

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

Tuesday, April 5, 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. Submarine Veterans' Day 2016 Proclamation and presentation by John Dudas.

4.2. Fair Housing Proclamation.

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.

6. Consent Agenda.

6.1. Minutes. Minutes from the February 2, 2016 Regular Council Meeting, February 8, 2016 Study Session, February 16, 2016 Regular Council Meeting, February 23, 2016 Special Session, March 1, 2016 Regular Council Meeting, March 8, 2016 Study Session, March 15, 2016 Special Session, and March 15, 2016 Regular 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.

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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.

Page
N/A

8.1. **Mortimer Family Farm petition for Town to apply for a USDA business development grant on their behalf and Council re-direction if necessary.** (As directed at the March 15th Council meeting)

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8.2. **Discussion and possible appointment of applicant(s) to the position of Town Attorney.** Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purpose. When the Executive Session ends, Council may act on any matter considered on the agenda.

8.2.1. **Recess into and hold an Executive Session** pursuant to A.R.S. 38-431.03 (A)(1) Discussion or consideration of selection of one of the following firms: Sims Murray, Ltd., Musgrove Drutz Kack & Flack, PC., Gust Rosenfeld PLC., to the position of Town Attorney.

8.2.2. **Reconvene Open Session.**

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8.3. **Ordinance 16-125 to amend Town Code Section 30.105 Council Agenda.** (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

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8.4. **Ordinance 16-126 to amend Town Code Section 30.019 Protocol at meetings.** (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

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8.5. **Ordinance 16-127 to amend Town Code Section 31.17 Appointments.** (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

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8.6. **Council Policy on Public Body Member Recognition.** (As directed at the January 12 meeting). Possible adoption, rejection and/or modification.

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8.7. **Administrative Regulation for Employee Recognition.** (As directed at the January 12 meeting). Possible adoption, rejection and/or modification.

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

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9.1. **Ordinance 16-128 to amend Town Code Section 30.046 Optional Procedure for Municipal Elections.** Possible adoption, rejection and/or modification.

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9.2. **To allow the Down-winders organization to make a presentation to the council and community.** [CAARF requested by Mayor Nolan]

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9.3. **Ethics Hearing decision (Ethics Complaint - Piper v. Alen) to Council.**

10. **Public Hearing Agenda.**

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. **Adjourn.**

For Your Information:

Next Town Council Meeting: Tuesday, April 19, 2016, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, April 7, 2016, at 6:00 p.m.

Next Town Council Work Session: Tuesday, April 12, 2016, 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 _____, 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.

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Submarine Veterans' Day

WHEREAS, the United State Submarine Force was founded on April 11, 1900, with the purchase of the USS Holland; and

WHEREAS, during World War II, the submarine force destroyed 1,314 enemy ships accounting for 55% of the enemy ships lost in World War II; and

WHEREAS, 16,000 brave submariners served the United States during World War II, and seven were awarded the Congressional Medal Honor; and

WHEREAS, from 1948 to 1955 the submarine force developed an industrial base in new technologies, pioneered new materials, designed and built a prototype reactor, established a training program, and took to sea the world's first nuclear powered ship, the submarine USS Nautilus, SSN 571; and

WHEREAS, the submarine force has contributed greatly to the success of the Cold War with extended operations worldwide including the Arctic. These operations have encompassed as much as 300 days submerged during a single year. The submarine support of land-based troops anywhere in the world has been demonstrated many times including the Gulf Wars, Afghanistan and Iraq where one-third of the Tomahawk missiles launched came from submarines; and

WHEREAS, on April 11, 2016, the United States Submarine Service will celebrate its 116th Anniversary and will pay tribute to the strength, service and sacrifice of all those who serve in our nations' submarine force;

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Terry Nolan, in recognition of the contributions made by all Submarine Veterans to our country and community, April 11, 2016, is proclaimed to be designated "Submarine Veterans' Day".

The Town of Dewey-Humboldt urges all citizens to reflect upon this special day and to fully appreciate the freedom we now enjoy by remembering and honoring our brave veterans and submarines of the past, and especially those that are now in harm's way today safeguarding our freedoms in the remote oceans of the world.

IN WITNESS THEREOF, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt have hereunto set my hand this 5th day of April, 2016.

ATTEST:

*Terry Nolan, Mayor
Town of Dewey-Humboldt*

Judy Morgan, Town Clerk

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Fair Housing Proclamation

WHEREAS, The National Fair Housing Law of 1986, as amended by the Fair Housing Amendments Act of 1988 prohibits discrimination in housing and declares it a national policy to provide within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy but a fundamental human concept and entitlement for all Americans; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States;

NOW THEREFORE, I, Mayor Terry Nolan, do proclaim April as Fair Housing Month in the Town of Dewey-Humboldt and do hereby urge all citizens of this community to comply with the letter and spirit of the Fair Housing Law.

In Witness Whereof, I have hereunto set my hand this 5th day of April 2016.

*Mayor Terry Nolan
Town of Dewey-Humboldt*

*Judy Morgan
Town Clerk*

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 2, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 2, 2016, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. Call to order.

2. Opening Ceremonies.

2.1. Pledge of Allegiance. Done.

2.2. Invocation. Given by Councilmember Nancy Wright.

3. Roll Call. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; and Mayor Terry Nolan were present. Vice Mayor Doug Tredway 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.

4.1. Interview and possible appointment of applicant Patrick McGill to Planning & Zoning Commission.

Mr. Patrick McGill was present and was interviewed by Council.

A motion was made by Councilmember Repan to appoint Mr. McGill to the Planning & Zoning Commission for the remaining term of the vacancy being filled, seconded by Councilmember Alen, the motion was approved unanimously.

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. A list of potential projects for the coming year.

Town Manager Yvonne Kimball gave an overview for the goals for the coming year, as well as the for the preparation of the budget.

Councilmember Hamilton recommended these goals be part of the Town Manager's evaluation.

Mayor Nolan inquired about the Firewise program.

Town Manager Kimball gave an overview of the program and a future firebreak grant citing the article in the February Newsletter. She recommended calling CYFD to see what they can do.

6. Consent Agenda.

6.1. Minutes. Minutes from the December 15, 2015 Regular Council Meeting.

Councilmember Hamilton made a motion to approve the Minutes from the December 15, 2015 Regular Council Meeting, seconded by Councilmember Alen, approved unanimously.

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

District 2 Supervisor Tom Thurman spoke on the Firewise program, as well as the Superfund site, offering to tie in with the council and would sign a letter to push this at the Federal level.

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. Attorney Firm solicitation report and selection process discussion.

Town Manager Kimball stated that 5 proposals for attorney services were received and inquired what direction Council would like to proceed. She offered options including proceed with interviewing the 5 submittals or re-advertise for more responses.

There was Council discussion including questions regarding where the ad was initially placed, further advertisement; interview process; interviewing with the present applicants; and running the ad a second time.

A motion was made by Councilmember Alen to extend the Attorney Firm solicitation period for another two weeks, seconded by Mayor Nolan. It was approved by a 5-1 vote, Councilmember Hamilton voting against.

There was further Council discussion resulting in the recommendation to interview applicants on a separate day, not at a Council meeting.

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

9.1. Community Development Block Grant (CDBG) Engineering Contract. Accept, reject or modify the contract.

Public Works Supervisor Ed Hanks gave an introduction covering the CDBG requirement, which would be paid out of the grant, as well as the engineering service requirement.

Mayor Nolan made a motion to approve 9.1 Community Development Block Grant (CDBG) Engineering Contract. Seconded by Councilmember Wright, and approved unanimously.

Councilmember Wright recommended that Mr. Hanks give his item 9.6 report at this point in the meeting.

Councilmember Alen made a motion to move items 9.2 and 9.3 to the end of the 9's, seconded by Councilmember Repan, and approved unanimously.

Councilmember Wright made a motion to move item 9.6 to the next item on the agenda, seconded by Councilmember Repan, and approved unanimously.

9.6. Report from meeting at [Arizona Rural Transportation] Summit – Yuma. [CAARF requested by Mayor Nolan]

Public Works Supervisor Hanks spoke on his report subsequent to attendance at the ART Summit. He said the conference was very informative and covered the changes

to the FAST Act funding, which was enacted December 4, 2015. The funding is now 100% competitive and for construction only, not safety plans, requiring more regional effort moving forward. A good portion of funds are dedicated to regional freight routes.

There was some Council discussion.

Yavapai County District 2 Supervisor Tom Thurman attested to Supervisor Hanks attendance and report.

Supervisor Hanks informed Council that the conference was beneficial and thanked the Council for the opportunity to attend.

9.4. Council to have staff draft and send letter to Senator McCain stating position on EPA/Superfund and issues relative to same for clarification and to request assistance. [CAARF requested by CM Alen]

There was Council discussion on ways to move the EPA/Superfund process forward more rapidly.

Councilmember Alen made a motion to approve the draft of a letter from Council to Senator McCain and all legislators, thanking him, but express the need for his help in pushing the EPA toward a solution, seconded by Councilmember Wright, and approved unanimously.

9.5. [Discussion of whether to allow a] presentation on “human trafficking”, [and consideration of supporting a proclamation for same]. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview of his CAARF recommending a presentation at an upcoming meeting and a proclamation. There was Council discussion.

Mayor Nolan made a motion to allow a presentation on “human trafficking” and consideration of supporting a proclamation on this subject, seconded by Councilmember Wright, approved unanimously.

9.2. 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). [Council direction from January 5, 2016 meeting]

Councilmember Hamilton made a motion to approve to go into Executive Session on both 9.2 and 9.3, seconded by Councilmember Repan, and approved unanimously.

9.2.1 Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town’s position regarding possible amendments to the contract with the Town Manager.

Council recessed to Executive Session at 7:26 p.m.

9.3. Update and next steps on property located at 12980 E. Prescott Street (APN 402-09-030C).

Councilmember Hamilton made a motion to approve to go into Executive Session on both 9.2 and 9.3, seconded by Councilmember Repan, and approve unanimously.

