

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

Tuesday, May 15, 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.

A. Yavapai College Update Presentation

B. Presentation by Jeanne Trupiano on behalf of the Garry Rogers' Family regarding the donation of property to the Central Arizona Land Trust

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.

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.

A. Review of revisions and consideration of adoption of Chapter 92 “The Dewey-Humboldt Nuisance Abatement Ordinance” by reference as the nuisance abatement regulations of the Town; amending the Dewey-Humboldt Code of Ordinances, Title IX General Regulations to add new Chapter 92 Nuisance Abatement related to requiring persons in control of real property and structures thereon to maintain premises in a safe and sanitary condition; declaring failure to maintain premises to be a public nuisance and providing for inspections, enforcement, penalties, abatement and assessment processes for failing to maintain premises as required

(As directed by Council 4/17/18)

19 **B. Review of revisions and consideration of adoption of amended Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets related to council meetings and agendas (As directed by Council 5/1/18)**

10. New Business

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

29 **A. Call of Election**

33 **B. 2017 Volunteer of the Year update and recommendation**

11. Executive Session

Council may vote to hold an Executive Session for the purpose of obtaining legal advice from the Town’s attorney on any matter listed on the agenda pursuant to A.R.S. § 38.431.03(A)(3).

Council may vote to recess the Regular Meeting to hold an Executive Session, which will not be open to the public, for the following purposes:

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 position regarding:**
 - a. 2018/19 Sheriff Contract for Police Services**
 - b. 2018/19 Library District Contract for Library Services**

Reconvene Regular Meeting

12. Public Hearing Agenda

Discussion and Possible Legal Action may be taken.

37 **A. Request for a Use Permit UP 17-003 for approximately 2.99 acres of real property, applied for by Luis Pena, representing Heli Swift Aviation, located at 2845 S. State Route 69, also known as Yavapai County Assessor’s Parcel Number 402-08-069W in the C3-35 (Commercial and Minor Industrial) zoning district to allow the operation of a helicopter training facility, which utilizes flightless helicopter trainers on concrete pad, and with the trainer being stored inside a building when not in use**

- 1. Staff Report**
- 2. Open Public Hearing**
- 3. Close Public Hearing**
- 4. Commission Discussion and Possible Action**

13. Adjourn

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.

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 10th day of May, 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.

For Your Information:

Next Town Council Work Session: Tuesday, June 5, 2018, at 2:00 p.m.

Next Planning & Zoning Meeting: Thursday, June 7, 2018, at 6:00 p.m.

Next Town Council Regular Meeting: Tuesday, June 19, 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.

[Page intentionally left blank]



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

TOWN COUNCIL REGULAR MEETING

May 15, 2018 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item - #9. A. Review of attorney revisions and possible adoption of Chapter 92 Nuisance Abatement Ordinance

To: Mayor and Town Council Members

From: Tom Wilson

Date submitted: May 10, 2018

Summary:

At its April 17th meeting the Mayor and Council reviewed a revised, proposed Nuisance Abatement ordinance and directed Town Attorney Goodwin to make additional revisions. The requested revisions have been made. Town Attorney Goodwin is present to review the revisions and answer any questions.

Recommendation:

The Town Manager recommends that the Mayor and Council adopt the Nuisance Abatement ordinance as revised to provide much-needed processes and procedures with which to protect the public health and welfare.

