

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

**Tuesday, October 17, 2017, 6:30 P.M.**

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

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

**AGENDA**

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. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**2.2. Invocation.**

**3. Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady, and Mayor Terry Nolan.

**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.

**4.1. Cities and Towns Week 2017 Proclamation.**

**4.2. Presentation on Greater Prescott Regional Economic Partnership (GPREP) Updates.**

Presentation given by Gary Kellogg and Ginger Johnson. (CAARF/Presentation request approved by Council on 10/3/17)

**4.3. Interview and possible appointment of applicant for Open Space & Trails Committee.**

**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.

**6. Consent Agenda.**

**6.1. Minutes.** Approval of Minutes from the September 12, 2017, Work Session Meeting

**7. Comments from the Public (on non-agendized items only).** 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. Individuals may address the Council on any issue within its jurisdiction. 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. A 3 minute per speaker limit may be imposed. The audience is asked to please be courteous and silent while others are speaking.

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.

Page  
15

8.1. **Council direction regarding survey for BLM road development.** (continued from September 5, 2017, meeting)

19

8.2. **Discussion and possible action regarding possible amendments to the Zoning Regulations regarding use permits for (i) intoxicating beverage sales, (ii) retail sales and services and (iii) public recitals, concerts or dances.** (directed at the September 19, 2017, Meeting)

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

25

9.1. **Discussion of Town Council Meeting Schedule.**

9.2. **Discussion of Town Manager recruitment – discussion of applications and selection of short list for further consideration.**

9.2.1. **Recess into and hold an executive session pursuant to A.R.S. 38-431.03 (A)(1).**  
Discussion or consideration of employment/appointment/salary of a Town Manager.

9.2.2. **Reconvene Regular Meeting.**

9.3. **Discussion and direction on the next steps of the Town Manager recruitment process.**

10. **Public Hearing Agenda.**

---

**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

---

11. **Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, November 7, 2017, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, November 9, 2017, at 6:00 p.m.

Next Town Council Work Session: Tuesday, November 14, 2017, at 2:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, 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 12th day of October, 2017, 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.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

## *Cities and Towns Week 2017*

*WHEREAS* the citizens of the Town of Dewey-Humboldt rely on the Town to experience a high quality of life in our community; and

*WHEREAS* cities and towns in Arizona work 24 hours a day, seven days a week to deliver vital services such as fire, police and emergency medical response to ensure safe communities; and

*WHEREAS* cities and towns in Arizona also provide services and programs that enhance the quality of life for residents such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers and recreational programs; and

*WHEREAS* it is important for the Town of Dewey-Humboldt to continue to provide excellent delivery of services and programs that our citizens have come to expect in our community; and

*WHEREAS* it is one of the responsibilities of town officials to ensure open and accessible government through frequent communication with citizens using various avenues and means; and

*WHEREAS* through participation and cooperation; citizens, community leaders, local businesses and municipal staff can work together to ensure that services provided by the Town of Dewey-Humboldt can remain exceptional elements of the quality of life of our community.

*NOW, THEREFORE*, be it resolved that the Town of Dewey-Humboldt joins with the League of Arizona Cities and Towns and fellow municipalities across the State of Arizona in declaring October 15-21, 2017, Arizona Cities and Towns Week.

*In Witness Thereof*, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt have hereunto set my hand this 17<sup>th</sup> day of October, 2017.

\_\_\_\_\_  
Terry Nolan, Mayor  
Town of Dewey-Humboldt

\_\_\_\_\_  
Julie Gibson, Town Clerk

[Page intentionally left blank]



# TOWN OF DEWEY-HUMBOLDT

## Town Commission, Boards and Committee Vacancy Application Form

Please complete this application form and thank you for your interest in serving.

### Personal information:

Name: DIANE McQUEEN email: [REDACTED]

Mailing & Physical Address: [REDACTED] Dewey / P: [REDACTED]

Phone Number: [REDACTED] Occupation: RETIRED Dewey  
(please indicate home and work numbers)

How long have you lived in Dewey-Humboldt? 2 weeks - owned home FOR 24 yrs years. Are you over the age of 18?  Yes  No

Are any of your relatives, employed by the Town? Who/Where: NO

Emergency Contact: [REDACTED] [REDACTED]  
Name Phone Relationship

Are you presently employed? (Check as many as apply)

Employed full-time    Employed part-time    Unemployed     Retired    Other \_\_\_\_\_

Employment experience relevant to the position applied for: \_\_\_\_\_

**Position applied for:** Briefly describe your interest in volunteering for the Town's Boards, Commissions and/or Committees. Describe your experience, education and /or other qualities that you feel would be of value to the Town. You may apply for more than one position. If doing so, please list in order of preference. If needed, you may attach a separate sheet of paper.

