substances and Disease Registry  
U.S. Centers for Disease Control and Prevention  
75 Hawthorne St., HHS-1  
San Francisco, CA 94105



--

**Ben Gerhardstein, MPH**

Public Health Advisor, Region 9 (Pacific Southwest)  
Division of Community Health Investigations  
Agency for Toxic Substances and Disease Registry  
U.S. Centers for Disease Control and Prevention  
75 Hawthorne St., HHS-1  
San Francisco, CA 94105



**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 5, 2016, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JANUARY 5, 2016, 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 6:32 p.m. Mayor Terry Nolan presided.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan were present. Councilmember Arlene Alen was absent.
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.

None.
5. **Town Manager's Report.** Update on Current Events.

**5.1. Newtown Trailhead project update.**

Town Manager Yvonne Kimball gave an overview, explaining Open Space & Trails Committee Chair Sandra Goodwin advised her that the project is going well with the Prescott National Forest (PNF), with a completion estimated for May 2016. PNF will be contacted regarding the commitments made by the town (law enforcement coverage; signage; trash maintenance; improving Newtown Avenue dirt portion; design & construction confirmation at trailhead area along with fencing and cattle guard). Intergovernmental Agreement (IGA) will come to the Council in the future for authorization.

**5.2. Town attendance at the January 2017 Rural Transportation Summit in Yuma.**

Town Manager Kimball gave an overview explaining that Mayor Nolan was removed from the CYMPO board, but this Yuma Rural Transportation conference was scheduled for the Mayor's attendance and reservations were made. Councilmember Alen (replacement to board) is unavailable for attendance. It was determined that Public Works Supervisor Ed Hanks shall attend the conference as the Town's representative at this event.

Mayor Nolan questioned the primary and alternate representatives not being able to attend the conference and how important it is to attend these meetings. Town Manager Kimball reiterated the circumstances regarding this decision and expressed appreciation of support in this matter.

**6. Consent Agenda.**

- 6.1. **Minutes.** Minutes from the November 17, 2015 Regular Council Meeting; December 1, 2015 Regular Council Meeting.

Mayor Nolan made a motion to approve the minutes from the November 17, 2015 and December 1, 2015 Regular Council meetings, as presented. It was seconded by Vice

Mayor Doug Treadway and approved unanimously.

7. **Comments from the Public (on non-agendized items only)**. None.
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.

There was council discussion that various items on the Unfinished Business Agenda (8.1, 8.2 and 8.3) seemed similar. There was discussion on who was responsible for putting these items on and how they differ. Town Attorney Goodwin explained the “Evaluation process” is a public discussion but in order to hold an Executive Session the second agenda item allowed for attorney consultation, which could occur in Executive Session.

Councilmember Hamilton made a motion to move items 8.2 and 8.3 Executive sessions to the end of the agenda, seconded by Councilmember Repan. It was approved unanimously. Agenda Items 8.2 and 8.3 will be addressed following Agenda 10. *Public Hearing*.

**8.1. Discussion of mutually agreed upon process of Town Manager performance review and next steps.** [Continued from the December 8<sup>th</sup> meeting]

This agenda item was not addressed at this meeting.

**8.2. Possible legal consultation regarding a town manager evaluation process.** The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on elements of this item covered under A.R.S. § 38-431.03(A)(3).

Moved to the end of the agenda (following Agenda item 10 Public Hearing).

**8.3. Possible discussion and direction on the Town Manager’s employment contract.**

The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on elements of this item covered under A.R.S. § 38-431.03(A)(4).

Moved to the end of the agenda (following Agenda item 10 Public Hearing).

**8.4. Discussion with Current Town Attorney on feedback of future legal representation for the Town.** The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on elements of this item covered under ARS 38-431.03(A)(1). [CAARF requested by Mayor Nolan]

Councilmember Hamilton spoke on this item and feeling it necessary due to the dissolution of Ms. Goodwin’s previous firm. Town Attorney Susan Goodwin gave an overview about agenda item 8.4 and reasons for the wording chosen, allowing Council to do those things that they might want to do either in Executive Session or Open Session.

Councilmember Hamilton stated that he did not think this qualified as an Executive Session item. He stated Council decided to go out for an RFQ for legal services so that is what they will do.

