

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

**Tuesday, December 4, 2012, 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 David Hiles, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan.

**4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

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**4.1. Pearl Harbor Remembrance Day Proclamation.**

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**4.2. Open Space and Trails Committee Interview and possible appointment.** Laurence McCormick application to be appointed to the OSAT Committee.

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

**6. Consent Agenda.**

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**6.1. Minutes.** Minutes from the November 13, 2012 Work Session; and November 20, 2012 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. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing

or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

- Page 15 **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.
- 27 **8.1. Council Vacancy Appointment replacing John Dibble’s seat vacated through resignation.** Discussion and possible action.
- 8.2. Centennial Monument for Butte Street Park.** Discussion and possible action.
- 31 **9. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.
- 9.1. Report on Dog Barking Ordinance and Enforcement review multi-agency meeting.** Discussion and possible action.

**10. Public Hearing Agenda.**

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

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**11. Comments from the Public.** The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. At the conclusion of Comments from the Public, Council members may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is 3 minutes per person. The audience is asked to please be courteous and silent while others are speaking.

**12. Adjourn.**

**For Your Information:**

Next Town Council Regular Meeting: Tuesday, December 18, 2012, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, December 6, 2012, at 6:00 p.m.

Next Town Council Work Session: Tuesday, December 11, 2012, at 2:00 p.m.

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

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2012, 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.

# Pearl Harbor Remembrance Day Proclamation

*WHEREAS, on the morning of December 7, 1941, the Imperial Japanese Navy launched an unprovoked surprise attack on units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii. Over 2,400 United States citizens were killed and almost 1,200 were wounded in the attack. This battle marked our entry into World War II and galvanized the will of the American people to achieve ultimate victory;*

*WHEREAS, today, Japan is firmly united with us as an ally in defense of the freedom we share. But the lesson of Pearl Harbor is as important today as it was seventy-one years ago. In an uncertain world, democracies should always seek peace but also be prepared to defeat aggression. Military strength can deter war and give diplomacy time to achieve its beneficial results;*

*WHEREAS, the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor and in the many battles that followed in all other theaters of action of World War II. Their selfless dedication and sacrifice will never be forgotten.*

*NOW, THEREFORE, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt do hereby proclaim December 7, 2012, as National Pearl Harbor Remembrance Day and call upon the people of the Town of Dewey-Humboldt to observe this solemn occasion with appropriate activities and to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.*

*IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand and twelve.*

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*Mayor Terry Nolan  
Town of Dewey-Humboldt*

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*Judy Morgan  
Town Clerk*

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# TOWN OF DEWEY-HUMBOLDT

## Town Council, Commission, Boards and Committee Vacancy Application Form

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

### Personal information:

Name: Laurence McCormick email: \_\_\_\_\_

Mailing & Physical Address: \_\_\_\_\_ Dewey AZ 86327

(H) \_\_\_\_\_ (W) \_\_\_\_\_ District Operations Manager  
Phone Number (please indicate home and work numbers): \_\_\_\_\_ Occupation:

How long have you lived in Dewey-Humboldt? 2 months years. Are you over the age of 18?  Yes  No

Are any of your relatives employed by the Town? Who/Where: No

Emergency Contact: Kara McCormick \_\_\_\_\_ wife  
Name Phone Relationship

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

Employed full-time  Employed part-time  Unemployed  Retired

Employment experience relevant to the position applied for: Leadership + Organization

**Position applied for:** Briefly describe your interest in volunteering for the Town's Council, Boards, 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.

I am currently the District Operations Manager for Waste Management Hauling and have been in the solid waste industry for 12 years. I am a highly motivated individual with strong leadership skills and would like to give back to my community in any capacity.

11/21/12  
DATE

\_\_\_\_\_  
SIGNATURE

If you have any questions about this application, please contact the Town Clerk at (928) 632-8562. Please mail the completed application to the Town of Dewey-Humboldt, Town Clerk, P.O. Box 69, Humboldt, AZ, 86329, fax to 928-632-7365, or email to judymorgan@dhaz.gov.

**Town of Dewey-Humboldt**  
**Council, Boards, Commissions and Committees**

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

**COUNCIL**- Council serves as the legislative body and primary authority of the Town.

\_\_\_\_\_ ***Town Council***

**BOARDS** – Boards are appointed by the Town Council and subject to open meetings law.

\_\_\_\_\_ ***Board of Adjustment*** – Five resident members that hear appeals by property owners regarding variances and interpretation of staff decisions regarding land use issues. Quasi-judicial, appeals of the Board’s decisions are heard by Superior Court.

**COMMISSIONS** – Commissions are appointed by the Town Council and subject to open meetings law.

\_\_\_\_\_ ***Planning and Zoning Advisory Commission*** – Seven member Commission that hears requests for rezoning, Planned Area Developments; makes recommendations to the Town Council.

**COMMITTEES** – Committees are voluntary and meet at their discretion based on interest and need.

\_\_\_\_\_ ***Environmental Issues Advisory Committee*** – Provides for the identification, assessment and monitoring of environmental/public health issues of concern to the Town.

\_\_\_\_\_ ***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.

1<sup>st</sup> \_\_\_\_\_ ***Clean Town Committee*** – Provides volunteer services to the Town and its citizens in developing programs that address issues of accumulated trash, code enforcement and related concerns.

2<sup>nd</sup> \_\_\_\_\_ ***Open Space & Trails Committee*** – Provides volunteer services to the Town for the collection of data, information and studies that will further the implementation of the goals and objectives of the Open Space & Trails Master Plan.

3<sup>rd</sup> \_\_\_\_\_ ***Other Committees as needed.***

For additional information regarding any of the above volunteer groups, please contact Judy Morgan, Town Clerk at 928-632-7362.

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
SPECIAL STUDY SESSION MINUTES  
TUESDAY, NOVEMBER 13, 2012, 2:00 P.M.**

**A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 13, 2012, 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 2:00 p.m. Mayor Nolan presided.

2. **Roll Call.**

**2.1. Town Council.** Town Council Members David Hiles, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.

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

**3.1. Audit Report.** Report by Deni Thompson, Accountant.

Accountant, Deni Thompson gave an overview of the audit report and gave a PowerPoint presentation. There was discussion on terms of asset depreciation. Ms. Thompson thanked Bernie Weigandt for how he had organized everything prior to her employment with the Town.

**3.2. Intent to Bid: On Call Maintenance Services.** Discussion and possible direction.

Town Manager, Kimball spoke on the On-Call Maintenance Contract, with the intent to continue the current contract but looking for contractors more readily available and adding additional possible work. Mayor Nolan gave direction to put this out to bid.

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

**4.1. Council Member Travel Policy.** Discussion and possible action.

Town Manager, Kimball gave an overview on this policy, explaining direction had been given to come back with a draft policy back in June. There was discussion on the new policy and how it was different from the current administrative regulation in place. TM Kimball explained the policy reflects the requirement for pre-approval for reimbursement.

Public comment was taken on this item.

Jack Hamilton asked for clarification on whether reimbursement can be made without pre-approval.

Jerry Brady spoke on State and Federal laws applicable to this and referencing those in the town's procedures.

The June meeting minutes were read for clarification on the exact direction. There was discussion on whether mandatory pre-approval was clarified in the policy. TM Kimball stated she would add "pre-approval" before "attending". Councilmember Hiles asked that 4.2 be rewritten to be more specific that "prior council approval is required". Whoever is attending ongoing meetings can get prior approval for a year's-worth of

meetings. TM Kimball stated she would do that. She will make these changes and bring it back at the next meeting for review.

**4.2. IT Network Server Purchase.** Discussion and possible action.

Mayor Nolan gave an overview, requires approval but approved in the budget.

There was discussion on whether they should purchase or lease the server, and whether there was any salvage in the old one. Deni Thompson explained the reasons for the decision to make the purchase rather than leasing and the benefits of the new server.

Public comment was taken on this item.

Jerry Brady spoke in support of this proposal and spoke on current server capacity.

Councilmember Wright asked about a problem earlier in the week with emails. Accountant Deni Thompson explained it was a different piece of equipment and spoke briefly on what that problem was about.

Mayor Nolan made a motion to direct staff to purchase the server, seconded by Councilmember Wright. It was approved unanimously.

**4.3. Request cancellation of November 20<sup>th</sup> Council meeting for holiday travel. [CAARF Mayor Nolan]** Discussion and possible action.

Mayor Nolan recommended cancelling the November 20<sup>th</sup> meeting. There was discussion on who wasn't planning on being at the meeting.

Mayor Nolan made a motion to cancel the November 20<sup>th</sup> meeting, seconded by Councilmember McBrady. The motion failed by a 2-4 vote, Councilmembers Hiles, Rogers, Wright and VM Repan voting against.

**4.4. Discussion of the Invocation at the beginning of Council meetings. [CAARF VM Repan]** Discussion and possible action.

Vice Mayor Repan asked why an invocation was not done at the last meeting. Mayor Nolan explained it was just his mistake and the normal invocation will continue. No action was taken.

**4.5. Discussion on setting procedure for selection council person to fill current vacant council position. [CAARF VM Repan]** Discussion and possible action.

Vice Mayor Repan explained his request to clarify the procedure prior to appointment for the selection of applicant. There was discussion on possible processes. Councilmember Wright spoke on how it happened in the past – different meeting for interviews (conducting them one at a time), with selection at a separate meeting. She suggested having the interviews on the morning of December 4<sup>th</sup> with the decision at the Regular Council meeting in the evening. Council discussed and agreed this was their preferred process, starting the interviews at 9:00 a.m.

Public comment was taken on this item.

Jack Hamilton suggested having the other applicants wait in another room, but asked for the interviews to be held in public.

Jerry Brady agreed with Mr. Hamilton's suggestion, and spoke on transparency in government.

There was discussion on Executive Sessions and public comment.

Councilmember Wright made a motion to hold the interviews in Open Session, seconded by Councilmember Hiles.

There was discussion on why to hold then in Open Session, whether to have standardized questions or random questions.

Councilmember Wright amended the motion to include turning off the camera and microphones and only using the recorder with other applicants not being in the room where interviews are being held. Secunder, CM Hiles agreed to the amendment to the motion. It was suggested having a ballot with the names on it, but no secret ballot.

The motion passed by a 4-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

**4.6. Discussion and possible direction to Staff and Magistrate to write an ordinance regarding barking dogs (or other pets), enforcement of code, and violation penalties. [CAARF CM Wright] Discussion and possible action.**

Councilmember Wright gave an overview, explaining the code is not clear enough. Determine what standard to have enforced, and give direction to Town Manager to direct Public Safety Officers on what the town wants.

Judge Catherine Kelley explained she felt the town code is sufficient, and gives court flexibility. The Sheriff's office should enforce the town's standard and leave the decisions to the prosecutor to decide whether there is enough evidence.

There was discussion on the current procedure for barking dog complaints and establishing a clearer procedure.

Judge Kelley spoke on the current standard for determining if a violation has occurred and fines for a nuisance dog.

Public comment was taken on this item.

Jerry Brady spoke on this issue being in the paper recently and a uniform standard of law enforcement and referencing that standard.

Glendene Hamilton spoke on her personal situation regarding barking dogs; Sheriff's office feedback regarding the enforcement of Dewey-Humboldt town code; current requirements to submit a complaint.

Jack Hamilton spoke on town's involvement with the complaint process.

David Nystrom spoke on property rights; government assistance; and using caution in this process of developing a standard.

There was Council discussion on whether this should stay with the Sheriff's office or come to the Town Staff for management of cases.

Councilmember Wright made a motion to ask the Town Manager, Magistrate Judge, Prosecutor, and Lt. (D-H Police Chief) to get together to prepare a standard regarding

nuisance barking and bring it back to the Council by the end of January, seconded by Vice Mayor Repan. It was approved by a 5-1 vote in favor, Mayor Nolan voting against.

**5. Comments from the Public.**

Jerry Brady spoke on the town's computer telecommunications system being at risk from solar flares.

Jack Hamilton requested an agenda item be put on for a replacement for the WAC; and spoke on what can be done in Executive Session.

**6. Adjourn.**

The meeting was adjourned at 4:13 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 20, 2012, 6:30PM**

**A REGULAR SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 20, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR DENNIS REPAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:30 p.m. Vice Mayor Dennis Repan presided.

2. **Opening Ceremonies.**

2.1. **Pledge of Allegiance.** Made.

2.2. **Invocation.** Given by Councilmember Nancy Wright.

3. **Roll Call.** Town Council Members David Hiles, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan (arrived telephonically at 7:00 p.m.) were present.

4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** None.

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

Town Manager Yvonne Kimball reported on the following: Progress of the December 10<sup>th</sup> retreat; Applications received for Council seat vacancy; gave a Thanksgiving/holiday wish and read a staff member's email regarding customer service.

6. **Consent Agenda.**

6.1. **Minutes.** Minutes from the November 6, 2012 Regular Meeting.

Councilmember Wright made a motion to approve the minutes as presented, seconded by Councilmember Hiles. Jerry Brady spoke from the audience stating, "corrections, point of order." A vote was taken on the motion which passed by a 5-0 vote, Mayor Nolan being absent.

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

Jerry Brady spoke on the Stafford Act; and on the November 6, 2012 approved minutes. Councilmember Hiles called a point of order as the comment related to an agenda item. Vice Mayor Repan explained that item 7 is for non-agendized items only and Mr. Brady was trying to discuss item 6.1, therefore it should not be discussed under item 7. Jerry Brady stated he was putting the Council on official notice that a request for action will be reported to the Attorney General's office. He requested a vote on this issue so that it may be recorded who substantiated this action, and that the public can raise a point of order.

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. **Ordinance 12-95 to Amend Town Code § 50.16 Disposition of Unnecessary Rights-of-Way.** Discussion and possible action.

Councilmember Wright asked to change the job position titles on page 10 (C) to Public Works Supervisor rather than "Director". Town Manager Kimball stated this would be done.

Councilmember Hiles made a motion to approve Ordinance 12-95, seconded by Councilmember Wright.

Public comment was taken on this item.

Jerry Brady spoke on confirming ownership of properties, having property surveyed prior to taking action on surplus ROW property, and problems with benchmarks in the town.

The motion was approved by a 5-0 vote in favor, Mayor Nolan being absent.

**8.2. Public Body Member Travel Policy.** Discussion and possible action.

Town Manager, Kimball reviewed changes made to the document from the last meeting direction, "4.2-last sentence changed from would to should benefit the town." There was discussion on whether the wording will include ongoing agency meetings. It was confirmed it will as those meetings are pre-authorized through appointment by Council.

Councilmember Wright made a motion to approve the procedure with the correction, seconded by Councilmember Hiles.

Public comment was taken on this item.

Jack Hamilton spoke on the verbiage not being precise to what was directed at the previous meeting, being too general, not specific.

Jerry Brady agreed with Mr. Hamilton. He spoke on the audit and the budget.

David Nystrom spoke in support of pre-approval requirement and recommended changing the wording to, "unless the travel expense is specifically noted in the budget...".

Councilmember Wright amended the motion to add specifically in front of approved, in Section 4.2, seconder Councilmember Hiles agreed to the amendment.

The motion was approved by a 5-0 vote in favor, Mayor Nolan being absent.

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

**9.1. Discussion and possible action to approve verbiage on one of the Centennial Monuments and placing it in the new pocket park before the end of the year.** [CAARF request from CM Wright for OSAT Chair Goodwin]

Councilmember Wright gave an overview on her request, recommending recognition be given to the OSAT committee, and town staff for their work and APS for their grant.

Sandra Goodwin, Chair of the OSAT Committee spoke on working on the issues, thanked the Council for their support of the park and finishing the park.

There was discussion on the wording on the plaque and how many words could go on the plaque. David Nystrom was asked for his input on this. He explained the recommendation was approximately 30 words on the plaque and approved of the placement of the plaque at this location. There was discussion on how to proceed; the structure for the plaque; timing for building the structure and placement of the plaque before the end of the centennial year; cost and where this money would come from in the budget.

Councilmember Rogers made a motion to begin the process of siting and building a monument for placement of a centennial plaque at the Butte Street Park. Councilmember amended the motion so no second was received, motion failed for lack of a second.

Councilmember Wright amended the motion to work with OSAT committee and staff on placement, cost and timeline of setting the monument, CM Rogers seconded the amended motion.

Mayor Nolan phoned into the meeting at 7:00 p.m. to attend telephonically.

Town Manager, Kimball spoke on bringing back options at the next meeting and the Council working on the verbiage at the next Council meeting. An inspection will need to be done on the monument structure. There was discussion on timing and the building of the structure. This agenda item will be on the December 4<sup>th</sup> meeting.

Public comment was taken on this item.

Jack Hamilton spoke on this needing to be a centennial monument. Yvonne Kimball responded the monument is a centennial monument but the centennial monument for the Humboldt Station is separate from the one being placed at the park.

Jerry Brady spoke on memorializing issues paramount in 1912 (State enabling act and AZ State Legislative, Judicial and Constitutional histories; reference “the most scandalous frauds in judicial history of the United States”.

Sandra Goodwin spoke in the committee being willing and able to help in this matter.

Jack Hamilton spoke on only talking about the centennial monument. CM Wright explained there are three centennial monuments with only one of those being approved for wording. Vice Mayor Repan agreed this is all for the centennial year.

Councilmember Hiles made a motion to approve placing one of the centennial monuments in the pocket park, seconded by CM McBrady. The motion passed unanimously.

A vote was taken on the previous motion, which was approved unanimously.

**10. Executive Session.** 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 purposes.** When the Executive Session ends, Council may act on any matter considered in this Agenda.

Councilmember Hiles made a motion to NOT go into Executive Session on this matter, seconded by Councilmember Wright. The motion was approved by a 5-1 vote in favor, Councilmember McBrady voting against.