9.3.1 Recess into and hold and executive session pursuant to A.R.S. § 38-431.03 (A)(7) Discussions or consultations with designated representative of the public boy n order to consider its position and instruct its representatives regarding negotiations for the purchase of real property located at 1980 E. Prescott Street, Dewey-Humboldt, Arizona, (APN 402-09-030C).

Council recessed to Executive Session for 9.2 and 9.3, consecutively at 7:26 p.m.

9.3.2. Reconvene Regular Meeting.

Council reconvened to Regular Session at 8:42 p.m. No further action was taken on 9.2 or 9.3.

10. Public Hearing Agenda. None.

11. Adjourn. The meeting was adjourned at 8:42 pm.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
FEBRUARY 9, 2016, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 9, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:00 p.m. Mayor Nolan presided.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton (absent at roll-call, arrived late at 2:14 p.m., Mark McBrady (absent at roll-call, arrived late at 2:10 p.m.), Dennis Repan, Nancy Wright; and Mayor Terry Nolan. Vice Mayor Treadway was absent.
3. **Study Session.** No legal action to be taken.

3.1. Financial Statements Review (July 1 – December 31, 2015).

Town Accountant Deni Thompson gave a report reviewing the financial statement with Council and answered questions. She also reviewed the Transition Privilege Tax numbers over the past period giving a summary of revenues year-to-date. Councilmember McBrady and Councilmember Hamilton arrived during this agenda item.

3.2. Website redesign follow-up and possible direction to proceed with an agreement. [continued from 12/8/15 and 1/12/16 work sessions]

Town Clerk Judy Morgan gave an overview of the website development proposal. Council gave direction to bring the CivicPlus contract to Council for approval at the February 16th meeting. Town Manager Kimball explained the Magistrate Court will share some of the cost for the website as well as the A/V system for the Council Chambers.

3.3. Review animal codes (Dewey-Humboldt and Chino Valley) and get public input. Look at the results and then determine whether there is a need to establish an animal advisory committee.

Community Planner/Code Officer Steven Brown was in attendance to answer questions. Council discussed a comparison done between Chino Valley and Dewey-Humboldt animal codes; animal designation of either farm or exotics; whether to allow swine (other than 4H) and, if so, determine appropriate acreage per animal; whether to address Sections 90 Penalty and 153 Zoning separately or together for best end-product; and how often these materials have been before the Council.

Councilmember Hamilton suggested the following changes: include swine, provide a definition for kennels, chapter 90 mandates rabies vaccines at 4 months, and remove the 72-hour limit before "killing".

Town Manager Kimball reiterated that the direction heard at this meeting was to provide clean copies of ordinances for amendments to Town Code Section 90 and 153 with changes - include peacocks as fowl, not exotics; swine to be included but determine appropriate density (research by staff); include pigs as farm animals; include the kennel definition submitted by P&Z. In a week put these draft versions on the home page as a link (by March 1st at latest). This will come back on the study session for March 8th. The January 12th agenda wording will be used for the agenda, as it is broad enough to cover the topic.

Council opened discussion to Public Comment:

Angela Teskey Peterson spoke to 4H education and care regarding pigs.

Debby Pomeroy spoke to definitions' purpose is to provide framework in which people can reside with their animals.

Patrick McGill spoke to Chino Valley's provisions on livestock number limitation vs. acreage. Household pet limitations not changing the farm animal limitations.

Victoria Wendt spoke to the need for a citizens' committee, as it could research further then Town Council is able to without time constraints.

There was further Council discussion regarding the comparison of Chino Valley's ordinance.

Debby Pomeroy spoke to the draft ordinance not having good language; taking Chino Valley's ordinance and tailoring it to fit the town's needs.

There was further Council Discussion.

More public comment was taken.

Debby Pomeroy spoke to the ordinances having been loose. The definitions were to give a framework to the community, not to be restrictive.

Patrick McGill spoke to agreeing to put both sections together for comparison with Chino Valley and send to the Planning & Zoning Commission.

Victoria Wendt spoke to the general ordinances and the Planning & Zoning ordinances going together, as they are part of a whole; take the time to get the language right.

Ulys Brooks spoke to still being here because it (ordinance) is not right yet.

Further Council discussion occurred.

Public comment was taken.

Debby Pomeroy spoke to an error in the language leaving the puppy inoculation deadline at three months instead of four months.

Angela Teskey Peterson spoke to Animal Control not supplying a rabies tag for a dog under 4 months of age.

Debby Pomeroy inquired of Council as to what the next steps of this process would be.

Mayor Nolan reiterated that Town Manager Kimball would combine the two ordinances into a cleaned-up version without redactions or markups; submit the same to the Town Attorney for review; and return the final draft to Council for review at the next work session in March. A draft (with limited legal review) would be made available for public review by March 1, 2016. This topic will return to the March 8, 2016, Work Session agenda with the same item language from the January 12, 2016, meeting.

3.4. Directions on future clean-up programs: An Intergovernmental Agreement (IGA) with Prescott Valley for the annual clean-up event in May, an IGA with Prescott for Hazardous Waste in March; and Dewey-Humboldt's own clean-up program.

Town Manager Kimball gave an overview of past D-H dump days and problematic issues that arose and avenues to avoid this.

Public Works Supervisor Hanks spoke to plans for a fall dump day with 3-4 dumpsters and enclosing the area with fencing to deter after-hours or inappropriate dumping. Supervisor Hanks recommended three weekdays from 7 a.m. to 6 p.m. with two staff manning the site and possible community service workers to assist.

Council agreed to move the Clean-up Day IGA with the Town of Prescott Valley forward to a regular meeting for approval. Council felt that the City of Prescott Household Hazardous Waste program was too expensive and are no longer interested in participating. Council discussed other options for disposal of pharmaceuticals. Council will move forward with determining costs to hold an annual "Dump Day" for Dewey-Humboldt (3-day event to be held September 7-9, 2016).

Town Manager Kimball summarized that she would advise the City of Prescott that D-H will not be participating in their Hazardous Waste event; submit to Council an IGA to participate with Prescott Valley's annual clean-up day in May; put out an RFP for a contractor (trash company) and fencing for the D-H fall dump day with location to be on Main Street, town property. Staff can put an article in the Newsletter to advise community members how to dispose of prescription drugs.

3.5. Review, clarification and potential updating of Code 30.080 [Written Communications]. [CAARF requested by CM Alen]

Council discussed this issue and whether the code needs to be changed. Town Clerk Judy Morgan spoke on how this process works and has worked for her during her tenure. CM Alen stated she feels this is poorly written, non-specific code and will do some additional research and come back with something if she deems to.

3.6. Modification of Town Code Section 30.105D through Council action, resolution and/or ordinance. [CAARF requested by CM Repan]

Councilmember Repan gave his overview explaining that he feels there should be a cut-off date for CAARFs, such as no CAARFs should be added after the agenda-setting meeting. Council discussed the reasons for setting a procedure and considerations for variable to this procedure. Council consensus was to insert in 1st Paragraph (D) Exception: unless it is a time sensitive matter. Councilmember Repan was asked to submit another CAARF with that recommendation. Time sensitive definition is, if an item needs an answer before second council meeting, it can go on the next agenda after the cut-off date. Councilmember Repan to submit another CAARF with that wording.

4. Special Session. Legal action can be taken.

4.1. Discussion of possible acquisition of "Old Bank Building" on Main Street (12925 E. Main Street, Humboldt, APN 402-10-018). [CAARF requested by CM Alen] The Council may by majority vote, recess the regular meeting, hold an executive session, and then reconvene the work session for discussion and possible action on this item.

Councilmember Hamilton made a motion to go into Executive Session on this item, seconded by Councilmember Repan. It was approved unanimously.

4.1.1. Recess into and hold an executive session pursuant to A.R.S. Section 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main Street in Dewey-Humboldt (APN 402-10-018).

Council recessed into executive session at 4:56 p.m.

4.1.2. Reconvene into Open Session.

Council reconvened into Open Session at 5:26 p.m. No further discussion was taken on 4.1.

4.2. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Councilmember Repan made a motion to approve adding a Special Meeting on February 23, 2016, at 2:00 p.m., seconded by CM Hamilton. It was approved unanimously. Some items tentatively scheduled for the March 8, 2016, Work Session will be moved to this special meeting to allow more time for the animal code discussion at the March 8th work session.

5. Adjourn. The meeting was adjourned at 5:35 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC

Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 16, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 16, 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 6:33 p.m. Vice Mayor Doug Treadway presided.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; and Vice Mayor Doug Treadway were present. Mayor Terry Nolan 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.

 - 4.1. **Public Safety Quarterly Report – 4th Quarter 2015.**
 - 4.1.1. **Yavapai County Sheriff's Office report presented by Lt. Raiss.** Topics for possible discussion include: Overview - Self-Initiated, Calls for Service, Traffic Stops including number of citations, Arrests (Family Fight, Disorderly, DUI/Drugs); Criminal Investigation; Animal Control - Calls for Service; Calls for Service Comparison-Days of Week, Time of Day; Average Response Times; Part 1 Crimes Comparison.

Lt. Raiss attended and gave a PowerPoint presentation. He gave data on calls for services; drug arrests up for 4th quarter along with other arrests; working on next fiscal year contract with Dewey-Humboldt; road improvements on highway 169, road widening since more heavily travelled.
 - 4.1.2. **Central Yavapai Fire District report presented by Rick Chase.** Topics for possible discussion include: calls responded; outreach programs and services, construction permitting.

Fire Chief Rick Chase reviewed his presentation, explaining Dewey-Humboldt is a safe area; reviewed data on calls; how back-ups are handled; Prescott area wildlife program, FireWise and defensible space; encouraged participation in these programs and explained how they work. Burn permits can be obtained on the City of Prescott website (online) with activation and deactivation done online and are good for a calendar year.
 - 4.1.3. **Magistrate Court report presented by Judge Catherine Kelley.** Topics for possible discussion include: citations, procedures, services.

Magistrate Judge Catherine Kelley was not in attendance due to an injury. Council will request her report another time.
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. Status report of the free “well-water” test kit program.

