

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

Tuesday, March 20, 2018, 6:30 P.M.

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

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

AMENDED 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. Pledge of Allegiance

3. Invocation

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

5. 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.

6. Town Manager's Report

Update on Current Events. No legal action 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.

7. Consent Agenda

All those items listed below are considered to be routine and may be enacted by one motion. Any Council Member may request to remove an item from the Consent Agenda to be considered and discussed separately.

A. Approval of Meeting Minutes:

1. Study Session & Special Meeting of February 13, 2018

2. Regular Council Meeting of February 20, 2018

8. Public Comment on Non-agendized Items

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.

9. Unfinished Business

Discussion and Possible Legal Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

10. 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 and discussion and possible direction to Staff regarding a proposed ordinance related to animals other than dogs.

11. New Business

Discussion and Possible Legal Action on matters not previously presented to the Council.

A. Request Council to consider a \$1600.00 contribution to the PAWUIC group for the work they do in acquiring our grants. (Councilmember Wendt CAARF)

B. Council Discussion on how Council and Staff deal with developer inquiries. (As directed by Council on 2/20/18)

C. Return to Council for further discussion and possible action the procedures to adopt and abatement ordinance into Town Code. (Councilmember Wendt CAARF)

D. Executive Session

Vote to recess to Executive Session

1. 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 positions regarding:

a. 2018/19 Sheriff Contract for Police Services

b. 2018/19 Library District Contract for Library Services

2. Pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding procedures for General Plan adoption or readoption and possible related amendments to the Town Code.

E. Discussion and possible direction to staff regarding procedures for General Plan adoption or readoption of the General Plan and possible related amendments to the Town Code.

12. Public Hearing Agenda

Discussion and Possible Legal Action may be taken.

A. Liquor License – Conduct public hearing and consider approval of a new “Series 13 In-State Farm Winery” Liquor License for Mogollon Vineyards, L.L.C. located at 2430 S. State Route 69, Dewey, AZ 86327.

1. Staff Report

2. Open Public Hearing

3. Close Public Hearing

4. Council Discussion and possible Action

13. Adjourn

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 15th day of March, 2018, 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.

For Your Information:

Next Town Council Work Session: Tuesday, April 3, 2018, at 2:00 p.m.

Next Planning & Zoning Meeting: Thursday, April 5, 2018, at 6:00 p.m.

Next Town Council Meeting: Tuesday, April 17, 2018, 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.

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION & SPECIAL MEETING NOTICE
FEBRUARY 13, 2018, 2:00 P.M.**

A STUDY SESSION & SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 13, 2018, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 2:00 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Doug Treadway, Victoria Wendt, and Mayor Terry Nolan were present. Councilmember Amy Timmons arrived at 2:02 p.m. Vice Mayor John Hughes was absent.
3. **Study Session.** No legal action to be taken.

3.1. Building Permit Biannual (July 1, 2017 to December 31, 2017) Report.

Town Manager Wilson introduced Ed Hanks, Public Works Director, Steven Brown, Community Planner and Mickey Moore, Town Accountant. He explained that Don Roberts, Building Official, was off due to a medical issue. TM Wilson spoke of the Staff handling their tasks well despite the transition of Town Managers and that he was proud of their work. He noted that each department's report was included in the packet and if there were any questions they would be funneled to the appropriate department.

3.2. Public Works Department Biannual (July 1, 2017 to December 31, 2017) Report.

This item was addressed under Agenda Item 3.1. There were no Council questions.

3.3. Code Enforcement Biannual (July 1, 2017 to December 31, 2017) Report.

This item was addressed under Agenda Item 3.1. There were no Council questions.

3.4. Finance Department Biannual (July 1, 2017 to December 31, 2017) Report.

Councilmember Wendt asked Accountant Moore about a line item in the budget regarding franchise fees. Accountant Moore explained that there are monthly franchise fees received from Cable One. CM Wendt asked for clarification on the Neighborhood Outreach budget item. Accountant Moore clarified this consists of Dumpster Days, Firewise, etc... CM Wendt noted an item labeled "impact fees" and was under the impression the Town did not have impact fees. Accountant Moore stated this was correct. This line item was impact fees collected in the past that would require reclassification during the next budget audit. CM Wendt also asked about assets on page 36 of 73, under "Grants Receivable", if this was the outstanding PAWUIC grant they were waiting on. Accountant Moore clarified that this figure was the combined total for both PAWUIC and Flood Control.

3.5. Arizona Department of Transportation (ADOT) Staff will present ADOT's proposals for the ingress and egress at the proposed Giant Gas Station located at the intersection of State Highways 69 and 169. ADOT will also entertain questions and comments from the Mayor, Town Council and Public related to the issues of ingress and egress for the proposed development and matters associated to traffic and circulation at this intersection.

Town Manager Wilson gave an overview of this agenda item noting that ADOT representatives were present to answer questions. Recently a developer came forward and submitted an application to construct a Giant Service Station at the corner of Highways 69 and 169. This property came through from the County with zoning appropriate for this purpose. This zoning has not changed since the Town incorporated, it has the zoning that would permit commercial use such as the gas station and restaurant. The developer had the necessary access and zoning for the

Town Council Study Session & Special Meeting Minutes, February 13, 2018 proposed development on the property. He simply needed to submit applications for what he was putting on the site. Because of the uniqueness of the convergence of the two state routes, the ingress and egress and all of the circulation elements, with the exception of the Old Black Canyon piece of highway, is under the control of the state, Arizona Department of Transportation. The Town Staff handled administratively the processing of the submission of the application and then connected with Flood Control, then contacted ADOT and brought them in to handle the relationships of the state highway. ADOT has been working with the developer. ADOT is here today to discuss the specific ingress and egress on this site and to discuss the maximum buildout of this intersection and the traffic needs 20 – 40 years in the future. TM Wilson introduced Andy Roth of ADOT who was filling in for Alvin Stump who had a family emergency. TM Wilson pointed out that Council and audience had a color map of the intersection.

Mr. Roth pointed out the intersection on the overhead map. The encroachment permit that will be issued to the developer will be the absolute last thing they will get from ADOT when they are ready to build and the plans have been approved. They have been meeting with the developers to assist them with meeting all ADOT's requirements. ADOT does not have the authority to stop a development from going in. ADOT can only approve or disapprove accesses or grant what they would consider reasonable access. For most state routes, if there is a local street or county road that can be used, they would prefer that, before they grant access to a state highway. He discussed the current accesses at this intersection. The developer will be extending the right turn bay to be a right turn into the property only. Right turn only on Highway 69, no left turns off of Highway 69 or access back on to 69 from that site. The right turn bay will extend 600 feet and allow for a right turn into their driveway, as well as a right turn on Highway 169. On Highway 169 the improvements to be made will be an additional right turn bay onto Old Black Canyon Highway; one through lane northbound; on 169 southbound/westbound you will have a dedicated right turn bay onto 69; a dedicated through lane; and a dedicated left turn bay onto 69 southbound and on Old Black Canyon Highway will be a left and right turn bay onto 169. Ingress – they will have the right turn bay off of Highway 169 into the two driveways that they will have on Old Black Canyon Highway and then one turn bay off 69 into their site. To get back on to 69 they will have to use Old Black Canyon Highway to 169 to get back onto 69. That is the planned ingress and egress from this site at this time.

Councilmember McBrady spoke of the safety concerns he feels this development will cause to the intersection. He cited the current traffic congestion. He said the state is considering roundabouts in the future. He spoke of a future development at the Young's Farm that needed to be considered. He recommended moving the egress further north and requiring the developer to help pay for this plan. He spoke of issues with some of the current signs in this area, the proposed access to the gas pumps and resulting congestion, and the need for a traffic study.

Councilmember Hamilton noted that this agenda item related to ADOT, not the sign code.

Councilmember McBrady read from the Code of Ordinances regarding off-premise signs and noted that he believes the sign needs to move or be taken down as it does not meet code.

Mayor Nolan spoke of the future plan for roundabouts on Highway 169 and the relief that it would provide for traffic.

Mr. Roth noted that in the future Old Black Canyon Highway would be realigned to the proposed roundabouts. The Giant Station would not be responsible for costs involving the future roundabouts. The Giant Station came in first, their portion is being mitigated by what they are doing. Giant dedicated another 20 feet of right of way along Highway 169 to accommodate the road widening they will have to do to in the future for the bigger developments that will have more of the impact.

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There was further Council comment.

Mr. Roth explained that the Giant developers, before they started their design, performed a traffic study, that went through ADOT Traffic Engineering group.

Councilmember McBrady challenged the traffic study numbers and asked what the information was based on. Mr. Roth explained the process and how their model was achieved.

Councilmember Wendt spoke of owning a business near this intersection for 11 years and witnessing traffic accidents, before and after the light was put in. She agreed with CM McBrady's proposed egress site. CM Wendt supports the business going in but still has concerns regarding safety and traffic.

Mr. Roth spoke of Giant having met all the requirements and that ADOT has to approve if they have met the standards required. If they do not approve, when the requirements have been met, they will be pulled into Court.

Councilmember Timmons asked for clarification about possible traffic congestion and solutions. Mr. Roth spoke of ADOT's funding needs being prioritized throughout the state. CM Timmons asked if Giant could be asked to help with that. CM Timmons noted being in favor of the Giant, but noted that the intersection issues would be ugly and there are already issues without the Giant.

Mr. Roth pointed out again on the overhead map the proposed ingress and egress at the intersection. He noted that ADOT does not have the ability to stop development. They are required to look at the impact on the systems. CM Timmons asked Mr. Roth who is responsible for public safety. Mr. Roth replied that everyone is and that is why they have completed the studies before the design comes in. A lot of accidents are actually caused by inattentive drivers, not the highway design, at this intersection.

There was further Council discussion and comment regarding ingress and egress at the intersection.

Councilmember Treadway inquired if you are heading west on Highway 169 how would you enter the gas station site. Mr. Roth explained there would be a left turn bay onto Old Black Canyon Highway that will be built. CM Treadway is not opposed to the Giant station. He feels that some of the concerns are premature at this time and that ADOT should be allowed to do their job. He supports the Giant station being built here as opposed to Prescott Valley. He noted that drivers need to be more aware and cautious.

Mr. Roth clarified on the overhead map the proposed improvements to Highway 169 in detail. He conceded that there will be times that it will be difficult to make a left turn onto 169, but this is the best that can be done to meet all the criteria on the books at this time.

Councilmember Hamilton spoke of the traffic and possible liability, as well as proposed alternate routes.

Councilmember McBrady spoke of the festivals held at Mortimer Farms and that the study did not take this into consideration. He spoke again of the billboard at this site. Mr. Roth noted that the driveway CM McBrady was suggesting was private property

Mr. Roth also shared that CivTech conducted the traffic study for the Giant developers. He noted that their will be a right turn arrow from 169 to 69, when 69's left turn arrow is engaged.

There was further Council comment and proposals regarding the ingress and egress and the billboard located on the site.

Public Comment

Carol Stensrud – Spoke of having moved here three years ago and had no idea of the traffic impact. D-H inherited the zoning from the county and has never done anything about it. She

Town Council Study Session & Special Meeting Minutes, February 13, 2018 recommended that ADOT listen to the Council and not go by a piece of paper. Do something about it and not have to go back and re-do later.

Patricia Timmins – She spoke of relying on River Road for access to Highway 169 and the backups that can occur due to accidents, as well as concern of turns from Highway 69 onto Highway 169 being dangerous if a car makes an immediate left turn and the resulting danger. She believes further thought on the traffic considerations is necessary.

Ron Fox – Recommended no left turns off Old Black Canyon Highway onto Highway 169. Put a center divider forcing traffic to go further down the highway to turn around.

Bill Timmins – Spoke of traffic at the intersection and questioned the foot traffic. How would they get in and out, possibly a footbridge over the highway or a tunnel under.

Nancy Wright – Spoke of Council not letting Monogram use this when they wanted to develop. Who is going to pay to develop Old Black Canyon Highway. Mr. Roth replied that developer will pave it with a one-year warranty. Ms. Wright spoke of entrance/exits being further down and that there are other options.

Lee Stensrud – Has traveled the state for years and witnessed the growth. He spoke of accidents on I-17 having subsequent impacts at this intersection. He questioned the accident statistics predicted by ADOT and recommended more survey and prep to the roads.

Carole Wagner – Spoke of this meeting not having been advertised well enough and that it should have been held in the evening. Ms. Wagner related she has strong feelings on this intersection as her son was in an accident and nearly killed there. She noted that ADOT works for the public and more work needs to be done, this was moving too fast which could lead to more deaths.

Mayor Nolan closed the Public Comment at 3:19 p.m.

Town Manager Wilson noted that he had asked ADOT to make the presentation and he got the word out and put it on the earliest agenda possible.

There was further Council comment. Mayor Nolan explained that the Town would not be voting on this matter, the Town does not have a vote. There were further questions about the Town's liability. Town Manager Wilson noted that the Town is not liable for state highway issues.

Councilmember McBrady spoke of the negative effect of this development on Mortimer Farms. He referred to the cost of the future roundabouts and that the developer is getting off lightly.

Mayor Nolan thanked Mr. Roth for attending the meeting acknowledging it was not an easy job.

Mayor Nolan recessed the meeting at 3:56 p.m. and reconvened the meeting at 4:06 p.m.

4. **Special Meeting**. Discussion and Legal action can be taken.

4.1. **Discussion and action regarding the extension of the Agreement between the Prescott Area Wildland Urban Interface Commission, Blue Hills/Foothills Firewise Board and Town of Dewey-Humboldt, Arizona.**

Mayor Nolan gave an overview of this item pointing out that there were copies in their packets of the old agreement and the new agreement was essentially the same with a few revisions.

Community Planner Brown noted that there is a new grant number, the term has changed, and the amounts available for abatement have been increased from \$1400 to \$1500. Otherwise, it is the same.

Councilmember Wendt shared with Council how successful the grant has been with all the allotments for the Blue Hills used. Foothills have begun the process and has two acres to fulfill and it too will be completed. She has six property owners waiting for the new grant. She is very pleased with the activity from the Town on those grants.

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Councilmember Hamilton made a motion to approve the extension of the Agreement between the Prescott Area Wildland Urban Interface Commission, Blue Hills/Foothills Firewise Board and Town of Dewey-Humboldt, Arizona, seconded by Councilmember Timmons.

Councilmember Treadway commended Ms. Wendt, Staff and the Firewise committee on their hard work and success.

Mayor Nolan noted that he heard at a meeting that PAWUIC was changing their name to Yavapai Firewise. Councilmember Wendt nor Community Planner Brown was aware of this. Mayor Nolan asked Councilmember Hamilton if he would amend his motion to include a name change for PAWAUIC, if necessary.

Councilmember Hamilton amended his motion to include the name change if required. Councilmember Timmons seconded the amended motion.

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

4.2. The Dewey-Humboldt Mayor & Council propose to ratify its January 16, 2018, action in which the Mayor & Council approved (7-0) Use Permit UP 17-001, specifically described as: Use Permit UP 17-001 for approximately 2.42. acres of real property 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. (Continued on next page)

Special Note: A detailed description of the action to be ratified, approval of Use Permit 17-001 may be obtained at the Town Clerk's Office, Dewey-Humboldt, Arizona. Legal action can be taken.

Mayor Nolan read an overview of the item.

Councilmember Hamilton noted this had been discussed and approved, but due to a technicality they needed to approve it again, therefore, he made a motion to approve Use Permit UP 17-001, seconded by Councilmember Timmons.

Town Manager Wilson asked to address Council before the vote. He apologized to Council for the error in not listing the item appropriately on the agenda of January 16, 2018. He noted that ultimately it was his responsibility. Protocols and reviews have been put in place to preclude this happening again. He again apologized for the error and he apologized to the applicant, as well.

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

4.3. Whether to hold additional special session(s) this month. None scheduled.

Councilmember Wendt noted that the Code Enforcement's Biannual Report was skipped. Mayor explained that the department reports were covered under one item. CM Wendt noted that she wanted to revisit the Abatement Ordinance that was presented last year. Mayor Nolan advised CM Wendt to bring back this request on a CAARF.

Councilmember Timmons asked if a special session could be called to have Giant come speak with the Council. Mayor Nolan said this would require a CAARF and this was off topic. CM Timmons disagreed.

Town Manager Wilson said that this was an action item to be used for setting another meeting date this month. An agenda would need to be generated and it could cover the topic CM Timmons

Town Council Study Session & Special Meeting Minutes, February 13, 2018 is interested in. TM Wilson recommended that Town Council advise staff to make inquiries on scheduling a meeting with Giant.

Councilmember Treadway spoke of having no problem with an additional meeting, but wants it be structured and handled in a professional way.

Councilmember Hamilton agreed with Councilmember Treadway's comment. He recommended that if there is another meeting, it should be advertised well, when everyone has a chance to attend. There is no hurry on it.

Town Manager Wilson suggested that there be a little urgency in contacting the developer to get something started. He would initiate contact with the developer to check his availability and then figure out the timing. There was Council consensus on this issue.

5. Adjourn. The meeting was adjourned at 4:21 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 20, 2018, 6:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, FEBRUARY 20, 2018, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:30 p.m. by Mayor Nolan
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Tom Thurman.
 - 2.2. **Invocation.** Given by Councilmember Wendt.
3. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Doug Treadway, Victoria Wendt, and Mayor Terry Nolan were present. Vice Mayor John Hughes and Council Member Amy Timmons were absent.
4. **Announcements/Presentations/Appointments/Proclamations.** Discussion and Possible Legal Action may be taken.
 - 4.1. **Yavapai County Administration and Board of Supervisors Presentation regarding the 1/4 cent sales tax set to expire in 2020.**

Tom Thurman, Yavapai County Supervisor, and David McAtee, spoke giving a PowerPoint presentation of an overview of the ¼ cent sales tax, which supports the County jail. The jail which was previously located in Prescott is now located in Camp Verde. This tax was initially passed in 2000 and set to expire in 2020. The presenters went over the services provided through this tax. The cost of housing an inmate is approximately \$100-110 per day. Mr. Thurman noted that the initiative to have a jail on this side of the mountain previously crashed and burned two times. The ballots for this election will be mailed out on April 23, 2018, and the election is May 15, 2018. This is an all-mail-in ballot. Drop your ballot in the mail or any of the seven drop boxes throughout the area. This is not an increase; it is an extension of the current jail tax, which supports the current Camp Verde. Mr. Thurman noted that if the pass did not tax there is no other pot of money to pull from other than property taxes. The presenters closed by asking citizens for letters of support that need to be in by March 1st. Mr. McAtee referred the public to the website for more information and encouraged citizens to vote.

Environmental Protection Agency Update on the Superfund site. Discussion and Possible Legal Action may be taken.

Jeff Dhont and Yolanda Sanchez of the Environmental Protection Agency (EPA) were in attendance of this presentation. Mr. Dhont spoke of covering the residential clean up the last time they were here. They are now looking at dealing with the Iron King Mine, Humboldt Smelter, and the water connections between them, the Chaparral Gulch and the Agua Fria River. He noted that there were also members of Arizona Department of Environmental Quality (ADEQ) who work with them on this project, as well. Mr. Dhont gave an overall history of the area and showed many historic photos of the area, as well as current photos. Six hundred properties were investigated; they have done three different cleanups for a total of 50 yard cleanups. The vast majority of yards were not at threat level. Moving forward they have to understand the remaining non-residential sites and the risks proposed. They will then assemble options and consider a range of options. Input will be considered, an informed decision is made and they have to design and carry out the cleanup.

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There is public involvement at different points of the process. He believes that a draft plan may be available by Fall 2018. They can come back to talk about alternatives before then.

Mayor Nolan asked for Council questions before Public Comment. None was forthcoming.

Public Comment

Sandy Guigar – Spoke of any possible projects that would be a solution, would there also be a connected maintenance required? Mr. Dhont replied that there would be provision for maintenance. There are responsible parties that may be involved in this as well.

Lon Ullmann – Spoke of purchasing property in the Blue Hills area approximately 20 months ago. When he started working in the soil, he experienced that his hands split open and stayed split open. He had no issues working in soil down in the Chandler area. His construction 2x12s rusted in three weeks' time. He spoke of rain and air quality issues suspecting a high Sulphur content contributing to acid rain he is familiar with from back East. Mr. Dhont said that the EPA has not done rainwater testing. Mr. Ullmann asked if this could be a transfer from the Superfund Sites. Mr. Dhont would not have expected actual mine waste to be found 2-1/2 miles away from the sites at Mr. Ullmann's property. He had no explanation for what was happening up there. Air sensors have not seen much Sulphur. Once the site is covered, there won't be wind emissions at all. Mr. Ullmann asked when it would be covered. Mr. Dhont said this depends on money and the Superfund site has been subject to cuts and there are no new Superfund sites receiving funding. He could not give a definite date for this. He did not see anything from the sites that would explain what Mr. Ullmann was referencing.

Will Orr – Spoke of having done some work for the current property owners on both sites about seven to eight years ago. They consolidate tailings in Chaparral Gulch to close gaps and consolidate. They came across dross piles in the upper residential area, near the higher area of the smelter site, which they consolidated with others. He made maps, pulled it into PowerPoint, and would be willing to make it available to the Town and EPA. Mr. Orr also noted they worked with University of Arizona when they were preparing the top of the Iron King tailing pile. They put the tanks in and worked up the soil. Underneath the crust, which is, 30-36 inches it gets very soft and turns to jelly. He would be willing to share any information with Council and the EPA.

Public Comment

Sandy Guigar – Inquired what the technical review was that was scheduled for the next day at 11:30 a.m. Mayor Nolan answered that they will be looking at the Smelter Site for the possibility of a State Park.

Mr. Dhont spoke of consideration for the Town/Public input.

Mayor Nolan inquired what the current property owner's responsibilities would be. Mr. Dhont said the law provides different liabilities for different classes of owners, which have different levels of responsibility. Mr. Dhont noted that he is not an attorney. Mayor Nolan questioned the liability and responsibility for current owners. Mr. Dhont said that he could provide Mayor with the law. There is a class of liability for current property owners.

Council thanked Mr. Dhont for his presentation, in particular the historical photos.

- 5. Town Manager's Report.** Update on Current Events. No legal actions can be taken. Council may discuss, no legal action will be taken.

Town Manager Wilson noted that the next day there would be a non-action general reception. The

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Superintendent of State Parks, Susan Black, will join in with some of her staff. It is a meet and greet and Council is invited. The Mayor would like those who are interested to go out onto the site and look at the parcels, which may last until lunch. There will be two meetings go on. EPA will meet with Staff regarding the residential yards that received matting under the soil. These properties are identified by parcel numbers. Staff will learn the system to identify those sites and when parties want to work on those parcels, Staff can give them a heads up. The other aspect of this is a meeting for Mayor & Council if they choose to attend and discuss the park site and hear from Ms. Black and her Staff on any remediated area that could be committed to a State Park. ADEQ will be in on this conversation as well.
Town Manager Wilson also informed Council that he spoke with the developer of the Giant Gas Station and they would like to come in and speak with Council at a Special Meeting on February 27, 2018 or at the Regular Meeting on March 6, 2018.

6. Consent Agenda. Legal Action May be Taken.

6.1. Minutes. Approval of Minutes from the Town Council Regular Meeting of January 16, 2018.

Councilmember Treadway made a motion to approve the Minutes from the Town Council Regular Meeting of January 16, 2018, seconded by Councilmember Wendt. The motion passed unanimously.

7. Comments from the Public on matters not this agenda. None

8. Unfinished Business. Discussion and Possible Legal Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

8.1. Adoption of a Resolution of the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, in support of Northern Arizona Council of Government's Federal Funding. (As approved by Council at January 16, 2018 Meeting)

Mayor Nolan gave an overview of this item.

Councilmember Hamilton made a motion to adopt Resolution 18-129 to support the Northern Arizona Council of Government, seconded by Councilmember Treadway. The motion passed unanimously. She would like to have the Regional Manager for APS come in and discuss this with Council.

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

9.1. Request Council to invite area Regional Manager of APS to discuss condition of town utility poles and transformers. (Councilmember Wendt CAARF)

Councilmember Wendt spoke of her opportunity to be out in the community and she noted some fire poles that gave her concern with fire season approaching. She went over the photos that she took.

Councilmember Treadway noted there was an APS representative in the audience. Darla Deville came to the podium and said they just needed to request a time and place APS would like to come and share.

Councilmember Hamilton was not sure going to the Council is the right way to educate. He asked if APS had a hotline number. Ms. Deville confirmed they did and that is the best way to reach them or at www.aps.com. CM Hamilton recommended this be put in the Town newsletter. He felt it best to get the information out to the people, not come to Council.

Councilmember Wendt agrees it is important that the public is aware, but feels Council needs to be aware of the system to examine poles, replace poles, a general update.

Councilmember Treadway recommended this information be placed in the newsletter and APS come speak to Council as well.

Councilmember McBrady made a motion to have the Town Manager set up an appointment with the new Director of APS in our area, seconded by Councilmember Wendt. The motion passed unanimously.

9.2. Council needs a discussion on how we as a council & staff deal with developer inquiries. (Councilmember Wendt CAARF)

Councilmember Wendt spoke of the eventual growth of the Town. When a developer approaches, the Town there needs to be a process in place to keep Council informed, as to not be caught by surprise. There needs to be some way to be informed without violating Open Meeting Law.

There was Council discussion on the need for a policy.

Councilmember Wendt made a motion that we further discuss and develop a policy for our Town Staff and Council on how to deal with incoming inquiries from developers that approach our Town for future development that could greatly impact our Town and residents.

Councilmember Hamilton did not think this was necessary. They need to make a motion to have the Town Manager let them know even about rumors.

Councilmember Hamilton seconded the motion. The motion passed unanimously.

9.3. Council approve Presentation Request for a brief update from Yavapai College. (Mayor Nolan CAARF)

Mayor Nolan made a motion to approve the Presentation Request from Yavapai College to come in and make a presentation, seconded by Councilmember Hamilton. The motion passed unanimously.

9.4. Presentation and Request for Sponsorship from Dewey-Humboldt Historical Society on the Agua Fria Festival and request for \$2,500 sponsorship. (Mayor Nolan CAARF)

Mayor Nolan made a motion to approve the presentation and request for Sponsorship from Dewey-Humboldt Historical Society on the Agua Fria Festival and request for \$2,500 sponsorship, seconded by Councilmember Wendt. The motion passed unanimously.

10. Public Hearing Agenda. Discussion and Possible Legal Action may be taken. None.

11. Adjourn. The meeting was adjourned at 8:43 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk



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

TOWN COUNCIL WORK SESSION

March 20, 2018 – 6:30 p.m. Town Council Meeting Chambers

- 1. Agenda Item - #10 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 and discussion and possible direction to Staff regarding a proposed ordinance related to animals other than dogs.**

To: Mayor and Town Council Members
From: Tom Wilson
Date submitted: March 16, 2018

Summary:

This draft attempts to address some of the concerns expressed by Councilmember Timmons. It is based upon the Town Attorney's proposal which was carefully reviewed/edited by the Town Council. This draft defines some of the definitions of who and how a complaint may be initiated and provides a voluntary mediation process which may be chosen to resolve complaints.

Recommendation:

It is recommended that Council review and approve the Ordinance.

ORDINANCE N^o-17-139

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, 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; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX Administration, is hereby amended to add new Chapter 100 Animals Other than Dogs to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 100 ANIMALS OTHER DOGS

ANIMAL CONTROL

§ 100.01 DEFINITIONS.

FOR THE PURPOSE OF THIS SUBCHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

ANIMAL. ANY NONHUMAN MAMMAL, BIRD, REPTILE, AMPHIBIAN OR FISH, OTHER THAN DOGS (CANIS LUPIS FAMILIARIS).

ADEQUATE CARE. THE PROVISION OF ADEQUATE FOOD AND WATER AND APPROPRIATE VETERINARY CARE TO PREVENT SUFFERING.

AT LARGE. NOT ON THE PREMISES OF A RESPONSIBLE PERSON AND NOT UNDER THE CONTROL OF A RESPONSIBLE PERSON.

CRUELLY MISTREAT. TO BEAT, ABANDON, TORMENT, OVERWORK OR OTHERWISE ABUSE AN ANIMAL, TORTURE OR INFLICT SERIOUS PHYSICAL INJURY ON AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER THAT CAUSES PROTRACTED SUFFERING.

CRUELLY NEGLECT. TO FAIL TO PROVIDE FOR AN ANIMAL'S HEALTH OR SAFETY, INCLUDING BUT NOT LIMITED TO FAILURE TO PROVIDE ADEQUATE FOOD AND WATER.

ENFORCEMENT OFFICER. ANY PERSON RESPONSIBLE FOR THE ENFORCEMENT OF THIS CHAPTER, INCLUDING POLICE, LIVESTOCK OFFICERS AND ALL PEACE OFFICERS CERTIFIED BY THE ARIZONA PEACE OFFICERS STANDARDS AND TRAINING BOARD.

FARM ANIMALS. ANIMALS OTHER THAN HOUSEHOLD PETS THAT SHALL BE KEPT AND MAINTAINED FOR COMMERCIAL PRODUCTION AND SALE AND/OR FAMILY FOOD PRODUCTION, EDUCATION OR RECREATION. "FARM ANIMALS" INCLUDES BUT IS NOT LIMITED TO HORSES, CATTLE, SWINE, LLAMAS, SHEEP, GOATS, RABBITS, CHINCILLAS, CHICKENS, TURKEYS, PHEASANTS, GEESE, DUCKS AND PIGEONS.

LIVESTOCK OFFICER. ANY PERSON EMPLOYED BY THE ARIZONA DEPARTMENT OF AGRICULTURE AS A LIVESTOCK OFFICER, AS THAT TERM IS DEFINED IN A.R.S. § 3-1201.

RESPONSIBLE PERSON. AN OWNER OR OTHER PERSON WHO HAS POSSESSION, CARE, CUSTODY OR CONTROL OF AN ANIMAL.

§ 100.02 GENERAL PROVISIONS.

- (A) NO ANIMAL SHALL BE AT LARGE IN THE TOWN.
- (B) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON TO MAINTAIN AN ANIMAL THAT EXCESSIVELY EMITS NOISES OR OTHERWISE DISTURBS THE PEACE AND QUIET OF NEIGHBORS.
- (C) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON TO PERMIT FARM ANIMAL TO RUN AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN. FARM ANIMALS ROAMING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RETRIEVED BY THE RESPONSIBLE PERSON WITHIN TWENTY-FOUR HOURS AFTER NOTIFICATION. IF THE FARM ANIMAL IS NOT RETRIEVED WITHIN SUCH PERIOD OF TIME, THE TOWN WILL REFER THE MATTER TO A LIVESTOCK OFFICER.
- (D) *ANIMAL CARE.*
 - (1) NO RESPONSIBLE PERSON SHALL FAIL TO PROVIDE ADEQUATE CARE TO HIS ANIMALS.
 - (2) NO PERSON SHALL CRUELLY MISTREAT OR NEGLECT AN ANIMAL.

(3) THE ENFORCEMENT OFFICER OR A LIVESTOCK OFFICER, ON WITNESSING IMMINENT DANGER AND BELIEVING THAT PROMPT ACTION IS REQUIRED TO PROTECT THE HEALTH OR SAFETY OF AN ANIMAL OR THE HEALTH OR SAFETY OF OTHER ANIMALS MAY IMMEDIATELY IMPOUND ANY ANIMAL THAT APPEARS TO BE CRUELLY NEGLECTED OR OTHERWISE CRUELLY MISTREATED. THE ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

§ 100.03 ENFORCEMENT; RUNNING AT LARGE.

- (A) ANY ANIMAL WHICH IS RUNNING AT LARGE MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE ANIMAL.
- (B) ENFORCEMENT OFFICERS MAY CAUSE A COMPLAINT TO BE FILED AGAINST THE RESPONSIBLE PERSON FOR AN ANIMAL RUNNING AT LARGE. THE COMPLAINT SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

§ 100.30 MAINTENANCE.

- (A) VIOLATION OF THIS § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.
- (B) MAINTENANCE STANDARDS.

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

- (1) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT THEY DO NOT BECOME A PUBLIC HEALTH NUISANCE.
- (2) WATERING TROUGHS SHALL BE EQUIPPED WITH ADEQUATE DRAINAGE TO ALLOW FOR ADEQUATE RUN-OFF TO PREVENT A HEALTH HAZARD.

§ 100.31 NUISANCE PROHIBITED.

- (A) VIOLATION OF § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

ENFORCEMENT

§ 100.98 CITATION ISSUED TO RESPONSIBLE PERSONS.

- (A) FOR PURPOSES OF THIS CHAPTER, AN ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE; THE COUNTY ANIMAL CONTROL OFFICER OR A STATE LIVESTOCK OFFICER/INSPECTOR, OR ANY PEACE OFFICER CERTIFIED BY THE ARIZONA PEACE OFFICERS STANDARDS AND TRAINING BOARD.
- (B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.
- (C) ENFORCEMENT WILL ONLY OCCUR UPON A SIGNED COMPLAINT.
- (D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, THE ENFORCEMENT OFFICER MAY FILE A WRITTEN COMPLAINT IN THE TOWN PROSECUTOR'S OFFICE AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE IN VIOLATION OF THIS CHAPTER.
- (E) A WRITTEN COMPLAINT, ATTESTED TO BY SIGNATURE OF A DEWEY-HUMBOLDT RESIDENT, MAY ALSO BE FILED IN THE TOWN PROSECUTOR'S OFFICE. IF THE PROSECUTOR DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION HAS OCCURRED, THE PROSECUTOR SHALL CAUSE THE COMPLAINT BE SERVED ON THE PERSON ALLEGED TO BE IN VIOLATION OF THIS CHAPTER.
- (F) IF A PERSON IS SERVED WITH A COMPLAINT, ATTESTED TO BY SIGNATURE OF A DEWEY-HUMBOLDT RESIDENT, THE PERSON ALLEGED TO BE IN VIOLATION OF PROVISIONS OF THIS CHAPTER MAY ELECT TO MEDIATE THE COMPLAINT BY NOTIFYING THE PROSECUTOR'S OFFICE AND PAYING A MEDIATION FEE OF \$25.00. UPON RECEIPT OF NOTIFICATION OF THE ELECTION TO MEDIATE A COMPLAINT, THE PROSECUTOR SHALL NOTIFY THE COMPLAINANT OF THE REQUEST FOR MEDIATION. IF THE COMPLAINANT DOES NOT CHOOSE TO PARTICIPATE IN THE MEDIATION, THE PROSECUTOR SHALL CONSIDER THE COMPLAINT WITHDRAWN AND CLOSE THE FILE.

- (G) THE TOWN MAGISTRATE SHALL ADMINISTER ALL MEDIATIONS CONDUCTED PURSUANT TO THE PROVISIONS OF THIS CHAPTER.
- (H) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.
- (I) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE COURT FOR DISPOSITION IN ACCORDANCE WITH § 100.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

§ 100.99 PENALTY.

- (A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER FOR WHICH NO PENALTY IS PROVIDED SHALL BE SUBJECT TO THE TERMS OF § 10.99.
- (B) A PERSON WHO IS CONVICTED OF A VIOLATION OF §§ 100.02 THROUGH 100.04 IS GUILTY OF A CLASS 2 MISDEMEANOR. AS A MINIMUM PENALTY, A PERSON CONVICTED HEREUNDER SHALL PAY A FINE OF NOT LESS THAN \$50.00, WHICH SHALL NOT BE SUSPENDED UNLESS, AT THE DISCRETION OF THE COURT, THAT PERSON IS ORDERED TO PERFORM AND COMPLETE A MINIMUM OF EIGHT HOURS OF COMMUNITY SERVICE.
- (C) A PERSON CONVICTED OF VIOLATING § 100.02(D) SHALL BE FOUND RESPONSIBLE FOR A CIVIL CODE INFRACTION AND SHALL BE SUBJECT TO THE CIVIL SANCTIONS ON THE FIRST OFFENSE AS SET FORTH IN § 10.99 OF THIS CODE. THEREAFTER, A VIOLATION OF § 100.02(D) SHALL BE A CLASS 2 MISDEMEANOR SUBJECT TO THE PENALTY PROVISIONS SET FORTH IN § 10.99 OF THIS CODE. THE COURT MAY ORDER ANY PERSON WHO VIOLATES § 100.02(D) TO PAY ALL EXPENSES RELATED TO THE IMPOUNDING OF THE LIVESTOCK, INCLUDING SHELTER, FOOD, HANDLING, TRANSPORT AND VETERINARIAN CARE. THE COURT MAY ALSO ORDER ANY PERSON WHO VIOLATED THIS CHAPTER TO PAY ALL RELATED COURT FEES OR COSTS OR PENALTIES.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2018, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2018.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-139 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2018, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2018.

Julie Gibson, Town Clerk

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
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Phone 928-632-8562 • Fax 928-632-7365

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: March 20, 2018

Date of Request: February 22, 2018

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Request council to consider \$1600.00 contribution to the PAWUIC group
for the work they do in acquiring our grants.

Purpose and Background Information (Detail of requested action). _____

SEE ATTACHED

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: CM Wendt

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

Dewey-Humboldt

FEB 22 2018

PURPOSE AND BACKGROUND INFORMATION. On CAARF submitted by CM Wendt.

Each year to maintain our Firewise recognition each community is required to provide evidence of a \$2/per capita in-kind expenditure on Firewise activities. This was done when we recertified both our communities of Blue Hills/Foothills East in November of 2017. An equivalent cash commitment to the general operating expense of PAWUIC would ensure the continuing viability of our organization and the work it does. Further, our contribution will assist in providing continuing access to grant funding from sources not readily available to our individual communities.



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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: March 20, 2018

Date of Request: February 15, 2018

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Return to council for further discussion and possible action the procedures to adopt an abatement ordinance into Town Code.

Purpose and Background Information (Detail of requested action). Council to discuss adopting into the Town Code, the abatement ordinance and procedures previously developed by our attorneys which would provide the Town an ability to abate the violation and assess the property owner to recoup the cost, when all other avenues of civil prosecutions have been pursued.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other: _____

Contact Person: CM Wendt

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

Dewey-Humboldt

FEB 15 2018

Received

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Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL WORK SESSION

March 20, 2018 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item - #12 A – Liquor License – Conduct public hearing and consider approval of a new “Series 13 In-State Farm Winery” Liquor License for Mogollon Vineyards, L.L.C. located at 2430 S. State Route 69, Dewey, AZ 86327

To: Mayor and Town Council Members

From: Julie Gibson, Town Clerk

Date submitted: March 15, 2018

Recommendation:

- (a) Hold Public Hearing.
- (b) Review and give a recommendation to Arizona Department of Liquor Licenses and Control to approve the application for a new “Series 13 In-State Farm Winery” Liquor License for Mogollon Vineyards, L.L.C. located at 2430 S. State Route 69, Dewey, AZ 86327.

Summary:

A.R.S. § 4-201 provides that a person desiring a liquor license shall apply with the State Liquor Board. Upon receipt of an application, the State forwards the application to the local governing body, which is tasked with making a recommendation to the Board for granting or denying the license. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval must be provided to the Liquor Board.

Keith E. Moore has applied with the State for a new “Series 13 In-State Farm Winery” Liquor License for Mogollon Vineyards, L.L.C.. The Sheriff’s Department and Community Development Department have all reviewed the application and recommended approval with the following comments:

D-H Community Development Department – Location is within C2-35 zoning district; fermenting and bottling of wine is not a permitted use, but is similar to water bottling in operation, and as such is eligible for a Use Permit to allow the winery. On January 16, 2018, the Town Council voted to approve a Use Permit for Mogollon Winery allowing the use to proceed. Community Development recommends approval of the liquor license.

Yavapai County Sherriff’s Office – Based on the application, Lt. Raiss had no reasonable objection as all permits have been applied for and completed.

Staff posted the establishment with the necessary notices to meet the required 20-day period from February 15, 2018 to March 19, 2018. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Attachment: Series 13 In-State Farm Winery Definition

In-State Farm Winery Application Kit – Series 13

This non-transferable, on- and off-sale retail privileges liquor license allows the holder of an in-state domestic farm winery licensee to produce more than 200 gallons, but less than 40,000 gallons of wine during the [12-month reporting period \(A.R.S. §205.04\(B\) and \(C\)\)](#)

A farm winery that produces not more than 20,000 gallons of wine in a calendar year may make sales of wine produced on premises to consumers who order by telephone, mail, fax, catalogue or internet per A.R.S. §4-205.04(C)(9)(a)-(g). Other than this exception, Internet sale of liquor is not permitted in the state of Arizona. A.R.S. §4-205.04(D)