

**TOWN COUNCIL OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE**

Tuesday, July 18, 2017, 6:30 P.M.

**COUNCIL REGULAR MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA SUMMARY

1. **Call To Order.** The meeting was called to order at 6:33 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Given by Councilmember Hamilton.
 - 2.2. **Invocation.** Led by Councilmember Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; 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.

Mayor Nolan made a statement of regret to the Carl Marsee family for the unexpected passing of Carl on July 15, 2017, and cited his dedication to the D-H Historical Society and community volunteerism.

4.1. 60th Anniversary Year of the Modern Arizona Rangers Proclamation.

Mayor Nolan read and presented the proclamation to representatives of the Modern Arizona Rangers Proclamation extending his appreciation to the organization.

5. **Town Manager's Report.** Update on Current Events. No legal actions can be taken. Council may ask town staff to review an operational matter at this time, or may ask that a matter be put on a future agenda for actions or further discussion. Possible matters and projects are related to Town general administration, Finance, Public Works, Community Development.

5.1. Permits Report (January 1, 2017 to June 30, 2017)

Town Manager Kimball stated that the report was attached to the packet. The Building Official, Don Roberts, was unable to attend due to medical leave. She stated that there were 9 Single Family Residential Permits, 7 Manufactured Home Permits and several Over the Counter permits.

Town Manager Kimball gave an update on the Interim Town Manager recruitment process noting there have been 14 applications submitted at this time.

6. Consent Agenda.

- 6.1. **Minutes.** Minutes from the June 20, 2017, Regular Council Meeting; June 28, 2017, Special Council Meeting; July 5, 2017, Special Council Meeting and July 7, 2017, Special Council Meeting.

Mayor Nolan asked for any additions or corrections to the minutes being submitted for approval. Councilmember Treadway noted a correction on the June 20, 2017, Regular Council Meeting Minutes on page 6 regarding the Code of Ethics being passed by a 6-2 vote, which should have been a 5-2 vote.

Councilmember Hamilton made a motion to pass the minutes with the correction noted for the approve June 20, 2017, Regular Council Meeting; June 28, 2017, Special Council Meeting; July 5, 2017, Special Council Meeting and July 7, 2017, Special Council Meetings, seconded by Councilmember Hughes. The motion passed unanimously.

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

Tom Watson spoke of the Responders performing a great job during the Goodwin Fire. He addressed that for 18 years he has been trying to communicate to the County, Fire Department, Sheriff Department, Town Council to get Rocky Hill Road fixed to make it clear that it is not a through road. He has watched the Fire Department struggle with this several times. GPS and GIS do not reflect this and it needs action.

Sandy Geiger presented a copy of her Public Comment to the Town Clerk and read the same to the Council regarding her request of their consideration to contact Brian Beck in regard to his proposal to the Town dated May 1, 2017, as well as the EPA Superfund “unfinished business”. Mr. Beck proposes zip code changes for the remaining Superfund sites that are not cleaned up. Ms. Geiger noted that Mr. Beck is a wonderful resource for the community on this matter.

Leigh Cluff thanked the Town for quickly getting a sign up at Cranberry and Smoki. Ms. Cluff also spoke needing to bring the attention of Council that she recently learned that many people had a difficult time getting out of the Blue Hills area during the recent fire with 30-90 minute traffic backups.

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.

None

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

9.1. Road maintenance

9.1.1. Discussion of private roads and maintenance and acquisition options and possible formulation of Maintenance and Acquisition Policy.

Town Manager (TM) Kimball explained this would be a team effort with Susan Goodwin, Town Attorney; Ed Hanks, Public Works Director; and Richard Eldridge, Town Engineer participating. Many times when Council has had this discussion, the rural road standards and the private road transition are key topics. Attorney Goodwin looked at options for Council on the private road issue and she looked into options of leasing or dedication. TM Kimball asked Attorney Goodwin to go over the options.

