

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

**Tuesday, November 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 6:30 p.m.
2. **Roll Call** Town Council Members Jack Hamilton, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Council Member Mark McBrady was absent.
3. **Pledge of Allegiance** Led by Frank Davis
4. **Invocation** Given by Councilmember Timmons
5. **Announcements regarding Current Events; Guests; Appointments; and Proclamations**  
None
6. **Public Hearing Agenda**

Discussion and possible legal action may be taken.

**A. Consideration of Adoption of a Resolution Approving the Readoption of the Town of Dewey-Humboldt's General Plan, first adopted by the Town Council on May 19, 2009.**

**1. Staff Report**

Town Manager Wilson gave an overview of the General Plan process explaining that the plan may be readopted for up to ten years or a new plan may be adopted in its place. The Town's first General Plan has served the Town well, has required no amendment. Staff recommends that the action be a readoption of the current General Plan for a three-year period beginning May 19, 2019. During this three-year period, it is proposed that a new General Plan be developed for a series of reasons, as it still needs adjustment. He cited some of the reasons as the EPA remediation phase; commercial development; community recreation element; public safety element; fire safety issues; and the shifts to state statutes requirements. Obtaining consulting assistance will be necessary. TM Wilson recommended the readoption of the General Plan.

**2. Open Public Hearing and Receive Public Comments**

The Public Hearing was opened at 6:41 p.m.  
There was no Public Comment.

**3. Close Public Hearing**

The Public Hearing was closed at 6:42 p.m.

**4. Discussion**

Councilmember Treadway spoke of obviously not being able to get a new plan done by May.

**5. Adopt a Resolution approving the Readoption of the Town's 2009 General Plan**

(approval requires an affirmative vote of 2/3 of the Town Council)

CM Treadway made a motion to readopt the General Plan and extend it for a period of up to three years, seconded by CM Wendt.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

**7. Public Comment on Non-agendized Items**

Frank Davidson spoke of getting something into the minutes regarding a conflict of interest in the City Council between the proposed new gas station at 69 and 169 and a current Council Member.

Christine DeVeau – Spoke of want to bring attention to more people moving into the Blue Hills area that with more people moving into the area there is more horse riding in the Newtown road area. There is a need for more caution signs in the area and more law enforcement patrol to deal with speeding and dangerous driving. She also noted the red light runners at Kachina and Highway 69.

Leigh Cluff – Thanked the Town for the expedient replacement of a yield sign at Smoki and Tacoma. She also spoke of the need to notify residents if they are going to be filming homes and putting it on TV. Her home was on a TV segment and she felt violated. She advised that if homes are going to be videotaped, homeowners should be notified.

## **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. Special Meeting & Study Session of September 11, 2018**
- 2. Regular Council Meeting of September 18, 2018**

### **B. Approval of the adoption of private roadway signs**

CM Hamilton requested that Items 8.C. and 8.D. be pulled from the Consent Agenda.

CM Treadway made a motion to approve the consent agenda with the exclusion of Items 8. C. and 8. D., seconded by CM Hamilton.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

### **C. Approval of Resolution 18-134 to adopt Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle**

CM Hamilton noted this was being approved by a resolution and the Town Attorney has said that resolutions have no consequences. He recommended codifying this. TM Wilson explained the reason it was presented as a resolution and the primary reasons the County passed an ordinance. The state needs, at the legislative level, to adopt a uniform ordinance for the entire state. Rather than have the expense of adopting an ordinance and the having the expense of taking it out when further action is required, adopting it as a resolution would give support but not incur expense. If there is state action eventually, it could be dealt with then. CM Hamilton disagreed and noted that the state is slow adopting anything. He felt it should be adopted now.

Mayor Nolan noted talking to Senator Fann and she indicated that a bill would be introduced to legislature. He recommended adopting the resolution until legislative action occurs and then consider an ordinance.

VM Hughes spoke with a county official on this and believes a resolution is in order, as it mirrors the county ordinance and eventually it will be statewide.

CM Wendt made a motion to approve Resolution 18-134 adopt Yavapai County Ordinance No. 2018-2 Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle, seconded by VM Hughes.

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

### **D. Direct Staff to preliminarily explore the viability of a potential, unimproved (ingress/egress) route for the Blue Hills pursuant to Mayor & Council discussion at the 11/6/18 Study Session**

CM Hamilton stated that since the Study Session on this matter he has done some research. Things said that he felt were misleading was that it is not BLM land that will be crossed; it was State Trust Land and would still require an agreement. The other thing that was overlooked was an estimate. Previously on a different route across BLM land the figure for less than a quarter mile was several hundred thousand dollars, this is over a three-mile stretch of new road so will cost several million dollars and is over half the Town's reserves. He spoke of WAMPA easement requirements and the research he conducted on this. WAMPA can stop the road from going in, but cannot give permission, because they don't own the land. Landowners have to grant permission and there would be at least seven landowners. There is a fair portion of the proposed route not in the Town limits. He stated there are many problems preventing the viability.

CM Wendt spoke of this being in the exploratory stage. She feels the Mayor was correct to bring this forward. This will not be easy, but it has to be looked at. She believes this still needs to be explored.

CM Timmons asked why several routes are not being explored. CM Wendt agreed that other options should be considered, but Council needs to get moving, possibly with committees. All the options have some issues, but the process needs to be started.

CM Hamilton spoke of the way the Mayor worded the issue, specific to one route only. If you want to change the wording to exploring various options, he has no problem. TM Wilson read the wording "potential, unimproved route" and the intention was to explore any routes wherever, of any type, not be restricted to any one consideration.

There was further Council discussion regarding the intent of this agenda item.

CM Hamilton made a motion that Staff does preliminary exploration of liability of potential routes of ingress/egress from the Blue Hills, seconded by CM Timmons.

#### Public Comment

Lynn Collins spoke of potential problems with the proposed route with future zoning and development issues.

Karen Brooks spoke of not disagreeing with anything said, but would not like to see this buried in the Consent Agenda items. Keep this as Old Business or New Business, face it every month, and get a consistent progress report. She spoke of dense oak brush that she viewed during her recent tour in the Blue Hills area and the need for a general emergency route. She spoke of the need for the general public to receive these reports.

TM Wilson noted this can be on the agenda in any form and as many times as Council wants.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

### 9. Reports; Town Manager's Report Update on Current Events.

TM Wilson noted this will be on as a general item each time and explained why this was placed on the Consent Agenda. TM Wilson explained that the recruitment for the new Magistrate has been completed and a proposal will be provided to Council on how to address the appointment of the new Presiding Judge. He noted that would be made available at the next Study Session or in December. Staff has done the work to get you ready for it but Council will have to make the evaluation and appointment. TM Wilson noted there is still recruitment ongoing for the Community Development Director and Building Official. He noted there have been no qualified applicants for the Building Official. There were very few qualified responses for the Community Development Director but he believes he will make an announcement after the Thanksgiving holiday. TM Wilson spoke of these positions being vacant for four months and that staff has done a remarkable pickup work and are on top of things. He spoke of the expediency of turnaround in the Building Department and that this is due to staff.

CM Hamilton asked about using Colibryn. TM Wilson explained that they are currently being utilized for plan reviews. He also spoke of Marty Joanau performing the building inspections three days a week and that he has been an anchor in this area. He acknowledged his employment with the Town of Prescott Valley and PV's cooperation in making this possible.

Mayor Nolan acknowledged the teamwork by Staff and he is proud of their accomplishments.

### 10. General Business

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

#### A. Presentation by West Yavapai Guidance Clinic on 12/18/18 (Mayor Nolan – CAARF)

Mayor Nolan made a motion to allow West Yavapai Guidance Clinic to come and make a presentation, seconded by CM Treadway.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

#### B. Discussion and possible action on a large animal ordinance (CM Hamilton – CAARF)

CM Hamilton explained that Arizona is an open range state, which means farm animals have the right to own and property owners have to fence them out. You have the right to change the law wherein the farm owners are required to fence them in as opposed to you having to fence them out. If you hit an animal, you are liable, and have to pay for the animal. D-H had it in the past and he feels it is needed again. The farmers should have to keep their animals fenced in.

CM Timmons defined open range. Most farmers and ranchers do their best to contain their animals. She does not see why this is a major issue to be looked into.

CM Treadway feels most responsible animal owners keep their animals fenced in. Occasionally, it does happen. He would like to hear other Council Member views.

VM Hughes spoke of this being ranching land for a long time and expressed an opposite viewpoint on liability.

CM Wendt stated "if ain't broke, don't fix it". She feels it should stay the same as it is right now.

CM Hamilton said that not all animal owners are responsible and the history of the large animal ordinance.

CM Treadway asked if the Town Manager could run this by the Town Attorney regarding the liabilities that CM Hamilton referred to. TM Wilson said with the open range provisos there are liability issues to be worked out with your insurance. He felt CM Hamilton stated the liability provisions correctly.

