

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

Tuesday, December 5, 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. Northern Arizona Council of Governments (NACOG) Presentation by Executive Director, Chris Fetzer. [Approved by Council at October 3, 2017 Meeting]

4.2. Financial Audit FY16-17. [Henry & Horne]

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 19, 2017 Regular Council Meeting; October 3, 2017 Regular Council Meeting; October 24, 2017 Special Session Meeting; October 25, 2017 Special Session Meeting; November 1, 2017, Special Session Meeting; November 7, 2017 Regular Council Meeting; and November 14, 2017 Special Study Session Meeting.

6.2. Approval of Contract for Magistrate Services with Catherine J. Kelley.

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.

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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. Discussion and possible action regarding amendment to the Council meeting schedule.

8.2. Discussion and possible action to schedule Councilmember Timmons’s update for the January 9, 2018 Work Session regarding the citizen committee’s progress regarding Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding New Chapter 100 Animals Other Than Dogs related to the control and regulation of domestic animals other than dogs, maintenance standards for domestic animals other than dogs, and enforcement. [Previously discussed at the October 10, 2017 Work Session.]

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

9.1. Mayor’s Annual Update on the External Memberships and Committees Report to Council [per Town Code 20.021 (B)(12)].

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9.2. Council Regional Organization Appointments [per PG No. 15-01].

10. Public Hearing Agenda.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

11. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, December 19, 2017, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, January 4, at 6:00 p.m.

Next Town Council Work Session: Tuesday, December 12, 2017, at 6:30 p.m.

If you would like to receive Town Council agendas via email, please sign up at 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 29th day of November, 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.



Honorable Mayor and Council
Town of Dewey-Humboldt

We have audited the financial statements of Town of Dewey-Humboldt for the year ended June 30, 2017, and have issued our report thereon dated October 12, 2017. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under Auditing Standards Generally Accepted in the United States of America

As stated in our engagement letter dated June 13, 2017, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your responsibilities.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement.

As part of our audit, we considered the internal control of Town of Dewey-Humboldt. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. Such matters are communicated in the remainder of this letter or have previously been communicated during other phases of the audit. However, the standards do not require us to design procedures specifically to identify such matters.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Town of Dewey-Humboldt are described in Note 1 to the financial statements. No new accounting policies were adopted and application of existing policies was not changed during the year ended June 30, 2017. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. Due to the nature of the Town and its operations, there are no estimates that are particularly sensitive.

The disclosures in the financial statements are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Attached is a summary of adjustments made to the financial statements that have been recorded by management. Other than those that are trivial, we did not identify any uncorrected misstatements to the financial statements.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the attached copy of the management representation letter dated October 12, 2017.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management's discussion and analysis (MD&A), which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Capital Assets

The Town is required to maintain a listing of all capital assets and record that amount in the financial statements. During the prior period a capital project was started but not completed at the end of the fiscal year. This amount was not recorded as construction in process on the Town's capital asset listing and the amount was not included in the prior financial statements. This resulted in a prior period adjustment to correct the error as the prior financial statements understated capital assets and overstated expenses.

Other Observations and Recommendations

In addition, we noted other matters involving internal control and its operation, and other observations, which came to our attention during the course of our audit of the financial statements and offer these comments and suggestions with respect to these matters.

Restriction on Use

This communication is intended solely for the information and use of Town of Dewey-Humboldt's Mayor and Council and management and is not intended to be and should not be used by anyone other than these specified parties.

Henry + Harne LLP

Casa Grande, Arizona
October 12, 2017

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 19, 2017, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 19, 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 6:30 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Councilmember Hamilton.
 - 2.2. **Invocation.** Given by Councilmember Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady (arrived at 6:33 p.m.), 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 reminded Council and the audience of the Agua Fria Festival being held on 10/7/17.

4.1 Firewise Board report.

Victoria Wendt, Firewise Liaison, noted that her last report was given three days before the Goodwin Fire. The PAWUIC grant work had just started and few properties had been abated. There has been much more community participation since the Goodwin Fire with four residences in the upper Blue Hills area having been completed with another in progress, nearing completion. Five additional property owners have expressed interest. Ms. Wendt spoke of the increased participation in the Firewise program; however, they recently lost their secretarial assistance. She noted there is a new Firewise website and spoke on their participation with the community Dumpster Days. Ms. Wendt spoke in appreciation of the Public Work Crew's hard work. The next Firewise meeting is tomorrow night, September 20th. Participants have been hanging doorknocker advertisements in the Foothills East area; however, no response has been received to pursue abatement. Ms. Wendt reiterated this area's extreme fire danger and the need for participation.

4.2 Interviews and possible appointments of applicants to the Planning and Zoning Commission to fill the two vacancies.

Council interviewed three applicants for two vacancies on the Planning and Zoning Commission, Nancy Wright, Lon Ullmann and Michael Gill. The applicants were invited to the podium to tell of their interest in serving on the committee and answered questions presented by the Council.

Council received paper ballots to vote for two of the applicants. The ballots were collected and tallied with each Council Member's selection recorded as follows: Councilmember Hamilton – Nancy Wright and Michael Gill; Councilmember Hughes – Lon Ullmann and Nancy Wright; Councilmember Timmons – Lon Ullmann and Michael Gill; Councilmember Treadway – Lon Ullmann and Michael Gill; Councilmember Wendt – Lon Ullmann and Nancy Wright; Vice Mayor McBrady – Michael Gill and Lon Ullmann; Mayor Nolan – Lon Ullmann and Michael Gill. Lon Ullmann received six votes; Michael Gill received five votes

Town Council Regular Meeting Minutes, September 19, 2017
and Nancy Wright received three votes.

Attorney Goodwin noted that the declaration of the vote was sufficient and a motion was not necessary.

5. **Town Manager's Report.** Update on Current Events.

None.

6. **Consent Agenda.**

6.1. **Minutes.** Approval of Minutes from the September 5, 2017 Regular Council Meeting.

Councilmember Hughes made a motion to approve the Minutes from the September 5, 2017 Regular Council Meeting, seconded by Councilmember Wendt. The motion passed unanimously.

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

Karen Brooks explained that she was speaking as a private citizen, not as a Planning & Zoning Commissioner. Ms. Brooks spoke of purchasing their property in Humboldt 40 years ago and having ongoing issues through the years with the address and assumed property frontage changing and how frustrating this issue was. She spoke of political games and property owners getting caught in this and becoming angry with Town management.

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

8.1. **Discussion and possible action to rescind Ordinance No. 17-137 adopted on September 5, 2017 related to the regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.**

Councilmember Hamilton noted there was confusion when Ordinance 17-137 previously passed and this is the easiest way to correct the issue.

Councilmember Hamilton made a motion to rescind Ordinance No. 17-137, seconded by Councilmember Wendt. The motion passed unanimously.

8.2. **Discussion and possible action to adopt Ordinance No. 17-140 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, Chapter 90 ANIMALS by renaming Chapter 90 as DOGS related to the control and regulation of dogs, dangerous and biting dogs, maintenance standards for dogs and enforcement.**

Councilmember Wendt made a motion to adopt Ordinance No. 17-140, have the strikeouts removed and bring it forward to the meeting we have, where we will, together with the other ordinance on the livestock and bring them forward together.

Attorney Goodwin noted that it is the practice of most cities and towns in Arizona, including Dewey-Humboldt, to adopt legislative format, which has capitalization for the new language and strikeouts for the old. This ordinance, it is ready for adoption to replace the previous version. It governs dogs, not other animals. When it is codified in your code, it will be clean.

Councilmember Wendt revised her motion: That we adopt the Dog Ordinance No. 17-140, seconded by Councilmember Treadway.

Councilmember Hamilton spoke of the two areas that he had a problem with. It was over discretion, he likes authorities to have a little discretion when they enforce the law and this did away with it.

Public Comment

Ted Brooks spoke of discretion being a cover-up for transparency. People have a right to face their accuser, so things can be remedied without back room deals which leaving you feeling unsecure in your own home due to veiled threats.

Karen Brooks noted that she was again speaking as a private citizen. She spoke of the last sentence in the ordinance and the problems it could cause. She spoke of a personal scenario involving their dairy goats and neighbor issues. She spoke of neighbors resorting to using ordinances against each other for personal issues.

Richard Martel spoke of his hope that the Council had read Ordinance No. 17-140. He is sure that most of the people behind him in the audience have not. Mayor Nolan explained to Mr. Martel that this ordinance has been an ongoing discussion for over a year and that people have to check the agenda to see what is going on. Mr. Martel spoke of not being able to attend all the meetings and doubts that others were able to either. Councilmember Wendt spoke of this being worked on for over a year citing that the dogs were separated and this is now strictly a dog ordinance. She noted meetings were held at 6:30 p.m. to receive public comment, it was published, and AKC liaisons reviewed it. It has been studied and the public had ample time to participate. It is now ready to finish out and they will be looking at something further for other animals. Councilmember Timmons noted that previously the ordinances was very restrictive and untransparent. They wanted to broaden it up. She spoke of this now being more pro-animal than anti-animal.