Attorney Goodwin spoke of maintenance of roads and private roads, which the public cannot spend money on the maintenance of private roads. The Town has tools, such as obtaining sufficient rights over the roads that would avoid the gift clause issue. Mr. Earl Goodwin made a presentation focused on leasing roads. There has also been talk of obtaining easements or possible condemnation. She believes the process Council has been most interested in is obtaining dedications. One involves money and one does not, a condemnation involves a court course. One of the most viable options is leasing. It would need to be a long-term lease, which justifies the expenditure of public money. It satisfies the gift clause, the cons are that it has to be long-term, but at the end of the lease term the improvements no longer belong to the Town. The property owner does not have the use of it, but still has to pay the taxes. The second viable option is a roadway easement, which

is more common than leasing. The Town has the right to use it as a road, it is usually perpetual, but could have a term. The term would need to be long in order to justify spending public monies on it. The third option is dedication of roadways; this usually involves the owner signing a Warranty Deed with an attached legal description, which is recorded. This is the usual way of acquiring rights of ways, permanent ownership to the Town, the property owner does not pay tax on it, but you need to be sure there are no encumbrances such as a mortgage, etc... Usually a lender will give a partial release of lien and the Town would need to obtain title insurance to prevent defective title. Lastly, condemnation is a longer process and formalized. The property owner does not necessarily want to sell, but it is for a public road or benefit. An appraisal is conducted and an offer is made, if the Owner accepts the offer you go through normal escrow, if the Owner does not accept the offer, than the Town can file a complaint in the Superior Court. The Court will decide the value and what is to be paid. Getting a legal description for the properties in questions has always been a challenge.

There was extensive Council discussion regarding these processes described by Attorney Goodwin and matters such as liability, survey costs, town expenses, etc.

Public Comment

Sal Leto spoke of a fire truck that tried to go one-half mile up Powerline Road and having to turn around costing about 20 minutes, as it is not maintained. He spoke of paying to have the road maintained, if necessary. He said Council has said, "You shouldn't have built the house there", but that is not the answer. He asked what could be done with the easements on the road. Mr. Leto then described the road for Attorney Goodwin. Attorney Goodwin explained the legal definition of easements and that they are for specific purposes generally dedicated to APS. There is not authority for the Town to maintain or grade and does not think the easement provides for ingress and egress. Mr. Leto cited that the original design called for a road that was never placed and the County says that D-H took 30 feet for an easement. Attorney Goodwin explained that she did not have the necessary documents to research this, but assumed it is the standard power line language. Mr. Leto cited that you cannot get fire or medical attention and he is told it is his tough luck. He cited homeowners as looking for a solution, even if they have to pay. Attorney Goodwin spoke of road easements being issued that are not public easements, just for ingress and egress, but could not confirm this without documentation. Mr. Leto cited county records showing roads. He researched this and said there were supposed to be roads, but it was not followed though on. The County said they would do it. The people (developers) left and took off. Mr. Leto stated that it should be D-H's responsibility to put the roads in.

Tom Watson spoke of Rocky Hill Road having a public easement. He maintains the road and the Town would have to take it. He will not allow it to be used for emergencies. He spoke of necessary work to Prescott Dells Road caused by the developer. He said, "You can't just have it when it is convenient", speaking of the road use and that they would have to fight all the homeowners.

Leigh Cluff spoke of Rocky Hill Road connecting to Martha Way and that there is a problem with responders going down Powerline Road.

Tom Watson pointed out Rocky Hill Road the proposed easement around it through BLM land on the overhead map. He noted he will give the property to the Town but he is not going to maintain it.

Leigh Cluff pointed out an area on the overhead map at Piute and Smoki roads wherein if there were a fire on Cranberry no one would be getting out. She recommends the Prescott Dells Ranch Road easement.

Vice Mayor McBrady spoke of the long-standing road issues. He recommended taking over Rocky Hill Road and maintaining it. Find the emergent roads and get a lease, waiver or easement, buy equipment and maintain it. He noted the Town can help and the main thing should be roads. Sal Leto spoke of loving what Vice Mayor McBrady said. Just maintain it three times a year and they will sign a waiver that says the Town is not responsible. Vice Mayor McBrady spoke of that method probably not being legal. He would like to see a Town with enough staff and equipment to maintain every road. Start the improvements giving them the most important roads for Firewise purposes. He noted the need to hire a new Town Manager that is be road-wise, able to write grants for roads and know how to run a road crew.

Attorney Goodwin noted that there is a possibility of the Town maintaining the roads three times a year and the Owners would pay. This would avoid the gift clause, but is usually not done because it puts the Town in competition with private contractors.

Tom Watson spoke that his neighbors on Rocky Hill Road are willing to sign off their rights to the road. The Town needs a second access to Blue Hills; this is the simplest way to give access. Vice Mayor McBrady spoke of Rocky Hill Road being a good start and then they could move on to the BLM easements. Mr. Watson spoke of maintaining the road and taking the liability for that. He again spoke of all the neighbors feeling as he does.

Councilmember Treadway left the dais at 7:46 p.m. and returned at 7:48 p.m.

Councilmember Wendt spoke of her CAARF to implement a looping system in the Blue Hills area and noted on the map her three proposals.

Tom Watson said it would be flip situation if you use Prescott Dells Ranch Road. Councilmember Wendt notes she has agencies looking to determine which are the three best options for access to move people out of the Blue Hills area.

Councilmember Hamilton spoke of whole town being surrounded by fire hazard. Other parts of town have dirt lone lane roads with Blue Hills having several paved two-way roads. He noted the Town needs to be treated fairly or you will split the Town in half. The Town cannot afford to take all roads on; there are 50 miles of private dirt roads. This all sounds good but could have many ramifications. He hopes that Public Works Director Hanks will give them a process.

There were further Council comments on the road issues.

Sal Leto spoke of having gotten signatures to petition to have his road taken over but was not aware at the time that it had to be up to a certain standard or he would not have bothered.

Public Works Director Hanks spoke of needing to get the standards worked out as to who is going to bring the road to standard and who will pay for the survey. Knowing the Town's legal options, none of those options is viable under the current policy. There was discussion with Council on standards and the need to establish policy and procedure for safety standards then work on the maintenance standards.

Leigh Cluff spoke of appreciating Councilmember Timmons comments about egress options in the Foothills area. If others in the area want something done with their roads, they need to be here complaining. She thinks the looping system is a great idea in the Blue Hills.

Tom Watson spoke of owning his road; it was determined by a Judge and Council Officials. The road is his property but he has to let the public use it.

There was Council discussion about property taxes and that not being favored by the community.

Richard Aldridge, Town Engineer, spoke of the Town having a lot of competing interest. The Attorney can come up with language to transfer the ownership. He and Director Hanks can come up with minimum standards for the roads. He liked CM Wendt's idea of getting emergency authorities involved to guide for picking the right roads for access, but as CM Hamilton pointed out, who gets the first dollars. Prioritization is the huge things use an outside non-political agency. He spoke of other areas of Town possibly being landlocked in the case of fire, as well.

There was further Council discussion and comments regarding the road priorities and processes, as well as the need to get this process started. Director Hanks was asked if the resolution policy still works or if it needs revision.

Director Hanks cited that the current policy is a resident-driven policy, where they get the road brought up to standards. He believes that the Town needs to come up with a rural road standard defining the standards the roads will need to meet. Council may want to consider the Town paying half the survey. Right now it is a paved road standard, he is speaking of taking it down to a rural road standard.

Councilmember Hamilton would like to give direction to Director Hanks to bring back to Council a resolution with these revisions that he stated, so they can look at it again.

9.1.2. Discussion of rural road standards.

9.2. Direct staff to recommend a priority list containing up to three roads for creating an emergency access looping system in the Blue Hills area. [CAARF requested by CM Wendt]

Mayor Nolan asked Councilmember Wendt cover her CAARF.

