

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
MARCH 3, 2015, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MARCH 3, 2015, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:30 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 Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action.

Councilmember Wright announced the travelling Vietnam Wall coming to the area on March 19-22 at the Gateway Mall in Prescott.

5. **Town Manager's Report.** Update on Current Events.
  - 5.1. **Town's Transaction Privilege Tax (TPT) Contractor Presentation and Work Plan.**

Town Manager Yvonne Kimball introduced Don Zelechowski who will be providing contractor services on the Transaction Privilege Tax.

Mr. Zelechowski explained he provides education for businesses and Town on TPT, sending out informational letters to those impacted by the tax code changes and on setting up a rental database.

He answered council questions: where telecommunication fees are paid (where phone is); whether tangible personal property is subject to TPT (yes); who decides various options (Council – he can provide a list of those options for council decision); who will receive those tax letters (all who pay TPT); speculated builder tax.

Public comment was taken on this item.

Jerry Brady spoke on federal offset funds; taxes collected and available for additional wear and tear on roads from large convoy vehicles, but town needs to report to get those higher federal funds over and above the HURF funds.

Mr. Zelechowski stated those tax letters will be going out to explain that help is on the way.

6. **Consent Agenda.**
  - 6.1. **Minutes.** Minutes from the January 13, 2015 Work Session, February 10, 2015 Work Session.

Councilmember Alen made a motion to approve Minutes from January 13, 2015 Work Session and February 10, 2015 Work Session as presented, seconded by Vice Mayor Hamilton. It was approved unanimously.

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

Jerry Brady spoke on the “Warren case” and how it affects Dewey-Humboldt – impacts P&Z, Code Enforcement, rights-of-way and easements, ownership of private properties.

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

**8.1. Banking Services bid selection or presentation by the bidders.** (Bidding processed closed on February 12, 2015). Possible action to award or reject the contract to a qualified bidder and/or to direct to rebid or initiate council selection process.

Accountant, Deni Thompson gave an overview on the bid proposal and recommendation. Three qualified responses were received: Washington Federal, National Bank of Arizona and Wells Fargo Bank. Staff recommended Wells Fargo Bank due to extra services, good hours, many locations, large incentive for the first year and the magistrate court’s account with this bank.

There was discussion on other considerations such as location; electronic depositing; term of contract.

Vice Mayor Hamilton made a motion to accept staff’s recommendation by selecting Wells Fargo Bank, seconded by Councilmember Repan. It was approved unanimously.

**8.2. Planning and Zoning Commission recommendation on Ordinance 15-110 Accessory Dwelling Unit (ADU).** Review P&Z recommendation and possible next steps.

Town Manager Kimball gave an overview on the proposed ordinance. 2 things have changed from the 2014 proposal: allow roomers and boarders and make optional a separate kitchen in ADUs. P&Z has agreed to those changes and are making that recommendation to council. All changes to the existing code are marked up.

Public comment was taken on this item.

Jerry Brady spoke on secondary medical dwellings being part of federal law and communicating with the VA on this.

Town Manager Kimball explained the ADU ordinance came to Council about a year ago and due to this span of time it was advised to hold another council public hearing (as good practice) prior to consideration of adoption of the ordinance. Council should give direction on whether to schedule a hearing to staff.

Councilmember McBrady made a motion to direct staff to schedule a public hearing on Ordinance 15-110 Accessory Dwelling Unit (ADU), seconded by Vice Mayor Hamilton. It was approved unanimously.

**8.3. Planning and Zoning Commission recommendation on the task of reviewing the code of ordinance regulations regarding Animals.** Review P&Z recommendation and possible next steps.

Town Manager Kimball gave an overview of the process done on this item to date. Planning and Zoning has reviewed the community meetings input and options with their recommendation being Option 2-Partial Revision of Animal Code (quoted from January 8, 2015 Council/P&Z Joint Meeting Agenda 9.1.1 Memorandum, “Consider revising the following definitions and regulations: Farm/Livestock, Domestic/Household Pets, Exotic Animals, Kennel, Kennel (residential), Kennel (commercial), Maintenance and Nuisance, criteria relating to care, maintenance/nuisance and performance standards. If applicable, determine where allowed uses would be as a matter of right (density district) i.e. kennels on larger parcel sizes; removal of household pet numbers with the addition of a well-

defined maintenance/nuisance section. Option 2 derives from the items included in Option 1. Option 2 items represent what staff believes would make the most sense considering minimum code changes.”). Council is being asked to make their recommendation. Council discussed whether they had made a decision (consensus or vote) on an option. Councilmember Alen requested a change to the summary (page 74 of 92 second line) pertaining to exotic animals. She stated exotic animals were not included in the May session discussion but in the July session and would like that correction made. TM Kimball stated she would review those CAARFs to get the accurate dates.

