

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

Tuesday, January 21, 2020, 6:30 P.M.

**DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329**

NOTICE OF MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Town Council and to the general public that the Town Council will hold a meeting open to the public on **Tuesday, January 21, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329.**

DEWEY-HUMBOLDT TOWN COUNCIL REGULAR MEETING AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Council believes public meetings to be a safe place for people to speak, and 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 the 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. Council Meetings are broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order

2. Roll Call Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan.

3. Pledge of Allegiance

4. Invocation

5. Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

Page **A. Council announcements about outside meetings and committees**

5 **B. Interview and possible appointment of applicant (Susan Jakubec) to fill the vacancy on the Planning and Zoning Advisory Commission**

6. Public Comment on Non-agendized Items 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

- 9 **A. Conduct a public hearing and consider the adoption of Ordinance No. 20-150 amending the Dewey-Humboldt Code of Ordinances, Title XV, Land Usage, Chapter 153, Zoning Regulations, by amending § 153.036 and § 153.086, all related to the regulation of Steel Cargo Containers**
 Staff Report
 Open Public Hearing and Receive Public Comments
 Close Public Hearing
 Council Discussion and Possible Action

8. Consent Agenda

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

- 17 **A. Approval of Minutes of November 19, 2019 Regular Meeting**

- 27 **B. Approval of Minutes of November 26, 2019 Special Meeting**

- 9. Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

- A. Town Manager's Report on the status of research concerning angled parking along Main Street** (from the January 7, 2020 Regular Council Meeting)

- B. Town Manager's Report on the status of easement agreements with various property owners for the Blue Hills Prescott Dells Ranch Road Emergency Evacuation Route**

- 10. General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

- 33 **A. Discussion and possible action to approve the letter from the Town Council to State Legislators who represent the Town, requesting legislation to designate state funds for the Town to improve evacuation routes for fire** (Staff CC; from the January 7, 2020 Regular Council Meeting)

- 39 **B. Discussion and possible action to approve a structure for the General Plan Steering Committee and Steering Committee meeting dates. Discussion and possible action includes deciding on the number of members, membership composition, whether to ask any individuals from the private group who met on January 6, 2020 to discuss Dewey-Humboldt visioning, and the structure of Steering Committee Meetings.** (Staff CC and CAARF – Councilmember Collins)

- 47 **C. Discussion and possible action to approve a process for making appointments to the General Plan Steering Committee** (Staff CC)

- 49 **D. Discussion and possible action to approve the new Town Council Policy and Guideline, PG No. 20-03, Town Council Agenda Process** (Staff CC)

- 61 **E. Discussion and possible action to adopt Ordinance No. 20-151, amending the Dewey-Humboldt Code of Ordinances, Title III, Administration, Chapter 30, Town Council and Officials, § 30.031, § 30.100 and § 30.105, all relating to Council Meetings, the agenda committee, order of business and agenda preparation process** (Staff CC)

- 11. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date

12. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 632-7362 at least 24 hours in advance of the meeting.

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 _____, 2020, at _____ a.m./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.

For Your Information:

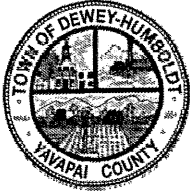
Next Town Council Regular Meeting: Tuesday, February 4, 2020 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, February 6, 2020, at 6:00 p.m.

Next Town Council Study Session: Tuesday, February 11, 2020, at 6:30 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Tim Mattix, Town Clerk.

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TOWN OF DEWEY-HUMBOLDT

RECEIVED
JAN - 3 2020
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: SUSAN JAKUBEC email: [REDACTED]

Mailing & Physical Address: [REDACTED]

Phone Number: [REDACTED] Occupation: RETIRED
(please indicate home and work numbers)

How long have you lived in Dewey-Humboldt? 3 years. Are you over the age of 18? Yes No

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

Name	Phone	Relationship
Emergency Contact: <u>JOSEPH JAKUBEC</u>	[REDACTED]	

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: 22 YEARS + WITH PHOENIX POLICE DEPT / ADMINISTRATOR / LEGAL

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.

BEING A RESIDENT OF DEWEY WOULD LIKE TO BE INVOLVED AS MUCH AS I CAN. I HAVE AN ASSOCIATE DEGREE IN PARALEGAL STUDIES, THUS, A CERTIFIED PARALEGAL. I HAVE EXTENSIVE SUPERVISORY EXPERIENCE AS WELL AS LEGAL AND DEALING WITH TIME SENSITIVE, CONFIDENTIAL MATTERS. EXTENSIVE EXPERIENCE DEALING WITH THE PUBLIC.

Town of Dewey-Humboldt

Council, Boards, Commissions and Committees

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

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

4 **Town Council**

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

1 **Planning and Zoning Advisory Commission** – Seven member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. Term of appointment is four years. The Commission may set its own schedule but is required to meet at least quarterly or at the request of the Mayor, a Councilmember or applicant.

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

5 **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.

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

6 **Environmental Issues Advisory Committee** – Provides for the identification, assessment and monitoring of environmental and public health issues that may be of concern to the Town. Term of appointment is two years. Committee may set its own meeting schedule and shall meet at least quarterly or at the request of the Town Council.

2 **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. Term of appointment is two years. Committee may set its own schedule and shall meet at least quarterly or at the request of the Town Council.

7 **Clean Town Committee** – Provides organizational oversight of volunteer services to the Town and its citizens and assist in developing programs that address issues of accumulated trash, code enforcement and related concerns. Term of appointment is two years. Committee may set its own meeting schedule and shall hold at least one meeting per year.

3 **Open Space & Trails Committee** – Provides volunteer services to the Town by interacting with the community, other similar area committees and agencies to further the implementation of the Town Open Space & Trails Master Plan and to compile findings and contact reports associated with its activities. It shall also plan any trail, refuge area or related facility within the vicinity of Chaparral Gulch that is suggested by Council to be named in memory of Emmett Trapp.

8 **Other Committees as needed.**

Information for Applicants

Members of boards, commissions and committees are appointed by the Town Council and serve at the pleasure of the Council. The appointment process begins with the submission of an application. Applications will be retained for one year following submission.

Voting members of boards, commissions and citizen committees must be residents of the Town. Non-voting members of Citizen Committees may be non-residents.

Appointees may serve an unlimited number of terms on a board, commission, or citizen committee, at the discretion of the Town Council.

Regular attendance is required for board, commission and committee members. If a member misses three meetings consecutively or within a calendar quarter and the chair recommends removal, his seat is deemed vacant upon declaration by the Council.

Board, commission and citizen committee members are required to comply with Arizona open meeting laws and public records laws and with the Town of Dewey-Humboldt Code of Ethics.

Signature and Verification

I hereby certify that all information contained in this application is true and complete and I understand that the information I have provided in this application may be verified by the Town of Dewey-Humboldt. I have read the information for applicants provided above and agree to comply with all the requirements for serving as a board, commission, or citizen committee member set forth above or as may be required by the Town Code and the laws of the State of Arizona.

1/3/2020

Date

Russell L. Jakubec

Signature

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **7.A.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Conduct a public hearing and consider the adoption of Ordinance No. 20-150 amending the Dewey-Humboldt Code of Ordinances, Title XV, Land Usage, Chapter 53, Zoning Regulations, by amending § 153.036 and § 153.086, all related to the regulation of Steel Cargo Containers.

Background:

On November 5, 2019, the Council provided direction to the Town Attorney to finalize an ordinance relating to the regulations of Steel Cargo Containers on residential property. Since that time, the Town Attorney finalized the ordinance, and the ordinance has been properly advertised for Public Hearings by the Planning and Zoning Advisory Commission ("P&Z") and Town Council.

On January 9, 2020, P&Z held a public hearing on the ordinance and unanimously recommended approval.

At tonight's Council Meeting, Council will hold a public hearing, and then consider whether or not to adopt the ordinance. If, there is a 30-day period before the ordinance becomes effective.

As drafted, the ordinance will:

- Allow steel storage containers in the R1L (Residential, Single Family Limited to site-built structures) Zoning District;
- Allow steel storage containers in all residential zones that allow residential uses plus the RS, PAD, PM, RCD and OS zones;
- Clarify that outside storage sizes do not apply to steel storage containers;
- Remove the requirement for painting;
- Remove the size restrictions that was specifically imposed on steel storage containers;
- Remove the minimum residential parcel size;
- Remove the limit of one unit per residential parcel; and,
- Remove the requirement for a use permit for containers that do not meet specified performance criteria.
- Require steel storage containers to meet property line and building setback distances.

Financial Impact:

Standard costs associated with ordinance adoption include:

- Printing costs to post the ordinance (minimal);
- Publication costs to publish the ordinance in a newspaper of general circulation as required by state law; and,
- Costs for the third-party codifier to codify the changes into the Town Code.

Direction Requested:

Staff is seeking Council direction – approval, revisions, or denial – of the ordinance.

Suggested Motion:

For: I move to adopt Ordinance No. 20-150, relating to the regulation of Steel Cargo Containers.

Against: I move to deny Ordinance No. 20-150, relating to the regulation of Steel Cargo Containers.

Attachments:

Ordinance No. 20-150

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

ORDINANCE NO. 20-150

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 153 ZONING REGULATIONS, BY AMENDING § 153.036 AND § 153.086, ALL RELATED TO THE REGULATION OF STEEL CARGO CONTAINERS.

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

SECTION I

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.036 is hereby amended to read as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(A) Where no zoning/density district has been combined, then all provisions of Density District 10 shall prevail (see § 153.069, most common ones shown in chart below).

(B) (1) Dwelling unit (site built) for one family on any one lot;

(2) Religious institutions (in permanent site-built buildings);

(3) Educational institutions (publicly funded) as defined in § 153.005 under ***BUILDING (SITE BUILT)***;

(4) Community parks, playgrounds or centers when part of a community plan;

(5) Public utility facilities (but not business offices nor repair or storage facilities) when necessary for serving the surrounding territory on one acre or less following administrative review with comment period;

(6) When in conjunction with an approved development plan, golf courses with accessory uses such as pro shops, shelters, restrooms and the like (but not commercial driving ranges or miniature putting courses). Subject to the performance standards set out in § 153.075;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per

the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit;

(b) Swimming pools in other than the front yard primary use setback area in compliance with design guidelines in § 153.090;

(c) Quarters for servants and/or nonpaying guests attached to the dwelling (facilities for preparation of food are prohibited);

(d) Temporary construction offices and construction sheds and yards incidental to a recorded subdivision development or other on-site construction project for a period not exceeding 24 months from date of plat recordation or date of issuance of construction project permit with no permits (other than electrical permits) required to install same (prohibited closer to lot boundary than is allowed for a principal building in the district);

(e) Open land carnival and recreation facilities accessory to religious or educational institutions (confined to same lot);

(f) Temporary on-site sales (real estate) facility only as defined in § 153.005 in compliance with the regulations and performance standards outlined under § 153.088;

(g) Household pets;

(h) Fences and freestanding walls;

(i) Parking facilities to meet no less than the minimum requirements as provided under § 153.110;

(j) Educational institutions as defined in § 153.005 but privately funded, allowed as an accessory use to a religious institution.

(k) STEEL STORAGE CONTAINERS THAT MEET THE MINIMUM REQUIREMENTS AS PROVIDED UNDER § 153.086.

(8) Occupancy of temporary housing, including travel trailers, recreational vehicles and single-wide manufactured homes during the construction of a permanent dwelling is allowed during the 24-month period after the issuance of a building permit (and the building permit remains valid). A permit for the temporary housing must be obtained prior to occupancy of the temporary dwelling unit. One extension of time for use of a recreational vehicle, travel trailer or single-wide manufactured home as temporary housing may be granted at the discretion of the Zoning Administrator or his/her designee for a period not to exceed the maximum life of the original building permit for the permanent dwelling which is 30 months from its issuance date (24 months plus one six-month extension). Further extensions will require a use permit.

(9) Bed and breakfast homestays as defined under § 153.005, subject to performance standards set out in § 153.068 for homestays with administrative review with comment period.

(10) Accessory dwelling units as defined in § 153.005, subject to the performance standards set out in § 153.075.5, with a minimum parcel size of 70,000 square feet.

(11) Home occupations as defined under § 153.005, subject to approval by the Zoning Administrator or his/her designee; home occupation shall comply with the regulations and standards set out in § 153.077.

Zoning/Density Regulations (in feet unless otherwise noted)									
Dist.	Min Lot Size (in Sq. Ft. per Dwelling)	Min Lot Width and Depth	Min Yard Setbacks Min Building Spacing is 10 Feet All Classes				Max Building Height (Stories/Feet)		Max Lot Coverage (Percent)
			Front	Rear	Interior	Exterior			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

SECTION II

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.086 is hereby amended as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 153.086 OUTSIDE STORAGE

(A) The outside storage of objects and materials shall be permitted as an accessory use (i.e.: where a primary use has already been established) in ALL residential zones THAT ALLOW RESIDENTIAL USES plus RS, PAD, PM, RCD and OS zones, provided the following conditions are met:

(1) A property owner or tenant may park or store any number of personally owned vehicles outside on residential property where a primary residential use has been established, provided that all vehicles are for personal use and are complete, operable and currently licensed and are arranged in an orderly fashion. Vehicles unable to meet these conditions will be deemed disabled or inoperable. Said disabled vehicles or vehicles determined to meet the definition of a junk vehicle are limited to two per parcel. These disabled, inoperable junk vehicles must be placed in the side or rear yard (but not within the required front yard setback) and screened in such a manner so as they are not visible from any public or private street right-of-way or adjacent

property. Personally owned vehicles may be offered for sale on an individual person-to-person basis on a residentially zoned parcel where a primary residential use has already been established, provided that no more than two vehicles may be offered for sale at any one time. Unlimited areas of firewood may be stored, provided that the firewood is for on-site personal use only and is stacked no higher than six feet unless against a structure.

(2) Unlimited areas of construction materials may be temporarily stored, provided that the construction materials are for use on-site pursuant to a current, valid construction permit and are stacked no higher than six feet and are kept at least ten feet from all property lines of adjacent occupied residential properties.

(3) A property owner or tenant may park or store any number of personally owned (and for personal use) travel trailers, motor homes, recreational vehicles, boats, boat trailers, utility trailers, or other similar items designed for personal noncommercial uses outside on residential property where a primary residential use has been established. No more than one travel trailer, motor home or recreational vehicle, boat, trailer, etc. which is owned by a party other than the present owner or tenant of the property shall be stored. No travel trailers, motor homes or recreational vehicles on residentially zoned parcels or lots shall be used or made suitable for use for long-term occupancy without a temporary dwelling permit or use permit. Evidence of an intention for long-term occupancy shall include at least three of the following:

- (a) Being hooked up to power.
- (b) Being hooked up to water.
- (c) Being hooked up to sewer or septic facilities.
- (d) Being raised or leveled by means of jacks or blocks.
- (e) Having a mailbox.
- (f) Having any attached or adjacent structure or improvement that enhances the on-site livability and/or decreases the mobility of the vehicle.
- (g) Removal of wheels or axles or hitches on a vehicle normally fitted with wheels and axles and/or hitches.

(4) Temporary use of a travel trailer, motor home or recreational vehicle as an occasional overflow guest room for non-paying or non-reimbursing relatives or guests is authorized as outlined provided such interim use does not exceed 90 days of continuous duration or a total of 90 days in a year or one 12-month period. Temporary use of recreational vehicles shall be only authorized upon satisfaction of the following performance criteria:

- (a) Subject property is occupied by a permitted primary residential structure.
- (b) The Yavapai County Environmental Unit shall be furnished with information to determine that the septic or sanitary facilities are adequate to accommodate additional effluent from the temporary recreational vehicle (RV) unit installation.
- (c) Verification by the Zoning Administrator that the foregoing criteria have been addressed prior to authorizing occupancy of the unit.

(5) All boats, trailers, motor homes, travel trailers, recreational vehicles shall be kept in reasonable repair and operable and neatly arranged.