Leigh Cluff spoke of having read Ordinance 17-140 but she did not raise her hand because she knew she was not to respond to others during Public Comment. She was sure others that did not respond had read it as well.

Councilmember Wendt asked to have her motion restated: To approve Ordinance No. 17-140 amending the Town of Dewey-Humboldt, Arizona Code of Ordinances.

Mayor Nolan called for the vote. The motion passed by a 6-1 margin with Councilmember Hamilton voting against.

Councilmember Timmons commented on her appreciation of the community attendance at this session and the need for the continued public input.

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

Mayor Nolan adjourned the regular meeting and opened the Public Hearing at 7:23 p.m.

10. Public Hearing Agenda.

10.1.ZTC-17-001 Request to amend the Town of Dewey-Humboldt, County of Yavapai, Arizona, declaring that certain document entitled “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017” to be a public record; adopting the “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017” by reference; amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing the provisions of Subchapter Sign Code and replacing it with the provisions set forth in the “Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017”, consisting of Subchapter

Signs and including the following sections: § 153.125 Purpose, § 153.126 Definitions, § 153.127 Permits required, § 153.128 General Provisions, § 153.129 Sign Regulations for Use Districts, and 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicles and providing penalties. Possible approval, rejection or modification.

Mayor Nolan introduced the item and explained that there was a lawsuit involving signs and as a result, these amendments would bring the Town into compliance with Arizona Statutes. The Sign Code would be amended and codified for the Code of Ordinances.

Attorney Goodwin explained that everyone in the country would be changing their Sign Ordinances due to the Supreme Court ruling back in June on how cities address their sign codes. Former Town Manager Kimball was waiting to see what other cities would do and felt they should hold off until the ruling came in. Many cities are now adopting the new language and changes. TM Kimball later advised the attorneys to start working on it. There are not substantive changes other than what was described as result of the Supreme Court case.

There was Council discussion regarding political signs. Attorney Goodwin noted that many cities have prohibitions on political signs in the right of way and rights of way. The Legislature ruled that during the election season a city cannot remove a political sign in the right of way. Attorney Goodwin's recommendation is to keep the prohibition on political signs in the right of way and deal with it as an enforcement issue, other than during the election season when you will acquiesce to state law. There is no solution under the current law.

There was further Council discussion with proposed scenarios involving signs for Community Planner Brown to clarify.

Public Comment

Leigh Cluff asked for clarification on different signs that could be placed in yards and if they were prohibited, such as contractor signs, political signs, and ideological signs. Town Attorney Goodwin deferred to Community Planner Brown, who noted that contractor signs are temporary signs allowed when the work is going on. CP Brown did not know of anything preventing political or ideological signs.

Councilmember Timmons noted that a good portion of the Town is under the impression that when it comes to signs the Town Staff are trying to pit neighbor against neighbor. Community Planner Brown explained the code enforcement process and that many complaints are actually not the issue at hand with neighbors. He explained that sometimes it comes down to refereeing, but he is objective as to the actual code.

Mayor Nolan closed the Public Hearing at 7:48 p.m. and reopened the Regular Council Meeting at 7:49 p.m.

Councilmember Hamilton made a motion to approve the sign changes as stated, seconded by Councilmember Treadway. The motion passed unanimously.

10.2. MGPA-17-001 Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core. Possible approval, rejection or modification.

Mayor Nolan opened the second Public Hearing at 7:50 p.m.

Councilmember Hughes recused himself from the next two agenda items and left the dais at 7:50 p.m.

Community Planner Brown gave an overview of the agenda item explaining that the applicants have operated Cherry Creek Ranch (CCR) since the purchase in 2013. CCR's first use permit was issued on June 9, 1997, by Yavapai County and stipulated a permit review be conducted every five years. During the most recent 2017 review, Staff originally determined that some of the uses approved were expressly prohibited on residentially zoned property, which this property is. Staff's original advice to the applicant was that a General Plan amendment and rezoning were necessary to legitimize the uses. The Town Attorney has since determined that the uses were ongoing and permitted for at least the past 20 years and are pre-existing, non-conforming and Staff's advice was incorrect. The applicants have, however, decided that their plans are best served by continuing with the request for the General Plan minor amendment. CP Brown showed information regarding this on an overhead and explained that CCR has been a staple in the community for over 25 years and they have no plans to do anything different. CP Brown cited the "community core" designation included in the General Plan, noting the language is straight out of the General Plan. There are two "community cores" indicated in the General Plan, one in the central town, and the other is the property that encompasses the Mortimer event center. This property in question is located at the Foothills and Highway 169 intersection. It is designated to be a future collector that intersects at a state route. The Town is zoned commercial up to 100 feet of the applicant's property. There were concerns at the Planning & Zoning hearing that there would be loss of control over the property, if the applicant's petitions were granted. CP Brown noted that is not the case, there would actually be higher scrutiny, noting that any changes would require application and again the neighbors within 300 feet of the property would be notified of any applications. He also described all the other criteria that would have to be met before any changes could be enacted.

CP Brown noted the applicants are asking for the General Plan amendment, which is required before the rezoning application can be considered.

There was extensive Council discussion and questions regarding the zoning and possible impacts of the zoning change.

Councilmember Timmons asked newly appointed P & Z Commissioner Lon Ullmann to step to the podium and expound on a Michigan zoning issue that he had mentioned during his interview earlier for the P & Z Committee. Mr. Ullmann said that he had a good friend in a similar situation and that the hypothetical question as to what would happen, if the current owner no longer possessed the property, was accurate. The next owner will do whatever they want. If the zoning requirements were met by an applicant, the Council would not have any say or control.

Public Comment

Dennis Repan spoke of understanding that there was correspondence regarding this issue received by the Town and what were the results of the correspondence. Mayor Nolan stated that the correspondence received showed 5 people opposed and 20 people in favor. Mr. Repan commented that in the interest of transparency, it would have been nice to have known that.

Attorney Tony Cullum advised that is the attorney representing the Hughes Family. He spoke of it being unusual for a zoning request, but the Hughes don't want to change anything. He spoke of how this situation originated with the Town review. He spoke of the original liquor license for CCR being issued back in 1960. Attorney Cullum explained the reason why the Hughes are continuing with the General Plan amendment and rezoning applications with the goal being to eliminate non-conformity and not have a repeat of this issue in the future.

Jennifer Combs (sp?) spoke of the scenario that has been presented of concern as to, what if something happened to the Hughes, what would become of the property if it were rezoned. Ms. Combs noted that any changes have to go under review and neighbors would again be notified. She spoke of it not having been necessary to go this far and that Council were elected to make valid choices in the best interest of the Town. Councilmember Timmons gave Ms. Combs scenarios of what could happen, if the Hughes were no longer involved, and the property were re-zoned. Ms. Combs spoke of not being in fear of a grocery store opening in that area as there is not the populous to support it. She spoke of the need for more open-mindedness and being put at a crossroads due to an error and the need to move forward.

Vice Mayor McBrady referred to having a problem with Attorney Cullum's statement and was in disagreement with his statement that a building could not be rebuilt if it burned down. Attorney Goodwin agreed that a building could be rebuilt under the conditional use permit, which is permanent and transferable. She did not think the non-conforming use principles and provisions of the zoning code apply.

Mayor Nolan asked if this were zoned RL-170 and the business burned down, how can they get a loan to rebuild. You can't get a loan for commercial on something zoned residential. Attorney Goodwin said she felt they could rebuild. Mayor Nolan reiterated that they wouldn't be able to get a commercial loan on residential-zoned property.

Attorney Cullum said that, practically speaking, they wouldn't be able to rebuild, they may want to and legally may be able to, but in practicality they won't be able to. He noted that he sits on the boards of four banks and none of them would lend the money due to the zoning issue.

Public Comment

Leslie Chester spoke of the rezoning initiative having been referred to as a compliance issue and it appears now that it is not. Why does 18 acres need to be rezoned? What does Dewey-Humboldt want in the future? This should not be decided by one family or seven Council Members. If you rezone the entire 18 acres to C2, it opens Pandora's Box. You have others that will fit this and there will be multiple applications. She advised Council to look at their conscience and ask yourself can you look at all these people in the eyes that voted you in and tell them this is a good thing for you. Councilmember Timmons asked Ms. Chester if she was opposed to the zoning change. Ms. Chester confirmed this with a head nod. CM Timmons asked if she was opposed to CCR continuing business, or growing the business. Ms. Chester replied that she was not; however, now that she has heard they can continue business as usual without changing a thing, she is now against any rezoning.

Lon Ullmann inquired if the business only wants to continue as they are, wouldn't they be better off to come in ask for a special use permit, and the Town could restrict it, put whatever kind of restrictions you want in it and then it couldn't change hands or uses forever. He wondered if this would be simpler. Vice Mayor McBrady responded that this would not work due to some of the uses. VM McBrady spoke against amending the General Plan and rezoning.

