

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

Tuesday, October 16, 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 6:03 p.m.
2. **Pledge of Allegiance** Led by Councilmember Hamilton
3. **Invocation** Given by Councilmember Timmons
4. **Roll Call** Town Council Members: Jack Hamilton, Mark McBrady, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Vice Mayor Hughes was absent.
5. **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.

A. Tax Credit Giving Month Proclamation

Mayor Nolan read the CAARF and presented the proclamation to Nancy Hamerly of the Big Brothers/Big Sisters organization.

B. Cites & Towns Week Proclamation

Mayor Nolan read the proclamation.

C. Public Safety Reports

1. **Public Works Department Update presented by Director Ed Hanks** Topics for possible discussion include: roads and storms

Public Works Director Ed Hanks gave an overview of his department and said that the monsoon season presented numerous challenges this past season. They cleaned up debris and run offs in various locations and cleaned and rebuilt 7,000 linear feet of ditches moving 200 tons of debris. The Agua Fria low water crossing was cleared over a dozen times. They graded just under 17K linear feet of town-owned unpaved roads; placed 150 tons of riprap on roads and shoulders to maintain roads and right-of-ways. Fourteen signs and posts were reinstalled. Routine mowing, weed eating and equipment maintenance was performed. There two Town Clean-Up events held with record participation and collection. Three of the larger projects coming up this winter, drainage-wise, are on Marilyn Road rebuilding a ditch and adding erosion control; same thing on Shirley Road; the lower half of Mingus Mountain will be regraded, ditches rebuilt with larger culverts placed; the upper end of Lazy River will receive additional riprap.

Councilmember Treadway and Mayor Nolan complimented the crew's hard work.

2. **Central Arizona Fire & Medical Authority report presented by Fire Marshall Rick Chase**

Fire Marshall Rick Chase gave an overview of the third quarter statistics. The stats remained relatively low. EMS Responses – 67; Fire Responses – 2; Public Service Dispatches – 22; Hazardous Condition Responses – 40; Good Intent Responses – 20; for a total of 115 dispatches the 3rd Quarter. He reminded citizens to keep an eye on the brush on their property regardless of the season and to be sure to clean chimneys and flues. CM Wendt asked Fire Marshall Chase to give the update on the Upper Blue Hills project. He said that they have been working on the 4 – 8,000 gallon tanks to be located in the Upper Blue Hills. They are in the permit process at this time; otherwise, it has been approved. They will be working on getting the tanks placed. They won't draw on the well located on the property at this time for the tanks. They will fill the tanks and keep them full, possibly utilizing the well in the future, but not at this time.

3. **Yavapai County Sheriff's Office report presented by Sgt. Johnson**

Sergeant Johnson reported that there were 600 calls for the Town of D-H in the 3rd Quarter with 204 traffic stops; 59 traffic citations; 1 assault; 5 drug arrests; 1 Family Fight; 7 Wanted Person Arrests resulting in a total of 14 arrests. There were 64 Animal Control calls with 3 citations issued.

Mayor Nolan asked what to do if a citizen is on the highway and they see a Sheriff or ACO officer on the road using their cell phone. While there is an ordinance that exempts use of electronic devices by law enforcement officer in performance of official duty, Sergeant Johnson said that most of his officers will be on hands-free devices. If bad or irresponsible driving is noted, you can call the Sheriff's office and report this and it will be followed up.

CM Wendt asked if a left turn into the entrance of the lot off Highway 69 is illegal. Sergeant Johnson said that the two solid double lines are considered the same as a physical obstruction and should not be turned across. He would like to see ADOT put some type of temporary barrier. CM Wendt noted five cars cross over the double yellow lines while she was sitting outside waiting for the meeting to start. She believes waiting on ADOT could be a long wait and recommended a few kindly tickets would help the word get around quickly.

4. Magistrate Court report presented by Judge Catherine Kelley - Judge Kelley was absent.

6. Firewise Quarterly Report Topics for possible discussion include: General Committee Update

Victoria Wendt gave an update on the Firewise activity. Every grant has been utilized and PAWUIC has reimbursed the Town for the monies expensed out with the exception of \$630 for the last half acre, which should arrive shortly. There will be new grants coming in after the first of the year. In addition, Mayor and Ms. Wendt will attend the Supervisor's meeting in November where they will finalize the grants and it appears they will be awarded \$25K, which will be picked up in December. They have received certification for this upcoming year for the Firewise USA certified sections Foothills East and Blue Hills. Since the last Town Council where Firewise was discussed there have been nine volunteers come forward. They have had a separate meeting and are establishing subcommittees. She is training a couple members on how to run the grants through the system. Eventually, once members are trained and the volunteers are established she would like to step back to directorship. There is a meeting tomorrow night with Linda Niles of Yavapai County Health Department who will speak on education for those with functional needs, i.e. hearing impairment or other disabilities, that may need help in the event of evacuation.

7. Town Manager's Report

Town Manager Wilson spoke in appreciation of the Council's foresight to provide equipment to the Public Works Department. That funding came through in this budget year and the equipment was very helpful during the monsoon season.

We are in the process of soliciting applications for a new Presiding Magistrate position and this will be advertised next week in the paper and other media. The criteria is open to anyone who has served as a Justice of the Peace or Magistrate for five years. The selection process will be conducted by Council and should occur in the next month to forty-five days. We are still advertising for two positions: a Plan Checker or Inspector and a Community Development Director. He commended Staff Members Beth Evans and Patty Tapp for stepping up and maintaining the plan checks and inspections without the in-house position of Building Official. He noted that there were two applications for the Community Development position and he will pursue this with vigor. He thanked all staff for helping out during this transition.

8. 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 of August 7, 2018
2. Special Meeting of September 25, 2018

B. Approval of revisions and adoption of amended Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets related to council meetings and agendas

Councilmember Hamilton made a motion to approve the Consent Agenda, seconded by CM Timmons. Mayor called for the vote: CM Hamilton – aye; CM McBrady – aye; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – absent; Mayor Nolan – aye. The motion passed unanimously.

9. Public Comment on Non-aggendized Items

Ron Miller - spoke of a safety concern regarding the stop signs at the intersection of Pony Place and Henderson Roads that are not being observed. He noted that someone is going to get hurt and it needs some enforcement.

Tina Meredith – thanked Mayor Nolan for responding to her email regarding a coyote-killing contest that is supposed to happen here and that the organizer was asked to move it out of the area. She spoke in detail of the

reasons she is in opposition of these types of contests. She would like to see them banned and encouraged Town Council to adopt a resolution to keep this one from happening in December.

Matt Francis – spoke of being a scientist. He is not a biologist, but he understands science. These contests promote problems with wildlife making the packs dysfunctional and can cause them to breed aggressively. He urged the Council to do something about people indiscriminately killing wildlife.

Gary Mortimer – spoke of things on his mind from a meeting a couple weeks ago. The Mayor said that the community does not trust the Mayor or Council. Mr. Mortimer said that was not the case, they just want the factual information; it is not a trust issue. The three-minute public comment rule should be uninterrupted and, if a speaker is interrupted, they should get to start over. He believes there should be equal respect for everyone that speaks. He feels there are different reactions for different speakers based on their opinions. Council needs to be neutral.

Betsy Klein – spoke in disfavor of the Santa Slay killing contest. She said these contests violate hunting protocol. Once prizes are awarded for the contest, the bodies of the animals are left behind and treated like trash. This does not promote hunting ethics. She noted this is an embarrassment to the county and asked Council to ban this contest and all future contests.

10. Unfinished Business None

11. New Business

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

A. Discussion regarding a donation to the Hot Shots Memorial (Mayor Nolan - CAARF)

Mayor Nolan spoke of the proposed memorial that will be erected on the Courthouse Square in Prescott. He believes that the Quad City donations are: Prescott - \$50K; Prescott Valley - \$50K; and he thinks Chino Valley is giving \$10K.

CM Hamilton said he is not against giving but it needs to be put into next year's budget.

CM Treadway asked how soon the money is needed. Mayor Nolan said they are looking to make it a Quad City donation and the others have already donated. The other Towns did not have it in their budgets either, as it just came up.

CM Treadway made a motion to donate \$10K, seconded by Mayor Nolan.

CM Wendt said this seemed a little high, maybe \$2,500 and then maybe an additional \$2,500 when they work on the next budget.

CM Wendt made a motion to donate \$2,500 now with a commitment of \$2,500 in our next budget cycle. The motion failed for lack of a second.

Mayor Nolan called for a roll call vote: CM Hamilton – nay; CM McBrady – nay; CM Timmons – nay; CM Treadway – aye; CM Wendt – nay; Mayor Nolan – aye. The motion failed by a 4 - 2 vote.

CM Wendt made a motion to donate \$2,500 now, seconded by CM Timmons.

CM McBrady stated that he would prefer not to rush and cited budget issues. TM Wilson said that there was a reduced amount of state shared sales tax. CM McBrady said it should come back to another meeting.

CM Timmons asked how Council learned about this and if other Town's budgeted for it. Mayor Nolan said it was mentioned at last month's GAMA meeting and he received a call from Prescott's Mayor Mengarelli that they were trying to make a quad city donation as soon as possible.

CM Hamilton asked how long it had been since the passing of the firefighters. It was noted that it had been five years. CM Hamilton asked how much was needed for the project. Mayor Nolan believes that it is just under \$250K.

Public Comment

Alexa Scholl of the Prescott City Council offered details about the project including information on the artist and the granite material being used as well as the special techniques required. She passed out pamphlets. They are looking to complete the project by June 30, 2019. The other cities are donating. Prescott's portion is coming from their General Fund. They are looking to do some sort of donor wall, but not on the actual memorial, which is to be just about the firefighters. The donor wall is in the works.

CM Wendt asked how soon the money needs to be collected. Ms. Scholl stated that they are fundraising as quickly as they can. She described the entire process, which has been worked on for the last 4.5 years. The hope to have the projected completed by the 6th anniversary date. They understand if D-H needs to

wait and appreciates their support. CM Timmons asked if the proposal of \$2,500 now and more at budget time would work out. Ms. Scholl confirmed this. CM Hamilton inquired if they are a 501(c) (3). Ms. Scholl confirmed this.

CM Wendt asked to amend her motion to state \$2,500 now and \$2,500 in the next budget.

CM Hamilton said you couldn't lock the next Council into this.

CM Wendt restated her previous motion of \$2,500 now, which was previously seconded by CM Timmons.

CM McBrady recommended taking their time and not reacting quickly and CM Timmons asked if they would have to bring this back to the new Council at budget time if additional monies were to be donated. This was confirmed.

Mayor Nolan called for a roll call vote: CM Hamilton – nay; CM McBrady – nay; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – absent; Mayor Nolan – aye. The motion passed by a 4 -2 vote.

B. To approve the timeline for Readoption of General Plan (Mayor Nolan – CAARF)

Mayor Nolan gave an overview of his CAARF, explaining that the timeline was self-explanatory.

CM Treadway left the dais at 7:45 p.m. and returned at 7:47 p.m.

CM Timmons asked how long the General Plan would be readopted for. TM Wilson explained that it would be readopted to May 18, 2022. CM Timmons asked if there were plans to start on the process in this next three years. TM Wilson said the process would be established to hire a consultant and a committee that would initiate outreach to the citizens. It would come back to the P & Z and then go to the Council for approval. The outreach would take at least a year, as new requirements have been added to the state law since the original General Plan was adopted. There is little commercial development in this community, based on that the Town is struggling financially. That issue will take consideration in how they can become financially sustainable and the General Plan is a major tool to define that potential sustainability. This is a community with essentially residential zoning. There is no property tax, so the General Plan will be the starting point to see what type of sustainable development can be attracted to the community. CM Timmons asked where this timeline came from? There has to be two public hearings, the first with P & Z for review and recommendation to the Council. The recommendation does not have to be followed, but does have to be received at the second Public Hearing. For readoption there would need to be a super majority vote from the Council to readopt the plan. There has to be appropriate public advertising. The timeline can be changed, as the Council has until May 19, 2019. You can wait but something needs to be done before the expiration of the current plan. You would need six to eight weeks for the readoption process.

CM Treadway noted that the timeline would have to be extended. He recommended the next Council make this a top priority even if there is a three-year extension. He thought the new Council should decide what they want to do after they are sworn in.

Public Comment

Lynn Collins – said that she is not about the new statute, but the current one calls for public participation. She thinks three years would make a disaster. She believes the citizens should plan the development, not the developers. She noted the need for more residential/commercial zoning. You need to do this right or pay the price.

Karen Brooks – inquired if it is true that if you let the existing plan ride it carries over until you have a new General Plan to take its place? She concurs with CM Treadway that this should be put off to the new Council, breathe and take some time.

Town Attorney Goodwin said the initial plan only adopts for ten years after initial adoption. You have to readopt the existing General Plan or go through the process of a whole new plan. The interpretation of the statute is that the full-blown process, that takes quite a while, is not applicable to the readoption of the existing General Plan. If you are just readopting the same plan, those extensive procedures do not apply.

CM Hamilton said he has listened to the new Council Members and they are right, the new plans needs to be done right away but this gives them time to do that.

CM Hamilton made a motion to approve the timeline of the readoption of the General Plan, seconded by CM Wendt.

CM Timmons asked if there is a rush to push this through before the end of the year, recommending waiting for the new Council.

Mayor Nolan asked for a roll call vote: CM Hamilton – aye; CM McBrady – nay; CM Timmons – nay; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – absent; Mayor Nolan – aye. The motion passed by a 4 - 2 vote.

