

SPECIAL STUDY SESSION MEETING NOTICE
TOWN COUNCIL OF DEWEY-HUMBOLDT
Tuesday, February 14, 2012, 2:00 P.M.

COUNCIL SPECIAL STUDY SESSION MEETING
2735 S. HWY 69

COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA

AGENDA AMENDMENT

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.

2.1. Town Council. Town Council Members John Dibble, David Hiles, Dennis Repan, Denise Rogers Nancy Wright; Vice Mayor Mark McBrady; and Mayor Terry Nolan.

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

3 **3.1. ADOT Presentation/Update on the PARA Grant Transportation Plan.** A presentation by Diane Kresich and Michael Grandy, with ADOT.

25 **3.2. Potentially Filling the Hearing Officer Vacancy with Town's Magistrate Judge.** Discussion and possible direction on preparing an ordinance to amend town code, designating duties to the magistrate judge.

4. Special Session. Legal Action can be taken.

33 **4.1. Expenditure approval for Mayor.** Discussion and possible action on whether to allow the expenditure for the Mayor's attendance at an event in February.

39 **4.2. Discussion and possible direction to Staff or the Museum Subcommittee regarding the "Dewey-Humboldt Historical Society Proposed Questions for the Town Attorney Related to Providing Town Funds to a Non-Profit Organization" and the Historical Society's proposal requesting Town funding for purchase of a building, lease and "seed money" for the purpose of establishing and operating a museum.**

43 **4.3. Council Agenda Action Request Form: "Evaluation of Mayor's unauthorized expenditures and action for an appropriate amount of reimbursement".** [Requested by CM Rogers for Lydia Chapman]

5. 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. Comments are accepted regarding any services or individuals in Town government or about others doing business or who might do business with or for the Town. Topics can include all services the Town provides or could provide under State Law. 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 Comments from the Public is **20** minutes. No time limit is imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

6. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, February 21, 2012, at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, March 8, 2012, at 6:00 p.m.

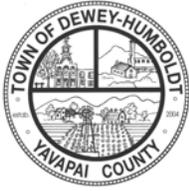
Next Town Council Work Session: Tuesday, March 13, 2012, at 2:00 p.m.

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 _____, 2012, 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.



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

TOWN COUNCIL SPECIAL STUDY SESSION MEETING
February 14, 2012 – 2:00 pm Town Council Meeting Chambers

Agenda Item # 3.1 ADOT presentation/update on the PARA Grant Transportation Plan

To: Mayor and Town Council Members
From: Yvonne Kimball, Town Manager

Date submitted: February 8, 2012

Agenda Item: ADOT presentation/update on the PARA Grant Transportation Plan
Recommended action: information gathering and feedback to ADOT team

Summary:

It was my understanding that this ADOT funded study has been proceeding smoothly and on schedule. Upon the Council's request, the PARA team will be providing an update to you before the final public hearing.

I attended last week's staff meeting with ADOT and Kimley-Horn's engineers on the same subject. I found the study information helpful in understanding the town's road conditions and issues. Meanwhile, I also recognized that some of the suggested solutions were rather conceptual long-term goals for when the money becomes available.



TOWN OF Dewey-Humboldt

TRANSPORTATION STUDY

Task Assignment MPD 17-11

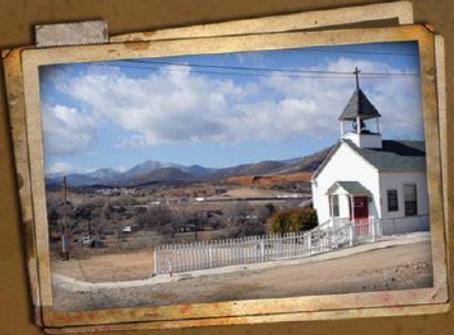
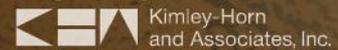
Town Council Work Session

February 14, 2012

Prepared For



Prepared By

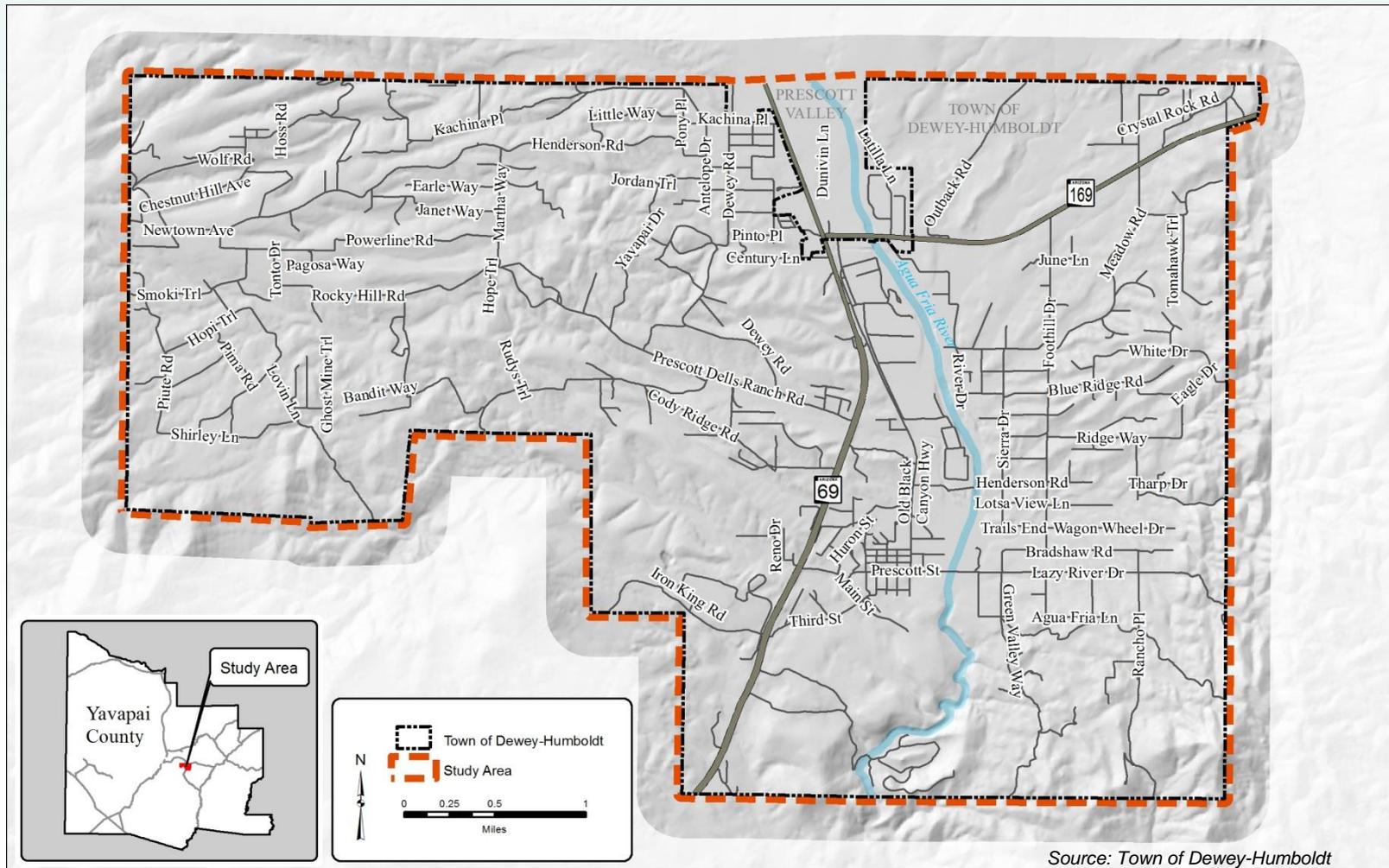


Study Purpose

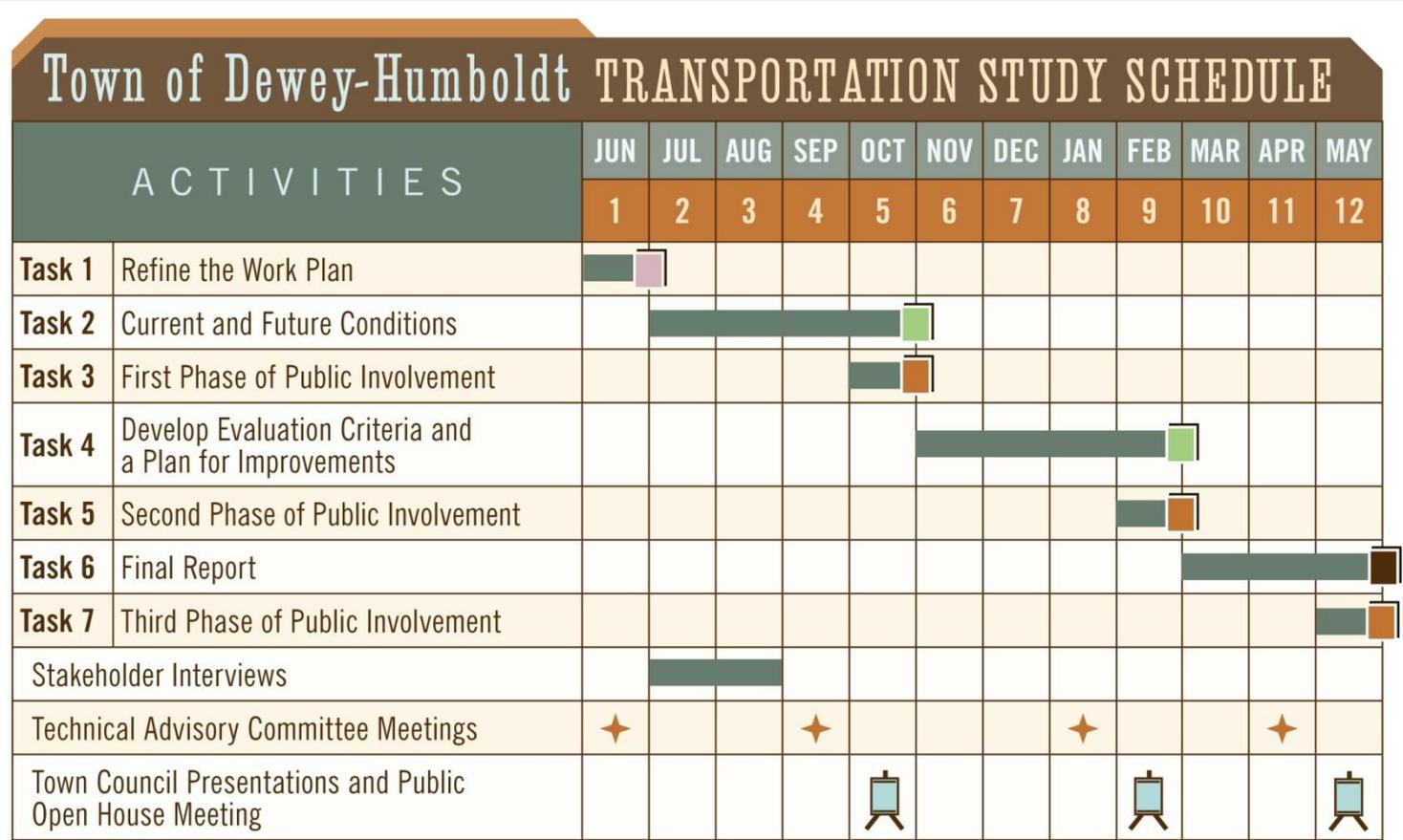
- ❖ Identify needs (unmet demand for transportation facilities or service)
 - ❖ Roadway
 - ❖ Other modes (transit, pedestrian, bicycle, trail user)
- ❖ Recommend improvements to meet identified needs
 - ❖ Guide for future community development
 - ❖ Guide for project funding applications
 - ❖ Guide for project implementation



Study Area



Study Schedule



KEY FOR DELIVERABLES ■ Technical Memorandum ■ Working Paper ■ Summary Report ■ Final Report



Current/Future Needs

❖ Roadways

- ❖ Provide paved roads, network continuity, signal modifications, all-weather Agua Fria River crossing, access management

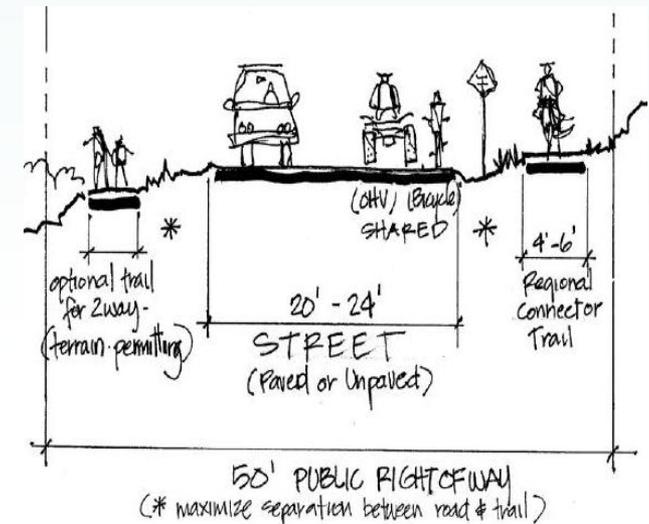
❖ Other Modes of Travel

- ❖ Serve disadvantaged populations with coordinated transit service
- ❖ Provide pedestrian, bicycle, and trail networks



Complete Streets

- ❖ Safe access for all users of all modes of travel
- ❖ Focus on promoting transit & non-vehicular travel
- ❖ Regional connector trail cross-section
 - ❖ Rural: multi-use paths & buffer
 - ❖ Urban: sidewalks & parking

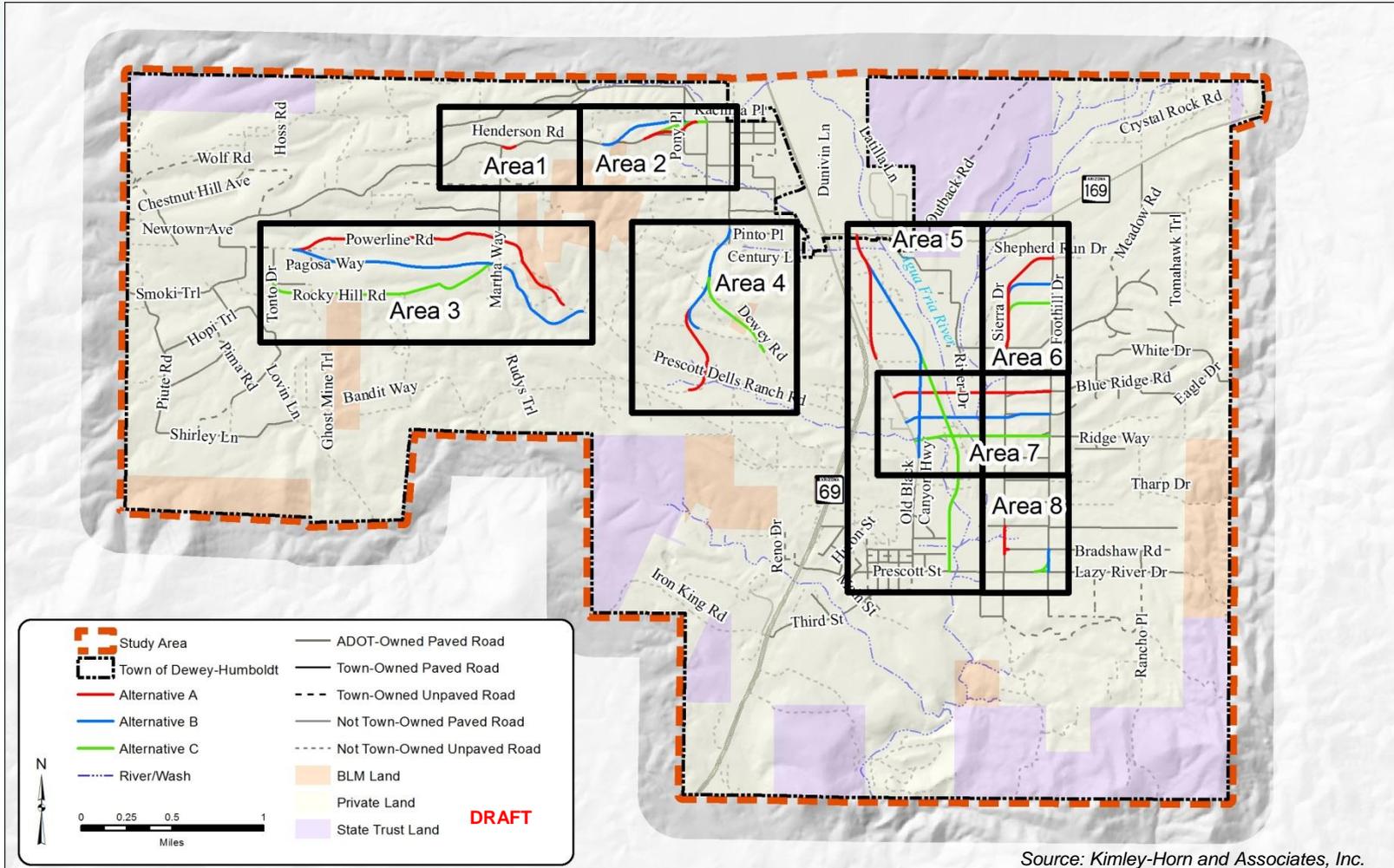


Keep in mind . . .