#### Public Comment

Lynn Collins spoke against changing from open range. This proposal would actually punish the victim. She spoke of personal responsibility being the answer. It is cheaper to protect what is on your property than it would be for a rancher/farmer to fence the land. She does not feel this proposal is needed.

Gary Mortimer stated that even though it is an open range it is the responsibility of the livestock owner to do their best to keep their cattle at home, just as it is also the responsibility of the driver on the road.

Karen Brooks spoke of not believing anything needs to be done on this. Most large animal owners are very cognizant of their animals and try to be good stewards of their animals, land, and neighbors. There shouldn't be any further penalties to the property or livestock owners. This is an agricultural area and we should promote this through education.

Mayor Nolan said this discussion did not require any action.

### **C. Discussion and possible approval of Resolution 18-133 Opposing Competitive Predator Hunts in Dewey-Humboldt and Yavapai County (CM Treadway – 11/6/18 CAARF)**

CM Treadway gave an overview of his CAARF and expressed his support for a resolution to prevent the senseless and wanton killing wildlife has not place in civilizations. It is not about sportsmanship, nor about ranchers, or about residents protecting their pets from imminent danger, this is about what is decent and right and sends a strong message that our community will not allow predator killing. He requested that Council pass this resolution and his four years working with this body was worthwhile. Failure to do so will give the community a stigma we do not want to bear.

CM Hamilton asked CM Treadway if he wanted this passed as a resolution or an ordinance. An ordinance would incur a penalty. CM Treadway does not feel that an ordinance is required and that a resolution will send a strong message.

CM Timmons asked if the Town was sponsoring this contest or supporting it any way. TM Wilson answered, "no". CM Timmons inquired why we are being bullied into taking action by people who don't even live in this Town, that we are going to be made to look like bad guys because somebody out there is having a some kind of contest. She does not believe in the senseless killing of wild animals, however, she has lost lots of livestock and fowl to coyotes. She does not believe in responding to being bullied by social media and does not agree with that at all.

CM Treadway stated that he does not believe the Town is being bullied by anyone. This is something he is deeply passionate about. CM Timmons asked him if he thinks the groups that are targeting the Historical Society, who have nothing to do with this killing contest, nor does the Town – do you think this is correct? CM Treadway replied that he does not think that they were targeting anyone. There is concern out there from our citizens that the Town is not taking a position on this.

CM Wendt spoke of being inundated with bullying emails that targets some of community businesses that have nothing to do with this. She does not think the senseless killing of predator animals is the answer. Nature needs to take its course. This Town does not need to be used as a slaughter farm. She is saddened that there are organizations that have bullied community members. She is in support of this resolution.

CM Timmons stated that she is not aware of our Town senselessly doing this. The Town is not involved with this. She spoke of the nasty emails received and that many of the people in the audience are from out of town or out of state. She is opposed to the resolution, as she does not think our Town goes out killing animals willy-nilly. She will protect her livestock, if necessary.

CM Hamilton made a motion to approve Resolution 18-133, seconded by CM Wendt.

#### Public Comments

Lynn Collins spoke of people in the southern counties not knowing the difference between a coyote and a dog. This event may be a way to cull the pack of the more dangerous, dominant pack members. The Town should spend some time in outreach on the website to let new residents know what coyotes look like and that feeding coyotes puts the children of the area at danger.

Gary Mortimer – He was actually not going to have an opinion on this issue until his business name, Mortimer Farms, got dragged into this through a suggested boycott, which has angered him. He recommended a Game & Fish wildlife biologist to come in and talk about factual information. He does not like seeing a pack of coyotes eating a baby out of the back of one of his cows. He spoke of a similar problem in New Mexico due to grey wolves. Something has to be done, but not here. There is no good information to act on. The discussion needs to happen with Game & Fish, not D-H Council.

Leigh Cluff – Spoke of being a hunter and not being in support of this resolution. There is no shooting in the Town limits of D-H, so this hunt could not be sponsored in the Town of D-H. Quit wasting time and do something about the fire and getting us out of there.

Ann Wilson – Spoke of living here for 28 years. She does not understand the big to-do about this. You can't shoot in the town limits, so what is the big deal here. She does not understand.

Ulys Brooks - Spoke in agreement that there is no shooting in the Town limits. There are already laws on the books regarding this type of issue; you don't need to change it.

Tina Meredith – Spoke of not knowing who is bullying. Her emails contain biology and science. She knows the Town is not actually sponsoring this. The hosts are from Gilbert and they are coming into Dewey. She believes that it is appropriate for the Town to make a statement that you do not want that type of activity there. Ms. Meredith read a prepared statement about her opposition to the contest.

Karen Brooks – spoke of the wildlife population in her area of Town and that the coyotes are thriving. It is not appropriate to attack the residents of this Town. There is a strong section in Game & Fish on hunter safety about ethics. We do not need any more ordinances.

There was further Council discussion of the proposed resolution and the emails received on this matter.

#### Public Comment

Betsy Honey Kline of Sedona spoke of growing up in a rural town like Dewey. She spoke in support of CM Treadway's resolution and is in opposition of the killing contest. It is not about animal control or hunting. It is the equivalent of cock or dog fighting. They are using your back yard for financial gain. None of the people she was with wrote those emails. No one present agrees that the senseless slaughter for cash is acceptable.

Matt Francis of Prescott stated that he is sorry this has become such an emotionally charged issue. He is sure the people that wrote the emails are not present. Wildlife killing for money is wrong. He spoke of research on this issue and the outcome of these contests on the pack. This is a statement, not a regulation or law, simply a statement against the indiscriminate killing of wildlife.

Frank Davidson – spoke of hearing some misleading information on shooting. You cannot shoot in the Town limits of D-H.

Carrie Peters of Tempe stated that these contests are not prohibited and it is not covered in the Game & Fish guidelines. This is about useless slaughter, which does not help the problem. Coyote hunting is legal year round but these people take it further shooting them for fun and waste them. As a social worker, this type of behavior is very alarming.

Cheryl Casati – spoke of being retired from 20 years active military duty. She is studying for her master's degree in eco-psychology. The violence caused by these contests, not protecting anything, shooting to kill promotes risks and is an act of terror. These contests have no place in the fabric of Arizona.

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

Mayor Nolan asked Town Clerk to restate the motion. To approve Resolution 18-133 opposing predator hunts in Dewey-Humboldt and Yavapai County.

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

#### **D. Approval to revise 2019 Town Council Meeting Date schedule**

TM Wilson stated that this was the presentation of the forthcoming 2019 calendar year.

CM Hamilton made a motion to approve the calendar year, seconded by VM Hughes.

Mayor Nolan called for the vote on the motion: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

**E. Discussion and Approval of Hiring a Temporary, Part-time Employee to Provide Administrative Support for Firewise**

TM Wilson noted that this was stimulated based on the Town being able to receive a very significant grant request that CM Wendt, through Firewise, presented to the County Board of Supervisors subsequently receiving further grant funding to provide increased opportunities to create clear space around the residences for fire protection. The grant was awarded for \$25K, but will come to the Town toward the first of the year and will have one year to implement the grant. Steven Brown, Community Development Planner, supported Firewise efforts and programs, including the PAWUIC grant. TM Wilson proposed that they take two part-time positions that were budgeted for library and community center support, which were not implemented, and fill a position to assist this new grant for a half year and other administrative activities such as records and working to cover some of the vacancies in administration. This is a temporary, part-time position, when the grant is concluded we will move on to other efforts or we will redirect the work and come back to you with that program. In essence, he is asking to hire through the budgeted positions one temporary, part-time person to give us administrative help for the remainder of the fiscal year, approximately six months.

CM Hamilton is in favor but does not want to see this be exclusive to Firewise. TM Wilson said it would be exclusively for Town business.

CM Hamilton made a motion to approve this with the understanding that it is for the community, not just Firewise. TM Wilson clarified that it is for exclusive Town business with no outside associations or groups.

Mayor Nolan said it was brought to his attention that you can't really hire somebody who is going to work with Firewise which isn't a committee or isn't a 501 (c) (3), consequently, the Town isn't supposed to hire anyone to do that. TM Wilson said the money is coming to the Town, not Firewise. The Town will be administering the dollars from the County grant for the purposes of providing opportunities to citizens to have clear space.

Mayor Nolan called for the vote: CM Hamilton – aye; CM McBrady – absent; CM Timmons – aye; CM Treadway – aye; CM Wendt – aye; VM Hughes – aye; Mayor Nolan – aye. The motion passed unanimously.

**11. Consideration of additional Special Session(s)**

Mayor noted there was no recommendation for an additional session.

CM Hamilton recommended cancelling the Work Session in December stating that new Council should be involved with any new Work Session issues. CM Timmons disagreed with cancelling the Work Session based on a letter received by Council that needs discussion in December or have a special work session. VM Hughes said the regular Study Session would work. The Study Session would be held as scheduled on December 4, 2018.

**12. Adjourn**

The meeting was adjourned at 8:43 p.m.