Town Attorney Goodwin explained she was willing to answer any questions and very willing to continue with the current contract at her new firm Gust Rosenberg. A simple letter may be prepared to continue with the existing contract. Councilmember Hamilton questioned if the contract extension required the RFQ process.

Councilmember Hamilton made a motion to approve the “interim” form of assignment contract with Ms. Goodwin’s new firm, Gust Rosenberg until they complete the RFQ

process for legal services. Ms. Goodwin explained the formal assignment could be placed on the next agenda, and no formal action to be taken at this meeting.

- 8.4.1. Recess into and hold an executive session** pursuant to A.R.S. § 38-431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Town Attorney.

Council did not go in to Executive Session for this agenda item.

**8.4.2. Reconvene Regular Meeting.**

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

**9.1. Insurance Services Office/Community Rating Services (CRS) verification and approval.**

Town Manager Kimball explained this is for a 5-year term rather than the previous 1-year terms.

Public Works Supervisor Ed Hanks gave an overview on what this process is and what service it provides to the town. This is part of the Intergovernmental Agreement (IGA) the Town has with Yavapai County Flood Control. He answered questions on flood plain mapping; the maintenance of the flood plain; and resources through this contract.

Councilmember Hamilton made a motion to approve the verification form with the information provided, seconded by Councilmember Repan and approved unanimously.

**9.2. Ordinance 16-122 adopting (with amendments) the 2012 Editions of the International Building Code, Residential Code for one and Two family dwellings, International Plumbing Code, International Mechanical code, International Fuel Gas code, and International Property Maintenance Code, and the ICC Electrical Code (administrative provisions, 2006 edition), National Electrical Code (2011 edition).**

Building Official Don Roberts gave an overview explaining some of the changes with the new codes, which increased (minor) safety requirements. He explained that the adoption of the 2012 I-Code Series will help insurance rates and reporting, as well as keep up with other municipalities in the region. He spoke on Soils Report requirements and providing a waiver in lieu of requiring this report. There was discussion on examples when Soils Report would be requested.

Councilmember Hamilton asked Mr. Roberts to advise Council if someone refuses to get the report.

Mr. Roberts answered questions about the rating, explaining that the higher the number, the higher the insurance costs for residents. A lower rating is better. The average is based on the age of the community.

Councilmember Repan made a motion to approve Ordinance 16-122 adopting (with amendments) the 2012 Editions of the International Building Code, Residential Code for one and Two family dwellings, International Plumbing Code, International Mechanical code, International Fuel Gas code, and International Property Maintenance Code, and the ICC Electrical Code (administrative provisions, 2006 edition), National Electrical Code(2011 edition). It was seconded by Vice Mayor Hamilton, and approved unanimously.

**9.3. Enterprise Technical Support Service Agreement renewal for Fiscal Year 2017 (July 1, 2016 to June 30, 2017).**

Peter LeBlanc of FourD LLC, Enterprise Technical Support Service addressed Council concerns regarding cloud computing; backups; website hacking; antivirus software and the budget.

Town Manager Kimball addressed the questions regarding the budget stating that the Town works with the firm when developing the budget and the budgeted amount is used only if needed, being careful not to exceed it.

A motion was made to approve the renewal agreement with FourD LLC for Fiscal Year 2017 (July 1, 2016 to June 30, 2017) by Councilmember Hamilton, seconded by Vice Mayor Treadway

Town Accountant Deni Thompson explained that the last year of the contract provided for \$95 per hour, up from \$85. Ms. Thompson recommended extending the contract for the fourth year at the hourly rate of \$95.

The motion was approved unanimously.

#### **9.4. Presentation on a Regional Airport. [CAARF requested by Mayor Nolan]**

Mayor Nolan gave an overview on a new proposal for a regional airport. The proposal is in its infancy and he wanted to make sure the Council was aware of it. This would involve construction of a new terminal and the strengthening and extension of the runway.

Vice Mayor Treadway asked about carriers interested in serving the area and if they would contribute to construction costs.

Mayor Nolan stated that there is an existing carrier, but they would not make this investment as that is not how it is done. Mayor Nolan recommended consulting with local area executives for input to determine whether they wish to invest in this endeavor.

Councilmember Wright asked what the role of the Town of Dewey-Humboldt would be, other than giving money, authority to run it and whether the Council wants Dewey-Humboldt to be involved. Mayor Nolan explained a Transit Authority would be established rather than remaining under Prescott jurisdiction.

Councilmember Repan asked when this information was sent out to Council (December 15<sup>th</sup>).

Mayor Nolan will keep the Council updated on this issue.

#### **9.5. Discussion and possible action on having the Town Seal trademarked or registered. [CAARF requested by CM Hamilton]**

Councilmember Hamilton explained that without a trademark or registering of the Town Seal anyone can use the logo/seal without any repercussions.

Vice Mayor Treadway asked if seals are usually trademarked.

Town Attorneys Goodwin and Smiley spoke on the difference between logos and seals and explained only logos can be trademarked, seals cannot, but that it is a fairly easy process and many cities do this. It needs to be approved by the government in order to be copyrighted and must be unique in some way. There is a federal and a state copyright and Town may want to do both, Legal Counsel can look into this as well as cost to copyright.

Councilmember Hamilton made a motion to copyright the town logo, seconded by Councilmember Wright and approved unanimously.

**9.6. Limitations on filing for elected office by incumbent council persons.** [CAARF requested by Mayor Nolan]

Mayor Nolan read his request and gave an overview explaining that this clarifies an earlier CAARF for the same. Councilmember Wright noted that it was on the December 1<sup>st</sup> agenda and tabled to June 1<sup>st</sup>. Mayor Nolan explained that this would put this discussion in the middle of the election cycle where it is not an election cycle right now.

Councilmember Wright asked if the Town can do this – making separate stipulations requiring someone to resign to run. Town Attorney Goodwin said that state law has preempted the town so they cannot add this additional requirement as a general law town. The town can't have additional requirements for candidates to run for office.

Mayor Nolan reiterated his reason for wanting this and asked if there was a way to enact this. Attorney Goodwin again stated that state law prohibits putting additional requirements on holding office. There was discussion on whether to look in to this further or accept legal counsel's answer as it stands. No action or further discussion was taken on this item.

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

**8.2. Possible legal consultation regarding a town manager evaluation process.** The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on elements of this item covered under A.R.S. § 38-431.03(A)(3).

Town Manager Kimball addressed comments made by Council earlier on the agenda regarding 8.1, 8.2 and 8.3 and why they were on the agenda. At the December 8<sup>th</sup> meeting Council selected a form from Clarkdale for the process. They also directed Staff on how to word the agenda item (8.1) but also indicated they desired to go into Executive Session for discussion with the Town Attorney on matters of the evaluation process. Agenda Items 8.2 and 8.3 were placed on this agenda so Council could talk with legal counsel on this matter, as Arizona Revised Statutes (ARS) is specific about the options for holding executive sessions.

Councilmember Hamilton asked TM Kimball if she wanted to go into Executive Session.

Attorney Goodwin explained this agenda item would address what the steps are for evaluation, not the actual evaluation itself.

There was discussion on doing an evaluation without it being in the contract; why the Town Magistrate is not given a performance evaluation; which form they will use for the evaluation in a year but currently needing to do an evaluation and determine whether to give monetary compensation; Council direction at the December meeting to have an Executive Session to talk with legal counsel on the process and contract.

Councilmember Repan spoke of Councilmember Alen having some information regarding this and recommended postponing this to the next regular meeting; doing the Clarkdale form review at a future time, but doing the evaluation this year.

Council discussed how to evaluation the Clarkdale form, process to use for evaluation (who collates, time for TM response, one-on-one rather than written). Attorney Goodwin spoke on some standards which are similar for evaluating the Town Manager. Each Councilmember writes down thoughts on the Town Manager's performance, pass on to Mayor Nolan, then meet in Executive Session with goals for the next review.

Councilmember Repan made a motion to move the mechanics of doing the evaluation for the Town Manager to the next regular Town Council meeting. Motion was withdrawn.

Mayor Nolan made a motion to have Council write down their concerns (evaluation), give it to the Mayor who will get it to the Town Attorney to collate and forward to TM Kimball for her review, then return to the Council. Motion was withdrawn.

Public comment was taken.

Ulys Brooks stated the evaluation should be based on job description, and allow an opportunity for employee to write their own evaluation.