Vice Mayor Hamilton made a motion to accept P&Z’s recommendation to go with Option 2, seconded by CM Alen.

Public comment was taken.

Karen Brooks stated all three options don’t “fit the needs of the town”, recommending instead to establish an ad hoc committee of people with livestock and domestic animals to work on these codes; and needing basic rules and regulations on who has authority to make decisions.

Vicky Wendt spoke on her history in town; reaching out to the Council and only getting responses from the Mayor and CM Treadway to discuss the dog ordinance; the other 5 CMs not listening to the community; working with the town to write the animal codes ; establishing a board to hear animal violations.

Debbie Pomeroy (AKC legislative liaison) spoke on the purpose of an animal advisory board; cost savings by doing this and benefits; look at modifying the codes through nuisance rather than maintenance, with nuisance being more enforceable; reaching out to the P&Z to talk with no response.

Jerry Brady spoke on whether the animal control ordinance conforms to Arizona Law and spoke on the hierarchy of local, state and federal laws.

There was council discussion on what parts of town code the P&Z Commission can make recommendations on (Zoning and Land Use).

Debbie Pomeroy spoke on Chino Valley’s rework of their dog ordinance, how it was done and recommended having a committee write D-H’s ordinance.

Karen Brooks spoke on having an ad hoc committee to discuss livestock, having person(s) of education and knowledge developing the code, and offered to be included on a committee to work with domestic and livestock people on code changes regarding animals.

Patrick McGill spoke on reworking the ordinance excluding the enforcement portions.

Council discussed sending it back to P&Z to handle the zoning portions with council handling the other portions that P&Z does not address.

Town Manager Kimball clarified to the council the portions of code the P&Z would not address (Chapter 90 Animal Control) and the portions they can address (Chapters 150-153 Land Uses). P&Z has the authority to give advice on the zoning portions of the town code.

A vote was taken on the motion to accept P&Z’s recommendation of Option 2. The motion passed by a 6-1 vote in favor, Councilmember McBrady voting against.

**8.4. Ordinance 15-111 to amend Town Code 30.109 Protocol at Meetings (C) Procedures.**

(As directed at the 2/10/15 Study Session)

Town Manager Kimball gave an overview. There was discussion on the ordinance and how it changes what the current procedures are. Councilmember Alen spoke on different wording being approved pertaining to abstaining from a vote. Councilmember Hamilton suggested #8 can be omitted from the ordinance.

Public comment was taken on this item.

Jerry Brady spoke on a constitutional initiative that will do away with public participation; prohibition of star chamber proceedings; public participation not necessary in a public meeting unless going to a vote of the electors.

Karen Brooks spoke on using Roberts Rules of Order as it is understood by most people; voting can be aye, nay or abstention; stated anyone can call a point of order.

Councilmember Repan made a motion to approved Ordinance 15-111 to amend Town Code 30.109 Protocol at Meetings (C) Procedures, changing #7 to read, "A MAJORITY VOTE ON THE MOTION PREVAILS. A TIE VOTE MEANS THE MOTION FAILED. AN ABSTENTION COUNTS AS A NO VOTE ONLY IN THE CASE OF A STRAIGHT UP OR DOWN VOTE." and omitting #8 in its entirety. It was seconded by Councilmember Wright and passed by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

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

**9.1. Discussion and possible action whether the Town of Dewey-Humboldt assumes "Right of First Refusal" for the old bank building now leased by the Dewey-Humboldt Historical Society.** [CAARF requested by CM Treadway]

Councilmember Treadway gave an overview on why he requested this agenda item. There was council discussion on considering the purchase prior to assuming the right of first refusal; how the right of first refusal works; costs associated with assuming this right (appraisal).

Councilmember Treadway made a motion to review the wording in the contract and what the First Right of Refusal entails to make an informed decision on whether to assume the FROR for the Old Bank Building now being used by the DHHS Museum. Councilmember Alen stated she would second the motion if it was amended to direct staff to contact the realtor on where they are on a potential purchase and have the attorney look at the existing contract. CM Treadway agreed and the motion was seconded. CM Alen asked to amend the motion to include directing staff to contact the realtor on where they are on a potential purchase.

Public comment was taken.

David Nystrom spoke on how the FROR works, suggested talking with the property owner about various options to the town and the museum.

Jerry Brady spoke on what the property owners are looking for (declaration of intent), working with the town; site being eligible for the National Historic Site and District.

Gerald Hoyer spoke on the level of interest so far in the building and suggested the council have a sense of urgency on this issue.

Earl Goodwin spoke on not buying the building outright as current taxpayer monies would be going toward a purchase for future taxpayer interests; suggested instead to pursue a 15 year lease to purchase contract.

John Young stated small towns typically supply a building to their museums.

Jerry Brady spoke on historical designation site; Warren Kuhles supporting the proposal for an outdoor museum in conjunction with the bank building, tying in the remediation process of the superfund site, with a state park designation and a donation land grant.

Karen Brooks reminded the public there is a public town budget meeting on the 10<sup>th</sup>; suggested starting the evaluation of the property and bringing it up to ADA standards.

There was discussion on having a DHHS representative at the meeting where they hear back on these questions; the meeting would be in an executive session; it might be better discussed at a budget meeting.

A vote was taken on the motion to review the wording in the contract and what the FROR entails to make an informed decision on whether to assume the FROR for the Old Bank Building now being used by the DHHS Museum and amend to include directing staff to contact the realtor on where they are on a potential purchase, and have the attorney look at the existing contract. It passed unanimously.

**9.2. Decision whether to allow a brief verbal presentation by Yavapai College representative regarding services provided by Yavapai College.** [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview.

Councilmember Repan made a motion to approve a brief verbal presentation by Yavapai College representative regarding services provided by Yavapai College, seconded by CM Alen. This presentation will go on the March 17<sup>th</sup> regular meeting agenda.

Public comment was taken.

Jerry Brady spoke on the REDI program at the college; business plan seminars on Wednesday nights at 7pm; an economic development plan developed for Highway 69.

The motion passed unanimously.

**9.3. Discuss ingress/egress issue across from Humboldt Post Office off Main Street. Addressing Ms. Livingston's comments regarding using CDBG funds to pave the "driveway" intersecting with Main St. and leading to the "Chaparral Gulch" neighborhood and the recent stop sign placed on Main St. facing the "driveway".** [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview explaining her put this on the agenda at the request of Ms. Karla Livingston. He explained the driveway is on private property; council can decide whether to get an estimate for development of Chaparral Street to Third Street. There was discussion on the history of Chaparral Street; dangers of the driveway accessing on to Main Street; determining if the town owns Chaparral Street ROW.

Councilmember Repan made a motion to determine ownership of the Chaparral Street Easement, seconded by CM Wright.

Vice Mayor Hamilton spoke on a document in his possession regarding the abandonment of Chaparral Street by the County. Town Manager Kimball spoke on Chaparral being a steep hill so it probably can't be used; start with a survey to pin the road, then get a title

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report, then hire an engineer to build an entirely new road, not an improvement. The process will take some time and is a very complicated process. Vice Mayor Hamilton spoke on it being a platted town site so it doesn't need a survey first.

Public comment was taken on this item.

Jerry Brady spoke on a plat being an engineered drawing, not a survey; the requirement of a survey before transfer of any property; the community asset list; rights of way are easements and if an 800 number on GIS it is the Town's.

Karen Brooks spoke on three points: placement of stop sign at the entrance from the driveway to Main Street; safety of people living down in that location; consideration of 2<sup>nd</sup> Street rather than 1<sup>st</sup> Street.

Council reviewed the GIS imagery of this area and the platted streets intended for access to these properties: reviewed the Town's ownership of the easements on YC GIS.

A vote was taken on the motion, which passed by a unanimous vote in favor.

**10. Public Hearing Agenda.** None.

**11. Comments from the Public.**

Jerry Brady spoke on situational awareness for the Council; FROR for mineral rights in this County; exporting rare earth minerals to China; frauds against the PRC and US.

David Nystrom urged the Council to move quickly on the museum property decision and spoke on the citizens' support of the museum.

**12. Adjourn.** The meeting was adjourned at 9:39 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk