

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

Tuesday, March 20, 2018, 6:30 P.M.

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

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

AGENDA SUMMARY

1. Call To Order

Mayor Nolan called the meeting to order at 2:00 p.m.

2. Pledge of Allegiance

Led by Mayor Nolan.

3. Invocation

Given by Councilmember Wendt.

4. Roll Call Town Council Members: Jack Hamilton, Mark McBrady Doug Treadway; Victoria Wendt; Vice Mayor John Hughes; and Mayor Terry Nolan were present. Council Member Amy Timmons arrived late at 6:34 p.m.

5. Announcements regarding Current Events; Guests; Appointments; and Proclamations

Mayor Nolan asked to move Agenda Item 13. Public Hearing Agenda forward in the meeting to be heard before Agenda Item 9. There was Council consensus to do so.

Councilmember Wendt reminded the audience that there is a Firewise meeting tomorrow night and there are some important speakers presenting at this meeting.

6. Town Manager's Report

None.

7. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Council Member may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Meeting Minutes:

1. Study Session & Special Meeting of February 13, 2018

Councilmember Treadway noted that on Page 13, Agenda Item 8.1 the last sentence in the paragraph should be struck. Councilmember Wendt noted that on the same page under Agenda Item 9.1 the first sentence should read "utility poles" instead of "fire poles".

2. Regular Council Meeting of February 20, 2018

Councilmember Hamilton made a motion to approve the Study Session & Special Meeting minutes with the noted changes, and the Regular Council Meeting of February 20, 2018, seconded by Councilmember Hamilton. The motion passed unanimously.

8. Public Comment on Non-agendized Items

Margaret Dewey gave an update on the University of Arizona's Project Harvest program which is a harvested water-testing project. She is now the representative for the program. They encourage people who harvest water to participate in a testing program. This is a three-year study which will run through 2020.

Maria Papademetri is concerned about a residence at 1445 S. Hopi Trail. There are over 100 tires on the property and ignores the Code Enforcement Officer. She is very concerned about the potential fire hazard and the issue it would create in regard to ingress and egress during a

fire. She wants the Code Enforcement Officer to have the power to go in and deal with the problems and give the owner the bill. She also spoke of a potential animal abuse issue and Animal Control not properly addressing this. Why in the Blue Hills do the people have all these trailers and trash, when the Foothills are immaculate.

Stan Gorodenski spoke of attending an Open Space and Trails Committee and during discussion, before the meeting, the Chairwoman commented that she saw a woman with a baby walking down the middle of the street. This disturbed him because people may have the desire to put in sidewalks around Henderson Road. He does not think this is a reason to put in sidewalks or jogging trails. He feels this is a main artery and should not have those types of pedestrian accommodations.

12. Public Hearing Agenda

Discussion and Possible Legal Action may be taken.

A. Liquor License – Conduct public hearing and consider approval of a new “Series 13 In-State Farm Winery” Liquor License for Mogollon Vineyards, L.L.C. located at 2430 S. State Route 69, Dewey, AZ 86327.

1. Staff Report

2. Open Public Hearing

Mayor Nolan closed the regular meeting at 6:43 p.m. and opened the Public Hearing. There were no Public Comments.

Town Manager Wilson recommended that the Staff Report be included in the hearing which was contained in the Council Communication. He noted that Council makes a recommendation to the Liquor Board and they make the actual approval or disapproval of the license.

3. Close Public Hearing

Mayor Nolan closed the Public Hearing at 6:46 p.m.

Councilmember Hamilton made a motion to recommend the approval of the new Series 13 In-State Farm Winery Liquor License for Mogollon Vineyards, LLC, seconded by Councilmember Wendt. The motion passed unanimously.

9. Unfinished Business

Discussion and Possible Legal Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

10. Update of Councilmember Timmons’ citizen committee’s progress regarding Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding New Chapter 100 Animals Other than Dogs related to the control and regulation of domestic animals other than dogs, maintenance standards for domestic animals other than dogs, and enforcement and discussion and possible direction to Staff regarding a proposed ordinance related to animals other than dogs.

Councilmember Timmons said that back in December she turned in a simple form that people who care about animals want to have something, but not something overreaching. It was rearranged and modified to include some things, but has gone back to legal jargon that ordinary people can’t understand. She wants it to go back to the Attorney to have written in layman terms. She does not understand why it needs to be such a large code. We wanted to have a Livestock Officer, as people are concerned that the Enforcement Officer in Town does not know animals as a Livestock Officer does.

There was extensive Council discussion regarding Livestock Officers, Code Enforcer and Animal Control, and animal noises. Town Manager Wilson contacted the Livestock Board and learned Livestock Officers and Peace Officers are stretched already and rarely are able to

handle community issues. TM Wilson explained the mediation system and noted that the three resident complaint system that was proposed in CM Timmons' version puts enforcement efforts in the wrong hands. He was unable to find another community that uses that technique.

CM Timmons clarified that her proposed complaint method required that the complainant submit the complaint and then the Livestock Officer would canvass the three neighbors and this method is being used by Yavapai County.

Councilmember Hamilton spoke in support of the arbitration system getting the Town out of the enforcement process other than receiving in the complaint and then turning it over to the judicial system.

There was further discussion about the arbitration system, complainants being identified, the need for simpler language and previous issues with animal noise and maintenance.

TM Wilson said that the Code Enforcer could be neutralized to take the complaint. It would then go to Court, notice the party and respond by mediation or court process and possibly referred to the Prosecutor. This could be an adjustment to the proposal.

Judge Kelley was asked to come forward to speak on this issue. She commented that it was an excellent ordinance. The role of the Code Enforcement Officer sounds like a procedural matter. You have to have a procedural step. Mediation is a great idea as people rarely fail to work things out. She saw no issues with the way the proposed ordinance is written.

Mayor Nolan and Vice Mayor Hughes did speak of issues in regard to animal noise in the community.

Public Comment

Judy Morgan - Spoke of having concerns after looking over the proposed ordinance as she has issues regarding a neighbor's animals and maintenance methods which causes excessive fly issues. It is hard to get neighbors to make a complaint due to neighbor bullying. She felt that there needed to be wording that allows the Judge to order restitution for costs that people incur to mediate problems. She supported the need for a code and thought it would have been helpful to have the old code to compare to the proposed ordinance. She felt the proposal was too general, it needed more teeth. Neighbors have rights too.

Ron Young – Spoke of the Town logo – “Arizona's Country Town” and what is in the country – farm animals. If you don't like farm animals, don't move to the Country. Work these issues out with your neighbors.

Lynn Collins spoke of participating in Councilmember Timmons' citizen group and that Council had received her proposed ordinance. She spoke of maintenance standards and that there was not enough definition in the Town Attorney's version. She is not pleased with the arbitration proposal and believes the three household complaint process is used even in New York City. She feels this proposed version would be used as a weapon and would file a referendum, if it were adopted. She stressed that this needs more definition and that there has not been an animal nuisance ordinance for some time and doesn't see the need for one. She noted that the General Plan says the Town is rural. She has read Chino Valley's code and can understand it. She referred to this version as legalese and that it is lacking definitions. She reminded Council that they received a copy of CM Timmons' version that had definitions. Ms. Collins spoke further on maintenance standards. She recommended getting rid of animal limits and the need for codes that everyone can read.

There was further Council discussion regarding the proposed ordinance and the possible arbitration/mediation process. Town Manager Wilson asked Council to allow Staff to combine the ideas shared by Council and rely on the Court's assistance to make revisions to bring back

to Council.

Public Comment

Lynn Collins – Spoke of a neighbor problem with a crowing rooster and how it was resolved.

Maria Papademetri – Spoke of being a 22-year D-H resident and having outdoor lights at night for safety. She moved here because it was rural. If people don't want to be around animals, then move to a subdivision. She addressed her neighbor's code enforcement issue and that she should not have to get three signatures from neighbors to make a complaint. She spoke again of appreciating her rural surroundings.

Stan Gorodenski – spoke of feeling safe in the area and not needing outdoor lights.

Mayor Nolan advised that Staff would bring back revisions from the Town Manager's list comprised during this meeting.

Mayor Nolan closed the Unfinished Business portion of the meeting and called a five-minute recess at 8:14 p.m.

11. New Business

Discussion and Possible Legal Action on matters not previously presented to the Council.

Mayor Nolan reconvened the meeting at 8:19 p.m.

A. Request Council to consider a \$1600.00 contribution to the PAWUIC group for the work they do in acquiring our grants. (Councilmember Wendt CAARF)

Councilmember Wendt advised Council that PAWUIC functions on donations and would like Council to approve the \$1,600.00 donation as they help with the grant process.

Councilmember Hamilton recommended this come back during the budget process under the normal procedures.

Councilmember Wendt reminded Council that this was already in the current budget and just needed to be distributed.

Mayor Nolan reiterated that this would be covered during the new budget process.

Town Manager Wilson gave a summary of the expected 2018/19 budget process.

Councilmember Wendt clarified that this was part of the budget during the last year process. This would just be a distribution of approved monies.

Mayor Nolan stated that, if it was already approved, it didn't need to be approved again.

TM Wilson said he would check into this and disburse the funds.

B. Council Discussion on how Council and Staff deal with developer inquiries. (As directed by Council on 2/20/18)

Town Manager Wilson gave an overview of a new Staff process wherein when a significant contact is made with a staff member be it a person representing a project, idea or development, that would generate a referral of that contact to the Council and the Mayor and enter it into a log. TM Wilson gave the example of a recent contact by a school that trains helicopter pilots. They have not made a formal application with money but have had numerous discussion with us over the last two to three weeks. We have identified that to you by email and entered it into the log and we will do that with similar projects. This won't be the process for things such as replacing an old trailer with a manufactured home, this would not be irregular. However, if it were a duplex, that would require notification. Same with commercial developments or a significant residential project, Council would be

advised. Town Manager Wilson recommended to Council that as equally elected officials to exercise their own judgment and consider if they feel a certain type of issue should have been shared with them, that they do the same in that type of circumstance for their colleagues. Town Manger Wilson could be the contact point and help distribute the information.

There was Council consensus that this was a good approach to this situation and that the best process is that Town Council know this type of information before the general public.

There was further Council discussion regarding these types of contacts. There was Council consensus that if a Council Member is contacted, they will contact the Town Manager and he will relate information to their colleagues.

Councilmember Timmons inquired what this agenda item was in regard to. Town Manager Wilson explained that there was concern that Staff did not appropriately notice Council regarding the Giant Gas Station development. There was controversy surrounding the notice involving Staff and the former Town Manager, however, this has been resolved moving forward.

Town Attorney Goodwin mentioned that she wanted to emphasize that Open Meeting Law requirements need to be followed and to be careful that, although a Council Member may be notified, Council Members cannot talk to a majority of the Council on matters.

C. Return to Council for further discussion and possible action the procedures to adopt and abatement ordinance into Town Code. (Councilmember Wendt CAARF)

Councilmember Wendt reminded Council that January 2017, the previous Council had been in discussion regarding an abatement ordinance, which was brought to the new Council for review. CM Wendt asked for it to be set aside at that time and Council agreed. She now feels that after being out and viewing certain instances out there, properties that need abatement, have gone through the court system, have judgments against them and the residents don't do a thing. What is in code does not provide a way to close this out. There are health, safety and fire issues that need attention. She would like to bring the ordinance back in, improve upon it and get the closure needed to get these violators taken care of.

There was further Council discussion in favor of an abatement ordinance.

Town Attorney Goodwin explained that there is detail and process to support due process to the people that own the property.

Town Manager Wilson offered that Staff will work with the Town Attorney and get a draft out to Council and get this back into the process. It will have a lot of process detail due to significant legal exercise of authority in order to comply with the law. This is normally budget out of Community Development under special engineering services. An adjustment could be made to the budget when the process is in place.

Public Comment - Lynn Collins spoke in favor of something about fire fuels abatement. She noted the town has three codes that would take care of the issues that were mentioned in this discussion and recommended using those provisions already in the code book, which would be less oppositional.

D. Executive Session

Vote to recess to Executive Session

Councilmember Treadway made a motion to recess to Executive Session, seconded by Councilmember Hamilton. The motion passed unanimously.

Mayor Nolan called a five-minute recess at 8:49 p.m.

Council entered Executive Session at 8:55 p.m.

1. **Pursuant to A.R.S. §38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's positions regarding:**
 - a. **2018/19 Sheriff Contract for Police Services**
 - b. **2018/19 Library District Contract for Library Services**
2. **Pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding procedures for General Plan adoption or readoption and possible related amendments to the Town Code.**

Councilmember Hamilton made a motion to adjourn the Executive Session, seconded by Vice Mayor Hughes. The motion passed unanimously.

Mayor Nolan adjourned the Executive Session at 9:45 p.m.

E. Discussion and possible direction to staff regarding procedures for General Plan adoption or readoption of the General Plan and possible related amendments to the Town Code.

Mayor Nolan reconvened the Regular Meeting at 9:46 p.m. and called for the adjournment of meeting. Councilmember Hamilton noted that they needed to give direction pursuant to the Executive Session in the regular meeting.

Councilmember Hamilton asked Staff to return to Council with a plan on how they want to comply with the General Plan.

Town Manager Wilson noted that the citizen participation provisions were done by resolution. They should not have been codified; you do not codify a resolution. They (resolutions) need to all come out. We create a plan, adopt that by resolution, it will not be in the code; it will be the plan to handle this generation of plan amendment. We will bring something that takes out all the past resolution items of 2009 and we will substitute it with a resolution only, not in the code, for the new General Plan.

Town Attorney Goodwin noted that it appeared there was consensus to move forward with the readoption as opposed to a new General Plan. Mayor Nolan confirmed this.

Town Manager Wilson advised that he would get this on the agenda for putting together the timelines that Council is interested in for a starting point.

12. Public Hearing Agenda

This item was addressed earlier in the meeting after Agenda Item 8.

13. Adjourn

Mayor Nolan adjourned the meeting at 9:50 p.m.