Councilmember Repan made a motion to submit council's individual evaluations/comments to the Town Attorney one week from tonight and review those submittals in an Executive Session at the next regular meeting January 19<sup>th</sup>, seconded by Vice Mayor Treadway. It was approved unanimously.

TM Kimball asked for a timeframe to work on the Clarkdale form for the following year's evaluation.

Councilmember Repan made a motion to move the mechanics of the evaluation (to adopt on a yearly basis) to the next study session (January 12, 2016), seconded by CM Hamilton. It was approved by a 5-1 vote in favor, Mayor Nolan voting against.

### **8.3 Possible discussion and direction on the Town Manager's employment contract.**

There was discussion on this item: whether to move it to the 1/19/16 meeting; look at the Town Manager's contract and see whether to modify it; wait on this until a later date or sending this to the Town Attorney to renegotiate a contract with TM Kimball.

Councilmember Hamilton moved to approve going into Executive Session to discuss the Town Manager's employment contract, seconded by Councilmember Wright. The motion failed due to a tie vote, Councilmember McBrady, Vice Mayor Treadway and Mayor Nolan voting against.

Councilmember Hamilton stated he would not discuss this matter out of Executive Session.

Councilmember Wright moved to approve moving this agenda item to the February 2<sup>nd</sup> regular Council agenda, seconded by VM Treadway. It was approved unanimously.

### **9 Adjourn.** The meeting was adjourned at 8:38 p.m.

---

Terry Nolan, Mayor

ATTEST:

---

Judy Morgan, Town Clerk



**TOWN OF DEWEY-HUMBOLDT**

**P.O. BOX 69**

**HUMBOLDT, AZ 86329**

**Phone 928-632-7362 ▪ Fax 928-632-7365**

originally presented at the Feb. 23 meeting; See below for information

---

**TOWN COUNCIL SPECIAL SESSION**

**February 23, 2016, 2:00 p.m. Town Council Meeting Chambers**

**Agenda Item: # 3.5. FireWise program**

**To: Mayor and Town Council Members**

**From: Steven Brown, Community Planner/Code Officer; Yvonne Kimball, Town Manager**

**Date submitted: February 18, 2016**

**Recommendation: Endorse staff effort to establish FireWise communities in Dewey-Humboldt.**

**Summary:**

Staff has been looking into the details of forming FireWise communities in D-H. We met with Central Yavapai Fire District (CYFD) and Prescott Area Wildland Urban Interface Commission (PAWUIC) a few times. They have given us helpful guidance. We recommend Council endorsement to establish FireWise communities in D-H. Here are the details:

- Determine two target neighborhoods and call for residents to form a FireWise Committee in each neighborhood. Staff identified the neighborhoods of upper Blue Hills and northeast Foothills (see the attached map). A minimum of three residents from each neighborhood are desired for the respective committee. The Committee's role is to steer the efforts in achieving FireWise certification, and in developing an action plan for implementation. The committees do not need to be council appointed committees. Staff believes that we can identify individuals to serve on the FireWise committees. Once the committees are formed, the Central Yavapai Fire District can conduct a community Assessment which describes the wildfire risk and readiness.
- Create an action plan that addresses one or two needs identified by the Assessment each year. The action plan will be a fluid document that will be modified over time as the community matures.
- Conduct a FireWise Community Event Day. Projects are community oriented and meant to engage community members in implementing the doable action items from the Action Plan. With Council's endorsement, Town staff is committed to helping the Committees to put on the event. Examples of the events are:
  - Chipping Days where homeowners provide vegetation to be chipped.
  - Fairs/Education Days which can be timed to take place at times where festivals and other community gatherings are already scheduled. In Dewey-Humboldt these can include the Agua Fria Days, Pumpkin Festival, etc.
  - Common Area Cleanup events focus on common open space in the community or edges of roadways.
- Town's investment of a minimum of \$2 per capita, invested in carrying out activities identified in the FireWise Action Plan for the community. We estimate \$4,000 for both target areas. This can be in-kind contributions of labor by homeowners and town staff. I believe with all in-kind hours staff put in this program, there would be no problem to

meet this financial investment requirement. However, to be safe, I would like to budget for it if Council endorses the FireWise initiative.

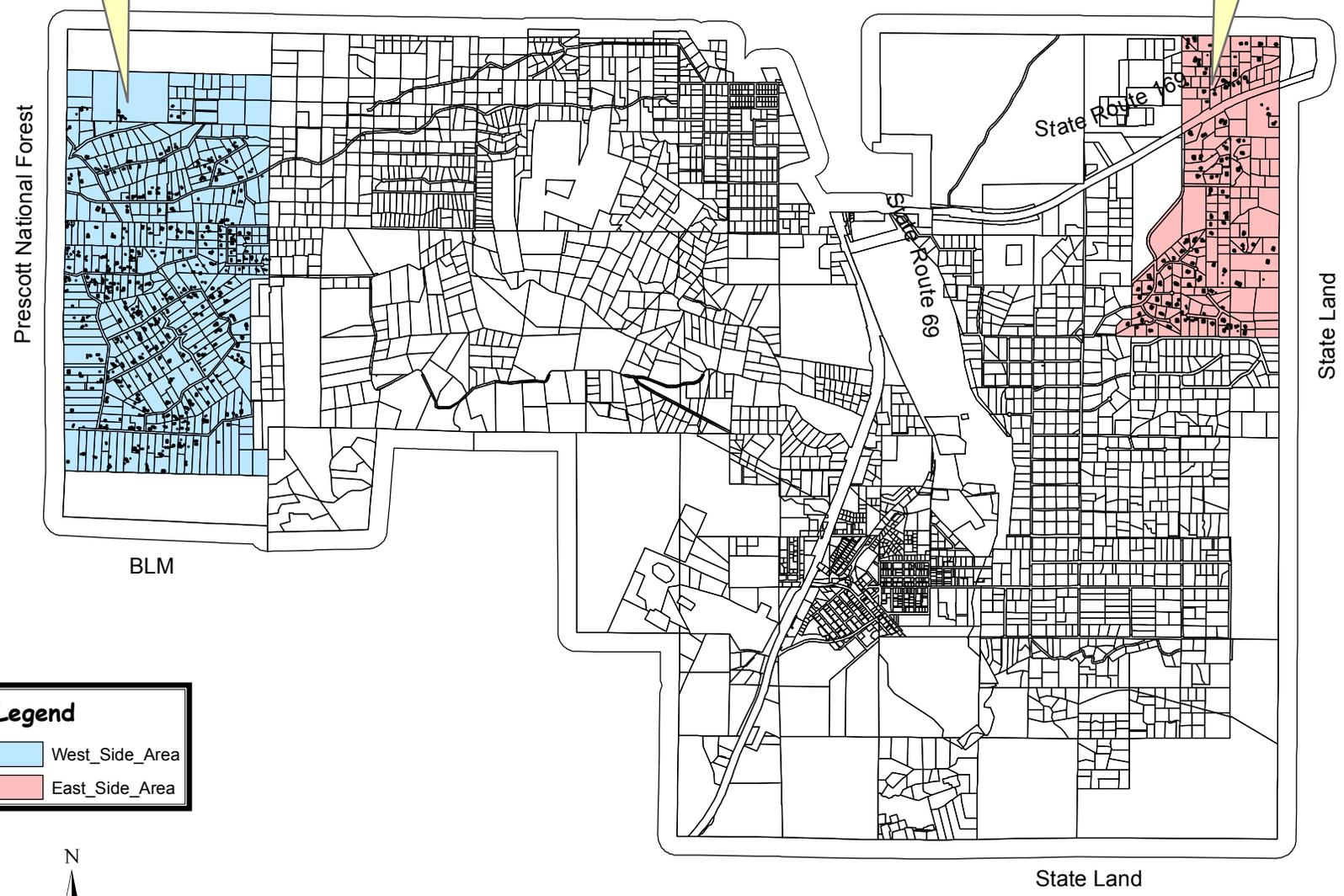
- (Staff) File for the FireWise Community USA certifications and the neighborhoods in D-H receives the FireWise Community USA designation.

Town Council has expressed desires to protect our residents from wildfire invasion. Prescott National Forest is also encouraging us to become FireWise. To become FireWise is not a difficult process. It does require the commitment from the target FireWise communities, Town Council and staff. Once we have the “FireWise” designation, it would open up more funding opportunities for fire prevention. The individual properties should see the most benefits as a result of this program.

