

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, August 9, 2016 2:00 P.M.

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

3. Study Session. No legal action to be taken.

page

3 **3.1. Code Enforcement Report (January to July 2016).**

11 **3.2. Portion of E. Antelope Way Right-of-Way abandonment request.** Council review and direction.

15 **3.3. Council consensus and direction regarding the Environmental Protection Agency (EPA) response to McCain Letter discussion.** [continuation from the July 5th meeting; originally CAARF's requested by CM Alen and Mayor Nolan]

23 **3.4. Ethics Hearing Process modification discussion, to include Judge Kelley.** (as directed at April 12, 2016 meeting following CAARF request by CM Alen)

4. Special Session. Legal action can be taken.

27 **4.1. 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.

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, August 16, 2016 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday September 8, 2016 at 6:00 p.m.

Next Town Council Work Session: Tuesday, September 13, 2016 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 _____, 2016, 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.

Code Enforcement

Council Presentation

Jan. 2016 - July 2016

August 9, 2016

**Code Enforcement Involves the
Art of Conflict Resolution**



The Character of Code Enforcement in Dewey-Humboldt

- **Continues as Low Volume**
- **Remains Time Consuming**
- **Is Often Confrontational and requires skill in conflict resolution**

The Approach of Code Enforcement in Dewey-Humboldt

- **Complaint Driven Unless There is a Health or Safety Concern**
- **Involve Property Owner in Developing Abatement Strategy**
Which Includes Measurable Milestones
- **The Objective is Always Voluntary Compliance**

Example of Enforcement Action Log

| <u>Case Number</u> | <u>Location</u> | <u>Nature of Complaint</u> |
|--------------------|---------------------|---|
| CDEF-2015-11 | Deerpath Rd | Rubbish/garbage |
| CDEF-2015-13 | SR 169 | MFH in R1-L70 zoning |
| X-015639 | S. Hopi Trail | Dilapidated Structure/Nuisance, Fire Damaged Structures, Debris, Discarded Tires |
| X-15624 | E. Phoenix St. | Dilapidated structure/Nuisance, Fire Damaged Structures, Debris |
| X-015651 | E. White Dr. | Building without a permit, 40 foot cargo container present in violation of Town Code |
| | E. McCabe St. | Rubbish and garbage collecting on the property |
| X-015657 | E. Phoenix St. | Dilapidated and dangerous aluminum shed |
| X-015663 | S. Hecla St. | Construction of an accessory structure encroaching within rear setback |
| X-015659 | E. Glenn | Occupancy of travel trailer |
| X-015662 | E. Kachina Pl. | Occupancy of travel trailer |
| X-015664 | E. Kachina Lane | Occupancy of travel trailer |
| X-015661 | Lazy River Dr. | Property Maintenance, debris piles |
| * X-015637 | E. Smoki Trail | Accumulation of rubbish, multiple inoperable vehicles and occupancy of travel trailer |
| * X-015648 | Henderson | Mobile Home and Semi Trailer maintained on property in violation |
| ** X-015631 | S. Green Valley Rd. | Occupation of a travel trailer, building without a permit |
| ** | E. White Dr. | Occupation of a travel trailer without a temporary housing permit |
| ** X-015654 | S. Foothill Dr. | Grading without a permit |
| * In Collection | | |
| ** Closed Cases | | |

Before

Case Study #1 - Multiple dilapidated residences, discarded tires, misc. demolition debris.



Before

Case Study #1 - Multiple dilapidated residences, discarded tires, misc. demolition debris.



Before

Case Study #2 -Occupancy of travel trailers and construction of accessory structure without a permit.



After

Case Study #2 - Cleared of all Violations and Case Closed



Before

Case Study #3 - Multi-Sectional Mfg. Home on R1L-70 lot Without Permit - Hearing



After

Case Study #3 -Still there, but after being fined, they are now convinced they need to move it.
Code Enforcement is Time Consuming.



Before

Case Study #7 - Expansion of Pre-Existing Non-Conforming Use



Before

Case Study #9 - Unsustained Claim



Before

Case Study #6 - Nuisance Abatement/Dilapidated Structure



Abatement:

There are times when all our effort at voluntary compliance meet with total resistance.

We've taken the civil prosecution to its conclusion and obtained a judgement from the Hearing Officer, but the violation persists, and the Town determines to attempt abatement.

We are working on a set of procedures for the Council to consider adopting into the Town Code, that would provide the Town the ability to abate the violation and assess the property owner to recoup our costs.



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

TOWN COUNCIL WORK STUDY SESSION MEETING

AUGUST 9, 2016, 2:00 P.M. TOWN COUNCIL MEETING CHAMBERS

Agenda Item # 3.2 Portion of E. Antelope Way Right-of-Way abandonment request

To: Mayor and Council Members

From: Ed Hanks, Public Works Supervisor; Steven Brown, Planner

Date submitted: August 3, 2016

Recommendation: Staff recommend approval of the Revision of the Final Plat of Sierra Dells subdivision for the purpose of the Abandonment of Antelope Way from Lazy River Road east to the wash.

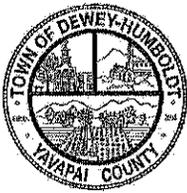
Summary:

This is a recurring request from 2014. The process we use is the same as in 2014. All abutting property owners and utility companies have been contacted about the intent to abandon. Once it is abandoned, the abutting owners would receive the portion adjacent to their individual properties. This approach requires cooperation from all necessary parties. It appears that all parties involved are amicable about the approach. The revision will require a utility easement as part of the plat revision. There are currently utilities in the existing easement, this portion will be retained and dedicated as a utility easement for current and future utilities.

Staff finds that the current location of ROW is not likely to ever become a road due to the existing drainage on the west end of the ROW. The only people that it does impact are the adjacent property owners.

Attached you will find the ROW abandonment application. If council intends to abandon the ROW as requested, staff will gather a Mylar survey from the applicants to indicate the abandonment; staff will also prepare a Resolution for Abandonment for your legal action to complete this process. The Mylar survey will be signed by town officials and the applicants and recorded with the County offices.

Attachments: ROW Abandonment Application



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

Dewey-Humboldt

DEC 29 2015

Received

Right of Way/Easement Abandonment Application

TYPE OR PRINT CLEARLY

R-15-020131
PW2015-1100

Applicant Name: Victor Hambrick / Scott Porter Phone: 928-913-9944 / 602-920-6180

Mailing Address: P.O. Box 447 Dewey AZ 86329 / 1575 S. River Drive Dewey, AZ 86329

Address of Property Adjacent to Right-of-Way to be Abandoned or Encumbered by the Easement: 1655 River Drive Dewey AZ 86329 / 1575 S. River Drive Dewey, AZ 86329

Yavapai County Assessor's Parcel No. : 402-24-136A / 402-24-139A

Legal Description of right-of-way or easement to be vacated (attach legal description if it will not fit):
Antelope way from River Rd E to Wash
(See attached legal description)

Specific Reason for Request: Drive ways to property

THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO VACATE A RIGHT-OF-WAY, ALLEY or EASEMENT:

- A. COMPLETE APPLICATION TO VACATE WITH LEGAL DESCRIPTION AND BASE FEE.
- B. SITE PLAN, SURVEY, OR SKETCH OF DESCRIPTION SHOWING THE AREA TO BE VACATED, INCLUDING THE OVERALL PARCEL, DRAWN TO SCALE ON AN 8½" X 14" SHEET, SUITABLE FOR RECORDING IN THE PUBLIC RECORDS.
- C. CURRENT TITLE REPORT DESCRIBING ONLY THE RIGHT-OF-WAY OR EASEMENT REQUESTED TO BE ABANDONED.
- D. LETTERS OF APPROVAL / DISAPPROVAL FROM ALL APPLICABLE UTILITY COMPANIES
 - ELECTRIC COMPANY
 - WATER / SEWER
 - TELEPHONE COMPANY
 - GAS
 - CABLE COMPANY

Applicant: [Signature] Date: 12/29/15

vichambri,ck@comingsp.net

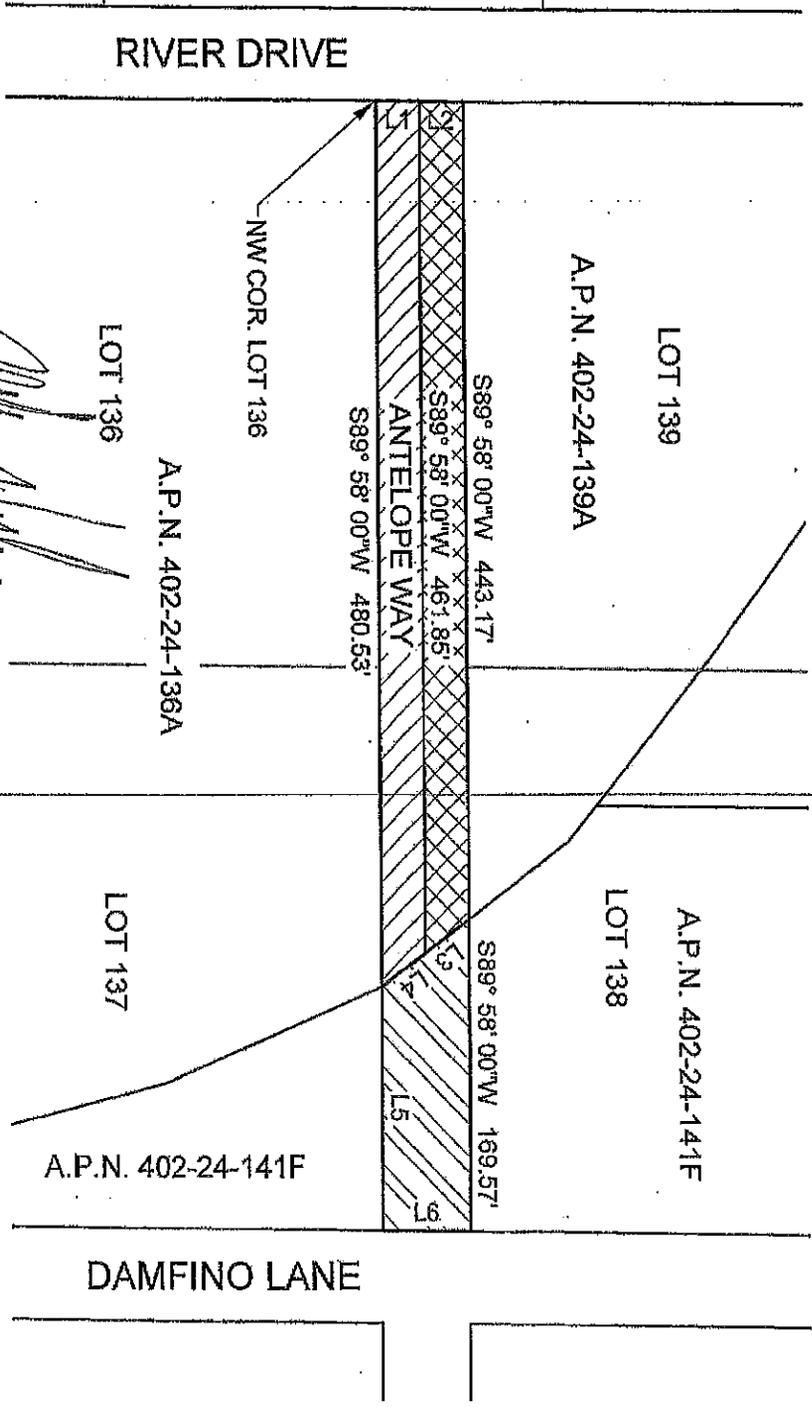
FOR OFFICE USE ONLY
01/17/2011

| | | | |
|-------|------------------------|----|-------------------------|
| Fees: | Base Fee: | \$ | <u>750⁰⁰</u> |
| | Other Fees: | \$ | _____ |
| | Professional Services: | \$ | _____ |
| | Subtotal: | \$ | _____ |
| | Total: | \$ | <u>750⁰⁰</u> |

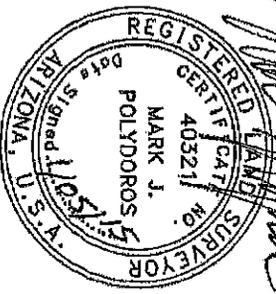
760957* V. Hambrick - \$375.-
760958 S. Porter - \$375.-

Processed by: Ed Hanks Receipt #: 760958 Date: 12-29-2015

EXHIBIT TO ACCOMPANY ABANDONMENT DESCRIPTIONS



| Line # | Length | Direction |
|--------|--------|----------------|
| L1 | 25.00 | N00° 43' 00" E |
| L2 | 25.00 | N00° 43' 00" E |
| L3 | 31.01 | S36° 19' 07" E |
| L4 | 31.01 | S36° 19' 12" E |
| L5 | 132.39 | S89° 58' 00" W |
| L6 | 50.00 | N00° 30' 04" E |



EXPIRES 3/31/2016

-  ABANDONMENT #1
-  ABANDONMENT #2
-  ABANDONMENT #3

| | | |
|--|--|---|
| PROPOSED ABANDONMENT OF A PORTION OF ANTELOPE WAY, SIERRA DELLS SUBDIVISION DEWEY-HUMBOLDT, ARIZONA | | SCALE: 1"=100' SHEET: 1 OF 1 |
| Meridian Land Surveyors LLC. P.O. BOX 546, Dewey, AZ 86327 (928) 772-8390 mark@meridianlandsurveyors.com | | DRAWN BY: MP DATE: 01/05/2015 JOB No.: 1430 |

LAND DESCRIPTION
(Proposed Abandonment #2)

All that portion of 'Antelope Way' according to the Plat of record of 'Sierra Dells' as recorded in Book 17 of Maps and Plats, Page 2, Records of Yavapai County, located in Section 11 Township 13 North, Range 1 East, Gila & Salt River Meridian described as follows:

BEGINNING at the northwest corner of Lot 136 of said Sierra Dells. Said point also being at the intersection of the southerly right of way line of said Antelope Way and the easterly right of way line of 'River Drive' as recorded in said Sierra Dells Plat;

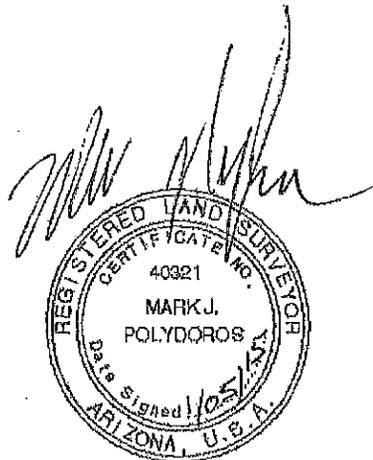
THENCE N00°43'00"E, 25.00 feet along the extension of said easterly right of way line to the centerline of said Antelope Way;

THENCE N89°58'00"E, 461.85 feet along said line;

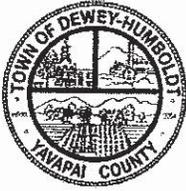
THENCE S36°19'07"E 31.01 feet to a point on the southerly right of way line of said Antelope Way;

THENCE S89°58'00"W, 480.53 feet along said line to the TRUE POINT OF BEGINNING.

Containing 11780 sq.ft. or 0.270 Acres.



Expires 3/31/2016



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: Next Available

Date of Request: 6.24.16

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):

Gain consensus on council opinion for Response letter to Senator McCain as requested

by his staff post the EPA response to Sen. McCain's letter on behalf of DH to be written by staff

Purpose and Background Information (Detail of requested action). To provide bullet points

for staff to send a letter to Senator McCain as he requested with what council would like to see and

then he will take action on our behalf. It is imperative we reach consensus on the future vision for

EPA actions and convey them clearly to the Senator asap now that we have his attention and interest.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: Verbal

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: CM. Arlene Alen

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.

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: [July 5th].

Date of Request:[6/24/16].

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

[X]. A request by [Mayor Nolan] to discuss [and take action].

Purpose and Background Information (Detail of requested action): [to discuss and take action on the letter we received from the EPA]

Staff Recommendation(s): [].

Budgeted/Amount: \$[0].

Expected duration of discussion or report: [1/2 HOUR]

List All Attachments: [0].

Type of Presentation: [Oral].

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: [Mayor Nolan].



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

The Honorable John McCain
United States Senate
SR-241 Russell Senate Office Building
Washington, DC 20510

Dear Senator McCain:

Thank you for your letter of May 25, 2016 to Administrator Gina McCarthy on behalf of your constituents in Dewey-Humboldt, Arizona regarding EPA's activities and schedule for the Iron King Mine/Humboldt Smelter Superfund Site. Your letter was referred to the EPA Pacific Southwest Region because our office has the lead role in the site's cleanup.

EPA staff provided an update on our progress on the investigation and cleanup of the site in a February 2016 letter to the town council, followed by an April 2016 newsletter to local residents. We set forth our priority of our efforts: first, clean up mine-related contamination in residential yards and then focus on the contamination at the former mine and smelter and non-residential drainages above the Agua Fria River.

The remedial investigation work at the site conducted by EPA in 2009-2010 was supplemented with significantly more investigation activities to identify and evaluate cleanup alternatives for the site. We have now completed that work and anticipate releasing a revised, expanded remedial investigation report by fall 2016.

In 2006 and 2011, EPA conducted initial cleanups of lead and arsenic-contaminated soils at a total of 20 residential yards in town. Beginning in fall 2016, we will work with town leaders and residents to plan for additional soil cleanups at 18-30 residences, which we plan to conduct in 2017.

We will also continue our work to evaluate cleanup alternatives for the non-residential areas affected by contaminated mine tailings. We anticipate completion of the feasibility study report by the end of 2017 and by the end of 2018, after a public comment period, selection of a cleanup alternative.

We share your concern about private and public drinking water for residents of Dewey-Humboldt. Our data indicate that the former mine and smelter are not impacting the drinking water. However, local groundwater has variable natural levels of arsenic and other metals. We are working with the state health and environmental agencies to encourage residents with private wells to test their water and implement treatment if arsenic levels are above federal safe drinking water standards.

I have asked our Congressional Liaison to reach out to your staff to set up a call to brief them on EPA's work at the site and to answer any questions they may have. We trust that this information is responsive to your request and serves the needs of your constituents in Dewey-Humboldt. We remain committed to our work at the site and to working with the town and residents throughout the process. If we can be of further assistance, please contact me or refer your staff to our Congressional Liaison, Brent Maier, at (415) 947-4256.

Sincerely,

 16 June 2016
Alexis Strauss
Acting Regional Administrator

United States Senate

May 25, 2016

218 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

2201 EAST CAMELBACK ROAD
SUITE 115
PHOENIX, AZ 85016
(602) 952-2410

122 NORTH CORTEZ STREET
SUITE 108
PRESCOTT, AZ 86301
(928) 445-0833

407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW 1101A
Washington, DC 20460

Dear Administrator McCarthy:

I write to inquire on the status of the Dewey-Humboldt Iron King Mine and Humboldt Smelter Superfund site. I have met personally with members of the Dewey-Humboldt Town Council concerning this matter, who are—as am I—eager for information on when and how the Environmental Protection Agency (EPA) intends to address contamination at this site.

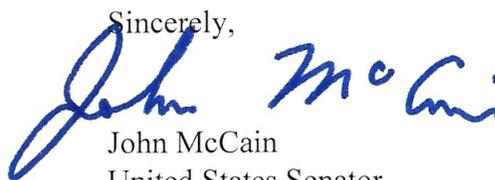
In 2008, the EPA added the Iron King Mine and Humboldt Smelter site to Superfund program's National Priority List. In 2010, the EPA released the results of the site's remedial investigation (RI). That investigation summarized the sources of contamination, risks to both human health and the environment, and the resulting need to remediate the contamination mining industries have left behind since the mine's opening in 1904.

As you know, the next step in the Superfund process is a feasibility study to evaluate and determine cleanup options for the site. That study, aimed at developing cleanup options, has been ongoing since the RI was completed back in 2010. In a report dated April 30, 2015, the EPA stated that sampling studies were completed in Dewey-Humboldt and that the EPA would "begin to study cleanup alternatives for the site."

This cleanup is a priority matter for the Town of Dewey-Humboldt as the town is partly located between the mine and the smelter. Over 75% of Dewey-Humboldt residents are served by domestic wells and private septic systems.

With the foregoing in mind, I ask, on behalf of the Town of Dewey-Humboldt, that you (1) indicate when the EPA will complete its study of cleanup alternatives; (2) release a proposal to remove contaminants from the site; and (3) begin a public comment period in connection with its proposal. I appreciate your prompt consideration of this request, and I ask that this matter be handled in strict accordance with all agency rules, regulations, and ethical guidelines.

Sincerely,



John McCain
United States Senator



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

April 26, 2016

The Honorable John McCain
United States Senate
2201 East Camelback Road
Suite 115
Phoenix, AZ 85016

Dear Senator McCain:

In your conversation with Dewey-Humboldt Council Member Arlene Alen at the recent Tri-City Chambers of Commerce Luncheon, you advised that you would like to personally visit our community. We would love the opportunity to show you our fine community. Please contact the Town Manager, Yvonne Kimball, at 928-632-7362 to schedule your visit.

We, the Dewey-Humboldt Town Council, have also received your correspondence dated February 5, 2016, regarding the Iron King Mine/Humboldt Smelter Superfund Site. We sincerely appreciate your offer of assistance in this matter.

You indicated that you recognize that there may have been some divisions in opinions amongst the Town Council regarding the Superfund site. However, what the Town Council does agree upon is that, as a community, we have grown tired of the continuing wait for eventual remediation. The site was designated a superfund site by the Environmental Protection Agency (EPA) in 2006. Over ten years have passed with numerous studies and much research having been conducted, resulting in no tangible clean-up action plan, which was what we have been seeking. This prolonged process has taken a toll on our citizens and thwarted economic development in our area.

Further, over 75% of the Dewey-Humboldt residents are served by domestic wells and private septic systems. Since so much time has gone by without a resolution, there are health issues in our community that our citizens believe may be the result of the mine tailings and arsenic in their well water. The recent incident with the water supply in Flint, Michigan has only escalated the worry and concern of our citizens in regard to their domestic well water.

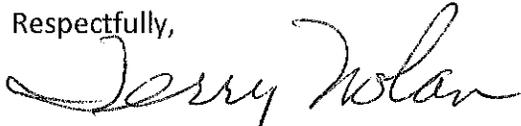
Instead of waiting for EPA, while there was no progress being made or a plan of action adopted, we independently took steps toward the resolution of this problem. The Town instituted a free well water testing program in order to enable our residents to determine the actual level of arsenic, copper and lead contaminants in their domestic well-produced water. Based on the results, we hope that our residents will make informed decisions for their families. Despite a significant impact on our tiny budget, Town Council was committed to this program, as the well-being of our citizens is of the utmost priority.

We are grateful that you are interested in assisting Dewey-Humboldt in our ongoing challenges with the EPA and the Superfund site. We appeal to you for help, as we realize that we cannot accomplish the clean-up goal by our own means. The Town Council, collectively, petitions you to direct the EPA to expedite the entire clean-up process for the Dewey-Humboldt Iron King Mine/Humboldt Smelter Superfund site.

We want our community to be healthy with revived economic development. With your furtherance, we believe that our Superfund site clean-up process would be accomplished quickly.

We look forward to seeing you soon in Dewey-Humboldt.

Respectfully,



Dewey-Humboldt Town Council

Terry Nolan, Mayor

Doug Treadway, Vice Mayor

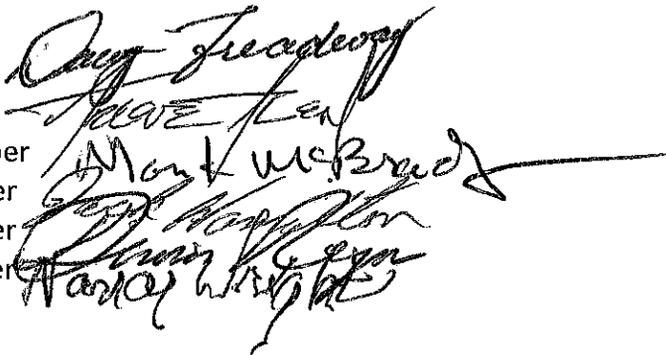
Arlene Alen, Council Member

Mark McBrady, Council Member

Jack Hamilton, Council member

Dennis Reban, Council Member

Nancy Wright, Council Member



cc: Senator Jeff Flake

Representative Paul Gosar

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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: _____

Date of Request: _____

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):

Purpose and Background Information (Detail of requested action). _____

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

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

Contact Person: _____

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.

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
APRIL 12, 2016, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 12, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 2:02 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan were present.
3. **Study Session.** No legal action to be taken.

3.1.FY 16 Quarterly Financial Report (as of March 31, 2016) and introduction to OpenGov financial transparency module (OpenGov module is live on the town website).

Accountant Deni Thompson gave her report and answered Council questions. There was discussion on OpenGov and when the data is updated (approximately 10 days after month end).

Public comment was received on this item from Jerry Brady who spoke on the report being in compliance with laws and commended staff on a good job.

Accounting Clerk Mickey Moore gave an overview and demonstration of OpenGov with the Town's live data now available online (on town's website home page www.dhaz.gov, "OpenGov Link"). Council spoke on wanting more detail provided on OpenGov.

3.2.2011- 2021 Capital Improvement Plan review, assessment and direction for future implementation. (Continued from March 15th meeting).

Council discussed the pros and cons for having a Capital Improvement Plan. The general consensus was to set the CIP aside. Vice Mayor Treadway inquired of Public Works Supervisor Hanks if he felt any of the projects listed in the CIP were worthwhile. There was discussion regarding road improvements on the west side of town to increase the ingress/egress to more than one route. This led to further discussion on road work with the general consensus that this may be too costly for the current budget, unless there was grant money available. TM Kimball will do further research to determine if a formal repeal is necessary.

Public comment was received on this item from Jerry Brady who spoke to a 30-year ADOT plan, which requires 3 ingress/egress points with only one currently on the west side of town. He also spoke to funding issues and recommended Town Council take advantage of some federal funding available with a 20-year plan, as did the County and City of Prescott.

Town Manager Kimball spoke to repealing Resolution 10-74 with CM Wright questioning to the need for repeal

3.3. Council letter regarding the Iron King/Humboldt Smelter Superfund site issues to Senator McCain. (Continued from the March 15th meeting)

Mayor Nolan spoke to the letter and indicated approval. Council Member Alen spoke to having been at the Tri-City Chambers Luncheon and speaking with Senator McCain regarding the impending letter from Council. Senator McCain encouraged the Town to invite him for a tour of D-H. Mayor Nolan indicated that the letter would be revised to include an invitation for Senator McCain to visit D-H.

Public comment was received from Jerry Brady who spoke on an order of publication for an emergency response plan and that these issues should be addressed with Senator McCain.

3.4. Discussion of Ethics Hearing Process. [CAARF requested by CM Alen]

Council Member Alen spoke on Council's extensive time spent on the Code of Ethics process over the past couple years. CM Alen pointed out what she experienced as flaws in the ethics hearing process and encouraged that Council address the process. Council discussed holding a special meeting with Magistrate Judge in attendance to go over the process. Mayor Nolan indicated that an Ethics Officer was hired to handle these hearings. Council consensus was that a special meeting with the Magistrate be held and any outcome of the meeting would then be relayed to the Ethics Hearing Officer.

Public comment was received from Jerry Brady who spoke agreeing with CM Alen referring to rules of evidence and general procedure that apply to administrative proceedings.

There was Council consensus to hold a work session on the Ethics Hearing process on May 24, 2016, from 1 - 3 p.m. with Judge Kelley in attendance (pending Judge Kelley's availability), and place any further Ethics hearing on hold until the process is modified.

4. Special Session. No legal action was taken.

4.1. Consideration of individual Council member(s)' proposals and ideas as they are related to the FY 17 Budget's General Fund, Highway User Revenues Fund (HURF) and Grant Funds. [CAARF requested by CM Repan, continued from March 8th Work Session] Discussion and possible action.

Council Member Repan gave an overview of his CAARF as this being a place to begin the budgetary process. Council Members discussed different proposals to be considered in the 2016-17 budget, i.e. building a town hall; solar lighting for the Town flags; continuation of well water testing; road improvements for emergency access vehicles; consideration of assuming private roads; D-H Museum rent assistance; Agua Fria festival support.; routine road maintenance; solar lights for the Town Hall porch; increase of legal fees; and Meals on Wheels.

Public Comment from Jerry Brady who spoke to rights-of-way and easements that were transferred to public entities, as well as federal funds available to bring roads up to emergency standards for ingress and egress.

Town Manager Kimball reviewed her notes on proposed items for the budget: OSAT requested \$15k for a second trailhead; solar light for flagpole at town hall; \$10k for private well water testing; allow for increased legal fees (abatement and rate increase); museum rent \$8400; \$2k for Agua Fria Festival; \$40k for level one road maintenance

on 50 miles of private roads; \$2500 Meals-on-wheels; Public Works proposal for road projects.

Council consensus was to put all the proposed items in the preliminary budget, including an extensive road project plan. Council will then review and discuss these items during future budget meetings with the option of removing proposed items, if necessary. CM Wright left the meeting at 5:17 p.m.

4.2. 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.

Town Manager Kimball noted that there is an additional Special Budget Workshop scheduled on April 26, 2016, from 9 a.m. to 12 p.m. No other additional special sessions were scheduled.

5. Adjourn. The meeting was adjourned at 5:04 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk

Mayor Nolan 6/27 8AM)

- ✦ Unfinished business: To accept or reject the results of the citizen survey as presented to council. [CAARF requested by CM Repan (6/27-8 AM)]

July 7, 2016 Planning and Zoning

- ✦ Continuation of historic district assignment review
- ✦ General Plan review

July 12, 2016 Work Session Council

- ✦ PW report
- ✦ Accountability contracts details with DHHS and MAMoW
- ✦ Board of Adjustment reinstatement mechanism (directed at the June 7 meeting)
- ~~✦ Follow up on citizen survey (by Alex Wright, Yavapai College Economic Development)~~
- ✦ Private road transaction policy –charging ordinance?

July 19, 2016 Regular Council

- ✦ FY16-17 Budget public adoption, public hearing.
- ✦ Continued discussion on 12925 E. Main St. (continued from June 7th meeting)
- ✦ CM Repan CARF –accepting /reject the results of citizen survey (continued from the July 5 meeting)
- ✦ Yavapai County March for Babies consideration for Mayor to represent the town for this event. CAARF-Mayor Nolan 07/07/16
- ✦ To purchase radar speed signs for highway. [CAARF requested by Mayor Nolan-7/8/16]

August 2, 2016 Regular Council

- ✦ 4/1 – 6/30/2016 financial statement report (Deni)
- ✦ Flood control IGA
- ✦ Permit report (FY 15-16 July 1 to June 30 2016) –Don Roberts
- ✦ Accountability contracts with DHHS –rent, Agua Fria Festival; with MAMOW
- ✦ Arizona Department of Revenue IGA Modification. [from Deni once reviewed by legal]
- ✦ Bank building acquisition (continued from the July 5 meeting, ES) and use of the building
- ✦ Schedule a presentation by Alvin Stump of ADOT. [CAARF from CM Alen]
- ✦ Schedule a presentation by Vincent Gallegos, CYMPO Transportation Planner [CAARF from CM Alen]

August 4, 2016 Planning and Zoning

- ✦ Consideration by some members whose terms are expiring to continue to serve on P&Z (2 commissioners' terms expire 1/2017). (JM)
- ✦ Discussion of commissioner's attendance at P&Z meetings (Chair Smylie)
- ✦ General Plan Review
- ✦ Continuation of historic district assignment review

August 9, 2016 Work Session Council

- ✦ Code enforcement presentation (Steven)
- ✦ ROW abonnement (Ed – Hambrick property)

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- ✦ EPA response to McCain letter discussion –two CARFs (continuation from the 7/5 meeting)
- ✦ Ethics Hearing process (Cathy Kelley confirmed her attendance by email - JM 6/28/16)

August 16, 2016 Regular Council

- ✦ public safety 2nd (April – June) quarterly updates – Judy please confirm (CK confirmed;)
 - ✦ ADOR IGA (after review)
 - ✦ 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 purchase of real property located at 12925 E. Main Street, Dewey-Humboldt and regarding possible lease of that real property. (SGoodwin on 7/27)
- ✦

September 6, 2016 Regular Council

- ✦ ROW abandonment resolution (Hambrick and Porter)

September 8, 2016 Planning and Zoning

- ✦ General Plan Review

September 13, 2016 Work Session Council (evening)

- ✦ Continuation from the June 21st discussion animal related Chapter 153. Zoning regulations ordinance – P&Z recommendation regarding
- ✦ “household” pet definition
- ✦ Proposed abatement ordinance background and detailed review

September 20, 2016 Regular Council

- ✦ tbd

October 4, 2016 Regular Council

- ✦ 200 strip annexation hearing ...

October 6, 2016 Planning and Zoning

- ✦ Review of Zoning Code

October 11, 2016 Work Session Council

- ✦ 7/1 – 9/30/2016 finance report
- ✦ Municipal bill of rights presentation (Steven)
- ✦ Improve water quality “solution” grant implementation details council endorsement (if not sooner; Feb. cut-off date, Steven)
- ✦ Private road transition policy and form review (Ed and steven review in July).

October 18, 2016 Regular Council

- ✦ Mayer Meals on Wheels bi-annual presentation (per accountability contract/Deni

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