Town Manager Kimball gave an overview of this program and explained its popularity with D-H citizens. She reiterated the results of the tests will go directly to the participants, and not the town.

- 6. Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Town Council and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Council Member’s request. If a citizen desires separate consideration of an item, he or she should approach a Council Member prior to the meeting and ask that the Council Member request that the item be removed.

6.1. Clean-up Day Intergovernmental Agreement (IGA) with the Town of Prescott Valley.

Possible acceptance, rejection or modification of the IGA. (As directed at the February 9th meeting)

Councilmember Hamilton made a motion to approve the Clean-up Day Intergovernmental Agreement (IGA) with the Town of Prescott Valley, as presented. It was seconded by CM Alen and approved by a 5-1 vote in favor, CM McBrady voting against.

6.2. Website Development contract with CivicPlus (a website development, support and hosting company) for a new Town website. Possible acceptance, rejection or modification of the contract. (As directed at the February 9th meeting)

Councilmember Wright made a motion to approve the Website Development contract with CivicPlus for a new Town website, as presented. It was seconded by CM Repan 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.

8.1. Resolution 16-119 adopting the revised Principles of Sound Financial Management policy.

Councilmember Wright made a motion to approve Resolution 16-119 adopting the revised Principles of Sound Financial Management policy, as presented. It was seconded by CM Hamilton and approved unanimously.

8.2. 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)(1) and (4). (As directed at the February 2nd meeting)

Councilmember Hamilton made a motion to move 8.2. to the end of the meeting (just before adjournment). It was seconded by CM Alen and approved unanimously.

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

Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, and (4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the

Town's position regarding possible amendments to the contract with the Town Manager.

8.2.2. Reconvene Regular Meeting.

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

9.1. Review and discussion of regular council meeting of 1/5/16, agenda item 5.2 Entitled “Town attendance at the January 2017 Rural Transportation Summit in Yuma”.
[Requested by CM Repan]

Councilmember Repan explained he would like to postpone this agenda item until the Mayor could be in attendance, as it related to him.

Councilmember Alen made a motion to table until the first meeting the Mayor is back, seconded by CM Repan. It was approved unanimously.

10. Public Hearing Agenda. None.

8.2 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)(1) and (4). (As directed at the February 2nd meeting)

Councilmember Repan made a motion to go into Executive Session on this item, seconded by CM Hamilton. It was approved unanimously. Council recessed into Executive Session at 7:15 p.m.

8.2.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, and (4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding possible amendments to the contract with the Town Manager.

8.2.2. Reconvene Regular Meeting.

Council reconvened into regular session at 8:06 p.m. No further discussion or action was taken on this agenda item.

11. Adjourn. The meeting was adjourned at 8:06 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
FEBRUARY 23, 2016, 2:00 P.M.**

A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 23, 2016, 2:00 P.M., AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:03 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; and Vice Mayor Doug Treadway were present. Mayor Terry Nolan was absent.
3. **Study Session.** No legal action to be taken.

3.1.FY 2016 Citizen Survey update – Report by Survey consultant, Yavapai College Regional Economic Development Center Director, Alexandria Wright, regarding status.

Ms. Alexandria Wright gave her report stating that approximately 230 surveys have been returned. She explained the compilation and analysis process. There was discussion amongst Council as to further surveys, and the numbering and mailing process. Ms. Wright was granted permission to mail an additional 500 more surveys with identifying information on the envelope, at no additional cost.

3.2.Public Works Depart Periodic Report.

Public Works Supervisor Ed Hanks gave an outline of completed, current, and future projects. The CDBG ongoing contract should reach the 50-60% mark by mid-March and is scheduled to advertise for construction by mid-April. Supervisor Hanks met with Sandra Goodwin of the Open Space and Trails Committee and Ann Marie of Prescott National Forest regarding the Newtown Trailhead project layout. Supervisor Hanks advised that we are about 2/3 way through the Flood Control funds. Supervisor Hanks has requested \$75,000 of Yavapai County Flood Control for next year's projects. Council discussion involved drainage issues, grading issues, and general road work. Mr. Hanks stated that the annual bridge report for this year gave a 79.85 rating which is above average nationwide and updated Council on necessary bridge maintenance. The Main street traffic light was advertised, bids received and a contractor was selected. This should be accomplished by the fiscal year end. Supervisor Hanks updated Council on flood, culverts, drainage and erosion projects.

3.3.Building Permit Report for 2015 calendar year.

Building Official Don Roberts gave the Building Permit report for the 2015 calendar year. There were 12 single family residential homes; 9 manufactured homes; 17 solar and other types of permits such as renovations and over-the-counter electric. This generated \$64,000 in Building Department revenues; combined with Planning; Zoning & Public Works permits for a total of \$73,000. Plan reviews and permits are increasing. All outstanding county-issued permits are being returned to D-H. Solar permits were discussed and Mr. Roberts acknowledged that the incentives for individuals to install solar are decreasing.

3.4.Recap of Council discussions on changes to proposed animal ordinances and preview of draft website posting of the same.

Community Planner/Code Officer (CP/CO) Steven Brown gave an overview and recapped the changes that Council chose to make at the last meeting. The packet copy reflected

changes i.e. the kennel definition recommended by the Planning & Zoning Commission; peacocks being added back in as farm animals rather than exotics; swine added to the chart allowed at rate of 1 per acre. There was input and discussion by Council.

Council opened this agenda item to public comment.

Debby Pomeroy spoke to this ordinance having major problems, recommending a three-member committee to work on the issue.

Victoria Wendt spoke to not rushing the ordinance, pointing out discrepancies between the ordinance and general provisions (definition and explanations).

Patrick McGill spoke against having the animal chart numbers and compared it to Chino Valley's ordinance.

Council discussion resumed resulting in the request that the ordinance be published without markups, redactions or omissions, resulting in an "easier to read – clean copy" version for public review by March 8, 2016. Public input after the review of this new version was encouraged. Council referred the animal ordinance issue to a separate work session scheduled for March 22, 2016.

3.5. "Firewise Community" staff report and future direction.

CP/CO Steven Brown gave an overview of the Firewise program. There will be two designated areas, one on the east side and one on the west side of the town borders. This provides eligibility for funding defensible space around homes. A committee is to be made up of representatives from the target areas willing to commit to meet regularly on this issue. Benefits of participating in the Firewise program could result in a discount in insurance rates.

There was Council discussion as to the specifics of the program.

Town Manager Kimball said the Firewise program goes hand in hand with the defensible space grant with CYFD. There is an assessment, a contractor is hired, and participants are reimbursed a certain amount.

CP/CO Brown explained it would be ongoing, in-kind matching, and targeting areas that will garner support from other agencies. CP/CO Brown felt that it would be a manageable program with community involvement.

Town Manager Kimball endorsed the formulation and marketing of the program.

Councilmember Hamilton spoke to putting it on a future regular meeting for official action.

3.6. Whether to and/or how to consider agency requests for funds in the FY 16-17 budget.

Town Accountant Thompson spoke to seeking direction from the Council on how to consider fund requests from various agencies and maintaining consistency, possibly by way of process or policy. Council discussed how these requests have been handled in the past and should be addressed in the future, including possibility of the discontinuation of funding any outside agencies. Council will consider different directions and advised Town Manager Kimball to continue forwarding current requests until further direction is forthcoming from Council.

3.7. Council direction on Senator Steve Pierce legislative direction request.

Council discussed the firearm issue. Town Manager Kimball summarized that she understood from the discussion that the Council does not choose to participate in the survey.

4. **Special Session.** Legal action can be taken.

4.1. **Upcoming Budget consideration and/or proposals.** [CAARF requested by CM Repan]

Councilmember Repan spoke to community concerns that could be addressed in the future budget. He cited the success of the recent water testing program. Councilmember Repan recommended consideration of grading private roads for emergency access.

Councilmember Hamilton spoke to the benefit of participating in the Firewise program, however, indicated that he defers from involving the Town in private road maintenance, as these are not town-owned roads.

Town Clerk Morgan reminded Council that some of the topics being discussed were of a specific nature and not agendized appropriately, as required.

Vice Mayor Treadway recommended bringing this topic with specifics back to a future Study Session.

5. **Adjourn.** The meeting was adjourned at 5:19 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN COUNCIL
REGULAR MEETING MINUTES
MARCH 1, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 1, 2016, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Councilmember Nancy Wright gave the invocation.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Dennis Repan, Nancy Wright; and Vice Mayor Doug Treadway were present. Councilmember Mark McBrady and Mayor Terry Nolan were 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.

 - 4.1. **Human Trafficking Proclamation and presentation. Presentation by Scott Mabery.**

(Approved at February 2nd Council meeting)

Vice Mayor Doug Treadway read the Human Trafficking proclamation. He invited Yavapai County Director of Juvenile Services Scott Mabery to give his presentation. Mr. Mabery explained this is a problem in Yavapai County; and spoke on the creation of a video to bring awareness to the issue of human trafficking (Facebook page: search for Nursery rhymes video). It has received international recognition. Forum on April 27th unveiling the video with the keynote speaker being Cindy McCain.
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.

Town Manager Kimball spoke on the status of the 4-door town truck: vehicle accident in December, vehicle totaled, insurance check received, Public Works Supervisor Ed Hanks looking for a replacement. Secondly she spoke on the details of the trademark of the town logo: cost to trademark at state and federal levels, other questions to follow up on – one-time or on-going fee.

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

Town Manager Kimball spoke on letters from EPA and the Agency for Toxic Substances and Disease Registry, which are included in the packet. She is on a regular conference call with this national group regarding the Superfund site. Council briefly discussed whether to have a council member sit in on those calls. It was determined not to, but have TM Kimball report regularly to Council on these calls.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the January 5, 2016 Regular Council Meeting.

Councilmember Alen made a motion to approve the January 5, 2016 Regular Council Meeting minutes, as presented; seconded by CM Hamilton. It was approved unanimously.

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

Councilmember Hamilton made a motion to endorse the efforts to establish FireWise communities in Dewey-Humboldt and direct staff to proceed; seconded by CM Alen. It was 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.