# Town of Dewey-Humboldt Firewise Community Areas

Blue Hills  
Community Area

Northeast Foothills  
Community Area

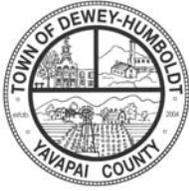


**Legend**

- West\_Side\_Area
- East\_Side\_Area



[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 ▪ Fax 928-632-7365**

---

**TOWN COUNCIL REGULAR MEETING**

**March 1, 2016 – 6:30 pm Town Council Meeting Chambers**

**Agenda Item # 8.1. Town Legal Services Solicitation report and process.**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: February 26, 2016**

**Recommendation: Proceed with interviews.**

**Summary:**

At the Council's direction, we posted the legal services solicitation notice. The original application period was open from January 14 to January 29. We received five applications. At the February 2<sup>nd</sup> meeting, Council directed to extend the application period by a few weeks. The extended period had closed on February 25<sup>th</sup>. During that period, we extended our advertisement to the Arizona Republic newspaper. The ad also made an appearance on Monster.com. The re-advertisement brought about one additional application, which has been provided to the Council (please add the last application to the original 5 application materials; the original materials were provided to the Council on January 29<sup>th</sup>). To conclude, we received a total of 6 applications.

It is staff's understanding that Council wishes to go through a town attorney selection process. Therefore, I recommend Council to proceed with interviewing and selection. These are some items for you to consider as you prepare for the next steps:

1. Who would be interviewed? All 6 applicants or a short list of a few? I recommend a short list of 4-5.
2. When should the interview occur (a regular session, a study session or a special session)? I recommend a study session when the agenda is relatively light or a special session when the Council can devote your time to the process.
3. How do you wish to interview the applicants? I recommend Council interview the candidates individually with only one candidate present and the others waiting in a separate room.
4. How to conduct the interview? What interview questions would you use? I recommend the following process: brief introduction by each candidate, council members asking a series of same questions, closing comments by each candidate. For your convenience, the Town Clerk's Office has compiled the questions the Council used in the 2010 Town Attorney interviews.
5. How to make the selection/appointment? There are a few options such as by simple motion(s), by ballots, by ballots and ratification motion. The Town Clerk is doing some research and we can provide you a recommendation at the meeting.

If after reviewing all applications, the Council decides not to proceed with interviewing and subsequent selection, the current legal firm Gust Rosenfeld will continue representing the Town.

[Page intentionally left blank]

Agenda Item 9.1.

**FISCAL YEAR 2016-17 BUDGET SCHEDULE (draft)**

Date	Task
February - March 2016	State Expenditure Limitation information available; Preliminary Budget guidelines provided to Staff, Developing Budget Calendar; Council consideration of budget programs State Shared Revenues provided by the League of Cities/Towns
March 1 - March 25, 2016	Departmental budget estimates and narrative preparation, including Sheriff and IT proposals
April 1 - 30, 2015	Revised State-shared Revenues provided by the League of Cities & Towns
April 4, 2016	Council Budget Worksheet Completion Begin composing narrative and graphs and charts
April 19, 2016	Preliminary Budget worksheet Council Acknowledgment @ Regular Council meeting begin at 6.30 pm
April 26, 2016	Council Budget discussion @ Special Council meeting beginning at 9 am? (Detailed discussion #1) Revisions by staff; preparation of narratives and graphics
May 10, 2016	Council Budget discussion at study session meeting beginning at 2 pm? (Detailed discussion #2) Revisions by staff, preparation of narratives and graphics
May 24, 2016	Council Budget discussion @ Special Council meeting at 9 am? (Detailed discussion #3) Revision by staff
June 7, 2016	Council adoption of the Tentative Budget @ evening Council Regular meeting Publication of the Tentative Budget within 7 days, Prepare and post notice of Final budget hearing and adoption
June 14, 2016	Council Tentative Budget final review @ Study Session beginning at 2.00 p.m. Revisions by staff if necessary
June 21, 2016	Public Hearing at 6:30 pm Regular Council meeting Planned Adoption of FY 16-17 Budget; publication within 7 days upon adoption
June - July 2016	Fiscal Year 2016-17 Setup in accounting system
July 1, 2016	Fiscal Year 2016-2017 begins
July 1, 2016 - - June 30, 2017	FY 15-16 Audit; FY 16-17 Budget monitor, measure, assess, report

? - Council input on scheduling