

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, October 11, 2016 2:00 P.M.

**COUNCIL STUDY SESSION 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. Roll Call. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan.

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

3.1. 2016 Arizona League of Cities and Towns Annual Conference information sharing and recap.

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3.2. Advisability/introduction of a proposed nuisance abatement ordinance. (Attorney Susan Goodwin to present)

4. Special Session. Legal action can be taken.

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4.1. 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.

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, October 18, 2016 at 6:30 p.m.

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

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

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov 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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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION

October 11, 2016 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item # 3.1. 2016 Arizona League of Cities and Towns Annual Conference information sharing and recap.

To: Mayor and Town Council-members

From: Yvonne Kimball, Town Manager

Date submitted: October 3, 2016

Summary:

The League's conference was August 23-26, 2016. Many Council members and I attended the conference. The conference was packed with information. Often we attended different sessions. A council member suggested that council members can share the information each learned during the conference. This is the first work session available since the conference.

Conference session presentations and audio recordings are available via the league's website:

<http://www.leagueaz.org/e/16ac/extras.cfm>

For the sessions I attended, I felt that Cottonwood's experience on their Downtown development was the most helpful and relevant. What I learned was that transforming downtown takes time, dollar investment on the city's part, a great deal of planning, and of course community buy-in. The other sessions I attended were questions to ask finance director, ideas that worked, military bases and their importance to the economy, the revenue projection and the closing sessions. They were all informative. Some are more relative to our day-to-day operation while some are not so much. During the session containing informal dialogues with other city officials, I discovered that other cities and towns struggle with procedural challenges related to council meeting decorum or council daily activities. I concluded that D-H being a 10-year-old municipality, council and staff are doing well as a functional local government.

2016

LEAGUE ANNUAL CONFERENCE

FAIRMONT SCOTTSDALE PRINCESS | AUGUST 23-26



TUESDAY, AUGUST 23

- 8:00 a.m. – Golf Tournament** – TPC Stadium Course
- 1:30 p.m. – Pre Conference Session** – Palomino 10
- 1:30 p.m. – Resolutions Committee** – Salon H and I
- 4:00 p.m. – Arizona Municipal Risk Retention Pool (AMRRP) Annual Meeting** – Palomino 9
- 5:30 p.m. – Welcome Reception** – Princess Ballroom East Foyer
- 6:30 p.m. – APS Dinner at the League Annual Conference** – Princess Ballroom

WEDNESDAY, AUGUST 24

- 7:30 a.m. – Parade of Flags Practice** – Princess Ballroom
- 8:00 a.m. – Youth Program** – Salon H
- 9:00 a.m. – Opening General Session** – Princess Ballroom
- 12:00 p.m. – Lunch On Your Own**
- 1:30 p.m. – Concurrent Sessions**
 - Public Service Ethics and Open Government – Salon I
 - Body Cameras - Part 1: Experienced Cities Share Lessons Learned – Salon F
 - Successful Downtowns: Cities Share Their Paths to Downtown Renaissance – Salon G
 - Is Your Community Making Progress Toward A Future Workforce? – Salon D
 - Answering the Tough Questions and Staying Calm Under Fire – Salon E
- 3:15 p.m. – Concurrent Sessions**
 - Questions You Should Be Asking Your Finance Director – Salon I
 - Body Cameras - Part 2: Policy And Legal Ramifications – Salon F
 - Toolbox for Small Town Economic Development – Salon G
 - Moving From the Flintstones to the Jetsons in Transportation – Salon D
 - Legislative 101: How to Make an Impact at the Capitol – Salon E
 - What Makes a Young Person Stay or Go? – Salon H
- 4:00 p.m. – Affiliate Group Meeting**
 - Greater Arizona Mayors Association (GAMA) – Moor 1
- 6:30 p.m. – Dinner, President's Update and Entertainment** – Palomino Ballroom

THURSDAY, AUGUST 25

- 8:00 a.m. – Spouse/Guest Tour**
 - Tour Scottsdale's Museum of the West – Moor 1
 - 8:15 a.m. – Concurrent Sessions**
 - Marijuana Laws and Taxation – Salon A and B
 - Arizona's Open Meeting Law – Salon C
 - Military Bases and Their Importance to Arizona's Economy – Palomino 8 and 9
 - Update from Our Endorsed Partners – Palomino 10
 - 10:00 a.m. – Concurrent Sessions**
 - Effective Mayor, Council and Manager Relationships – Palomino 10
 - Great Ideas That Work – Salon D
 - Beyond the Baby Boom Time Warp: A New Era in Housing – Salon A and B
 - The Basics of Zoning for City and Town Officials – Salon C
 - Reading the Tea Leaves: Pundits Discuss Current Politics – Palomino 8 and 9
 - 12:00 p.m. – Legislative and Service Award Luncheon** – Palomino Ballroom
 - 2:30 p.m. – Concurrent Sessions**
 - PSPRS Update – Salon A and B
 - The Art of Municipal Revenue Forecasting in Arizona – Salon C
 - Healthy Communities: A New Prescription for Economic Development – Palomino 10
 - Legislative Dunk Tank – Palomino 8 and 9
 - 2:30 p.m. – Affiliate Group Meetings**
 - Arizona COG Directors – Moor 1
 - Arizona City Attorneys Association – Arabian
 - ARI-SON Megaregion Sister-City Networking/Working Meeting – Dorado
 - 4:00 p.m. – Annual Business Meeting** – Palomino 7
 - 4:30 p.m. – Affiliate Group Meeting**
 - ARI-SON Megaregion Council Meeting – Palomino 6
 - 6:00 p.m. – Showcase of Cities and Towns** – Princess Ballroom
- ## FRIDAY, AUGUST 26
- 8:00 a.m. – Speed Networking Breakfast for Municipal Officials** – Salon D
 - 9:30 a.m. – Closing Session** – Salon F and G
 - Successful Leadership: Why Should Anyone Follow You?
 - 11:00 a.m. – Adjourn Conference**



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Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL STUDY SESSION

October 11, 2016 – 2:00 p.m. Town Council Meeting Chambers

Agenda Item #3.2. Advisability/introduction of a proposed nuisance abatement ordinance.

To: Mayor and Town Council-members

From: Yvonne Kimball, Town Manager

Date submitted: October 4, 2016

Purpose: Council to determine its need and discuss the language.

Summary:

It has been determined that the Town currently does not have a clear mechanism to abate nuisances. Arizona Revised Statutes 9-499 authorized municipalities to adopt its nuisance abatement procedures through an ordinance. For the purpose of enabling town to abate identified nuisances, including blighted conditions, dilapidated buildings and rubbish or debris, the enclosed is proposed. We propose to create a new section in the Town Code – chapter 92 Nuisance Abatement.

The Town Attorney can go over the abatement ordinance. We realize that the Council and the public are likely to debate and/or revise some of the language. The purpose of this discussion is to introduce the proposed to Council so that staff can make revisions if necessary.

An abatement ordinance (which may be a revised version of the proposed) would strengthen the town's code enforcement process. Currently, the end of an enforcement process is a judgement of a fine by the Hearing Officer for civil violations or a judgment by the Magistrate for criminal violations. Town code has provided for adequate means to impose penalties (in the form of fine or even jail time); yet abatement of violations still relies on the property owners. In another word, a code violation would continue to exist unless the property owner took actions to fix the problem. Although our code enforcement approach is at large able to bring about voluntary compliance, needs for the town to abate a violation exist.

In my five years' tenure with the town, there were two or three cases where staff could not locate a responsible party and town abatement was desired. Notably, the pending violation located on Phoenix St. next to the park illustrates the need for an abatement ordinance - The owner has been reported deceased and no responsible party can be located. The property is in a dilapidated condition. Council discussed the matter and decided to abate the violation instead of condemning the property. The proposed ordinance when adopted would enable town to abate the nuisance on this property.

Although staff recommends adoption of an abatement ordinance, an abatement procedure is not intended to be used frequently. It would be only used when exiting means have been exhausted without achieving compliance with the code. The abatement-lien process outlined in the proposed ordinance would be desirable when we can not locate a responsible owner for a code violation.