Councilmember Wendt spoke of Staff working with the County Emergency Management Office, Central Yavapai Fire & Medical, the Sheriff office and the D-H Firewise Board to come up with recommendations of the top three roads that the Emergency Services feels need to be seriously considered. Look at these as priority. She has spoken with dozens of residents who have called her with their concerns.

Councilmember Wendt made a motion that Staff begin a dialogue and work with our County Emergency Management Office, Central Yavapai Fire & Medical, the Sheriff's office and the D-H Firewise Board to establish a priority list of the top three alternate emergency access roads, seconded by Councilmember Treadway. The motion passed unanimously.

9.3. Council authorization of purchase of an equipment trailer for the Public Works Department uses.

Mayor Nolan introduced the item noting that the quote for the flatbed equipment trailer was \$6,820.64 and this was a necessary purchase to haul some of the new Public Works equipment.

Director Hanks noted this is a tilt trailer set up for the roller. The stationery deck on the front will attach and hold the fuel barrel and tac oil. It could also be used for the excavator and tractor, but will primarily be used for the roller. The quote from Hubbard Trailer Sales was a bit more expensive but they are just down the road for parts and service.

Councilmember Hamilton made a motion to approve the purchase of the trailer, seconded by Councilmember Hughes.

Councilmember Hughes spoke of the high quality of the chosen trailer over the other 2 proposals.

Mayor Nolan called for a vote. The motion passed unanimously.

Mayor Nolan closed the Regular Council Meeting at 8:33 p.m.

10. Public Hearing Agenda.

10.1 Public hearing for FY 2017-2018 Final Budget and Resolution 17-127 to adopt the FY 2017-18 Final Budget in the amount of \$4,043,016. Possible adoption, rejection or modification.

Mayor Nolan opened the Public Hearing at 8:33 p.m.

Mayor Nolan introduced the agenda item for the Final Budget. The budget was published in the newspaper and all legal requirements have been met.

Mayor Nolan called for public comment. There was none.

Mayor Nolan closed this Public Hearing at 8:35 p.m. and reopened the Regular Council Meeting.

Councilmember Hamilton made a motion to approve Resolution 17-127 to adopt the FY 2017-18 Final Budget, seconded by Councilmember Timmons. The motion passed unanimously.

Mayor Nolan closed the Regular Council Meeting at 8:37 p.m.

10.2 Z-17-170089 Revision of Plat, Lot 55, Blue Hills Arm, Assessor's Parcel Number (APN) 402-03-204 (955 S. Wicklow Place, Dewey-Humboldt). Possible approval, rejection or modification of the Revision of Plat Application.

Mayor Nolan opened the Public Hearing at 8:38 p.m. and introduced the agenda item regarding the plat revision asking Community Planner (CP) Steven Brown to give an overview of this issue.

CP Brown stated that this matter received Planning & Zoning Commission approval. They had Public Hearings and advertised as required. Neighbors within 300 feet were notified of the request.

There was Council discussion regarding notifications, zoning requirements and if the property owner would give another 10 feet on the roadway.

Thomas Malette explained to Council that his property line is already 20 feet in the road. He could give a little more but maybe not 10 feet. He understands that would open the corner a little.

CP Brown cited this is an important issue, roads travel where convenient, not necessarily in the rights of way.

There was discussion regarding APS equipment and roads encroaching private properties.

Councilmember Wendt welcomed the Malettes to the area.

CP Brown noted that he would review the minutes of this matter for the intent and pass on the direction.

Mayor Nolan closed the Public Hearing at 8:45 p.m. and reopened the Regular Council Meeting.

Vice Mayor McBrady made a motion to accept the revised plot plan, seconded by Councilmember Hughes. The motion carried unanimously.

11. Adjourn. The meeting was adjourned at 8:48 p.m.