Council moved to the next agenda item, 11.

**10.1. Call for Executive Session.** An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consultation of the promotion of Cathy Jackson for the permanent, full-time Receptionist position.

**11. Return to Open Session.**

**11.1. Discussion and possible ratification of Cathy Jackson’s promotion to the permanent, full-time Receptionist position.**

Councilmember Hiles made a motion to ratify the promotion for Cathy Jackson to the permanent, full-time Receptionist position, seconded by Councilmember Rogers.

Town Manager Yvonne Kimball gave an overview on the reasons for this promotion; Ms. Jackson work ethic and by waiving her benefits it saves the town money, thereby allowing for seasonal help for Public Works.

Public comment was taken on this item.

Jerry Brady spoke in support of keeping this open to the public and legalities of going into Executive Session. Mayor Nolan spoke in support of Ms. Jackson's work.

A vote was taken and the motion passed by a unanimous vote.

**12. Public Hearing Agenda.** None.

**13. Comments from the Public.**

Jerry Brady spoke on the history of the Arizona State Flag.

Jack Hamilton apologized for misinterpreting Ms. Kimball's comments regarding the centennial monument.

Mayor Nolan wished everyone a happy Thanksgiving.

**14. Adjourn.**

The meeting was adjourned at 7:39 p.m.

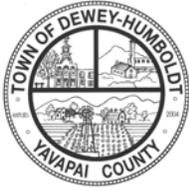
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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk



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

**BALLOT No** \_\_\_\_\_

**TOWN COUNCIL REGULAR MEETING**  
**December 4, 2012 –6:30 p.m. Town Council Meeting Chambers**

**Agenda Item #8.1. Council Vacancy Appointment replacing John Dibble’s seat vacated through resignation.** Discussion and possible action.

**Summary:** At the November 13, 2012 Special Study Session meeting it was suggested that staff provide a ballot for Council to use when making their selection for the vacancy. Staff has provided a ballot below, which is in the same format as what was used for the June 1, 2010 vacancy appointment to Council. At the June 14, 2011 vacancy appointment a motion was made to appoint, and no ballots were used.

**BALLOT**

Please check only one box for each candidate, but rank all candidates. The top vote getter will be appointed to the Council and sworn in at the next available meeting, pending Open Meeting Law review. The names are in alphabetical order.

Name	First Choice	Second Choice	Third Choice	Fourth Choice
Arlene Alen	①	②	③	④
Christian Berry	①	②	③	④
Zona Hays	①	②	③	④
David Nystrom	①	②	③	④

S:\2012 Town Meetings\2012 Council Regular Meetings\Dec 4 2012\Council Member appointment Ballot.doc



# TOWN OF DEWEY-HUMBOLDT

P.O. Box 69

Humboldt, AZ 86329

Phone: 928-632-8562 • FAX: 928-632-7365

## Town Council, Commission and Committee Vacancy Application Form

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

### Personal information:

Name: ARLENE ALEN email: [REDACTED]

Mailing & Physical Address: [REDACTED]

Phone Number: 928- [REDACTED] mobile CEO/EXECUTIVE DIRECTOR  
(please indicate home and work numbers) Occupation

How long have you lived in Dewey-Humboldt? 7 years. Are you over the age of 18?  Yes  No

Are any of your relatives, employed by the Town? Who/Where: NO

Emergency Contact: EARL W. NELSON [REDACTED] [REDACTED]  
Name Phone Relationship

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

Employed full-time  Employed part-time  Unemployed  Retired

Employment experience relevant to the position applied for: SEE RESUME ATTACHED

**Position applied for:** Briefly describe your interest in volunteering for the Town's Council, 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.

SEE RESUME ATTACHED

SINCE moving to AZ I have been fortunate to be able to combine my vocation in the Corporate world & my NONPROFIT avocation. Currently, I serve as Vice-Chair of Dewey-Humboldt Planning & Zoning Commission & feel strongly committed to bringing my background & experience to use in your town.

11-21-12  
DATE

[REDACTED]  
SIGNATURE

If you have any questions about this application, please contact the Town Clerk at (928) 632-8562. Please mail the completed application to the Town of Dewey-Humboldt, Town Clerk, P.O. Box 69, Humboldt, AZ, 86329, fax to 928-632-7365, or email to judymorgan@dhaz.gov.

AK

**Town of Dewey-Humboldt**

**Council, Commissions and Committees**

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

**COUNCIL**- serves as the legislative body and primary authority of the Town.

  X   **Town Council**    1 & 2

**COMMISSIONS** - appointed by the Town Council and subject to open meetings law.

       **Planning and Zoning Advisory Commission** – Seven member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. *Current vacancy*

**COMMITTEES** – entirely voluntary and meet at their discretion based on interest and need.

       **Environmental Issues Advisory Committee** – Provides for the identification, assessment and monitoring of environmental/public health issues of concern to the Town.

       **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.

       **Clean Town Committee** – Provides volunteer services to the Town and its citizens in developing programs that address issues of accumulated trash, code enforcement and related concerns.

       **Open Space & Trails Committee** – Provides volunteer services to the Town for the collection of data, information and studies that will further the implementation of the goals and objectives of the Open Space & Trails Master Plan.

       **Other Committees as needed.**

For additional information regarding any of the above volunteer groups, please contact Judy Morgan, Town Clerk at 928-632-7362.

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## Neighbor to Neighbor

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March 5, 2012

Contact: Neighbor to Neighbor

928.775-6145 neighbor@northlink.com

**Arlene Alen**, CEO/Executive Director of Neighbor to Neighbor has just been selected a finalist for the Arizona Governor's Nonprofit Award. Ms. Alen was recently awarded Quad-Cities **2012 Manager of the Year by the Lockheed Martin Leadership Association** for "outstanding service in our community". Alen additionally serves on the PATH International Board of Trustees as well as on the 2012-20-14 PATH Intl. Executive Committee. PATH International, the Professional Association of Therapeutic Riding International is a global authority, resource and advocate for equine-assisted activities and therapies and the equines in this work that inspire and enrich the human spirit. Alen primarily serves in strategic planning, marketing, fundraising, governance and granting/planned giving capacities on the Board. Ms. Alen has also been nominated for the Prescott Area Leadership Woman of the Year 2012 Award.

Ms. Alen additionally serves as the Director of Marketing & Development for Horses with Heart as well as on their Board of Directors. Alen is active in our community serving on several Boards of Directors including West Yavapai Guidance Clinic Foundation Board and on the Executive Board and as Vice-Chair Planning and Zoning Commissioner for Dewey-Humboldt. Alen was awarded the Prescott Valley Chamber of Commerce 2011 "Community Service Award". Ms. Alen is a member of Class XXII of Prescott Area Leadership.

As Founding Principal in TSRG-The Strategic Resource Group she has worked directly with multiple nonprofits including Habitat for Humanity, SMPS, Arizona Association for Economic Development, multiple Chambers of Commerce, Southwest Behavioral Health School & Community Based Services and Prescott Meals on Wheels as well as numerous entities within the A/E/C markets. Arlene gained early recognition as a multiple Emmy nominated Production Designer in Television and Motion Pictures. Ms. Alen has served on Boards for CAR and NAR, as Director of the National Canine Cancer Foundation Northern Arizona Chapter and is a current member of the Yavapai Community Collaboration.

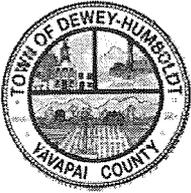
Arlene has additionally served on the Sr. Management teams of Jon Douglas Company, Carpet One, Coldwell Banker Corporation and Cendant Corp as Director of Business Technology and in multiple Sr. Management Marketing & Development positions. As a National Director at iPIX, she was responsible for bringing "Virtual Tours" and eMarketing to the Real Estate, Hospitality and Design industries. Alen has a national reputation as a keynote speaker, evangelist and trainer. Prior to her relocation to Arizona, Arlene served as Development Director for California based entities including Marshall & Swift LLC, developing, marketing and implementing A/E/C, Appraisal and Insurance technology solutions.

Ms. Alen earned her Bachelor's degree in Architecture & Design after attending Carnegie Mellon University and completed postgraduate studies in Business, Law, Marketing and Technology. Alen is a graduate of the Pepperdine University Arbitration and Mediation program, the Arizona State University-Lodestar Center Nonprofit Leadership Academy as well as the Phoenix Roundtable Planned Giving program.

#####

Neighbor to Neighbor: Volunteers assisting elderly, disabled, disadvantaged and homebound adults in maintaining their independence and quality of life from Prescott Valley to Cordes Lakes through providing critical transportation and essential services.

6717 E. 2<sup>nd</sup> Street Ste. D . Prescott Valley 928-775-6145 neighbor@northlink.com



# TOWN OF DEWEY-HUMBOLDT

## Town Council, Commission, Boards and Committee Vacancy Application Form

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

### Personal information:

Name: Christian Berry email: [redacted]

Mailing & Physical Address: P.O. Box 3 [redacted]  
Humboldt, AZ 86329 (928) [redacted] Non Profit Co-Director

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

How long have you lived in Dewey-Humboldt? 4 years. Are you over the age of 18?  Yes  No  
(15 off # on)

Are any of your relatives employed by the Town? Who/Where: NO

Emergency Contact: Suzie Berry (928) [redacted] wife  
Name Phone Relationship

Are you presently employed? (Check as many as apply)  
 Employed full-time  Employed part-time  Unemployed  Retired  
Employment experience relevant to the position applied for: 30+ Years of Upper Mgmt.

**Position applied for:** Briefly describe your interest in volunteering for the Town's Council, Boards, 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 Council: I have a myriad of experiences & talents in a number of different vocations including Upper Management, Sales, Construction, Event Coordinating, Organizing, Promotion, Media Coordinating, Graphic Design. I serve on the Planning & Zoning Commission and am actively involved in the leadership of our town.

1-25-12  
DATE

[redacted]  
SIGNATURE

If you have any questions about this application, please contact the Town Clerk at (928) 632-8562. Please mail the completed application to the Town of Dewey-Humboldt, Town Clerk, P.O. Box 69, Humboldt, AZ, 86329, fax to 928-632-7365, or email to judymorgan@dhaz.gov.

**Town of Dewey-Humboldt**  
**Council, Boards, Commissions and Committees**

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

**COUNCIL**- Council serves as the legislative body and primary authority of the Town.

  X   ***Town Council***

**BOARDS** – Boards are appointed by the Town Council and subject to open meetings law.

       ***Board of Adjustment*** – Five resident members that hear appeals by property owners regarding variances and interpretation of staff decisions regarding land use issues. Quasi-judicial, appeals of the Board’s decisions are heard by Superior Court.

**COMMISSIONS** – Commissions are appointed by the Town Council and subject to open meetings law.

       ***Planning and Zoning Advisory Commission*** – Seven member Commission that hears requests for rezoning, Planned Area Developments; makes recommendations to the Town Council.

**COMMITTEES** – Committees are voluntary and meet at their discretion based on interest and need.

       ***Environmental Issues Advisory Committee*** – Provides for the identification, assessment and monitoring of environmental/public health issues of concern to the Town.

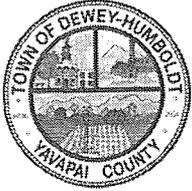
       ***Groundwater Resource Advisory Committee*** – Provides for the collection of data, information and studies that will assist the Town in being a positive influence in the preservation of its citizens’ rights to access groundwater and other appropriate water resources.

       ***Clean Town Committee*** – Provides volunteer services to the Town and its citizens in developing programs that address issues of accumulated trash, code enforcement and related concerns.

       ***Open Space & Trails Committee*** – Provides volunteer services to the Town for the collection of data, information and studies that will further the implementation of the goals and objectives of the Open Space & Trails Master Plan.

       ***Other Committees as needed.***

For additional information regarding any of the above volunteer groups, please contact Judy Morgan, Town Clerk at 928-632-7362.