Bill Chester noted that he lives across the street from CCR. He asked to have a particular slide on the overhead that pertained to C2 zoning. He said any of the things listed on the slide could be put on the property and there is nothing the Council can do about it. He asked, if someone wanted to put an apartment building on the property, could they do so. Attorney Goodwin noted that this slide was a summary only and she would have to research his question. He spoke of being a neighbor within 300 feet of CCR and, if they are against it, it cannot move forward, so why are they having this discussion. Attorney Goodwin clarified the code. Mr. Chester began asking questions of the audience and was reminded that he is not to address the audience

during Public Comment. He spoke of an analogy of the rezoning to the Hughes property being worth \$5M and the property values of the surrounding neighbors dropping.

Richard Schauwecker spoke of serving on the Planning & Zoning Commission. He advised Council that the motion to approve the rezoning to make it come forward to the Council was not approved. It was a tie vote at 2-2. Councilmember Timmons pointed out that if it tied, it failed. Mr. Schauwecker spoke of the Hughes purchasing the property with the conditional use permit, which has been grandfathered in, and they can move forward as it is. Approving C2 zoning would allow different businesses or entities to come in. He believes that it was important to him to allow the Hughes to move forward with the operations they are doing now, as they say they only want to do what they have been doing all along. He has no problem with them doing that as long as they are the things that are in the conditional permit.

Public Comment

Nancy Wright – Spoke of having watched the Planning & Zoning meeting. At that time, she did not know it was grandfathered in, a valid permit. There were only three items that were a problem, liquor, dancing, and sales. She felt that there had to be a way to fix it without rezoning, and if the Special Use Permit can be continued, then it seems it is a happy solution for all. The other issue - non-conforming - is a nice goal, but here in D-H there is a lot of property that can't be conforming. Non-compliance is a non-issue. The idea of this being a precedent is that you will have a hard time turning it down, politically. She had a question for the attorney. There are four parcels, so if all four were rezoned, there is one parcel that would not be contiguous to any residential, so then wouldn't they be able to do what they wanted. She recommended giving this thought.

Audrey Stroud spoke of appreciating CM Timmons's prayer and hoping to maintain the good will of her neighbors. Ms. Stroud summarized her understanding of the events surrounding the September 7th P & Z meeting findings and that they are here discussing options. She asked what the other options available are to amend the situation. She recommended looking at other options to bring the property into compliance.

There was Council discussion that good points were raised with recommendation to not rush on this issue until the General Plan is updated and reviewed. The Hughes were asked how they found out they were not in compliance.

John Hughes spoke of the filing of his applications having been recommended by the former Town Manager, Yvonne Kimball, and that the applications would cover all the uses and bring the property use into conformity. He spoke of refraining from telling other property owners what they can and cannot do with their own property. He spoke of not being a developer, he does not intend to develop the land, but noted that the gentleman who is strongly opposed to this rezoning is the same man who attempted to rezone his land five years ago for a different reason, a convenience store. Mr. Hughes met with the Town Manager and the Community Planner and as a result they are here today and he spent \$5,800 in application fees. He has no problem with carrying on the way he was but the Town can't do that, as there are codes that don't allow it. If he gets C2 zoning on this property, the Town can control what goes on. Continuing with the Special Use Permit only gives him five years before this issue arises again.

Councilmember Timmons asked Mr. Hughes when he knew he was not out of compliance. Mr. Hughes answered that he found out Friday of last week. He noted that the Town Code still says you can't have liquor, dances, or sales. Mr. Hughes spoke of having a letter from a neighbor that borders three-quarters of the property, who is not against the rezoning. CM Timmons doesn't think half the letters knew he was still in compliance. She expressed her

disappointment in the Town Planner for not doing his homework. She spoke of wanting the best situation and that there has to be middle ground.

Councilmember Wendt asked if it was possible to reimburse the Hughes for the application expense, as they are in compliance.

Vice Mayor McBrady asked if the Hughes were in full compliance and could get their \$5,800 back, would they be satisfied. Mr. Hughes confirmed satisfaction with this. Vice Mayor McBrady stated that he wanted to make a motion. Mayor Nolan pointed out they were in public hearing and no motions could be made.

Public Comment

Richard Martel noted that it is hard to get loans for commercial activity, if the property is not zoned C2. He commented, "You all enjoy the facility you want to see it stay, but you don't want to help it stay". He noted that one gentleman indicated the property was worth \$5M, then the Town should give the Hughes \$5M and make it into an event center and we can all go home.

Leigh Cluff spoke of the Hughes being smart people, despite others indicating if their property burned down today, they would not be able to rebuild. She wanted to defend the Hughes.

Gary Mortimer spoke in support of the Hughes noting that he doesn't care which way it goes, zoning or use permit. He spoke of the D-H area and that it is the best place in the world to live – heaven on earth. He spoke of the employees being paid to be at the meeting and that it is more than he makes at 9:30 p.m. He spoke of the time and money spent on this issue. He has heard of people having a difficult time getting things done and that this shouldn't be so hard. He spoke of John Hughes not being the bad guy in this deal; he is the good guy and wants to do the right thing, so does Mrs. Hughes.

Carol White spoke of having contingent property to the CCR Ranch over 20 years. She commented that it goes without saying that people change. Everyone bought their property for a specific reason and that the Hughes should be allowed to do what they want with their property. When you purchase property, it is natural to want to grow, things don't say the same. You can't keep passing the buck and putting things off in reference to the Town plan. With the C2 zoning, you have to ask for changes and the Town has control over what goes on. Let's all live our lives and do what we want with our properties.

Dennis Repan spoke of the Council having extraordinary power. During his tenure, he cannot recall one time where they did not try to help one business or organization that came before them despite political differences. He does not think it is fair to blame Staff as they read black and white, it is up to the Council to teach them to read gray, as the previous Council did.

Mayor Nolan pointed out a development that the Council turned down, which subsequently went to Prescott Valley to do what they wanted to do. Mayor Nolan read a section of the General Plan that spoke of the area at State Route 169 and the Foothills Drive area, which is noted in the Circulation Plan as an existing public connector and as a future corridor connector. The intent of the property running along said highway is appropriate for commercial development, additionally sound planning would dictate that the intersection of a major arterial and a public connector could be an appropriate development for commercial nodes. The Town should keep this in mind during the update of the General Plan. Mayor Nolan read further from this section and pointed out that this is in the current General Plan. Mayor Nolan noted and addressed a disturbance from the audience. Mayor Nolan noted that with the update of the General Plan next year, the Hughes could come back and ask for rezoning, possibly more property. The Town is going to grow and you can't stop the growth, people are going to come

in and they are going to want to rezone their property and the Town will be in lawsuits because state law ways you can't prevent people from developing their property.

There was further Council discussion regarding the General Plan updates and other options to consider and past properties that were rezoned and the plans never came to fruition.

Councilmember Hamilton spoke in favor of the Hughes having their application fees refunded, as they did not receive correct information from the Town.

Interim Manager Elliott noted that Staff made a mistake and they apologize. The mistake was brought forth on Thursday. The Hughes were advised that their application fees would be immediately refunded and they could have withdrawn up to this moment. They decided to move forward with the rezoning challenge. Staff alerted them and as the Mayor pointed out, and Staff has been attacked by a couple Council Members, and the black and white stated, that Staff goes by, was read by the Mayor, which was the recommendation by his predecessor and by Staff, if there was a zoning change to be there. That is a very good black and white explanation of what was brought forth and he would like to defend Staff on this issue.

Councilmember Hamilton stated he was not aware of this and withdrew his previous comments.

Councilmember Timmons asked if the new information was brought to light before or after the P & Z Meeting. Interim Manager Elliott provided that it was not known at the P & Z meeting, just the previous Thursday, 9/14.

Attorney Goodwin noted that this was a complicated question. After the P & Z meeting the attorneys decided that they needed to reexamine the permit. They disagreed with Community Planner Brown's interpretation, although he does a great job.

Mayor Nolan asked for a motion to extend the meeting past 10 p.m. Vice Mayor McBrady made a motion to extend the meeting past 10 p.m., seconded by Councilmember Hamilton. The motion passed unanimously.

There was further Council discussion regarding the Attorney's ruling that the uses were valid under the Special Use Permit subject to review every five years. There was clarification sought as to why the Hughes were still proceeding with the rezoning.

Mr. Hughes explained that in two years this could all happen again, if it is grandfathered in. The three issues are still hanging up there until the code is changed again. He spoke of other issues with the Town in the past. If he goes ahead and gets the C2 zoning the issues are no longer present and he won't have to worry about what will happen in five years. He said that after the P & Z meeting, all of a sudden he was in compliance, however, no codes changed. He felt as if it was thrown under the rug for now, to come back later. That is why he is still worried; there is no guarantee without changing the zoning.

There was further Council discussion and scenarios regarding zoning issues.

Councilmember Hamilton requested to go out of Public Hearing and return to the regular meeting.

Public Comment

Leigh Cluff spoke of this being a big waste of time. She asked Council why they can't encourage the Town Enforcer to let Council know before they nail a community member. This has caused split feelings in the community. She doesn't want to see Foothills suffer as Blue Hills has suffered to be a part of this Town. She feels they need to be kind and loving.

Karen Brooks reiterated that she is speaking as a citizen, not part of the P & Z Committee. She understands what Mr. Hughes has gone through in a minor capacity. Since the area became a Town, they have gone through five or six community developers and three Town Managers. The Brooks dealt with the same zoning issue five times with the Town and it goes on and on. She feels for the Hughes and agrees with Mr. Hughes that you try to do everything right and they come after you again.

Mayor Nolan closed the Public Hearing and re-opened the regular meeting at 10:10 p.m.

Councilmember Treadway made a motion to bring this back to a special Work Session on October 24, 2017, seconded by Councilmember Hamilton.

Vice Mayor McBrady made a motion: Now that the problem has been resolved and he is not being have to shut down, the motion is to give back the \$5800 to John, for not having it correctly the first time and his property is now in compliance, and we go to this Work Session, and see the other three things that John has a problem with, and see if we can resolve those, and change the codes to fix those so that he feels not, take a look at those and see if we are able to change them to make it so that he can move on with his property, seconded by Councilmember Timmons.

Attorney Goodwin asked for clarification. There is an application before the Council, usually the motions are to deny, continue or approve. She was not sure what the motion was.

Vice Mayor McBrady explained that his motion is, well we heard information that since this was put on the agenda we find that he is in compliance because he has been doing it for so long that he is grandfather in.

Attorney Goodwin clarified that the Hughes are in compliance.

Vice Mayor McBrady said, "Since it was our mistake in the first place, give the \$5800 that he has paid out back to him and that we go into study session and look where this problem area is and see if we need to make any changes to our ordinances to correct those problems that created this in the first place."

Attorney Goodwin asked if Vice Mayor McBrady's motion included denying the General Plan...Vice Mayor McBrady said he was denying the C2, yes. Attorney Goodwin clarified it was the application for the General Plan amendment and the C2 zoning and to bring this back to deal with codes. Vice Mayor McBrady clarified that he gets his money back. Attorney Goodwin confirmed this. Vice Mayor McBrady said, "then that is my motion", Councilmember Wendt seconded the motion.

Councilmember Timmons requested that the Special Session be held in the evening. Mayor Nolan confirmed this.

Councilmember Hamilton spoke against the second motion. He wanted to discuss at the Work Session the measures to return the money. He would like to see more information on that. He will vote against this because he would like to see it denied at this time and then address the other issues at the Work Session.

Attorney Goodwin said that the motion covered this and restated the motion: To deny the applications for the General Plan amendment and rezoning and to refund Mr. Hughes the \$5800 application fee and to have a special meeting to look at the code issues, seconded by Councilmember Wendt.

Mayor Nolan asked for a roll call vote. The motion passed unanimously.

There was discussion regarding Councilmember Treadway's motion having been covered by the Vice Mayor's motion, nullifying Councilmember Treadway's motion. There was also discussion as to whether it was necessary to hold a second Public Hearing. The Attorney felt that both items were discussed as one, if the applicant was fine with this. Attorney Cullum confirmed this as being acceptable to the Hughes.

10.3. ZDC-17-001 Request for a Zoning District Change to change the Zoning District designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2. Possible approval, rejection or modification.

This agenda item was addressed during agenda item 10.2. Mayor Nolan closed the Public Hearing at 10:18 p.m. and reopened the regular meeting.

11. Adjourn. The meeting was adjourned at 10:19 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
OCTOBER 3, 2017, 6:30 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 3, 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 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Councilmember Hamilton.
 - 2.2. **Invocation.** Given by Amy 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.**

4.1. Domestic Violence Prevention Proclamation.

Mayor Nolan read the proclamation declaring October as Domestic Violence Prevention Month.

4.2. Public Safety Quarterly Reports (2nd Quarter - 2017).

Lt. Raiss gave his presentation for the 2nd Quarter of 2017. Lt. Raiss reminded Council that Sgt. Brazell transferred and has been replaced by Sgt. Johnson. Dewey-Humboldt accounts for 2% of the total County statistics. There were a total of 267 traffic stops with 140 citations issued in D-H and the surrounding area outside the Town limits. Total arrests were 47, which consisted of drug, disorderly conduct; criminal damage; and wanted person arrest. He spoke of the recent break-in at D-H Town Hall and noted that Staff were able to help with office technology on this situation. There have been no arrests made in connection with the Goodwin Fire incident, however, there was an individual arrested and released concerning the operation of a drone in the area at the time of the fire. This is still an active case.

Fire Marshall Rick Chase shared his 2nd Quarter statistics of 87 EMS calls; 1 structure fire; 21 Public Service calls; 2 Hazardous Condition calls; 10 Good Intent calls with a total of 21 Dispatch calls. Marshall Chase spoke of the ongoing project to locate water tanks in the Blue Hills area and estimated a July 2018 completion date. He also shared that the environment is very dry now that the monsoon is over. There are still wildfires in winter. Be sure to check the defensible space on your property – trim, mow, and abate.

Judge Kelley spoke on a day in the life of the Dewey-Humboldt Magistrate Judge giving an in-depth overview of her duties including her schedule and the court schedule. Judge Kelley noted that in the eight years she has served D-H, there has not been a lot of fluctuation in the crime. Judge Kelley also explained the legal process surrounding the charges concerning the Goodwin Fire drone incident.

5. **Town Manager's Report.** Update on Current Events.

Interim Town Manager Lee Elliott spoke of the completion of the fog coating with Staff getting information and signs back up and that there were no major challenges. In-house hot-patching starts tomorrow and Public Works Staff will give a heads up each week as to where this is occurring.

The Town Manager search process continues and applications are in Council Member

mailboxes.

Town Hall will be observing trick or treat on Halloween between the hours of 4 – 6 p.m. Town Council was encouraged to participate in this event.

Staff's perspective was that the recent Town Clean-up Event was a great success. Staff worked very hard with a 33% increase of intake over previous years.

ITM Elliott closed his comments noting that the Agua Fria Festival will be held on Saturday, 10/7/17.

6. Consent Agenda. None.

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

Tom Watson spoke of dissatisfaction with many of Council's practices including voting for committee applicants by paper instead of verbally; emailing a Council Member whose mailbox was full; the Mayor's handling of a petition that was circulated; the Council not accepting their own Attorney's legal opinions; home density issues; lack of infrastructure; and road conditions which result in poor emergency response times; inability to sell real estate; and create a fire risk related to the lack of egress in the Blue Hills area.

Ulys Brooks spoke of the three-minute public comment rule never needing to be mentioned again. He believes there would be trouble if there were Council consensus on every issue, the fight is a blessing.

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 Approval to cancel the October 24, 2017, Work Session and move the discussion 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 the October 17, 2017, Regular Council Meeting agenda.

Councilmember Hamilton made a motion to move this work session item to October 17, 2017, seconded by Councilmember Wendt. The motion passed unanimously.

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

9.1. Request for Presentation by Chris Fetzer, Executive Director of NACOG [CAARF submitted by CM Treadway]

Councilmember Hamilton made a motion to approve the presentation by NACOG, seconded by Councilmember Timmons. The motion passed unanimously.

9.2. Request for Presentation by Humboldt Station re: Town purchase of Humboldt Station [CAARF submitted by Councilmember Wendt]

Councilmember Wendt gave an overview of her request explaining that there is a lot of talk about purchasing or building a Town Hall. She noted Councilmember Hamilton had a couple recommendations. She was approached recently by the Owner of this building to possibly look at purchasing the Town Hall facilities and the property it is located on. She felt it was good to have more options and recommended allowing the owner to make a presentation at an Executive Session.

Councilmember Hamilton noted the purpose of a CAARF was for discussion. This is an individual trying to sell something. This presentation would be a one-sided thing and he is against it.

There was further Council discussion regarding a possible conflict of interest on this issue; whether it could be handled in Executive Session or needed to be a public presentation; and someone besides the Owner making the presentation.

Town Attorney Goodwin informed Council that this issue should be heard in a public presentation, not Executive Session; Vice Mayor McBrady could recuse himself on the issue and designate a representative to make presentation; and with these guidelines met, she did not perceive a conflict of interest issue.

Councilmember Timmons made a motion to invite the Owner's representative of Humboldt Station to have a discussion regarding the purchase of his property and anything that may afford us on November 21, 2017, seconded by Councilmember Wendt. The motion passed unanimously.

9.3. Request for Presentation of update on GPREP activities. [CAARF submitted by Mayor Nolan]

Councilmember Treadway made a motion to invite the representatives of GPREP to come and make a presentation, seconded by Councilmember Hughes. The motion passed unanimously.

9.4. Request for Presentation of brief update from Yavapai College Update. [CAARF submitted by Mayor Nolan]

Mayor Nolan made a motion to approve Dr. Penny Mills to come and make a brief presentation about Yavapai College, seconded by Councilmember Timmons. The motion passed unanimously.

Councilmember Hamilton requested that the above presentations not be scheduled at one meeting. Councilmember Timmons preferred to have them all scheduled and knocked out in one night. ITM Elliott mentioned that the Town Clerk attached a copy of the tentative meeting agenda list, which showed that the presentations were already scheduled, as requested, throughout the next month or two.

10. Public Hearing Agenda.

None.

11. Adjourn.

The meeting was adjourned at 8:08 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL MEETING MINUTES
OCTOBER 24, 2017, 5:30 P.M.**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 24, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. COUNCILMEMBER TREADWAY AND MAYOR NOLAN PRESIDED.

1. Call To Order.

Councilmember Treadway called the meeting to order at 5:40 p.m.

2. Roll Call. Town Council Members Jack Hamilton, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady were present. Council Member John Hughes and Mayor Terry Nolan arrived to the meeting late.

3. Special Session: Legal action to be taken. Public Comments on agenda items can be taken.

3.1. Council discussion regarding interview process for Town Manager position.

Interim Town Manager Elliott provided Council with a weighted score sheet for the interview questions indicating Council could use this to assist during the interview process.

Mayor Nolan arrived to the meeting at 5:44 p.m.

Councilmember Hughes to the meeting at 5:45 p.m.

There was further Council discussion regarding the process of the interview questions resulting in Council consensus that Mayor Nolan would ask initial questions of about 45 minutes allowing an additional 15 minutes for questions from other Council Members.

Mayor Nolan adjourned the regular meeting at 5:52 p.m.

3.2. Town Manager Appointment.

3.2.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(1) for discussion or consideration of employment, assignment, appointment, or salary of John Cassella; William Lawrence; Richard Marsh, Jr.; John Schempf; Michael Seibert or Thomas Wilson as Town Manager.

Councilmember Hamilton made a motion to hold executive session, seconded by Councilmember Treadway. The motion passed unanimously.

Mayor Nolan called the executive session to order at 6:00 p.m.

3.2.2. Reconvene Regular Meeting.

The executive session was adjourned at 9:30 p.m. and the regular meeting was reconvened. Council gave no further direction.

4. Adjourn.

Mayor Nolan adjourned the meeting at 9:30 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL MEETING MINUTES
OCTOBER 25, 2017, 6:00 P.M.**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 25, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:00 p.m.
2. **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.
3. **Special Session:** Legal action to be taken. Public Comments on agenda items can be taken.

3.1. Town Manager Appointment.

- 3.1.1. **Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(1) for discussion or consideration of employment, assignment, appointment, or salary of John Cassella; William Lawrence; Richard Marsh, Jr.; John Schempf; Michael Seibert or Thomas Wilson as Town Manager.**

Councilmember Hamilton made a motion to go into Executive Session, seconded by Councilmember Hughes. The motion passed unanimously.

The regular meeting was closed at 6:02 p.m. and Executive Session was opened.

3.1.2. Reconvene Regular Meeting.

Executive Session was closed at 9:24 p.m. and the regular meeting reconvened.

- 3.2. **Discussion and possible action regarding appointment of John Cassella; William Lawrence; Richard Marsh, Jr.; John Schempf; Michael Seibert or Thomas Wilson as Town Manager and direction to Staff regarding terms of employment and preparation of a contract.**

Council took no further legal action.

4. **Adjourn.** Councilmember Timmons made a motion to adjourn the meeting, seconded by Councilmember Hughes. The motion passed unanimously. The meeting was adjourned at 9:24 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL MEETING MINUTES
NOVEMBER 1, 2017, 6:00 P.M.**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 1, 2017, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. COUNCILMEMBER TREADWAY AND MAYOR NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:30 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady, and Mayor Terry Nolan were present. Council Member Amy Timmons was absent.
3. **Special Session:** Legal action to be taken. Public Comments on agendized items can be taken.

3.1. Interim Town Manager Appointment.

- 3.1.1. **Recess into and hold an executive session pursuant to A.R.S. § 38-431.03 (A)(1)** for discussion or consideration of employment, assignment, appointment, or salary of Thomas Wilson as Town Manager.

Councilmember Treadway made a motion to enter executive session, seconded by Councilmember Hughes. The motion carried unanimously.

The regular meeting was closed at 6:34 p.m. and Executive Session was opened.

Thomas Wilson was present for this executive session until 7:50 p.m.

3.1.2. Reconvene Regular Meeting.

The executive session ended and the regular meeting was reconvened at 8:07 p.m.

- 3.2 **Discussion and possible action regarding appointment of Thomas Wilson as Town Manager and direction to Staff regarding terms of employment and preparation of a contract contingent on background and reference check.**

Councilmember Hamilton made a motion to enter into negotiations with Thomas Wilson for the Town Manager's position, seconded by Councilmember Hughes. The motion passed unanimously.

4. **Adjourn.** The meeting was adjourned at 8:09 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 7, 2017, 6:30 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 7, 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 6:32 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Former Councilmember Dennis Repan led the pledge.
 - 2.2. **Invocation.** Given by Councilmember Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, and Mayor Terry Nolan were present. Vice Mayor Mark McBrady was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

4.1. 2017 Tax Credit Awareness Proclamation - Yavapai Big Brother & Big Sisters.

Mayor Nolan read the proclamation and acknowledged Juliana Goswick, President of Yavapai Big Brothers & Sisters organization and Dr. Paul Stanton, Superintendent of Humboldt Unified School District, who in turn thanked the Town of Dewey-Humboldt for their support over the past four years and reminded everyone that the Arizona Tax Credit Program is a way to keep their tax-deductible donations local.

4.2. Founding of the First Organized Little League of Arizona Proclamation.

Mayor Nolan read the proclamation and reminded the Council and Public that there is an upcoming fund-raiser event at the park to dedicate the fields and recognize volunteers, as well as raise funds for the Little League baseball fields. The Little League President arrived shortly thereafter, and Mayor Nolan re-read the Proclamation and presented it to Mr. and Mrs. Statler on behalf of the Little League organization.

4.3. Yavapai College Update. Presentation by Dr. Penny Wills.

Mayor Nolan introduced the Yavapai College President, Dr. Penny Wills. Dr. Wills shared that the National Soccer Tournament was being hosted by the college in Prescott Valley the next week with 11 teams from across the nation participating. Dr. Wills passed out materials to the Council. She gave an update on course offerings and programs that are coordinated with local schools. She noted that research shows that just 12 credits of college courses changes a person, making them less likely to be incarcerated and more likely to vote.

Public Comment

Mike Kessler inquired if Yavapai College would be offering Master degree programs. Dr. Wills explained that would not be available at their college.

Dr. Wills closed by saying she believes in education and quality of life and how it can make a positive difference in the world.

5. Town Manager's Report. Update on Current Events.

Interim Town Manager Lee Elliott reported that the Halloween event was a beginning process. While there were some children that stopped by, it was recognized that 4 – 6 p.m. is a difficult time for working parents. He recommended extending the hours next year to accommodate

families.

Public Works has completed their street work with the majority of it being in-house. Public Works Director Ed Hanks will be bringing his data to Council.

ITM Elliott is working with staff in regard to the transition of Town Manager duties. He noted there might be a special session scheduled soon to appoint the new Town Manager.

6. **Consent Agenda.** None.

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

Leigh Cluff spoke of hoping that Town Council supports the GED programs. Her family has history in this area and is glad the community supports these programs.

Mayor Nolan noted that he forgot earlier to share that he and Council Members Wendt, Hughes, and Timmons attended the Central Arizona Fire and Medical Authority ribbon cutting at their new building dedication in Prescott Valley. The Mayor was unexpectedly called on to speak. He noted it was a nice event and the building is well organized. Councilmember Wendt said that she took photos, which were on the Town website. Councilmember Hughes spoke in favor of need of the new building and that it will benefit the citizens of D-H.

Attorney Smiley noted that it appeared that Mayor Nolan jumped back to Announcements in regard to his last comment. Mayor Nolan confirmed this to be an Announcement.

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.

Mayor Nolan recommended moving Item 8.2. ahead of 8.1.

8.2. Discussion regarding meeting frequency [Council direction at October 17, 2017, to continue discussion].

Mayor Nolan recommended a trial of changing the meeting frequency to two meetings per month, the first meeting being a Regular Council Meeting on the first Tuesday of the month and a Work Session being held on the second Tuesday of the month, citing this as beneficial to the community.

Councilmember Hamilton was not in favor of this being open-ended stating they need to set a date of how long they were going to do this to avoid having to change the Town Code. If they want to continue after the trial, then the Town Code could be changed. Mayor Nolan recommended a four month trial. Councilmember Wendt suggested six months and clarified that both meetings would be at 6:30 p.m. Councilmember Hamilton said he did not think this allowed enough time citing it is hard enough to complete current meetings by 10 p.m. If they try this, he will not vote to extend meetings beyond 10 p.m. nor will he approve special sessions, indicating they were trying to cram too much in one meeting.

Councilmember Treadway favored trying it. He did not approve of 6:30 p.m. Work Sessions, noting that Work Sessions should be a 2 p.m., where they can get more done and the public can attend. He stated that the issue being discussed is what provokes public interest, not the time of the meeting.

Councilmember Wendt disagreed with CM Treadway stating that they have at least one member on this Council that has a full-time job. Others are retired or have their own business and can break away. She feels it is important the working Council Members be here and spoke of the population that voted them in.

Councilmember Timmons said that while she believes CM Hamilton had a valid issue regarding time management, she believes that the proposed schedule would allow Council to start to manage meetings more efficiently and they won't run over the time limit. CM Treadway disagreed citing that there are issues that should be solved quickly take much longer. He foresees work sessions running past 10 p.m.

Public Comment

Leigh Cluff agreed with Councilmember Wendt that the citizens voted and they want the members at the meeting. She spoke of time being wasted on the same subjects and the need for Council to be more efficient.

Councilmember Wendt made a motion to go to two sessions, let's split the difference, you said four, I said six, let's try five months at 6:30 on the first and third Tuesdays, see how it goes, if it doesn't work out, we can revert back, seconded by Councilmember Timmons. The motion failed with a split vote of 3-3, with Councilmember Hamilton, Councilmember Hughes, and Councilmember Treadway voting against.

Councilmember Hamilton said why don't we make a motion to go to two meetings a month for four months, the time of the second meeting is not decided, the time of the Work session is not decided, just go to two meetings per month, one regular session and one work session a month.

Councilmember Wendt disagreed with leaving the time up in the air and that three months is not long enough a trial. She believes that all the Council Members should be here to represent the public at 6:30 p.m.

Interim Town Manager Elliott noted that there is a transition coming up, as well as the holiday season, and a month and a half will be lost right there.

Councilmember Wendt asked to change her motion. Beginning in January, once we are out of the holiday season, go to two meetings a month, for four months, on a trial basis at 6:30 p.m., at that time we will rediscuss, bring it back in and take a look at it, seconded by Councilmember Timmons. Councilmember Hamilton asked for a roll call vote. The motion failed by a 3-3 split vote, with Councilmember Hamilton, Councilmember Hughes, and Councilmember Treadway voting against.

Public Comment

Leigh Cluff told Council that this is what she is talking about, the yeah voters are offering plans, why don't the nay voters offer a plan or compromise.

Councilmember Hughes stated that when he signed up for this the hours were already there, the dates were already there. There is a new Town Manager coming on board that may have a better idea. We are going to start in January, there are a lot of things to discuss, and he does not believe it can be handled in two meetings. He put his name out to do this job and he will do the job, I'm not going to work around and do it when I feel like I am, because that's not good for the community. He spoke of it not being fair to staff to be here from 8 a.m. to 10 p.m. at night. He has nothing against two meetings a month, but doesn't feel they will get it done. He would like the new Town Manager's input and wants his insight before he weighs in further on this subject.

Councilmember Timmons believes that in response to staff being here 18-20 hours, it was discussed previously, that can be worked around by staff coming in late or taking a long lunch. She spoke that in the world of business not everyone can be owners and make

Town Council Regular Meeting Minutes, November 7, 2017
their own schedules, but they all do care about the community and will do what it takes to have a balanced and fair community.

Public Comment

Mike Kessler inquired about the status of the new Town Manager and what was the timeline surrounding the hire. He recommended that the new Town Manager be allowed to get his feet wet and get to know Council, work together, then address this issue, and then present these decisions to the Town at a meeting.

Councilmember Wendt recommended bringing this back when the new Town Manager was on board. Councilmember Treadway concurred.

8.1. Discussion regarding Work Session times [Council direction at May 2, 2017, to continue discussion].

This issue was addressed under Agenda Item 8.2.

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

9.1. Discussion to find out how we are going to pay for any road improvements in the Town? In which direction should we take. [CAARF submitted by Mayor Nolan]

Mayor Nolan gave an overview of his CAARF and noted that everyone talks about new roads but that without there won't be road improvements without a sales tax or property tax.

Councilmember Hamilton spoke of the Town spending over \$600K per year on roads while receiving only \$300K from HURF. He believes there will be a hit to funding after the next census as D-H is not growing as fast as the rest of the state. He estimated the loss to be at least \$50K and that everything will go downhill from there.

Councilmember Wendt spoke of a proposal received from Earl Goodwin this past spring and that Council should go back and look at it another time. No one wants to see property taxes, but we have to be realistic if taking on any private roads.

There was Council discussion regarding the plan that was presented by Mr. Goodwin.

Councilmember Timmons asked if they were saving money doing in-house maintenance and upkeep. ITM Elliot explained that you are increasing efficiency, getting more bang for the buck.

There was further Council discussion on taking over private roads and funding including the General Plan and Circulation Plan provisions.

Public Comment

Mike Kessler appreciates the dilemma that Town Council is sitting on. He spoke of a possible grading program two to three time a year. He also spoke of making the roads passable then people will move in and become taxpayers. There is no magic idea for financing but if there were an increase to property tax, gas tax or whatever is in order to make this work, he would stand behind Council and applaud their efforts.

Mayor Nolan recommended bringing this issue back once the new Town Manager was on board.

Councilmember Hamilton recommended this issue be brought back to a Work Session.

9.2. Presentation on West Yavapai Guidance Clinic Crisis Stabilization Unit. [CAARF submitted by Mayor Nolan]

Councilmember Treadway gave an overview of his CAARF and made a motion to have the West Yavapai Guidance Clinic Crisis Stabilization Unit come in to give a presentation, seconded by Councilmember Wendt. The motion passed unanimously.

9.3. Request permission for Ms. Carol Chamberlain, Regional Director of the Arizona Community Foundation of Yavapai County to address the Council explain the purpose of the foundation in administering a tax-exempt 501(c)(3) public charity with collaborative and other types of charitable funds, and exists exclusively for charitable purposes. [CAARF submitted by Councilmember Wendt]

Councilmember Wendt gave an overview of her CAARF and said that she found this topic to be very informative and wonderful. She noted that the Firewise group has evolved and need to expand to help the community including fundraising. This foundation can assist the community by establishing a fund, which they administer. She requested that Carol Chamberlain be allowed to come in and explain the process to the Council.

Councilmember Treadway made a motion to allow Carol Chamberlain, Director of the Arizona Community Foundation of Yavapai County to give us a presentation on how they go about administering funds for projects like Firewise, seconded by Councilmember Timmons.

Councilmember Wendt requested to have this presentation coordinated with her January Firewise report. Mayor Nolan approved this.

Mayor Nolan called for a vote on the motion, which passed unanimously.

9.4. Mayor Nolan's report and possible discussion on meeting with Susan Black, Executive Director of Arizona State Park & Trails regarding smelter site park potential.

Mayor Nolan gave an overview of his CAARF sharing that Sue Black of the Arizona State Park & Trails Department, as well as her aide and ITM Elliott, went on a tour of the smelter site. The Department Staff seemed in tune with approving this as a state park. They will get with the EPA and find out what is needed to cover up the tailings and possibly establish a state park. They drove down from the mine site and as they drove down and saw the smelter site, Ms. Black mentioned that was the good spot for a state park.

ITM Elliott saw the meeting as a positive event, which could revive the downtown area.

There was Council discussion about the possibilities of this proposal.

Public Comment

Robert Baker commended the Council for voting on Ms. Wendt's request in Item 9.3. in regard to the 501 (c)(3). The Firewise committee were thinking outside the box on funding. He said it seemed too good to be true, but there was no catch. Part of being Firewise is the egress issue and maybe on the road issues as well, Council needs to think outside the box.

Attorney Smiley noted that this was off topic and this agenda item had previously been discussed.

10. Public Hearing Agenda. None.

11. Adjourn. The meeting was adjourned at 8:10 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL STUDY SESSION MINUTES
NOVEMBER 14, 2017, 2:00 P.M.**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 14, 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 6:01 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Doug Treadway, Victoria Wendt, Vice Mayor Mark McBrady, and Mayor Terry Nolan were present. Council Members John Hughes arrived late to the meeting. Council Member Amy Timmons was absent.
3. **Study Session.** No legal action to be taken.

3.1. Diabetes Month Proclamation.

Mayor Nolan read the proclamation and declared November as Diabetes recognition month.

3.2. Dewey-Humboldt Historical Society Report. [per Accountability Contract]

David Nystrom, President of the Dewey-Humboldt Historical Society gave an overhead presentation of the committee updates. He stated that with the loss of the museum building the Historical Society was thrilled that the Town Council amended their contract allowing reimbursement for moving and set-up expenses in the quest for a new museum. On a sad note, the society recently lost newly appointed President Carl Marsee and wished to thank everyone for their condolences. He also spoke of appreciating the Town's recognition of Mr. Marsee as recipient of the 2016 Volunteer of the Year award.

Councilmember Hughes arrived to the meeting at 2:05 p.m.

Mr. Nystrom gave updates on the closure of the museum and the effort going forward to find a new location. He thanked the town for their participation in the Agua Fria Festival and will return after the first of the year to give a full report in January. One of the upcoming events is the Craft Fair to be held on December 2, 2017. He also showed an overhead, which showed the diagram of the placement of the mining equipment display on the Town's Second Street lot.

Mayor Nolan spoke of having recently met with officials from the State Park commission and the possibility of a state park at the smelter site and that it hopefully a building could be considered for DHHS.

Councilmember Treadway expressed his appreciation for the Historical Society's efforts and encouraged relocation as displays and exhibits having a tendency to walk off when placed in storage.

4. **Special Session.** Legal action can be taken.

4.1. Town Manager Appointment.

4.1.1. Recess into and hold an Executive Session pursuant to A.R.S. § 38-431.03

(A)(1) for discussion or consideration of employment, assignment, appointment, or salary of Thomas Wilson as Town Manager and pursuant to A.R.S. § 38-431.03
(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding an employment contract with Thomas Wilson as Town Manager that is the subject of negotiations.

Town Council Special Study Session Minutes, November 14, 2017
Councilmember Treadway made a motion to go into Executive Session.

Attorney Smiley asked the Mayor to advise the public why Council was going into Executive Session.

Mayor Nolan spoke of Council going into Executive Session to discuss the possible employment contract of Thomas Wilson for Town Manager.

Councilmember Hamilton spoke of being in support of 2:00 p.m. work sessions, however, does not feel issues requiring legal action should be scheduled during Work Sessions. He also spoke of not being in favor of discussing the employment contract in Executive Session. The attorney has already talked with the client and he has come back with his minimum. He does not think this will be open to further negotiation. Once the document is signed, it is a public document. So, it is take what is negotiated or go with a new person. If Council is not going into negotiations, then Council should not be going into Executive Session.

Mayor Nolan explained the reason this item was scheduled on the Work Session agenda was to prevent having to schedule a second meeting in the evening, which the attorney would not be able to attend, as she needed to leave for another meeting at 4:00 p.m.

Mayor Nolan seconded Councilmember Treadway's motion. The motion passed by a 6-1 vote, with Councilmember Hamilton voting against.

The Special Study Session was closed at 2:26 p.m.

Mayor Nolan called the Executive Session to order at 2:28 p.m. and closed the Executive Session at 2:49 p.m.

4.1.2. Reconvene Special Session.

The Special Study Session was reconvened at 2:51 p.m.

4.2. Discussion and possible action regarding approval of employment terms, contract and appointment of Thomas Wilson as Town Manager.

Councilmember Treadway moved that we approve the employment terms, contract and appointment of Thomas Wilson as the Town Manager for Dewey-Humboldt and to approve the contract, seconded by Councilmember Hughes. The motion passed unanimously.

4.3. Review of 2018 Meeting Schedule and any holiday events.

Mayor Nolan recommended the cancellation of the Tuesday, January 2, 2018, Regular Council meeting, as the new Town Manager would not be able to attend. He noted there were three other Tuesdays in January for scheduling; the 9th, 16th, and 23rd. Mayor Nolan also recommended the cancellation of the Tuesday, July 3, 2018, Regular Council meeting due to the Independence Day holiday.

Councilmember Hamilton was not in favor of cancelling this meeting, rather revisiting this issue in June. Mayor Nolan noted that with the cancellation there were still three Tuesdays to work with in July.

Councilmember Wendt noted that she would prefer the January 16, 2018, meeting be held at 6:30 p.m. as she had a CAARF presentation scheduled for that date.

Attorney Smiley noted that if the Work Session were pushed back it would be difficult for them to attend. Councilmember Hamilton asked if the attorney's presence was required. Attorney Smiley did not believe it was a requirement.

Mayor Nolan suggested that they hold two meetings in January, the Work Session scheduled for January 9th and the Regular Council Meeting to be scheduled on January 16th of 2018. If another meeting is necessary, they can schedule it for the 24th.

Mayor Nolan also recommended cancelling the January 1, 2019, Regular Council Meeting, which falls on the first Tuesday of the month.

Councilmember Hamilton spoke of still disagreeing with cancelling the July 3, 2018, meeting. He made a motion to do away with the Regular session on January 2, 2018, and the January 1, 2019, meetings, seconded by Councilmember Wendt. The motion passed by a 5-1 vote, with Vice Mayor McBrady voting against.

Councilmember Treadway made a motion to cancel the July 3, 2018, meeting, seconded by Councilmember Wendt. The motion passed by a 5-2 vote with Councilmember Hamilton and Vice Mayor McBrady voting against.

4.4. Discussion and possible action on holding a 3rd round of water testing-limited budget to \$7,000.00. [CAARF submitted by Councilmember Treadway]

Councilmember Treadway gave an overview of his CAARF. He discussed this program with Community Planner Brown who reported it was a good program and that he has received several calls from citizens requesting that it be run again. There are funds budgeted for it and Councilmember Treadway thinks this is a good idea to approve it.

Public Work Director Ed Hanks spoke of this proposal coming in around \$7,000 and there are funds in the budget for this. Director Hanks spoke of the first program using 100% of the funds allotted and the second program came in at approximately 75% of the funds allotted.

Councilmember Hamilton spoke of delaying this until budget time in 2018.

Mayor Nolan spoke of the funds being available now and encouraged moving forward with the project. Director Hanks spoke of the funds not being used and available at this time.

There was further Council discussion resulting in Council consensus to move forward with the testing at this time. Director Hanks spoke of Community Planner Brown put together a calendar schedule and the parameters of the program, prior to advertising.

Councilmember Treadway made a motion that we approve a round of water testing with a \$7,000 cap on the amount that would be spent, seconded by Vice Mayor McBrady. The motion passed unanimously.

4.5. Whether to hold additional special session(s) this month and whether to cancel the November 21, 2017, Regular Council Meeting. 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.

Mayor Nolan spoke of the November 21, 2017, being just before Thanksgiving and that the new Town Manager would just be arriving the day before.

Councilmember Treadway moved that the November 21, 2017, Regular Council Meeting be cancelled, seconded by Councilmember Wendt.

Councilmember Hamilton asked about the scheduling of the Vice Mayor appointment. It is on the December 19, 2017, Regular Council Meeting.

Mayor Nolan called for the vote on the motion to cancel the November 21, 2017, Regular Council Meeting. The motion passed unanimously.

5. **Adjourn.**

The meeting was adjourned at 3:13 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

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**CONTRACT FOR MAGISTRATE SERVICES BY AND BETWEEN
THE TOWN OF DEWEY-HUMBOLDT, ARIZONA AND
CATHERINE J. KELLEY**

This Agreement (“Agreement”) is made and entered into this ___ day of December, 2017, by and between the Town of Dewey-Humboldt, Arizona (“Town”), a municipal corporation, and Catherine J. Kelley (“Kelley”).

RECITALS.

1. Kelley has been the Town Magistrate since being appointed by the Town Council on November 17, 2009, and has been reappointed in two-year increments since that time.
2. Town wishes to reappoint Kelley to serve as the Town Magistrate for the Town’s Municipal Court upon the terms and provisions hereafter contained.
3. Kelley is qualified to provide the services set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree as follows:

1. **APPOINTMENT.** Town employs Kelley as a part-time employee, and Kelley agrees to serve in the capacity of Town Magistrate for a term of two (2) years beginning January 1, 2018, and terminating at midnight on December 31, 2020, unless sooner terminated as provided herein or either the Judicial or Legislative Branch, or both, of the State of Arizona, modify, merge, or abolish the lower court judicial system.

2. **RESPONSIBILITIES OF KELLEY.**

2.1 **Duties.** Kelley shall perform all duties legally prescribed according to the requirements of the Arizona Constitution, Arizona Revised Statutes, the Dewey-Humboldt Town Code, the Code of Judicial Conduct and such other rules as may be prescribed by the Arizona Supreme Court. Kelley is a Presiding Magistrate within the meaning of Section 30.032(A) of the Dewey-Humboldt Town Code. Kelley shall:

2.1.1 Preside as the Town Magistrate at all regularly scheduled dockets.

2.1.2 Be available and on call to handle necessary matters regarding arraignments, warrants, sentencing and other necessary judicial functions within the jurisdiction of the Court, including being present at times other than the normally scheduled dockets. Kelley will also be available via cell phone.

2.1.3 Be available to preside over code enforcement related hearings as the Town’s Hearing Officer.

2.1.4 At all times faithfully, and to the best of her ability, administer activities of the Court, hear all cases and fulfill obligations of the Court as established by State law or local ordinances.

2.1.5 Appoint Judges Pro Tempore as provided in Dewey-Humboldt Town Code Section 30.032(B) for vacation, conflicts, Rule 10.2 Notices, recusals, illness and required judicial education and training.

2.1.6 Operate the Magistrate Court within the budget established for the Court, including managing the Court employees in accordance with the Personnel Policy of the Town, so that the Court's budget established by the Town Council is not exceeded. If, for reasons beyond Kelley's control, the Court's budget has exceeded or will exceed the budget established by the Town Council, Kelley shall immediately notify the Town Manager in writing. Such notice shall include the reasons the Court's budget has exceeded or will exceed the budget established by the Town Council. Kelley and Town Manager shall then meet to discuss measures to maintain expenditures within the budgeted amounts.

2.2 Schedule. Kelley shall perform the services required of the position, but shall not have a pre-set number of hours per week. However, Kelley shall establish regular Court hours. It is anticipated that these services will require approximately eight hours per week to perform.

2. PERFORMANCE REVIEW. Kelley understands and agrees to be subject to annual performance reviews by the Town Council. It is anticipated that future reviews will be held at the first December meeting of the Council in Executive Session

3. TERMINATION. This contract may be terminated by Town for cause. Cause includes, but is not limited to, failure to comply with the Judicial Canons of Ethics as embodied in Arizona Supreme Court Rule 81 and the Arizona Code of Conduct for Judicial Employees, failure to comply with federal, state and local laws, failure to comply with Section 30.032 of the Dewey-Humboldt Town Code, failure to maintain her established Court schedule, extended periods of absence as provided in Paragraph 5.2, or failure to perform the duties set forth herein.

4. JUDICIAL INDEPENDENCE AND ADMINISTRATION

Court personnel salaries and wages, as well as their rights and obligations, shall remain under the control of Town provided, however, this provision shall not in any way deprive Kelley of sufficient, adequate, and competent personnel necessary for Kelley to properly perform her judicial duties.

5. COMPENSATION

5.1 Kelley's salary and benefits shall be set and appropriated through the Town's budget process.

5.2 Extended periods during which Kelley is unable or unwilling to perform her duties due to illness, absences, incapacitation, or suspension by a higher judicial authority is cause for the Town to terminate this Agreement. In the alternative, upon mutual agreement of Town and Kelley, the Town may withhold installment payments to her and use said sums to compensate a temporary or permanent replacement. For purposes of this Agreement, "extended periods" shall mean periods longer than three consecutive weeks.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date aforesaid.

TOWN OF DEWEY-HUMBOLDT

CATHERINE J. KELLEY

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Susan Goodwin, Gust Rosenfeld, PLC
Town Attorney

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

TOWN COUNCIL REGULAR MEETING

December 5, 2017 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item #8.1. Discussion and possible action regarding changing the Council meeting schedule.

To: Mayor and Town Council Members

From: Tom Wilson, Town Manager

Date submitted: November 22, 2017

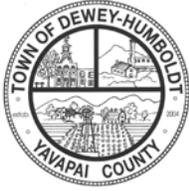
Summary:

Interim Town Manager, Lee Elliott, made a recommendation to Council at the Regular Council Meeting on November 7, 2017, to consider the amendment of the Town Council meeting schedule to reduce the frequency of meetings.

Recommendation:

To provide a more concise, productive Council work schedule, Staff recommends the implementation of a trial change to the monthly Council meeting schedule. The recommended trial meeting schedule would consist of a Town Council Work Session to be held on the first Tuesday of each month at 6:30 p.m. with a Regular Council Meeting on the third Tuesday of each month at 6:30 p.m. It is recommended that the trial schedule be initiated on January 9, 2018, and remain in place for six months, with subsequent Council review and discussion at the July 10, 2017 Work Session.

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TOWN OF DEWEY-HUMBOLDT
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TOWN COUNCIL REGULAR MEETING

December 5, 2017, 6:30 p.m. Town Council Meeting Chambers

Agenda Item # 9.2. Council Regional Appointments.

To: Mayor and Town Council Members

From: Tom Wilson, Town Manager

Date submitted: November 29, 2017

Summary:

Pursuant to the Public Body Policy 15-01, Town Council reappoints representatives to all regional organizations at the second council meeting in December. Currently, Town Council has representations at the following organizations:

CYMPO (Central Yavapai Metropolitan Organization) – Executive Governing Board

Mayor Nolan (primary), CM Hughes (alternate)

GPREP (Greater Prescott Regional Economic Partnership) – Governing Board

CM Hughes (primary)

NACOG (North Arizona Council of Governments) – Council

CM Doug Treadway (primary), CM Wendt (alternate)

Yavapai County Interagency Coordination Committee [working with County's Emergency Mgt.]

Mayor Terry Nolan (primary), CM Wendt (alternate)

Yavapai Regional Medical Center (YRMC) – Board of Electors

CM Timmons (primary), CM Hughes (alternate)

GAMA (Greater Arizona Mayors' Association)

Mayor Terry Nolan (primary), Vice Mayor McBrady (alternate)

Recommendation: Make appointment to each of the Regional Organizations

 TOWN OF DEWEY-HUMBOLDT TO BE DETERMINED	PG No TC15-01
All Public Bodies : Town Council, Board, Commission, and Committees	Effective Date: December 1, 2015
Subject: <i>Regional organization appointments</i>	

1. **Purpose and Scope:** To provide a procedure for Council or other public bodies to appoint representatives to regional organizations. Town staff representation at regional organizations is not subject to this policy.

2. **Background:**

The Town participates in the activities of several regional organizations, such as the Central Yavapai Metropolitan Planning Organization (CYMPO), the Northern Arizona Council of Governments (NACOG), the Greater Prescott Regional Economic Partnership (GPREP), the League of Cities and Towns, and others. It is important that the Town has representation at these regional organizations. Town Council usually appoints the Mayor or a Council Member to serve as Town’s official representative at each organization.

3. **Policy and Appointment procedures:**

3.1 An appointment to a regional organization may be initiated by a request of the agency or a council decision to ensure the Town is properly represented at the organization. The Council appointee may or may not serve on a board, commission or committee within the regional organization.

Town Council, as of the effective date of this Policy, has appointed the Mayor and/or Council members to represent the Town at the following organizations:

- CYMPO – Executive Governing Board
- GPREP – Governing Board
- NACOG – Council
- Yavapai Regional Medical Center – Board of Electors
- GAMA (Greater Arizona Mayors’ Association)
- Yavapai County Interagency Coordination Committee

The Town’s representation to regional organizations is not limited to the above list and organizations may be added or deleted at the Council’s discretion.

3.2 When the Town receives an invitation or a request for a public body member to represent the town at a regional organization, the matter shall be placed on a regular

File: 1908-002-0000-0000; Desc: Council Policy on regional apt 2015 11-19-15; Doc#: 246821v1

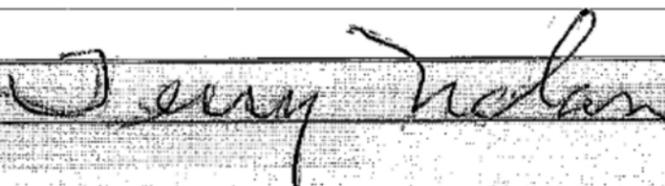
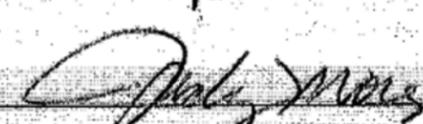
meeting agenda for the Council to make an appointment decision. Such decision may be made by motion unless otherwise required by the regional organization.

3.3 It is Council's policy that when a Representative to a regional organization is appointed, Council will also appoint an alternate representative to the same organization.

3.4 Once appointed, the appointee shall make every effort to represent the town properly and provide periodic reports to the Town Council. The appointee shall comply with applicable town codes and policies, including Town Code section 30.085 Representing an Official Town Position.

3.5 Council will review the Regional Organization appointee list to reappoint and/or continue the existing appointments at the second regular Council meeting in December of each year. If, for any reason, Council fails to do so, the appointees shall remain in their positions until new appointments have been made.

3.6 If a person appointed as a representative or alternate representative to a regional organization resigns or is unable to serve, the Town Council shall appoint a new representative and/or alternate at the next available Council meeting. The new representative may or may not be the alternate to the representative who resigned.

TERRY NOLAN, MAYOR	
ATTEST:	
JUDY MORGAN, TOWN CLERK	
Notes:	

File: 1908-002-0000-0000; Desc: Council Policy on regional appt 2015 11-19-15; Doc#: 246821v1