8.1. Town Legal Services Solicitation report and process.

TM Kimball explained 5 proposals were received for the legal services advertisements. Council discussed whether to interview all or make a cut. Council made a cut to interview the following four: Michael Goimarac; Simms Murray, Ltd; Musgrove, Drutz Kack & Flack, PC firm; Gust Rosenfeld PLC firm.

Councilmember Wright made a motion to hold interviews for the 4 attorneys/firms as determined; date to be decided. It was seconded by CM Hamilton and approved by a 4-1 vote in favor, CM Alen voting against.

Councilmember Repan made a motion to approve having a special meeting to hold the interviews on March 15th at 4:00 p.m., seconded by CM Hamilton. It was approved unanimously.

Council will want the 2010 Council questions list cleaned up and sent to Council. TM Kimball will contact the four firms/attorneys to set up attendance for the interview. Council determined to make the decision at the April 5th Regular meeting and they requested agendizing for an Executive Session for discussion about each firm/attorney if necessary.

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

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

Council reviewed the preliminary budget schedule and TM Kimball asked they provide input on which dates work for extra meetings.

10. Public Hearing Agenda. None.

11. Adjourn. The meeting was adjourned at 7:43 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
MARCH 8, 2016, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 8, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:02 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway were present. Mayor Terry Nolan was absent.

Vice Mayor Treadway recommended moving 4.1 to the beginning of the agenda as CM Alen and Town Attorney Goodwin needed to participate in that agenda item but they had other commitments and would not be able to stay past a certain time. Council agreed.

4.1. An Executive Session pursuant to A.R.S. 38-431.03 (A)(7) for discussion or consultations with designated representatives of the Town in order to consider its position and instruct representatives regarding negotiations for the purchase of real property and if purchased, the potential lease of the real property located at 12925 E. Main St. This is a continuation of the discussion held earlier this month in work study session. [CAARF requested by CM Alen]

Councilmember Hamilton made a motion to recess into Executive Session for 4.1., seconded by CM Wright. It was approved unanimously.

- 4.1.1. Recess into and hold an executive session** pursuant to A.R.S. Section 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property located at 12925 E. Main Street in Dewey-Humboldt (APN 402-10-018).

Council recessed into Executive Session for at 2:04 p.m. to address 4.1.

- 4.1.2. Reconvene into Open Session.**

Council reconvened into Open Session at 3:04 p.m. No discussion or action was taken in Open Session on 4.1.

3. **Study Session.** No legal action to be taken.

Council agreed to move 3.3 ahead on the agenda to accommodate Town Attorney Goodwin's schedule (leave early).

- 3.3. Trademark/copyright Town Logo and/or Slogan report and direction.**

Town Attorney Goodwin gave an overview on the information she received regarding possible trademark/copyright of the Town logo. The cost to trademark at the federal and state levels for all (color and black and white) town logos was estimated at \$5K. There was council discussion.

It was agreed that Council likes the idea of moving forward with the state trademark. They directed staff to put this matter on the next Town Council Meeting agenda for legal action.

Council agreed to move 3.2 up next on the agenda to accommodate staff's attendance for this item.

- 3.2. Social Media Presence report and direction of future steps.**

Community Development Technician Penney Hubbard gave an overview of the feasibility and requirements of development and maintenance of a social media page for the Town.

There was discussion amongst the Council as to the validity of the need for this type of social media presence. TM Kimball shared that other communities cited positive feedback regarding their social media endeavors and are satisfied with their Facebook pages.

Council reached consensus to consider this for a trial period, but want to view a social media policy before proceeding.

3.1. Facility Space Study follow-up. [CAARF requested by VM Treadway]

Vice Mayor Treadway spoke to the Facility Space Study Plan results from Abacus not fitting the possible town hall site. He discussed the issue with TM Kimball and as a result Building Official (BO) Don Roberts reviewed the Abacus draft and drew alternate plans that did fit the Town site.

BO Roberts gave an overview of his drawing to incorporate a steel building (under 5,000 sq. ft.) that suits the actual needs of the Town with an estimated cost of \$135k-140k.

There was Council discussion about working on the Town's infrastructure before considering building a Town Hall. Council determined to put any building plans on hold for now.

4. Special Session. Legal action can be taken.

4.2. Revision of 30.019 including sub paragraphs. [CAARF requested by CM Repan]

Councilmember Repan gave an overview of his requested code revision of § 30.019 Council Member Committees. Council agreed to forward the proposed revisions to the Town Attorney for review.

4.3. Revision of 31.17 including sub paragraphs. [CAARF requested by CM Repan]

Councilmember Repan gave an overview of his code revision of § 31.17 Appointments. Council agreed to forward the proposed revisions to the Town Attorney for review.

4.4. Modification of Town Code 30.105 through council action, resolution and/or ordinance. [CAARF requested by CM Repan]

Councilmember Repan gave an overview of his code revision of § 30.105 Council Agenda. Council agreed to review this with the Town Attorney at the next regular meeting.

4.5. Discussion and consensus on removing 33.01, 33.02 and 33.03 from Town Code. [CAARF requested by CM Wright]

Councilmember Wright spoke on her reasons for removing § 33.01 - Employee Compensation Plan, § 33.02 - 457 Deferred Compensation Plan, and § 33.03 - 401 Money Purchase Retirement Plan, from the Town Code. Council inquired as to the difference between a resolution and an ordinance. Town Clerk Judy Morgan spoke on the difference and historical considerations for codifying.

TM Kimball shared that the majority of the subjects in the three resolutions were covered under policy with the exclusion of COLAs, merit raises, and salary ranges. There was council discussion. Ms. Wright spoke on bringing this back for deletion from

Town Code and proposed Town Council review of all employee benefits during the annual budget process. Councilmember Hamilton recommended Town Attorney review and bringing it back on a future agenda.

4.6. Consideration of individual Council member(s)' proposals and ideas as they are related to the FY 17 Budget's General Fund, Highway User Revenues Fund (HURF) and Grant Funds. [CAARF requested by CM Repan]

Councilmember Alen left the meeting at 4:32 p.m.

Councilmember Repan gave an overview as to his purpose for bringing forth this issue. He spoke on wanting CM Alen to be in attendance to give her input on this topic. Council agreed to move this CAARF to the April 5th meeting.

4.7. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Council agreed to add no additional special sessions, as there is already a Special Session scheduled for March 22nd for the animal ordinance discussion.

5. Adjourn. The meeting was adjourned at 5:04 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL SESSION MINUTES
MARCH 15, 2016, 4:00 P.M.**

A SPECIAL SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 15, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call to Order.** The meeting was called to order at 4:05 p.m. Vice Mayor Treadway presided.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady (absent at roll call, arrived late at 4:08 p.m.), Dennis Repan (absent at roll call, arrived late at 4:24 p.m.), Nancy Wright; and Vice Mayor Doug Treadway were present. Mayor Terry Nolan was absent.
3. **Study Session.** No legal action to be taken.

3.1. Council preparing for the interviews.

Council discussed that Vice Mayor Treadway would ask the interview questions with Council Members asking any follow-up questions. Council consensus was that the outcome of the interviews (Attorney selection) will be decided at the April 5, 2016, regular session.

3.2. Town Attorney Interviews.

3.2.1. 4:00 – 4:30 p.m. Interview of firm representative for Sims Murray, Ltd.

This interview began at 4:10 p.m. Attorney Bill Sims of Sims Murray LTD introduced himself to the Council. Mr. Sims stated that his firm could offer one-stop shopping service. He would be the primary contact, but had the backup of his partner, Jeff Murray, who specializes in land use. Mr. Sims is currently seeking another attorney with his passion for community legal work, to fill his absence upon retirement in approximately three years. Mr. Sims stated that he conducts trainings on Public Records; Planning & Zoning; and Land Use to clerks and municipal personnel and has much experience in this area. Mr. Sims conveyed the importance of needing to work with the Town Manager. Mr. Sims indicated believing that he can assist getting the Town's attorney fees down and would work under a cap, if required, but expressed that Town Council needs to bear responsibility in reducing legal fees as well. The rates would be \$175 to \$200 per hour. His associate's fees would be \$175 per hour, while his rate is \$200 per hour. Mr. Sims expressed that his firm would be happy to take on D-H, which would cap his community work. This interview ended at 4:35 p.m.

3.2.2. 4:30 – 5:00 p.m. Interview of firm representative for Musgrove Drutz Kack & Flack, PC.

This interview began at 4:37 p.m. Attorneys Sharon Flack and Ken Kack were in attendance for the interview process. Mr. Kack explained that Sharon Flack would take primary responsibility for this account, with the other associates backing her up. Ms. Flack explained that she knows D-H is fiscally responsible and can achieve that by making one attorney (Ms. Flack) the point of contact. There would be no double billing for issues, even if an issue was deferred to an associate with expertise in the specific subject matter. Standard service rates are \$250 per hour for Mr. Kack and \$225 per hour for Ms. Flack, however, their proposal to D-H was an hourly base rate of \$150 for general matters, including attendance at Council meetings, and a \$175 hourly rate for litigation. Ms. Flack stressed that their firm is a local presence, just down the road, and a Tuesday evening presence at Council meetings, if required, would not be an issue. She reported that she is

familiar with Robert's Rules, but would be happy to do an in-depth study at no charge, understanding the need to keep an efficient meeting process. Ms. Flack is excited to work with D-H. This interview ended at 5:13 p.m.

3.2.3. 5:00 – 5:30 p.m. Interview of firm representative for Gust Rosenfeld PLC.

Attorneys Susan Goodwin and Phyllis Smiley attended the interview representing Gust Rosenfeld PLC. They currently represent the Town of D-H. Ms. Goodwin stated that she would continue to be the primary attorney, deferring to Ms. Smiley for ordinance work and other firm members for specialty issues, if necessary. She stated that representing small towns can be just as complicated as large cities. Ms. Goodwin indicated that the transition from her former firm to Gust Rosenfeld offered opportunity for more enhanced resources. Ms. Goodwin referred to D-H having its own unique challenges, one being that the primary reason for incorporation was to remain independent, likewise the Council remains an "independent bunch". Upon question, Ms. Goodwin agreed with a Councilmember statement that D-H could help keep their rates down by not sending her the boilerplate work and staff handling some of the ordinance work. Current fees were discussed at the first 15 hours being billed at \$200 per hour, and after 15 hours an increase to \$240 per hour. Ms. Goodwin stated not wanting to be put in a position of negotiating against herself. Ms. Goodwin asked Council how she should proceed regarding fees and if she should submit a proposal. Council discussed this and said they would get back to the firm with any questions regarding fees. This interview ended at 5:55 p.m.

4. Adjourn. Meeting was adjourned at 5:56 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
MARCH 15, 2016, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 15, 2016, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DOUG TREADWAY PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:30 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway were present. Mayor Terry Nolan 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.

4.1. Interview and possible appointment of Luiz Chavez to the Planning and Zoning Commission.

Councilmember Alen stated that there is a revision to the Council rules presently being reviewed by the Town Attorney, that would require a 30-day waiting period before applicants are appointed to commission/committee(s).

Councilmember Wright also cited that the code requires that the Chair of the Planning and Zoning Commission be present at the appointment, as well.

Councilmember Repan spoke to an apparent consensus to postpone Mr. Chavez's appointment and follow the new 30-day waiting process for appointment.

Councilmember Mark McBrady spoke to allowing Mr. Chavez to speak, as he was present, and made the effort to attend this meeting.

Vice Mayor Treadway invited Mr. Chavez to speak and thanked him for his attendance.

Luiz Chavez spoke on his background of ranching and construction. Mr. Chavez has lived in the area 18 years, the three most recent years in D-H. He would like the opportunity to give back to his community and cited a better, simpler way of life in D-H. Mr. Chavez cited experience in zoning by way of his construction background and recently has been studying D-H's specific zoning rules and ordinances. Mr. Chavez expressed understanding the need to follow the rules and the 30-day process.

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.

Town Manager Kimball shared the ISO rating survey outcome, which rates the effectiveness of the building safety services. D-H received a rating of “3” for residential and a “4” for commercial. The scale is a 1-10 system, with 1 being the best. This is a 1-point improvement since the 2006 survey. This could potentially have a positive bearing on insurance ratings. TM Kimball pointed out that this is a better rating than Yavapai County received.

Councilmember Hamilton asked that a copy of the letter be forwarded to the Council. TM Kimball stated that she would do so.

6. Consent Agenda.

6.1. Minutes. Minutes from the January 12, 2016 Study Session Council Meeting and January 19, 2016 Regular Council Meeting.

Councilmember McBrady pointed out an error on Page 12, Item 9.2.1 of the January 19, 2016 Regular Council Meeting minutes where his name was erroneously noted as Brady, not McBrady. Town Clerk Morgan explained this would be corrected.

Councilmember Repan made a motion to approve the Minutes from the January 12, 2016 Study Session Council Meeting and January 19, 2016 Regular Council Meeting with correction on January 19, minutes 9.2.1 changing Brady to McBrady. Motion seconded by Councilmember Alen, and approved unanimously.

6.2. Copyright /Trademark of Town logo(s) and/or slogan. (Directed at the March 8 meeting)

Councilmember Hamilton made a motion to approve to pursue the trademark of the logo at the state level, seconded by Councilmember Alen, and approved unanimously.

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.

No Public Comment

8. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

8.1. Council Letter regarding the Iron King /Humboldt Smelter Superfund site issues to Senator McCain. As directed at the February 2 meeting.

After Council discussion, Councilmember Repan made a motion to approve to move the letter regarding the Iron King/Humboldt Smelter Superfund site uses to Senator McCain

to the next work session for further discussion and direction. Seconded by Arlene Alen, and approved unanimously.

Tom Thurman, Yavapai County Supervisor, spoke on helping with the Superfund issue. He also spoke to a fireworks bill; firefighting bill; the “glory hole” dump remediation. Mr. Thurman also spoke to Senator Gosar being a good contact in regard to the Superfund issue, as well.

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

9.1. 2011- 2021 Capital Improvement Plan review, assessment and direction for future implementation.

Councilmember Repan spoke on putting this item on a work session rather than a regular meeting. Councilmember Repan made a motion to approve moving the 2011-2021 Capital Improvement Plan review, assessment and direction for future implementation to a work session with limited agenda items. Seconded by Councilmember Hamilton, and approved unanimously.

TM Kimball explained that this was originally on a study session, but with other agenda items filling up the work session it was moved up to a regular meeting. Council reviewed the list of tentative agenda items for April 12th. Councilmember Repan spoke on capping the April 12th work session to these 4 items as they stood (Financial Report-OpenGov; Consideration of individual Council member(s)’ proposals and ideas as they are related to the FY17 budget’s General Fund, HURF and Grant Funds; Council letter regarding the Iron King/Humboldt Smelter Superfund site issue to Senator McCain; CIP review).

9.2. Yavapai County Sheriff’s Office Intergovernmental Agreement for police services (FY 2016-17).

Lieutenant Raiss was present and reviewed the contract changes citing no major modifications. There was a 2.7% increase over last year’s contract attributed to the PSPRS retirement fund increase. Lt. Raiss answered Council questions regarding mileage, personnel turnover, car acquisition, and benefit increases.

Councilmember Hamilton made a motion to approve the Yavapai County Sheriff’s Office Intergovernmental Agreement for police services, as presented. It was seconded by Councilmember Alen, and approved unanimously.

9.3. United States Department of Agriculture (USDA) Business Development Grant Advisability. Possible action on whether to apply and for what project(s) if applying.

Town Manager Kimball gave an overview of the USDA grant for a multi-media sign. Mortimer Farm is seeking a sponsor for the grant as the recipient has to be government, municipal, or non-profit. Council discussed the issue at length in respect to possible costs involved, maintenance, size, location and code. Council felt they had inadequate information to proceed with this grant.

Councilmember Repan made a motion to approve to not move forward on this grant. It was seconded by Councilmember Alen and was approved by a 4-2 vote in favor, Councilmembers McBrady and Wright voting against.

9.4. Council's approval to hear a presentation in conjunction with the proclamation being read. [CAARF requested by VM Treadway)

Vice Mayor Treadway gave an overview explaining a request to give a short oral presentation to go along with a proclamation.

Councilmember Alen made a motion to approve hearing a presentation on Submarine Veterans' Birthday in conjunction with the proclamation being read at the April 5th Regular meeting. It was seconded by Councilmember Wright, and approved unanimously.

10. Public Hearing Agenda. None

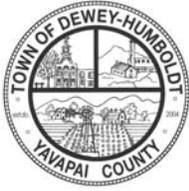
11. Adjourn. The Meeting adjourned at 8:12 p.m.

Doug Treadway, Vice Mayor

ATTEST:

Judy Morgan, Town Clerk

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

TOWN COUNCIL REGULAR MEETING

April 5, 2016, 6:30 p.m. Town Council Meeting Chambers

Agenda Items # 8.2 Discussion and possible appointment of applicant(s) to the position of Town Attorney. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purpose. When the Executive Session ends, Council may act on any matter considered on the agenda.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: March 31, 2016

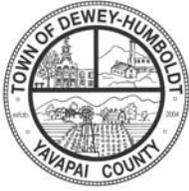
Summary:

At the March 15th Special Session, Council interviewed three attorney firms during open sessions. They are: Sims Murray, Ltd., located in Phoenix, Musgrove Drutz Kack & Flack, PC., located in Prescott and Gust Rosenfeld PLC., located in Phoenix.

At this meeting, the Council is expected to discuss the interviews and make your selection. For the purpose of the Open Meeting Law, all three firms have been contacted for the potential executive session and given their consent to discuss their firms in Executive Session.

Upon your selection, staff will bring a contract for the Council and the selected firm to enter into at a future meeting.

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

TOWN COUNCIL REGULAR MEETING

April 5, 2016, 6:30 p.m. Town Council Meeting Chambers

Agenda Items # 8.3 Ordinance 16-125 to amend Town Code Section 30.105 Council Agenda. (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

8.4. Ordinance 16-126 to amend Town Code Section 30.019 Protocol at meetings. (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

8.5. Ordinance 16-127 to amend Town Code Section 31.17 Appointments. (As directed at the February 9th Work Session). Possible adoption, rejection and/or modification.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: March 31, 2016

Summary:

At the March 8th Study Session, at CM Repan's request, Council directed three code section changes. Accordingly, three ordinances were prepared:

Ordinance 16-125 amending town code section ***30.105 Council Agenda***

Ordinance 16-126 amending town code section ***30.019 Protocol at Meetings***

Ordinance 16-127 amending town code section ***30.17 Appointments***.

Staff also updated the public body appointment application form in preparation for Council's adoption of Ordinance 16-127. The updated form would reflect the new requirements of criminal background checks imposed by Ordinance 16-127 and also a few other code requirements that pertain to council appointed boards, commissions, and committees.

Another note to Ordinance 16-127 is that the Town currently does not have authority for fingerprinting yet. I am working with Yavapai County Sheriff Office to see if we could work out some kind of arrangement.

Recommendation:

Adopt: Ordinance 16-125 amending town code section ***30.105 Council Agenda***

Ordinance 16-126 amending town code section ***30.019 Protocol at Meetings***

Ordinance 16-127 amending town code section ***30.17 Appointments***.

Attachment(s): 8.3 Ordinance 16-125; 8.4 Ordinance 16-126; 8.5 Ordinance 16-127 and Council Appointment Application form.

ORDINANCE No. 16-125

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, SUBCHAPTER COUNCIL MEETINGS, § 30.105 COUNCIL AGENDA RELATED TO REQUIRING USE OF A COUNCIL AGENDA ACTION FORM TO DESCRIBE THE ACTION PROPOSED BY COUNCIL AND SETTING A DEADLINE TO SUBMIT COUNCIL AGENDA ITEMS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Council Meetings, Section 30.105 Council Agenda is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 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.

(B) Any resident of Dewey-Humboldt or staff member may request placement of a matter on the Council agenda by requesting that a Councilmember submit a "Council Agenda Action Form."

(C) Any member of the Town Council may request an item be added to the agenda for the next regular Council meeting, ~~and~~. IF THE REQUEST COMPLIES WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (D) OF THIS SECTION, THE item shall be placed on the agenda. A request to modify or remove an agenda item may be made by the requesting Councilmember, in which case it shall be modified or removed without further action. The Mayor or any other Councilmember may request an item that was submitted by another Councilmember be modified or removed, in which case it may only be modified

or removed with the concurrence of the Councilmember who requested it be put on the agenda.

(D) ~~In order to accurately describe what agenda action is proposed, the~~ AGENDA ITEM REQUESTS SHALL BE SUBMITTED USING A "Council Agenda Action Form" AND SHALL ACCURATELY DESCRIBE THE MATTER TO BE ADDRESSED AND THE PROPOSED COUNCIL ACTION REGARDING THE MATTER. ~~should be used~~ and AGENDA ACTION FORMS SHALL BE submitted ~~at least six days~~ prior to the next AGENDA SETTING MEETING PRIOR TO THE NEXT REQUESTED, regularly scheduled Council meeting. AN EMERGENCY AGENDA REQUEST MAY BE SUBMITTED AFTER THE DEADLINE PURSUANT TO TOWN CODE SECTION 30.031(E)(3).

* * *

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2016, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-125 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2016, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2016.

Judy Morgan, Town Clerk

ORDINANCE No. 16-126

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, SUBCHAPTER TOWN COUNCIL, § 30.019 COUNCIL MEMBER COMMITTEES RELATED TO APPOINTING COUNCIL MEMBERS TO COUNCIL MEMBER COMMITTEES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Town Council, Section 30.019 Council Member Committees is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.019 Council Member Committees

* * *

(C) Standing, special, or ad hoc Council Member Committees may be created or dissolved by ~~the Mayor or~~ a majority vote of the Council. ~~The Mayor appoints the members.~~

~~(D) The Mayor annually appoints members to standing Council Member Committees.~~

(ED) Other members of the Council not assigned to a Council Member Committee may attend meetings of a Council Member Committee, as an observer; however, they shall be seated with the audience and may not participate in any manner or address the Council Member Committee.

(FE) If an absence is anticipated on a Council Member Committee and that absence may impede the work of the Council Member Committee, the Council Member Committee chair or other member may request that the ~~Mayor~~ COUNCIL designate another member of the Council to attend for the absent member and serve as an alternate member of the Council Member Committee. The term for service by the alternate member will be the term designated in the appointment, or for one meeting, if no term is specified.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2016, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-126 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 201, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 201.

Judy Morgan, Town Clerk

ORDINANCE No. 16-127

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 31 TOWN ORGANIZATIONS AND DEPARTMENTS, SUBCHAPTER BOARDS, COMMISSIONS AND CITIZENS COMMITTEES, § 31.17 APPOINTMENTS RELATED TO BACKGROUND CHECKS ON APPOINTEES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 31 Town Organizations and Departments, Subchapter Boards, Commissions and Citizens Committees, Section 31.17 Appointments is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 31.17 Appointments.

(A) All voting members of town boards, commissions, or Citizen Committees ~~must~~ SHALL be appointed by Council action (by motion or resolution) AND SHALL SERVE AT THE PLEASURE OF THE TOWN COUNCIL.

(B) The motion, ordinance, or resolution establishing boards, commissions, or Citizen Committees ~~will~~ SHALL include the number of members, the purpose for which the board, commission, or Citizen Committee is organized, and the duties thereof.

(C) ~~The town ordinance provides that~~ Members of town boards and commissions ~~must~~ SHALL be residents of the town. Non-voting Citizen Committee membership ~~may include~~ BE nonresidents.

(D) All appointees should bring the skill, integrity, knowledge, interest and commitment to evaluating issues in the broad context of the public interest. To the extent possible, appointees should be selected to represent a broad cross-section of the community relative to the purpose of the agency. ALL PROPOSED APPOINTEES SHALL BE SUBJECT TO A BACKGROUND CHECK, INCLUDING FINGERPRINTING, AND SHALL BE INTERVIEWED BY THE CHAIR OF THE BOARD,

COMMISSION, OR COMMITTEE PRIOR TO SUBMISSION OF THE NAME TO THE COUNCIL FOR APPROVAL OF THE APPOINTMENT.

(E) Appointees may serve an unlimited number of consecutive terms on a given board, commission or Citizen Committee (except where specifically limited), AT THE DISCRETION OF THE TOWN COUNCIL.

(F) The Town Clerk SHALL provides application forms and maintains a composite listing of all applications on file which have been received. APPLICATIONS SHALL BE RETAINED FOR ONE YEAR.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2016, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-127 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2016, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2016.

Judy Morgan, Town Clerk



TOWN OF DEWEY-HUMBOLDT

Town Commission and Committee Vacancy Application Form

Please complete this application form and thank you for your interest in serving.

Personal information:

Name: _____ email: _____

Mailing & Physical Address: _____

Phone Number: _____
(please indicate home and work numbers) Occupation _____

How long have you lived in Dewey-Humboldt? _____ years. Are you over the age of 18? Yes No

Are any of your relatives, employed by the Town? Who/Where: _____

Emergency Contact: _____
Name Phone Relationship

Are you presently employed? (Check as many as apply)

Employed full-time Employed part-time Unemployed Retired Other _____

Employment experience relevant to the position applied for: _____

Position applied for: Briefly describe your interest in volunteering for the Town's Commissions and/or Committees. Describe your experience, education and /or other qualities that you feel would be of value to the Town. You may apply for more than one position. If doing so, please list in order of preference. If needed, you may attach a separate sheet of paper.

Town of Dewey-Humboldt
Commissions and Committees

(Please number in order of preference, 1st choice, 2nd choice, etc., if applying for more than one position)

COMMISSIONS

_____ ***Planning and Zoning Advisory Commission*** – Seven member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. Term of appointment is four years. The Commission may set its own schedule but is required to meet at least quarterly or at the request of the Mayor, a Councilmember or applicant.

COMMITTEES

_____ ***Environmental Issues Advisory Committee*** – Provides for the identification, assessment and monitoring of environmental and public health issues that may be of concern to the Town. Term of appointment is two years. Committee may set its own meeting schedule and shall meet at least quarterly or at the request of the Town Council.

_____ ***Groundwater Resource Advisory Committee*** – Provides for the collection of data, information and studies that will assist the Town in being a positive influence in the preservation of its citizens’ rights to access groundwater and other appropriate water resources. Term of appointment is two years. Committee may set its own schedule and shall meet at least quarterly or at the request of the Town Council.

_____ ***Clean Town Committee*** – Provides organizational oversight of volunteer services to the Town and its citizens and assist in developing programs that address issues of accumulated trash, code enforcement and related concerns. Term of appointment is two years. Committee may set its own meeting schedule and shall hold at least one meeting per year.

_____ ***Open Space & Trails Committee*** – Provides volunteer services to the Town by interacting with the community, other similar area committees and agencies to further the implementation of the Town Open Space & Trails Master Plan and to compile findings and contact reports associated with its activities. It shall also plan any trail, refuge area or related facility within the vicinity of Chaparral Gulch that is suggested by Council to be named in memory of Emmett Trapp.

_____ ***Other Committees as needed.***

Information for Applicants

Members of boards, commissions and committees are appointed by the Town Council and serve at the pleasure of the Council. The appointment process begins with the submission of an application. Applications will be retained for one year following submission. Applicants are subject to fingerprinting and background checks and are expected to be interviewed by the Chair of the board, commission or committee and the Town Council for appointment.

Voting members of boards, commissions and citizen committees must be residents of the Town. Non-voting members of Citizen Committees may be non-residents.

Appointees may serve an unlimited number of terms on a board, commission, or citizen committee, at the discretion of the Town Council.

Regular attendance is required for board, commission and committee members. If a member misses three meetings consecutively or within a calendar quarter and the chair recommends removal, his seat is deemed vacant upon declaration by the Council.

Board, commission and citizen committee members are required to comply with Arizona open meeting laws, public records laws and with the Town of Dewey-Humboldt Code of Ethics.

Consent to Background Check

I (print name) _____, by signing this application, hereby grant the Town of Dewey-Humboldt, through its officers, agents and administrative staff, permission to conduct fingerprinting and a background check as authorized by the Dewey-Humboldt Town Code, § 31.17(D). The results of this check will be utilized to determine eligibility for membership on a Town board, commission, or citizen committee for which I have applied.

Signature and Verification

I hereby certify that all information contained in this application is true and complete and I understand that the information I have provided in this application may be verified by the Town of Dewey-Humboldt. I have read the information for applicants provided above and agree to comply with all the requirements for serving as a board, commission, or citizen committee member set forth above or as may be required by the Town Code and the laws of the State of Arizona.

Date

Signature

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

TOWN COUNCIL REGULAR MEETING

April 5, 2016, 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 8.6. Council Policy on Public Body Member Recognition (as directed at the January 12 meeting).

8.7. Administrative Regulation for Employee Recognition Policy (as directed at the January 12 meeting).

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: March 31, 2016

Summary:

At the January 12th Council meeting, upon CM Wright's request, Council directed staff to draft policies to recognize long service held by public body members and employees.

We drafted two polices – one in the form of a Council Policy addressing public body members, the other Administrative Regulations for employees.

The Town Attorney has reviewed both polices and offered input.