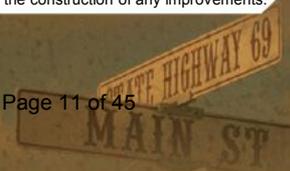
- ❖ All draft improvements are conceptual only.
- ❖ Detailed engineering studies are needed to determine the exact location of potential improvements.
- ❖ No funding has been identified for further study, the purchase of right-of-way, or the construction of any improvements.



Draft Roadway Improvement Alternatives



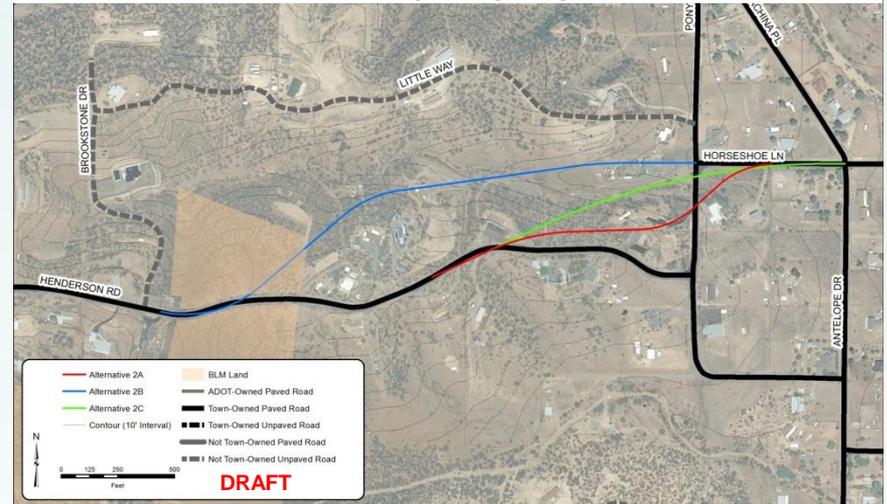
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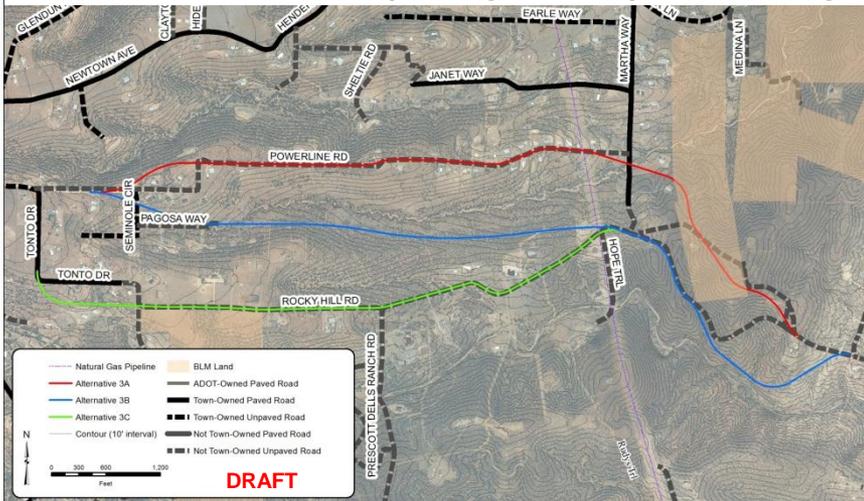
Area 1 - Henderson Rd./Martha Way Curve



Area 2 - Henderson Rd./Pony Pl./Horseshoe Ln.



Area 3 - Powerline Rd./Rocky Hill Rd./Martha Way



Area 4 - Improved Dewey Rd.

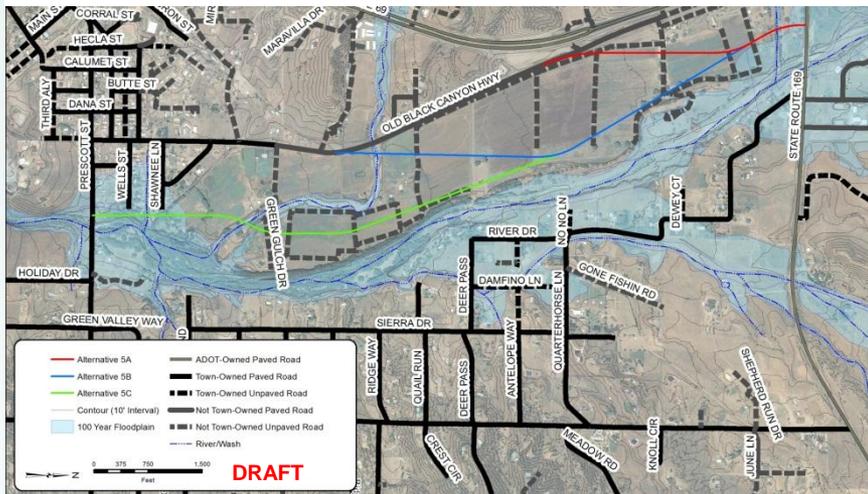


Source: Kimley-Horn and Associates, Inc.

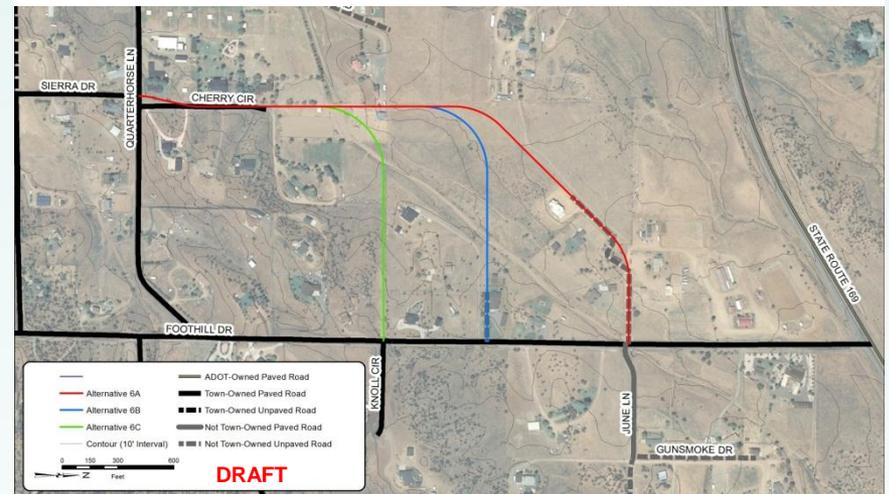
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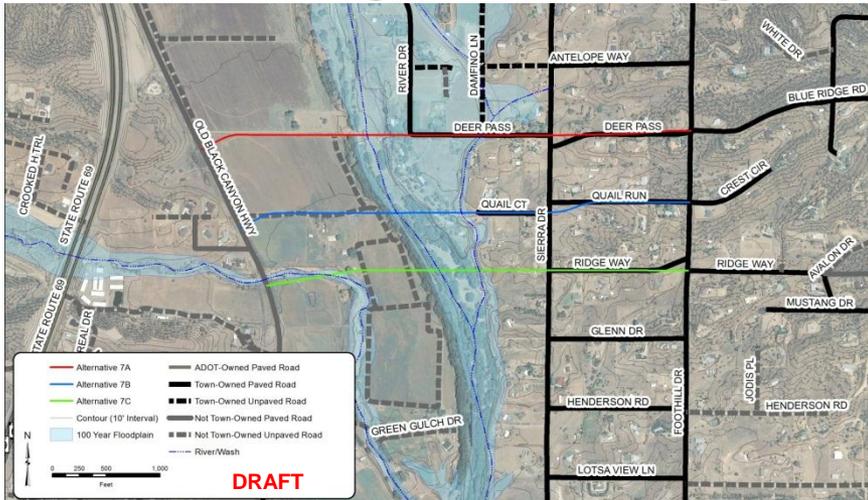
Area 5 - New Road West of Agua Fria River



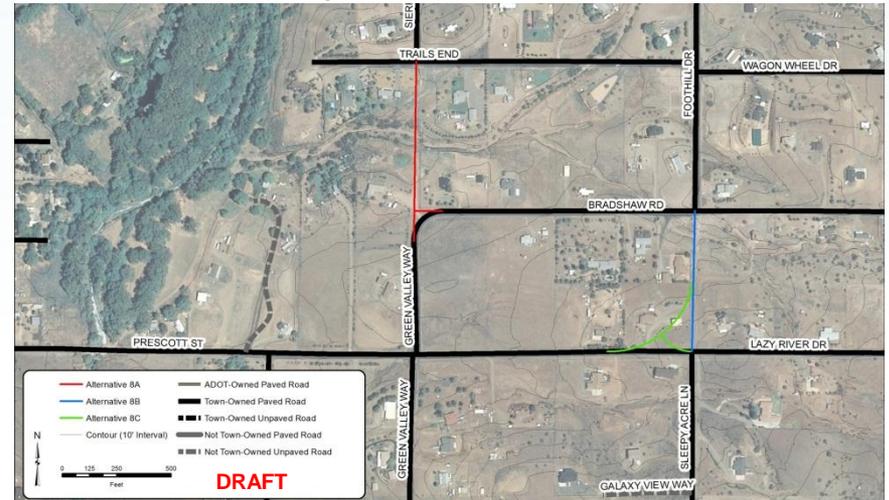
Area 6 - Sierra Dr. North Extension



Area 7 - Additional Agua Fria River Crossing



Area 8 - Sierra Dr./Foothill Dr. Connections

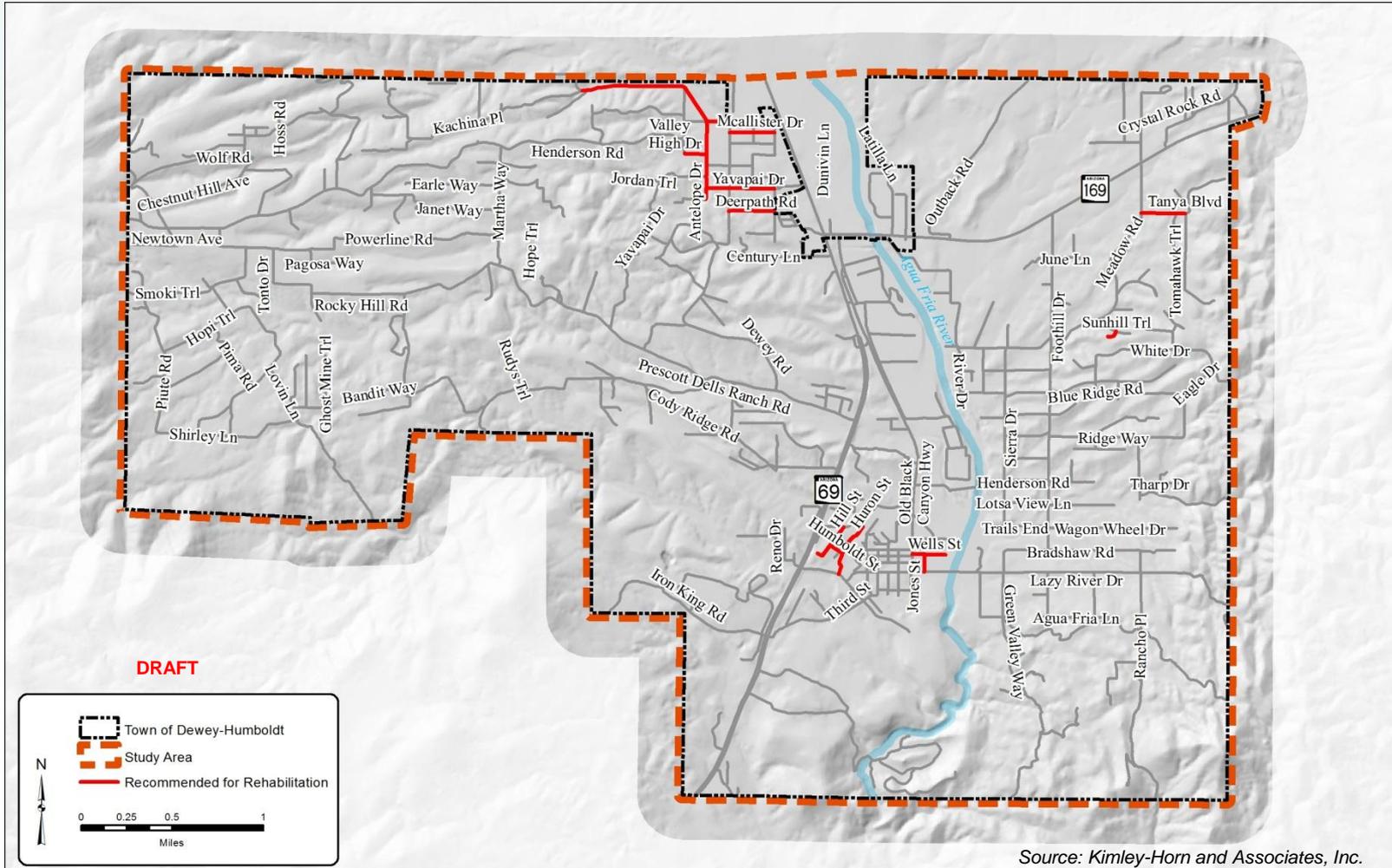


Source: Kimley-Horn and Associates, Inc.

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Draft Recommended Pavement Rehabilitation



All draft improvements are conceptual only. Detailed engineering studies are needed to determine the exact location of potential improvements. No funding has been identified for further study, the purchase of right-of-way, or the construction of any improvements.



Draft Recommended Intersection Improvements

- ❖ SR 69/SR 169
 - ❖ Modify signal equipment, phasing, and timing
- ❖ SR 69/Kachina Pl.
 - ❖ Modify signal equipment, phasing, and timing
- ❖ SR 69/Main St., SR 169/Foothill Dr., SR 169/Access point of new development
 - ❖ Conduct signal warrant/roundabout study as appropriate

All draft improvements are conceptual only. Detailed engineering studies are needed to determine the exact location of potential improvements. No funding has been identified for further study, the purchase of right-of-way, or the construction of any improvements.



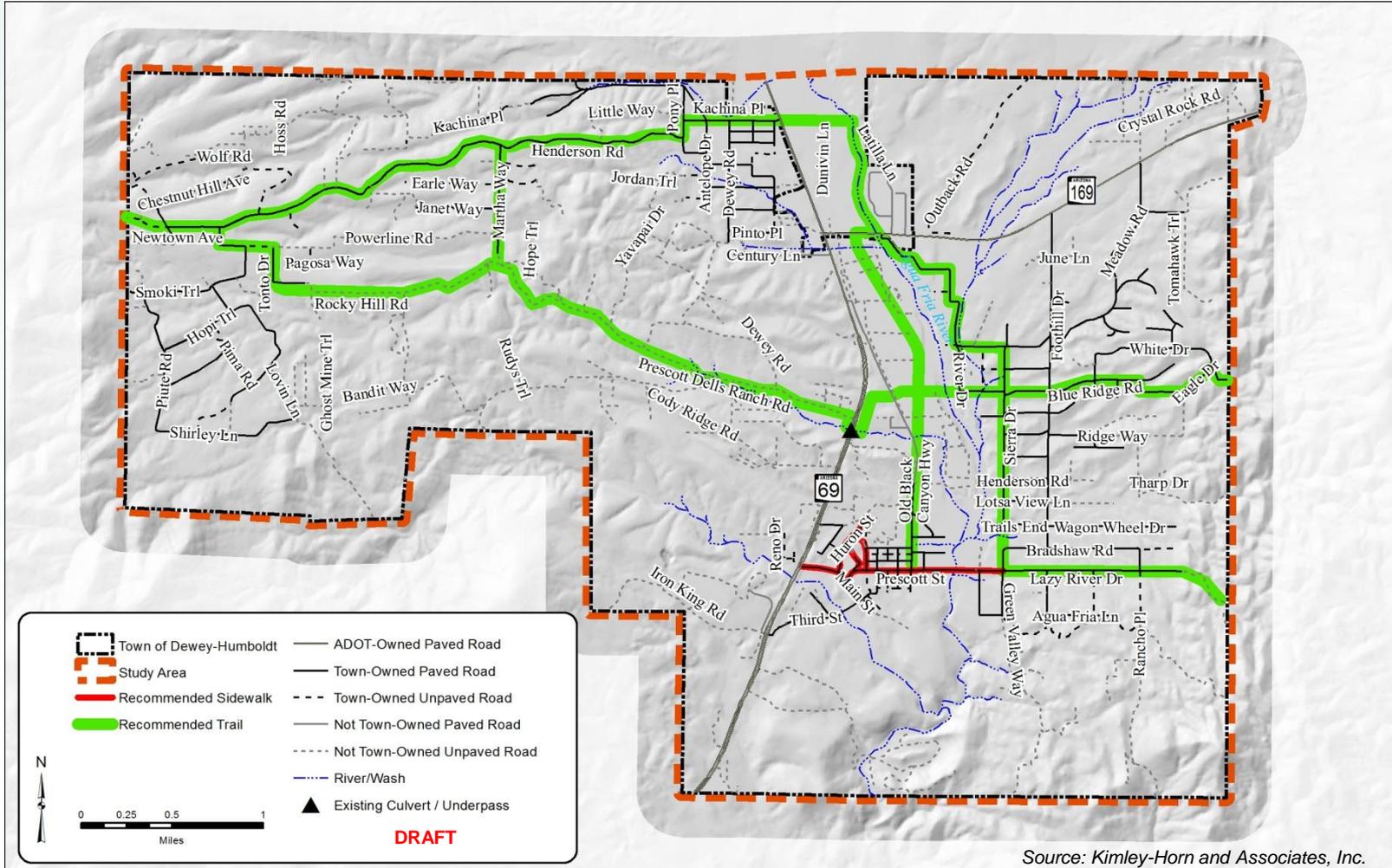
Draft Recommended All-weather Agua Fria River Crossing