Chapter 92 NUISANCE ABATEMENT

Sections:

- 92.01 Definitions
- 92.02 Duty to Maintain Premises; Declaration of Public Nuisance.
- 92.03 Authority to Inspect
- 92.04 Interference with Inspection; False Information; Failure to Provide Evidence of Identity.
- 92.05 Emergency Abatement
- 92.06 Abatement in Lieu of or Addition to civil or Criminal Complaint
- 92.07 Abatement Procedures
- 92.08 Appeal of Abatement
- 92.09 Abatement by Town; Cost
- 92.10 Assessment; Notice of Assessment
- 92.11 Appeal of Assessment
- 92.12 Hearing on Appeal of Assessment
- 92.13 Assessment Lien; Recordation; Foreclosure
- 92.14 Annual Installments of Assessment Liens
- 92.15 Subsequent Assessments

92.01 Definitions.

The following words, terms, and phrases, when used in this chapter shall have the meanings set forth below, unless the context clearly indicates a different meaning.

BLIGHT, BLIGHTED OR BLIGHTING: Any unsightly, deteriorated, dilapidated, withered or decayed condition of a building, structure, fence, landscaping, or property characterized by neglect, lack of maintenance, damage, or similar condition. Examples include, but are not limited to, accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, abandoned or inoperable equipment or vehicles; discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning.

BUILDING: Any real property structure, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human occupancy or business purposes, or where livestock, produce, or personal or business property is located, stored or used.

DILAPIDATED BUILDING: Any building in such disrepair, or damaged to such an extent, that its strength or stability is substantially compromised rendering it unsafe or likely to burn or collapse, and the condition of which endangers the life, health, safety, or property of the public as determined by the town.

LESSEE: A person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.

LOT: A plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.

OWNER: A person or legal entity who is shown as owner of real property in the official records of the Yavapai County recorder, and includes a person holding equitable title under a recorded installments sales contract, contract for deed or similar instrument.

PERSON IN CONTROL: A person who has responsibility for the care and maintenance of the private property, whether or not the person has possession or the use and enjoyment of said property. "Person in Control" includes, but is not limited to, the owner, occupant, property manager, or designated agent of the owner.

PREMISES: Any real property and buildings and structures thereon.

PUBLIC NUISANCE: Dilapidated buildings, blighted conditions and accumulations of rubbish, trash, weeds, or other filth, or debris.

STRUCTURES: Improvements and other facilities that are constructed or placed on land.

92.02 Duty to Maintain Premises; Declaration of Public Nuisance.

- A. It shall be unlawful and a public nuisance for any person in control to maintain any public nuisance on property located in the town.
- B. A building shall be considered unsafe if any one of the following conditions is present:
 - 1. Inadequate means of egress facilities;
 - 2. Constitutes a fire hazard or is otherwise dangerous to human life or the public welfare;
 - 3. Is vacant for an extended period of time and is not secured to prevent entry.
- C. Any person found in violation of this chapter shall be responsible for a civil offense subject to the penalties and habitual offender provisions set forth in § 10.99 of this Code. Each and every day that the violation continues shall constitute a separate offense.
- D. In addition to and separate from actions for civil or criminal offenses, violations of this chapter may be abated by injunctive or other equitable relief, pursuant to state and common law and the procedures set forth in this chapter. Imposition of a penalty or civil sanction does not prevent abatement or other equitable relief.

92.03 Authority to Inspect.

- A. Town enforcement agents are hereby authorized to inspect property for violations of this chapter in the normal course of job duties, in response to a citizen complaint that an alleged violation of this chapter may exist; or when the enforcement agent has a reasonable belief that a violation has been or is being committed.
- B. In order to determine compliance with this chapter, private property may be entered with the consent of the person in control or as authorized by a court of competent jurisdiction.

C. This section shall not be construed to require regular inspections of private premises by the town, nor shall the town have an obligation to abate any public nuisance, reported or unreported within a specific time period. Neither the town nor any of its officers or officials shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this chapter.

92.04 Interference with Inspection; False Information; Failure to Provide Evidence of Identity.

A. Any person who interferes, prevents, or attempts to interfere or prevent an individual employed or contracted for by the town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter is guilty of a class one misdemeanor.

B. Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed or contracted for by the town when that individual is investigating, correcting or abating a violation of this chapter is guilty of a class one misdemeanor.

C. Any person who fails or refuses to provide evidence of his identity to an individual employed or contracted for by the town when that individual is investigating an alleged violation of this chapter and has reasonable cause to believe that person has committed a violation of this chapter, is guilty of a class one misdemeanor. Evidence of identity under this section shall consist of a person's full name, residence address and date of birth.

92.05 Emergency Abatement.

A. If a situation presents an imminent hazard to life or public safety, the town may do one or more of the following:

1. Issue a notice to abate the nuisance, directing the person in control to immediately take such action as is appropriate to correct or abate the emergency upon notice by the enforcement official to the person in control.
2. Act to correct or abate the emergency, whether or not the town is able to contact the owner, occupant, or person in control.

B. The person in control may appeal an order to abate to the Town Council. Upon notice and request by the owner, occupant or person in control, a hearing before the Town Council shall be scheduled as soon as practicable. Such appeal shall in no case stay the abatement or correction of such emergency.

C. The town may recover its costs incurred in abating an imminent hazard under this section in the same manner as provided for in this chapter to the extent practicable under the circumstances.

92.06 Abatement in Lieu of or in Addition to Civil or Criminal Complaint.

In addition to or in lieu of filing a civil or criminal complaint, the town may file notice to abate any nuisance as defined in this Code. Such abatement shall proceed independently of any civil or

criminal violation filed. The town enforcement officer, town prosecutor and town attorney are authorized to file civil or criminal complaints to abate a public nuisance.

92.07 Abatement Procedures.

A. *Notice to Abate.*

1. If, after an inspection, the town finds one or more violations of this chapter, and the town elects to use the abatement process, the town shall, in writing, notify the person in control of the property.
2. The notice to abate shall set forth the following information:
 - a. The street address, legal description, or location by book, map and parcel number if street address is unknown, sufficient for identification of the property on which the alleged violation occurred;
 - b. A statement that the town has determined that there is a reasonable belief that a violation of this chapter has occurred on the property identified in the notice to abate;
 - c. Notice that the person in control has thirty (30) days from the date of mailing or personal service of the notice to abate or correct the violation;
 - d. A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s);
 - e. A statement that all materials removed from the premises must be disposed of at an approved waste collection facility or by other appropriate legal means and that a tipping fee receipt or other evidence of legal disposal is to be submitted to the town prior to a determination of compliance with the notice to abate;
 - f. A warning statement that if the violation is not corrected within 30 days of the date of the Notice, the town may abate the nuisance and assess the owner, occupant, or person in control the cost of such abatement and record a lien against the property for payment of the assessment;
 - g. An estimate of the cost of removal or abatement by the town, plus ten percent (10%) for the incidental costs associated with abating the nuisance;
 - h. Re-inspection date and time.
 - i. Name, address, telephone number, and email address of the town enforcement officer who sent the notice to abate;

- j. A statement that the person in control may appeal the abatement order in writing to the Town Council within fifteen days from the date of the notice and that failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.
- k. The 15-calendar day notice set forth in this section shall not apply to emergency abatements.

3. The Town Manager may extend the time limits set forth in this section if the person in control demonstrates to the satisfaction of the Town Manager that complying with the notice of violation or notice to abate is a hardship and if the person in control agrees in writing to a schedule for correcting the violation bringing the property into compliance with the requirements of this title and complies with the schedule.

4. The notice requirements set forth in this subsection do not apply in an emergency abatement situation.

B. *Service of Notices.*

1. Any notice required to be given for any purpose under this section shall be accomplished by an enforcement agent of the town delivering the notice to the person in control of the property, or by mailing the notice to the person in control by certified mail, return receipt requested. If the property owner is not the occupant or person in control, a duplicate notice shall be mailed to him by certified return receipt requested mail at his last known address.

2. Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.

3. Nothing herein shall preclude the town from giving additional oral or written notice at its discretion. If the town does elect to give additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

C. The notice to abate shall run with the land. The town, at its sole option, may record a notice to abate with the Yavapai County recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of a notice to abate shall in no way affect the validity of such notice as to entities so notified. If the notice to abate is recorded and compliance with the notice to abate is subsequently satisfied, the town shall record a satisfaction and release of the notice to abate with the County Recorder.

92.08 Appeal of Abatement.

Any person receiving a notice to abate may appeal to the Town Council as follows:

A. *Notice of Appeal.* A written notice of appeal shall be filed with the Town Clerk within fifteen days after the notice to abate was mailed or personally served. The date of receipt by the Town Clerk shall be the date of filing.

B. *Contents of Notice of Appeal.* The notice of appeal shall state in reasonable detail why the appellant should not be required to comply with the notice to abate.

C. *Hearing on Appeal.* Upon receipt of the notice of appeal, the Town Council shall place the matter on the agenda for its next available regular meeting. The town shall appear and present evidence of the existence of the public nuisance. The person in control may present evidence controverting the existence of the public nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Town Council shall decide the appeal, and its decision shall be final.

D. *Extension for Compliance.* If the Town Council's decision is adverse to the appellant, the date for compliance set forth in the notice to abate shall be extended by the number of days elapsing between the filing of the notice of appeal and the rendering of the Town Council's decision.

92.09 Abatement by Town; Cost.

A. *Abatement Time Limitation.* If the person in control fails to remove or otherwise abate the public nuisance within thirty (30) calendar days of mailing or personal service of the notice to abate (or such extension thereof as may be granted in writing by the Town Council), the Town Council may, at the expense of the person in control, remove or abate the public nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within one hundred eighty (180) days after the right to do so first accrues to the Town, a new notice of abatement shall be served as provided in § 92.03.

B. *Determination of Cost of Removal.* The costs assessed for removal or abatement shall not exceed the actual costs plus ten percent (10%) for the incidental costs associated therewith, including associated legal costs. Before undertaking the actual removal or abatement, the Town shall attempt to obtain at least three written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate that is otherwise satisfactory to the Town. In the alternative, the removal or abatement may be performed by Town personnel, and the cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor as determined by the Town.

C. *Removal from Tax Rolls.* Upon removing or demolishing a dilapidated building, the Town shall give notice to the county assessor to adjust the valuation of the real property on the property assessment tax roll from the date of removal.

92.10 Assessment; Notice of assessment.

A. *Assessment.* Upon the removal or abatement of public nuisances, as provided in § 92.06, the actual cost of removal or abatement, together with the actual costs of any additional inspections and other incidental costs, including any legal fees, determined as set forth in § 92.09(B), shall be an assessment against the real property on which the public nuisance was located.

B. *Notice of Assessment.* A written notice of assessment shall be served in the same manner as the notice to abate. The notice of assessment shall provide the following information:

1. The street address, legal description, location by book, map, or tax parcel number of the property;
2. The facts supporting the assessment;
3. An itemized listing of the actual cost of removal or abatement;
4. The actual costs of any additional inspections and other incidental costs, including legal fees.
5. State that the entire cost is due and payable in full no later than thirty (30) days from the date of issuance of the notice of assessment and that the assessment will become delinquent as of that date.
6. Be signed by the Town official authorized to issue such notices.
7. Contain the following statement in bold face print:

NOTICE: PURSUANT TO A.R.S. § 9-499, THIS NOTICE OF ASSESSMENT SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THIS NOTICE OF ASSESSMENT IN FAVOR OF THE TOWN OF DEWEY-HUMBOLDT. THE TOWN MAY TAKE LEGAL ACTION TO FORECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS STATED IN THIS NOTICE OF ASSESSMENT.

8. State that the person in control shall have fifteen (15) days from the date of the mailing or personal service of the notice of assessment to appeal the amount of the assessment imposed by the town.

92.11 Appeal of assessment.

A. *Appeal of Assessment.* A party wishing to appeal an assessment shall file a written notice of appeal with the Town Clerk within fifteen (15) days after the date of the notice of assessment was mailed or personally served. The appeal shall clearly specify the grounds for the appeal. The date of receipt of the notice of appeal by the Town Clerk shall be the date of filing. No appeals of violations shall be heard at the hearing on an appeal of an assessment.

B. *Grounds for Appeal.* The following shall constitute reasonable grounds for appeal of an assessment:

1. A claim that the true intent of the section or standards described in the section have been incorrectly interpreted; or
3. A claim that the statement of costs for correcting or abating the violation is excessive.

C. *Report of Assessment.* If an appeal of the assessment is not timely filed, the Town shall prepare a report of assessment for consideration by the Town Council. The report shall list the address, legal

description and/or tax parcel number of the property. The report of assessment shall set forth the facts supporting the assessment and an itemized list of the actual cost of removal or abatement, the actual costs of any additional inspections and other incidental costs, including legal fees. Upon acceptance of the report by the Council, it shall be signed by the Mayor.

