

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
OCTOBER 11, 2016, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 11, 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 2:00 p.m.
2. **Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan were present. Council Member Dennis Repan was absent.
3. **Study Session.** No legal action to be taken.

Mayor Nolan requested that Agenda Item 3.2 be moved ahead of Item 3.1 to accommodate Town Attorney Goodwin's prior commitments. There was Council consensus to do so.

3.2. Advisability/introduction of a proposed nuisance abatement ordinance. (Attorney Susan Goodwin to present)

Town Attorney (TA) Goodwin spoke that this subject originated with issues brought forth by Staff in regard to some of the more egregious code enforcement issues. It was determined the Town needed to address this through citation, as well as abatement on rare occasions. This is similar to other localities' ordinances; however, the "nuisance" is defined more narrowly to allow abatement of a nuisance to recover costs. If a violation was not cured or fixed, then the Town would have the authority to go in and fix the nuisance and, following the correct procedures, affix a lien on the property. TA Goodwin stated the definition of a nuisance is dilapidated building, blighted condition or accumulation of trash and debris. These definitions are well-defined and set forth procedures for inspections; emergency abatements; giving notice to the property owner; hearings; Town abatement; finally imposing the cost as a lien against the property.

There was discussion regarding the term "nuisance" being in the animal ordinance and if this leads to confusion. TA Goodwin said this is something to be decided by Council, and she can change terminology as directed. TA Goodwin read the definitions of "nuisance" and "blighted", which she described as typical language. The definitions have been narrowly defined to avoid the need for much discretion. The Code Enforcement Officer in light of the building code makes the determination. TA Goodwin said if the Council wants more specificity they could work with the Code Enforcement Officer on this.

There was Council discussion with differing opinions as to whether the proposed "nuisance" definition was too vague or too specific. There was also division on whether this type of code was necessary for the Town. There was further discussion and clarification regarding anonymous complaints, and the actual current process of redacting complainant names from Town communications regarding violations.

Public comment was taken on this item.

Victoria Wendt spoke against the ordinance citing the ability to lose public; progress with abatement with Firewise program; concerns with over-regulating; advised them to suspend this ordinance; supported condemnation on the specific Humboldt property that triggered this issue rather than adding ordinances.

There was further Council discussion that this agenda item was to have been strictly regarding a proposed abatement ordinance process.

TA Goodwin inquired whether the Town has a current litter ordinance, which it does not. She noted, therefore, this proposed ordinance would deal only with dilapidated buildings and blighted conditions.

There was further Council input and discussion regarding if there is a need for a litter ordinance, or, if safety should be the line for town involvement, as well as noting that this discussion and proposed ordinance deals with the abatement process only and there are ordinances regarding public safety issues already in place.

There was Council consensus to postpone this matter until January to include the new Council and public input.

3.1. 2016 Arizona League of Cities and Towns Annual Conference information sharing and recap.

CM Hamilton spoke of wanting to pass on what he heard at the conference. Mr. Hamilton gave an overview of the five sessions he attended: Police Body Cameras; Two Box Small Town Economic Development; AZ Open Meeting Law; Reading the Tea Leaves and Basic Zoning for City and Town Officials. Mr. Hamilton did speak of learning from a conference session that Prop 207, if making a law change, could change property values. This is a problem for historical preservation districts and requires waivers signed by property owners. He also heard that it is a bad idea for Council to act as the Board of Adjustment.

VM Treadway spoke of attending five or six courses with great interest in the seminar on marijuana laws and taxation, which is pertinent due to Prop 205, the legalization of marijuana. VM Treadway gave an overview of the session sharing that the proposed guidelines for Arizona would be much more conservative than Colorado laws. It is projected that legalization of recreational marijuana could generate \$53-113 million dollars in tax revenue. VM Treadway spoke of many pros and cons and recommended everyone doing their homework on this subject before voting.

There was Council discussion of Prop 205 regarding public smoking; issues not addressed in the seminar were human resource/employment issues and tribal effects; and AZ Department of Revenue taxation.

CM Wright spoke on the seminar she attended on Public Servant Ethics which prompted two questions, first, that all purchases are properly procured and the second, does the Town have bonds in place to protect from staff embezzlement, as well as accounting policies. CM Wright also noted pursuant to her attendance of the Mayor/Council Manager Meeting she learned that any questions asked by one Council Member should be answered to all Council Members, so that they all have the same information. She also spoke of hearing that the Town Council should set a vision for strategy, trust, and respect of opinions to fit the Town vision and General Plan.

CM Alen spoke of having notes that Council could ask for. She has them downloaded and will forward them to anyone interested. She does not want to relate her overview of the sessions she attended as she does not want to apply her filter. CM Alen recommends that current Council and future Council download the sessions as there was much valuable information.

Mayor Nolan gave an overview of the session he attended noting that it was stressed that serial communication amongst Council members can have a negative impact. GAMA elected a new president, which is the Mayor of Flagstaff. Mayor Nolan also attended the speed networking breakfast where a different topic is discussed at each table. It appears that each locale has similar problems.

Mayor Nolan asked for any public questions.

Public Comment was taken on this item.

Sal Leto spoke of Powerline Road and his interest to transition it from a private to public road for the last three years; research done on original property owner; 30 current owners on Powerline Road wanting it to be maintained by Council by grading four times a year.

CM Wright explained this was not agendized so therefore they could not discuss it at this time but Council could direct to place it on a future agenda.

Mayor Nolan spoke of understanding the predicament and stated that this topic will be on a future agenda.

4. Special Session. Legal action can be taken.

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.

No special session was scheduled.

5. Adjourn.

The meeting was adjourned at 3:38 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk