

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

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

1. **Call To Order.** Meeting was called to order at 6:30 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, Dennis Repan, Sonya Williams-Rowe, Nancy Wright; Vice Mayor Arlene Alen; and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Councilmember Nancy Wright gave a copy of the BIEN fact sheet to Council and provided the website address, www.connectbien.com. This website is connected with Maricopa County and its purpose is to encourage companies, governments and towns in different areas to register so persons who may be looking for museums and historical sites can locate them; Canada and Mexico are also included.
5. **Recess Council Meeting and Convene Board of Adjustment Meeting.**

At 6:33 p.m. Council recessed the regular meeting to convene in to the BOA meeting.

5.1. Public Hearing – Variance Request (ZV2014-2) from the rear yard setback requirements for property located at 1655 S. River Road, Dewey, Arizona.

At 6:34 p.m. the Board of Adjustment meeting was called to order.

Community Development Coordinator (CDC) Connie Deidrick gave the overview of the requested variance. She provided a detail description of the property and the project proposal. The property is 3.71 acres; adjacent property to the East is unbuildable due to the wash.

Victor Hambrick, property owner of 1655 S. River Road, spoke to Council on the purpose for requesting the variance request. He explained that the structure would be used for storage and batting practice.

Councilmember Hamilton spoke on the intended purpose of granting variances. The reason to grant a variance is due to “land caused” circumstances. He questioned why Mr. Hambrick would be requesting a variance if there is not an issue with his land.

Mr. Hambrick stated the adjoining land affects his parcel. The setback variance he is requesting is next to the wash, which acts as a buffer between neighbors. Re-locating the proposed project to a different location creates an eyesore for the neighbors.

Councilmember Hamilton spoke on the criteria to approve a variance and asked Mr. Hambrick why he felt his property should be granted a variance if the property does not meet the hardship criteria.

Councilmember McBrady arrived at 6:39 p.m.

Mr. Hambrick spoke on complying with all the requirements for the variance; the history of how his parcel was originally split and the effects of the wash alongside his parcel.

Councilmember Wright spoke in agreement with Councilmember Hamilton and said she disagreed with Mr. Hambrick's definition of "self-imposed hardship". State law says a variance cannot be granted if self-imposed. She stated the property is large enough to move the structure to another location on the property.

Mr. Hambrick spoke on other towns and cities issuing variances for comparable circumstances. The wash creates a unique circumstance which should be considered for granting the variance. He agreed that although he has sufficient property for the structure, the logical place to put the structure is next to the wash. Neighbors are in support of the variance request and have given him a letter supporting the variance. A variance is for all the controlling factors. He believes the variance request meets the requirements.

Mayor Nolan spoke on the wash affecting his property and agreed with the placement of the structure next to the wash. Due to the unique circumstances caused by the wash, this is a variance request which could be granted by the Council.

Councilmember Hamilton spoke on the neighboring properties and the line of site of the building. He does not see that the land is causing the problem but that is what the law requires. If the variance request is denied you have the right to appeal the decision. He explained the attorney trained the council on the purpose of the variance. Council should follow the criteria the law states and if not the hardship is self-imposed.

Mr. Hambrick denied his hardship is self-imposed and the hardship being based on the layout of the property, other structures on the property and fencing; his purpose is to enhance the neighborhood; and would appreciate the Council's support for the variance.

Councilmember Repan asked to see the plot plan. He spoke of the location of the septic system and the existing structures on the property.

VM Alen spoke about the location of the building and that any other place on the property other than the proposed location would cause an eyesore and that it should be located next to the wash.

Councilmember Wright questioned the possibility of the wash causing flooding issues for Mr. Hambrick.

Mr. Hambrick stated that flooding was not an issue.

Councilmember Hamilton spoke about the building itself not being an eyesore. If the building is built according to code it would not be an eyesore. He spoke that the variance request does not meet the requirements and that if it is granted then any future requested would have to be granted.

Councilmember Repan questioned Mr. Hambrick about the height of the building and the length of the wash.

VM Alen corrected the record regarding her comment about eyesore. She stated that if the building was to be placed anywhere else on the property it would obstruct the views of the other residents and that locating it next to the wash is the appropriate place for this type of structure to protect the rural environment.

Councilmember Wright questioned VM Alen about her clarification of her statement.

Councilmember Hamilton questioned VM Alen if she has actually viewed Mr. Hambrick's property to observe the layout of the property. VM Alen stated she drives by the property daily.

Public Comment was taken on this item.

Jerry Brady spoke about the first session (of BOA) and seeing no reason to deny a variance but if granted, it needs to meet 3 criteria. If all three criteria are met then it wouldn't be challenged. He questioned if anyone had viewed the property on those three criteria. He recommended putting it back for additional review for those three criteria, and having Town Staff review it.

TM Kimball spoke about a prior request for variance. Staff did not give recommendation at the last BOA variance but did give a report. Administrative staff could provide their recommendation for a variance if requested.

Mayor Nolan asked the Council to bring the motion to a vote.

Councilmember Hamilton asked if the council would consider voting on each of the four criteria or did they want to do a straight up-and-down vote.

Mayor Nolan said that an up-and-down vote would be appropriate.

A motion was made by CM McBrady to approve the setback variance for property located at 1655 S. River Road, seconded by VM Alen. The motion was approved by a 5 to 2 vote in favor, Councilmember Wright and Hamilton against. The variance was granted. Mayor Nolan stated Mr. Hambrick could now apply for his building permit.

5.2. Adjourn the Board of Adjustment meeting

The BOA meeting was adjourned at 7:03 p.m.

5.3. Reconvene in to the Regular Council Meeting.

Council reconvened the regular meeting at 7:04 p.m.

6. Town Manager's Report.

None.

7. Consent Agenda.

7.1. Minutes. Minutes from the July 8, 2014 Special Study Session.

CM Repan made a motion to approve the meeting minutes from the July 8, 2014 Special Study Session, as presented, seconded by Vice Mayor Alen. It was approved by a unanimous vote.

8. Comments from the Public (on non-agendized items only).

Stanley Goradenski asked to correct the record in regards to the June 18th article of the Tribune. He quoted the statement from Jack Hamilton about the deed restrictions of the Blue Hills and the Town getting involved in the water business. Mr. Goradenski stated Mr. Hamilton's comment displayed incorrect information regarding the deed restrictions and suggested the Town change the ordinance to comply with deed restrictions.

CM Hamilton spoke on comment from Mr. Goradenski stating he was not commenting on the deed restrictions but rather on the zoning.

Earl Goodwin gave a suggestion to the council on addressing the water problem in Humboldt. He suggested the Town Council should have a strategic plan for the future of how the town would respond to the issue when it becomes a crisis for citizens in the area. Mr. Goodwin suggested the plan be developed along with members of the community, scheduling a special work session for the community to get involved.

Mayor Nolan stated for the record he supported the purchasing of the water company.

Mr. Jerry Brady spoke on the history of selling Arizona's water rights and water resources being set aside for development for local development and a strategic plan already existing.

Sandra Goodwin spoke on the candidate forum held at the Cherry Creek Ranch and the overall success of the forum. All candidates were present; overall good attendance of 70 people. Commended the community for their good questions and answers. She congratulated the council on a successful forum.

9. Discussion Agenda – New Business.

9.1. Pavement Preservation Bid Contract Award.

Town Manager Kimball gave an overview on the Pavement preservation bid contract award. Staff recommendation to award the bid contract to Earth Resources. Mr. Ed Hanks was present for any questions.

Councilmember Repan questioned Mr. Hanks about Tanya road; which he stated is deteriorating.

Mr. Hanks stated he would inspect the road and take it into consideration to be included in the bid contract work.

CM Hamilton made the motion to approve awarding the Pavement Preservation Bid Contract to Earth Resources Corp., seconded by Councilmember Repan.

Public comment was taken on this item.

Jerry Brady spoke about the road repair process; the area being in a category D floodplain and subject to runoff; expansive clay soil problems.

A vote was taken on the motion to approve the contract, which passed by a unanimous vote.

9.2. Consideration of a potential celebration commemorating the Town's 10th Anniversary.

A motion was made to approve consideration of a potential celebration commemorating the Town's 10th Anniversary of Incorporation. Moved by Mayor Nolan. Motion failed for lack of a second.

TM Kimball spoke on hearing from some Councilmembers about doing a celebration and asked Council for feedback, as they brainstorm collectively for planning.

Mayor Nolan spoke on the plan for a celebration being a good idea, and he suggested they might plan a fireworks show or something similar.

CM Hamilton spoke on the money used for a celebration being an issue, and was not in favor of using any of the \$20k allocated for dumpster programs. He suggested a proclamation only for the event, not spending any money for the event.

VM Alen spoke in support of the 10th anniversary. She suggested having a subcommittee formed to work on plans, inviting prior Mayor's and Councilmembers and keeping the celebration cost effective.

CM Wright suggested having a cake and making the celebration like a birthday, inviting people to speak about the past and the present; keeping the celebration simple, nothing elaborate.

CM McBrady spoke in support of an open house celebration involving the museum and library; having a plaque that everyone can sign, and plan to spend a reasonable amount of money; have the staff do the planning.

Councilmember McBrady made a motion to include a dance and open the museum, with an all-day event for the Town's 10th Anniversary of Incorporation, seconded by Mayor Nolan.

TM Kimball advised council about limitations with staffing if planning a larger event, and if wanting to go larger the need to consider security forces and other costs including special event insurance.

CM McBrady suggested borrowing the City of Prescott's stage and about Prescott and Prescott Valley events.

Public comment was taken on this item.

Cathy Hoyer spoke about Old West Days for DHHS scheduled for September 20; suggested council speak with their committee about ideas for planning the celebration.

Councilmember McBrady (the mover) and Mayor Nolan (seconded) agreed to withdraw the motion on the table.

CM Hamilton suggested they not allocate any money for the event now, but direct staff to come up with a plan that honors past council members, and the Town.

There was discussion on how to obtain feedback on this from the community (Historical Society, Newsletter, Study Session, etc.).

Public comment was taken.

David Nystrom supported funding the celebration and not selling the Town short.

Jerry Brady suggested doing something in scale with City of Prescott using local musicians and theater group historic to the town. Should have a large screen presentation involving the chamber of commerce, DHHS, Aqua Fria Festival, civil affairs groups, school kids, and restaurants to donate food service.

CM Wright made a motion to put this on the work session for next Tuesday (Sept. 9th) to come up with ideas, seconded by CM Repan.

It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

TM Kimball spoke on comments about the community outreach programs, explaining the 20k is in addition to those special grant monies. She will not initiate any of these other programs until the council approves them.

Public comment was taken.

Jerry Brady spoke on the sources of funding. Study on Economic Development potential.

10. Discussion Agenda – Unfinished Business.

10.1. Ordinance 14-107 to amend Town Code Title XII Chapter 130 to add new chapter Fireworks (and Explosives).

TM Kimball gave an overview of the proposed action to adopt, reject or modify the ordinance to add a new chapter delegated to fireworks and explosives. Council reviewed this proposed change at a prior meeting. There has been some confusion on the explosives being part of the fireworks ordinances. Both versions have been provided to council.

Mayor Nolan spoke on fire restrictions being in place during times of fireworks activity, and not needing to add the ordinance.

CM Repan spoke on the difference in the two proposals. Version 1 is a clean-up version and version 2 removes “explosives” references.

Public comment was taken on this item.

Jerry Brady spoke about the definition of explosives going beyond what the ordinance defines.

Councilmember Wright made a motion to approve Version 1 of Ordinance 14-107 to amend the Town Code title XII Chapter 130 to add new chapter Fireworks and explosives, seconded by CM Hamilton, It was approved by a 6-1 vote in favor, Mayor Nolan voting against.

10.2. Discussion and possible action regarding acquisition of property located at 12925 E. Main St. which is currently occupied by the Dewey-Humboldt Historical Society Museum and possibly to approve Resolution No. 14-113.

Council chose not to go in to Executive Session on this agenda item.

There was discussion on what information they should discuss in open session regarding this property and how the information had been disseminated to Council via email in July.

CM Hamilton spoke on the cost of the property and the return on investment would be over 20 years. He stated he would consider the purchase if the price was lowered.

Council discussed obtaining an appraisal of the property and the cost to do so.

Councilmember McBrady made a **motion** to have staff obtain the cost to appraise the property, bringing that information back to Council. Motion **failed** for lack of a second.

Vice Mayor Alen made a **motion** to move this discussion to a work session and task staff to provide an estimated figure for the Resolution 14-113 costs, seconded by CM Repan. Councilmember McBrady suggested they **amend the motion** to include inquiring with surrounding communities Clarkdale, Jerome, and Cottonwood about any experience they may have had with similar issue of owning buildings. The mover and seconder of the motion agreed to the amendment.

Councilmember Hamilton spoke on the motion being too narrow and recommended broadening the discussion so they can discuss a new Town Hall, as he felt it should come before the purchase of the museum’s historic building. Mayor Nolan explained this was not azenized.

There was discussion on whether to expand the motion to include the Town Hall discussion.

Councilmember McBrady called the question, seconded by Mayor Nolan. A vote was taken on calling the question which failed by a 2-5 vote in favor, Councilmembers Hamilton, Repan, Williams-Rowe, Wright, Alen voting against.

Public comment was taken on this item.

Jerry Brady spoke on the town of Wickenburg having experience with this situation and suggested adding them to the inquiry list; October 1 is the deadline for historic funding for community development for FY2015.

David Nystrom suggested Council decide the grand strategy before addressing this resolution, dedicating a full day of discussion on this item only.

Motion made by CM Wright to table the discussion agenda item Resolution 14-113 until the council has a clear plan for the vision of the downtown area, seconded by CM Repan.

VM Alen withdrew her original motion.

Vice Mayor Alen made a **motion** to approve tabling the discussion and action on Resolution 14-113 until staff has time to come up with some further figures on costs and until such time as council determines its vision of downtown Humboldt, seconded by CM McBrady.

A **motion** to approve to move this item to a study session for general discussion, was made by CM Repan and seconded by CM Williams-Rowe.

Jerry Brady spoke on a deadline for historic planning and Brownfield environmental remediation funds.

CM Repan asked if tabling a resolution has priority over any other motions. There was discussion on this.

A vote was taken on the motion to table the resolution, which passed by a 5-2 vote in favor, Councilmembers McBrady and Vice Mayor Alen voting against.

All other motions on the table were dropped due to the tabling of the resolution.

11. Public Hearing Agenda.

None

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

12. Comments from the Public.

Jerry Brady spoke on floodplains in town; ownership of waters and watersheds.

13. Adjourn.

Meeting adjourned at 8:28 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, Town Clerk