

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

Tuesday, January 16, 2018, 6:30 P.M.

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

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

AGENDA SUMMARY

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 Veteran Berritt Blankenship.
 - 2.2. **Invocation.** Given by Council Member Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Amy Timmons, Doug Treadway, Victoria Wendt, Vice John Hughes and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**

Mayor Nolan said that he had an announcement as well as Town Manger Wilson.

Town Manager Wilson spoke of Councilmember Hamilton questioning, at the last meeting, the ability of Council to cancel meetings and the ability to call special and emergency meetings. Town Manager Wilson discussed this issue with the Town Attorney and gave a handout of the email he received from the Attorney. The ability to set meetings which Council has done with the new ordinance gives the power to cancel. The Mayor has the ability to call a Special Meeting or three Councilmembers may call a Special Council Meeting. If it is an Emergency Meeting you fall back to Open Meeting Law which requires a bona fide emergency such as flooding, fire, etc... This can be handled without a 24-hour notice, but must meet the emergency criteria.

Mayor Nolan stated that in order to comply with the current Council Meeting & Council Work Session Ordinance and the new amended ordinance which takes effect on Work the new amendment ordinance takes effect on February 8, 2018, the Regular Council Meeting of February 6, 2018, will be cancelled. He called a Special Work Session Meeting for Tuesday, February 13, 2018, at 2:00 p.m. the next Regular Council Meeting will be held on Tuesday, February 20, 2018, at 6:30 p.m. Thereafter, Work Session will be on the first Tuesday of the month at 2:00 p.m. and Regular Council Meetings will be on the third Tuesday of the month at 6:30 p.m.

Mayor Nolan also reminded Council Members to submit their nominees for General Plan Update Citizens Committee by January 19th to the Town Manager.

4.1. National Mentoring Month Proclamation.

Mayor Nolan read the proclamation in support of mentoring and presented the proclamation to Justin Corbell of Big Brothers Big Sisters organization.

4.2. Firewise Quarterly Report.

Victoria Wendt gave an overview on the Firewise Committee status. They have been working with Prescott Area Wildland Urban Interface Commission (PAWUIC) on their grant project for property abatements. The original abatement goal was 14 properties in the Blue Hills and 8 in the Foothills. To date, they have completed 12 in the Blue Hills and two properties were completed prior to this process for a total of 14 properties abated. There are 2 acres that has been started in the Foothills, 6 acres are still available for abatement under the grant. They have started another process grant which will allow for 10 properties in the Blue Hills and 5 in the Foothills, which will run from 1/2/18

through 11/20/19. Ms. Wendt spoke of the success of the brush collection during the Town's Dumpster Days and their participation in the Agua Fria Festival. Ms. Wendt has completed her certification training to serve as an Estimator for the grant project. Firewise has a new logo which was included in the attached packet. The Committee has identified the need for two emergency water tanks where no water is available in the Blue Hills area and they are working with Central Arizona Fire and Medical Authority (CAFMA) on this project. Ms. Wendt addressed the Authority at a recent meeting and attached her notes in this packet as well. The Firewise Committee is also working on being established as a 501(c)(3) for donations and fundraising monies noting that Carol Chamberlain of Arizona Community Foundation of Yavapai County was present at this meeting to explain the 501(c)(3) process and their role to Council.

4.3. Presentation by Carol Chamberlain of Arizona Community Foundation of Yavapai County to explain 501(c)(3) for charitable purposes. [Approved by Council at 11/7/17 Regular Council Meeting]

Carol Chamberlain spoke of the Yavapai County Foundation being an affiliate of the statewide Arizona foundation. They have about \$900M under their management. This would be a collaborative type fund, the fourth of this type they have assisted. People can donate to the Firewise fund and receive a tax rebate, as well. The foundation takes in the donations, manages and invests the funds. The fund can grow while Firewise grows. At the direction of the Committee the funds would be distributed. The first project would be the water tanks in the Blue Hills area, with an estimated project fund goal of \$25,000. The foundation is proud to partner with Firewise.

Councilmember Hamilton asked about administration fees. Ms. Chamberlain noted the fee is 1% or \$500, whichever is greater. They handle any mailings, as well as the money.

Councilmember Wendt asked about interest earnings. Ms. Chamberlain explained that over a 20-year span, they have averaged an 8% return on donations. There are a lot of different eyes on the money that is invested.

Ms. Chamberlain spoke of the foundation looking forward to this partnership with Firewise.

5. Town Manager's Report. Update on Current Events. No legal actions can be taken.

Town Manager Wilson informed Council that he received a petition from Nancy Wright regarding ingress and egress at the proposed Giant gas station. He will request Arizona Department of Transportation (ADOT) to attend a meeting and present on update. The Developer has submitted an application for the site which would include a full service gas station, other services and food. ADOT has not finalized the requirement but will explain how they want the property accessed. Town Manager Wilson is in conversation with Alvin Stump of ADOT.

Work continues on the General Plan committee and Town Manager Wilson is looking for Council's final submissions for citizens to serve on the committee, as well as their input on the vision statement from Council Members.

The State Legislature is back in session. Town Manager Wilson has received information on proposed bills via teleconference. One that is particularly troubling is HB 2032, a proposal to make all local elections partisan and do away with non-primary and general elections. This would require a full primary election and full general election, an unnecessary expense. Every candidate would have to declare a party relationship and the primary would have to be run on a partisan basis. Most western states were organized differently by the constitution as non-partisan.

Another proposed bill involves home-based businesses, which become successful and positive with the internet influence, but in the residential areas they are not equipped for parking or signage. This

bill would allow unlimited signage, no parking requirements and could be challenging to neighborhood integrity. This could be intrusive.

Another proposed bill would provide unrestricted access by food trucks to public parking for unrestricted hours in unrestricted parking lots and could be in front of a restaurant for unlimited hours. There would be no restrictions 24/7 – 365 days. Town Manager Wilson noted this was not rational and the Town would be unable to control it.

5.1. Public Safety Reports,

5.1.1. Yavapai County Sheriff's Office report presented by Lt. Raiss. Topics for possible discussion include: Overview - Self-Initiated, Calls for Service, Traffic Stops including number of citations, Arrests (Family Fight, Disorderly, DUI/Drugs); Criminal Investigation; Animal Control - Calls for Service; Calls for Service Comparison-Days of Week, Time of Day; Average Response Times; Part 1 Crimes Comparison.

Lt. Raiss gave his report on the 2017 - 3rd and 4th Quarters noting that overall there are no significant statistic changes.

3rd Quarter - 750 calls for D-H were received. 137 Traffic Stops resulting in 52 traffic citations; 1 assault arrest; 5 drug arrests; 2 disorderly conduct arrests; 7 wanted person arrests which resulted in total arrests of 51. Under Animal Control there were reports of 6 animal bites; 3 neglects; 6 noise; 5 animal pickups; 28 dog at large; and 2 vicious animal resulting in 2 citations being issued.

4th Quarter – 746 calls for D-H were received. 163 Traffic Stops resulting in 47 traffic citations; 3 assault arrests; 8 drug arrests; 1 disorderly conduct arrests; 6 family fight arrests; 3 wanted person arrest which resulted in total arrest of 42. Under Animal Control there were reports of 3 animal bites; 2 neglect; 9 noise; 10 animal pickups; 14 dog at large; 1 vicious animal resulting in 1 citation being issued.

Lt. Raiss also provided the breakdowns for both quarters on the calls for service; times of day; response times and type of crimes.

Mayor Nolan expressed gratitude to the Sherriff Department for their work.

5.1.2. Central Arizona Fire & Medical Authority report presented by Rick Chase. Fire Marshall Chase gave his report for the 2017 – 3rd and 4th Quarters also noting that there were no significant changes in the numbers.

Third Quarter – 68 EMS Responses; 2 Fire Responses; 16 Public Service Responses; 3 Hazardous Condition Responses; Good Intent Responses - 26

Fourth Quarter – 779 EMS Responses; 2 Fire Responses; 18 Public Service Responses; 4 Hazardous Condition Responses; 11 Good Intent Responses resulting in 115 total responses

Fire Marshall Chase noted that these are good, low numbers for this District. They have been working with the fuel station developer for the corner of Highway 69 & 169 to be sure that all the fire codes are being covered. They are also close to issuing the final on the fire and sprinkler system for the Oasis Church in the Blue Hills area.

Fire Marshall Chase introduced a guest, Darlene Packard, the Board Chair for the Central Yavapai Fire District, also serving on CAFMA. Ms. Packard has also been working with the D-H Firewise Board.

Mayor Nolan noted appreciation for everything CAFMA does.

Vice Mayor Hughes congratulated Fire Marshall Chase on their new building and recent ribbon-cutting reception.

5.1.3. Magistrate Court report presented by Judge Catherine Kelley. Judge Kelley spoke of having a few general issues to cover. In reference to the Sheriff's report she noted that there has been a significant difference in traffic enforcement in the Town when the command structure changed in July. For the last two to three years they have had 20-30 citations written per month for traffic citations, which is one or less a day. According to Lt. Raiss' numbers there was, in the 3rd Quarter, 15 per month, which is one every other day, and now it is down to 10 in the 4th Quarter. Judge Kelley noted that D-H is the safest place to break traffic laws, because chances of them being enforced are very slim. If there was an increase in the other types of calls, then she could understand. We see this because the command structure changes very couple years and this relates to whoever the sergeant is in charge of the area. She is not speaking of Lt. Raiss. She has seen a presence from the Prescott Valley Police down on Highway 69 and Highway 169 in our jurisdiction and those tickets are probably being written for Prescott Valley.

Mayor Nolan said that the police are supposed to write citations for the area they are in. Judge Kelley agreed with this and said she is not sure if they are not writing tickets but they aren't being written or D-H.

Judge Kelley said she has expressed her concern to Lt. Raiss, so he is now aware.

Judge Kelley noted that the Court has a new computer system which has standardized the paperwork and she feels it will be easier for the Courts. She feels it is a positive change. A volunteer that has helped out the last five years, has been very helpful with this transition, along with Therese Christopher, the Court Supervisor, who attended all the trainings. She will become trained as well when the system is totally adopted.

Judge Kelley indicated she will have the opportunity in the next quarter to ask for state-funding to help assist in security. We do not need a big complex system but it would be nice to have a buzzer system if help were needed in the Court/Council Chambers or in the front office.

Councilmember McBrady asked if they should monitor the Prescott Valley Police presence in the D-H area. Judge Kelley said she has made Lt. Raiss and she is not sure if he contacted Prescott Valley. She finds this bothersome.

Mayor Nolan commented that he thinks an alarm system would be great. Judge Kelley figures with us being a small court in a small area, our need may be magnified, and hopes that something come of this.

6. Consent Agenda.

6.1. Minutes. Approval of Minutes from the December 5, 2017 Regular Council Meeting; December 12, 2017 Study Session; and December 19, 2017 Regular Council Meeting and January 9, 2018 Special Session Meeting.

Councilmember Hamilton made a motion to approve the Minutes of the December 5, 2017 Regular Council Meeting; December 12, 2017 Study Session; and December 19, 2017 Regular Council Meeting and January 9, 2018 Special Session Meeting, seconded by Council Member Wendt. The motion passed unanimously.

7. Comments from the Public (on non-agendized items only). None.

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. Update of Councilmember Timmons’ 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. [Rescheduled by Council from 1/9/18 Study Session]

Mayor Nolan read the overview of the item and noted that this was rescheduled from the January 19 2018, meeting. Councilmember Timmons submitted a report to Council that was not included in the meeting packet. Mayor Nolan requested postponing this matter until Council had a chance to review the report and bring it back for discussion at a future meeting.

Councilmember Timmons described having personal issues which have delayed her committee meetings. She stated that she had copies of her report, if anyone would like to go through it, and they could discuss it now.

Councilmember Hamilton made a motion to table this to the next Work Session.

Councilmember Wendt noted that Councilmember Timmons would not be present at the next Work Session, as she is unable to meet at that time, recommending it be moved to the next Regular Council Meeting.

Mayor Nolan asked Councilmember Hamilton if he would like to amend the motion to a Regular Council Meeting. Councilmember Hamilton declined to do so stating he felt it should be heard at a Work Session and said if there was not a second, the motion would die.

Councilmember Wendt made a motion to move this item to the next available Regular Town Council Meeting when there is time on the schedule, seconded by Councilmember McBrady.

Mayor Nolan stated that the first motion died due to lack of a second.

Town Manager Wilson recommended setting this for February 20, 2017, Regular Council Meeting, at 6:30 p.m.

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

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

9.1. Requesting that Council approve the adoption of a resolution supporting NACOG regarding deep cuts to federal funding in FY 2018 affecting programs critical to distressed communities and vulnerable populations throughout Northern Arizona. [CAARF submitted by Councilmember Treadway]

Mayor Nolan read the overview of this agenda item and asked Councilmember Treadway to speak on his request.

Councilmember Treadway stated that he brought this to Council’s attention as there are a lot of uncertainties about the Federal budget process in Washington and how this would affect a lot of rural communities in Arizona and New Mexico. These cuts would affect programs such as the Community Development Block Grant, Area Agency on Aging, and Meals on Wheels. Several communities have adopted resolutions supporting NACOG and their budget process and he is

requesting Council give this consideration and come up with a resolution supporting NACOG's federal funding process, opposing deep cuts that would affect these programs.

Councilmember Hamilton made a motion to approve the adoption of a resolution supporting NACOG, seconded by Vice Mayor Hughes.

Councilmember Treadway said that he would bring material for the resolution to the Town Manager and Town Clerk.

Mayor called for the vote on the motion which passed unanimously.

9.2. Request a meeting with ADOT about ingress and egress for the new gas station at the 60 & 169. [CAARF submitted by Councilmember Hamilton]

Mayor Nolan read the overview of this item. Councilmember Hamilton noted that he felt this was addressed by the Town Manager during his report and inquired if this presentation would be at a Council Meeting or a Special Session. Town Manager Wilson said it could be included in a Council Meeting or a Public Hearing. If ADOT is available, they would be scheduled during a regularly scheduled meeting.

Mayor Nolan recommended a Regular Council Meeting and that he would speak with Mr. Stump of ADOT. Town Manager Wilson said they have had outreach to ADOT already. If they can't accommodate ADOT at a Regular Meeting the Town will call a Special Meeting.

Councilmember Hamilton indicated that it appeared that Town Staff had taken care of this and nothing further was required under Agenda Item 9.2.

10. Public Hearing Agenda.

10.1. Request for a Use Permit UP 17-001 for approximately 2.42 acres of real property, Mogollon Vineyards, located at 2430 S. State Route 69, also known as Yavapai County Assessor's Parcel Number 402-08-029K in the C2-35 (Commercial; General Sales and Services) zoning district to allow the operation of a winery, including the processing of grapes into wine, aging, and bottling of wine on the property.

Mayor Nolan closed the regular meeting and called the Public Hearing to order at 8:00 p.m.

Community Planner (CP) Brown gave an overview of the request for Use Permit 17-001. The request is from Mogollon Vineyards, located at 2430 S. State Route 69, also known as Yavapai County Assessor's Parcel Number 402-08-029K in the C2-35 (Commercial; General Sales and Services) zoning district to allow the operation of a winery, including the processing of grapes into wine, aging and bottling of wine on the property. CP Brown stated in compliance with ARS 9462.04, the legal notice for this public hearing, indicating the time and place of the hearing, along with a general explanation and general description of the area effected, was published in the Daily Courier. In the Town of D-H, it was physically posted in two locations on the subject property and was sent by first class mail to each of the property owners within 300' of the subject property, all of which took place at least 15 days prior to this hearing date. He noted the applicant, Keith Moore, from Mogollon Vineyards was present. The General Plan designation for this property is General Commercial, and zoning is C2-35. It is located just north of Town Hall on the west side of the road. They want to convert one of the buildings to a bottling facility. They applied for a Class 13 Liquor License and discovered the uses in C2-35 did not include fermentation and bottling of spirits. The C3 District, which is the district above this property does allow for this type of bottling. Staff feels the best option is for a Special Use Permit to allow for fermentation of wine in C2-35. It gives the Planning & Zoning Commission and Town Council an opportunity to weigh in on it and see if they

agree with Staff. The zoning to the north is RCU-12 residential, the zoning to the west is R1-L70 residential, the zoning to the south is a mixture of R1-12 residential and C21 commercial, and the east is State Route 169. The applicants wish to move their winery operation to D-H to be closer to family. The subject property is designated by the 2009 General Plan as General Commercial. The proposed use is compliant with that designation. The proposed use for fermenting and bottling facility is permitted in the C2 zoning district. Conditions recommended by Staff will assure that the use exceeds the conditions and criteria of Section 153.91 Use Permits. Those are the criteria that the code lists as being relevant to be considering Use Permits. Town Staff has received no public comment to date. ADOT requires the property owners to apply for a new driveway permit. As ADOT assesses the property, some additional improvements may be needed. Town Staff's recommendation is for the P & Z Commission to review this proposal and make a recommendation to the Town Council. Approval will make it possible for this business to expand and enhance. A denial would likely result in them seeking to locate elsewhere.

Staff recommends the following conditions be made a part of this approval:

- 1) The Use Permit is approved for a term of five (5) years, to be reviewed at the end of that period to determine if renewal for an additional period is appropriate. Application for Renewal shall be made by the owners of the property following the same process as for a new Use Permit.
- 2) Prior to occupancy of any structures by the winery or for any other purpose, a special inspection is conducted by the Town Building Official, and the applicants shall make any improvements required as a result of that inspection prior to occupancy.
- 3) Applicants will maintain a TTB (Alcohol & Tobacco Tax and Trade Bureau) basic permit and bonding as long as they are operating under this Use Permit.

CP Brown stated we did receive comments from ADOT, some of them have to do with the kinds of improvements that may be necessary as the use grows and traffic demands it. Initially, they will need to seek a driveway permit for the change of use from the previous owner to use this driveway to the winery. ADOT looks at the differences in traffic flow and traffic volume and issues a permit on that basis. Emailed to everyone was copy of the January 3, 2018 ADOT letter.

In addition to Town Staff's conditions, ADOT's conditions should also be made a part of this approval:

- 1) ADOT recommends that the Town request that before approving the conditional use permit that the property owner submit an encroachment permit application to ADOT for Change of Ownership to existing access onto SR-69 Frontage Road that shall adhere to ADOT'S requirements for a permitted access.
- 2) Should the use change or a significant amount of traffic is generated by this property either by additional property development, or land use change, it will be the owner's responsibility to complete the appropriate traffic studies or evaluations and the subsequent improvements as requested by ADOT. If the change of use is significant, the property owner may be required to submit an application for access, subject to current ADOT standards.
- 3) Traffic Impact Statement may be required to determine what impact this development will have to the state highway system.

The Planning & Zoning Commission reviewed this request at a Public Hearing on January 4, 2018, and voted unanimously to recommend to Council approval of the request with the stipulation that Staff and ADOT's conditions would be met.

Community Brown noted that traffic input statements may be required down the road. It is Town Staff's recommendation that Council would approve the Use Permit with the noted stipulations.

Mayor Nolan invited Mr. Moore, the applicant, to speak on their request. Keith Moore stated that he, along with his wife, Elaine Moore, are the owners of Mogollon Vineyards. They are life-long Arizona residents. He has been an Arizona contractor for 35 years and has also raised cattle and farmed for the last 12 years near Flagstaff and in the White Mountains. Five years ago they started looking for a low water, high value crop and looked into the wine industry and started their winery two years ago. They are now seeking a higher traffic area and picked Dewey to be near family and it is a good central location to their home in north Phoenix. They are bonded, insured and their TPT license will transfer to this property. They will be applying for a new Series 13 Liquor License.

Councilmember Hamilton asked if they would be employing locally or is this a family business. Mr. Moore explained it is a family business. They only bottle seven to eight days per year. Family covers his needs, but he would hire if necessary.

Councilmember Wendt asked how many acres of grapes are required for his winery. Mr. Moore said that they get two to three tons of fruit per acre. They plan on doing six to eight tons per year, about 3500 bottles per year.

Councilmember Treadway asked where their product could be purchased. Mr. Moore stated that they sell direct or by internet. This property will provide for a retail store.

Councilmember Timmons welcomed the Moores and asked how long it would take the vineyard to get going. Mr. Moore said grapes take three years to produce, four to six years is better. In the interim they purchase some fruit from Willcox for their product.

Councilmember Hamilton asked what variety they will offer. Mr. Moore said that they would provide a Cabernet Sauvignon, Chardonnay, Shiraz, Tempranillo and other varieties.

Councilmember Hamilton welcomed the Moores to the area as well. He spoke in favor of the winery and that it could attract more similar businesses.

Councilmember Wendt spoke of her understanding that this is a low water consumption crop. Mr. Moore confirmed this describing that he uses a drop system which provide for low water usage and low land usage for the value of the crop. There was Council discussion of the low water requirements of growing grapes.

Public Comment

Gary Mortimer noted this request is a no-brainer. The winery is needed in the community, noting the perfect climate. It gives people one more reason to stop in Dewey-Humboldt.

Mayor Nolan noted the need to close the Public Hearing so the Council could decide on it.

Councilmember Hamilton questioned that, if they closed the Public Hearing, would they be able to take action, was there anything after that to address it on the agenda. He believed it needed to be approved now before closing.

Community Planner Brown noted that generally the process is to close the Public Hearing, have Council discussion, then entertain a motion to approve, deny or approve with conditions.

Councilmember Hamilton asked if it had to be on the agenda if you are going to approve it? CP Brown explained that this was part of the Public Hearing process. Councilmember Hamilton indicated he would rather take the action during the Public Hearing. Town Manager Wilson indicated it could be done either way.

Councilmember McBrady asked Mr. Moore to approach the podium again and inquired if he was happy with the process and what was asked of him. Mr. Moore indicated he would like to get approval tonight and was happy with the outcome.

Vice Mayor Hughes began to make a motion. Councilmember McBrady asked if they had to come out of Public Hearing. Vice Mayor Hughes stated that he was making his motion now.

Vice Mayor Hughes made a motion to approve, with conditions, the request for a Use Permit UP 17-001 for approximately 2.42 acres of real property, Mogollon Vineyards, located at 2430 S. State Route 69, also known as Yavapai County Assessor's Parcel Number 402-08-029K in the C2-35 (Commercial; General Sales and Services) zoning district to allow the operation of a winery, including the processing of grapes into wine, aging, and bottling of wine on the property. The motion was seconded by Councilmember Wendt. The motion passed unanimously.

Mayor Nolan closed the Public Hearing and reopened the Public Meeting at 8:23 p.m.

11. Adjourn. The meeting was adjourned at 8:23 p.m.