

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

Tuesday, December 15, 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 public meeting (see notes about public participation below) on **Tuesday, December 15, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. Members of the Town Council will attend by audio/video conference call.

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY

Due to the federal government's declaration of a COVID-19 pandemic and the resulting Executive Orders from Arizona Governor Ducey to limit events of people in personal contact and Mayor Nolan's declaration of an emergency based on the COVID-19 pandemic, the following accommodations are provided for public participation at the Council Meeting:

- Viewing live streaming audio only on the Town's website, at:
<http://az-deweyhumboldt.civicplus.com/2164/Town-Meeting-Documents-and-Videos>
- Viewing and potentially participating in the meeting via Join Zoom Meeting:
 - Computer: <https://zoom.us/j/83474555801>
 - Telephone: (301) 715-8592
 - Meeting ID: 834 7455 5801
- Submitting comments via email to the Interim Town Clerk at BethEvans@dhaz.gov. Comments should be submitted no later than 3:30 p.m. on the day of the meeting. Please identify the agenda item and your first and last name.

DEWEY-HUMBOLDT TOWN COUNCIL REGULAR MEETING AGENDA - AMENDED

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 Barry Thomas, Glen Blomgren, Lynn Collins, Karen Brooks; Mark McBrady, Vice Mayor Amy Lance and Mayor John Hughes.

3. Pledge of Allegiance

4. Moment of Silence

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.

A. Council announcements about outside meetings and committees

B. Interview and possible re-appointment of applicant (Jeff Siereveld) to 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.

7. Public Hearing Agenda Discussion and legal action may be taken.

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A. Conduct Public Hearing and consider adoption of Ordinance 20-155 to amend the text of the Town of Dewey-Humboldt Zoning Ordinance to amend the uses permitted in Section § 153.043, C2 (Commercial, General Sales and Services) District to add “Recreational Vehicle Parks” to the list. (Staff CC) (Material amended)

Staff Report

Open Public Hearing and Receive Public Comments

Close Public Hearing

Council Discussion and Possible Action

9 B. Conduct Public Hearing and consider adoption of Ordinance 20-156 to amend the zoning map of the Town of Dewey-Humboldt to change the zoning designation of Assessor’s Parcel (APN) 402-08-059H located at 12864 E. Kloss Avenue, from R1-10 (Residential; Single-Family) to C2 (Commercial, General Sales and Services) (Staff CC) (Material added and amended)

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.

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 progress in coordinating the December 22, 2020 Special Meeting addressing Proposition 207, which allows limited marijuana possession, use and cultivation by adults 21 or older

B. Town Manager’s Report on Town Clerk and Interim Town Clerk position

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

- A. Discussion and possible action to amend the Town’s contract with Municipal Solutions, LLC to resolve possible confusion about Interim Town Manager Jim Thomas’s payment for work between 11/30/20 and 12/4/20 and other miscellaneous items as set forth in Municipal Solutions, LLC’s proposal (the “Proposal”) which is attached to this memo. (Attorney CC)**
 - B. Discussion and possible action on giving Non-Exempt Staff (Part-time and Full-time) two additional paid days off for December; 12/24/2020 and 12/31/2020. (Staff CC)**
 - C. Review of the 2021 Meeting Dates and Holidays**
 - D. Discussion and possible action regarding whether the CAARF process has changed (CAARF CM Brooks)**
 - E. Discussion and possible action on removal of the 2009 General Plan revision and any associated procedures from “Controversial Issues” that have been suspended from consideration (Attorney CC)**
 - F. Discussion and possible action regarding the open application process to replace vacancies on the General Plan Steering Committee (CAARF CM Brooks)**
 - G. Discussion and possible action regarding when the advanced planning for the General Plan Steering Committee’s timetable for meeting (CAARF CM Brooks)**
 - H. Discussion and possible action regarding what will be the tentative content of the agendas of the General Plan Steering Committee (CAARF CM Brooks)**
 - I. Discussion and possible action regarding amending Resolution 20-140 which adopted the General Plan Citizen Participation to add multi-media option, including printed media, to accommodate people who have trouble with computers (CAARF CM Collins)**
 - J. Council Regional Organization Appointments pursuant to Public Body Policy PG No. TC20-01, Regional Organization Appointments:**
 - Central Yavapai Metropolitan Planning Association (CYMPO)
 - Northern Arizona Council of Governments (NACOG)
 - Yavapai Regional Medical Center – Board of Electors
 - Greater Arizona Mayors’ Association (GAMA)
 - Yavapai County Local Emergency Planning Committee
 - Central Arizona Fire and Medica Authority (CAFMA)
- 11. Appointment of the Vice Mayor for a one-year term, pursuant to the Dewey-Humboldt Code of Ordinances § 30.031(E)**
- 12. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date
- 13. 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, January 5, 2021 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, January 7, 2021, at 6:00 p.m.

Next Town Council Study Session: Tuesday, January 12, 2021, 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 Beth Evans, Interim Town Clerk.

ORDINANCE NO. 20-155

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 § 153.043, TO ADD RECREATIONAL VEHICLE PARKS AS A PERMITTED USE IN THE TOWN'S C2 COMMERCIAL, GENERAL SALES AND SERVICES DISTRICT

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, is hereby amended by adding Subsection 153.043(B)(20) as follows (additions in underlined ALL CAPS; deletions in strikeout):

§ 153.043 C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES).

Permitted uses for the C2 District (Commercial; General Sales and Services) are as follows in this section.

(A) (1) Storage of materials and supplies, displays (other than signs), and other nonresidential uses are restricted to buildings closed on sides facing lot perimeter (i.e., no service entries/bays facing street or readily visible from adjacent residential) (except as may otherwise be permitted).

(2) Where no density district has been combined, then the provisions of Density District 1 shall prevail for dwelling units, hotels and motels (see § 153.069, most common ones shown in chart below).

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district, except accessory dwelling units; and providing further that, unless specifically provided to the contrary, the following are waived:

(a) Requirements for use permits/administrative reviews (except for lots contiguous to residential districts);

(b) Area limitations for uses and buildings; and

(c) Limitations on hours of operation.

(2) Sales (retail and wholesale) and rentals;

(3) Commercial parking facilities;

(4) Bars, tap rooms and nightclubs;

(5) Theaters, auditoriums, banquet and dance halls;

(6) Dancing, art, music, business and trade schools (including permission for public recitals, concerts and dances);

- (7) Commercial bath and massage;
 - (8) Frozen food lockers;
 - (9) Custom craft and service shops, limited to 5,000 square feet of shop floor area. Cleaning and dyeing limited to closed unit machines with self-contained transmission and using solvents, shampoos, detergents and other agents of chlorinated solvent type and having a rating of five or under by Underwriters Laboratories, Inc.;
 - (10) Bowling alleys and poolrooms;
 - (11) Water distillation and bottling for retail sales only, limited to 5,000 square feet of shop floor area;
 - (12) Mortuaries (loading, unloading and automobile stacking for processions confined to mortuary premises);
 - (13) Vending for on or off-site consumption of foods, confections, nonintoxicating drinks (and other refreshments) through openings in buildings (no such vending allowed within 300 feet of a public or parochial grade or high school);
 - (14) General repair of automobiles, light trucks, recreational vehicles, cycles and small stationary or portable machinery entirely within enclosed buildings or attached enclosures of solid material at least six feet in height: subject to performance criteria set out in § 153.092;
 - (15) General sales of new and used automobiles, light trucks, recreational vehicles, travel trailers, mobile homes, boats, boat trailers, utility trailers, motorcycles, ATVs (all terrain vehicles), bicycles and small stationary or portable machinery within enclosed buildings. Outside display of such vehicles or similar merchandise shall be permitted subject to performance criteria set out in § 153.085;
 - (16) Veterinary clinics and hospitals for the diagnosis and treatment of household pets and other small animals under 100 pounds, entirely within an enclosed building not exceeding 3,000 square feet. Boarding of animals incidental to their diagnosis or treatment shall be permitted, provided that:
 - (a) The boarding area is entirely within the same building as the clinic or hospital and does not exceed 50% of the total floor area; and
 - (b) The boarding area is either completely soundproofed or is no closer than 300 feet to any contiguous parcel of property. No on-site incineration shall be permitted.
 - (17) Pet shops within enclosed buildings not exceeding 1,500 square feet for the display and sale of household pets and other small animals, under 100 pounds, provided that:
 - (a) The pet shop is either completely soundproofed or is no closer than 300 feet to any contiguous parcel of residential property zoned or used for residential purposes; and
 - (b) No on-site incineration shall be permitted.
 - (18) Signs: see §§ 153.125 through 153.130; and
 - (19) Self-service storage facilities: see § 153.089.
- (C) (1) Yard requirements: same as for C1 District;
- (2) Building heights: in accordance with § 153.069; and
 - (3) Building density: in accordance with § 153.069.

(20) RECREATIONAL VEHICLE PARKS.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15th day of December, 2020, by the following vote:

AYES: _____ NAYS: _____ ABSENT: _____ EXCUSED: _____

ABSTAINED: _____

APPROVED this 15th day of December, 2020.

ATTEST:

Beth Evans, Interim Town Clerk

John Hughes, Mayor
APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, BETH EVANS, INTERIM TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-155 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE _____ DAY OF _____, 2020, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2020.

Beth Evans, Interim Town Clerk



COUNCIL COMMUNICATION

Regular Council Meeting Date: **December 15, 2020**

Agenda Item: **7.B.**

Submitted by: Jim Thomas, Interim Town Manager

Subject: Public Hearing

7.B. Conduct Public Hearing and consider a proposal ZMC 20-001 to amend the zoning map of the Town of Dewey-Humboldt to change the zoning designation of Assessor's Parcel (APN) 402-08-059H located at 12864 E. Kloss Avenue, from R1-10 (Residential; Single-Family) to C2 (Commercial, General Sales and Services).

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

I. BACKGROUND

Muffy Kutsick is the owner of Wagon Wheel RV Park located at 12850, 12960 and 12870 E. Kloss Ave. (APNs 402-08-006, 007 and 008) desires to expand this pre-existing non-conforming use onto 12864 E. Kloss (APN 402-08-059H) that borders the existing park on the north.

There are currently no zoning districts in the Town of Dewey-Humboldt Zoning Code wherein RV Parks are permitted uses, and this park's existence is considered by staff to represent a pre-existing nonconforming use as it appears it has been present on this property since at least 1992, based on historical aerial photos. County Assessor's records of improvements on these parcels for mobile home park date back to 1975.

As an RV Park would be a commercial use, the applicant opted to request a change to the zoning map for the above listed parcels from their current zoning designation of R1-10 to C2.

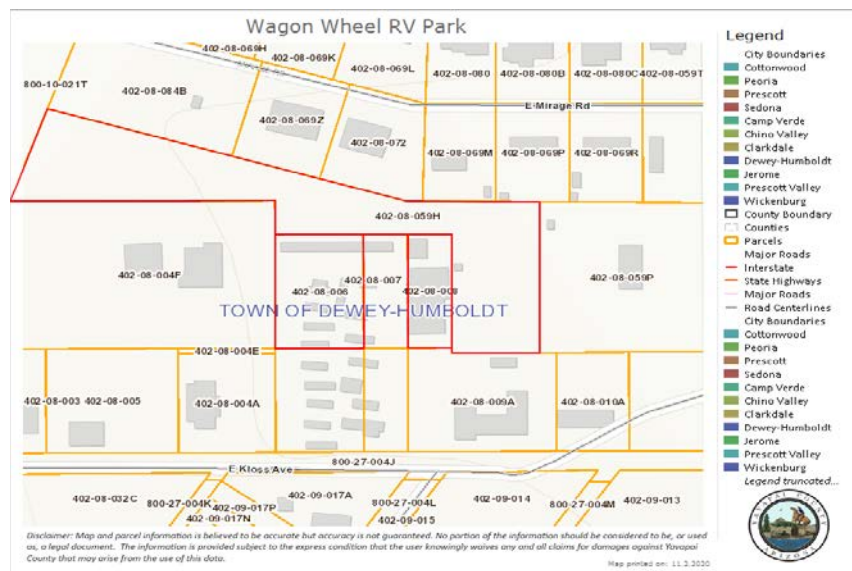
- Parcel 402-08-059H was proposed to be changed from the R1-10 Zoning district to the C2 district. The R1-10 zoning district is the most-dense zoning district that exists in the Town of Dewey-Humboldt, requiring 10,000 sq. ft. minimum.
- This parcel benefits from frontage on State Route 69 and is located approximately 80 feet from existing C2 zoned property (Billy Jack's Tavern).
- The General Plan lists this property in the Medium Density Residential Land Use District, and the property is directly adjacent to Commercial and Community Core Land Use districts. This would indicate that the Town anticipated the potential for the progression of commercial uses in the surrounding vicinity.
- The suggestion has been made that perhaps C1 would be a more appropriate zoning district for this property as it would serve as more of a buffer between residential and commercial. But C1 is intended as Neighborhood Sales and Service and would be more appropriate located deeper into the R1-10 area to serve the surrounding neighborhood.
- The R1-10 already serves as the buffer between it and the R1-35 and thence the R1-70 zoning districts in a natural progression. Additionally, the wash that follows the northern property line of 402-08-059H already serves as a natural buffer for R1-10 properties to the north, and cannot be built on, as has been pointed out during the P&Z Public Hearing by adjacent property owners.

- During the review by the Planning and Zoning Advisory Commission the following issues were raised:

Septic: The property owner has already obtained approval from Yavapai County Health for the septic system to serve the project, and she will be emailing me a copy of the approval to include in the packet.

Floodplain: I have already verified through a call to Yavapai County Flood Control that there is no FEMA regulated floodplain associated with the wash that runs along the north boundary of the parcel proposed for the Wagon Wheel expansion. Absent a FEMA designated floodplain Flood Control would not impose any setback to the wash.

Parcels



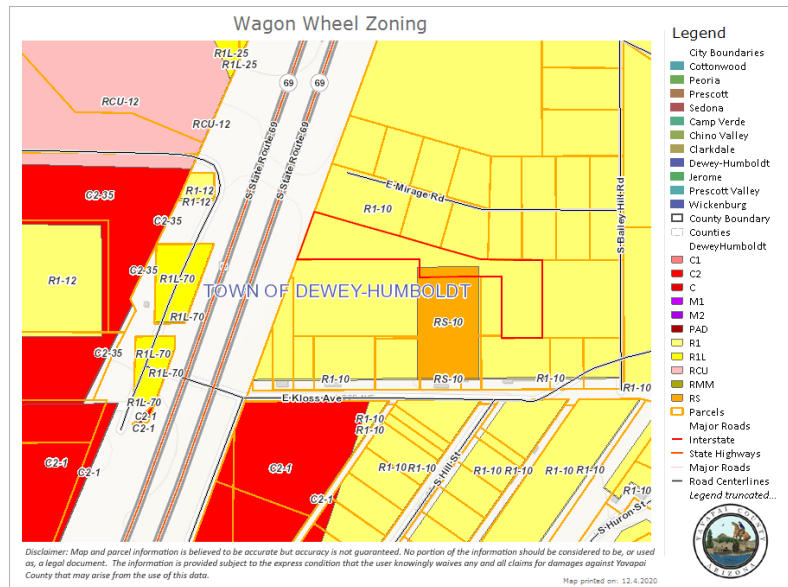
Aerial Circa 1992





COUNCIL COMMUNICATION

Regular Council Meeting Date: **December 15, 2020**
Agenda Item: **7.B.**



Financial Impact: No direct financial impact expected, but the prospect is for additional tax revenue.

P&Z Recommendation:

On December 3, 2020, the Planning and Zoning Advisory Commission (P&Z) with 4 members present voted 3-1 to recommend that the Council approve ZMC 20-001, amending the Town of Dewey-Humboldt Zoning Map to change the designation of Parcel 402-08-059H from R1-10 (Residential Single-Family to C2 (Commercial, General Sales and Services) District.

Staff Recommendation:

Staff recommends to Council that the facts and comments, as presented by staff, the applicant and members of the public having been considered, that Council accept and support the recommendation of the P&Z and vote to approve the amending of the Town of Dewey-Humboldt Zoning Map to change the designation of Parcel 402-08-059H from R1-10 (Residential Single-Family to C2 (Commercial, General Sales and Services) District.

Suggested Motions for 7.B.:

Approving: Move to approve Ordinance 20-156 amending of the Town of Dewey-Humboldt Zoning Map to change the designation of the real property described within Yavapai County Assessor Parcel 402-08-059H from R1-10 (Residential Single-Family to C2 (Commercial, General Sales and Services) District.

ORDINANCE NO. 20-156

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 ZONING MAP, TO CHANGE THE DESIGNATION OF THE REAL PROPERTY DESCRIBED WITHIN YAVAPAI COUNTY ASSESSOR PARCEL 402-08-059H FROM R1-10 (RESIDENTIAL SINGLE FAMILY) TO C2 (COMMERCIAL, GENERAL SALES AND SERVICES) DISTRICT

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, amending the Town of Dewey Humboldt zoning map to change the designation of the real property described within Yavapai County Assessor Parcel 402-08-059H from R1-10 (Residential Single Family) to C2 (Commercial, General Sales and Services) District

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15th day of December, 2020, by the following vote:

AYES: _____ NAYS: _____ ABSENT: _____ EXCUSED: _____

ABSTAINED: _____

APPROVED this 15th day of December, 2020.

ATTEST:

Beth Evans, Interim Town Clerk

John Hughes, Mayor
APPROVED AS TO FORM:

Bigelow Law Offices, PLC
Town Attorney
By: Kay Bigelow

I, BETH EVANS, INTERIM TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 20-156 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE _____ DAY OF _____, 2020, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2020.

Beth Evans, Interim Town Clerk