Recommendation:

Approve:

PG TC16-01 Council Policy on Public Body Member Recognition

AR16-01 Administrative Regulation for Employee Recognition Policy

	<p>TOWN OF DEWEY-HUMBOLDT TO BE DETERMINED</p>	<p>PG No TC16-01</p>
<p>All Public Bodies : Town Council, Board, Commission, and Committees</p>		<p>Effective Date: xxx 2016</p>
<p>Subject: <i>Long service awards</i></p>		

1. **Purpose and Scope:** The Town Council intends to recognize the contributions made by the council members and board/commission/committees and confer awards for extended period of services. The awards will be of minimum cash values, yet represent an invaluable appreciation by the Town. This policy provides for the circumstances under which certain awards may be conferred to individual.
2. **Service awards types:**
 - 2.1 Length of Service Recognition. After each 5-year service period: a framed certificate. After 10 years' service: a certificate and a memento of a maximum value to \$50. After 20 years' service: a certificate and a memento of a value up to \$100. The suggested values are for the purpose of providing examples. Council may revise the amounts from time to time but shall at all times provide awards of minimal cash value.
 - 2.2 Term Expiration Recognition. A certificate or plaque or a memento of similar value will be presented to each Councilmember at the end of his or her term of office.
 - 2.3 Other Recognition. Council may, from time to time, choose to recognize a Council, Board, Commission, or Committee member for outstanding service or upon resignation from Council, a board, commission or committee. Such awards shall be of minimal value, at Council's discretion.
 - 2.4 All awards will be presented at a council meeting.
 - 2.4 For the long service award, a member of the Council will inform the Town Manager of the tenure of the council member who is to receive the award in order for the town staff to arrange for the award.

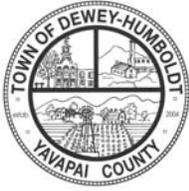
<p>TERRY NOLAN, MAYOR _____</p>
<p>ATTEST:</p>
<p>JUDY MORGAN, TOWN CLERK _____</p>
<p>Notes: _____</p>

 <p>TOWN OF DEWEY-HUMBOLDT ADMINISTRATIVE REGULATION</p>	<p>AR № 16-01</p>
<p>Subject: Employee Recognition for length of service</p>	<p>Effective Date: xxx, 2016</p>

1. **Scope.** This policy applies to all employees of the Town of Dewey-Humboldt.
2. **Purpose.** The Town of Dewey-Humboldt was incorporated in December 2004. As a young town, we are proud of employees who achieve certain milestones of length of service with the Town. Inasmuch as these employees provide perspective, stability and knowledge that only length of service can assure, the Town wishes to show its appreciation through formal recognition.
3. **Policy.**
 - 3.1. Formal recognition of length of service will be awarded after completion of service increments of five years (i.e. five, ten, fifteen, etc.).
 - 3.2. Special recognition will be given at retirement from Town service. “retirement” for the purpose of this article is defined as “to withdraw from town employment because of age”.
 - 3.3. Employees will be presented with their awards at Town Council meetings. Retiring employees will be recognized at a council meeting that nears to their last day of service. Employees who reached their length of service milestones will be recognized at either a June or a December council meeting.
 - 3.4. Awards for each service milestone will be determined and funded through the budget process each fiscal year. Examples are:
 - After 5-year service: a framed certificate and a memento under \$50 in value
 - After 10-year service: a framed certificate and a memento under \$75 in value
 - After 15-year service: a framed certificate and a memento under \$100 in value

TOWN MANAGER APPROVAL	Initial: _____
Notes: _____	

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

TOWN COUNCIL REGULAR MEETING

April 5, 2016, 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 9.1. Ordinance 16-128 to amend Town Code Section 30.046 Optional Procedure for Municipal Elections. Possible adoption, rejection and/or modification.

To: Mayor and Town Council Members

From: Judy Morgan, Town Clerk

Date submitted: March 30, 2016

Summary:

The Town Attorney memo dated March 23, 2016 (provided to Council separately), spoke on updating the Town code to conform to amendments in state statute that occurred in March 2015. These changes include:

1. election of mayor and councilmembers at the primary election;
2. provides that the majority of votes cast shall be determined pursuant to Arizona state law.

Ordinance 16-128 will assure the Dewey-Humboldt Town Code Section 30.046 conforms to the amended state election law.

Recommendation:

Approve Ordinance 16-128 Amending Town Code 30.046 Optional Procedures for Municipal Elections related to calculating majority of votes cast.

ORDINANCE No. ____

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, SUBCHAPTER ELECTIONS, § 30.046 OPTIONAL PROCEDURE FOR MUNICIPAL ELECTIONS RELATED TO CALCULATING MAJORITY OF VOTES CAST; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

Whereas, in 2015, the Arizona legislature amended Arizona Revised Statutes Section 9-821.01 regarding the method to be used to calculate a majority of votes cast; and

Whereas, the Dewey-Humboldt Town Code does not currently provide a method of calculating the majority of votes cast and the Town Council desires to clarify that State law shall determine the method of calculation,

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Subchapter Elections, Section 30.046 Optional Procedure for Municipal Elections is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.046 Optional Procedure for Municipal Elections.

(A) Any candidate who receives at the primary election a majority of all the votes cast AT THAT ELECTION FOR THAT OFFICE shall be declared ~~to be~~ elected to the office for which ~~he or she~~ THAT PERSON is a candidate, effective as of the date of the general election, and no further election shall be held as to that candidate; provided, that if more candidates receive a majority OF VOTES CAST than there are ~~offices~~ SEATS to be filled FOR THAT OFFICE, THEN those candidates WHO RECEIVE ~~equal in number of the offices to be filled~~ with the highest number of votes EQUAL TO THE NUMBER OF SEATS TO BE FILLED FOR THE OFFICE shall be declared elected TO THAT OFFICE. THE MAJORITY OF VOTES CAST SHALL BE DETERMINED PURSUANT TO ARIZONA STATE LAW.

* * *

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2016, by the following vote:

AYES: _____

NAYES: _____

ABSENT: _____

EXCUSED: _____

ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin, Town Attorney

I, JUDY MORGAN, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2016, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2016.

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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: April 5, 2016

Date of Request: March 22, 2016

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

To allow the Down-winders organization to make a presentation to the council and community.

Purpose and Background Information (Detail of requested action). the residual effects of this action is worse than whatever anyone can imagine from our present Super Fund site.

We have a large amount of residents in our community who may be effected by this.

This also would include a Proclamation

Staff Recommendation(s): _____

Budgeted Amount: \$0.00

List All Attachments: _____

Type of Presentation: Oral with the exception of a short DVD.

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: Mayor Terry Nolan

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.

From: [John Hanna](#)
To: [Judy Morgan](#)
Subject: Downwinders
Date: Friday, February 26, 2016 11:07:23 AM
Attachments: [Yavapai Downwinders Resolution.pdf](#)
[Yavapai Letter of Support for Downwinders.pdf](#)
[Lake Havasu Resolution.docx](#)

Ms. Morgan,

My name is Sherrie Hanna and I am an advocate for Downwinders. Many people do not understand what Downwinders is, but briefly, people who lived in certain portions of Counties in Arizona that were affected by possible nuclear fall out from the nuclear testing in Nevada during the 1950' and a certain part of 1962.

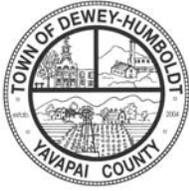
I am working with Representative Paul Gosar to help get his non partisan bill HB 3345 (and a concurrent bill sponsored by Senator McCain, SB 1895) passed. I am attaching a letter of Support and Resolution passed by Yavapai County along with a Resolution passed by Lake Havasu City, Resolutions have also been passed by the Town of Prescott Valley, Town of Chino Valley, City of Flagstaff, Town of Kingman and Mohave County, however I do not have the electronic copies of these to send to you.

I am also attaching a short 5 minute video that I have prepared to help people understand what Downwinders means.

Please let me know if this is something that your Board would be interested in having me come and present, or if they are interested in passing a Letter of Support/and or Resolution.

https://assets.adobe.com/link/cbf194f3-6a48-4bfa-7f43-6c03782d935a?section=activity_public

Thank you in advance for your consideration
Sherrie Hanna
928-533-2925



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

TOWN COUNCIL REGULAR MEETING

April 5, 2016 – 6:30 pm Town Council Meeting Chambers

Agenda Item # 9.3. Ethics Hearing decision (Ethics Complaint – Piper v. Alen) to Council.

To: Mayor and Town Council Members

From: Judy Morgan, Town Clerk

Date submitted: March 28, 2016

Recommendation: Accept the Ethics Hearing Officer's decision on Ethics Hearing Piper v. Alen.

Summary:

An Ethics Complaint Hearing was held on March 18, 2016 to address a complaint filed on 10/20/14 by Jerald Piper against Councilmember Arlene Alen. Ellen Van Riper, Ethics Hearing Officer, submitted her findings on the case to the Town Clerk on Friday, March 25th. That decision is attached.

Town Code Section 35.06 Compliance and Enforcement (3) (d) *The hearing officer shall forward his written decision to the town council within five days of the end of the hearing. The written decision shall be a public record.*

Upon receipt of the decision Council was notified, along with the involved parties. This was agendaized for Council's review, as required by Town code.

Town Code Section 35.06 (4) *The Town Council shall review the written decision of the hearing officer at its next regularly scheduled meeting or at a special meeting. If the complainant is a member of the Council, he shall recuse himself from the discussion and the vote. If the decision of the hearing officer is that the public official violated this chapter, the Council shall determine what sanctions, if any shall be imposed.*

The final step in this process is to notify the complainant of the decision of the Council.

Town Code Section 35.06 (4) (c) *The decision of the Council shall be final. The complainant shall be notified in writing of the decision of the Council.*

Judy Morgan

From: Judy Morgan
Sent: Monday, March 28, 2016 8:41 AM
To: Judy Morgan
Subject: FW: Piper v. Alen -- Hearing Officer's Decision
Attachments: Hearing Officer Decision.pdf

Hello Mayor and Council (By Bcc),
Please see the Ethics Hearing Officer's decision (attached) on the Ethics Hearing which was held on March 18th.

35.06 (d) The hearing officer shall forward his written decision to the town council within five days of the end of the hearing. The written decision shall be a public record.

Judy Morgan, CMC
Town Clerk
Town of Dewey-Humboldt
P.O. Box 69 ▪ 2735 S. Hwy. 69 ▪ Humboldt, AZ 86329
Phone: 928-632-7362 ▪ Fax: 928-632-7365
www.dhaz.gov

****NOTICE****

Open Meetings Compliance

Notice: To ensure compliance with the Open Meeting Law, recipients of this message who are members of a public body should not forward it to other members of the public body. Members of the public body may reply to this message, but they should not send a copy of the reply to other members.