- ❖ Town report presented crossing alternatives
 - ❖ Bridge: 100-year flood; \$3.5 million
 - ❖ Reinforced box culvert: 10- to 50-year flood; \$900,000 - \$2.3 million
 - ❖ Box culvert: 2-year flood; \$575,000
 - ❖ Corrugated metal pipe culvert: 1- to 2-year flood; \$350,000 - \$400,000
- ❖ Frequent roadway overtopping with box culvert and metal pipe
- ❖ Reinforced box culvert is preliminary recommendation of this study, pending more detailed alternatives analysis

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Draft Recommended Sidewalks & Trails



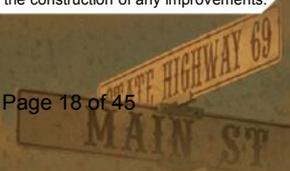
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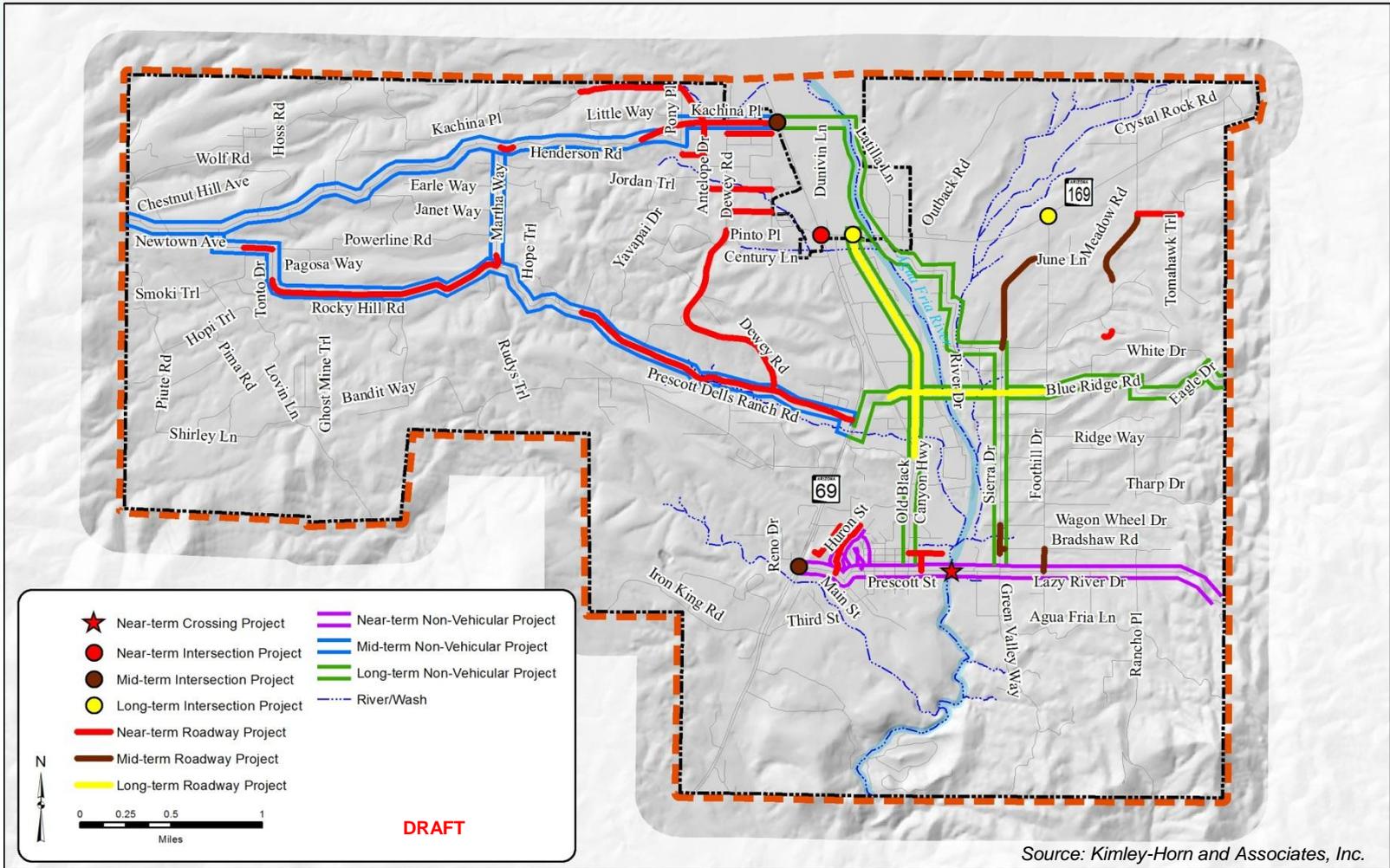
Other Draft Recommendations

- ❖ Develop and adopt traffic impact study guidelines and access management guidelines
- ❖ Coordinate with ADOT on SR 69 & SR 169 access management plans
- ❖ Coordinate with regional transit representatives on transit opportunities
- ❖ Coordinate with Humboldt School District on Safe Routes to School projects

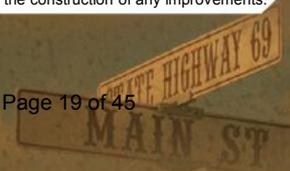
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Draft Recommended Improvement Plan



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Draft Cost Estimate for Recommended Improvement Plan

- ❖ Near-term (0-5 years)
 - ❖ \$13,296,000 - \$17,056,000
- ❖ Mid-term (6-10 years)
 - ❖ \$10,215,000 - \$11,145,000
- ❖ Long-term (11-20 years)
 - ❖ \$8,698,000 - \$11,568,000
- ❖ Total Cost
 - ❖ \$32,209,000 - \$39,769,000
- ❖ Costs exceed existing revenue



Revenue Opportunities

❖ Traditional revenue sources

- ❖ Highway User Revenue Fund
- ❖ Developer impact fees
- ❖ Grants
- ❖ Local General Fund

❖ Additional revenue sources

- ❖ Local/regional – bonds, tax, improvement district, Yavapai County Flood Control District
- ❖ Federal – STP, HSIP, CDBG, TE, FEMA, SRTS
- ❖ Private – right-of-way dedications, street improvements



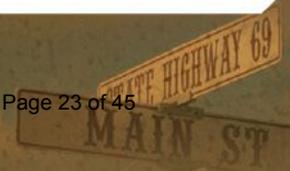
Public Involvement

- ❖ First public meeting held Oct. 25, 2011 at Humboldt Elementary
- ❖ Second public meeting is Feb. 28, 4:30pm-6:00pm, at Town library
- ❖ Public meeting notifications
 - ❖ Web sites
 - ❖ Publicity posters and newsletter
 - ❖ Email notifications
 - ❖ Earned media opportunities
 - ❖ Coordination with local agencies
- ❖ Public meeting materials
 - ❖ Presentation slides, boards, comment forms



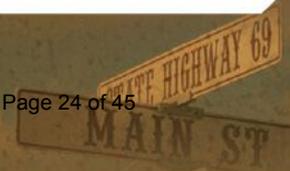
Next Steps

- ❖ Public meeting 2 (February 28 @ 4:30pm)
- ❖ Draft Final Report and Executive Summary (April)
- ❖ Technical Advisory Committee meeting 4 (April)
- ❖ Town Council presentation 3 (May)
- ❖ Optional public meeting 3 (May)
- ❖ Final Report and Executive Summary (May)



Discussion

Project website: <http://www.azdot.gov/dewey-humboldt>





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

TOWN COUNCIL SPECIAL STUDY SESSION MEETING
February 14, 2012 – 2:00 pm Town Council Meeting Chambers

Agenda Item # 3.2 Potentially filling the Hearing Officer's Vacancy with the Town's Magistrate Judge

To: Mayor and Town Council Members

From: Yvonne Kimball, Town Manager

Date submitted: February 8, 2012

Agenda Item: Potentially filling the Hearing Officer's Vacancy with the Town's Magistrate Judge.

Recommended action: Direct staff to proceed with filling the vacancy with the Town's Magistrate Judge.

Summary:

The Town's current Hearing Officer, Mr. John Edman, has tendered his retirement notice effective March 2012 (notice attached).

Mr. Edman is paid at the rate of \$37/hr. On average, he hears about 6 code violation cases a year. The Town's current budget contains \$250 for hearing officer's cost.

The Town's Magistrate Judge, Hon. Cathy Kelley, graciously offered to fill the hearing officer's vacancy without additional charge to the town. She will be able to conduct hearings of the additional cases on existing court dates.

Both the Judge and I researched the Town codes regarding Magistrate Judge and the Hearing Officer (Town Codes 30.032 Town Magistrate, Building Code under land usage Section 206 – Hearing Officer, Zoning Regulations 153.019 (E) Hearing Officer). We believe that being the presiding Magistrate Court Officer, Judge Kelley is qualified to carry the Hearing Officer's duties. Additionally, based on our experiences, it is our belief that it is an established practice nationwide for the Magistrate Judge to hear municipal code violation cases.

In conclusion, staff would like to recommend that Council allow us to proceed with the intent of having the Magistrate Judge perform the Hearing Officer's duties. With the Council's direction, the Judge, the Town Attorney and I will be working on the details to finalize this plan.

Attachments: Mr. Edman's notice of retirement; texts from Town Codes: 30.032 Town Magistrate, Building Code Section 206 – Hearing Officer, Zoning Regulations 153.019 (E) Hearing Officer

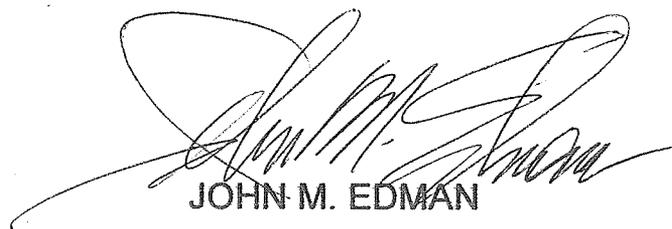
bindiver

From: "bindiver" <bindiver@cableone.net>
To: "bindiver" <bindiver@cableone.net>
Sent: Wednesday, January 18, 2012 7:43 PM
Subject: me

Administrative Hearing Officer

Retirement Notice

This notice is to let you know that John M. Edman will be retiring as Administrative Hearing Officer on March 1, 2012. Thank you for the opportunity of occupying this position.



JOHN M. EDMAN

Dewey-Humboldt - Administration

(1) The Mayor shall act as the chairman of the Council and preside over its meetings in accordance with *Robert's Rules of Order*. However, as a member of the Council, the Mayor shall have the same rights and privileges as all other Councilmembers have including the ability to make, and second, motions and vote on motions made by the Council.

(2) The Mayor shall execute and authenticate by his or her signature all such instruments as the Council or any statutes, ordinances or this code may require.

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

(a) Imposition of a curfew for all or any portion of the town;

(b) Ordering the closing of any business;

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

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

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

(5) With the assistance of town staff, the Mayor will monitor and manage the budget.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 09-56, passed 9-8-2009)

§ 30.032 TOWN MAGISTRATE.

(A) *Town Magistrate*. The presiding officer of the Magistrate Court shall be the Town Magistrate, who shall be appointed by the Town Council to a term of no less than two years. The Magistrate may be removed by the Council only for cause during his or her term as Magistrate.

(B) *Associate Magistrate*. The Town Magistrate may recommend to the Council the names of individuals qualified to serve as Associate Magistrates for the Magistrate Court. Upon appointment, Associate Magistrates shall be subject to the assignment and direction of the Town Magistrate. Associate Magistrates shall serve for a term that exceeds the then current Magistrate's term by one year, subject to removal by the Town Council for any reason. All duly appointed Associate Magistrates shall be compensated per a fee established by the Town Council, and shall be considered contract employees of the town.

(C) *Powers and duties*. The powers and duties of the Magistrate shall include:

(1) The powers and duties set forth and conferred upon him or her under the provisions of the State Constitution and Statutes, this code and the ordinances and resolutions of the town.

(2) Managing the administration of the judicial and internal administrative functions of the town court, including the supervision of all judges and judicial and nonjudicial staff, who directly affect the operation of the court.

(3) Complying with the rules, policies and procedures established by the town in respect to personnel matters, as expressed in the ordinances and

codes, including, but not limited to, hiring, classification, salary administration, termination, grievance procedures, sick leave, overtime, vacation time and work hours.

(4) Adhering to state law and the policies and procedures of the town in budgeting and expenditure procedures, including the procedures adopted for the purchase of equipment or supplies.

(5) Keeping of a docket in which shall be entered each action and the proceedings of the Court therein.

(6) Fixing and receiving all bond and bails and receiving all fines, penalties, fees and other monies as provided by law.

(7) Establishing an effective system of proper payment and distribution of all fees, fines, penalties and other monies collected consistent with Arizona Statute and the rules, regulations and orders of the Arizona Supreme Court and the Administrative Offices of the Arizona Supreme Court (the "AOC").

(8) Preparing a schedule of criminal traffic violations listing specific bail for each violation.

(9) Preparing of a schedule of civil traffic violations listing a specific fine and deposit for each violation.

(10) Preparing of a schedule of criminal violations of town code, ordinances, and resolutions listing specific bail for each violation.

(11) Preparing of a schedule of civil violations of town code, ordinances, and resolutions listing a specific fine and deposit for each violation.

(12) Designating a person, a specific location and the hours which such person will be at the location to accept proper payments and deposits for civil violations for and on behalf of the court.

(13) Collecting, safeguarding and accounting for all fines, sanctions, restitution and bond payments, which may come into the possession of the town court

and transferring such public monies to the Town Treasurer, in accordance with State Law and procedures established by the Town Manager or the Manager's designee.

(14) Preparing accurately and submitting on a timely basis, to the proper authority, all reports required to be submitted by statutes, court rule, administrative order, town charter, ordinances, or, as may be appropriate and necessary, the Town Council or Town Manager.

(15) Assisting the Town Manager's office in the preparation of monthly management information reports which summarize year to date statistics regarding the Town Court, key judicial functions, resource use and case management/ resolution data.

(16) Complying with all town rules, regulations, policies and directives of the town which are not inconsistent with the Constitution, State Law, Town Charter, Town Ordinance or administrative orders of the Supreme Court or lawfully delegated authority.

(D) *Qualifications.* The Magistrate and all Associate Magistrates must be and remain members in good standing (active, inactive, or judicial) of the State Bar of Arizona, with at least five years of practice as an attorney or judicial officer.

(E) *Duties of Town Council and Town Manager.* The compensation (in an amount to be determined by Council) and the town pro rata portion of the annual "Judicial" membership fee of the State Bar, if any, shall be borne by the town. All training required by the AOC for service to the town (pro rata) shall be paid for by the town. The Town Council shall provide for the financial, physical, personnel and consulting requirements of the Town Court. The Town Council may adopt those additional orders and resolutions which are deemed necessary for the consistent implementation of this section. The duties and responsibilities of the Town Manager in respect to the Town Court shall include but are not limited to:

(1) Establishing such rules, regulations, policies and directives which are not inconsistent with

the constitution, state law, town charter, town ordinances or administrative orders of the Supreme Court or lawfully delegated authority; as may be deemed reasonably necessary to the effective operation of the court as a part of the town government and to ensure that the personnel, budgeting and expenditure rules, regulations and requirements are followed by the town court.

(2) Providing for a system for the collection and safeguarding of all fines, sanctions, restitution and bond payments, which may come into the possession of the town court, and for transferring such public monies to the Town Treasurer.

(F) *Filling of vacancies.* In the event of the death, resignation, suspension or removal of a town judge, such vacancy may be filled for the unexpired term of office. The Town Council may suspend or remove a judge:

(1) For any reason authorized by law;

(2) Whenever the judge is unable to perform the duties of the office; or

(3) For failure to meet the minimum qualifications of the position.

(G) Temporary Judges pro tempore. Notwithstanding anything to the contrary in this section, the Town Magistrate may appoint judges to serve on a temporary or "pro tempore" basis. Such judges shall be compensated on a contractual or hourly basis, shall not be eligible for any benefits, and shall be appointed for a term as set forth by the Town Magistrate.

(Ord. 09-52, passed 5-19-2009)

ELECTIONS

§ 30.045 ELECTION OF MAYOR.

(A) *Direct election of the Mayor.* Beginning with the election to be held on March 13, 2007, the

Mayor of the town shall be directly elected by the qualified electors of the town.

(B) *Term of office.* The term of office of the Mayor shall be two years.
(Ord. 05-05, passed 3-1-2005)

§ 30.046 OPTIONAL PROCEDURE FOR MUNICIPAL ELECTIONS.

(A) Any candidate who receives at the primary election a majority of all the votes cast shall be declared to be elected to the office for which he or she is a candidate, effective as of the date of the general election, and no further election shall be held as to that candidate; provided, that if more candidates receive a majority than there are offices to be filled, those candidates equal in number of the offices to be filled with the highest number of votes shall be declared elected.

(B) Nothing on the ballot in any election shall be indicative of the support of the candidate.

(C) If, at any primary election held as above provided, there be any office for which no candidate is elected, then as to that office, the election shall be considered to be a primary election for nomination of candidates for the office, and the general municipal election shall be held to vote for candidates to fill the office.

(1) Candidates to be placed on the ballot at the general municipal election shall be those not elected at the primary election and shall be equal in number to twice the number to be elected to any given office or less than that number if there be less than that number of names on the primary election ballot.

(2) Persons who receive the highest number of votes for the respective offices at such first election shall be the only candidates at the second election; provided that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving an

Dewey-Humboldt - Land Usage

technical codes. A violation is punishable as a Class 2 Misdemeanor.

205.2 — Continuing Violation. When there is argument to the orders issued by the Building Official and the violation is not abated according to the orders issued by the Building Official, the Building Official may refer the matter to the Town Hearing Officer for a hearing and the imposition of penalties and sanctions.

Section 206 — HEARING OFFICER

206.1 — Appointment. The Hearing Officer shall be appointed by the Town of Dewey-Humboldt.

206.2 — Qualifications

- The Hearing Officer shall have training, experience or familiarity with administrative hearing and this Ordinance.
- The Hearing Officer may be an employee of the town, except that the Hearing Officer shall not be an employee of the Town Building and Safety Department.
- Annual Review—The town has the authority to remove the Hearing Officer, by majority vote for the followings, neglect of duty, inefficiency or misconduct in office.

206.3 — Duties. The Hearing Officer shall hear and rule on building violations and impose sanctions. The Hearing Officer shall perform the following duties:

1. The Hearing Officer shall hear and rule on complaints alleging civil violations of the Ordinance.
2. The Hearing Officer shall administer oaths.
3. The Hearing Officer shall issue subpoenas and summonses ordering appearance before the Officer.

4. The Hearing Officer may impose sanctions as outlined in Section 206.6.
5. The Hearing Officer may make any other order necessary for the resolution of violations of the adopted Codes and Ordinances.
6. The Hearing Officer shall follow procedures as adopted and amended by Resolution, as set forth in the Hearing Officer Rules of Procedure as adopted by the town.

206.4 — Hearing.

1. The Hearing Officer may hear and rule on violations of this Ordinance and impose sanctions.
2. The form and service of complaints and the hearing procedures of the Hearing Officer shall follow the Hearing Officer Rules of Procedure adopted by the town.

206.5 — Appeals. The decision of the Hearing Officer may be appealed to the Town of Dewey-Humboldt Town Council.

206.6 — Penalties. The Hearing Officer shall have the authority to impose the following penalties and sanctions:

3. Each day's continuance of a building code violation shall be deemed a separate offense.
4. The maximum penalty for each offense shall be a fine of up to two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both fine and imprisonment.

The imposition of penalties on any person under this ordinance shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal of such violations.

§153.019

(E) *Hearing Officer.*

(1) *Scope.* The Hearing Officer hears and decides zoning violations, as authorized by A.R.S. §§ 9-462 *et seq.*

(2) *Powers and duties.* The Hearing Officer performs the following duties. Refer also to division (D) of this section.

(a) The Hearing Officer hears and decides complaints alleging civil violations of this chapter.

(b) The Hearing Officer administers oaths.

(c) The Hearing Officer issues subpoenas and summonses ordering appearance before the Hearing Officer.

(d) The Hearing Officer makes any other order necessary for the determination and resolution of zoning violations.

(3) *Appeals.*

(a) The decision of the Hearing Officer may be appealed to the Town Council.

(b) The decision of the Town Council may be appealed to the Superior Court in accordance with A.R.S. §§ 12-901 *et seq.*

(4) *Appointment.* The Hearing Officer shall be appointed by the Town Council.

(5) *Qualifications.*

(a) The Hearing Officer shall have training, experience or familiarity with administrative hearings and this chapter.

(b) The Hearing Officer may be an employee of the town, except that the Hearing Officer shall not be a Code Enforcement Officer.

(6) *Annual review.* The Town Council shall conduct an annual review of the Hearing Officer.

(7) *Removal.* The Town Council has the authority to remove the Hearing Officer, by majority vote, for neglect of duty, inefficiency or misconduct in office.

(8) *Transaction of business.* The Hearing Officer shall follow the procedures set forth in the zoning enforcement Rules of Procedures, as adopted and amended by resolution. (Ord. § 205, passed 9-4-2008)

§ 153.020 REMEDIES.

(A) All remedies provided in this chapter shall be cumulative and not exclusive.

(B) The imposition of penalties on any person under this chapter shall not relieve the person from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal of such violations.

(C) If any structure is erected, constructed, reconstructed, altered, maintained or used, or any land is used, in violation of this chapter, the Town Council, the Town Attorney or the Zoning Administrator may institute injunction, mandamus (court order), abatement or any other appropriate legal action or proceedings to prevent, abate or remove the violation.

(D) (1) It is unlawful to erect, construct, reconstruct, alter or use any building or other structure within any area subject to the provisions of this chapter without first obtaining a building permit zoning approval from the Building Department and/or Zoning Administrator, where such permit is required thereby.

(2) The conviction of any person, firm or corporation hereunder shall not relieve the person from the responsibility to correct the violation, nor prevent the enforcement, correction or removal thereof.

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TOWN OF DEWEY-HUMBOLDT
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Phone 928-632-8562 ▪ Fax 928-632-7365

TOWN COUNCIL SPECIAL STUDY SESSION MEETING
February 14, 2012 - 2:00 Town Council Meeting Chambers

Agenda Item # 4.1.

To: Town Council Members

From: Mayor Terry Nolan

Date submitted: February 7, 2012

Agenda Item: Expenditure approval for Mayor. Discussion and possible action on whether to allow the expenditure for the Mayor's attendance at an event in February.

Recommended action: Council's pleasure.

Summary: Please see attached email.

Judy Morgan

From: Mayor Nolan
Sent: Tuesday, February 07, 2012 6:46 AM
To: Yvonne Kimball
Cc: Judy Morgan
Subject: FW: Register Now! Funding Revitalization In Your Arizona Community

Ms. Kimball,

I would like to attend this event. The closest one would be in Flagstaff on the 29th of February. I'm sure that I will have to get permission from the Council, maybe we can still get this on the agenda for Feb 14th.

Thank you, Terry

From: Thomas Doyle [ThomasD@AZcommerce.com]
Sent: Monday, February 06, 2012 4:07 PM
To:

Subject: FW: Register Now! Funding Revitalization In Your Arizona Community

Please take a look at the flyer below for free workshops featuring federal, state, and non-profit agencies discussing revitalization of brownfields and economic development programs and services to promote re-use. The workshops will be held in a variety of locations and I encourage you to attend.

Thank you!

Tom Doyle
Mgr., Rural Programs



Thomas Doyle | **Manager, Rural Programs**

T 602 845 1228 | M 602 908 1826 | F 602 845 1201 | E thomasd@azcommerce.com

333 North Central Avenue | Suite 1900 | Phoenix, AZ 85004

www.azcommerce.com

From: Center for Creative Land Recycling [mailto:info@cclr.org]

Sent: Friday, February 03, 2012 1:47 PM

To: Thomas Doyle

Subject: Register Now! Funding Revitalization In Your Arizona Community

[Click here to view this email in your browser](#)

WORKSHOP DATES:

February 27

9:30-11:30am

Benson

February 27

2:00-4:00pm

Safford

February 28

9:30-11:30am

Show Low

February 28

2:00-4:00pm

Winslow

February 29

8:30-10:30am

Flagstaff

February 29

2:00-4:00pm

Kingman

March 1

9:30-11:30am

Funding Economic Development and Revitalization

A Workshop for Arizona's Small Communities

"An excellent, to-the-point overview of economic development funding and related resources." — Christine, Lane County, OR

Learn how to obtain funding to redevelop your downtown and transform previously-used sites—such as brownfields sites—into main streets, parks, trails and job-creating facilities.

This free workshop is designed for local governments, economic development departments, councils of government, general improvement districts, non-profits, community development corporations, tribes, and other organizations or partnerships interested in sustainable development.

Information on the following State, Federal and nonprofit funding sources and technical assistance will be available:

- Arizona Department of Environmental Quality
- Arizona Commerce Authority
- U.S. Department of Agriculture-Rural Development
- U.S. Economic Development Administration
- U.S. Department of Housing & Urban Development (regional planning)
- U.S. Environmental Protection Agency (brownfield grants)
- Center for Creative Land Recycling

Come hear all about these programs and more directly from experts in the field of economic and sustainable development.

Yuma

[Click here](#) for workshop locations and details.

[Forward email](#)

[Follow CCLR](#)

For more information:

Contact Linda Mariner at (602) 771-4294 or mariner.linda@azdeq.gov or Ignacio Dayrit at (415) 398-1080 x107 or ignacio.dayrit@cclr.org

Sponsors:

Arizona Department of Environmental Quality

Center for Creative Land Recycling

Arizona Commerce Authority

City of Benson

City of Winslow

Yuma County Library

Graham County

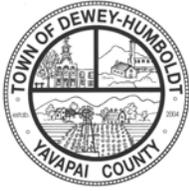
City of Flagstaff

Kingman Area Chamber of Commerce

City of Show Low

[Change email address / Leave mailing list](#)
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TOWN OF DEWEY-HUMBOLDT
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TOWN COUNCIL STUDY SESSION MEETING
February 14, 2012 – 2:00 pm Town Council Meeting Chambers

Agenda Item: # 4.2 Discussion and possible action regarding authorization for legal opinion on Historical Society's museum proposal.

To: Mayor and Town Council Members
From: Yvonne Kimball, Town Manager

Date submitted: February 9, 2012

Revised Agenda Item: Discussion and possible direction to Staff or the Museum Subcommittee regarding the "Dewey-Humboldt Historical Society Proposed Questions for the Town Attorney Related to Providing Town Funds to a Non-Profit Organization" and the Historical Society's proposal requesting Town funding for purchase of a building, lease and "seed money" for the purpose of establishing and operating a museum.

Recommended action: Directions to staff and/or Historical Society regarding HS's request

Summary:

The wording of the agenda item is revised from the Feb. 8's version upon receipt of Mr. David Nystrom's email regarding Historical Society's proposal on Feb. 8th. The proposal has been forwarded to the attorney and it was her opinion to revise the original wording of the agenda in response to a council member's question.

Dewey-Humboldt Historical Society Proposed Questions for the Town Attorney
Related to Providing Town Funds to a Non-Profit Organization

The Dewey-Humboldt Historical Society believes a History Museum would serve the overall good of the community, providing both an educational institution (similar to a school or library) while preserving & highlighting the rich history of the Town and surrounding area. The museum would also serve as an anchor destination, highlighting our historic Main Street.

The Dewey-Humboldt Historical Society has requested the Town of Dewey-Humboldt purchase property within the Town limits (on Main Street) for an asking price \$160,000 to be negotiated. In our proposal the property would remain an asset owned by the Town of Dewey-Humboldt and leased to the Dewey-Humboldt Historical Society for a nominal payment of \$10 per year. As a condition of the lease agreement, the Dewey-Humboldt Historical Society would through the use of volunteers operate a museum open to the general public as a benefit and for the overall good of the community.

Question 1: The legal opinion the Town may wish to seek, does a favorable lease of Town owned property to a non-profit organization for the purpose of a public museum violate Arizona's Gift Clause?

Question 2: If the Arizona Gift Clause disallows the favorable lease of Town owned property under these conditions, would it be a violation of the Arizona Gift Clause for the Town assist the Historical Society in renting the property?

The Dewey-Humboldt Historical Society has also requested, "seed money" to begin the set-up and initial operation of a museum; purchase of display tables, minor structural modifications, promotional materials, etc.

Question 3: The legal opinion the Town may wish to seek, are there limits with respect to the Arizona Gift Clause in which the Town must adhere to in providing funding for a non-profit organization in which the funds will be used to set-up a museum?

Question 4: If the Arizona Gift Clause disallows the Town providing "seed money", under what conditions could the Town assist the Historical Society in setting-up a public museum?

The Dewey-Humboldt Historical Society is requesting the option of funding the purchase of the property and providing seed money, by transferring funds from the Town's Uncommitted, Unallocated Reserve Fund. However, this is an unanticipated expense and there is no line item in the current fiscal budget to make the expenditure.

Question 5: The legal opinion the Town may wish to seek, can the Town amend the budget during the current fiscal year to create a new line item for these expenditures – as long as the Town follows the approved Budget Process including public notices, required public hearings, etc?

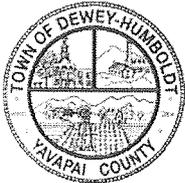
Question 6: Are there alternatives other than amending the budget, to fund an unanticipated expense.

These questions are respectfully submitted to Dewey-Humboldt Town Council Museum Subcommittee, on behalf of the Dewey-Humboldt Historical Society by David D Nystrom, Treasurer, Dewey-Humboldt Historical Society on 8th February, 2012.

Dewey-Humboldt Historical Society Proposed Questions for the Town Attorney
Related to Providing Town Funds to a Non-Profit Organization

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Feb 14 W.S.



TOWN OF DEWEY-HUMBOLDT
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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: Jan 3, 2011

Date of Request: Dec 20, 2011

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

Evaluation of Mayor's unauthorized expenditures and action for an appropriate amount of reimbursement

Purpose and Background Information (Detail of requested action). The purpose of the requested action is for Mayor Nolan to take responsibility for initiating a forthright discussion of his duty to repay the town for unauthorized expenditures. To date, there is no record of

Staff Recommendation(s): of council deliberation on this item.

Budgeted Amount: _____

List All Attachments: list of expenditures - Dec 13th, 2011

Type of Presentation: these written documents - referred/attachment

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: None

Contact Person: Mayor Terry 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.

Jan 3rd mtg - CM Rogers requested this on Feb W.S. mtg

Mayor's Spending

		Mileage	Meals	Other	Hotel bill	
5/12/11	Mountain Institute	\$ 13.26				\$ 13.26
5/17/11	Regional Econ. Dev.	\$ 18.87				\$ 18.87
5/19/11	GAMA in PV	\$ 10.01				\$ 10.01
6/3-4/11	New EO training	\$ 91.29	\$ 20.00			\$ 111.29
6/15/11	Legislative training	\$ 9.69				\$ 9.69
6/16/11	Sundogs press event	\$ 9.69				\$ 9.69
6/23/11	Impact fee seminar	\$ 81.60				\$ 81.60
6/30/11	PV Mayor		\$ 37.15			\$ 37.15
7/14/11	Redist. Meeting	\$ 8.88	\$ 26.55			\$ 35.43
7/15/11	Redist. Meeting	\$ 16.10				\$ 16.10
7/19/11	Redist. Map			\$ 131.62		\$ 131.62
8/5/11	Prescott City Hall	\$ 21.09				\$ 21.09
8/30/11	League Conf.	\$ 238.65	\$ 30.09		\$ 544.61	\$ 813.35
9/10/11	Rural Grant Program	\$ 250.25				\$ 250.25
9/16/11	Best Fest	\$ 27.75				\$ 27.75
9/17/11	Volunteer lunch		\$ 59.13			\$ 59.13
9/19/11	Mayor's breakfast	\$ 9.44				\$ 9.44
9/23/11	Contact Accountant		\$ 26.45			\$ 26.45
10/17/11	Mayor/Managers		\$ 44.89			\$ 44.89
10/17/11	Redist.	\$ 11.00				\$ 11.00
10/20/11	Interim TM contract		\$ 20.37			\$ 20.37
10/21/11	Leg. Hearing Redist.	\$ 95.70				\$ 95.70
Total		\$ 913.27	\$ 264.63	\$ 131.62	\$ 544.61	\$ 1,854.13

Mayor's Spending by Function

	League	Redist.	Other Mayors	Econ. Dev./ Rural Grant	Impact Fees	Hiring	New Mayor	Other											
5/12/11	Mountain Institute							\$	13.26										
5/17/11	Regional Econ. Dev.			\$	18.87														
5/19/11	GAMA in PV		\$	10.01															
6/3-4/11	New EO training						\$	111.29											
6/15/11	Legislative training	\$	9.69																
6/16/11	Sundogs press event							\$	9.69										
6/23/11	Impact fee seminar				\$	81.60													
6/30/11	PV Mayor		\$	37.15															
7/14/11	Redist. Meeting	\$	35.43																
7/15/11	Redist. Meeting	\$	16.10																
7/19/11	Redist. Map	\$	131.62																
8/5/11	Prescott City Hall	\$	813.35	\$	21.09														
8/30/11	League Conf.																		
9/10/11	Rural Grant Program			\$	250.25														
9/16/11	Best Fest							\$	27.75										
9/17/11	Volunteer lunch							\$	59.13										
9/19/11	Mayor's breakfast		\$	9.44															
9/23/11	Contact Accountant					\$	26.45												
10/17/11	Mayor/Managers		\$	44.89															
10/17/11	Redist.	\$	11.00																
10/20/11	Interim TM contract					\$	20.37												
10/21/11	Leg. Hearing Redist.	\$	95.70																
Total		\$	813.35	\$	299.54	\$	122.58	\$	269.12	\$	81.60	\$	46.82	\$	111.29	\$	109.83	\$	1,854.13