# TOWN OF DEWEY-HUMBOLDT

P.O. Box 69

Humboldt, AZ 86329

Phone: 928-632-8562 • FAX: 928-632-7365

## Town Council, Commission and Committee Vacancy Application Form

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

### Personal information:

Name: ZONA HAYS email: [REDACTED]

Mailing & Physical Address: P.O. Box [REDACTED] / [REDACTED]

Phone Number: 928-[REDACTED] cell Occupation: Retired  
(please indicate home and work numbers)

How long have you lived in Dewey-Humboldt? 2 years. Are you over the age of 18?  Yes  No

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

Emergency Contact: TINA ROACH [REDACTED] DAUGHTER-IN-LAW  
Name Phone Relationship

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

Employed full-time  Employed part-time  Unemployed  Retired

Employment experience relevant to the position applied for: TOWN Council

**Position applied for:** Briefly describe your interest in volunteering for the Town's Council, 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.

I would like to be on the TOWN Council to give back to a community that I have grown to love. 8 yrs little league coach, 13 yrs rural carrier for USPS. 9 yrs Receptionist and program scheduler. All of these require working with the public, good organizational skills, and learning to compromise.

11-13-12

[REDACTED SIGNATURE]

DATE

SIGNATURE

If you have any questions about this application, please contact the Town Clerk at (928) 632-8562. Please mail the completed application to the Town of Dewey-Humboldt, Town Clerk, P.O. Box 69, Humboldt, AZ, 86329, fax to 928-632-7365, or email to judymorgan@dhaz.gov.

**Town of Dewey-Humboldt**  
**Council, Commissions and Committees**

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

**COUNCIL**- serves as the legislative body and primary authority of the Town.

\_\_\_\_\_ ***Town Council***

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\_\_\_\_\_ ***Other Committees as needed.***

For additional information regarding any of the above volunteer groups, please contact Judy Morgan, Town Clerk at 928-632-7362.



# TOWN OF DEWEY-HUMBOLDT

P.O. Box 69

Humboldt, AZ 86329

Phone: 928-632-8562 • FAX: 928-632-7365

## Town Council, Commission and Committee Vacancy Application Form

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

### Personal information:

Name: David D Nystrom email: [redacted]

Mailing & Physical Address: [redacted] PO Box [redacted] Dewey

Phone Number: [redacted] Occupation: Retired Proj Mgr  
(please indicate home and work numbers)

How long have you lived in Dewey-Humboldt? 5 years. Are you over the age of 18?  Yes  No

Are any of your relatives, employed by the Town? Who/Where: No

Emergency Contact: Sue Nystrom [redacted] Spouse  
Name Phone Relationship

Are you presently employed? (Check as many as apply)  
 Employed full-time  Employed part-time  Unemployed  Retired  
Employment experience relevant to the position applied for: Chemist, QA Mgr, Proj Mgr

**Position applied for:** Briefly describe your interest in volunteering for the Town's Council, 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.

Please see attached letter dated 20th  
Nov 2012.

11/20/12  
DATE

[redacted signature]  
SIGNATURE

If you have any questions about this application, please contact the Town Clerk at (928) 632-8562. Please mail the completed application to the Town of Dewey-Humboldt, Town Clerk, P.O. Box 69, Humboldt, AZ, 86329, fax to 928-632-7365, or email to judymorgan@dhaz.gov.

20th November 2012

Mayor Nolan, Vice-Mayor Repan & Town Council,

As you are aware from my previous e-mail, I am interested in filling the open position on the Dewey-Humboldt Town Council. Per your desire to go through a more formal interview process I am submitting this application. I will highlight points I feel which qualify me as an excellent candidate for the Town Council and look forward to your questions and a more in depth discussion.

Having previously served on Town Council, I am already familiar with Town Council procedures as well as training for Newly Elected Officials, Open Meeting Law, etc.

I understand that Town Council has the additional responsibility as Board of Adjustment. Fortunately, there are no issues currently facing Town Council requiring action by Board of Adjustment. However, should such an issue arise I am prepared to make the commitment and participate in a "crash course" to completely comprehend the why's and how's of a responsible functioning Board of Adjustment.

Having been the Town Council's first representative to CYMPO, my participation on the Executive Board, discussing issues with other elected officials & members, has provided me with valuable insight on how our Town fits within the overall Quad-Cities community.

Among the tasks Town Council will address prior to the seating of the new Town Council in June 2013, is the budget for the 2013 - 2014 Fiscal Year. Having been through the budget process a couple of times 1) I understand the overall budget process and 2) based on experience on how the budget it implemented by Town Staff, I have a good working knowledge of what questions to ask and what to watch out for.

I am very familiar with Town Code, Town's Administrative Procedures and the Town's General Plan; as evidenced by the communications and comments on agenda items I have sent each of you from time.

As a member of the public I have been active in public comment. However, I am not one to just "complain", I've also proposed agenda items (in writing) for consideration to help offer solutions to issues.

Perhaps most important of these points, is my desire and ability to bring a portion of our community's perspective to Town Council deliberations. As a previous member of the Town Council I understand the need to listen to the various points of view of those in the public, to promptly return each and every phone call and e-mail (if only to initially acknowledge receipt), to gauge public response and comment in the press and to generally be accessible.

I regret that at the conclusion of my previously appointed 2-year term, I was unable to run for election to Town Council. However, at the time I knew my attendance at Town Council Meetings would be limited by a personal situation I need to attend to. I was proud of my attendance record, never missing a meeting and did not feel it fair to ask people to elect me to a position I couldn't focus on 100%. Now that I am again able to serve the Town I ask you to consider my qualifications and proven interest in being appointed to Town Council.

Respectfully Submitted,



11/20/12

David D Nystrom

█ E Prescott Dells Ranch Rd.  
PO Box █  
Dewey, AZ 86327

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

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**TOWN COUNCIL REGULAR MEETING**

**December 4, 2012– 6:30 pm Town Council Meeting Chambers**

**Agenda Item # 8.2 Centennial Monument for Butte Street Park.** Review, discussion and possible action.

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: November 29, 2012**

**Summary:** At November 20's meeting, the Council directed to:

1. Come up with sample messages for the centennial monument at Butte St. Park
2. Look into carving and installation details, such as timeframe, pricing, design...
3. Look into how to pay for the project

The email communication below and the attached plaque message addresses most of the Council decisions. After reviewing the financial records, I believe General Fund/Public Works/General Supply account will be appropriate to handle the total expense which is estimated to be \$1000.