C. Discuss - amend/delete Code Ordinance 153.999 & 10.999 (Mayor Nolan & CM Hamilton – CAARF)

CM Hamilton said he had questions for the attorney. He asked the difference of a civil or criminal violation. TA Goodwin said, unless otherwise noted, a violation of the Town Code is civil, but if there are multiple violations it can be cited as criminal. CM Hamilton asked about an E-stop. Ms. Goodwin clarified this as a restraining order and that it is a civil thing. She clarified this would be a Superior Court action. CM Hamilton said that the Town Codes are messed up. He gave examples from the code that are confusing. The Town can assess a fine, but it can't do anything else. They need to be able to enforce the codes and right now, they cannot do that, as they are written.

TM Wilson spoke of the history on civil infractions. He proposed a plan of how the Town could handle this. Ultimately, they want to eliminate liens and the escalation of civil infractions to criminal infractions, and create conformance rather than penalties. This would provide a Hearing Officer process rather than the Magistrate process and work toward conclusion and remedy.

There was further Council discussion regarding a new, more lenient process, as well as discussion to not rush on this and allow the new Council an opportunity to work on this. There was mention of deleting the current language and starting over. An opposing view was that you should replace the code, not just delete it. TA Goodwin agreed that you don't want to just delete, rather replace.

Public Comment

Lynn Collins – spoke of the Town wanting to use §10.99 to enforce the code. She commented that she can't find the history on this and feels there is a problem with §10.99. She spoke of code violations that she does not agree with and feels some of it is ridiculous. She recommends starting over, do something that fits, and serve the community and citizens.

Karen Brooks – spoke in disfavor the current codes and recommended the new Council taking the time to study the codes. The only way a town can collect money or fines is to place liens on property, if it comes to that. You need to work with the people, providing clear, concise information. Let's not rush, get it done right.

CM Hamilton said that he hears two different things. He agrees the zoning code needs work and the new Council will correct that. He explained his idea of the violation process with a Hearing Officer. He promotes compliance over money/fines. His concern is enforcement. He is hearing talk of revising the code, and he agrees with that, however, he is looking at the enforcement end of this process.

Council ended the discussion and did not take action.

D. Presentation Request to discuss development & doing a demographic study (Mayor Nolan – CAARF)

Mayor Nolan gave an overview of his CAARF explaining that he would like to bring in an individual in to discuss doing a demographic study of the area and to work with a developer. He is hoping for a shopping center or grocery store in the community.

There was Council discussion of combining this with work on the General Plan and the possible costs, as well as putting this off until next year's budget. There was also a comment that the Town did not have the infrastructure to support this, not having a water or sewer system to support this.

Public Comment

Lynn Collins – spoke of there being a small water company on the Dewey side and noted some commercial properties that were available. She spoke of other town's possibly having information in their plans that provides information on how they figure the amount of citizens needed in an area to support these types of commercial growth. She said she would do some research on some other Town plans regarding commercial growth and the General Plan.

There was Council consensus to invite this individual to come in and speak after the first of the year.

Public Comment

Gary Mortimer commented that he thought we did this three or four year ago at the Library. Mayor Nolan said that everyone said “no”. Mr. Mortimer said that the doesn’t think there is a meeting where commercial development isn’t brought up. He spoke of the residential growth, but a lack of commercial development in the whole area.

E. Letter of Support for the proposed “Greater Prescott Area Community Protection Program” project (Councilmember Wendt – CAARF)

Councilmember Wendt spoke of receiving an e-mail from Benjamin Roe of the U.S. Forest Service requesting that the Town and Firewise Committee support an effort to reduce the chances of the community’s risk of wildfire. They are working on protecting water quality. They are asking for a letter of support. There is no fiscal involvement. There were sample letters received from other communities. CM Wendt recommended Town support of this project.

TM Wilson explained it is a multi-jurisdictional project to enhance all aspects of the existing environment. This is just asking the Town of Dewey-Humboldt to support conservation consciousness and draft a letter of support.

CM Hamilton made a motion that we send a letter of support to the Greater Prescott Area Community Protection project, seconded by CM Treadway.

Mayor Nolan read a portion of the letter that listed some other communities but did not see Dewey-Humboldt listed. CM Wendt read a different section of the letter that did include Dewey Humboldt.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – aye; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; Vice Mayor Hughes – absent; Mayor Nolan – nay. The motion passed by a 5-1 vote.

12. Public Hearing Agenda – None

13. Consideration of adding a Special Session (Regular Meeting) due to the fifth Tuesday of the month - No additional meeting was scheduled.

14. Adjourn - Mayor Nolan adjourned the meeting at 8:51 p.m.