(6) No mobile home shall be placed or kept on a lot without a current valid zoning clearance or a current valid construction permit or temporary dwelling permit and without erection of permanent foundations and hook ups to facilities, permanent piers, blocks or foundations.

(7) Appliances (washers, dryers, refrigerators, freezers, ranges, stoves, furnaces, water heaters, air conditioners, etc.) may be stored outside, provided said appliances are in an operable

condition and are hooked up for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.

(8) Furniture may be stored outside, provided such furniture is in reasonable repair and weather resistant condition and is intended for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.

(9) A property owner or tenant may park or store construction, mining, or farming equipment or machinery outside, provided such equipment or machinery is in operable condition and is intended for personal on-site use.

(10) No vehicular parts, components or accessories not independently operable, nor any large non-structural objects, which are in disuse, or for use other than on site shall be stored outside.

(11) Any outside storage unable to meet the above exceptions and conditions must meet one of the following restrictions:

(a) Methods of screening for outside storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or live vegetative screening. All outside storage shall be totally screened from view of any contiguous property or right-of-way or easement and located in the side or rear yard. All screening for outside storage shall be subject to the review and approval of the Zoning Administrator. Adjoining property owners will be notified by mail of the proposed location and method of screening when an alternative method of screening is presented to staff for their consideration.

(b) Outside storage, EXCEPT OUTSIDE STORAGE OF STEEL CARGO CONTAINERS GOVERNED BY §153.086(A)(13), shall not exceed the heights and square footages provided for the setbacks from the nearest property line as follows:

<i>Distance to nearest property line</i>	<i>Maximum allowed square footage</i>	<i>Maximum allowed height in feet</i>
101 to 200 feet	200	6
201 to 300 feet	300	6
301 to 400 feet	400	8
401 to 500 feet	500	8
501 or more feet	Unlimited	8

(12) Manufactured homes, mobile homes, travel trailers, recreational vehicles, truck trailers, commercial trailers, boxcars, ~~refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo-carrying devices)~~ or any other vehicle shall not be attached to or placed on any lot and are not allowed to be stored or utilized for storage purposes in any district, with the exception of the specific allowances referenced in division (A)(1) through (12) and §

153.035. These prohibited vehicles/containers may be considered for storage when there are unique circumstances subject to obtaining an approved use permit.

(13) The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas in the RMM ~~or AND THE less restrictive~~ use districts LISTED IN § 153.086(A) provided as follows:

(a) An approval letter from the Zoning Administrator is obtained prior to placement of the unit.

(b) Containers shall meet the minimum yard requirements of the primary structure in the applicable density district as well as building separation and lot coverage requirements.

~~(c) All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.~~

~~(c) (d) Any electrical service to comply with applicable adopted building codes and other town codes.~~

~~(e) No residential unit to exceed exceed eight feet by 20 feet.~~

~~(f) Minimum residential use parcel size is two acres.~~

~~(g) Only one unit per residential parcel.~~

~~— (h) Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects.~~

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 21st day of January, 2020, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 21st day of January, 2020.

ATTEST:

Timothy A. Mattix, Town Clerk

Terry Nolan, Mayor

APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-150 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE 21ST DAY OF JANUARY, 2020, WAS POSTED IN THREE PLACES ON THE _ DAY OF _____, 2020.

Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 19, 2019, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 19, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:30 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present.
3. **Pledge of Allegiance** Audience member Jack Hamilton led the Pledge.
4. **Invocation** Given by Councilmember Lance.
5. **Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

Mayor Nolan spoke relating to being chastised over something the Council felt should have been approved; three Councilmembers met with a state representative regarding downtown without asking for approval. Councilmember Lance spoke relating to the full Council being invited and some choosing not to. Councilmembers discussed being invited at the last meeting.

A. Council announcements about outside meetings and committees

Mayor Nolan attended a transportation board meeting for the quad-city area and gave an update; he also attended a water meeting that Prescott put on regarding the Active Management Area (AMA) and water.

Councilmember Brooks attended the November 7 and 14 Area Water Management meetings for the Big Chino aquifer and attended the meeting with Mr. Smith and Jeff Hays on November 18, 2019, on USDA grants for rural development and spoke relating to the invitation at a previous Council meeting to all Council. She also attended the November 19 meeting at the Dewey-Humboldt Library about the Environmental Protection Agency (EPA).

6. **Public Comment on Non-Agendized items** - Item was initially taken out of order.

Ashley Preston announced that the November 20, 2019, Community Meeting was canceled and spoke relating to the Yavapai County Health Department being part of a grant to conduct a health study within the area; the Arizona Department of Health Services agreeing to pull information about cancers in the area to map them; the next Community Meeting being scheduled after the holidays; colored water coming out of the school water fountains and Yavapai County Health Department doing testing, with results over the EPA's acceptable limits.

Leigh Cluff spoke relating to knowing about the meeting [with the USDA]; the meeting being at Town Hall; and, the Mayor taking people out on the Smelter site where the EPA has said to not take people.

Jack Hamilton spoke relating to the item being out of order from the agenda.

B. Presentation by Jeff Dhont, Environmental Protection Agency (EPA), to provide an update to Council on dust control, fencing and signage at the Superfund site, and update on the progress of the feasibility study for the Superfund site.

Jeff Dhont, EPA, introduced Yolanda Sanchez, EPA, and John Peterson, Arizona Department of Environmental Quality (ADEQ) and gave a PowerPoint presentation. He provided background information on the Superfund site ("Site"), including that the Site is two separate locations, the Iron King Mine and Humboldt Smelter with connecting drainage. Issues on the Site include mine tailings, waste rock, dross waste, slag waste and tailings in sediments and soils. Tailings and some mine wastes are a problem because they are toxic and can move and react in the environment. Water comes down the Chaparral Gulch and encounters the wastes.

Mr. Dhont displayed photos of areas in the Site and spoke to the Site's complexity; at the mine, the tailings pile is four million cubic yards; areas along the Gulch have tailings; tailings at the Smelter; the Smelter has dross; the EPA needs to come up with cleanups and alternatives for all the different locations. The EPA has done cleanups at 50 properties. The EPA's process includes investigation, studying options, making a decision, and finally design and carry out the action. The EPA has completed the investigation and is engaged in the feasibility study.

Mr. Dhont addressed dust control at the Smelter and thanked Town residents for bringing blowing dust to the EPA's attention. The EPA had applied Gorilla Snot®, which has worn off, and is addressing that in December. An operator brought dross to the Smelter in the 1950s and 1960s in the hope of re-processing it; he showed the area that has dross. Rather than re-apply Gorilla Snot®, the EPA is applying, as a temporary measure, Poli-Shell®, which costs more but lasts longer and is more durable. He spoke to the materials in Poli-Shell® and the application method. In the last week, the EPA built access roads at the Smelter and ran a test; the Poli-Shell® worked well in the test. It will take one to two weeks to apply. Poli-Shell's® color is similar to the dross.

Mr. Dhont addressed Site Access, Children, Fencing and Signs. The EPA discovered videos online showing kids going into the Smelter and climbing the stack, and learned about kids who said they had been at the tailings pile. The EPA is taking actions to limit site access. Most access seems to come from walking along the river rather than via the gate. There are physical hazards and chemical hazards. The EPA is asking for the community's assistance to help get the word out to not go into the Site. There is compromised fencing at the tailings pile; the EPA has issued the owner a letter demanding repairs and new fencing. The EPA issued a news release and a fact sheet about the Site, with the number one topic being keeping children away. He gave a recent example of individual who became stuck in the tailings swell, with his child, and the EPA was able to pull him out. The EPA completed fencing last week; it's aimed at stopping, or discouraging, site access. The fencing is four by four on the bottom, with three strands of barb on the top. A difficulty included drilling posts into the slag material, which is harder than rock. There are nine new signs at the Smelter and Tailings Pile, with additional signs planned.

Mr. Dhont spoke relating to the EPA's focus being on the feasibility study, with a series of options on how to clean up all areas at the Site. The EPA wants to achieve different goals with the cleanup, and asks various questions throughout the process, such as to move or cover it where it is. After the first of the year, the EPA should have a set of options to come talk about. Currently, the EPA is grouping the options, with the first being for the mine property, the second for everything east of the highway, and the last being for the smelter slag. The EPA will then pick one option for each group. He discussed options that the EPA may look at, including doing nothing, which has to be looked at by law (not acceptable at this location); building a channel through Chaparral Gulch to get the water through, and capping it outside the channel; removing all of the waste in the floodplain completely, up to the dam; and, removing everything from the whole channel. He spoke to looking at where the removed waste may go, addressed current options for where to place the removed wastes, and spoke to each option. He anticipates that at the next meeting, the EPA will be able to go over the options.

Mr. Dhont addressed naturally-occurring arsenic in private drinking wells in response to community concerns. There is not evidence that the Site is causing contamination; however, studies show that wells on the east side are naturally high in arsenic. Arsenic is more toxic than originally thought; unlike soils, people drink water every day; arsenic is completely bioavailable in water and can cause a number of different cancers. He urged individuals to test their wells. If there is a geologic arsenic vein near a well, it can impact the water. Arsenic is naturally-occurring in mine country, levels can vary by area, street or yard-to-yard, and there is no government oversight of private well water. Mr. Dhont acknowledged the Town for providing water testing kits.

Councilmember Brooks asked if Mr. Dhont has considered working with the Humboldt-Unified School District to give a presentation to elementary school students, and, if the EPA will be putting in a sign in the future for the route the kids took to access the Site. In response, Mr. Dhont stated that there are signs along that route; he hasn't talked to the School; the EPA is interested in sending out a flyer to parents; and, the School had concerns that, by putting it in there, it may be suggesting to kids to go there. Councilmember Brooks asked if the Town has water testing kits available for this year; in response, Ed Hanks, Town Manager, said that the kits have not been picked up, and he will check on the budget for the test kits.

Councilmember Lance asked how long the Poli-Shell® will last; the Gorilla Snot® lasted for 18-24 months. Mr. Dhont responded that the EPA doesn't know for sure but is expecting to get several years out of it. Councilmember Lance asked about follow-up plans to come back and re-apply; Mr. Dhont responded that ideally, if it wears off, the EPA will be back to re-apply or do something else; there is not a plan right now. Councilmember Lance and Mr. Dhont discussed aspects of the Poli-Shell® treatment, teenagers being drawn to something when they are not do it, and climbing over fences. In response to Councilmember Lance, Mr. Dhont discussed the feasibility study timing as follows: should be done in December, 2019 and revealed to the public in early 2020; a formal public comment period of 30-60 days; the process could take six more months, with the record of decision another six months. He also noted that bathing in water with arsenic is not as much of an issue as consuming it.

Vice Mayor Wendt spoke relating to research by Brian Beck finding that Phelps Dodge had leased the land and asked where the money will come from to pay for the cleanup. In response, Mr. Dhont stated that Mr. Beck found a type of insurance map that had written on it Phelps Dodge Residences; that is the only reference that the EPA has seen to Phelps Dodge; he took it to the EPA's civil investigation team, who looked at it further and determined

that there is no record of ownership or operation or presence of any kind other than the one document. Mr. Dhont noted that there is a responsible party for the mine, while there is not one for the smelter, and it could be federal government funding necessary for overall cleanup; even if there isn't, the EPA has to see about getting a consent decree with the party for the mine. If there is not a consent decree, then they would need to go to Court. The EPA receives a certain amount of money nationwide for cleanups; if there's not enough money for a federally-funded cleanup, then it must wait until funding is available. Vice Mayor Wendt spoke relating to people getting false hope; support of dust control, fencing and signage efforts; and, the Town wanting to see what will be done with the Site. Mr. Dhont spoke relating to every situation being different.

Ashley Preston spoke relating to fencing at Iron King Mine, the death of two-year old Emmett Trapp, who made it past the fencing, and not seeing fencing on that side of Chaparral Gulch; there still being an issue of beryllium and possible coal tar; and, maps found online showing where the power house was located on the Smelter site.

Ramadene Couch spoke and asked about the length of time involved for excavating and moving material; Mr. Dhont responded that he doesn't have the exact answer, but due to the amount of material it would not take a few days or a few months, and that it depends on where the repository will be.

Gary Mortimer spoke relating to the site limiting community growth; Poli-Shell® being very thin and the possibility of cracking; the importance of keeping people off of the site; dust control and people who live up against the site; Poli-Shell® being a band-aid; and, the condition of the Smelter, including the ladder falling off and graffiti.

Mike Donovan spoke and asked if properties people need to test their property for contamination; if it is Arsenic 3 or Arsenic 5, which have different means of filtering out; why the ladder can't be pulled off; and, why motion cameras can't be put in. Mr. Dhont responded, including the EPA not believing there is a problem with soil contamination in yards; the prevailing arsenic in the tailings and soil is Arsenic 3; removing the ladder may not dissuade kids from wanting to get in the building; and, the EPA not having the resources to set up and monitor motion cameras on the site.

Leigh Cluff spoke relating to private owners being required to put up cameras and monitor them; and, being liable for injury on private property. Mr. Dhont responded that the property owners have liability and should be interested in fencing and other measures to prevent personal injury liability; and, that there were not resources for the owner to put up cameras. Councilmember Lance asked how the EPA will get cleanup money from owners if they can't afford cameras; Mr. Dhont responded that there isn't money to be had on the scale of what is needed and discussed costs and the current owner versus previous owner costs. Councilmember Lance requested, at the EPA's next presentation, to see a schedule of when the site would be re-covered for dust control.

- 6. Public Comment on Non-agendized items** 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Jack Hamilton spoke relating to the Council-Manager form of government; policies having no legal consequences while laws have legal consequences; the new complaint policy preventing the Town Manager from doing his job and legal consequences if laws are not evenly enforced; some people not having neighbors within 300 feet; a Councilmember feeling that the complaint system was used as harassment over animals; and, the Town not having a large animal code and the Sheriff's Office handling dog complaints so there will be no effect on animal enforcement.

7. Public Hearing Agenda

A. Liquor License – Conduct a public hearing and consider and recommend the approval or denial of a Series 10 (Beer and Wine Store) Liquor License for Howard Everett Magee, on behalf of Carioca Shell #69, located at 2735 South Highway 69, Humboldt, AZ 86329.

- 1. Staff Report**
- 2. Open Public Hearing and Receive Public Comments**
- 3. Close Public Hearing**
- 4. Council Discussion and Possible Action**

Mayor Nolan opened the public hearing at 7:45 p.m.

Ed Hanks, Town Manager, provided background information on the item, including: the Town received a Series 10 (Beer and Wine Store) Application; the application and notice was posted for the required 20-day posting period; the Yavapai County Sheriff, Central Arizona Fire and Medical Authority (CAFMA), Building and Community Development reviewed the application and had no concerns; and, the Town received no written comments in favor of or opposing the application.

Chris Timmons, Dewey-Humboldt, spoke and asked Councilmember McBrady if he still has controlling interest in the building; Councilmember McBrady responded that it is in escrow.

Mayor Nolan closed the public hearing at 7:48 p.m.

Councilmember Brooks asked Kay Bigelow, Town Attorney, if Councilmember McBrady should recuse himself; Councilmember McBrady responded that he planned to.

Mayor Nolan moved to approve the liquor license application; seconded by Vice Mayor Wendt. Councilmember McBrady recused himself. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

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

A. Approval of Minutes of September 10, 2019 Regular Council Meeting

B. Approval of Minutes of October 1, 2019 Regular Council Meeting

C. Approval of the floorplan of the new Town Hall building to be located at 12938 East Main Street

Councilmember Brooks removed item 8.C. from the Consent Agenda.

Vice Mayor Wendt moved to approve the consent agenda with the exception of item C; seconded by Councilmember Lance. Motion passed on a voice vote, 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

C. Approval of the floorplan of the new Town Hall building to be located at 12938 East Main Street

Councilmember Brooks asked about another office area for an assistant in Finance; and, for the Prosecutor room to have a second exit. In response, Mr. Hanks noted that the finance assistant will be in the same office as Mickey Moore, Town Accountant, and staff will look at an exterior entry door at the Prosecutor room.