-----Original Message-----

From: ellen
Sent: Friday, March 25, 2016 4:39 PM
To: Judy Morgan <judymorgan@dhaz.gov>
Subject: Piper v. Alen -- Hearing Officer's Decision

Good afternoon Judy

Please see attached my decision in this matter for forwarding to the Town Council and the involved parties.

Please contact me if you have any questions.

Have a nice Easter.

Ellen Van Riper

Ellen M. Van Riper, Esq.
LAW OFFICE OF ELLEN VAN RIPER

Ellen M. Van Riper, Esq.
 LAW OFFICE OF ELLEN VAN RIPER
 1109 East Braeburn Drive
 Phoenix, Arizona 85022
 Telephone: (602) 540-6809
 Email: ellen@evrlaw.com

TOWN OF DEWEY-HUMBOLDT, ARIZONA

ETHICS HEARING

<p>JERALD PIPER, Complainant, v. ARLENE ALEN, Respondent</p>	<p>Complaint Filed October 20, 2014 Hearing Date: 9:00 am, March 18, 2016 HEARING OFFICER'S DECISION</p>
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Complainant Jerald Piper's Complaint was heard by the Hearing Officer on March 18, 2016. The hearing was conducted pursuant to Town of Dewey-Humboldt Town Code Chapter 35 (Code of Ethics and Conduct). The hearing commenced at 9:00 am and concluded at 10:15 am.

SUMMARY OF PROCEEDINGS:

The hearing began with argument and evidence presented by Complainant Piper, and his wife, Glenda Piper. Respondent Arlene Alen presented argument and evidence in response. Her evidence included a series of enlarged photographs showing the views from her property and nearby properties toward 1655 S. River Road. It also included a September 24, 2014 email message by Town Manager Yvonne Kimball to the Mayor and Town Council wherein Ms. Kimball advised that the zoning variance underlying this matter was not necessary, because Town Staff had subsequently identified a Zoning Code provision allowing the rear setback requested as of right. Ms. Kimball testified about the email memo. The hearing concluded with rebuttal argument by the Complainant. The Hearing Officer then took this matter under advisement for decision.

RELEVANT FACTS:

This Complaint arose from a Regular Meeting of the Town Council held on September 2, 2014, where the Council sat as the Board of Adjustment for a public hearing on a variance request for improved property located at 1655 S. River Road, Dewey, Arizona (Variance Request ZV2014-2) (the “BOA Hearing”). The request was for a variance from rear yard setback requirements. Respondent Alen participated in the BOA Hearing as a member of the Board of Adjustment along with the other members of the Town Council. The minutes of the September 2, 2014 meeting show that the Board approved the variance request by a 5-2 vote.

The Hearing Officer has viewed the video recording of the meeting. The approved minutes reflect that Respondent Alen made the following comments about the proposed variance:

VM Alen spoke about the location of the building and that any other place on the property other than the proposed location would cause an eyesore and that it should be located next to the wash.

. . . .

VM Alen corrected the record regarding her comment about eyesore. She stated that if the building was to be placed anywhere else on the property it would obstruct the views of the other residents and that locating it next to the wash is the appropriate place for this type of structure to protect the rural environment.

Councilmember Hamilton questioned VM Alen if she has actually viewed Mr. Hambrick’s property to observe the layout of the property. VM Alen stated she drives by the property daily.

These comments are confirmed by the video. Councilmember McBrady made a motion to approve the setback variance which was seconded by Respondent Alen. The Board voted 5-2 to approve the variance with Board members Wright and Hamilton dissenting.

Respondent Alen disclosed on the record during the BOA Hearing that she lives in Sierra Dells, but her property is not adjacent to or near 1655 S. River Road. During the hearing on this ethics complaint, she stated she did not believe the location of her property required her to have recused herself from participating in the BOA Hearing. She stated that her property is located approximately one mile uphill from 1655 S. River Road and

that she cannot see this property from hers due to the presence of trees and a hill atop which a manufactured home is situated that block the view. She also confirmed that she drives past 1655 S. River Road every day.

ISSUES:

Complainant Piper alleges that Respondent Alen violated the Code of Ethics and Conduct (specifically, Sections 35.01(A)¹ and 35.04(A)² for two reasons:

- (1) Respondent Alen did not apply the four criteria set forth in Section 153.021(D)(2) of the Town Code for approving a variance during her deliberations on the request and thereby failed to comply with the law;
- (2) Respondent Alen's comments in support of the variance request show that her decision was motivated by personal gain because she lives in the neighborhood.

ANALYSIS:

(1) Failure to apply four criteria for granting a zoning variance³

¹ Section 35.01(A) states as quoted by Complainant Piper that members of town boards, commissions, committees and the Town Council shall "never use their positions or powers improperly or for personal gain."

² Section 35.04(A) states as quoted by Complainant Piper that "[t]he people of this town have a right to expect independence and fairness towards all groups without favoring individuals or personal interest."

³ Section 153.02(D)(2) of the Town Code states that the requesting party must provide evidence of four criteria to be granted a variance:

(2) In addition to any other requirements specified, applications for variances shall, at a minimum, include the following:

(a) Evidence showing why, due to special circumstances or conditions applicable to the property, including its size, shape, topography, location or surroundings, of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district; and

(b) Evidence showing that the variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located; and

(c) Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner; and

(d) Evidence showing why granting the variance substantially meets the intent and purpose of the zoning district in which the property is located, and will not detrimentally affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.

There is no factual or legal basis to conclude that Respondent Alen violated the Code of Ethics and Conduct in regard to application of the four criteria for granting a zoning variance. First, the subject variance was approved by the Board (with two dissenters), not just Respondent Alen. Her lone vote was not determinative of whether the variance would be approved or denied.

Second, even though the record shows that Respondent Alen did consider a factor beyond the four criteria for granting a variance, this does not necessarily mean that this was her only consideration nor the other Board members' only consideration for approving the subject variance. There is no requirement that the record include specific findings as to each criterion. Arizona law only requires that the overall record include "some credible evidence" that supports the Board's decision. See, e.g., *Austin Shea (Arizona_ v. City of Phoenix*, 213 Ariz. 385, 142 P.3d 693 (Ct. App. 2006). Moreover, the four criteria are not exclusive such that it would not have been improper for the Board to have considered other factors in reaching its decision.

Third, it is well settled in the law that the deliberations of legislative, judicial, and quasi-judicial tribunals⁴ are not subject to compelled disclosure nor may individual members be compelled to divulge their thought processes. The record only tells part of the story, and it would be for a court to decide whether the Board exceeded its jurisdiction or legal authority in approving this variance.

Fourth, there is no legal basis to find an ethical violation even if Respondent Alen's only reason for voting in favor of approving the variance had been a belief that the shed would be best placed near the wash so as to protect the views from neighboring properties. She would have been within her rights as a member of the Board of

This list substantively mirrors state law. See A.R.S. § 9-462.06(G)(2) (A Board of Adjustment shall "[h]ear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.").

⁴ Boards of Adjustment are quasi-judicial bodies; city and town councils are legislative bodies.

Adjustment to base her vote on only this factor. Again, approving the variance was a decision by a majority of the Board, not simply Respondent Alen.

The Hearing Officer does not find the September 24, 2014 email message by Town Manager Yvonne Kimball to the Town Council relevant to this matter. The focus is upon Respondent Alen's conduct during the September 2, 2014 hearing before the Board of Adjustment, not a subsequent determination by Town Staff that the variance request was not necessary.

(2) Personal interest in outcome of zoning variance request

It is not disputed that Respondent Alen's residence is in the same area as 1655 S. River Road and that she drives by this property regularly. Thus, the issue is whether she had a conflict of interest due to the proximity of her personal residence such that she should have abstained from participating in the Board of Adjustment's decision on the variance request.

Section 35.04(B) of the Town Code states in relevant part:

Arizona conflict of interest laws apply to public officials. . . . When acting in a public capacity, the public official shall abstain from participating in discussion and voting on any pending matter that **would result in his or her financial or private gain.**

(Emphasis supplied).

The Hearing Officer finds that approval of the subject variance would not have resulted in "financial or private gain" to Respondent Alen. The only conceivable "gain" would have been preservation of the view from her property, and consequently the fair market value of her property, by not having the shed situated somewhere else on the property at 1655 S. River Road. However, it cannot be reasonably concluded that the market value of Respondent Alen's property would be maintained or appreciably increased by having the shed located on 1655 S. River Road closer to the rear yard wash.

The Hearing Officer independently visited both properties, 1655 S. River Road and Respondent Alen's property located at the corner of Sierra and Quarterhorse, and toured the area. The straight line distance between the two properties is approximately ¼ mile

as determined by using the measurement tool feature of the Yavapai County Assessor's GIS mapping software. The terrain slopes downhill from Respondent Alen's property to 1655 S. River Road to the southwest. The improvements on 1655 S. River Road are not visible directly to the west of Respondent Alen's property. The only possible view would be to the southwest, but it is blocked by trees to the rear of Respondent Alen's property and a high knoll situated between her property and 1655 S. River Road upon which is a manufactured home. The Hearing Officer finds that the shed would not be materially visible from Respondent Alen's property regardless of where it may be located on the property at 1655 S. River Road.

CONCLUSION:

Section 35.06(B)((2)(c) directs the Hearing Officer to issue a "written decision regarding whether there has been a violation of this Chapter and, if so, whether the violation was a major or minor violation."

Based on the record and applicable law, and specifically Chapter 35 of the Town Code, the Hearing Officer finds that Respondent Alen did not commit either of the alleged violations of the Code of Ethics and Conduct during her participation in the Board of Adjustment hearing on September 4, 2014. For this reason, the Hearing Officer recommends that the Town Council not take any action or impose any sanction against Respondent Alen.

DATED: March 25, 2016

Ellen M. Van Riper

HEARING OFFICER