---

**From:** Yvonne Kimball

**Sent:** Wednesday, November 28, 2012 10:56 AM

**To:** 'esgoodwin@commspeed.net'

**Subject:** RE: Words for Plaque

Sandra,

We will forward your email to the Town Council. Thank you for putting together the message.

A couple of things for you to consider:

1. The town has not received the donation from Friends or the Library yet. I hope it's coming as you have told me that the donation would be for a bench. The 6 foot bench costs \$299.20. The 8 foot bench costs \$344. If you could let me know when the check would be in, it would be great.
2. in the message, how about "recognizing the Town of Dewey-Humboldt" rather than "recognizing the Historic Mining Town of Humboldt". During my short time here, I have gathered that we want to be sensitive about the Dewey and Humboldt and try to project "Dewey-Humboldt" as one town. Of course, the Council may have their own opinion on it; and the decision will be made soon.

Additionally, I have contacted "Set in Stone" and a monument frame structure maker. It sounded that the carving, making and installation of the monument (with the centennial stone in it) can all take place by the end of year if everything goes smoothly. Ed has worked out a couple of options to place the monument (we went by 4'X 4' dimension). Ed is marking the ground this afternoon if you would like to drive by and see the options.

Let me know you if you have any questions. The centennial monument at park matter is on Dec. 4's agenda for further discussion as directed at Nov. 20's meeting.

**Attachment:** Butte St. Park plaque message –by OSAT chair

Regards,

Yvonne Kimball

Town Manager  
Town of Dewey-Humboldt



*"Arizona's Country Town"*

P.O. Box 69  
2735 S. Hwy 69  
Humboldt, AZ 86329  
Phone: 928-632-7362  
Fax: 928-632-7365  
Email: [yvonnekimball@dhaz.gov](mailto:yvonnekimball@dhaz.gov)  
[www.dhaz.gov](http://www.dhaz.gov)

**From:** [esgoodwin@commspeed.net](mailto:esgoodwin@commspeed.net) [<mailto:esgoodwin@commspeed.net>]

**Sent:** Tuesday, November 27, 2012 7:29 PM

**To:** OSAT; Yvonne Kimball

**Subject:** Words for Plaque

Hello,

These are the words I developed as the OSAT's input for the Butte Street Park centennial plaque. After much work and time it remains 31 words long (one more word than set-in-stone preferred) so if the town has to pay for one more word it should. I am asking that this be forwarded to the Council for their deliberation. Very importantly, the words meet the centennial criteria by recognizing the historic contribution of something specific – in this case the mining town of Humboldt.

If you cannot open a jpg these are the words on the example.

BUTTE STREET PARK  
Est. November 2012

ARIZONA CENTENNIAL YEAR  
RECOGNIZING THE HISTORIC  
MINING TOWN OF HUMBOLDT

Thanks to:  
Arizona Public Service  
Open Space and Trails Committee  
Friends of the D-H Library

# **BUTTE STREET PARK**

Est. November 2012

**ARIZONA CENTENNIAL YEAR**

**RECOGNIZING THE HISTORIC  
MINING TOWN OF HUMBOLDT**

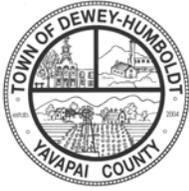
**Thanks to:**

**Arizona Public Services**

**Open Space and Trails Committee**

**Friends of the D-H Library**

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

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**To:** Mayor and Town Council Members

**From:** Yvonne Kimball, Town Manager

**Subject:** Dog Barking Ordinance and Enforcement Procedure Review meeting

**Date submitted:** November 27, 2012

As requested by Council Member Wright, a discussion about the current Town Code on animal issues, specifically dog barking, took place at Nov. 13's Council study session. The Town Council directed staff to review the ordinance and its enforcement procedures.

As such, a multi-agency meeting was held on Nov. 26, 2012. Yavapai County Sheriff's Office Lieutenant Jeff Newnum (who had had a prior meeting with Animal Control Division Sergeant Dean regarding this matter), Town Magistrate Catherine Kelley, Town Prosecutor Carrie Montavon, Town Community Development Coordinator Warren Colvin and I, the Town Manager, attended the meeting.

A copy of the Town's current animal code (Town Code Section 90.01 ~ 99) was provided to each attendee before and during the meeting.

At the meeting, we reviewed the current ordinance and enforcement procedures dealing with animal related complaints, specifically dog barking. We came to the following conclusions:

1. We believe that the current Town Code regarding dog barking, i.e. 90.02(c) is adequate. We do not propose any revision at this point. We found that the Town Code provision mirrors Yavapai County's code which the Animal Control Division deputies are very familiar with. There was some discussion about reducing the number of dogs allowed in Town from the current 6 maximum to 4 or 2 per household. We decided not to recommend this measure at this time because it did not seem to be compatible with the Town's rural flavor. However, if the Council is interested in this direction, we will be happy to look into it.

2. Enforcement procedure review:

a. We acknowledged the lack of direction and effective communication between all agencies some time ago when the Town and the Sherriff's Office were both experiencing staff turnovers and the Town was trying to fill key positions, such as the Town Manager. An open line of communication has been established since key positions were filled. We are confident that the Town and the Sherriff's Animal Control division will continue our positive and cooperative working relationship. The Town will continue referring animal related complaints, such as dog barking, to the Animal Control Division so long as they are not zoning/land use violations.

b. Currently the procedure for handling dog barking complaints is: after receiving dog barking complaints, as part of the evidence-building process, the Animal Control Division normally requests the complainant to provide video and /or audio recordings, a barking log showing 10 minutes of continuous barking for 5 consecutive days and a neighborhood signed petition. The Deputies have discretion to waive one or two items depending on the specifics of each case. At the meeting, we agreed that the signed petition may not be necessary every time. We also reached the consensus that the Town's Prosecutor may need to be more involved where evidence is not such that the Deputies feel comfortable issuing a citation themselves. We clarified that even though some complaints may seem to lack strong evidence, the Town's Prosecutor may find the case deserves prosecution. Lieutenant Newnum asserted that he would convey the necessity for the Animal Control Deputies to forward all complaints to the Town Prosecutor with whatever evidence has been gathered so that she can determine whether each complaint warrants further investigation or a court hearing. The Judge would become involved if the Town Prosecutor issues the complaint, as this would then be a normal court case.

c. Lieutenant Newnum also clarified the misconception that "the Sherriff Deputies do not enforce D-H local laws." He affirmed that the Sherriff's Deputies do enforce Dewey-Humboldt laws (in the form of the Code of Ordinances). He also stressed that citizens need to contact him directly when there is confusion about the Sherriff's services. His business cards are available at Town Hall front desk. He was very concerned about the notion that Deputies might be telling citizens that they do not enforce our local ordinances, and when that type of complaint is forwarded to him it results in an internal investigation as it is patently incorrect.

3. The statistics provided by the Sherriff's Office indicated that dog barking is not a severe issue in our Town. During the period of January 2012 to November 2012, the Sherriff's Office received a total of 205 animal related calls within the Town of Dewey-Humboldt: 6 were animal bite related; 20 animal neglect; 29 animal noise; 34 dog pick-up (dog running at large); 11 vicious animal; and 104 generic animal problems.

4. Lieutenant Newnum agreed to arrange for Animal Control Division Sergeant Dean to attend a Council meeting in January/ February 2013 to answer any questions the Council and the public may have on this matter.

Attachment: Dewey Humboldt Town Code - Animal Control

- [90.01](#) Definitions
- [90.02](#) General provisions
- [90.03](#) Enforcement
- [90.04](#) Exemptions
- [90.05](#) Biting animals
- [90.06](#) Release of impounded dog

Vicious Animals

- [90.15](#) Definitions
- [90.16](#) Determination of Town Magistrate
- [90.17](#) Control of dangerous animals
- [90.18](#) Killing of dangerous animals

Livestock

- [90.30](#) Definitions
- [90.31](#) Livestock roaming at large
- [90.32](#) Investigation and enforcement
- [90.33](#) Payment of citation in lieu of penalties
- [90.99](#) Penalty

**ANIMAL CONTROL  § 90.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this subchapter and the regulations promulgated hereunder.

**OWNER.** Any person owning, possessing, harboring or maintaining a dog, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog.

(Ord. 05-17, passed 10-18-2005)

** § 90.02 GENERAL PROVISIONS.**

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or a leash not to exceed six feet in length and of sufficient strength to control the dog.

(B) Any dog over the age of four months shall wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog having a propensity to excessively bark, howl or otherwise disturb the peace and quiet of any town resident.

(Ord. 05-17, passed 10-18-2005) Penalty, see § [90.99](#)

### § 90.03 ENFORCEMENT.

(A) Any dog, which is running at large, may be apprehended and impounded by the town enforcement officer. The town enforcement officer shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement officer is in reasonable pursuit of the dog.

(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.

(C) Consistent with A.R.S. § 11-1015 and statutes applying to towns, it is unlawful for any person to interfere with the enforcement officer in the performance of his or her duties pursuant to this subchapter.

(Ord. 05-17, passed 10-18-2005) Penalty, see § [90.99](#)

### § 90.04 EXEMPTIONS.

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

(Ord. 05-17, passed 10-18-2005)

### § 90.05 BITING ANIMALS.

(A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals.

(B) Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. § 11-1014c.

(Ord. 05-17, passed 10-18-2005)

### § 90.06 RELEASE OF IMPOUNDED DOG.

(A) Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain any applicable vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release.

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable and impoundment fees.

(Ord. 05-17, passed 10-18-2005)

## VICIOUS ANIMALS

### § 90.15 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**DANGEROUS** or **VICIOUS ANIMAL**. Any animal that bites without provocation, is known to have a propensity, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.

(Ord. 05-20, passed 11-15-2005)

### § 90.16 DETERMINATION OF TOWN MAGISTRATE.

Following a hearing, the Town Magistrate may declare an animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person.

(Ord. 05-20, passed 11-15-2005)

### § 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

(Ord. 05-20, passed 11-15-2005) Penalty, see § [90.99](#)

### § 90.18 KILLING OF DANGEROUS ANIMALS.

Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

(Ord. 05-20, passed 11-15-2005)

## LIVESTOCK

### § 90.30 DEFINITIONS.

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LIVESTOCK**. Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.

(Ord. 10-74, passed 8-17-2010)

### § 90.31 LIVESTOCK ROAMING AT LARGE.

It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010) Penalty, see § [90.99](#)

 **§ 90.32 INVESTIGATION AND ENFORCEMENT.**

Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § [90.31](#) shall be the same as contained in § [90.03](#) of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any livestock roaming at large may be impounded by the Enforcement Officer so designated by the town.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

 **§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.**

(A) *Fines.* The fines for violating the provisions of § [90.31](#) shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § [90.99](#) of this chapter. Any citation must be paid as stated therein.

(B) *Appearance if fine not paid.* Any person charged with a violation of this § [90.31](#) shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § [90.99](#), unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

 **§ 90.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § [10.99](#).

(B) A person who is convicted of a violation of §§ [90.01](#) through [90.06](#) is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.

(C) Any person violating the conditions of §§ [90.15](#) through [90.18](#) or is in charge of a dangerous animal as defined herein, may be fined in the amount \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § [90.31](#) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § [10.99](#) of this code. Thereafter, a violation of § [90.31](#) shall be a misdemeanor subject to the penalty provisions set forth in § [10.99](#) of this code. The court may order any person who violates § [90.31](#) to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

(Ord. 05-17, passed 10-18-2005; Ord. 05-20, passed 11-15-2005; Am. Ord. 10-78, passed 12-7-2010)