OSAT COMMITTEE - I'M JUST AN AVID  
OUTDOORS PERSON: CAMPING, HIKING, MTN  
BIKING, FISHING

Dewey-Humboldt

SEP 06 2017

Received

**Town of Dewey-Humboldt**  
**Commissions, Boards and Committees**

*(Please number in order of preference, 1<sup>st</sup> choice, 2<sup>nd</sup> choice, etc., if applying for more than one position)*

**COMMISSIONS**

\_\_\_\_\_ ***Planning and Zoning Advisory Commission*** – Seven-member commission that hears requests for re-zonings, Planned Area Developments; makes recommendations to the Town Council. Term of appointment is four years. The Commission may set its own schedule but is required to meet at least quarterly or at the request of the Mayor, a Councilmember or applicant.

**BOARDS**

\_\_\_\_\_ ***Board of Adjustment*** – Five resident members that hear appeals by property owners regarding variances and interpretations of staff decisions regarding land uses. Quasi-judicial, appeals of the Board's decisions are heard by Superior Court.

**COMMITTEES**

\_\_\_\_\_ ***Environmental Issues Advisory Committee*** – Provides for the identification, assessment and monitoring of environmental and public health issues that may be of concern to the Town. Term of appointment is two years. Committee may set its own meeting schedule and shall meet at least quarterly or at the request of the Town Council.

\_\_\_\_\_ ***Groundwater Resource Advisory Committee*** – Provides for the collection of data, information and studies that will assist the Town in being a positive influence in the preservation of its citizens' rights to access groundwater and other appropriate water resources. Term of appointment is two years. Committee may set its own schedule and shall meet at least quarterly or at the request of the Town Council.

\_\_\_\_\_ ***Clean Town Committee*** – Provides organizational oversight of volunteer services to the Town and its citizens and assist in developing programs that address issues of accumulated trash, code enforcement and related concerns. Term of appointment is two years. Committee may set its own meeting schedule and shall hold at least one meeting per year.

1 \_\_\_\_\_ ***Open Space & Trails Committee*** – Provides volunteer services to the Town by interacting with the community, other similar area committees and agencies to further the implementation of the Town Open Space & Trails Master Plan and to compile findings and contact reports associated with its activities. It shall also plan any trail, refuge area or related facility within the vicinity of Chaparral Gulch that is suggested by Council to be named in memory of Emmett Trapp.

\_\_\_\_\_ ***Other Committees as needed.***

## Information for Applicants

Members of boards, commissions and committees are appointed by the Town Council and serve at the pleasure of the Council. The appointment process begins with the submission of an application. Applications will be retained for one year following submission. Applicants are subject to interview by the Chair of the board, commission or committee and the Town Council for appointment.

Voting members of boards, commissions and citizen committees must be residents of the Town. Non-voting members of Citizen Committees may be non-residents.

Appointees may serve an unlimited number of terms on a board, commission, or citizen committee, at the discretion of the Town Council.

Regular attendance is required for board, commission and committee members. If a member misses three meetings consecutively or within a calendar quarter and the chair recommends removal, his seat is deemed vacant upon declaration by the Council.

Board, commission and citizen committee members are required to comply with Arizona open meeting laws, public records laws and with the Town of Dewey-Humboldt Code of Ethics.

### Signature and Verification

I hereby certify that all information contained in this application is true and complete and I understand that the information I have provided in this application may be verified by the Town of Dewey-Humboldt. I have read the information for applicants provided above and agree to comply with all the requirements for serving as a board, commission, or citizen committee member set forth above or as may be required by the Town Code and the laws of the State of Arizona.

9/6/17

Date



Signature

[Page intentionally left blank]

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION MINUTES  
SEPTEMBER 12, 2017, 2:00 P.M.**

**A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 12, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** Mayor Nolan called the meeting to order at 2:02 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Doug Treadway, Victoria Wendt, Vice Mayor McBrady (arrived late at 2:05 p.m.) and Mayor Terry Nolan were present. Council Members Timmons and Hughes were absent.
3. **Study Session.** No legal action to be taken.

**3.1. Discuss what the Council wants to do about a future Town Hall. [CAARF by CM Hamilton]**

Councilmember Hamilton spoke of the current building lease being on an extension and, if the Council is going to do something such as build, buy or continue to rent, a decision should be made this year, however, without a quorum he asked to defer this to another Work Session when there will be a full quorum.

**3.2. Discuss and give direction to Staff regarding proposed Ordinance 17-139 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding new Chapter 100 Other Domestic Animals, all related to the control and regulation of domestic animals other than dogs, dangerous and biting domestic animals other than dogs, maintenance standards for domestic animals other than dogs and enforcement.**

Mayor Nolan gave an overview of the agenda item and referred to a section, which mentioned non-human mammals and referred to this as hard to control.

Councilmember Wendt spoke of the livestock being mixed back in with the other animals and this was not what Council addressed the Attorney and Staff to do. Council directed at the last meeting for this to come back with the other Ordinance that was just looked at and this shouldn't be in here yet.

Town Attorney Goodwin stated that she watched the tape of the last meeting on the Dog Ordinance about five times and heard that the Ordinance was adopted. The Ordinance should be adopted in the legislative format. Attorney Goodwin explained this process and the reason why it is done this way in Arizona. When the Ordinance is codified, it is clean and does not show the legislative format markups. Attorney Goodwin said that she listened to that meeting and the 9/5/17 meeting, as well, to figure out Council's desire. The Dog Ordinance was adopted and the Interim Town Manager provided a clean copy. She spoke of it not being clear exactly what Council's direction was. Attorney Goodwin spoke of answering one of their questions, whether you can deal with the nuisance Ordinance in the Zoning Code. It is a strong recommendation that this does not happen. Zoning Code deals with numbers of animals. Attorney Goodwin asked Council for further direction.

Councilmember Wendt answered that her direction last week exactly was to bring forward the resolution that they had just looked at, to get the strikeouts out, but she has seen no clean copy. She has since discovered that there has been a word inserted into that prior Ordinance that was just looked at last week, which was not in there before. If she needs to, she will bring this Ordinance back again to remove that word.

Attorney Goodwin asked what the word was. Councilmember Wendt replied the word was “not” under the section regarding “Imminent Danger” and said that is why it is so important that it comes back because the final signature once the strikeouts have been removed, then it goes to the Mayor. Attorney Goodwin interjected that she will not bring back a version that doesn’t have the legislative format, unless Council decides to just ignore legal advice. All cities adopt the legislative format, she can bring back the legislative and the clean version, but what gets adopted is the legislative format. She spoke of having a solution, in that the Dog Ordinance was adopted on September 5, 2017, but that it does not take effect for 30 days. At the next meeting the Ordinance can be rescinded with the corrections made and adopt the corrected Ordinance, as well as provide the clean copy and the legislative format, and do the other animals at the same time. There was Council consensus for this recommendation.

Councilmember Wendt spoke of the definition for household pet having been eliminated in this draft. Attorney Goodwin explained this was removed was because the only place this was used was in another definition for “farm animals” and they struck farm animals, so why would you define a term that is not used. CM Wendt spoke of not wanting the definition to appear in the dog Ordinance, which was not what was directed. Attorney Goodwin explained that what CP Brown did was take the Dog Ordinance and parallel it to apply it to other domestic animals. Attorney Goodwin said this was also what she understood from viewing the tape of the meeting at which this was discussed. She summarized that they were looking for direction from Council, as it is unclear what they want.

Councilmember Wendt noted that at the August 8<sup>th</sup> meeting at 1 minutes 19 seconds it was discussed that it was supposed to be county language. It was also discussed at 18 minutes 22 seconds where they directed the Attorney to come up with language used by the county, simplified, easy livestock-related, that doesn’t include all the other domesticated animals you have here such as snakes, fish, turtles, etc... Also, Mr. Hamilton agreed to that at 19 minutes and 33 seconds.

Attorney Goodwin noted that she watched the tape. CM Wendt noted that those minutes need to be revised, as they are not complete. Attorney Goodwin referred to no understanding when she says put the county language in. Attorney Goodwin brought the county Ordinance and referred to the litter and nuisance Ordinance being standard and typical but does not speak much to animals. Attorney Goodwin spoke of the county zoning Ordinance having a definition of farm animals and household pets but all the other provisions in the county Ordinance are similar to the D-H Ordinance. The Animal Ordinance does not deal with farm animals, it is dogs.

CM Wendt said that was their objective, to separate the dogs from farm animals, if you need to adapt the language in the zoning, again, to a simplified paragraph or two.

Attorney Goodwin asked how you want to regulate farm animals. CM Wendt spoke of them already being in the zoning. Attorney Goodwin replied that they are not covered in the zoning. Zoning only covers location, size of lots and numbers. There are no maintenance standards or adequate care covered in the zoning. She noted that the county Ordinance is in the D-H zoning Ordinance.

Councilmember Treadway spoke of the Ordinance needing to cover more than just farm animals.

There was further Council discussion regarding revisions to the proposed Ordinance.

Councilmember Hamilton recommended going through the Ordinance line by line

Councilmember Wendt recommended bringing this discussion back to a 6:30 p.m. meeting where farmers and ranchers could attend. She noted two Council Members were missing. She recommended rescinding Ordinance 17-137, bring it back in to strike the word that Council did not approve and go from there. She spoke in favor of the community being involved. Attorney Goodwin spoke of Staff not being blamed because they did not understand the direction.

Councilmember Hamilton recommended going through the proposed Ordinance to get it cleaned up before bringing it back again for the next discussion.

Council subsequently reviewed the proposed Ordinance line by line. All revisions including additions and strikes were noted. Attorney Goodwin will make all the noted revisions and bring the revised Ordinance back to Council for approval.

Attorney Goodwin left the meeting at 3:25 p.m.

### **3.3. Discuss Interim Administration Core Goals.**

Interim Town Manager (ITM) Lee Elliott spoke of having met with the Council Members individually and was able to identify some core goals of the interim government. 1.) The General Plan will require an update and Community Planner is working on a RFQ for this process. 2.) Town Manager search. 3.) Blue Hills emergency access.

Mayor Nolan acknowledged a citizen from the audience

Public Comment

Linda Horvath spoke of her recent house fire of May 2<sup>nd</sup>. Due to Lovin Lane conditions, the Fire Department was unable to respond promptly. She noted that it has been graded and thanked the Town for their effort stating that it has made a difference.

ITM Elliott continued with his report. 4.) Street/Road Plan and subsequent funding 5.) Superfund site. ITM Elliott summarized that these were the five key items brought up in a majority of the discussions.

CM Treadway concurred with ITM Elliott endorsing the need to concentrate on the General Plan and Town Manager search.

CM Wendt spoke of needing to finely tune the animal Ordinances and agreed with the other items identified as core goals.

CM Hamilton spoke in agreement of these goals.

Public Comment

Linda Horvath inquired when the Animal Ordinance would be discussed again. Mayor Nolan noted the next Work Session is scheduled for October 10, 2107, at 6:30 p.m.

## **4. Special Session. Discussion and possible action.** Legal action can be taken.

### **4.1. Discussion of the core qualities, salary and benefits of the permanent Town Manager position for the preparation of the employment advertisement, as well as possible authorization for the advertisement submission.**

There was Council discussion with recommendations of using the same process that was used for the Interim position; the time frame and avenues for advertisement; and the salary range.

Councilmember Wendt left the dais at 3:46 p.m. and returned at 3:49 p.m.

There was continued Council discussion regarding the salary range with differing opinions. ITM Elliott pointed out that the interim is usually not the top range and recommended Council may want to go higher on the permanent position.

Councilmember Treadway left the dais at 2:45 p.m. and returned at 2:47 p.m.

There was discussion to continue this discussion in an Executive Session. Councilmember Hamilton noted an Executive Session was not necessary at this point.

After further discussion regarding the salary range and review of a handout from Mayor Nolan on other Town Manager salaries, there was Council majority consensus to advertise for 30 days in the local newspaper, ICMA and the League of Cities websites offering an annual salary range of \$60-80K.

Councilmember Hamilton made a motion to get the ad out to the appropriate places for 30 days with a salary range of \$60-80K and the other things that was in the last ad, seconded by Councilmember Wendt.

There was further discussion about the services that the Town does not provide and that it would be presumed that, any candidate will research the Town before an interview.

Vice Mayor McBrady spoke of his feeling that the salary range was too low and encouraged the top end of the range to be increased to \$90K. Mayor Nolan disagreed. Councilmember Wendt recommended splitting the difference and going with \$85K. Councilmember Treadway recommended a \$70 -85K range.

Councilmember Hamilton asked to call the question. Mayor Nolan called for the vote on calling the question. Mayor Nolan asked the Town Clerk to restate the motion. Town Clerk Gibson read the motion: To get the ad out to the appropriate places for 30 days with a salary range of \$60-80K and the other things that was in the last ad.

Mayor Nolan called for a roll call vote on the motion. The motion passed by a 3-2 margin, with Council Member Treadway and Vice Mayor McBrady voting against.

Mayor Nolan asked if Council wanted to appoint a subcommittee to review the applications. Council consensus was for the entire Council to review the applications. The process of interview questions was discussed and it was determined that Council would be on the same page with the same questions and interview methods. ITM Elliott offered to forward to Council the pamphlet from the League of Cities that has good interview questions and form some recommendations.

Councilmember Wendt noted that they had not discussed the Town Manager's work schedule. Mayor Nolan spoke of it being 4-10 hour days, like the rest of the Staff. Councilmember Hamilton noted that he felt the Town Manager would have the choice of 4-10s or 5-8s. CM Wendt preferred that the schedule be 5-8s. She does not have a problem with the Staff rotating but noted an incident where she needed a Town Manager on a Friday and the TM was not present. There was further discussion of the Town Manager and the Town Clerk on alternating schedules of days off. ITM Elliott spoke of the 4-10 schedule being favored by applicants as a benefit. CM Treadway agreed with ITM Elliott on the 4-10 schedule.

Council agreed to bring the Town Manager search discussion back to the October 10, 2017, Work Session.

Councilmember Treadway asked when the ad would be run in the newspaper. ITM Elliott noted that the ads could be placed the next day. CM Treadway asked if the applications could be provided on a weekly basis. ITM Elliott confirmed he would forward the applications on a regular basis.

Mayor Nolan left the dais at 4:11 p.m.

**4.2. 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.

This item was not discussed.

**5. Adjourn.**

Vice Mayor McBrady adjourned the meeting at 4:13 p.m.

---

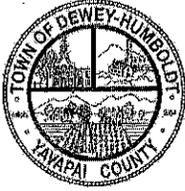
Terry Nolan, Mayor

ATTEST:

---

Julie Gibson, Administrative Assistant

[Page intentionally left blank]



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 • Fax 928-632-7365**

---

**TOWN COUNCIL WORK SESSION**

**October 17, 2017 - 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item #8.1. Council direction regarding survey for BLM road development.**

**To: Mayor and Town Council**  
**From: Steven Brown, Community Planner/Code Officer &**  
**Ed Hanks, Public Works Supervisor**

**Date submitted: October 12, 2017**

**Summary:**

On September 5, 2017, Council approved staff to move forward with obtaining the survey of the proposed emergency ingress/egress route that includes the BLM Right-Of-Way. This approval was based on the estimated \$1,800 cost we had at that point. We have since expanded somewhat the scope of information that we will need to complete our assessment of the route and sought bids from three (3) vendors for survey services to respond to the scope, and received only one proposal in response, this from Meridian Land Surveyors, LLC. This is a firm that the Town has a long-standing relationship. The proposal received (see attached) quoted a price of \$4,750 to complete the scope of services.

Staff is requesting approval to contract with Meridian Land Surveyors, LLC to complete the surveying services stipulated in their Proposal.

## **MERIDIAN LAND SURVEYORS LLC**

Mark J. Polydoros, R.L.S.

P.O. Box 546, 10531 E. Rocky Hill Rd., Dewey, AZ 86327

Phone/Fax: (928)772-8390

September 28, 2017

**Mr. Steven Brown**

Town of Dewey-Humboldt

Humboldt, AZ. 86329

**Subject: Proposal to Provide Surveying Services for a Shirley Ln. to Bandit Way  
Connecting Corridor located in Dewey-Humboldt, Arizona**

I am pleased to provide you with the following proposal to provide Surveying Services for the above referenced project.

This proposal entails the following scope of surveying services:

1. Research record documents.
2. Field survey of the existing traveled way of a portion of Shirley Ln., Lovin Ln., Read Star Mine Rd., State of AZ parcel & Bandit Way.  
We will make an attempt to locate existing right-of-way monuments in the field along the entire corridor to verify existing right of way/easement lines in the field.  
Stakes will be set @ 50' intervals on each easement line along the portion of corridor which crosses BLM property. Elevations will be stored at each point and will be provided.
3. Prepare a 60' easement description for the corridor portion which crosses BLM property.
4. Prepare a 24"X36" base map showing the corridor, traveled way, easement/right of way lines and the proposed alignment across BLM property.

**Amount for aforementioned scope of Services: \$4,750.00**

## MERIDIAN LAND SURVEYORS LLC

Mark J. Polydoros, R.L.S.

P.O. Box 546, 10531 E. Rocky Hill Rd., Dewey, AZ 86327

Phone/Fax: (928)772-8390

Any additional services requested beyond the scope of the items specified above will be billed to you at our current hourly rates, as shown on the attached schedule.

All charges are due on receipt of the invoice. Accounts are considered past due 30 days after the INVOICE DATE. Past due accounts shall be subject to a late charge of 1.5% per month (annual percentage rate of 18%) and will continue to accrue late charges until the invoice is paid in full.

If this proposal is acceptable to you, please sign below and return one copy to our office.

Sincerely,

Mark Polydoros RLS.



Expires 3/31/2019

Signed \_\_\_\_\_

Date \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

## **MERIDIAN LAND SURVEYORS LLC**

Mark J. Polydoros, R.L.S.

P.O. Box 546, 10531 E. Rocky Hill Rd., Dewey, AZ 86327

Phone/Fax (928)772-8390

### **Rate Schedule Surveying Services**

<b>Discipline</b>	<b>Hourly Rate</b>
Principal Surveyor	\$90.00
Land Survey Technician	\$65.00
Draftsman	\$55.00
Clerical	\$35.00
Two-Person Survey Crew (GPS)	\$140.00



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 ▪ Fax 928-632-7365**

---

## **TOWN COUNCIL WORK SESSION**

**October 17, 2017 – 6:30 p.m. Town Council Meeting Chambers**

**Agenda Item #8.2. Discussion and possible action regarding possible amendments to the Zoning Regulations regarding use permits for (i) intoxicating beverage sales, (ii) retail sales and services and (iii) public recitals, concerts or dances.**

**To: Mayor and Town Council**

**From: Steven Brown, Community Planner/Code Officer &**

**Date submitted: October 12, 2017**

### **Summary:**

On September 19, 2017, Council directed staff to place an item on this agenda for them to discuss and possibly take action on the Use Permit process, wherein three uses are stipulated as not available to be approved under Use Permit:

- **Intoxicating beverage sales**
- **Retail sales and services and**
- **Public recitals, concerts or dances**

(3) *Doors.* All doors leaving from a dwelling unit or guestroom directly into a swimming pool enclosure shall be self-closing and self-locking. Sliding doors shall not form part of a required barrier unless the self-closing and self-locking mechanism is specifically approved by the Chief Building Official for this purpose prior to construction.

(4) *Windows.* Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located 54 inches above the floor. All other operable dwelling unit or guestroom windows facing within a swimming pool enclosure shall be equipped with screwed in-place wire mesh screen, a keyed lock that prevents opening the window more than four inches, or a latching device located not less than 54 inches above the floor.

(C) *Limitation of application.* This section does not apply to:

(1) A system of sumps, irrigation canals, irrigation, flood control or drainage work constructed or operated for the purpose of storing, delivering, distributing or conveying water;

(2) Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural purposes;

(3) Pools which are regulated by the Arizona Department of Environmental Quality;

(4) Ornamental water fixtures not intended for swimming, recreational bathing or other water-related activities; or

(5) A contained body of water or barrier constructed prior to the effective date of this section.

(D) *Site requirements.* The site of the contained body of water subject to this section shall be located in accordance with yards and courts, as set forth in § 153.093. The location of accessory equipment shall be in accordance with the requirements of the latest adopted edition of the International Mechanical Code.

(E) *Approval required before use.* These enclosure requirements shall be in place and approved prior to admitting water into the swimming pool, hot tub, spa or other regulated water container.

(F) *Stricter provisions.* This section, adopted after the effective date of A.R.S. § 36-1681, is certified as being equal to or more stringent than the provisions thereof.

(G) *Fencing requirement not exempted.* Exemption from other requirements of the Zoning Regulations or adopted building codes shall not eliminate requirements for pool fencing as required by this section.

(H) *Interpretation.* Enclosure requirements and performance criteria shall be interpreted and ruled by the Chief Building Official. He or she may approve alternate designs if investigation of the alternative finds that the proposed design is satisfactory and provides the same or a higher level of safety. The Chief Building Official's decisions may be appealed to the Building Safety Advisory and Appeals Board. (Ord. § 579, passed 9-4-2008)

#### § 153.091 USE PERMITS.

(A) *Purpose and definition.* The use permit process is established to ensure the orderly use of land for uses that may require special limitations and conditions. A use permit is a conditional use which is not permitted outright in a zoning district and may be granted at the discretion of the Town Council, when it is found that it:

(1) Is compatible with permitted uses in the underlying zoning district;

(2) Is in compliance with the town's General Plan and applicable town regulations; and

(3) Meets or exceeds the conditions and criteria described in this section.

(B) *Applicability.*

(1) All uses allowed in the use district where a use permit is specified shall be processed in accordance with the regulations of this section.

(2) A use permit may also be requested for a use that is first permitted in a less restrictive zoning district, except for those specifically excluded as noted in division (B)(5) below. Zoning districts as described in §§ 153.035(B) through 153.047 allow uses of varying intensities that range from:

(a) Most restrictive, such as low density residential single family to medium density residential single-family;

(b) To less restrictive uses, such as higher density residential multi-family and commercial-business uses;

(c) And to the least restrictive uses, such as manufacturing-industrial uses.

Most Restrictive Use  
Districts: R1L, RMM, R1, RCU

Less Restrictive Use  
Districts: R2, RS, C1, C2, C3

Least Restrictive Use  
Districts: PM, M1, M2



Low & Medium Density  
Residential Single-family

Residential Multi-Family,  
Business, Commercial Uses

Manufacturing,  
Industrial Uses

(3) Use permits are granted at the sole discretion of the Town Council and refusal is not the denial of a right.

(4) The granting of a use permit by the Town Council does not constitute a permanent use nor does it grant a vested right beyond the term of the permit.

(5) Uses which are excluded from the granting of a use permit (i.e., can not be granted) are those specifically prohibited in the Town Code including but not limited to landfill disposals, solid waste landfills and any similar storage or processing of solid waste; and those specified within each use district including but not limited to the exclusion of the following:

<b>TABLE OF USES EXCLUDED FROM USE PERMIT APPLICATIONS BY DISTRICT</b>							
<i>Uses Excluded From Use Permit Application By District</i>	<i>R1L, R1, RMM, RCU, R2</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>PM</i>	<i>M-1</i>	<i>M-2</i>
Public utility business offices, repair or storage facilities	X						
Commercial driving ranges or miniature putting courses	X						
The keeping of swine	X						
Facilities for the preparation of food in quarters attached to the principal dwelling for servants and/or non-paying guests	X						
Intoxicating beverage sale on site	X	X					
Retail sales off-site, vending from openings in buildings (no drive through windows)	X	X					
Public recitals, concerts or dances	X	X					
Vending for on- or off-site consumption of foods, confections, non-intoxicating drinks and other refreshments through openings in buildings within 300 feet of a public or parochial grade or high school	X	X	X				
On-site incineration in veterinary clinics and hospitals and in pet shops	*X	X	X				
Medical marijuana facilities	X	X	X				
Milling and planing operations in lumber yards	X	X	X	X			
Livestock sales in public auctions	X	X	X	X			
Vehicle and portable machinery repair	X	X	X	X			
Dwelling units and mobile home courts				X	X	X	X
Rooming and boarding houses and similar	X:R1L, RMM			X	X	X	X
Motels, hotels and similar	X				X	X	X
General retail sales and service or other uses that cater to the general public	X				X		
Open land facilities	X	X	Lmt	Lmt	X		
Emission of such nuisances as fumes, odor, noise, glare and vibration	X	X	X	X	X		
Wrecking yards	X	X	X	X	X	X	
Slaughtering of other than rabbits and poultry	X	X	X	X	X	X	
Landfill disposals, solid waste landfills, and any similar storage or processing - facilities of solid waste	PROHIBITED IN ALL DISTRICTS						
<p>* (X) denotes excluded use in individual use district; generally any use that is prohibited in a less restrictive use district is also prohibited in a more restrictive use district; except as noted in the table above.</p> <p>** (Lmt) indicates some limitations on specific usage; see use district.</p>							

(C) *Conditions and criteria for use permits.*

(1) Use permits may contain specific limitations on the scope, nature and duration of the use as deemed proper to secure the objectives of the town's General Plan and to be in accordance with the following conditions and criteria.

(a) Use permits may be granted for duration of no more than five years. A request for renewal/extension (to extend the duration of the permitted use as originally approved) must be processed in the same manner as the original use permit request, except that the Town Council may review and extend a use permit upon its expiration without posting or publication; provided no material condition of the use permit is altered.

(2) The applicant must demonstrate to the satisfaction of the Town Council that any structure or use requested will not be detrimental to persons or property in the vicinity and that the use is in the best interests of the public health, safety and welfare; criteria to be considered include the following:

(a) Any significant increase in vehicular or pedestrian traffic;

(b) Nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

(c) Contributions to the deterioration of the neighborhood or to the downgrading of property values;

(d) Incompatibility with existing adjacent structures and uses;

(e) Nuisances from inadequate control of disruptive behavior both inside and outside the premises.

(3) The applicant must demonstrate the ability to comply with any specific conditions imposed by the Town Council.

(D) *Use permit procedures.*

(1) Use permits shall be applied for in the same manner as zoning district changes as specified in § 153.022, reviewed at public hearings of both the Planning and Zoning Advisory Commission and the Town Council.

(2) Where an application involves a definite scheme, the applicant must submit a layout and landscape plan, building elevations and other pertinent data as may be requested.

(3) Permittees must obtain building permits within one year from the permit date and diligently pursue completion. Failure of such shall void the use permit unless a longer time has been granted or an extension of time has been applied for with the Zoning Administrator prior to the expiration of the one-year period.

(a) The Zoning Administrator may administratively grant up to a one-year extension of time for obtaining building permits and completion of improvements as conditioned. Any further requests for such extensions of time must be applied for and approved by both the Planning and Zoning Commission and Town Council prior to the expiration of the administrative extension of time.

(4) Use permits for temporary special events such as festivals, seasonal agricultural events, farmers markets, parades, carnivals and other community activities may be administratively granted subject to meeting all conditions and criteria of this section, and subject to compliance with regulatory codes for safety and health, and are of a temporary, limited duration appropriate to the activity.

(5) Violation of the terms of the use permit or this section voids the use permit.

(6) If the use or uses for which a use permit has been granted are discontinued for a continuous period of 12 months, the use permit shall be voided.

(7) Decisions by the Zoning Administrator which result in the voiding of a use permit may be appealed to the Town Council subject to an application for appeal being on file with the Zoning Administrator within 30 days of notification of the use permit being voided.

(8) Within 30 days permittees shall notify the Zoning Administrator of any change of address of the permittee, any change of use of the permitted property, and/or any change of ownership or operator of the permitted use.

(a) The new owner/operator of the use shall apply for a transfer of the use permit within 30 days of the effective date of the change. Such transfer of the use permit shall be reviewed for compliance with all conditions imposed in the original use permit application approval.

(b) Any modifications, alterations or increased intensities that conflict with the use permit and/or conditions of approval shall result in the requirement of a new use permit application in compliance with the procedures listed in this section. (Ord. § 582, passed 9-4-2008; Am. Ord. 10-70, passed 7-6-2010; Am. Ord. 11-83, passed 4-19-2011)

#### **§ 153.092 VEHICLE AND PORTABLE MACHINERY REPAIR.**

The following activities are not allowed in the C3 Commercial Zoning District:

(A) Any fabrication by means of welding, cutting, heating, bending, molding, forging, grinding, milling or machining (such operations are permissible as an adjunct to repair only, not for manufacturing a product);

(B) Frame work or major body or fender work;

(C) Any work on vehicles outside permitted structures or enclosures, unless on the service apron of a gasoline service station;

(D) Any unscreened outside storage of parts, materials or disabled vehicles;

(E) Any draining or dumping of oil, fuel, grease, cleaning fluids or hazardous materials on the pavement, gravel, ground, drainage system or in any other unauthorized place or method;

(F) Any hours of operation between 10:00 p.m. and 6:00 a.m. within 200 feet of any parcel zoned or used for residential purposes; or

(G) Any use or structure failing to comply with applicable local and state fire safety standards. (Ord. § 585, passed 9-4-2008)

#### **§ 153.093 YARDS AND COURTS.**

(A) A yard or court, as defined in § 153.005, shall be unobstructed from the ground up by structures (other than fences, freestanding walls, signs and certain subsequently permitted deviations and projections). Where reference is to a "required setback" for a structure same shall designate the minimum yard therefor. No lot shall be reduced in such a manner to reduce any yard or open space below the minimum required therefor. No yard or open space required for a structure on one lot shall serve the same purpose for a structure on another lot. Through lots fronting on two streets shall be considered (for required setback purposes) as having two front yards. No device, such as doors and windows, may be so installed as to protrude beyond a lot boundary in the operation thereof.

(B) Yard deviations, where not in conflict with future width line;

**MEMORANDUM**

**TO:** Mayor Nolan and Council Members  
**FROM:** Lee Elliott, Interim Town Manager  
**DATE:** October 12, 2017  
**RE:** Council Meeting Calendar

While serving as the Interim Town Manager for the last two months, there has been some frustration with the delivery of information from Staff to Council Members. Whether it is quality of, full transmittal or timeliness, there has been some frustration, or misunderstanding on Staff's or Council's perspective. After discussion with several Council Members, Staff and my observation, one item which I believe is affecting the quality of delivery of information, and quality of meetings, is that we meet on three consecutive weeks every month.

We have two regularly scheduled meetings, and one scheduled work session monthly. The frequency of meetings for staff generates a lot of logistics, researching rapidly, quick generation of documents, and generation of council packet materials in a very compressed time. Smaller towns or cities, tend to meet less frequently than we do. I believe from discussions, and observations, three meeting per month is affecting the quality of staff support and meeting quality.

A proposed schedule to discuss, is to have one set regular meeting, and one set regular work session. The quality of Work Session preparation will reduce the need to have two regular meeting per month. Fewer meetings could possibly encourage greater citizen participation. Spacing these meetings a little will provide Staff more time to provide better quantity and quality of information for Council.

The meeting schedule is established locally, by Town Ordinance. This is intended for discussion to look at some ways Staff can assist Council better, and possibly improve the meeting effectiveness and provide for more Citizen involvement.

**COUNCIL MEETINGS****§ 30.100 COUNCIL MEETINGS GENERALLY.**

All meetings of the Town Council are governed by state Open Meetings Law (the "Act"). The Act applies to the Town Council, and all subordinate boards, commissions, and Citizen Committees of the town. If any member of a town legislative body, or town staff, believe that action has been taken on an item in contravention of the Act, that person is privileged to place the item on a future agenda for reconsideration or other action.

(Ord. 09-49, passed 4-7-2009)

**§ 30.101 REGULAR MEETINGS.**

Regular meetings of the Town Council are held on the first and third Tuesday of each month at 6:30 p.m. in the Council Chambers of Dewey-Humboldt Town Hall. All regular Council meetings are open to the public.

(Ord. 09-49, passed 4-7-2009)

**§ 30.102 STUDY SESSIONS.**

Study Sessions or "Work Sessions" of the Town Council are held on the second Tuesday of each month at 2:00 p.m. in the Council Chambers of Dewey-Humboldt Town Hall to allow for a detailed review of important matters. Study sessions may be conducted jointly with another town board, commission, Citizen Committee, or another governmental agency. Formal action is typically not taken at a study session unless the agenda indicates that action may be taken, in which case the study session is reclassified as a special meeting. All study session meetings are open to the public.

(Ord. 09-49, passed 4-7-2009; Am. Ord. 13-98, passed 8-20-2013)

**§ 30.103 EXECUTIVE SESSIONS.**

(A) Executive sessions are also regulated pursuant to the Act. All written materials and verbal information regarding executive session items must remain confidential. Written reports and exhibits or materials furnished to members of the Council as part of an executive session must not be copied or saved and must be returned to staff at the conclusion of the executive session. No member of the Council, employee of the town, or anyone else present should disclose to any other person the intent or substance of any discussion that takes place in an executive session unless authorized by the Council.

(B) Permissible topics or issues for a executive session discussion are limited to those topics or issues outlined in state law (currently, A.R.S. § 38-431.03), which generally are:

- (1) Town staff employment matters;
- (2) Records exempt by law from public inspection;
- (3) Legal advice from the town's attorneys;
- (4) Legal instructions to the town's attorneys regarding contracts being negotiated, litigation, or settlement;
- (5) Labor agreement negotiations;
- (6) International, tribal, and interstate negotiations; and
- (7) Real property purchase negotiations.

(C) All public statements, information and press releases relating to executive session items should be handled by the Town Attorney or as otherwise directed by the Council majority.

(D) Executive session meetings are closed to the public and the press.