

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

Tuesday, February 17, 2015, 6:30 P.M.

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

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council 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 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. The Council meeting may be 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. Opening Ceremonies.

2.1. Pledge of Allegiance.

2.2. Invocation.

3. Roll Call. Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan.

4. Announcements Regarding Current Events, Guests, Appointments, and Proclamations.

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

5. Town Manager's Report. Update on Current Events.

5.1. Community Development Block Grant program update and time frame.

6. Consent Agenda.

6.1. Minutes. Minutes from the November 14, 2014 Special Study Session, November 18, 2014 Regular Council Meeting, December 2, 2014 Regular Council Meeting, December 9, 2014 Work Session, December 16, 2014 Regular Meeting and January 6, 2015 Regular Meeting.

7. Comments from the Public (on non-agendized items only). 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. At the conclusion of Comments from the Public, Council members 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, Council members are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. A **3** minute per speaker limit may be imposed. The audience is asked to

please be courteous and silent while others are speaking.

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8. Public Hearing Agenda.

8.1. CDBG Resolution 15-115 Authorizing the Submission of an Application for FY15 CDBG Funds and Resolution 15-116 Adopting a Residential Anti-displacement and Relocation Assistance Plan for FY15.

9. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

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9.1. Discussion in Executive Session and action on changing the Town Manager’s contract to a date certain, preferably for two years. [CM Wright’s CAARF continued from January 6, 2015 meeting]

9.1.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

9.1.2. Reconvene Regular Meeting.

10. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

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10.1. Discussion and possible change of date when deciding if another work session is needed in the month. [CAARF requested by VM Hamilton]

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10.2. Town Council Members’ Bios (for the Town website). [CAARF requested by Mayor Nolan]

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10.3. Newtown Ave. Trailhead Project (located within Prescott National Forest land boundary) update and possible actions to proceed with next steps, including signing letters of support and direction to Town’s Open Space and Trails Committee (OSAT) and staff.

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10.4. Discussion and possible action or direction related to the Lease Agreement for the Town Hall and Yavapai County Sheriff’s Substation at Humboldt Station. The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on this item.

10.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the lease Agreement for the Town Hall and YCSO Substation located at 2735 S. Highway 69, Dewey-Humboldt, Arizona.

10.4.2. Reconvene Regular Meeting.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. Comments from the Public. 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. At the conclusion of Comments from the Public, Council members 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, Council members are forbidden by law from discussing or taking legal action on matters raised during the

Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Public Comment is **3** minutes per person. The audience is asked to please be courteous and silent while others are speaking.

12. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, March 3, 2015, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, March 5, 2015, at 6:00 p.m.

Next Town Council Work Session: Tuesday, March 10, 2015, at 2:00 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 Judy Morgan, Town Clerk.

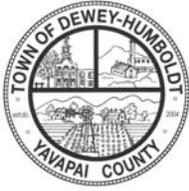
Certification of Posting

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 _____, 2015, at ____ 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.

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

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL REGULAR SESSION

February 17, 2015 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 5.1. Town Manager Report – Community Development Block Grant (CDBG) timeline

To: Mayor and Town Council Members

From: Deni Thompson, Town Accountant

Date submitted: February 12, 2015

Summary: Staff wishes to provide Council and the public a general time frame for the current CDBG project. Please note that future timelines are tentative in nature.

For CDBG 2015, the Town of Dewey-Humboldt is eligible for \$266,693 (entitlement dollars).

- The 2015 CDBG Application Process form was faxed to Northern Arizona Council of Governments (NACOG) grant administrator on 10/3/2014.
- The 1st required Public Hearing was on November 18, 2014 notifying the public that the Town intends to apply for funding and to gather citizen input on the use of the CDBG funds. The town offered four (4) potential projects. Jerry Brady recommended a Trailhead project and was given an application.
- The 2nd required Public hearing was on December 24, 2014 notifying the public and Council members of the four (4) potential projects and projected budget costs. The Council had a discussion and prioritized them at this meeting as follows: Blue Hills drainage, S. Huron sidewalk extension, S. Kachina Place and Housing rehabilitation.
- The 3rd public hearing is scheduled for February 17, 2015. The prepared resolutions were edited to reflect the priority order of the Town Council. They are scheduled to be signed immediately after this meeting.
- At the request of the NACOG grant administrator, staff created and sent a “Letter of Intent” addressed to Arizona Department of Housing dated January 30th.
- The Town received documents related to the income survey process including: letter to resident; letter to Toni Pattison, Arizona Department of Housing and a “Questionnaire” form. Staff has prepared an article for the March Newsletter that comes out around March 2nd. The above “letter to resident and questionnaire” documents will go out on March 2, 2015. The survey process is expected to be completed by March 30, 2015 and is to be completed by NACOG. Staff has completed listings of every parcel from the Parcel Viewer to assist the income survey effort by NACOG.
- The survey process will take place during the month of March. Responses will be checked off the master control sheet of addresses. Depending upon the outcome of the surveys, the project will be further defined.

- If the survey indicates eligibility, we will proceed with the environmental review, a new stipulation since the last round. The NACOG grant administrator will be preparing the application for Council authorization.
- Around September 2015, upon the completion of the environmental review, a conditional award letter will go out and planning and design may commence.
- Around January 2016, the contract will be sent.
- Around January 2016 to June 2017, the town will proceed with design and construction of the projects.
- Around July 2017, the project expects to be closed. NACOG grant administrator and staff will close-out the grant.

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
FRIDAY, NOVEMBER 14, 2014, 6:30 P.M.**

A SPECIAL STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON FRIDAY, NOVEMBER 14, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:01 p.m.

2. **Roll Call.**

2.1. Town Council. Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present. Councilmember Sonya Williams-Rowe was absent.

3. **Study Agenda.** No legal action to be taken.

None.

4. **Special Session.** Legal Action can be taken.

4.1. Code Enforcement Process Staff Review and Council Direction in regards to Code Enforcement Operation. (Continued from October 14, 2014 Council meeting)

Town Manager Kimball gave an overview on what the existing town code allows (code violations can be penalized as criminal cases). The current code enforcement (CE) operation procedure does not have any “teeth” for those difficult cases.

Magistrate Judge Kelley was also present to speak on a proposed hybrid CE procedure. This procedure would allow for certain severe cases to go to the prosecutor for determination whether to pursue or dismiss the case.

Town Attorney Susan Goodwin spoke on fixing existing code regarding “filing liens” against a property.

Public comment was taken on this item.

Jerry Brady spoke on the Town’s enactment of the P&Z codes and signature authority.

Karen Brooks spoke against adding the civil/criminal part and shortening the timeline. She recommend they err on the side of caution.

Cheryl Taylor spoke against shortening the CE timeline and on her concerns about the possibility of abuse of the complaint process.

Ulys Brooks spoke on the violation fines. Judge Kelley responded this proposed process is for those persons who will not pay their fines and explained the Town’s inability to lien a property for non-payment of fines.

Jerry Piper spoke on the complaint process and recommended modifying existing code to not allow anonymous complaints or third parties submitting complaints for someone else.

Jerry Brady spoke on the County liening properties for non-payment of fines.

There were discussions on what current code allows for enforcement; what could be codified (liens for abatement); where the procedure is defined.

Public comment was taken on this item.

Jerry Brady spoke on the Uniform Safety and federal codes.

Patrick McGill spoke in support of keeping the current timeframe and process prior to sending it out as a criminal case.

Karen Brooks spoke on keeping the 115 day process and adding the 45 day process, keeping it under 6 months; complaints against her property that came in after the community meetings on animal codes; suppression of the constituents' freedom of speech.

Vickie Wendt spoke on the community meeting and getting complaints against her; changing the complaint process restricting who can file complaints (complainant must be directly affected by the property).

Debbie Pomeroy spoke about attention paid to her property since attending the community meetings, and fixing the current complaint process.

Councilmember Hamilton (responding to a comment made by Jerry Brady) asked the Town Attorney Susan Goodwin about whether the town needed to do something additional (filing additional paperwork) in order to enforce the Planning and Zoning Code. Ms. Goodwin responded it was not true.

Jerry Brady called a point of order since his name was mentioned. He spoke on enforcing weeds and brush due to health safety concerns, but no law to take effect unless a signature authority, a date, a notarization and an order for publication.

Ms. Goodwin responded the legal requirement under title 9 – must be posted in three public places with an affidavit of posting on file.

Town Manager Kimball asked for Council's input on whether there is consensus that the current code has the provision for criminal penalty then they can concur on that.

There were discussions on timeline and current process versus proposed hybrid process.

Public comment was taken on this item.

Karen Brooks suggested including a timeline with each complaint.

Patrick McGill asked a questions on the complainant's rights to take the process to a civil action and what the statute of limitations are for code complaints; having the opportunity to "face your accuser".

Karen Brooks asked about certified letters requiring signatures, therefore needing a longer timeframe to process through.

Jerry Brady told a story about a code complaint that had occurred in the past.

Town Manager Kimball explained this proposal is only for extreme cases.

Councilmember Hamilton made a motion to follow the Town Manager's recommendation for a 40-day procedure for extreme cases, seconded by Mayor Nolan.

It failed by a tie (3-3) vote, Councilmembers McBrady, Repan and Vice Mayor Alen voting against.

Councilmember Wright made a motion to accept the procedure but make the process a total of 90-days and at that time it goes to the town prosecutor, seconded by CM Repan. The motion passed by a 5-1 vote in favor, CM McBrady voting against.

Town Manager Kimball, for clarification, reiterated the entire process timeline would be limited to 90 days.

4.2. Continued discussion on Public Body Code of Ethics Complaint Process.
(Continued from November 4, 2014 regular Council meeting)

Council reviewed the submittals from Council on an Ethics Complaint process and considered whether to continue with an ethics committee or go with a hearing officer or outside arbitrator to hear the complaints.

Town Manager Kimball explained the heavy involvement for staff with the current process due to the Open Meeting Law requirements.

There was discussion on the first step of the process determining if complaint is frivolous and whether this could be done by the committee or if the complaints would be best to go directly to an arbitrator from the beginning; who would be on the committee and how to rotate them; who handles the various steps of notifying committee members and scheduling meetings; how to notify members.

Mayor Nolan opened the floor for public comment. CM Wright called a point of order. Mayor Nolan explained he made a determination as the Chair of the meeting, to hear from the public.

Public comment was taken.

Karen Brooks spoke in support of having the judge handle the initial determination of complaint and a third party arbitrator handle the hearing process rather than the council.

Jerry Brady spoke on Executive Sessions under A.R.S.; Attorney General's role with ethics issues; open meeting law.

CM Repan asked about raising a point of censure. Town Attorney Goodwin explained they would reference Roberts Rules of Order and it would probably fall under the Chair being able to call members of the assembly. She said she can come back with the correct citation. There was discussion on the meeting protocol.

Council resumed talking about the ethics complaint procedure; who might serve in the capacity of arbitrator on ethics complaints; who makes the final decision on whether a violation has occurred.

Vice Mayor Alen made a motion to schedule this on the January Work Session to bring in data compiled for the process for the ethics committee meetings, then move it forward, seconded by Mayor Nolan. It was approved by a (4-2) vote in favor, Councilmember McBrady and Mayor Nolan voting against.

Vice Mayor Alen made a motion to approve suspending hearing any ethics complaints/violations currently submitted or to be submitted until such time as they have the new process in place, seconded by CM Repan. It was approved by a (5-1) vote in favor, Mayor Nolan voting against.

4.3. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

No additional session was needed or scheduled.

5. Comments from the Public.

None.

6. Adjourn. The meeting was adjourned at 5:37 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 18, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 18, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:33 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

None.
5. **Town Manager's Report.** Update on Current Events.
 - 5.1. **Town's 10th Anniversary of Incorporation gathering on December 2nd, 2014 reminder.**

Town Manager Kimball gave an overview explaining the event would be held on December 2nd at 4:00 p.m. and each Councilmember has been assigned a simple task.

Councilmember Wright found a correction to be made to the vision statement in the trifold. It will be corrected.
 - 5.2. **2015 Holiday Schedule and scheduled meeting dates.**

TM Kimball explained there are no scheduled meetings in conflict with 2015 holidays.
6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on historical issues; ethics complaints under Arizona law; reading the annotated edition, not just the A.R.S.; not naming the individual in the complaint until the procedure is complete.
8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
 - 8.1. **Revised Service contract with Abacus Project Management Inc. for a Space Assessment Study for future Town Hall considerations.** Award or decline the contract. (Continued from October 7 council meeting)

TM Kimball gave an overview: At the October 7th meeting it was discussed and Council

directed staff to renegotiate the scope of work. The contractor has reduced the scope of work accordingly and the price has been lowered. The difference between the first version and this second version is the elevation study was removed in the second contract and the 3D study was reduced from 10 to 3 hours.

Councilmember Hamilton made a motion to accept the original assessment study contract for the original scope of work, but if they can't do that, accept the second contract with a reduced scope of work, seconded by CM Wright. The motion passed by a (6-0-1) vote in favor, Councilmember McBrady recusing himself from the vote.

Town Manager Kimball explained the study will be designed to reflect the needs of the Town for the next 5-10 years. Council should decide how much involvement they wish to have in the "stakeholder" meetings. The police station and library will be discussed and if each council member has something they would like considered during the study, email Ms. Kimball so she can provide it to the contractor.

8.2. Resolution 14-114 authorizing the acquisition by donation of certain real property in the Town and authorizing and directing the Mayor, Town Manager and Town Attorney to acquire title to such property located at 12938 E. Main Street, Dewey-Humboldt (continued from the June 3, October 7 and November 4, 2014 meetings; direction to accept made at the November 4, 2014 Council meeting).

Councilmember McBrady commented on the environmental study; historic uses of the property and surrounding properties and his concern for environmental issues; asked if the town would be financially responsible if a clean-up was required of the property.

Councilmember Hamilton made a motion to accept Resolution 14-114 authorizing the acquisition by donation of certain real property in Town and authorizing and directing the Mayor, Town Manager and Town Attorney to acquire title to such property located at 12938 E. Main Street, Dewey-Humboldt. The motion was seconded by Councilmember Williams-Rowe.

Public comment was taken on this item.

Jerry Brady spoke on underground contaminates that would have come from the mine and smelter operations; multiple mine sites around the town being a major issue for the town.

Karen Brooks spoke on railroad sidings on the east side of town containing high ore concentrates and recommended testing that site.

The motion passed by a (6-1) vote in favor, Councilmember McBrady voting against.

9. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

9.1. Agreement between the Greater Prescott Regional Economic Partnership (GPREP) and the Town of Dewey-Humboldt. Accept, reject or modify the agreement.

Dane Beck, Secretary/Treasurer of GPREP Executive Board, was in attendance and answer questions. He spoke on the Business Action Team and the Board of Directors.

Councilmember Wright asked about attracting businesses to the area and whether anyone had shown an interest in Dewey-Humboldt. CM Hamilton spoke on people

coming into the area wanting more amenities, and with growth it will change the lifestyle of the area. He wants to preserve the rural and historic nature of the town.

Public comment was taken on this item.

Jerry Brady spoke on Lufthansa Air looking into Economic Development that would preserve the rural lifestyle of D-H. He stated without a comprehensive plan the current nature of the town will be difficult to preserve.

Karen Brooks spoke on the community's message at the community meetings to preserve the rural and live-and-let-live lifestyle. She recommended getting the community's feedback on Economic Development with the next General Plan revision.

Vice Mayor Alen made a motion to approve the agreement between the GPREP and the Town of Dewey-Humboldt, as presented, seconded by CM Williams-Rowe. It was approved by a (4-3) vote in favor, Council members Hamilton, Repan and Wright voting against.

9.2. Ethics Complaint (Wright v. Nolan) Committee Hearing Report to Council.

Mayor Nolan recused himself from this agenda item and stepped down from the dais.

Vice Mayor Alen read the report from the Ethics committee for this ethics violation complaint. She explained that since the committee had finalized their findings in this case they were bringing it forward to the Council.

Council discussed the purpose of the complaint process (learning process) and what the expectation of the outcome was. Councilmember McBrady stated the committee did not reach a unanimous decision (2-1). VM Alen asked the council to accept the findings and make a determination on sanctions or education and asked for a motion to approve the report.

Councilmember Hamilton made a motion to accept the findings of the Committee Hearing, seconded by CM Repan.

Mayor Nolan spoke on the complaint statements, explaining that staff was implicated in the complaint and the forest service personnel he communicated with was an employee but not one who makes those decisions. He asked that they strike-out the part that says staff was involved.

Councilmember Repan stated this request should have been brought up during the hearing and they are past that determination now.

VM Alen explained she is standing by the findings and they were not charged with taking actions against staff. She asked the Mayor if he had anything further to state.

Mayor Nolan stated he had been given the floor but was not being listened to.

Public comment was taken.

Jerry Brady spoke on the hearing proceedings; council members still having rights; the Mayor still being able to give his input and present information in his private capacity; no violation of state law.

A vote was taken on the motion which passed by a (4-1-2 vote) in favor, Councilmember McBrady voting against, CM Wright and Mayor Nolan both being recused from the vote.

Vice Mayor Alen asked Council to determine if it is a minor or major offense and what they would choose to do. Councilmembers Hamilton, Williams-Rowe, Repan and Vice Mayor Alen stated they felt it was a minor offense. Councilmember McBrady stated he did not think it was an offense. Vice Mayor Alen explained the Mayor had spoken at the hearing that he will call a meeting if this occurs again. No council members felt it was necessary to have an executive session with the Mayor on this issue.

Councilmember Repan made a motion to approve the determination that this was a minor violation, seconded by CM Hamilton. It passed by a (4-1-1-1) vote in favor, Councilmember McBrady voting against, CM Wright abstaining from the vote and Mayor Nolan recused from the agenda item.

Vice Mayor Alen concluded the matter was closed. Mayor Nolan returned to the dais.

10. Public Hearing Agenda.

None.

11. Comments from the Public.

Jerry Brady spoke on the ERRIC database; domestic threat assessment; insecurity of electronic databases unless encrypted; ethics complaint going out to the public – stating “it was a simple error so no charges were filed”.

12. Adjourn.

The meeting was adjourned at 7:50 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 2, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 2, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:34 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present. Councilmember Dennis Repan was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Mayor Nolan spoke on the 10-year anniversary event held earlier in the afternoon. He spoke on December 7th being Pearl Harbor day and announced a ceremony for it in Phoenix.
5. **Town Manager's Report.** Update on Current Events.

Town Manager Kimball announced the Town Clerk, Judy Morgan received her Certified Municipal Clerk (CMC) designation.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the September 2, 2014 Regular Council meeting.

Vice Mayor Alen made a motion to approve the Minutes from the September 2, 2014 Regular Council Meeting, as presented, seconded by CM Hamilton. It was approved by a 6-0 vote in favor.
7. **Comments from the Public (on non-agendized items only).**

None.
8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

None.
9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.
 - 9.1. **Transition of Council.** Swearing in of new Council Members and Mayor, and signing of Code of ethics.

Town Clerk, Judy Morgan performed the Oath of Office for newly-(re)elected Mayor Nolan, and Councilmembers Hamilton, McBrady and Treadway.

9.2. Roll Call. Town Council Members Jack Hamilton, Mark McBrady, Doug Treadway, Nancy Wright, Vice Mayor Arlene Alen; and Mayor Nolan were present. Councilmember Dennis Repan was absent.

9.3. Presentation to out-going Councilmember Sonya Williams-Rowe.

Mayor Nolan presented an "Appreciation" plaque to Sonya Williams-Rowe for her time served on the Council.

9.4. Comments from Newly elected Mayor and Council Members.

Mayor Nolan thanked the community for their support in re-electing him and stated his desire to help the town.

Councilmember Hamilton had no comments to make.

Councilmember McBrady thanked the citizens of Dewey-Humboldt and spoke on having good years ahead.

Councilmember Treadway asked for everyone's patience while he learns the ropes and he thanked those that supported him. He stated he will do his best for the community.

9.5. Select next Vice Mayor per Town Code 30.031(D). [CAARF requested by CM Wright]

Councilmember Wright gave an overview on her request, explaining it was part of town code to select the next Vice Mayor and it should be the next most senior serving Councilmember who has not already served in this capacity.

Councilmember Wright made a motion to appoint Jack Hamilton as the next Vice Mayor, seconded by Councilmember Treadway. It was approved unanimously.

10. Public Hearing Agenda.

None.

11. Comments from the Public.

Dale Schuck inquired how to obtain a copy of the Code of Ordinances.

12. Adjourn.

The meeting was adjourned at 6:49 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
TUESDAY, DECEMBER 9, 2014, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 9, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:03 p.m.

2. **Roll Call.**

2.1. Town Council. Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.

3. **Study Agenda.** No legal action to be taken.

3.1. Town Building Code (Town Code of Ordinances Title XV Land Usage Chapter 150 Building Codes) changes as related to the 2012 International Code Council Codes (2012 I-codes) summary presentation. A presentation by Town Building Safety Staff.

Town Manager Yvonne Kimball introduced Joe Janusz as the new Building Official/Inspector for Dewey-Humboldt, replacing Terry Ford, whose last day with the town is Thursday, December 11th. Terry Ford gave his PowerPoint presentation to the Council, explaining the process they have gone through so far on this. He spoke on those 7 items of concern in the 2012 i-codes that he is recommending they not require. He mentioned additional considerations: plumb for gray water system, removing garbage disposal requirements; alternative building methods such as rammed earth or tires, harvesting rainwater. There was discussion.

Public comment was taken.

Jerry Brady spoke on the fire codes, firefighter life safety; ethics complaint being investigated, having an executive session to set an agenda.

There was additional discussion on gray-water pre-plumbing. Council thanked Mr. Ford for the presentation and for his service to the town.

Council moved on to the next agenda item with no action and no further discussion.

3.2. APS Franchise Agreement Preliminary Discussion.

Town Attorney Susan Goodwin explained the Town does not have a franchise with APS. CM Wright interjected the Town did have a franchise with APS for \$0. Ms. Goodwin went on to explain why most jurisdictions have this type of franchise for public utilities and its requirement to be approved by the voters. Typical franchise amount is 2%. APS has requested this agreement. If the Council decides to proceed with "In Lieu of" then no additional costs are paid for repairs to the town's roads. This franchise would require a special election. Ms. Goodwin explained the standards provisions.

Council spoke on establishing a franchise starting with a 0% fee with the possibility to raise it in the future. Ms. Goodwin explained a 0% fee would only need to be approved by a resolution, rather than an election. Franchise fees are normally in lieu of permit fees, so the town would need to recoup costs for repairs on roads by an annual work permit, which is not a permanent right to do business in the rights-of-way.

Public comment was taken on this item.

Jerry Brady spoke on this issue being addressed early in the Town's incorporation during the Monogram Development period. He spoke on the need to upgrade this area for the power load being put on it and by not doing a franchise it will cost the town millions.

Mayor Nolan asked if the Council approved the 0% now if it would need to go back to the voters if the Council increased it in the future. Ms. Goodwin answered no.

Council moved on to the next agenda item with no action and no further discussion.

3.3. Council discussion on the three tasks given to the Planning and Zoning Commission (P&Z) prior to the January joint meeting with P&Z; three projects being "accessory dwelling unit ordinance (proposed ordinance 2014-104)", "animal related codes review" and "zoning setbacks review". Council deliberation of its positions on any or all of the three tasks.

Town Manager Kimball gave an overview: Review of ADU is complete; community input received on animal code; setback issue have been reviewed. P&Z is requesting direction on all three of these items.

Vice Mayor Hamilton stated he favors Option #2 on the animal code and asked how to enforce maintenance/nuisance requirements. He explained the animal control officers do not follow the town code procedure for enforcement but rather the YCSO procedure. He suggested going through the Town Prosecutor to determine if there is enough evidence to enforce, providing another avenue to address these nuisance issues.

Vice Mayor Alen spoke on the original direction given by Council on the animal code (clean up the code on missing links, definitions and such).

Town Manager Kimball explained the review of the animal related code sections brought up some issues and wanting it to apply to as many issues as possible without creating new problems by addressing it piece meal was not the best approach. She gave the example that the ADU ordinance did not receive much public input until it came before the Council for adoption. Public outreach was done to gather the community's concerns at the start of the process.

Council discussed different solutions for higher and lower density areas; enforcing nuisance laws; farm animal limitations adequate; developing a maintenance code; enforcement of town procedures; statistical data on complaints show an insignificant issue.

Public comment was taken.

Victoria Wendt spoke on providing the Town with ordinances to review and recommended having a review board; requested the HOUSEHOLD PETS definition regarding allowed animal numbers be nullified at this time; spoke against limiting number of pets by number.

Jerry Brady spoke on enacting a law so the Sheriff's department can act on the Town's codes (order for publication to appropriate authorities).

Ted Brooks spoke in favor of revising the code on animals and livestock to "fit the town"; current YCSO procedure for nuisance/barking dogs.

Karen Brooks spoke on the community meeting involvement and input and providing clarification to the P&Z; modifying the complaint form and limiting who can make

complaints; benefits of kids working with animals; superfund designation devaluing her property; taking away her business; working with neighbors; toxic waste and sinkholes on the farm; maintenance issues needing to be measurable.

Cheryl Taylor spoke on livestock problems coming up; ambiguous and subjective ordinances and making them more concrete; not making "nuisance" too tight; maintain rural characteristics and rewriting the complaint system.

John Dibble spoke on his selecting a rural area so he is not being bothered and not bothering neighbors; consider the rural area and not changing that; densely populated areas needing restriction, but not sure how to handle that.

Jerry Brady spoke on wild animals not being part of this and the animal control officer's understanding of wild animals.

Council asked the Town Attorney if Towns can arbitrarily adopt a pet limit. Ms. Goodwin explained that jurisdictions do set limits under health and safety, and there are two kinds of regulations for animals: Zoning (land use) and Town Code Regulations (policing/regulations). She recommended adopting the code to include maintenance regulations.

Councilmember Treadway stepped away from the dais at 4:07 p.m.

Town Manager Kimball responded to public input that complaints were filed against citizens who attended the community meetings. She explained no Council Members have filed any animal related complaints.

Public comment was taken.

Karen Brooks stated that 3 of the 4 complaints the town received were after the animal ordinance community meetings were held.

Councilmember Treadway returned to the dais.

Karen Brooks spoke on feeling retaliated against for speaking and wanting to continue living her current lifestyle.

Vice Mayor Hamilton asked to move on to "setbacks" He explained he brought it up since he wanted to make sure the setbacks still apply to the town, are they valid and why did the county establish them?

Connie Christian, Community Development Officer, responded setbacks are inherent to what was established in 1969 to keep the rural nature and livestock with a variance procedure provided for hardships.

Mayor Nolan explained they will bring this back for discussion at the Joint meeting between Council and P&Z.

4. Special Session. Legal Action can be taken.

4.1. Discussion and possible action on changing TC's 30.031, 30.105, and 30.109. [CAARF requested by CM Wright and CM Repan]

Councilmember Repan explained the request is providing an avenue for discourse among council. VM Hamilton added these proposed changes give options if someone on Council is not willing to uphold the codes as they swear to do in the oath of office. Mayor Nolan responded that this seemed to be directed at him and he suggested if he has made mistakes at a meeting they should talk with him after the meeting to address it at that time. VM Hamilton stated he feels the mayor chooses to run the meetings as he

wants to rather than by the code. There was discussion on the ethics complaint hearings; looking at how other communities run meetings; the mayor being a separately elected position and considered the CEO of the town.

Town Attorney Susan Goodwin suggested putting all the protocols on a work session to so they are all on the same page. She spoke on ARS 9-236 and the assumption that the mayor runs the meeting, although it is not specifically defined. She referenced the inclusion of "and" between the two statements, "9-236. Mayor; duties The mayor of the common council shall be the chief executive officer of the town, **AND** shall perform such duties as may be prescribed by law and ordinance...".

Council discussed the town's history of the mayor running the meetings; consideration of changing that protocol; meetings affected by the style of the mayor; personal attack of the mayor having a negative effect on the community.

Public comment was taken.

Ted Brooks spoke on the voters electing the mayor to represent them and the council questioning that decision.

Cheryl Taylor spoke against bad behavior at the council meetings and recommended conflict resolution classes for the council. She stated there are three people on the council she is considering filing ethics complaints against.

Patrick McGill spoke on the mayor being elected for that role specifically, like the president; less is more when developing laws.

Earl Goodwin spoke on his experience on council and as mayor, explaining his style of leadership; he spoke against Mayor Nolan's leadership skills; recommended the council participate by taking more action.

Jerry Brady spoke on the history of the laws that govern local municipalities; the oath of office; believes the town did not incorporate properly to allow the town to follow its' town codes.

Karen Brooks spoke on previous council decisions that did not follow Roberts Rules of Order and a statement by CM Wright that they operate under Modern Rules of Order; the mayor supporting the constituents by allowing them public comment; voting their beliefs rather than consensus; taking personalities out of this and discussing the issues.

There was discussion establishing a policy for listening to the public; mayor's powers being equal to the rest of council.

Councilmember Alen made a motion to set up a special study session to discuss the meeting protocols and how it relates to the council, seconded by VM Hamilton.

Councilmember Alen withdrew her motion and suggested Council give direction to staff to set up a work session to review how meetings are held and an educational session on how to have more consensus so they can move the constituents' agenda forward, having the town attorney present for that meeting.

There was discussion on Mr. Brady's public comment pertaining to incorporation procedure, with the attorney answering she did not think it was accurate. Upon this statement Mr. Brady called a point of order. A discussion on who can call a point of order occurred. Mayor Nolan stated he would research this and bring it to the council.

Councilmember Repan moved on to proposed changes to Section 30.031 (E)2 of town code. Town Attorney Goodwin explained this is a common provision and in order to fully adopt it, it must be in ordinance format, council can give direction to alter it as proposed.

Mayor Nolan read the proposal and stated there appeared to be consensus to generate the ordinance. There was discussion on the 5-day wording and confusion on how it is applied. Ms. Goodwin explained she will rework that language for clarity.

4.2. Council ratification of allocating funds from the Contingency Fund account for the purchase of the Ford SUV, as authorized in the FY 14-15 Budget. Ratify the purchase.

Vice Mayor Hamilton made a motion to ratify the purchase and allocation of funds for the vehicle, as authorized in the FY 14-15 budget. The motion was seconded by Councilmember Wright. It was approved unanimously.

4.3. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

The council did not schedule an additional special session for December.

5. Comments from the Public.

Ted Brooks stated a point of order may be raised by anyone in the session and can be called upon at the discretion of the chair.

Jerry Brady spoke on seceding from the US; asked if the town is not covered under Title 5; stated he will move ahead on the substantive denial under title 5 and historicity of Moreland Commission.

6. Adjourn. The meeting was adjourned at 5:22 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 16, 2014, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, DECEMBER 16, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Mayor Nolan announced the outcome of his Window Painting Contest for the school kids, explaining the event went very well.

Councilmember Repan spoke on a statement made to him by the Mayor that there was an ethics complaint against him. It proved incorrect and he wanted it to be part of the record.

5. **Town Manager's Report.** Update on Current Events.
 - 5.1 **Town Fiscal Year 2013-2014 financial statement and audit report overview.**

Town Manager Kimball gave an overview and then turned over the presentation to Deni Thompson, Town Accountant. Ms. Thompson reviewed the audit reports within the packet explaining it was a good audit this year.

Public comment was taken on this item.

Jerry Brady made a recommendation to show the federally directed or mandated revenues separately from other sources of funding.

There was discussion on how federal funds are currently handled by noting them within the budget document; software programs the town currently uses and annual charges for some of these; the change in personnel within the audit company they have been using. Staff offered to go out for an RFP for Auditing Services if the council desires but if they don't they will give the current auditors another year.

6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on a newspaper article on public notices and suggested the town look at a permanent online database.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting. None.

9. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Council.

9.1. Transaction Privilege Tax (TPT) Consulting Service Agreement with Don Zelechowski, CPA. Approve, reject or modify the agreement.

Mayor Nolan explained this is being brought back with a contract for the Council's approval. A modification to the contract was identified: consultant fee limited to \$5k/year as well as reimbursable costs (C).

There were discussions on how the process will work – educating people, with enforcement through ADOR; state changes to TPT licensing and having more synchronization between ADOR and the town; town's inexperience in this area and bringing someone in who will strengthen that experience and knowledge base; council monitoring the benefits of this service; term of the contract and limit of compensation being the defining elements of the contract.

Vice Mayor Hamilton made a motion to approve the agreement with one exception, 1.5.2 excluding the automatic renewal. The motion was seconded by Councilmember Wright.

There were discussions on personal experience with TPT and ADOR; ADOR reports monthly and yearly and getting help with these reports from Mr. Zelechowski; how long TPT licenses are in effect; comparing the costs for this service to additional monies recouped versus considering cost is for education in this area; automatic renewal versus termination clause.

Public comment was taken on this item.

Jerry Brady spoke on providing fiduciary compliance to obtain federal funds.

Town Manager Kimball explained ADOR doesn't care as much about D-H tax collection as the town does; council expressing a need to educate the taxpayers and this service will do that; no guarantee of improved TPT revenues as there are many variables which hinder monitoring.

Ms. Thompson explained the contractor will guide them to understand the process, to know what to look for on the reports, and how to talk with the people when they call for help. She will make some Standard Operating Procedures (SOPs) on how to do this process moving forward.

Ms. Kimball explained she could request the contractor attend a council meeting for further questions from council; TPT will target two main businesses in town: construction and rentals.

A vote was taken on the motion and it was approved unanimously.

9.2. Discussion and possible action on getting RFQ's to have a Town Attorney on retainer. [CAARF requested by CM Wright]

Councilmember Wright gave an overview on her request; stated obtaining answers to questions is sometimes long in coming; would like to know what it would cost to have someone on retainer so they can be at each Council meeting.

There were discussions on having the current attorney attend all Council meetings and the extra cost to the budget; getting costs for other attorney's to provide their services; whether the performance of the current attorney has met expectations with certain issues.

Town Manager Kimball offered to forward the Town Attorney's contract to Council for their review. The term auto-renews in November unless they choose not to. The annual costs for these services have been between \$30-40k per year. The attorney is willing to attend every meeting if council directs, but council has indicated they don't want her at every meeting. An RFQ would need to go out if the Council is looking toward hiring another firm. Town Attorney, Susan Goodwin has indicated previously that if the town goes out for an RFQ they will not respond to it. Ms. Kimball estimated it would cost an additional \$17-18k per year to have the attorney attend every Council meeting although other attorney services may offset it since answers are coming at the meeting.

There were discussions on not needing attorney attendance at every meeting since current method is working fine; who requests the attorney's attendance at a meeting and why; opinions and responses that are heard at a meeting are public, but if not solicited at a public meeting they are received as confidential and require council waive the confidentiality rights to make public; this attorney does not charge for travel time; The firm of Curtis, Goodwin, Sullivan, Udall & Schwab, PLC is well-respected in the field.

Public comment was taken on this item.

Jerry Brady spoke on the Council not being personally represented by the town attorney.

No action was taken. Council moved on to the next agenda item.

9.3. [Request for attendance at the] 16th Annual Arizona Rural Transportation Summit.
[CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview on his request. He explained various meetings will be held at the summit that will benefit the town if he attended (workshops and networking opportunities).

There were discussions on costs for attendance; a letter from CYMPO requesting the Mayor's attendance as he is a board member; networking on issues pertaining to roads is beneficial to the town; requiring a written report from the Mayor if attending.

Councilmember McBrady made a motion to approve the Mayor attending the 16th Annual Arizona Rural Transportation Summit, seconded by CM Treadway.

There were discussions on requiring an oral report on the benefits to the town; who else might be qualified to attend. CM Alen explained she has attended in the past.

Public comment was taken.

Jerry Brady spoke in support of the Mayor's attendance at the summit as it is the most important issue for the town with the main focal point for learning things and for networking by asking ADOT about OBC Hwy and easements over the Agua Fria River.

Councilmember Wright stated she thought CM Alen should attend as well and her costs should be covered by the town, asking this be added to the original motion. CM Alen stated she thought she was available to attend. The maker of the motion and seconder

agreed to the modification of the motion (Approve the Mayor and CM Alen attending the 16th Annual Rural Transportation Summit). A vote was taken and the motion passed by a 6-1 vote in favor, CM Repan voting against.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on requesting information and moving toward pre-publication reviews and inviting anyone who wants to review his documents to do so.

12. Adjourn. The meeting was adjourned at 8:17 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
JANUARY 6, 2015, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JANUARY 6, 2015, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:31 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

 - 4.1. **Interview and possible appointment of Joe Garcia to the Planning and Zoning Commission.**

Mr. Joe Garcia was present and spoke on his background for this position. He answered Council questions.

Councilmember Hamilton made a motion to approve appointing Joe Garcia to the Planning and Zoning Commission, seconded by Councilmember Alen. It was approved unanimously.
5. **Town Manager's Report.** Update on Current Events.
 - 5.1. **A report regarding the Community Development Software (Building/Planning & Zoning Permitting Code Enforcement).**

Town Manager Kimball gave an overview on the status of the permitting software replacement, explaining staff is ready to move on the purchase. She answered Council's questions on cost of existing software and where database is located (server or cloud). Council was in consensus to give direction to staff to move forward on the purchase.
6. **Consent Agenda.** None.
7. **Comments from the Public (on non-agendized items only).**

Jerry Brady spoke on three items in the headlines pertaining to a federal court case and the way local government conducts business/operates.
8. **Discussion Agenda – Unfinished Business.** None.
9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.
 - 9.1. **Granicus Service Agreement renewal for usage of Granicus media system.**

Town Clerk, Judy Morgan gave an overview and answered council's questions.

Vice Mayor Hamilton made a motion to approve the renewal agreement with Granicus, seconded by CM Alen. It was approved unanimously.

9.2. Nominate an attendee to represent the town for the upcoming calendar year GPREP meetings. [CAARF requested by CM Repan]

Councilmember Repan gave an overview on his request, explaining that since they just approved the membership of the town to the GPREP they should appoint who will be the town's representative to the meetings.

Vice Mayor Hamilton nominated CM Repan to serve in this capacity.

Mayor Nolan explained he has been the representative to GPREP and would like to continue to serve as the representative to GPREP, explaining he is a board member with GPREP.

The Council was polled on their selection of the town's representative to GPREP. Councilmember Alen abstained, CM McBrady voted for Mayor Nolan, and CMs Repan, Treadway, Wright, Vice Mayor Hamilton and Mayor Nolan voted for CM Repan as the GPREP representative.

Town Manager Kimball asked about the Executive Board meetings of GPREP and who will represent the town, explaining there are two categories for meetings: Executive Board – policy group GPREP meetings and business action team meetings. A staff member from each municipality typically attends these meetings.

Mayor Nolan explained the Town Manager currently attends those meetings and thinks she should continue in that position.

Mayor Nolan made a motion to keep staff on as the representative for the business action meetings, seconded by CM Repan. It was approved unanimously.

9.3. Town Manager Employment Anniversary. Discussion and possible action whether to approve a merit increase of up to 2.25% (as determined by the FY 14-15 Budget), effective January 3, 2015, as stipulated in Town Manager's Employment Agreement.

Councilmember Wright made a motion to go into Executive Session to discuss agenda items 9.3 and 9.4, seconded by CM Repan. It was approved unanimously.

Council recessed into Executive Session for agenda items 9.3 and 9.4 at 6:59 p.m.

9.3.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

9.3.2. Reconvene Regular Meeting.

9.4. Discussion in Executive Session and possible action on changing the Town Manager's contract to a date certain, preferably for two years. [CAARF requested by CM Wright].

9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

9.4.2. Reconvene Regular Meeting.

Council reconvened in to Open Session at 8:13 p.m.

9.3. Town Manager Employment Anniversary. Discussion and possible action whether to approve a merit increase of up to 2.25% (as determined by the FY 14-15 Budget), effective January 3, 2015, as stipulated in Town Manager's Employment Agreement.

Councilmember Wright made a motion to approve a merit increase of 2.25% for the Town Manager, seconded by Vice Mayor Hamilton.

Public comment was taken on this item.

Jerry Brady spoke on making a good decision on this and keeping good employees.

A vote was taken on the motion, which passed unanimously.

9.4. Discussion in Executive Session and possible action on changing the Town Manager's contract to a date certain, preferably for two years. [CAARF requested by CM Wright].

Vice Mayor Hamilton made a motion to table agenda item 9.4 until a time when the attorney can be present. The motion was seconded by CM Treadway.

Vice Mayor Hamilton withdrew the motion.

Councilmember Wright made a motion to have a future executive session on this item, seconded by CM Alen. It was approved by a 5-2 vote in favor, CM McBrady and Mayor Nolan voting against.

TM Kimball explained the next meeting date that the attorney can attend is February 17th. She will discuss with her on her availability to attend that meeting.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on Dewey-Humboldt being a mining district headquarters, historically; early history being retained under the War Department because of war critical assets due to minerals that could be used for munitions.

12. Adjourn. The meeting was adjourned at 8:20 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

RESOLUTION N^o 15-115

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION(S) FOR FY15 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION(S) MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

Whereas, the Town of Dewey-Humboldt is desirous of undertaking community development activities; and

Whereas, the State of Arizona is administering the Community Development Block Grant Program; and

Whereas, the State CDBG Program requires that CDBG funds requested address one of the three Congressional mandated National Objectives; and

Whereas, the activities within [this/these] application(s) address the community's identified housing and community development needs, including the needs of low and moderate income persons; and

Whereas, an applicant of State CDBG funds is required to comply with the program guidelines and Federal Statutes and regulations.

Now, Therefore, Be it resolved by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona that it authorizes application to be made to the State of Arizona, Department of Housing for FY15 CDBG funds, and authorizes the Mayor to sign the application and contract or grant documents for receipt and use of these funds for sidewalk improvements and to address drainage issues in the area of Blue Hills Farm subdivision and Huron Street Sidewalk extension improvements and to take all actions necessary to implement and complete the activities submitted in said application(s).

BE IT FURTHER RESOLVED THAT the Mayor and Common Council find that the application authorized by this Resolution for State CDBG funds meets the requirements of low- and moderate-income benefit for activities justified as benefiting low- and moderate-income persons, aids in the prevention or elimination of slum and blight or addresses an urgent need which poses a threat to health.

BE IT FURTHER RESOLVED THAT the Town of Dewey-Humboldt, Arizona will comply with all State CDBG Program guidelines, Federal Statutes and regulations applicable to the State CDBG Program and the certifications contained in the(these) application(s).

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 3rd day of February 2015.

Terry Nolan, Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Morgan, Town Clerk

Susan Goodwin, Town Attorney

**RESOLUTION
RELOCATION ASSISTANCE PLAN**

As required under Section 104(d) of the
Housing and Community Development Act of 1974 as amended

RESOLUTION NO. 15-116

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FY15, AS REQUIRED UNDER SECTION 104(d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.

WHEREAS, Section 104(d) of the Housing and Community Development Act of 1974, as amended, and implementing regulations require that each applicant for Community Development Block Grant funds must adopt, make public and certify that it is following a residential anti-displacement and relocation assistance plan; and

WHEREAS, the Town of Dewey-Humboldt is submitting an application to the Arizona Department of Housing for Community Development Block Grant funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the Town of Dewey-Humboldt, do hereby adopt the residential anti-displacement and relocation assistance plan as described below.

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The Town of Dewey-Humboldt will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974 as amended.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the [name of applicant] will make public and submit to the ADOH CDBG Program the following information in writing:

1. A description of the proposed activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as LM dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;

4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a LM dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of housing units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the State of Arizona's approved Consolidated Plan (CP).

The Town of Dewey-Humboldt will provide relocation assistance, as described in the ACT and implementing regulations, to each LM household displaced by demolition of housing or by the conversion of a LM dwelling unit to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the ACT, the Town of Dewey-Humboldt will take the following steps to minimize displacement of persons from their homes:

Steps to Minimize Displacement

1. Coordinate code enforcement with rehabilitation and housing assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment neighborhoods.
6. Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
7. Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
8. Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.

Passed and adopted by the Common Council of the Town of Dewey-Humboldt this 3rd day of February, 2015.

Terry Nolan - Mayor

ATTEST:

APPROVED AS TO FORM:

Judy Morgan – Town Clerk

Susan Goodwin – Town Attorney

NOTE: *This resolution is only required to be adopted by an applicant once every five years. However, if the applicant is aware that some component of the resolution adopted in a prior year is no longer accurate or applicable, then the applicant must adopt a revised resolution reflecting accurate information.*

The application for funds must contain a copy of the Resolution adopted not more than 5 years from the submittal date to the Department of Housing CDBG Program.

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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: January 6, 2015

Date of Request: December 18, 2014

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):
Discussion in Executive Session and possible action on changing
the Town Manager's contract to a date certain, preferably for two years.

Purpose and Background Information (Detail of requested action). The current
Town Manager's contract is open-ended. I would like discussion on changing
it to a 2-year contract renewable by each newly elected council. This would allow
both the Council and Town Manager to negotiate new terms if either wished to do so.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: DH code, current TM's contract.

Type of Presentation: Oral

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

Contact Person: CM Wright

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.

(G) *Authority and responsibilities.* The Town Manager shall be responsible to the Council for the proper administration of all affairs of the town under the specific direction and control of the Council. The responsibilities are set forth as follows:

(1) Coordinate and execute on behalf of the Town Council general administration and supervision of town employees, and implement the policies set by Council by motions, ordinances, resolutions and codes of the town;

(2) Analyze and supervise the functions, duties and activities of the various departments and services of the town and of all employees thereof, and make such recommendations to the Town Council with reference thereto as in his or her judgment will result in improved efficiency in the overall operation of the town;

(3) Attend all meetings of the Council unless excused by the Mayor individually or the Council. He or she shall present options and recommendations relative to each item on the agenda for approval, rejection or modification by the Council. Also be prepared to report on or discuss any matter concerning the affairs of the departments, services, or activities under his or her supervision upon which the Council shall be informed;

(4) Keep the Town Council, committees, commissions and boards fully advised about relevant information including, but not limited to legal actions involving the town, upcoming discussions and events that pertain to their respective functions. Any information received should be transmitted, as it comes in, so that the committees, commissions and boards will have plenty of lead time to investigate and advise the Council;

(5) Recommend to the Council for their consideration resolutions, ordinances or other measures as needed or appropriate. The Manager is bound by whatever action the Council takes;

(6) Appoint, promote, demote, suspend, and remove employees of the town with the ratification of the Town Council. Town Manager may recommend to the Council appointment and removal of the Attorney and Magistrate;

(7) Keep the Council at all times fully advised as to the financial conditions and needs of the town and to provide whatever reports to the Council as it may deem necessary. It shall further be his or her duty to see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution, the State Budget Law, A.R.S. §§ 42-17101 *et seq.* and the *Principles of Sound Financial Management*, Resolution 08-58;

(8) Supervise the expenditures of all departments or services of the town and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and materials which may be required for any of the departments or services within the existing budget;

(9) Receive from each department of the town, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and operating costs; to tabulate the same into a preliminary consolidated town budget and submit the same to the Town Council annually on the date specified by them, with his or her recommendations for all expenses and revenues;

(10) Either the Town Manager or the Town Clerk shall recommend the issuance of all warrants or checks drawn on the bank account or accounts of the town to be signed by two Council Members;

(11) Follow through and endeavor to resolve all complaints filed against any employee, department or service within two weeks. All such complaints and resolutions shall be forwarded to the Town Council as they are received;

(12) Keep the Town Council informed of all opportunities available from or sought by organizations or individuals whose aim and purpose it is to advance the interests of the town and its residents;

(13) Make and keep an up-to-date inventory of all property owned by the town and exercise general supervision over all property that is under the town's control and jurisdiction of the Council. Recommend to the Town Council the purchase of machinery, and equipment as deemed needed;

(14) See that all franchises, permits and privileges granted by the town are faithfully observed;

(15) Performs such other duties as may be directed by the Town Council.

(H) *Limitations upon responsibility.* The Town Manager, other than making recommendations, shall not exercise any policy-making or legislative functions whatsoever, nor attempt to commit or bind the Town Council or any member thereof to any action, plan or program requiring official action of the Town Council. This section does not grant any authority to the Town Manager that is vested in or imposed by general law or town ordinances in any town committee, commission, board, officer or employee.

(I) *Conduct.* The Town Manager shall endeavor at all times to exercise tact, patience, impartiality and courtesy in his or her contacts with the public, the Town Council, all town boards, committees, commissions, departments and employees.

(J) *Resignation of Manager.* The Manager shall provide the Council with 30 days' written notice of intention to resign his or her position. The Manager shall assist the Council on their recruitment and selection of a replacement if requested by the Council. In the event of resignation due to health reasons or other reasons which a majority vote of the Council deems an emergency, the period of written notice shall be determined in conference between the Manager and the Town Council. During the time that the town has no interim or permanent Manager, the Town Council may act in a limited capacity until a permanent Manager is hired and on board at Town Hall. The duties of the Council will be:

(1) To receive information sent via e-mail or snail mail to the Manager so that no information slips through the cracks;

(2) Answer any questions that come in via phone or in person from citizens or others that would normally be handled by the Town Manager; and

(3) To relay any information without opinions to the whole Council.

(Ord. 08-36, passed 1-15-2008; Am. Ord. 10-76, passed 11-30-2010; Am. Ord. 11-82, passed 3-22-2011; Am. Ord. 11-84, passed 4-5-2011)

EMPLOYMENT AGREEMENT

This EMPLOYMENT AGREEMENT ("Agreement") is entered into this 21st day of October, 2011 between the Town of Dewey Humboldt ("Town") and Yvonne Kimball ("Kimball") under the following terms, conditions and obligations.

In consideration of the mutual covenants contained herein, the Parties agree as follows:

1. EMPLOYMENT AND DUTIES

1.1 Town employs Kimball and Kimball accepts said employment subject to the terms and conditions of this Agreement, Section 30.030 of the Dewey – Humboldt Town Code ("Town Code"), and to the supervision and direction of the Common Council of Town ("Town Council"). Kimball shall carry out the duties set forth in Section 30.030 of the Town Code, comply with applicable laws of the State of Arizona and perform such other legally permissible administrative and executive duties as required by her position or assigned to her by Town Council.

1.2 Kimball will devote her working day to the business of Town, it being recognized and agreed that the position of Town Manager is full-time and that she will hold no other positions for monetary gains without approval of the Town Council.

1.3 Kimball shall be an exempt employee under the Fair Labor Standards Act and is therefore not eligible for overtime.

2. TERM

2.1 This Agreement commences on January 3, 2012. Kimball, as Town Manager serves at the pleasure of the Town Council and nothing herein shall be taken to prevent, limit or otherwise interfere with the right of the Town Council to terminate the services of Kimball as Town Manager, with or without cause pursuant to section 4 and 5 of this agreement.

2.2 In the event Kimball voluntarily resigns as Town Manager, Kimball shall give the Town Council sixty (60) days' advance notice unless the Parties agree otherwise.

3. COMPENSATION AND BENEFITS

3.1 Town shall pay Kimball an annual salary of Seventy Thousand dollars (\$70,000.00). Payment shall be in equal biweekly installments by direct deposit. At the discretion of the Town Council, the annual base salary may be reviewed either as part of the budget process or by other action of the Town Council. As a result of the review, the decision to increase or not increase the compensation of Kimball is solely within the discretion of the Town Council.

3.2 In addition to the salary and benefits described in Paragraph 3.1 of this Agreement, Kimball will receive the following benefits:

- A. Town-provided benefits provided to exempt employees, which currently includes the following:

ICMA-RC 401 (a) retirement account: The Town provides a 2-to-1 match of up to 12% for an employee contribution of 6% (for a total of 18%). The Town does not participate in Social Security or the Arizona State Retirement System. An employee-funded ICMA-RC 457 plan is also available.

After 30 days from commencement of work as set forth in Paragraph 2.1, health (2 plans: one high deductible plan a Health Savings Account), dental, life (\$20,000 from Town, employee paid up to \$300,000), and vision insurance paid by the Town for the employee only (dependent coverage available at employee's expense), supplemented with a Health Savings Account contribution by the Town of \$100 per month (if using the HSA-qualified plan).

Sick leave accruing at the rate of 2.7692 hours each pay period (9 days per year), available after 30 days from commencement of work as set forth in Paragraph 2.1.

Vacation leave accruing at a rate of 4.6154 hours each pay period (15 days per year), available after 30 days from commencement of work as set forth in Paragraph 2.1.

One personal day and 10 holidays.

Off-site training (conferences, etc), on-line training, professional membership dues, civic club dues and associated travel, not to exceed \$2100 per fiscal year.

Hours of Work: Kimball will devote her working day to the business of the Town, it being recognized and agreed that the position of town manager is full-time and that she will hold no other positions for monetary gains without approval of the Town Council. Notwithstanding the full-time nature of Kimball's duties, she shall conduct her work hours as an executive employee, thereby giving to Kimball the discretion as to her actual time and place of work which may include occasional working after regular work hours and on holidays. Such executive obligation will include the privilege that Kimball also has the discretion to absent herself from Town offices for personal reasons, provided that the operations of the Town will not suffer and that she can be reached on short notice.

The Town Council reserves the right to modify the benefits currently provided to its exempt employees.

- B. A vehicle allowance in the amount of \$3600 per fiscal year.
- C. A telephone allowance in the amount of \$80.00 per month.

3.3 For transition assistance, Town agrees to reimburse Kimball for qualified moving expenses, not to exceed \$5000.00 upon presentation of itemized receipts.

4. **TERMINATION.** For the purpose of this agreement, termination shall occur when:

4.1 ~~The~~ Town Council votes to terminate Kimball as the Town Manager at a duly authorized public meeting by an affirmative vote of the Town Council with all seven (7) members present.

4.2 If the Town reduces the base salary, compensation or any other financial benefit of Kimball, unless it is applied in no greater percentage than the average reduction of all other employees, such action shall constitute a breach of this Agreement and will be regarded as a termination without cause for severance purpose.

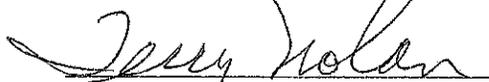
4.3 If the Town Council or citizens act to amend any provisions of the Town Code or Ordinances pertaining to the role, powers, duties, authority, responsibilities of Kimball's position (Town Manager) that substantially changes the form of government, Kimball shall have the right to declare that such amendments constitute termination without cause for severance purpose.

5. **SEVERENCE.** In the event that Kimball is terminated as defined in section 4 TERMINATION or is forced to resign by the Town Council during the time that Kimball is willing and able to perform the duties of Town Manager, then the Town Council agrees to pay Kimball a lump sum cash payment in full settlement of any causes of action, claims, damages, attorney's fees and costs arising out of the termination in the amount of three (3) months annual total base compensation. Prior to receipt of severance pay, Kimball shall execute a waiver and release of claims in a form satisfactory to the Town Attorney. If Kimball is terminated with cause, Town shall have no obligation to pay severance damages. "Cause" includes the following (i) failure to abide by applicable provisions of Town Code 30.030 Town Manager (ii) breach of this Agreement by Kimball, (iii) refusal to carry out a lawful direction of the Town Council made by the affirmative vote of the Town Council at a public meeting, (iv) conviction of a criminal offense, or (v) continuing to act in a manner that causes discredit to the Town after receiving notice from the Council that Kimball's actions cause discredit to the Town.

6. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement between the parties and shall be governed by and construed in accordance with the laws of the State of Arizona.

7. CONFLICT OF INTEREST. This Agreement may be terminated pursuant to ARS Section 38-511.

TOWN OF DEWEY-HUMBOLDT


Terry Nolan, Mayor

TOWN MANAGER

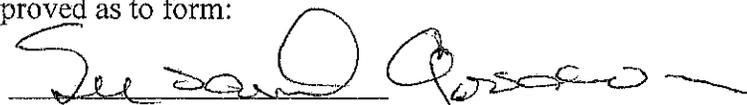

Yvonne Kimball

10-21-2011

ATTEST:


Judy Morgan, Town Clerk

Approved as to form:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys

By: Susan D. Goodwin

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NOVA 2/2/15



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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 3/17/15

Date of Request: 2/26/15

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

DISCUSSION AND POSSIBLE CHANGE OF DATE WHEN
DECIDING IF ANOTHER WORK SESSION IS NEEDED IN THE MONTH

Purpose and Background Information (Detail of requested action):

I THINK WORK SESSIONS SHOULD ONLY BE WORK SESSIONS,
THE LAST SCHEDULED MEETING OF THE MONTH WOULD LET
US KNOW BETTER IF AN EXTRA WORK SESSION IS NEEDED

Staff Recommendation(s):

Budgeted Amount:

List All Attachments:

Type of Presentation:

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other:

Contact Person: JACK HAMILTON

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.

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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 2/17/15

Date of Request: 2/9/15

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Town Council Members Bio.

Purpose and Background Information (Detail of requested action).

for The Council To produce a Photo + Bio for The Town Web page.

Staff Recommendation(s):

Budgeted Amount: 0

List All Attachments: 0

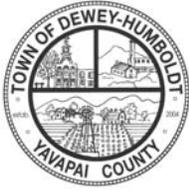
Type of Presentation: oral

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

Contact Person: Mayor, Nolan

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.

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL REGULAR SESSION

February 17, 2015 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 10.3. Newtown Trailhead report and moving forward plan.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: February 10, 2015

Recommendation: Accept staff recommendations

Summary:

In early 2013 Town Staff began to work with the Town's Open Space and Trails (OSAT) Committee on the Newtown Trailhead project. The project recognizes the need for a primitive parking lot adjacent to the entry point of the Prescott National Forest (PNF) trails 9419 and 9405 which is located at the end of town-owned Newtown Ave.

We first approached the private property owners to garner interest of letting the Town rent their properties adjacent to PNF trailhead. Property owners declined the proposal.

Subsequently, the Town began to work with PNF for a trailhead within PNF boundary. In preparation for a formal proposal, OSAT representatives and I attended several PNF "Greater Prescott Trails Planning" meetings in May and June of 2013.

In July 2013, Town officially submitted to PNF our request for PNF to develop a primitive trailhead at the end of Newtown Ave. entering PNF trails 9419 and 9405.

In early 2014, OSAT representatives and I met with PNF staff on-site to discuss details of the project. We were repeatedly told that a NEPA (**National Environmental Policy Act**) study would be required as the first step to clear any environmental concerns. Upon the completion of a NEPA, the project then would be placed on the District's work plan and the project would be completed in a few years.

In April, 2014 the Town was advised of a Resource Advisory Committee (RAC) grant that would be appropriate for the trailhead project. Town decided in conjunction with PNF to apply for \$10,000 for the NEPA study for the trailhead. We did not receive this funding. OSAT proceeded to work with PNF and other prominent stakeholders of the project to earn their support and understanding. PNF also underwent frequent personnel changes to the District Ranger position. At the February 9th meeting with the new District Ranger, Sarah Tomsy, voiced her support for this project

In late January 2015, the OSAT Chair forwarded the proposed scope of work document, prepared by PNF for Newtown Trailhead. The document indicated that the project has been proposed as a multi-use trailhead by PNF without a NEPA (the requirement has been exempted) and PNF has completed a preliminary design and planned to utilize grant funds for construction. The document also asks for public comments. Scope of Work letter is enclosed.

Attachments: PNF scope of work document, Photos of the area, Letter of support in response to PNF scope of work document.

On February 9, 2015, the OSAT Chair and I met with PNF staff on the project. The PNF Bradshaw District Ranger, the Project Manager and a couple of other PNF staff attended the meeting. We confirmed that PNF is seeking an AZ State Park grant for the trailhead and improvement of the trails. PNF sees this project as a prime example of sustainable recreation which represents environmental, social, and financial sustainability. We also went over PNF's expectations of the project and some coordination matters. If all goes well, the project will be completed in early 2016 and possibly as early as the Fall of 2015.

Since FY 2013, \$10,000 has been budgeted under the General Fund for the trailhead project. None has been spent. OSAT and PNF both thought that the fund could be used towards improving the unpaved road surface of Newtown Ave. which leads to the proposed trailhead. In fact, the road improvement would become necessary to accommodate increased traffic once the trailhead is built. Town staff has worked out a schedule which would begin with a survey in April once PNF completes its public comment period on the project's proposed scope of work.

This project has been widely supported by residents within and beyond the Dewey-Humboldt community. Town Council has been very supportive. The tenacity and dedication of the Town's OSAT Committee, especially its Chair Sandra Goodwin, is critical to the progress to date. In order to carry out the project into its final completion, PNF has asked the Town to express our willingness to commit to a few things:

1. A letter of support in response to PNF's January 27, 2015 scope letter (letter attached).
2. A Letter of support in response to PNF's grant application for the State Park fund to construct the trailhead (and trail improvement).
3. Upon completion of the trailhead, the Town would place a directory sign on an arterial road that leads to the trailhead (I suspect it would be the corner of SR 69 and Kachina Rd.).
4. Upon completion of the trailhead, the Town would assign limited policing patrol around the trailhead area.
5. PNF also hopes to engage civic organizations to commit to "adopting a trailhead" program. PNF will work on this process. Meanwhile, OSAT Chair advised me that the OSAT committee, at its meeting on February 4th, voted to:
 - 1) at the town's request, assist in the Town's efforts to enlist and organize volunteers from users of the trail and trailhead to provide periodic clean-up and trash removal at the site.
 - 2) at the town's request, assist in the Town's efforts in finding community volunteers that have skills or equipment for welding, excavation or fence building.
 - 3) at the town's request, assist in the Town's efforts in locating a local contractor (licensed) that is willing to provide services for free. (Licensed would indicate skilled not just someone who owns a backhoe.)

Staff (also on behalf of OSAT) recommends Council:

- 1) acknowledge the above commitments
- 2) authorize the Mayor to sign letters of support for the scope of work and PNF grant application (I have enclosed the letter for the scope of work; but I am waiting for PNF to coordinate the letter for the grant application which may need the Mayor's signature before Council's review at a council meeting)
- 3) direct OSAT to proceed with the proposed actions.



File Code: 1950 /2350
Date: January 29, 2015

Dear Interested Party:

The Bradshaw Ranger District, Prescott National Forest, is seeking your comments on a proposal to create a multi-use trailhead for the Charcoal Gulch Trail #9419 at Newtown Avenue adjacent to the town of Dewey-Humboldt, AZ. This letter and the attached map provide background information, a description of the decision to be made, and a request for your comments.

Starting in 2008 the Prescott National Forest engaged individuals, local trail user groups, and various local governments in developing a recreation strategy for Central Arizona that focuses efforts on building and maintaining sustainable recreation infrastructure. Sustainable recreation infrastructure is developed by considering the social, economic, and environmental implications, whether they are positive or negative.

The need for additional trails and trailheads was highlighted by those involved in this process, and the Forest Service worked with its partners to develop sustainable trail proposals for the greater Prescott area. In 2013 and 2014, meetings were held to gather input from all interested publics through the Greater Prescott Trails Planning process. This proposal is a direct result of that process and is considered part of the short-term implementation projects.

This project fits within the Prescott National Forest's sustainable recreation goals by providing improved access to trails on the forest. It is economically sustainable because we anticipate construction to be funded through grant monies and maintenance to be partially provided by local governments and community volunteers. Additionally, this trailhead will potentially increase visitation to local businesses by trail users and add value to nearby homes by providing access to the forest. Furthermore, it is being designed as a simple parking area, with no services other than information and parking, reducing the need for daily or weekly custodial services. This simple design also helps meet environmental sustainability by reducing the footprint and directing users to one central access point that provides information on responsible trail use. Lastly, this project is socially sustainable as it improves quality of life for local residents and reduces conflicts associated with trail users parking on private lands to access forest trails.

Existing Condition

The main access to the Charcoal Gulch Trail #9419 is off of Highway 69 to the west of Dewey-Humboldt on Newtown Avenue. The 5.4 mile long Charcoal Gulch Trail is designated as a motorized OHV route (less than 50 inches wide) connecting to the Nemo Spring Trail #9405



(OHV- 4.2 miles) and Red Mountain Trail #43 (Motorcycle-1.6 miles). The Charcoal Gulch trail provides additional access and trail recreation opportunities in the area as well as connections for non-motorized users to a large system of trails in the Lynx Lake Area (Map 1).

Currently, there is no parking area on Forest Service land and trail users park on undeveloped private land. Additionally, for many years trash dumping and unmanaged recreation was occurring in the area adjacent to homes on private land. These activities were occurring on the forest, accessed via trail 9419 which is road width for the first mile, allowing full size vehicle access. In 2011, Forest Service personnel installed an OHV gate on Trail 9419 at the forest boundary to restrict the size of vehicles to 50 inches and less as intended under our travel management plans, which in turn also curtailed many of the illegal activities occurring at this location.

There is an active livestock grazing allotment on the forest in this location and the proposed trailhead site is used for watering and gathering livestock at various times of the year. Additionally, the trail is used as a route into various livestock waters and other improvements for periodic maintenance and livestock management.

In recent years, local trail users and the Town of Dewey-Humboldt have expressed interest in seeing a trailhead created on the Prescott National Forest at the end of Newtown Avenue to access the forest trails. This proposal was brought forth in the various Greater Prescott Trails Planning meetings that were held in May and June of 2013 and 2014.

Proposed Action

The proposed action would authorize the construction of a multi-use trailhead at Newtown Ave. The trailhead would serve off-highway vehicles (OHVs), motorcycles, equestrians, mountain bikers, and hikers. The developed area would include less than 1 acre of National Forest System Land.

The proposed trailhead would have the following features: (see attached design)

1. Fenced parking area about 212ft x 110ft, graded and surfaced with gravel
2. Trailer and passenger car parking
3. 2 panel information kiosk and map
4. Road gate to prevent full-sized vehicle access to trail and allow authorized access for permittee
5. 64inch metal trail gate
6. 64 inch OHV cattle guard

Currently the forest does not intend to provide restroom, trash, or water services at this trailhead, but would consider installation of such features if protection of resources becomes a concern or public use indicates such facilities are necessary.

This trailhead is intended to be fee free. If fees are eventually determined to be necessary to provide for the proper management of the facility, this would require additional public involvement.

The trailhead will be managed as a day use only site to reduce conflicts with the livestock permittee and local residents. Additionally, the trailhead may need to be closed to public use at various times of the year to facilitate the livestock permittee's operation and public notice would be posted prior to such closure.

The Bradshaw District Ranger will decide whether to implement the proposed action or take no action at this time. Our preliminary assessment is that this proposal falls under Categorical Exclusion 36 CFR 220.6(e)(1)-Construction and Reconstruction of Trails. Categorical exclusions are a category of actions that do not individually or cumulatively have a significant effect on the environment; therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required (36 CFR 220.6(d) and (e)). If no extraordinary circumstances warrant documentation of environmental effects, a Decision Memo will be prepared following consideration of public comments and relevant environmental factors.

If a decision to construct this trailhead is made, the estimated implementation date for this project is Fall/Winter 2015.

We would like to know of any comments, issues, concerns, or suggestions you may have about this proposal. Comments should be as fully formed and specific as possible to assist us in the analysis. Although comments are welcome at any time, they will be most effective if received by **February 27th, 2015**. Please submit your comments in writing to:

Newtown Avenue Trailhead
Prescott National Forest
344 S. Cortez St.
Prescott, AZ 86303
Attn: Jason Williams

Or via email to: comments-southwestern-prescott-bradshaw@fs.fed.us

Please put **Newtown Avenue Trailhead** in the subject line. Comments submitted as electronic attachments should be in .doc, .docx, .pdf, or .rtf format.

If you have any questions, please contact Jason Williams of the Prescott National Forest at 928-777-2220, or email: jwilliams12@fs.fed.us

Comments received in response to this scoping letter, including names and addresses of those who comment, will be considered part of the public record on this project and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA,

confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within thirty (30) days.

Thank you for your interest in the management of the Prescott National Forest!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Tomsky', with a stylized flourish at the end.

SARAH TOMSKY
BRADSHAW DISTRICT RANGER

TRAIL 9419

ATV
CATTLE
GUARD

SIGN
KIOSK

64"
TRAIL
GATE

110'

PERIMETER PIPE
RAIL/BARBWIRE
FENCE

9 SINGLE VEHICLE
PARKING SPACES

7 TRAILER
PARKING SPACES

AGGREGATE
BASE
SURFACING

14' WIDE
PERMITTEE
GATE

212'

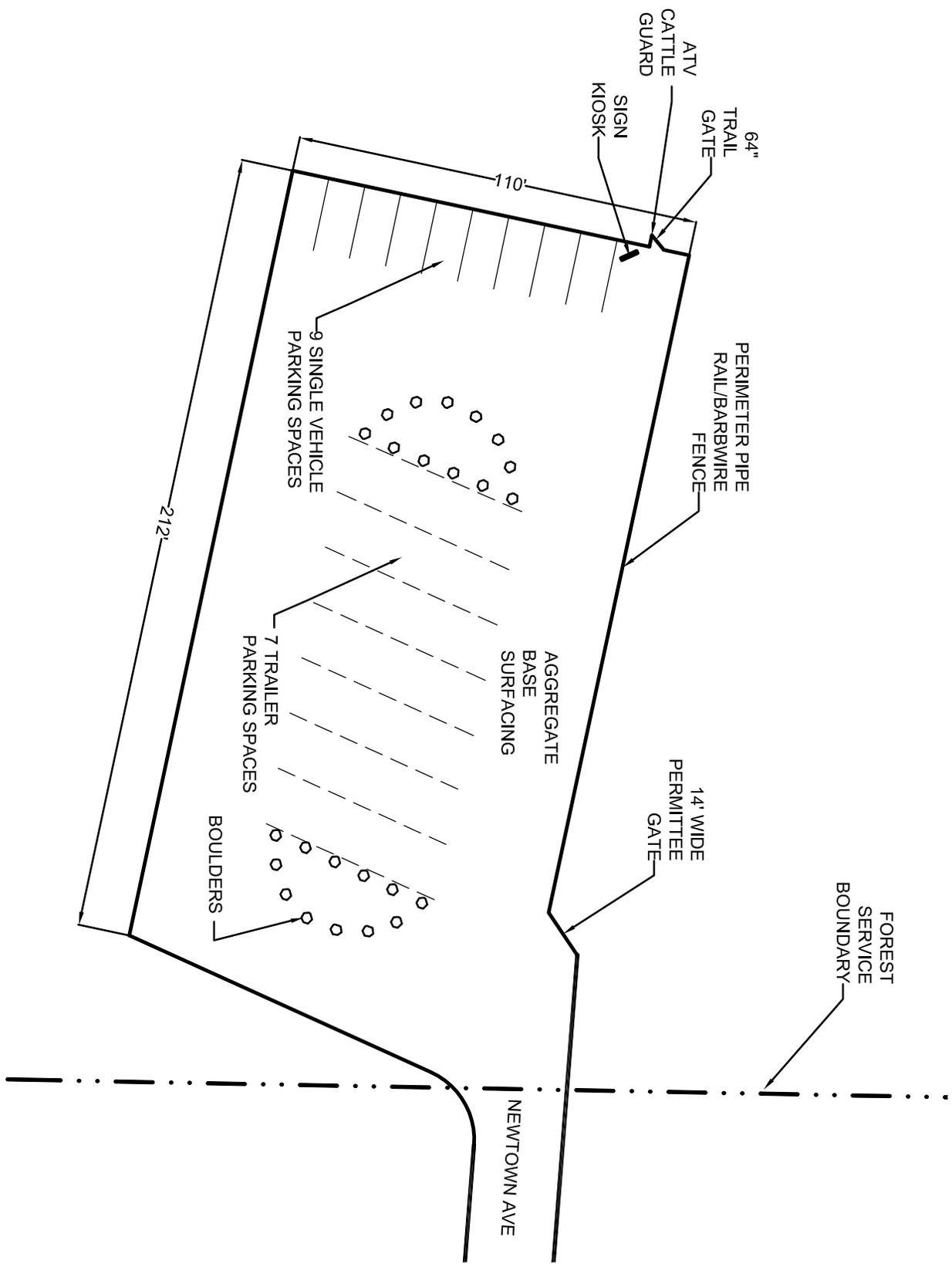
BOULDERS

FOREST
SERVICE
BOUNDARY

NEWTOWN AVE

NEWTOWN AVE. TRAILHEAD

SCALE: 1" = 40'-0"

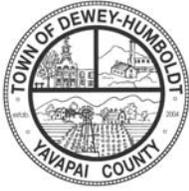


Newtown Ave. adjacent to PNF gate; Trl 9419
February 2015 (after receiving PNF letter for public input posted in early February 2015)



Newtown Ave. adjacent to PNF gate; Trl 9419
February 2015 (after receiving PNF letter for public input posted in early February 2015)





TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

February 17, 2015

Prescott National Forest

Attn: Jason Williams

344 S. Cortez St.

Prescott, AZ 86303

Ref: Newtown Avenue Trailhead

Dear Mr. Williams,

On behalf of the Town council and Town Open Space and Trails Committee, I wish to express our gratitude to you and your team for your work to move the "Newtown Trailhead" project forward. We are excited about the possibilities indicated in Bradshaw District Ranger Ms. Tomsky's proposed action letter dated January 27, 2015.

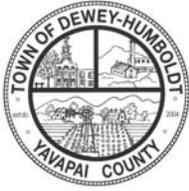
As you recall, the Town has originally submitted our request and support of the construction of the multi-use trailhead in July 2014. Town OSAT and staff have been staying closely to the process. Town is elated to see the proposed action in your January 27, 2015 document. Furthermore, the Town is willing to partner with Prescott National Forest on your efforts to promote and maintain the trailhead by taking actions such as the placement of a sign promoting the trailhead upon completion.

Once again, please let us express our support for the project. The Town is looking forward to further partnering with you in the near future.

Sincerely,

Terry Nolan, Mayor

Town of Dewey-Humboldt



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TOWN COUNCIL REGULAR SESSION

February 17, 2015 6:30 p.m. Town Council Meeting Chambers

Agenda Item: # 10.4. Discussion and possible action or direction related to the Lease Agreement for the Town Hall and Yavapai County Sheriff's Substation at Humboldt Station.

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: February 12, 2015

Recommendation: consider whether to continue leasing the current facility after the current lease expires on December 31, 2015 and directions to proceed accordingly

Summary:

Town rents town hall offices and the Sheriff's station from Humboldt Station Inc. currently. The original lease agreement was entered into in 2007 and effective January 1, 2008. The initial term was for four years until December 31, 2011. The Town has exercised two two-year extensions as stipulated in the original lease with the most recent (the second) extension lease entered into on December 2013. The 2013 Extension extends the lease to December 31, 2015. Additionally, when the 2013 Extension expires, the original 2007 Lease will become ineffective completely.

At this time, staff seeks Council direction on how to proceed.

If Council decides to continue leasing the current facilities, the Town Attorney can assist the Council with a new lease to continue the arrangement.

If Council decides not to continue the current arrangements, at your direction, staff needs to proceed immediately with an alternative location. The Town does not own any suitable properties for a temporary or permanent town hall facility. The Town is in the process of accepting a property donation; however, the process of accepting the donation, preparing to build, and the eventual operation of new buildings can be a lengthy process. It is not realistic to have it all done before December 31, 2015.

REAL PROPERTY LEASE AGREEMENT

THIS REAL PROPERTY LEASE AGREEMENT entered into this 6th day of November, 2007, by and between *Humboldt Station, Inc.*, an Arizona Corporation (hereinafter referred to as "Landlord") and the Town of Dewey-Humboldt, a municipal corporation of the State of Arizona (hereinafter referred to as "Tenant").

1. Location Of Leased Premises: Landlord hereby leases to Tenant that certain commercial property located at and more particularly described as Suites 7, 10A, 11, 12, 13, 14 and 15, located at 2735 S. Highway 69, Dewey-Humboldt, Arizona. (Hereafter "Leased Premises").

2. Term Of Lease:

A. The term of this lease, as regards Suite 7, shall be for one (1) year and begin on January 1, 2008, and shall be terminable upon sixty (60) days notice.

B. The term of this lease, as regards Suites 10A through 15 shall be for four (4) years, shall begin on January 1, 2008. Tenant shall advise Landlord, no less than six (6) months prior to the term of this provision, whether Tenant wishes to exercise the first of two (2) two (2) year extensions of this agreement as to Suites 10A through 15. Likewise, no less than six (6) months prior to the term of the first two (2) year extension, Tenant shall advise Landlord whether Tenant wishes to exercise the second of the two (2) year extensions. In the event Tenant does not exercise either of the extension notices, Landlord shall be entitled to assume Tenant does not wish to exercise the extensions.

C. The rates of the lease may be negotiated at the same time as the extension dates.

3. Rental Amounts: Rents for the suites leased to Tenant, hereunder, shall be calculated as follows:

A. Suite 7: 640 square feet at a rate of \$1.20 per square foot for a total base rent amount of \$768.00 per month.

B. Suites 10A, 11, 12 and 13: 1880 square feet at a rate of \$1.25 per square foot for a total base rent amount of \$2,350.00 per month.

C. Suite 14: 336 square feet at a rate of \$1.25 per square foot for a total base rent amount of \$420.00 per month.

D. Suite 15: 384 square feet at a rate of \$1.25 per square foot for a total base rent of \$480.00 per month.

7. Payment Of Utilities: Landlord shall be responsible for, and shall pay the costs attendant to, the provision of water, sewer and trash service to the Leased Premises. Any and all other utilities shall be the obligation of Tenant, the bills for which shall be paid timely. In no regard shall Tenant allow utility bills to go unpaid such that liens attach, from the utility provider, against the Leased Premises.

8. Additional Incidents Of Default: Besides the non-payment of rents, as provided for above, the following shall also constitute incidents of default:

A. The vacating or abandonment of the Leased Premises by Tenant

B. The failure by Tenant to observe or perform any of the covenants, conditions or provisions of this Lease to be observed or performed by the Tenant., where such failure shall continue for a period of ten (10) days after written notice, thereof, by Landlord to Tenant; provided however, that if the nature of Tenant's default is such that more than ten (10) days are reasonably required for its cure, then Tenant shall not be deemed to be in default if Tenant commences such cure within ten (10) days and thereafter diligently competes the cure.

C. The making by Tenant of any general assignment or general arrangement for the benefit of creditors or the filing by or against Tenant of a petition to have Tenant adjudged a bankruptcy, or a petition for reorganization or arrangement under any law relating to bankruptcy unless, in the case of the petition filed against Tenant, the same is dismissed within sixty (60) days of the appointment of a trustee or a receiver to take possession of substantially all of tenant's assets located at the Leased Premises or of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) days, or the attachment, execution or other judicial seizure is not discharged within thirty (30) days.

9. Entitlement Of Landlord In The Event Of A Paragraph 8 Default: In the event of any such default or breach by Tenant as is stated within paragraph 8, above, Landlord may, at any time thereafter, in its sole discretion, upon written notice or demand, and without limiting Landlord in the exercise of a right or remedy which Landlord may have by reason of such default or breach:

A. Terminate Tenant's right to possession of the premises by any lawful means, in which case this Lease shall terminate and Tenant shall immediately surrender possession of the premises to Landlord. In such event, Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default including, but not limited to, the cost of recovering

12. Modifications/Alterations To Leased Premises: As municipal offices, the Parties recognize that certain alterations/modifications will be required in order to provide confidentiality, safety and security. Such alterations/modifications shall be made by Tenant and at Tenant's cost, and at the term of this Agreement, or any extensions thereof, Tenant shall be responsible for the restoration of the facility to its condition prior to such alterations/modifications unless Landlord specifically directs that the alterations/modifications remain. In no manner and at no time shall Tenant be entitled to make any alteration/modification that compromises the integrity of the overall structure or in any fashion diminishes either the image or marketability of the development of which the Leased Premises is a part.

13. Exterior Modification: Tenant shall undertake no modification of the exterior of the Leased Premises, shall place no additional signage on or about the property, and shall locate no objects outside of the Leased Premises without the prior written consent of Landlord, such consent not to be unreasonably withheld. It is understood between the Parties that, at a minimum, both indicia of the presence of municipal offices upon the premises and the possible need for a location for the posting of police/public notices may be necessary and would be permitted. Beyond that, anything further will be addressed between the Parties on a case-by-case basis.

14. Common Facilities:

A. Tenant and Tenant's employees shall use parking facilities as directed by the Landlord.

B. Tenant's customers shall be entitled to enjoy the use of the parking area along with all other owners and occupants of the center which is served by the parking lot.

15. Maintenance Responsibilities: Tenant shall, during the term of the Lease and as its sole expense, keep and maintain the Leased Premises and the improvements thereto, including, but not limited to, faucets, sinks, toilet, doors, windows, hardware, lightbulbs, doors, trim, locks, glazing, interior, walls, ceilings, and the interior of the Leased Premises in good, clean and sanitary order, condition and repair. In that regard, Tenant shall not permit an accumulation of boxes, papers, waste or other refuse matter in or around the Leased Premises.

16. Destruction of Premises: In the event of the total destruction of the premises during the lease term as a result of fire not due to the negligent acts of Tenant, this Lease shall immediately terminate.

In the event of the partial destruction of the Leased Premises not due to the negligent acts of Tenant; with such destruction determined to affect

Landlord's interests.

21. Insurance And Extended Coverage: Both Landlord and Tenant, at their sole expense, shall obtain and keep in force both fire and extended coverage insurance upon the Leased Premises as Landlord and Tenant may in their individual discretion respectively determine to be appropriate in order to protect them against the loss of their fixtures, goods, wares and merchandise on and about the premises. Tenant hereby waives as against Landlord any and all claims and demands of whatsoever nature for damage, loss or injury to the premises or to Tenant's fixtures., goods, wares and merchandise as shall be caused by or result from fire and/or other perils, events or happenings which are, or should have been pursuant to this Agreement, the subject of such fire and extended coverage insurance.

22. Showing Of Premises At Term Of Lease: Landlord shall be entitled, during the sixty (60) days prior to expiration of this Agreement, and during normal working hours or by appointment scheduled with the Tenant, to exhibit the premises to prospective tenants and to place upon or in the windows of the Leased Premises any signage with is usual and ordinary in the course of such activities.

23. Abandonment: Tenant shall not vacate or abandon the Leased Premises at any time during the term of this Agreement. If Tenant vacates, abandons or surrenders the Leased Premises or be dispossessed by process of law or otherwise, any personal property left on the Leased Premises may be deemed to be abandoned at the option of Landlord.

24. Transfer Of Landlord's Interest: Landlord hereby reserves the right to sell, assign, or transfer this Agreement upon the condition that in such event this Agreement shall remain in full force and effect. Upon such transfer, assignment or sale, other than as security, Landlord shall be released from any further obligations hereunder. Upon such sale, transfer or assignment, Tenant shall execute such subordination agreement or other documents as are reasonably required by the Parties, other than any document altering, amending or changing the provisions of Tenant's tenancy, hereunder.

25. Assignment And Subletting: Tenant shall not assign or sublet its interests, hereunder, without the prior written consent of Landlord, and any such assignment without such consent shall be considered *void ab initio*, at the option of Landlord.

While Landlord has the absolute right to withhold consent to such assignment or subletting, such consent shall not be unreasonably withheld.

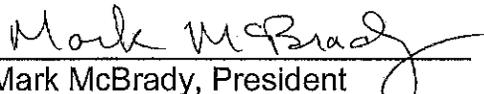
26. Attorneys Fees: Should either Party materially breach the provisions

35. Conflict Of Interest: Pursuant to A.R.S. § 38-511, the Town may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the Town is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party to the agreement with respect to the subject matter of the agreement. In the foregoing event, the Town hereby elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this agreement on behalf of the Town from any other party to the agreement arising as a result of this agreement.

ENTERED INTO this 6th day of November, 2007

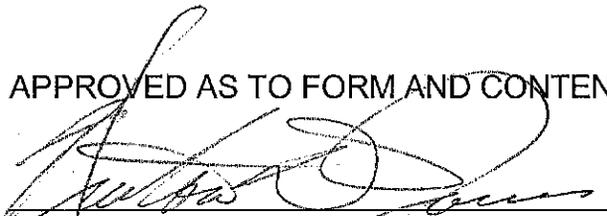
LANDLORD:

TENANT


Mark McBrady, President
Humboldt Station, Inc.


Earl Goodwin, Mayor
Town of Dewey-Humboldt

APPROVED AS TO FORM AND CONTENT:


Kenton D. Jones
Attorney for the Town of Dewey-Humboldt

**EXTENSION OF
REAL PROPERTY LEASE AGREEMENT**

This Extension of Real Property Lease Agreement ("Lease Extension") is entered into by and between Humboldt Station, Inc., an Arizona corporation (herein called "Landlord") and the Town of Dewey-Humboldt, Arizona, (herein called "Tenant") on this 18 day of Dec, 2013.

RECITALS:

1. Landlord and Tenant entered into a Real Property Lease Agreement dated November 6, 2007 for the lease of certain commercial property located at 2735 S. Highway 69, Dewey-Humboldt, Arizona ("Lease Agreement").
2. In 2011 Tenant and Landlord entered into an Extension of Real Property Lease Agreement that extended the term of the Lease Agreement for two (2) years pursuant to Paragraph 2 of the Lease Agreement and set forth additional agreed upon requirements. The Lease Agreement and the Extension of Real Property Lease Agreement shall be referred to herein as the "2011 Lease".
3. Tenant desires to extend the 2011 Lease an additional two (2) years.

NOW, THEREFORE, in consideration of the foregoing premises and mutual promises and agreements of the parties, Landlord and Tenant agree as follows:

The following provisions of the 2011 Lease shall be amended:

1. Paragraph 5 shall be amended to read as follows:

Repair of Existing Premises; Improvements. Landlord shall, at Landlord's sole expense, perform the following repairs prior to the effective date of this Lease:

- A. Repair the front walkway in the common area in front of the Leased Premises.
- B. Bring the electrical wires in the rear of the Leased Premises into compliance with the electrical code of Dewey-Humboldt.
- C. Repair the Leased Premises by installing weather stripping or other remedies to make the windows and doors as weather resistant as possible.

All other provisions of the 2011 Lease shall remain unchanged.

Entered into this 27 day of December, 2013.

LANDLORD

Humboldt Station Inc
By Mark McBrady

TENANT

Town of Dewey Humboldt
By Jerry Nolan, mayor

ATTEST:

Judy Morgan
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D Goodwin
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

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LANDLORD

Humboldt Station Inc.

By Mark McBrady

TENANT

Town of Dewey, Humboldt

By Jerry Nelson, Mayor

ATTEST:

Judy Morgan
Judy Morgan, Town Clerk

APPROVED AS TO FORM:

Susan D. Goodwin
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Town Attorneys

By Susan D. Goodwin