In response to Councilmember Lance, Mr. Hanks noted that the IT area will be in the copy and storage rooms.

Jack Hamilton spoke and asked about the size of the Council Chambers compared to the existing Council Chambers; in response, Mr. Hanks noted that the Council Chambers will be approximately 30% larger.

Councilmember Lance moved to accept the floorplan; seconded by Councilmember Collins. Motion passed on a voice vote 5-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – nay.

- 9. Town Manager's Report Update on Current Events.** The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

B. Town Manager's Report on the status of the new Town Hall building, to be located at 12938 East Main Street

Mr. Hanks reported that staff is awaiting information from Forbes Steel Buildings, who is working on putting together a cost estimate. In response to Councilmember Brooks, Mr. Hanks noted that there is no additional information from other steel building manufacturers.

- 10. General Business** Discussion and possible legal action may be taken.

A. Discussion and possible action to approve the Consent and Agreement, related to the Yavapai County Free Library District holding an upcoming series of educational events at the Dewey-Humboldt Town Library relating to growing and producing wine that will include wine sampling (Staff CC)

Victoria Hungerford, Dewey-Humboldt Town Library, introduced Susan Lapis and Corey Christians, Yavapai County Free Library District, and noted that the Library has made it a goal to bring innovative classes to the

Library. She gave examples of recent events. This item is for a program where the Dewey Mountain Vineyard gives a three-part class relating to grape growing and winemaking and discussed each session. The first two classes will not have wine-tasting; the third class will. No wine will be sold; at the third session, each participant will have a total of five one-ounce samples, equaling one glass of wine. The class will be limited to 25 people who are 21 years and older. The Library is considering moving the classes to Saturdays for people who work.

Councilmember Lance spoke relating to supporting the idea and drawing people to the Library, and asked if the Library would consider doing it several times a year if successful. Ms. Lapis responded that while this is a first, the Library is open to it if it is successful. In response to Mayor Nolan, Mr. Christians noted that it is scheduled for Board of Supervisors approval on December 4, 2019.

Vice Mayor Wendt spoke relating to supporting the idea; grape vines being one of the plants that requires the least amount of water and rainwater harvesting associated with grape-growing; and, confirmed that the County Attorney has no concerns with it.

Councilmember Brooks moved to approve the Consent [and Agreement] with the Yavapai County Free Library District to have the classes; seconded by Vice Mayor Wendt.

Gary Mortimer spoke relating to supporting the events; and, noted that there are four vineyards in the Town and suggested rotating among vineyard owners.

The motion by Councilmember Brooks passed on a voice vote, 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay.

B. Canvass the results of the Special Election held on November 5, 2019, for the purpose of entering into a Franchise Agreement with the Arizona Public Service Company (APS) (Staff CC)

Mr. Hanks provided background information as follows: 912 ballots were cast for a 33.40% voter turnout; the question to approve the franchise agreement passed 574 votes to 332.

Vice Mayor Wendt moved to approve the canvass of results of the November 5, 2019 Special Election; seconded by Councilmember Brooks.

Jack Hamilton spoke relating to the local newspaper saying twice that there would be no increase in cost to the public; the APS bill has a line for a franchise fee; it is a tax increase.

The motion passed on a voice vote, 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

C. Discussion and possible action to approve the survey of property from the bridge on Old Black Canyon Highway to the end of the Statler property (CAARF – Mayor Nolan)

Mayor Nolan introduced the item and noted that it would give the Town permanent ownership of parts of the road.

Jack Hamilton spoke relating to the May 21, 2019 Council Meeting where he told the Council it is a legal road; a prior Town survey that is worthless as it is based on false assumptions; and, property owners needing only to say that everything east of the railroad is a Town road.

In response to Vice Mayor Wendt, Mr. Hanks noted that he would like corner and edge markers done with a survey; the cost would be approximately \$2,500 - \$3,000 for corner markers and more for edge markers; and, that this would help establish ownership.

Nancy Wright spoke, noted that it had previously been given to the Town Attorney to look into, and asked if the Town received information back from the Town Attorney. Ms. Bigelow responded that the Town received the information and noted that questions include: what the federal act established as Old Black Canyon Highway, and where the exact locations were through the years. To convey property, there has to be a legal description; this process would clear the titles and is far cheaper than going to Court. She discussed a quiet title action, which is longer and more expensive.

Councilmember Lance asked if the Town owns the property on either side of that part of the road, and if not, what the purpose is of owning that part of the road. Mr. Hanks stated that this would give the Town clearer ownership from Prescott Street to the bridge; past the bridge is questionable with other owners. Councilmember Lance spoke relating to the Town being responsible for maintaining that portion of Old Black Canyon Highway; Mr. Hanks confirmed a previous Council direction for the Town to maintain it as there is not clear ownership. Ms. Bigelow spoke relating to the survey helping with legal descriptions and allowing the Town to proceed, with possible agreement from property owners without legal action.

Councilmember Brooks spoke relating to this requiring the Town to pay a fencing company to move Mr. Statler's fence back and asked about the cost for moving the fence. In response, Mr. Hanks stated that he would get a cost estimate. Councilmember Brooks spoke about the bridge's condition; Mr. Hanks confirmed that it passed the last inspection.

Councilmember Collins spoke relating to having a code about abandonment; Mr. Hanks confirmed, and discussed property owners who have petitioned the Town for abandonment, none of which have gone through. Councilmember Collins spoke relating to ownership and of there already being people driving across it.

Mr. Hanks spoke relating to getting a cost estimate for the survey and fence, and bringing it back in December.

Jack Hamilton spoke relating to the Statler property being 50-feet by 100-feet; the rest of the property from Edds Sand Trail up to that is owned by others; and, the bridge and a little triangle being Mr. Statler's property.

Vice Mayor Wendt spoke relating to the survey and fencing costs and asked about budget; Mr. Hanks responded that it would come from a line item in the General Fund for surveys and rights-of-way. Mr. Hanks acknowledged the information provided by Mr. Hamilton, and noted his estimate of \$2,500 may be incorrect.

Councilmember Lance asked what the advantage to the Town is to take the small piece of property; Mr. Hanks responded that the biggest part is to clear up title and ownership; the property owner would remove themselves from the question of ownership.

Councilmember Collins spoke relating to Yavapai Land Holding Company owning everything north; Mr. Hanks confirmed that Yavapai Land Holding Company owns a large piece of it.

Councilmember McBrady moved to let the Town Manager find more information on the property and come back at the next meeting; seconded by Councilmember Lance.

Leigh Cluff spoke relating to clearing up the title for ownership and asked why the Town was blacktopping it; private roads in the Blue Hills where people have asked for help and the Town not doing anything with it; why this is coming up now; and, why the Town, not the property owner, is paying for it.

The motion passed on a voice vote, 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay.

D. Discussion and possible action relating to updating the website with information on what is happening with the Superfund site (CAARF – Councilmember Brooks)

Councilmember Brooks noted that a citizen brought to her attention that the Superfund site information referenced to on the Town's website was last updated in 2016, and asked if Town staff can post updates and upcoming meetings, such as Town Council and the citizen group meetings, on the website.

Mr. Hanks displayed the Town's website and noted that the Town added a new link to the EPA website on the homepage; updates can be added if Council would like to do so. Mr. Hanks spoke relating to the timing of receiving information; talking to the EPA to see about updating their website; and, putting copies of notices and the PowerPoint presentation from tonight's meeting online.

Councilmember Brooks spoke relating to people not being able to come to Council meetings; information needing to be disseminated to the community; and, the importance of and ways to get school involvement.

Yolanda Sanchez, EPA, spoke relating to the EPA's efforts to get information to the public; being happy to talk with Town staff about keeping information current; the EPA keeping their website more up-to-date and materials on the EPA's website; and, suggested linking to Council Meeting videos and discussions.

Councilmember Lance spoke relating to putting citizen group information on the Town's website and including information in the newsletter. Mr. Hanks discussed posting a link to the citizen group website, if they have one. Ms. Sanchez spoke relating to the EPA placing updates in the newsletter prior to coming to the Town and difficulties due to the newsletter's deadlines. Councilmember Collins spoke relating to an update being in the October 2019, newsletter, and having seen previous updates occasionally.

In response to Vice Mayor Wendt, Mr. Hanks concurred that this is administrative that the Town Manager can take care of.

Vice Mayor Wendt moved to let the Town Manager take it over so that those things are on the website; seconded by Councilmember Hughes. Motion passed on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

E. Discussion and possible action relating to moving the start time of Agenda Committee meetings to

8:00 a.m. or 8:30 a.m. on Mondays (CAARF – Councilmember Brooks)

Vice Mayor Wendt spoke relating to the Agenda Committee being coordinated through Town staff and this item being administrative; staff working to adjust Agenda Committee meeting times as needed; the Town Clerk needing time to organize materials for the Agenda Committee; and, that later in the afternoon on Monday or 8:00 a.m. on Tuesday morning would allow adequate time.

Councilmember Brooks spoke relating to being more receptive to younger members of the Town who may want to run for office; Councilmembers who currently work; staff being able to flexing their schedule; keeping the Agenda Committee open to the most people possible; and, having been deterred from running for office due to meetings at 2:00 p.m.

Councilmember Collins spoke relating to the Agenda Committee having been created by ordinance, rather than being administrative; and, moving the deadline to submit CAARFs to a day earlier. Mr. Hanks discussed getting CAARFs earlier helping; and, if the time is 8:00 a.m. on Mondays, staff would arrive at 7:00 a.m. and leave at 5:00 p.m.

Vice Mayor Wendt spoke relating to the Town Manager determining, when the next Vice Mayor starts, the dates, and the deadline for submitting CAARFs if moved up.

Mayor Nolan spoke relating to 8:00 a.m. Mondays and Tuesdays not working for his schedule; and, the Agenda Committee, not the Council, setting the meeting schedule.

Jack Hamilton spoke relating to the Agenda Committee needing to set the schedule; as a policy, it can be changed, the policy broken; and, if this is made an ordinance, it can't be changed.

F. Discussion and possible action relating to amending the Dewey-Humboldt Code of Ordinances, Zoning Regulations, § 153.005, Definitions, to protect the health and safety of Town residents. Definitions for consideration include: Carport, Fence, Garage (Private), Pets (Exotic), Pets (Household), and Porch (CAARF – Councilmember Collins)

Councilmember Collins introduced the item, noting these are things that she heard most frequently when circulating petitions; carport defined as being open and people like to protect their cars from the weather and freezing doors; and, tall fencing being allowed and concerns of protecting small dogs from coyotes and wildlife. She spoke relating to the definition of garage, which says a passenger vehicle can be stored but doesn't say it can be repaired and the language being similar to Homeowner Association (HOA) restrictions; the definition not allowing a tractor, only a passenger vehicle; and, people have exotic pets, which aren't spelled out as being allowed. She also spoke relating to the 100-pound limit on household pets, which could be apply to dogs, while it was meant to apply to pigs; and, people should be allowed to sleep on their porches.

Vice Mayor Wendt moved for the definitions to be kept by the Town Manager until the Planning and Zoning Advisory Commission ("P&Z") is done with the General Plan, as requested by P&Z; seconded by Mayor Nolan.

Councilmember Collins spoke relating to the Planning and Zoning Handbook saying that the Town can choose to adopt the General Plan and updates to the zoning code simultaneously.

Jack Hamilton spoke relating to the item going to P&Z first; P&Z not having to do it with the General Plan, but they can wait to do so; P&Z running their own committee and Council not forcing them to consider it sooner; and, this should come back to a Study Session.

Vice Mayor Wendt spoke relating to P&Z having requested that Council not send any additional zoning code changes; the General Plan being the first priority; and, not agreeing with all of the changes.

Barton Lee McLain spoke relating to why Council thinks this should go to P&Z and not listening to P&Z, as with the helicopter school.

Councilmember Brooks spoke about the timing of sending it to P&Z, and whether complaints that come in will be put on hold until after P&Z hears it which could be after the General Plan is approved. She also spoke relating to the knowing there are problems in the code. Mr. Hanks spoke relating to code complaints being under the existing codes. Councilmember Brooks continued, relating to holding someone to a code with known problems; needing clear and concise definitions and rules; the timing of General Plans, which can take longer than a year and the need to address codes sooner; and, there not being a quorum at the last P&Z meeting.

Mayor Nolan asked if there have been any complaints of this type filed in the last two years; Mr. Hanks responded that he is not aware of a complaint about sleeping on the porch, while there have been two complaints on fences of different heights and no complaints about animals in the past couple of months.

Councilmember Lance spoke relating to seeing both sides of the issue and contradictions in the codes.

Councilmember Collins spoke relating the Town's past procedure being to do the code and General Plan at the same time, such as in 2008 and 2009; and, people having the right to expect results.

Nancy Wright spoke relating to exotic pets being under the Arizona Game and Fish Department, and if so, the Town not being able to enforce anything; a Town Code provision relating to fences that allow exceptions based on the slope; and, sending it to P&Z because it is part of the zoning code and P&Z is responsible for it.

Leigh Cluff asked for clarification about being able to sleep on porches; Councilmember Lance read the definition.

The motion for the definitions to be kept by the Town Manager failed on a roll call vote, 3-4. CM Brooks – nay; CM Collins – nay; CM Hughes – nay; CM Lance – nay; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

Councilmember Brooks moved to send this item to P&Z and work with P&Z to expedite getting it done. Motion failed for lack of a second.

Ms. Bigelow asked if the changes are what Council wants P&Z to do and noted that the instruction needs to go to P&Z, otherwise, P&Z will think Council wants those particular changes.

Vice Mayor Wendt moved to bring the item back to a Work Session to be reviewed; seconded by Councilmember McBrady. Motion passed on a roll call vote, 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

G. Discussion relating to the acquisition of water resources for the Town, and possible direction to staff
(CAARF – Mayor Nolan)

Mayor Nolan noted that this item needs to go into Executive Session. Councilmember Lance and Mayor Nolan discussed the need for Executive Session.

Councilmember Collins noted that the agenda allows for a discussion before Executive Session. The Council discussed the agenda. Ms. Bigelow noted that it is possible to take public comment on the item.

Councilmember McBrady moved to listen to the public; seconded by Councilmember Brooks. The motion passed on a voice vote, 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

Barton Lee McLain spoke and asked who will pay for necessary repairs to the water system; spoke of bills increasing and people can't afford it; the possibility that people within a certain distance of a city water company may not be able to drill a well and may need to join the water company.

Jack Hamilton spoke relating to avoiding this; while buying the water company may be cheap, the maintenance will be expensive; the AMA including Prescott, Prescott Valley and Chino Valley, who don't like wells as they think they can use water more efficiently; this needing to go to a vote; and, water costs increasing.

Nancy Wright spoke relating to opposing purchasing any water company; the other cities don't want private wells; examples from Prescott Valley and Cave Creek, including costs and debt incurred; and, the General Plan states that the Town cannot be a water provider. Ms. Wright submitted a list of questions that Council needs to consider.

Leigh Cluff spoke relating to not being able to budget until next year; there being pressing things to deal with now; and, asked if the Town will reimburse for costs associated with their wells as wells will be shut down.

Gary Mortimer spoke relating to community members opposing the idea; the system's value; and, community concerns include the system infrastructure, water quality, and maintenance costs.

Councilmember Lance asked how many customers the Humboldt Water Company has and the Town population; Mr. Hanks estimated approximately 300 customers and over 4,000 residents. Councilmember Lance discussed the number of customers, asked about the rate impact, and discussed the infrastructure and bringing it to standard.

Barton Lee McLain spoke relating to the apartments going in at Highway 69 and Highway 169 getting water before Town residents do; and, if the Town buys the water company, the Town can approve the Monogram subdivision. In response to Ms. McLain, Mayor Nolan discussed the apartments being in Prescott Valley; Councilmember Lance discussed the apartments getting water from the same aquifers as the Town.

Ulys Brooks spoke relating to Shamrock Water and selling it to Prescott Valley; increased water rates; expenses that come with a water company; Prescott Valley doubled rates; Humboldt Water having the highest rate in

Arizona; regulations over water companies; and, parts being designed for each individual well.

The meeting recessed at 9:27 p.m. and reconvened at 9:39 p.m. Councilmembers Brooks, Collins, Hughes, Lance, McBrady, Vice Mayor Wendt and Mayor Nolan were present.

Councilmember Lance moved to not go into Executive Session and to talk about it in public; seconded by Councilmember Collins. Motion passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay.

Councilmember McBrady moved to adjourn; seconded by Councilmember Lance. Motion passed on a voice vote 5-2. CM Brooks – nay; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay.

11. Executive Session – not held.

Vote to Recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion and consultation for legal advice with the Town Attorney relating to acquisition of water resources for the Town

Close Executive Session/Reconvene Regular Meeting

12. Discussion relating to the acquisition of water resources for the Town, and possible direction to staff

No discussion was held.

13. Consideration of additional Special Session(s) Whether to hold and, if so, set the date. Staff recommends scheduling Special Meetings to discuss the proposed building codes on the following dates: Thursday, December 5, 2019; Thursday, December 12, 2019

No discussion was held.

14. Adjourn The meeting adjourned at 9:41 p.m. See agenda item 10.G. for the motion and vote.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 26, 2019, 6:30 P.M.**

A SPECIAL COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 26, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:30 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, Amy Lance, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmember Mark McBrady arrived at 6:35 p.m. Councilmember John Hughes was excused.
3. **Public Comment on Non-agendized items** 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

No one spoke.

4. **Special Meeting.** Legal action may be taken.
 - A. **Overview, discussion and possible direction to staff relating to the following draft 2018 Building Codes (Staff CC):**
 - **2018 Dewey-Humboldt Administrative Code**
 - **2018 International Residential One- & Two- Family Dwelling Code**
 - **2018 International Building Code**

Ed Hanks, Town Manager, introduced Don Roberts, Building Official, and noted no public comments were received since the meeting packet was distributed to Council. The three codes being looked at tonight include the recommended edits from Mr. Roberts. Councilmember McBrady arrived at 6:35 p.m. Mr. Roberts reviewed the 2018 Dewey-Humboldt Administrative Code (“Administrative Code”) in detail, discussing recommended changes and the reasons for the changes.

Councilmember Brooks asked why a carport can’t have three sides; Mr. Roberts responded that a carport is to drive through, and if it has three sides, is considered a garage. Councilmember Brooks and Mr. Roberts further discussed the definition of carport and the number of open sides; it can be considered a garage without a door. Councilmember Collins noted that the definition of garage is not included in the Administrative Code and discussed people having been frozen out of their cars, and those who have three-sided carports. Mr. Roberts noted that no one has asked about having a three-sided carport; if someone indicates that they will not put a door on the carport and it is separated from the house, he would have an open mind and allow it.

Councilmember Collins moved to amend it [Administrative Code, Section 102.13, Definitions] to allow a definition of carports as being open on one side only. She discussed reasons for allowing it, including climate and topography, and discussed with Mr. Roberts the definitions of carports and garages. Councilmember Collins restated the motion.

Councilmember Lance spoke relating to a lot of retirees in Mesa having a house with attached carport, with house walls on two sides, and one or two sides open. In response to Councilmember Lance, Mr. Roberts clarified that the codes don’t specify attached or detached carports. Mr. Roberts noted that the definition of carport will be changed to two to three walls.

Leigh Cluff spoke and read a definition of a carport and garage, including: carport indicates no walls or three walls and a garage always has four walls.

Councilmember McBrady spoke relating to making the codes whatever Council wants; having a carport to protect vehicles from rain or snow; and, needing to look at setbacks.

Councilmember Brooks noted that she was going to second the motion made by Councilmember Collins; there was Council consensus that a motion was not necessary.

Councilmember Lance asked about the definition of Basement, Unfinished; Mr. Roberts responded that a

basement with a dirt, wood or concrete floor shouldn't have a future structure such as a bedroom or bathroom; a basement with habitable space should explain what the basement will be used for.

Councilmember Collins asked how the Town knows if somebody puts a basement in and improves it; Mr. Roberts responded that there is no way to detect it. Councilmember Collins asked if it is grandfathered for people who buy a property and find one that was done without a permit; Mr. Roberts responded that the Town does not go after people who have done it. Councilmember Collins and Mr. Roberts discussed suitable heights for habitable space in basements, as well as having an egress.

Clinton Cardlin spoke relating to having to include work in a basement as a full disclosure when selling; the company he works for has torn down four in the Country Club; and, realtors can be sued if not addressed.

Councilmember Collins spoke relating to Administrative Code, Section 101.2.2, saying that the Codes may be amended by simple motion while the current code says they may be amended by ordinance; the referendum process; and, not objecting to staff fixing typos. Mr. Roberts and Councilmember Collins discussed the section. Councilmember Collins asked about reformatting the document as referenced in the section. Mr. Roberts indicated that it could be deleted and is not crucial to his job.

Mr. Roberts noted the change to the definition of Townhouse; it is now three stories high on a townhouse, rather than two. Councilmember Collins asked if each story would be a separate residence; Mr. Roberts indicated that it could be two-stories with a garage underneath it, not necessarily a three-story livable area.

Mr. Roberts continued reviewing the Administrative Code.

Councilmember Collins asked if a demolition permit is required for an accessory building as detailed in Section 105.2, Building Permits, (1), and discussed people who have told her about needing a demolition permit. Councilmember Collins and Mr. Roberts discussed demolition permits; the Town sends Yavapai County proof of demolition so people are not double-taxed. In response to Councilmember Lance, Mr. Roberts clarified that a demolition permit is not required for a structure that does not require a permit to build; they are for habitable space only. Councilmember Lance spoke relating to a situation where an individual was fined for not getting a demolition permit for a little horse structure that was falling down.

Vice Mayor Wendt spoke relating to Section 105.2, Building Permits, (1), and of outside laundry rooms, and asked why electricity is allowed but not plumbing. Mr. Roberts responded that the electrical is for a light; there would also be mechanical to keep the plumbing from freezing; and, this exemption is for a non-habitable space.

Councilmember Lance asked if making a dog-grooming area for personal use (rather than a business) and running water would require a permit; Mr. Hanks clarified that for 400 square-foot structures, adding water can be done, with a permit.

Councilmember Collins asked about Section 105.2, Building Permits, (11); Mr. Roberts responded that it is for awnings that don't exceed 54 inches on single family residences and detached buildings such as storage rooms.

Mr. Roberts continued reviewing the Administrative Code.

Councilmember McBrady asked about Section 105.2, Plumbing Permits, (2), and what happens if a homeowner moves a plumbing fixture that is later discovered. Mr. Roberts responded that staff won't look for a fixture that moved and explained what will be looked at. Councilmember McBrady and Mr. Roberts discussed this further, including if, in the future Mr. Roberts is no longer with the Town, someone interpreting the code differently. In response to Councilmember McBrady, Mr. Roberts clarified that fixing a blockage does not require a permit, while moving a toilet does. Councilmember McBrady and Mr. Roberts discussed it further.

Councilmember Lance discussed not needing a permit for replacing a valve, while moving a valve to another location requires a permit. Mr. Roberts confirmed that the Town looks for relocation of valves or waterlines. Councilmember Lance spoke relating to the process of buying a home in the state, including home inspections to identify areas to be fixed or changed.

Councilmember Brooks spoke relating to the difference between repairing and remodeling, in which repairing is ok while remodeling requires permits.

Leigh Cluff spoke relating to plumbing walls, where all the plumbing is in the wall, and the floor does not need to be removed.

Mr. Roberts continued reviewing the Administrative Code.

Councilmember McBrady spoke relating to Section 109.2, Schedule of Permit Fees; and, asked about how the fees are calculated. Mr. Roberts responded that the contents inside the dwelling and the square footage are

included. Councilmember McBrady asked why fees are calculated based on the paint being used; Mr. Roberts stated that part is incorrect and agreed that it should be taken out.

Councilmember McBrady spoke relating to Section 101.4.12, Existing Building Code, and fees for a change of occupancy; asked why people are required to get a change of occupancy if the zoning stays the same; and, spoke of the Town having lost people who were going to come in to do business due to this. Mr. Roberts spoke relating to Section 102.10, which also addresses change in occupancy. Councilmember Collins spoke relating to having talked to people who are not happy with the requirement and there being similar zoning code provisions. Mr. Roberts spoke relating to similar provisions in previous code versions; and, changing from a store to a different type of office requires the Town to inform Central Arizona Fire and Medical Authority (CAFMA) what is in a building so that CAFMA knows how to react in case of a fire.

Councilmember Lance clarified the requirement relating to repainting or refurbishing; Mr. Roberts responded that the Town wants a floorplan to show the contents inside the building.

Clinton Cardlin spoke relating to a doctor's office moving into a retail service, including different equipment and electrical requirements; liability issues if someone is hurt due to the electrical; and, that there should be some type of change of occupancy to see what is happening.

Councilmember Brooks spoke relating to the requirement helping to ensure that ingress or egress isn't blocked.

Mr. Roberts continued reviewing the Administrative Code.

Mr. Roberts spoke relating to Section 113, Board of Appeals, and asked for Council feedback on the Board structure and functions. Councilmember Collins spoke relating to the Board of Adjustment and Board of Appeals; the Administrative Code discusses appealing things to the Town Council; and, state statute dictates areas of expertise for Board members. In response to Councilmember Brooks, Mr. Roberts explained that he is looking for feedback from Council on membership requirements, required areas of expertise, and whether the Council would like to appoint residents rather than experts. Councilmember Brooks discussed cases that have gone to the Board of Adjustment.

In response to Councilmember Lance, Mr. Hanks clarified that the Board of Adjustment is primarily for Zoning, while the Board of Appeals is for Building Codes; and, indicated that staff could research to see if the Board of Adjustment can be used in place of a Board of Appeals.

Councilmember McBrady and Councilmember Brooks discussed the Board of Adjustment, members, and previous cases. Councilmember McBrady spoke relating to the Council being the Board of Adjustment; Councilmember Lance stated her opposition to the Council being either the Board of Appeals or Adjustment.

Councilmember Collins spoke relating to Section 114, Violations, being too harsh; not fitting the Town; and, the \$500 per day penalty. Councilmember Brooks asked if, in cases where a contractor doesn't follow codes and the property owner is penalized, there is a way to stop penalties until a new contractor is hired. In response, Mr. Roberts confirmed that the penalties can be stopped and spoke relating to going after registered contractors building without a permit; staff notifying the Arizona Registrar of Contractors ("Registrar") of registered contractors who violate the code; and, the provision being in the Code since the Town was formed. Councilmember Brooks spoke relating to using a licensed contractor where inspections continually fail and asked if the building owner would be penalized. Mr. Roberts responded relating to permit time limitations of 2.5 years; homeowners working with the Registrar to get reimbursement from the contractor; and, having never heard of going after a homeowner. Councilmember Brooks asked if problems that are discovered on a Friday will have penalties accrue over the weekend; Mr. Roberts stated that they have 2.5 years to correct problems; nothing is calculated from the time it was written up; and, the process and time in which permits remain active and the process for extending a permit.

Councilmember Lance asked if each days' continuance being a separate violation can be removed; Mr. Roberts discussed it not being a continuous violation if work is being done; it is for a contractor who constantly works without a permit and is in violation. Councilmember Lance asked about an individual building their own home who has a violation; in response, Mr. Roberts gave a recent example of a violation with an owner working on his home without a permit, where Mr. Roberts worked with the individual rather than issuing a violation.

Mr. Hanks discussed \$500 being the maximum that could be assessed per offense; Councilmembers Lance and McBrady discussed each day's continuance being a separate offense and removing each day. Councilmember Collins spoke relating to removing Section 114.4(1) so that the maximum penalty would be \$500. Councilmembers Lance and McBrady concurred.

Councilmember Collins spoke relating to Section 114.4 giving too much power to a neighbor for filing injunctions and the Town Attorney's responsibility. Vice Mayor Wendt expressed concerns about having the Town Attorney

monitor and enforce due to budgeting purposes. Councilmember Brooks spoke relating to problems being resolved at lower levels before bringing the Town Attorney in. Mayor Nolan spoke relating to why an issue would affect a neighbor if property setbacks are met. Councilmember Lance spoke relating to having the Building Inspector and Board of Appeals/Adjustment, rather than Council, be involved. The discussion continued.

Councilmember Brooks suggested breaking the process into steps: 1, Building Inspector; 2, Board of Adjustment; 3, Town Council; and 4, Town Attorney and injunctions. Mr. Hanks confirmed that staff can break out the process.

Mr. Roberts provided an overview of the 2018 International Residential One- & Two- Family Dwelling Code ("IRC"), including Appendices recommended for adoption, and discussed recommended changes to the IRC and the reasons for the changes.

Councilmember Brooks spoke relating to Table R301.2(1) and the Seismic Design Category of "C" for the Town and the Town being in an earthquake zone. Mr. Roberts responded, relating to there being two designation options for Arizona, "C" or "D"; "D" is for more frequent earthquake risk, such as for California. In a "D" designation, there are stricter requirements, such as for rebar; in "C", there is less restriction.

Councilmember Collins confirmed that there is an Appendix for straw bale homes and asked if there is an Appendix relating to storage containers; Mr. Roberts responded that storage containers fall under zoning.

Mr. Roberts continued reviewing the IRC, up through Chapter 5, Floors.

Clinton Cardlin spoke relating to his experience as a flooring contractor and vinyl flooring blowing off concrete slabs; and, high humidity impacting the glue that is used, causing the problem.

Mr. Roberts reviewed the remainder of the IRC.

Councilmember Collins spoke relating to a contractor's concerns about arc fault outlets, and that the contractor asked if the Town could go back to GFCI. Mr. Roberts responded that he agrees with arc fault in bedrooms; arc fault was in the 2006 and 2012 Codes; and, to remove it, Council will need to approve it. Councilmember Collins and Mr. Roberts discussed it further.

Mr. Roberts provided an overview of the 2018 International Building Code ("IBC"), including Appendices recommended for adoption, and discussed recommended changes to the IBC and the reasons for the changes.

Mr. Roberts discussed Section 202, Definitions, and noted that several new definitions such as Assisted Living Center have been added due to requirements in State Law; each are controlled by the State of Arizona. Mr. Roberts noted that under the definition for Residential Care/Assisted Living Home, he is seeking Council feedback on what should and should not be included. Mayor Nolan spoke relating to group homes and halfway houses not being applicable. Councilmember Collins spoke relating to state legislation on group homes, and of conforming to state law. Councilmember Brooks spoke relating to getting legal advice; and, if a patient goes against medical advice on leaving the home, that there needs to be a provision to send the people back where they came from.

Mr. Roberts and Mayor Nolan discussed there being two of these types of homes in Town. Mr. Roberts discussed whether the neighbors are aware of them and knowing the type of home that each is; people complain that home values decrease when there is one in the area. Mr. Roberts also discussed the possibility of homes moving to the Town if they are run out of neighboring jurisdiction. Councilmember Brooks spoke relating to mirroring Prescott's, as they have already gone through legal battles.

Ron Thibodeau spoke relating to neighbors who bought property adjacent to a group home who didn't know that it was there; a nurse who was abused by people at the home and the company running it not caring; and, that everyone values liberty, not bureaucracy, and to keep that in mind when considering the Codes.

Councilmember Lance spoke relating to being required to accept all that are listed under Residential Care/Assisted Living Homes, or whether the Town can permit only certain things. Mr. Roberts and Mr. Hanks responded, acknowledging the question, and that staff will confirm with the Town Attorney.

Mr. Roberts reviewed the remainder of the IBC. Councilmembers thanked Mr. Roberts for his work in preparing the Council packet materials.

- 5. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date. Staff recommends scheduling Special Meetings to continue discussing the proposed building codes on the following dates: Thursday, December 12, 2019; Thursday, December 19, 2019

The Council scheduled January 8, 2020, as the next Special Council Meeting to discuss proposed building codes.

6. Adjourn The meeting adjourned at 9:16 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **10.A.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to approve the letter from the Town Council to State Legislators who represent the Town, requesting legislation to designate state funds for the Town to improve evacuation routes for fire.

Background:

At the January 7, 2020, Council Meeting, Council directed staff to draft a letter to State Representatives Noel Campbell and Steve Pierce to formally request state appropriations to assist the Town in improving emergency evacuation routes.

Staff has drafted the attached letter and seeks formal Council approval of the letter. Following approval, staff will obtain Council's signatures and send the letter to the Legislators.

Financial Impact:

Mailing costs are minimal. Staff is requesting up to \$2 million in state appropriations.

Direction Requested:

Staff is seeking Council approval of the letter.

Suggested Motion:

For: I move to approve the letter as drafted by staff requesting state appropriations to assist the Town in improving emergency evacuation routes.

Against: I move to not approve the letter as drafted by staff requesting state appropriations for improving emergency evacuation routes.

Attachments:

Draft letter; CAARF from January 7, 2020 meeting with attachment.

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69, 2735 S. HWY. 69
HUMBOLDT, AZ 86329
PHONE 928-632-7362 ▪ FAX 928-632-7365

January 21, 2020

The Honorable _____
 Capitol Complex Room _____
 1700 West Washington Street, Room _____
 Phoenix, AZ 85007-2890

Re: Infrastructure Investments – Dewey-Humboldt Emergency Evacuation Routes

Dear Representative _____:

Governor Ducey recently indicated, “[] the state is currently in a financial position to be able to make ‘additional infrastructure investments.’” (*The Daily Courier*, December 24, 2019)

The Town of Dewey-Humboldt respectfully requests your assistance in sponsoring an appropriations bill to allocate \$2 million in State of Arizona FY21 budget appropriations to the Town for improvements for emergency evacuation purposes.

On the west side of Town (population approximately 4,100), a large portion of residents live in an area abutting the Prescott National Forest. This area, known as the Blue Hills subdivision, currently has one ingress/egress route. During an emergency evacuation, this slows the process for evacuating residents, as well as disrupts the arrival of emergency responders. This was clearly evident in 2017, when the Goodwin fire forced Town residents to evacuate. While in the end, the fire did not cause destruction in the Town, it brought to light that Town residents would be imperiled due to the number of people evacuating and traffic congestion, while at the same time impeding first responders.

The Town has identified potential solutions to address the needed safety improvements, including a route to be utilized only in emergencies which will include crossing Bureau of Land Management land with a locked gate to prevent daily use, and a Town-owned and maintained roadway that could potentially loop through the Blue Hills and allow a secondary access route on a daily basis.

The most significant hurdle the Town faces in bringing these to fruition is the lack of sufficient budgetary resources. With the state’s support, the Town will be able to take steps to make the improvements and to contract with an engineer to survey the area and assist in identifying the most feasible solutions.

On behalf of the residents of the Town of Dewey-Humboldt who are impacted by this critical life safety issue, we, as the Town Council, thank you for your consideration.

Sincerely,

 Terry Nolan, Mayor

 Amy Lance, Vice Mayor

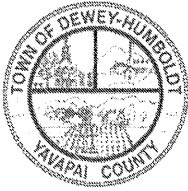
 Karen Brooks,
 Councilmember

 Lynn Collins,
 Councilmember

 John Hughes,
 Councilmember

 Mark McBrady,
 Councilmember

 Victoria Wendt,
 Councilmember



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

RECEIVED

DEC 27 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-6-20 OR 1-13-20

Date of Request: 12-27-19

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

Discuss contacting ^{state} Representatives Cambell + Pierce to request legislation to set aside funds for DH. to improve evacuation routes for fire.

Purpose and Background Information (Detail of requested action). The attached article states that AZ. is currently in a position to be able to make more investments in infrastructure - fire evacuation is a crucial health and safety problem here so we should try to get on the "priority list" for

Staff Recommendation(s): state budget consideration.

Budgeted Amount: _____

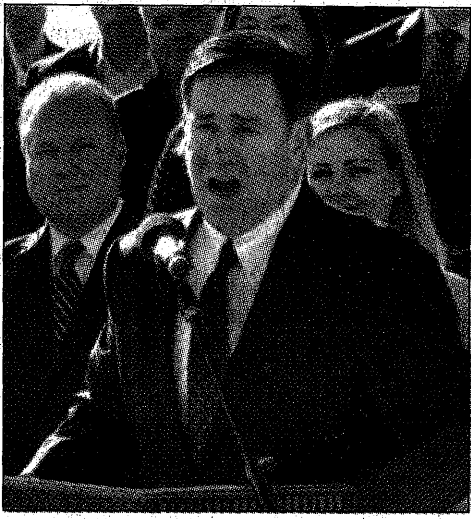
List All Attachments: Courier Article about "additional infrastructure investments"

Type of Presentation: oral

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.



Gov. Doug Ducey said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix. (Howard Fischer/Capitol Media Services, file)

12-24-19

Gov. Ducey: State in position to make 'additional infrastructure investments'

By HOWARD FISCHER

For the Courier

PHOENIX — Gov. Doug Ducey won't commit to seek \$20 million for a bridge over a creek where three people died last month even as he formally dedicated a \$1.7 billion freeway designed largely to help Phoenix area commuters.

The governor said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix.

The new South Mountain Freeway, part of Loop 202, is designed to connect parts of Phoenix that are inaccessible from the west to the rest of the area. Of the cost, 40 percent came from federal sources, with the balance from a sales tax Maricopa County voters imposed on themselves and about \$350 million from state gasoline taxes and vehicle license fees.

And what of the \$20 million being sought by Rep. David Cook, R-Globe, for the bridge over Tonto Creek?

"We're going to look at every other request and properly prioritize," Ducey said.

Cook introduced legislation earlier this week to set aside \$20 million for the Department of Transportation to build a bridge in the Tonto Basin at the Bar X crossing in Gila County. Willa Rawlings, her brother Colby and their cousin Austin, all children, were killed after the vehicle they were in was swept away in Tonto Creek during a rainstorm.

Cook said Gila County already has done the environmental studies, purchased the right of way and designed the structure. He said if HB 2056 is fast-tracked the span could be in place before the next rainy season.

And Cook said there's no reason that rural areas of the state should be any lower priority

See **ROADS**, page 5A

• Roads

From page 1A

than urban roads.

At the ceremony Wednesday on the yet-to-be-opened freeway, the governor said the project will take traffic off Interstate 10 and away from downtown Phoenix. He said that congestion is a direct result of the state's booming economy.

Others at the event had their own take on the merits of the project, including Michael Bidwill, owner of the Arizona Cardinals. He said the freeway will cut the time it takes people from certain parts of the Phoenix area to drive to his team's stadium in Glendale.

Also present was Stephen Roe Lewis, governor of the Gila River Indian Community, which got the project altered part-way through construction to create a new exit to funnel traffic to his tribe's Vee Quiva casino and resort.

But as to those dollars for the Tonto Creek bridge, Ducey remains noncommittal.

"I'm going to take a look at it," he said.

"Like I said, we got a lot of requests, we have requests every year," the governor continued. "And we're going to prioritize and then form the budget."

Cook, for his part, said he sees the bridge as a top priority -- and one worthy of special consideration for funding by the state, separate and apart from any budget that Ducey will propose in January.

"How many more lives are going to be lost at this exact site, now or in the future, before somebody decides to



Gov. Doug Ducey said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix. (Howard Fischer/Capitol Media Services, file)

act?" he asked.

"Now's the time to do something," Cook continued. "If not now, when?"

More to the point, Cook wants to have the appropriation approved soon after the Legislature convenes next month and not wait a budget is adopted for the new fiscal year starting July 1. He said county officials have told him they believe that once funds become available the bridge could be completed in six months.

About 1,500 people live on the the far side of the creek. When it floods, they are stranded there, with no access to emergency services.

There were signs put in place at what is known as the Bar X crossing last month warning people not to drive in. But resident have said people have been driving around the barriers for years.

That's what happened last month when Lacey and Daniel Rawlings, the parents of Willa and Colby, attempted to cross in a large flatbed truck. The vehicle did not make it all the way.

County officials have been seeking funding, initially from the federal government, for decades.

And he rejected questions about whether it's the obligation of the state to deal with a situation where residents knew when they moved into the area that the creek regularly floods -- and that residents have ignored the temporary barriers. Cook said safety is the government's role "regardless of the population."

"Are we going to discount the citizens who live in rural Arizona (versus) those that live in metropolitan and downtown Phoenix?" he said. "Their lives are less valuable than putting in a crosswalk at 43rd Avenue (in Phoenix) where the tragedies continue to happen over there and people getting hit by cars?"

Cook acknowledged that projects like a new crosswalk generally are paid for out of local funds rather than being the financial obligation of taxpayers across the state. But he said it can be considered a state need because people other than area residents use the crossing.

And then there's the economic argument.

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **10.B.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to approve a structure for the General Plan Steering Committee and Steering Committee meeting dates.

Background:

At the January 7, 2020, Council Meeting, Council approved the contract with PLAN*et Communities for Phase 1 of the General Plan Update.

As part of Phase 1, there will be three Steering Committee meetings, each with a narrow focus, to review the existing General Plan.

Decision points for Council include:

- Total number of Steering Committee members (PLAN*et indicated 15 as a good number);
- Makeup of Committee members – ie, business owners, key stakeholders, staff subject matter experts, independent representatives from other agencies who are active in the Town
- Whether to ask individuals from the private citizens group who met on January 6, 2020 to discuss visioning to participate (see attached CAARF);
- Structure of Steering Committee Meetings:
 - Location;
 - Voting meetings vs. non-voting (discussion-only);
- Steering Committee Meeting dates.

At the January 7, 2020 Council Meeting, Council discussed participating on the Steering Committee. After further review of certain Town Code provisions (attached), it appears that Councilmembers cannot be on the Steering Committee.

Staff respectfully recommends that the total number of Steering Committee members be kept to fifteen or fewer (quorum purposes) and that the Committee makeup should balance the suggested membership categories.

Financial Impact:

Sufficient funding for costs associated with the Steering Committee meetings was budgeted in the Fiscal Year 2019/20 budget, General Fund, account 10-465-5001, OSP P&Z Management.

Direction Requested:

Staff is seeking Council direction on the Steering Committee structure.

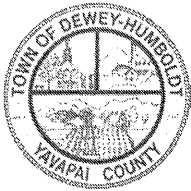
Suggested Motion:

Council's pleasure.

Attachments:

CAARF from Councilmember Collins; PLAN*et Communities Resources – Fact Sheet and Guidelines; Town Code §§ 30.015, 30.019, 31.15, 31.16, 31.17

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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special ^{OR} Work Session

Meeting Date: Whenever Steering Committee or meeting dates are

Date of Request: to next BE discussed (1-13-20)

Type of Action: Routine/Consent Regular request

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

SEEK CONSENSUS OF COUNCILMEMBERS TO ASK IF ANY INDIVIDUALS FROM THE JAN 6 2020 DHI VISIONING MEETING WOULD BE WILLING TO VOLUNTEER AS STEERING COMMITTEE MEMBERS FOR THE GENERAL PLAN UPDATE.

Purpose and Background Information (Detail of requested action).

TO RESOLVE POLITICAL DIFFERENCES ON THE COUNCIL.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: NONE

Type of Presentation: ORAL

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: NONE

Contact Person: Lynn Collins

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

This Fact Sheet describes the ‘nuts and bolts’ of Steering Committee meetings, roles and the responsibilities of members and the Committee.

What is a Steering Committee?

A project Steering Committee is responsible for providing input and guidance on the development of a project and its outputs.

The membership of a steering committee may be determined by the Project Sponsor (jurisdiction) and may consist of:

- Representatives of the project sponsor (elected and appointed officials)
- Business Owners
- Representatives from selected key stakeholders
- Experts from within the agency (Staff)
- External, independent representatives such as representatives from another agency (i.e., ADOT, BLM, Forest Service, surrounding jurisdictions, the County, not-for-profit organizations operating within the community, media)

The Consultant Project Manager is not a member of the Steering Committee. He/she is ‘contracted’ by the Steering Committee to ensure the work of the project is undertaken as agreed, whereas the Steering Committee provides support, guidance and the executive oversighting of progress

The Project Manager will normally attend meetings of the Steering Committee to speak to their reports and answer any questions raised by members. An additional resource (such as a project team member or administrative staff) may attend to assist the Project Manager by recording the minutes and decisions of the meeting

What does the Steering Committee do?

Collectively, a Steering Committee's role is to be

- A neutral convener committed to a successful project outcome and that can help to reconcile differences in opinion and approach and resolve disputes arising from them
- Representative of the concerns and interests of the larger community
- A provider of input, guidance and direction with regards to project outputs
- A resource for technical information (if these members are included in the Steering Committee)
- Local experts who make the project manager aware of local/unique conditions that could impact the success of the project
- Project representatives who can report on project progress to groups they represent, the community, and peers

What role do individual members perform?

Individual Steering Committee members are not directly responsible for managing project activities, but provide support and guidance for those who do. Thus, individually, Steering Committee members should:

- Understand the strategic implications and outcomes of initiatives being pursued through project outputs
- Appreciate the significance of the project for some or all major stakeholders and

- represent their interests
- Be genuinely interested in the initiative and the outcomes being pursued in the project
- Be an advocate for the project's outcomes by being committed to and actively involved in pursuing the project's outcomes
- Have a broad understanding of project approach being adopted

In practice, this means they:

- Provide guidance to help the project outputs meet the requirements of the Business Owners (jurisdiction) and key stakeholders
- Help balance conflicting priorities
- Provide constructive input to that can improve the quality of the project outputs
- Consider ideas and issues raised without bias
- Foster positive communication outside of the Committee regarding the project's progress and outcomes
- Stay abreast of the progress of the project
- As members are selected based on their individual knowledge and skills that they bring to the Committee, there can be some confusion and conflict in the accountability of members. The first responsibility of members is the achievement of the project's success and secondly to their agency, organization or business area. Similarly, members who have expertise in a particular area should avoid taking a narrow view of their responsibility.

Roles of Specific Members

- Chair:
 - Sets the Agenda in accordance with the project scope and schedule
 - Calls the meeting to order
 - Manages the meetings
 - Adjourns the meeting
 - Calls for votes
- Vice Chair
 - Assumes the role of the Chair in the event s/he is absent

How often do Steering Committees meet?

The frequency and duration of the meetings will depend on the size and complexity of the project. The meetings should be often enough that progress can be reported against a number of milestones since the last meeting. A project milestone is different to a project task/activity. A milestone does not involve any work, it can be seen as a progress 'marker'. For example, 'Training Plan developed' is a milestone, whereas 'Develop Training Plan' is a task/activity.

Ideally, the timing for the meetings should be linked to key milestone dates (including the end of a phase), and not to a pattern; for example, the last Friday in the month. Prior notification of meeting dates/times should be provided to members via an agreed meeting schedule.

What happens before each meeting?

At least five (5) working days before each scheduled meeting, you should receive the business papers for the next meeting. They should include:

- An agenda
- Minutes or notes of the last meeting
- Other documents to be considered at the meeting (if any)

What happens during each meeting?

The Project Sponsor usually chairs the meetings. The Chair will conduct the meeting according to the agenda, ensuring that all members are encouraged to provide input throughout the meeting and that any decisions or recommendations are adequately resolved and confirmed by the members. A basic agenda would include:

- Review and approval of minutes from previous meeting
- Reviewing the status of action items from previous meetings
- Report on the status of the project by the Project Manager
- Discussion on other project topics
- Community comments (if appropriate)
- Confirmation of date, time and venue for next meeting

What happens after each meeting?

Within a week of the meeting, a copy of the minutes of the meeting should be circulated to all members. This is far more effective in ensuring that the minutes accurately reflect the decisions and discussions of the meeting. Members are more readily able to recall what was discussed at the time and ensure that any important issues or comments raised during the meeting have not been inadvertently overlooked.

Acknowledgements

This Fact Sheet contains elements of the *Tasmanian Government Project Management Guidelines* prepared by the Department of Premier and Cabinet.



Dewey Humboldt General Plan Update

STEERING COMMITTEE MEETING GUIDELINES

- Recognize your participation is essential.
 - ✓ THANK YOU! We can't do this without your participation!
- Be open and honest about your views WITHOUT making it personal.
 - ✓ We won't know if you don't tell us!
- Help us keep the agenda on track. We want everyone to be able to participate in the discussion.
 - ✓ Help us by keeping on topic.
 - ✓ Try to listen as much as you talk.
- Strive to make this meeting a pleasurable experience for you and your fellow participants.
 - ✓ Everyone here is giving their time and effort to help Dewey Humboldt to meaningfully update its General Plan.
- Suspend judgment.
 - ✓ Hear people out and be sure you understand their ideas in enough depth before you respond to them.
- Assume that the group is far more intelligent and experienced than any single participant.
 - ✓ We are smarter together. No one person is smarter than everyone.
- Approach this conversation with curiosity, humility, and an open mind.
 - ✓ The purpose of each meeting discussion is to move us closer to a decision about how Dewey Humboldt should approach its General Plan update.

§ 30.015 TOWN COUNCIL GENERALLY.

(F) *One office.* No member of the Council is permitted to hold any other town office or town employment (except as may otherwise be provided in the town ordinance).

(G) *Assumption of office.* Immediately prior to assumption of the duties of office, each Councilmember shall sign the Council Code of Ethics and take and subscribe to the oath of office. The oath shall be given by the Town Magistrate or by the Town Clerk. Councilmembers of the town shall assume the duties of office at the first regular meeting of the Council in December next following the date of the primary or general election at which the Councilmembers were elected. Assumption of an elected office will result in the automatic resignation of all other town offices, elected or appointed.

§ 30.019 COUNCIL MEMBER COMMITTEES.

(A) The Town Council may organize itself into standing or ad hoc committees of the Council (each a **COUNCIL MEMBER COMMITTEE**) to facilitate Council review and action regarding certain matters referred to them by the Town Council.

(B) All work undertaken by a Council Member Committee must originate with the Council and all actions of a Council Member Committee shall be reported to the Council.

(C) Standing, special, or ad hoc Council Member Committees may be created or dissolved by a majority vote of the Council.

(D) Other members of the Council not assigned to a Council Member Committee may attend meetings of a Council Member Committee, as an observer; however, they shall be seated with the audience and may not participate in any manner or address the Council Member Committee.

(E) If an absence is anticipated on a Council Member Committee and that absence may impede the work of the Council Member Committee, the Council Member Committee chair or other member may request that the Council designate another member of the Council to attend for the absent member and serve as an alternate member of the Council Member Committee. The term for service by the alternate member will be the term designated in the appointment, or for one meeting, if no term is specified.

§ 31.15 GENERAL PROVISIONS.

(A) This section is intended to describe the function of boards, commissions, and committees (each a "Citizen Committee") other than Council Member Committees (see § [30.019](#)). These general rules apply unless the motion, resolution, or ordinance creating the board, commission, or committee explicitly provides otherwise.

(B) The town ordinance authorizes the Town Council to establish additional advisory boards, commissions, and Citizen Committees to assist the Council in its policy decisions. The Town Council has the inherent power to create Citizen Committees.

(C) Town boards, commissions, and Citizen Committees do not set or establish town policy or administrative direction to town staff.

(D) Appointments to boards, commissions, and Citizen Committees are made by motion of the Council after the review and consideration of any applicants.

(E) The terms **BOARD** and **COMMISSION** may be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than Citizen Committees, which typically have much more focused advisory roles to the Council.

§ 31.16 ORGANIZATION AND CONDUCT.

(A) There are two classes of official town Citizen Committees: ad hoc and standing Citizen Committees.

AD HOC CITIZEN COMMITTEES. Formed by motion or resolution of the Council, having the composition, responsibilities, and schedule adopted by Council on motion or resolution. Such **AD HOC CITIZEN COMMITTEES** are only appropriate for addressing matters having a short duration or specific project focus, and will automatically terminate as defined in their commissioning documents (or when the work is complete, if no time is stated) without further Council action, unless extended by Council.

STANDING CITIZEN COMMITTEES. Formed by ordinance of the Council amending this document, having the composition, by-laws, and responsibilities adopted by Council in such ordinance. **STANDING CITIZEN COMMITTEES** are only appropriate for addressing matters having a continuing duration or recurring project focus, and will terminate only upon Council action.

(B) Each board, commission, or Citizen Committee must elect one of its members to serve as the presiding officer or chair at the first meeting of an ad hoc Citizen Committee, or on the first meeting of the year for a board, commission, or standing Citizen Committee.

(C) Boards, commissions, and Citizen Committees shall hold regular and special meetings as may be required. The conduct of board, commission, and Citizen Committee meetings are governed by the same rules of policy and procedure as the Town Council.

(D) Boards, Commissions, and Citizen Committees should comply with all applicable open meeting and conflict-of-interest laws of Arizona.

(E) Board, commission, and Citizen Committee members are expected to adhere to the Town Council's Code of Ethics.

§ 31.17 APPOINTMENTS.

(A) All voting members of town boards, commissions, or Citizen Committees shall be appointed by Council action (by motion or resolution) and shall serve at the pleasure of the Town Council.

(B) The motion, ordinance, or resolution establishing boards, commissions, or Citizen Committees shall include the number of members, the purpose for which the board, commission, or Citizen Committee is organized, and the duties thereof.

(C) Members of town boards and commissions shall be residents of the town. Non-voting Citizen Committee members may be nonresidents.

(D) All appointees should bring the skill, integrity, knowledge, interest and commitment to evaluating issues in the broad context of the public interest. To the extent possible, appointees should be selected to represent a broad cross-section of the community relative to the purpose of the agency.

(E) Appointees may serve an unlimited number of consecutive terms on a given board, commission or Citizen Committee (except where specifically limited), at the discretion of the Town Council.

(F) The Town Clerk shall provide application forms and maintain a composite listing of all applications on file which have been received. Applications shall be retained for one year.



COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **10.C.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to approve a process for making appointments to the General Plan Steering Committee.

Background:

At the January 7, 2020, Council Meeting, Council approved the contract with PLAN*et Communities for Phase 1 of the General Plan Update.

As part of Phase 1, there will be three Steering Committee meetings, each with a narrow focus, to review the existing General Plan.

Staff is seeking Council direction on the process by which Council will appoint members to the Steering Committee. A portion of this discussion may depend on the outcome of the previous agenda item, relating to the Steering Committee structure.

Items for Council consideration include:

- Formal application process:
 - Information Council wishes to see on an application;
 - Members of governmental organizations (if applicable) needing to apply?
 - Advertising methods;
- Timeline
 - Date range within which to accept applications;
 - Meeting date to review applications and make appointments.

Financial Impact:

Sufficient funding for costs associated with the Steering Committee meetings was budgeted in the Fiscal Year 2019/20 budget, General Fund, account 10-465-5001, OSP P&Z Management. Additional costs may be incurred, depending on the method and means of advertising for members.

Direction Requested:

Staff is seeking Council direction on the process for making appointments to the Steering Committee.

Suggested Motion:

Council's pleasure.

Attachments:

None.

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **10.D.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to approve the new Town Council Policy and Guideline, PG No. 20-03, Town Council Agenda Process.

Background:

At the January 7, 2020, Council Meeting, the Town Manager, under the authority of Town Code § 30.030(E)(G)(5), recommended that Council review and direct staff, related to the agenda committee, based on information that was received from the Arizona Ombudsman's Office. At the meeting, Council directed staff to proceed with preparing an ordinance amending Code provisions. That ordinance is on tonight's agenda as item 10.E.

Staff is presenting a new Town Council Policy and Guideline to detail how the agenda process will function.

If approved by Council, the attached policy will replace existing Administrative Regulation No. 10-08. Differences between this policy and the previous regulation include:

- Adding a provision to reference the Arizona Open Meeting Law ("OML") and removing ambiguities between the policy and OML;
- Making corrections to distinguish between Study Sessions, Regular Meetings, Executive Sessions, and Special Meetings;
- Clarifying that Councilmembers may request, via a CAARF, items on Study Sessions in addition to Regular Meetings;
- Addressing the process and approvals for amending an agenda;
- Detailing the CAARF process and process by which citizens may request an item or presentation be on an agenda;
- Streamlined internal processes for preparing Council Communications and other materials for the agenda packet;
- Technical and typographical corrections.

Financial Impact:

There is no cost to the Town for approving the Town Council Policy and Guideline.

Direction Requested:

Staff is seeking Council approval of the Town Council Policy and Guideline.

Suggested Motion:


For: I move to approve Town Council Policy and Guideline PG No. 20-03, Town Council Agenda Process.

Against: I move to deny Town Council Policy and Guideline PG No. 20-03, Town Council Agenda Process.

Attachments:

PG No. 20-03; AG No. 10-08 for reference.

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	TOWN OF DEWEY-HUMBOLDT	PG № TC20-03
Town Council and Town Employees		Effective Date: , 2020
Subject: <i>Town Council Agenda Process</i>		

1. **Scope.** This policy applies to the Town Council and Town Employees.
2. **Purpose.** The purpose of this reference guide is to establish standards and provide general guidelines for staff involved in preparing and transmitting Town Council Reports, Council Agenda Action Request forms, and other backup materials related to Town Council meetings. The information provided in this guide will help ensure the timely and accurate preparation of Town Council agendas and backup packets, and offers suggestions for ensuring complete information on current Town issues is available to Town staff, Town Council, and the citizens.
 - 2.1. Guidelines are provided to assist staff with identifying the type of Council action they require, along with helpful hints on the content of requests to ensure the Town Council has all of the information they may require to act on an item. Timeliness, accuracy, and completeness of Town Council Minutes and Council Agenda Action Request (“CAARF”) forms will facilitate the timely preparation and delivery of council packets and agendas to Town Councilmembers and staff.
 - 2.2. The information contained on the following pages is provided for use by Town staff, as a quick reference for those experienced in requesting Council action, and as a useful training tool for incoming staff that may be new to this process.
3. **Overview of Council Process.**
 - 3.1. **Council-Manager form of Government.**
 - 3.1.1. The Town of Dewey-Humboldt municipal government operates under a Council-Manager form of government, as established by Town Code § 30.001. Under this form of government, the Council provides legislative direction, sets Town policy, and monitors its execution by Town Staff. The Town Manager serves as the Town's Chief Administrative Officer and is responsible for directing the day-to-day operations of the Town. Policy is set by the Town Council, whose members are elected by the people, and is carried out by the Town Manager, who is appointed by the Council. This separation of policy-making and policy-administration is considered the most economical and durable form of municipal government.
 - 3.1.2. As such, staff is responsible to ensure that the Council has adequate information to make sound policy decisions, presented without passion or prejudice, fairly describing the strengths, weaknesses, opportunities, and threats associated with any proposed Council action. That said, staff is also responsible to recommend a course of action that most closely aligns with staff’s professional judgment and Council’s vision for the future of the community.
 - 3.2. **Open Meeting Law**
 - 3.2.1. The Arizona Open Meeting Law establishes requirements that all Town Council or its subcommittee meetings be open and accessible to the public, and that all legal action be taken at a public meeting.
 - 3.2.2. In accordance with the Open Meeting Law, the Town Manager and Town Clerk shall provide notice and an agenda of items to be discussed and/or acted on during the meeting to the Council and the public at least twenty-four hours prior to each Council meeting.

3.2.3. The Town Council may only discuss matters that are listed on the agenda posted in accordance with the Open Meeting Law.

3.2.4. In order to ensure compliance with the Open Meeting Law, the Town Manager and Town Clerk will provide the agenda to the Town Attorney for review.

3.3. **Consent Agenda.**

3.3.1. The Consent Agenda is made up of items that are normally routine in nature. The Consent Agenda is placed as a separate section on Regular Meeting Agendas. Items on the Consent Agenda are usually non-controversial and are voted on as a “package” in the interest of saving time. In accordance with state law and this policy, the Town Manager and Town Clerk will determine which agenda items to place on the Consent Agenda. Any Councilmember may remove any item from the Consent Agenda to be voted on separately. If a citizen desires separate consideration of an item, he or she should approach a Councilmember prior to the meeting and ask that the Councilmember request that the item be removed.

3.3.2. The Consent Agenda section of the Regular Meeting agenda is typically where minutes, routine IGAs, plats, and already-considered items will be listed.

3.4. **Town Council Study Sessions.** Study Sessions (aka “Work Sessions”) of the Town Council are held on the second Tuesday of each month at 6:30 p.m. in the Council Chambers to allow for a detailed review and discussion of important matters. They may be held at a different time, day, or location for special purposes, in which case the meeting is a “Special Study Session.”

3.4.1. The agenda and meeting packet for all Study Sessions is available to the public, Town Council, and Town Staff no later than the Friday prior to each Study Session.

3.4.2. Final formal/legal action (a collective decision, commitment or promise made by the Town Council) is not taken at a Study Session but the Town Council may discuss and interact with each other or staff as well as direct staff on further action or information required.

3.4.3. Study Sessions may be conducted jointly with another Town Board, Commission, Committee, or another governmental agency. All Study Sessions are open to the public, and the public may speak.

3.4.4. Study Sessions provide the Council with an opportunity to hear presentations by Staff, individuals or outside agencies on topics that may or will later come before the Council at a Regular or Special Town Council Meeting.

3.4.5. Any Councilmember may request a discussion item, by way of a CAARF, for the next Study Session and the item shall be placed on the agenda, but with little or no staff analysis expected. In order to comply with the Open Meeting Law, the Town Manager and Town Clerk may clarify the wording on the agenda and shall provide the agenda language to the Councilmember to ensure that the Councilmember’s intent is not being changed.

3.5. **Town Council Regular Meetings.** Regular Meetings of the Town Council are held on the first and third Tuesday of each month at 6:30 p.m. in the Council Chambers. They may be held at a different time, day, or location for special purposes, in which case the meeting is a “Special Meeting.” All Regular Council Meetings are open to the public, and the public are invited to address Council on any item. Ordinances and Resolutions, the laws of the Town of Dewey-Humboldt, and all other official legislative actions are enacted or rejected at these meetings.

3.5.1. The meeting may appear to proceed quickly with important decisions reached after very little discussion. However, since Councilmembers receive the agenda no later than the

previous Friday, they have usually reviewed every item on the agenda prior to the meeting. If no additional facts are presented at the meeting, they often act on matters without further discussion.

3.5.2. The agenda and meeting packet for all Regular Council Meetings is available to the public, Town Council, and Town Staff no later than the Friday prior to each Council meeting.

3.5.3. Any Councilmember may request an agenda item, by way of a CAARF, for the next Regular Council Meeting and the item shall be placed on the agenda, but with little or no staff analysis expected. In order to comply with the Open Meeting Law, the Town Manager and Town Clerk may clarify the wording on the agenda and shall provide any revised agenda language to the submitting Councilmember to ensure that the Councilmember's intent is not being changed.

3.6. **Executive Sessions.** Executive Sessions are Council meetings not open to the public, and are very rare: state law allows only very few occasions on which an Executive Session is allowed. No legal action may occur in Executive Session. All written materials and verbal information regarding Executive Session items must remain confidential. Written reports and exhibits or materials furnished to members of the Council as part of an Executive Session must not be copied or saved and must be returned to Staff at the conclusion of the Executive Session. No member of the Council, employee of the Town, or anyone else present may disclose to any other person the intent or substance of any discussion that takes place in an Executive Session, unless authorized by the Council. Staff will be invited to Executive Sessions only when necessary to the discussion. Executive Sessions will only be held in conjunction with a Regular or Special Meeting, and only upon proper notice and agenda.

3.7. **Special Meetings.** Any meeting that is scheduled outside of a regularly scheduled Study Session or Regular Meeting is considered a Special Meeting. Additionally, in certain circumstances, such as final budget adoption, Special Meetings are required. Legal Action may be taken at Special Meetings other than Special Study Sessions. Pursuant to Town Code § 30.104, no Special Meeting shall be held on the same day as a Study Session. Special Meetings may occur on the same day as Regular Meetings.

4. Agenda Amendments

4.1. The agenda for all Council Meetings may be amended prior to a Council Meeting, so long as notice is provided and the amended agenda posted no later than 24 hours prior to the meeting.

4.2. Agenda amendments will only be made to correct an error in the materials presented to Council, or to add an item that the Town Manager has determined cannot wait until the next Council Meeting.

5. Council Agenda Action Request Form (CAARF) and Citizen Agenda Requests

5.1. As noted in Sections 3.4.4. and 3.5.5, any Councilmember may add an item to a future Council Meeting by submitting a CAARF. CAARFs are due by close of business on the Friday prior to the agenda packet being distributed pursuant to Sections 3.4.1 and 3.5.2, except in the event of an emergency.

5.2. Councilmembers shall make every effort to attach supporting documentation to the CAARF when necessary. Supporting documentation may include excerpts of Council Meeting minutes, excerpts of the Town Code or other regulatory or supporting documents or reports, or other related documentation.

5.3. Upon receipt of a CAARF, the Town Manager and Town Clerk shall take the following steps.

- 5.3.1. Review the CAARF to determine if the CAARF is something that can be addressed directly with the requesting Councilmember. In such a case, the Town Manager or Town Clerk shall contact the Councilmember and provide the requested information, and subsequently provide the information to the entire Town Council via email.
- 5.3.2. Determine if the CAARF fits as a Study Session or Regular Meeting item.
 - 5.3.2.1. In the event a vote or direction is a foreseeable outcome, the CAARF shall be placed on the next Regular Meeting agenda, unless the Councilmember has requested the item be scheduled for a specific meeting.
 - 5.3.2.2. If the item appears to be for a Council discussion only, staff shall schedule the item for the next Study Session agenda, unless the next Study Session is two weeks or more away, in which case staff will contact the Councilmember to determine if the Councilmember is willing to wait until the next Study Session or prefers that the item be placed on the first available meeting.
- 5.3.3. Review the CAARF to determine if there is any additional documentation that should be attached to assist Council in making an informed decision.
- 5.4. The Town Manager and Town Clerk will place CAARFs on the agenda in the order in which they are received, with the following exceptions:
 - 5.4.1. CAARFs for which staff may reasonably expect a significant level of interest from the public, in which case it will be placed earlier on the agenda;
 - 5.4.2. There is a related agenda item, in which case the CAARF may be placed immediately before or after the related item so that they may be considered together.
- 5.5. Councilmembers shall only review CAARFs submitted by other Councilmembers when the agenda is published, as part of the agenda packet. No member of the Council may remove another member's CAARF from an agenda without approval of the originating member.
- 5.6. Any person may request a matter be placed on the Council agenda by requesting such from a Councilmember, who may then place the item on a future agenda by submitting a CAARF. Normally, no item will be placed by Council on Council's agenda for discussion unless submitted on a CAARF at least ten days prior to the next Council meeting using in order to give staff time to prepare the Council Packet. In an emergency, with the authorization of the Town Manager, additional items may also be "added-on" to an agenda after the CAARF submittal deadline.
- 5.7. Any person or non-governmental organization may request to give a presentation at a future Council Meeting by submitting a Town Council Presentation Request Form to the Council for review. Should a Councilmember wish for Council to hear the presentation, the Councilmember shall complete and file both a CAARF and Presentation Request form with the Town Manager or Town Clerk.
 - 5.7.1. The CAARF shall be to request that Council consider receiving a presentation from the person or non-governmental organization.
 - 5.7.2. The Council must first vote to approve hearing the presentation. If the Council approves hearing the presentation, the presentation will be scheduled for the next appropriate Council Meeting.
- 5.8. Any governmental organization wishing to present information to the Town Council shall request such in writing to the Town Manager and Town Clerk. The Town Manager will review the request and determine whether the item shall be presented to the Town Council, and if so, will schedule it for the next appropriate Council Meeting.

6. Council Communication (CC).

- 6.1. The Town Manager is responsible to discern and plan which items are ready or need to be placed on the agenda and the timing for scheduling such items.
- 6.2. Staff reports are to be in the form of a “Council Communication” as may be revised periodically by the Town Manager and Town Clerk . Council Communications (“CCs”) are used to provide written information to the Town Council. The report should be concise and void of acronyms, technical or complex terms. These reports are created to provide Council (and the public) with adequate technical detail to make a policy determination, respond to a Council inquiry, or are provided as information reports to be included in the weekly Town Council Packet.
- 6.3. Council Communications must be reviewed and approved by the Town Manager.
- 6.4. Complete staff work is critical to earning the publics’ confidence, and necessary for the Council to be fully informed. The CC should discuss who benefits, who pays, who performs, what, where, when, why, how, and how much, critical steps to complete or follow-up actions expected, and total cost. In preparing analyses, ethics and cost are always relevant criteria.
- 6.5. CCs should include an analysis of how the proposed action is supported by a governing document, such as the Town Code, or furthers the Town. Whenever appropriate, frequent reference should be made to existing reports, plans, or policies. Further, use of studies and standards from the professional organizations of which staff are members is encouraged.
 - 6.5.1. For agenda items originated by the Town Manager pursuant to Town Code § 30.030(G)(5), the CC should include an explanation of why the Town Manager is recommending the action be taken.
- 6.6. The Town Manager and Town Clerk will provide the Town Attorney with all CAARFs and any CCs requiring legal review prior to the agenda being published and posted.
- 6.7. Study Sessions are ideal for case studies, pictorial demonstrations, and data-heavy regressive analyses. The CC for a Study Session items is the most comprehensive of any prepared by staff for Council, aside from master plans. Accordingly, much more detail should be provided, analysis should be thought fully through, and staff should have a range of answers and options available regarding who benefits, who pays, who performs, what, where, when, why, how, and how much. That said, these items are often presented to Council at an early stage, so the detail should focus on the differences between broad alternatives, not on fully developed sole solutions.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____



**TOWN OF DEWEY-HUMBOLDT
ADMINISTRATIVE REGULATION**

AR No 10-08

**Subject: *Town Council Agenda Process
Reference Guide***

**Effective Date: Sept. 12, 2010
Date distributed to Council:
Sept. 2, 2010.**

1. **Scope.** This policy applies to all Town Employees.
2. **Purpose.** The purpose of this reference guide is to establish standards and provide general guidelines for staff involved in preparing and transmitting Town Council Reports, Council Agenda Action Request forms, and other backup materials related to Town Council meetings. The information provided in this guide will help ensure the timely and accurate preparation of Town Council agendas and backup packets, and offers suggestions for ensuring complete information on current Town issues is available to Town staff, Town Council, and the citizens.

2.1. Guidelines are provided to assist staff with identifying the type of Council action they require, along with helpful hints on the content of requests to ensure the Town Council has all of the information they may require to act on an item. Timeliness, accuracy, and completeness of Town Council Minutes and Council Agenda Action Request forms will facilitate the timely preparation and delivery of council packets and agendas to Town Council members and staff.

2.2. The information contained on the following pages is provided for use by Town staff, as a quick reference for those experienced in requesting Council action, and as a useful training tool for incoming staff that may be new to this process.

3. **Overview of Council Process.**

- 3.1. **Council-Manager form of Government.**

3.1.1. The Town of Dewey-Humboldt municipal government operates under a Council-Manager form of government, as established by Town Code § 30.001. Under this form of government, the Council provides legislative direction, sets Town policy, and monitors its execution by Town Staff. The Town Manager serves as the Town's Chief Administrative Officer and is responsible for directing the day-to-day operations of the Town. Policy is set by the Town Council, whose members are elected by the people; and is carried out by the Town Manager, who is appointed by the Council. This separation of policy-making and policy-administration is considered the most economical and durable form of municipal government.

3.1.2. As such, staff is responsible to ensure that the Council has adequate information to make sound policy decisions, presented without passion or prejudice, fairly describing the strengths, weaknesses, opportunities, and threats associated with any proposed Council action. That said, staff is also responsible to recommend a course of action that most closely aligns with staff's professional judgment and Council's vision for the future of the community.

- 3.2. **Consent Agenda.**

3.2.1. The Consent Agenda is made up of items that are routine in nature. This agenda is placed weekly as a separate item on the Agenda for Special or Regular Meetings. The items on the Consent Agenda usually have unanimous Council support and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any Council member may remove an item from the Consent Agenda to be voted on separately. If a citizen desires separate consideration of an item, he or she should approach a Council member prior to the meeting and ask that the Council member request that the item be removed.

3.2.2. This is typically where minutes, routine IGAs, plats, and already-considered ordinances (i.e., “second reading” ordinances) go.

3.3. **Town Council Study Sessions.** Study Sessions (aka “Work Sessions”) of the Town Council are held on the second Tuesday of each month at 3:00 p.m. in the Council Chambers to allow for a detailed review of important matters. They may be held at a different time, day, or location for special purposes, in which case the meeting is a “Special Study Session.”

3.3.1. Study Sessions may be conducted jointly with another Town Board, Commission, Committee, or another governmental agency. Formal action is not taken at a Study Session unless the agenda indicates that action may be taken, in which case the Study Session is reclassified as a “Special Meeting.” All Study Session meetings are open to the public, and the public may speak.

3.3.2. Typically only 2 or 3 items are scheduled for these 2 hour meetings. At these Study Sessions, the Council discusses general issues. These meetings provide the Council with an opportunity to hear presentations by Staff on topics that may or will later come before the Council at the Regular Meetings. Although no ordinances or resolutions are adopted and no formal action is taken, the Study Session allows the Council to give general direction to Staff for future Town policies.

3.3.3. During the Study Session, the Council may also publicly request information from Staff, follow-up on issues of interest to the public, ask questions about an upcoming Regular Agenda, and hear reports from the Town Manager.

3.4. **Town Council Regular Meetings.** Regular meetings of the Town Council are held on the first and third Tuesday of each month at 6:30 p.m. in the Council Chambers. They may be held at a different time, day, or location for special purposes, in which case the meeting is a “Special Meeting.” All regular Council meetings are open to the public, and the public are invited to address Council on any item. Ordinances and Resolutions, the laws of the Town of Dewey-Humboldt, and all other official legislative actions are enacted or rejected at these meetings.

3.4.1. The meeting may appear to proceed quickly with important decisions reached after very little discussion. However, since Council members receive the agenda no later than the previous Friday, they have usually reviewed every item on the agenda prior to the meeting. If no additional facts are presented at the meeting, they often act on matters without further discussion.

3.4.2. The agenda for all Council Meetings is available to the public, Town Council, and Town Staff no later than the Friday prior to each Council meeting (unless a Council member adds an item later than regularly scheduled).

3.4.3. Any Council member may suggest an agenda item for the next regular Council meeting and the item shall be placed on the agenda, but with little or no staff analysis expected. Any person may request placement of a matter on the Council agenda by submitting a written request to a Council member, who may then place the item on the agenda with the written agreement of a sponsoring Council member. Ordinarily, this request will be routed through the Mayor, but a member may unilaterally place an item on the agenda as late as 24 hours before a meeting. Normally, no item will be placed by Council on Council’s agenda for discussion unless submitted ten days prior to the next regular Council meeting using the “Council Agenda Action Form,” in order to give staff time to prepare the Council Packet. In an emergency, additional items may also be “added-on” to the printed agenda up to 24 hours prior to the meeting. However, in order to allow the public and the Council sufficient time to review agenda items, it is preferred that Council Agenda Action Request Forms be properly planned and processed to ensure their timely placement on the printed agenda.

3.4.4. The meetings are audio/video recorded and a written synopsis of the meeting is prepared. The synopsis (minutes) constitutes the Official Record of Council and are reviewed by the Council and approved at a subsequent meeting. The Minutes are retained in the Town Clerk's office as a permanent Town record.

3.5. **Executive Sessions.** Executive Sessions are Council meetings not open to the public, and are very rare: state law allows only very few occasions on which an Executive Session is allowed. No legal action may occur in Executive Session. All written materials and verbal information regarding Executive Session items must remain confidential. Written reports and exhibits or materials furnished to members of the Council as part of an Executive Session must not be copied or saved and must be returned to Staff at the conclusion of the Executive Session. No member of the Council, employee of the Town, or anyone else present should disclose to any other person the intent or substance of any discussion that takes place in an Executive Session, unless authorized by the Council. Staff will be invited to Executive Sessions only when necessary to the discussion.

4. **Council Communication (CC).**

4.1. The Town Manager is responsible to discern and plan, in consultation with the Mayor and in accordance with the Town Code, which items are ready or need to be placed on the agenda and the timing for scheduling such items.

4.2. The Town Manager ordinarily prepares a memorandum of **Coming Agenda Items** every month after the last regular Council meeting of the month, which is distributed to staff. All Town staff agenda requests should be made as far in advance as possible. Staff should review the Coming Agenda Items memo and immediately advise the Manager if the memo is missing items or if the required Council Communication cannot be completed in time for the Agenda. If the Manager does not receive any contrary communication from staff within a couple hours, the Coming Agenda Items memo will be distributed to the Town Council. The agenda items will be listed in abbreviated form; however, in the Council Communication the agenda items must be complete and contain the specific matters to be discussed, considered, or decided at the meeting. The agenda item must specify if any action is planned or reasonably possible on a particular item (i.e., "discussion and possible action...").

4.3. Staff reports are to be in the form of a "Council Communication" (form attached hereto as **Exhibit A**). Town Council Communications (CCs) are used to provide written information to the Town Council. The report should be concise, void of technical or complex terms, and presented with subheadings (i.e., The Issue, Other Information, Alternatives, and Recommendation). These reports are created to provide Council (and the public) with adequate technical detail to make a policy determination, as a response to a Council inquiry, or are provided as information reports to be included in the weekly Town Council Packet.

4.4. Council Communications must be approved by the department director and the Town Manager prior to being forwarded to the Town Clerk. Department directors should ensure that all Council Communications, reviewed and approved by the director, are delivered for the Town Manager's review by no later than **8 days** before the meeting at which they will be considered (and longer if significantly complicated).

4.5. They should ordinarily be delivered to the Town Clerk, with all necessary approvals, by no later than **7 days** prior to the meeting at which they will be considered.

4.6. Complete staff work is critical to earning the public's confidence, and necessary for the Council to be fully informed. The CC should discuss who benefits, who pays, who performs, what, where, when,

why, how, and how much, critical steps to complete or follow-up actions expected, and total cost. In preparing analyses, ethics and cost are always relevant criteria.

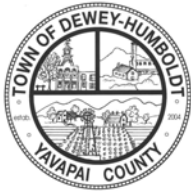
4.7. Additionally, all CCs should include an analysis of how the proposed action furthers the goals of the Council's Vision 2028. Whenever appropriate, frequent reference should be made to existing reports, plans, or policies (e.g., the Principles of Sound Financial Management, the General Plan, the Drainage Study, the General Plan's Implementation Program, the Capital Improvement Program, Town Code, etc.). Further, use of studies and standards from the professional organizations of which staff are members is encouraged.

4.8. Study Sessions are ideal for case studies, pictorial demonstrations, and data-heavy regressive analyses. The CC for a Study Session items is the most comprehensive of any prepared by staff for Council, aside from master plans. Accordingly, much more detail should be provided, analysis should be thought fully through, and staff should have a range of answers and options available regarding who benefits, who pays, who performs, what, where, when, why, how, and how much. That said, these items are often presented to Council at an early stage, so the detail should focus on the differences between broad alternatives, not on fully developed sole solutions.

TOWN MANAGER APPROVAL	Initial: _____
Notes: _____	

S:\Legal Counsel laws and regulations\Administrative Regulations\AR10-08 Town Council Agenda Process Ref Guide v 2 20100901.doc

Exhibit A



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

TOWN COUNCIL [REGULAR MEETING, SPECIAL MEETING, STUDY SESSION, OR SPECIAL STUDY SESSION]

[Date of Meeting] – [time of meeting] Town Council Meeting Chambers [or other location]

Agenda Item #[___].

To: Mayor and Town Council-members

By: [___], Town Manager

From: [___], [Department] Director

Date submitted: [date the CC was submitted to the Town Manager]

Agenda Item: [Short Agenda Title]. [More complete statement of action contemplated].

Recommended action: [recommendation].

Summary:

...

S:\Legal Counsel laws and regulations\Administrative Regulations\AR10-08 Town Council Agenda Process Ref Guide v 2 20100901.doc

Vision Criteria:

Active Citizenship – each Dewey-Humboldt citizen has the right and responsibility to participate in the governance of the Town.

Sustainable Development – the land regulated by the Town should be developed such that it remains at least as valuable in future generations as it is today, *ceteris paribus*, with no additional external resources.

Creating Community – Town activities should tend to create mutual respect and understanding between citizens; shared resources like air, the river, the mountains, and the feeling of openness should be preserved by governance, public investment, and celebration.

Self-Reliance – whenever civil, each person should earn the benefits and bear the burdens of his or her own actions.

Efficient Public Services – the few services of the Town should be delivered as efficiently and fairly as possible, with strong fiscal discipline.

Limited Public Services – the Town should only deliver those public services that cannot be efficiently provided by the private sector.

Durable Public Improvements – the Town should deliver public services with the understanding that the Town will live for as long as the State of Arizona exists.

Budget: [budget book reference, allocation, and estimated cost].

Attachments: [e.g., Proposed ordinance; maps, when relevant, are always welcome].

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 21, 2020**

Agenda Item: **10.E.**

Submitted by: Edward L. Hanks, Jr., Town Manager

Subject:

Discussion and possible action to adopt Ordinance No. 20-151, amending the Dewey-Humboldt Code of Ordinances, Title III, Administration, Chapter 30, Town Council and Officials, §§ 30.031, 30.100, and 30.105, relating to Council Meetings, the agenda committee, order of business and agenda preparation process.

Background:

At the January 7, 2020, Council Meeting, the Town Manager, under the authority of Town Code § 30.030(E)(G)(5), recommended that Council review and direct staff related to the agenda committee, based on information that was received from the Arizona Ombudsman's Office. At the meeting, Council directed staff to proceed with preparing an ordinance amending Code provisions. In reviewing the ordinance and making recommended changes, staff also identified a need to revise Administrative Regulation 10-08 so that certain portions of the agenda process are addressed in Town policy. The revised Administrative Regulation is item 10.D. on tonight's agenda.

The attached ordinance makes the following revisions to Town Code §§ 30.031 and 30.105:

- Removes the provision that the Mayor and Vice Mayor or designees coordinate the development of the agenda with the Town Manager;
- Adds a provision outlining how Council Meetings can be scheduled, to replace wording relating to the Agenda Committee;
- Updates detailed code provisions to reflect that Council-approved policy dictates the agenda preparation process;
- Changes references to the Agenda Committee placing items on the agenda to the Town Manager or Town Clerk;
- Codifies current practice by moving Announcements Regarding Town Current Events; Guests, Appointments; and Proclamations to earlier in the order of business;
- Removes a repetitive provision that was left in the code by a codification error.

Financial Impact:

Standard costs associated with ordinance adoption include:

- Printing costs to post the ordinance (minimal);
- Publication costs to publish the ordinance as required by state law; and,
- Costs for the third-party codifier to codify the changes into the Town Code.

Direction Requested:

Staff is seeking Council adoption of Ordinance No. 20-151.

Suggested Motion:

For: I move to adopt Ordinance No. 20-151, relating to the agenda committee, order of business and agenda preparation process.

Against: I move to deny Ordinance No. 20-151, relating to the agenda committee, order of business and agenda preparation process.

Attachments: Ordinance No. 20-151.

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

ORDINANCE NO. 20-151

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.031, § 30.100, AND § 30.105, ALL RELATED TO COUNCIL MEETINGS, THE AGENDA COMMITTEE, ORDER OF BUSINESS AND AGENDA PREPARATION PROCESS.

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

SECTION I

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.031 is hereby amended to read as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.

(A) Preamble. Pursuant to Arizona Revised Statutes, in addition to being a member of the Town Council, the Mayor is the town's Chief Executive Officer. All authority in town government ultimately resides with the Town Council of which the mayor comprises one-seventh of its membership. Except as set forth in the Arizona Constitution and the Arizona Revised Statutes, the Mayor has no duties, responsibility or authority not delegated by the Council. This section sets forth the duties, responsibilities and authority delegated by the Common Council to the Mayor.

(B) The Mayor shall perform such duties as prescribed by town ordinance, as imposed by the Town Council, or as required by the constitution and laws of the State of Arizona, including the following:

(1) The Mayor is the official head of the town for all ceremonial purposes.

(2) The Mayor does not possess any power of veto.

(3) The Mayor (and any other member of Council) shall not use town letterhead for any correspondence without the express approval of a majority of the Town Council and unless it reflects the view of the majority of the Council as expressed by either vote or consensus.

(4) The Mayor shall not act as a ~~representative~~ REPRESENTATIVE of the town before any other town, city, county, state, or federal government or agency without the express approval of a majority of the Town Council. If Council has previously appointed a Councilmember to act as

the town's representative to such a body or meeting, the Mayor may attend as an observer and shall not participate in the meeting unless acting as an alternate representative of the town.

(5) ~~The Mayor and Vice Mayor, or their designee(s), shall coordinate with the Town Manager to develop agendas for meetings of the Town Council.~~ RESERVED

(6) The Mayor shall act as the Chairman of the Council and preside over its meetings in accordance with Robert's Rules of Order and with the Council procedures set forth in §§ 30.107 and 30.109 of this code.

(7) As a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers, including the ability to make, second, and vote on motions made by the Council.

(8) The Mayor may make inquiries to town staff but shall not interfere with the Town Manager's authority, either by giving orders or explicit directions, suggestions, or requests, publicly or privately, regarding town matters to any subordinates of the Town Manager whether it be financial, budgetary, human resources, or operational in manner. The Mayor shall not attempt to exert influence on the Town Manager on issues relating to the hiring or removal of persons employed by the town or on issues yet to be decided on by the Council.

(9) The Mayor shall sign any ordinance, resolution, contract, warrant, demand or other document or instrument requiring the Mayor's signature within five business days from the date the Council took action requiring the Mayor's signature or from notification by the Town Manager that such document requires the Mayor's signature. If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument authorized to be signed and requiring his signature, then the Vice-Mayor shall sign such ordinance, resolution, contract, warrant, demand or other document or instrument and when so signed such document shall have the same force and effect as if signed by the Mayor. If the Vice Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or other document or instrument within five days from notification by the Town Manager that such document requires his signature, then any member of the Council may sign such document and when so signed such document shall have the same force and effect as if signed by the Mayor.

(10) The Mayor may, by proclamation, declare a local emergency to exist due to any natural or man-made calamity or disaster. The Mayor may also declare such an emergency in the event of a threat of occurrence of riot or other acts of civil disobedience which endanger life or property within the town. After declaration of any such emergency, the Mayor shall govern by proclamation and impose any and all necessary regulations to preserve the peace and order of the town, including but not limited to:

- (a) Imposition of a curfew for all or any portion of the town;
- (b) Ordering the closing of any business;

(c) Closing to the public access to any public building, street or other public place; or

(d) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the town for assistance in providing for the safety of the town, its citizens and property.

(11) As the Mayor may deem appropriate, and upon request by an organization or individual, the Mayor may prepare proclamations that identify particular days or events to be of special interest to the town and its citizens.

(12) The Mayor shall prepare and submit to the Council an annual update on the external memberships and committees that the Mayor participates in or serves on in his or her official capacity. The update shall include the entity's mission and purpose, associated costs, the role of the Mayor, and the town's position/policy for each of the external memberships or committees. The report shall be submitted at the first regular Council Meeting in December. Exception: if any member of Council requests a report on an activity or meeting that the Mayor has attended prior to the annual report date that member may request such report by action of Council action agenda request form. Upon majority affirmative vote of the Council, the Mayor shall provide said report, including direct effects and justification for the use of town funds, at a Council meeting within 30 days of the request.

(13) The Mayor may perform such other duties consistent with the Mayoral duties set forth herein and as required by town ordinance or resolution, action of council, or Arizona State Law.

(C) Action in excess of delegation. If a majority of the Town Council possesses a reasonable belief that the Mayor has acted in excess of the Town Council's delegation of duties, responsibilities, or authority, the Town Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation of this section. If the Town Prosecutor brings such a charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has exceeded his or her delegated authority, the Magistrate shall impose a fine within the guidelines of his or her authority and the general penalties set forth in § 10.99.

(D) Failure to perform. If a majority of the Town Council possesses a reasonable belief that the Mayor has failed to perform any duty or responsibility imposed on him or her by this section, any other ordinance, statute, or law, the Town Council shall direct the Town Prosecutor to consider charging the Mayor with a civil violation under this section or a criminal charge of nonfeasance in public office as defined by Arizona Revised Statutes, or the Town Prosecutor may, of his or her own volition, charge the Mayor with a civil violation under this section or a criminal charge of nonfeasance in public office as defined by Arizona Revised Statutes. If the Town Prosecutor brings a civil charge and if the Town Magistrate determines by a preponderance of evidence that the Mayor has failed to perform as required by this section, the Magistrate shall impose a fine within the guidelines of his or her authority and general penalties set forth in the town code. If the Town Prosecutor brings a criminal charge of nonfeasance in public office and the Town Magistrate finds the Mayor guilty, the Mayor shall be subject to the

maximum criminal penalty available for such a violation. If the Town Prosecutor brings both a civil and a criminal charge and the Mayor is found responsible for the civil charge and guilty of the criminal charge, the Mayor shall be subject to both the criminal penalties and the civil fine, but if fines are imposed for the criminal offense, they shall offset any fines imposed for the civil offense.

(E) Appointment of Vice Mayor; term. Absent a vote of no-confidence, at the second regular Council Meeting in December each year, the Town Council shall appoint the most senior Councilmember who has not already been the Vice Mayor and has served on Council for at least one year to the Vice Mayor position for a one-year term or until a new Vice Mayor is appointed. If no Councilmember meets the above criteria or the person to be appointed declines the appointment, the most senior Councilmember shall be appointed to serve as Vice Mayor for a one-year term.

(F) Duties of Vice Mayor. The Vice Mayor shall perform the duties of the Mayor in the Mayor's absence and shall perform such other duties as may be, from time to time, delegated by the Town Council.

SECTION II

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.100 is hereby amended to read as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 30.100 COUNCIL MEETINGS GENERALLY.

(A) All meetings of the Town Council are governed by state Open Meetings Law (the "Act"). The Act applies to the Town Council, and all subordinate boards, commissions, and Citizen Committees of the town. If any member of a town legislative body, or town staff, believe that action has been taken on an item in contravention of the Act, that person is privileged to place the item on a future agenda for reconsideration or other action.

(B) UPON RECOMMENDATION OF THE TOWN MANAGER, A MAJORITY OF THE COUNCILMEMBERS PRESENT MAY VOTE AT A REGULAR MEETING TO CANCEL OR RESCHEDULE ANY FUTURE COUNCIL MEETING. IN THE EVENT A MEETING IS CANCELLED, THE TOWN CLERK SHALL POST NOTICE OF THE CANCELLATION.

SECTION III

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30.105 is hereby amended as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 30.105 COUNCIL AGENDA.

(A) The Manager and Clerk are responsible for receiving and organizing all materials for the Council agenda, ~~in collaboration with the Mayor and Vice Mayor~~ AS OUTLINED IN

COUNCIL-APPROVED POLICY. ~~The Mayor, Vice Mayor, Town Manager and Town Clerk shall constitute the agenda committee. Notice of agenda committee meetings shall be provided to other members of the Council. No more than three Councilmembers may attend agenda committee meetings and attendees shall be determined based on the order of requests made, not to exceed three. The Mayor or Town Manager should be contacted if an individual councilmember wishes to modify the agenda. Upon recommendation of the agenda committee, the Mayor may cancel or reschedule a study session or regular council meeting.~~

(B) (1) Any resident of the town may request that an item be placed on a Council agenda by presenting the item at a Council meeting under the topic of “public comment on non-agendized items”, or by requesting that a Councilmember submit a “Council Agenda Action Request Form.”

(2) Any member of the Town Council may request an item be placed on a future Council agenda. A request to modify or remove an agenda item may be made by the Councilmember who requested the item be placed on the agenda, in which case it shall be modified or removed without further action. The Mayor or any other Councilmember may request an item that was submitted by another Councilmember be modified or removed, in which case it may only be modified or removed with the concurrence of the Councilmember who requested it be put on the agenda.

(C) Agenda item requests shall be submitted using a “Council Agenda Action Request Form” AS OUTLINED IN COUNCIL-APPROVED POLICY. ~~The agenda committee~~ TOWN MANAGER OR TOWN CLERK shall place the item on the next appropriate agenda. An emergency agenda request may be submitted after the deadline pursuant to § 30.031(B)(10).

(D) Order of agenda.

(1) Regular Council Meeting Agendas shall begin with the following items:

- (a) Call to order;
- (b) Roll call;
- (c) Pledge of Allegiance;
- (d) Invocation;

(e) ANNOUNCEMENTS REGARDING TOWN CURRENT EVENTS; GUESTS; APPOINTMENTS; AND PROCLAMATIONS

(2) The following agenda items shall be appropriately placed on ~~the agenda~~ REGULAR COUNCIL MEETING AGENDAS, based on content, by the ~~agenda committee~~ TOWN MANAGER OR TOWN CLERK.

- ~~(ea)~~ Public comment on non-agendized items;
- ~~(fb)~~ Public hearing;
- ~~(gc)~~ Consent agenda;
- ~~(hd)~~ Reports; Town Manager’s report;
- ~~(ie)~~ General business;
- ~~(j)~~ Announcements, proclamations;

- (kf) Consideration of additional Special Session(s); and
- (lg) Adjournment.

(23) When Council holds a Study Session or Special Council meeting, the following agenda items shall be appropriately placed on the agenda by the ~~agenda committee~~ TOWN MANAGER OR TOWN CLERK based on content:

- (a) Call to order;
- (b) Roll call;
- (c) Discussion only items;
- (d) Action items (Special Meetings only); and
- (e) Adjournment.

(E) Modifications to the agenda.

(1) The presiding officer or any Councilmember may request a change in the order of the agenda items which, if approved by a majority of the Council, shall be granted.

(2) An agenda item may be continued to a date certain or postponed indefinitely by motion and approval by a majority of the members present who have not declared a conflict of interest.

~~(F) Modifications to the agenda:~~

~~(1) The presiding officer or any Councilmember may request a change of order of the agenda which, if approved by a majority of the Council, shall be granted.~~

~~(2) An agenda item may be continued to a date certain or postponed indefinitely by motion and approval by a majority of the members present who have not declared a conflict of interest.~~

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 21st day of January, 2020, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 21st day of January, 2020.

ATTEST:

Terry Nolan, Mayor
APPROVED AS TO FORM:

Timothy A. Mattix, Town Clerk

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-151 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE 21st DAY OF JANUARY, 2020, WAS POSTED IN THREE PLACES ON THE _ DAY OF _____, 2020.

Timothy A. Mattix, Town Clerk