92.12 Hearing on appeal of assessment.

A. *Hearing on Appeal.* Upon receipt of the notice of appeal, the Town Council shall place the matter on the agenda for its next available regular meeting. Written notice of the hearing shall be provided to all appropriate Town departments and to the appellant. The appropriate representative of the Town shall appear and present the facts supporting the assessment and an itemized listing of the actual cost of removal or abatement, the costs of any additional inspections and other incidental costs, including legal fees. The appellant may present evidence controverting the imposition of the assessment. The Town Council shall determine whether the assessment was made in accordance with the provisions of this chapter and applicable state statutes and whether the amount of the assessment is sufficient to cover the actual costs of abatement and related activities. The Town Council shall issue its findings in writing, upholding or modifying the amount of the assessment, or overturning the assessment. The decision of the Town Council shall be final.

B. *Extension of Compliance.* If the Town Council's decision is adverse to the appellant, the date for compliance set forth in the notice of assessment shall be extended by the number of days elapsing between the filing of the notice of appeal and the rendering of the Town Council's decision.

92.13 Assessment Lien; Recordation; Foreclosure.

A. *Recordation.* If the person in control fails to pay the assessment within thirty (30) calendar days after receipt of the notice of assessment (or any extension as may be granted in writing by the Town Council), the assessment shall be delinquent and may be recorded in the office of the Yavapai County recorder as a lien. The assessment lien shall include the date, amount of assessment, legal description, tax parcel number and name of Town.

B. *Assessment Lien.* The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate, pursuant to A.R.S. § 44-1201, until paid. The assessment lien is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

C. *Foreclosure.* The Town Council may, but shall not be obligated to, bring an action to enforce the assessment lien in the Yavapai County Superior Court through a judgment of foreclosure and order of sale, at any time after the recordation of the assessment. Failure to enforce the assessment lien by such an action shall not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

92.14 Annual installments of assessment liens.

A. Assessments that are imposed pursuant to § 92.10 shall run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessment of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessment of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.
5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

92.15 Subsequent assessments.

A prior assessment shall not constitute a bar to a subsequent assessment or assessments for violations of this chapter and any number of liens on the same lot, tract of land or premises and may be recorded and enforced in the same or separate actions by the Town.

October 6, 2016 Planning and Zoning (Steven absent)

October 11, 2016 Work Session Council

2016 AZ League of cities and Towns annual conference information sharing and recap
Advisability/introduction of a proposed abatement ordinance (Susan Goodwin present;
steven & yvonne absent)
Private road transition policy and form review (Ed and steven review in July).

October 18, 2016 Regular Council

finance reports (for the periods of 7/1 – 6/30/2016 and 7/1 – 9/30/2016); at the end,
Deni plaque for service
Mayer Meals on Wheels bi-annual presentation (per accountability contract/Deni
contact)
EPA brief activity update
BOA hearing process overview (staff)
DH HS business plan update 1st (Deni contact. Accountability contract)

November 1, 2016 Regular Council

UA superfund research program 2nd annual update in 2016 (alternate – Nov. 15)
Annexation ordinance council adoption (if enough signatures and properties;
determined by Steven and Yvonne’s meeting on Oct. 20))
Appeal hearing – Keenan
Big brother big sister presentation as directed at the October 4 meeting)

November 3, 2016 Planning and Zoning

Review of Zoning Code

November 8, 2016 Work Session Council

~~—Municipal bill of rights presentation (Steven)~~
Firewise board activity report (steven along with firewise board members)
Improve water quality “solution” grant implementation details council endorsement (if
not sooner; Feb. cut-off date, Steven)

November 15, 2016 Regular Council

quarterly public safety reports – judy please confirm with presenters

December 6, 2016 Regular Council

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5-year service presentation – Yvonne

December 8, 2016 Planning and Zoning

Review of Zoning Code

December 13, 2016 Work Session Council

December 20, 2016 Regular Council

Vice Mayor appointment. (based on the clarification with the council at the 12/15/2015 meeting- council)

DH HS Aqua Fria Fest accounting report (per Festival accountability contract)

Council regional organization appointments (PG no 15-01)

Jan. 3, 2017 council meeting – 200 ft strip annexation final ordinance

~jan. 17 meeting – report of the 8-6 work schedule. Also considering repeal the AR – flexible work schedule.

Deni's finance report 10/1/2016 – 12/31/2016 report – January study session

April 4 2017 council meeting – Mayer Meals on Wheels second bi-annual presentation (Deni contact)

April 18 2017 council meeting – DH HS business plan 2nd presentation (according to Accountability contract/ Deni contact)

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