ORDINANCE No. 18-143

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DECLARING THE DOCUMENT ENTITLED "THE 2018 DEWEY-HUMBOLDT NUISANCE ABATEMENT ORDINANCE" AS A PUBLIC RECORD; ADOPTING "THE 2018 DEWEY-HUMBOLDT NUISANCE ABATEMENT ORDINANCE" BY REFERENCE AS THE NUISANCE ABATEMENT REGULATIONS OF THE TOWN; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS TO ADD NEW CHAPTER 92 NUISANCE ABATEMENT, AND SECTIONS 92.01 DEFINITIONS, 92.02 DUTY TO MAINTAIN PREMISES; DECLARATION OF PUBLIC NUISANCE; 92.03 AUTHORITY TO INSPECT, 92.04 INTERFERENCE WITH INSPECTION; FALSE INFORMATION; FAILURE TO PROVIDE EVIDENCE OF IDENTITY, 92.05 EMERGENCY ABATEMENT, 92.06 ABATEMENT IN LIEU OF OR ADDITION TO CIVIL OR CRIMINAL COMPLAINT, 92.07 ABATEMENT PROCEDURES, 92.08 APPEAL OF ABATEMENT, 92.09 ABATEMENT BY TOWN; COST, 92.10 ASSESSMENT, NOTICE OF ASSESSMENT, 92.11 APPEAL OF ASSESSMENT, 92.12 HEARING ON APPEAL OF ASSESSMENT, 92.13 ASSESSMENT LIEN; RECORDATION; FORECLOSURE, 92.14 ANNUAL INSTALLMENTS OF ASSESSMENT LIENS, AND 92.15 SUBSEQUENT ASSESSMENTS, ALL RELATED TO REQUIRING PERSONS IN CONTROL OF REAL PROPERTY AND STRUCTURES THEREON TO MAINTAIN THE PREMISES IN A SAFE AND SANITARY CONDITION; DECLARING FAILURE TO MAINTAIN PREMISES TO BE A PUBLIC NUISANCE AND PROVIDING FOR INSPECTIONS, ENFORCEMENT, PENALTIES, ABATEMENT AND ASSESSMENT PROCESSES FOR FAILING TO MAINTAIN PREMISES AS REQUIRED; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

Whereas, that certain document entitled "The 2018 Dewey-Humboldt Nuisance Abatement Ordinance", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and at least three copies or one copy and one electronic copy are hereby ordered to remain on file with the Town Clerk; and

Whereas, the Town of Dewey-Humboldt Town Council has determined that maintenance of real property and structures in a safe and sanitary condition is of vital importance in protecting the public health, safety, and welfare of the residents and businesses in the Town,

Now, Therefore, 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 General Regulations, is hereby amended by adding new Chapter 92 Nuisance Abatement, consisting of new §§ 92.01 Definitions, 92.02 Duty to Maintain Premises; Declaration of Public Nuisance; 92.03 Authority to Inspect, 92.04 Interference with Inspection; False Information; Failure to Provide Evidence of Identity, 92.05 Emergency Abatement, 92.06 Abatement in Lieu of or Addition to Civil or Criminal Complaint, 92.07 Abatement Procedures, 92.08 Appeal of Abatement, 92.09 Abatement by Town; Cost, 92.10 Assessment, Notice of Assessment, 92.11 Appeal of Assessment, 92.12 Hearing on Appeal of Assessment, 92.13 Assessment Lien; Recordation; Foreclosure, 92.14 Annual Installments of Assessment Liens, and 92.15 Subsequent Assessments all as set forth in that document entitled "The 2018 Dewey-Humboldt Nuisance Abatement Ordinance", which document is hereby adopted and incorporated by reference.

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.

Section IV. Penalties

Any person found responsible for violating any provision of this ordinance shall be responsible for a civil offense subject to the provisions of Section 10.99 of the Dewey-Humboldt Code of Ordinance, including a civil sanction not to exceed \$500, with each day that a violation continues as a separate offense. Any person found to have violated any provision of this ordinance that is a civil code infraction, and who has been twice previously found to have violated the provision within the preceding 24 months, shall, in addition to any penalty prescribed for such civil code infraction, be guilty of a Class 1 misdemeanor and shall be punished by a fine not to exceed \$2,500, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of the fine, imprisonment and probation.

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

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of May, 2018.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-143 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF MAY, 2018, WAS POSTED IN THREE PLACES ON THE ____ DAY OF MAY, 2018.

Julie Gibson, Town Clerk

THE 2018 DEWEY-HUMBOLDT NUISANCE ABATEMENT ORDINANCE

Chapter 92 NUISANCE ABATEMENT

Sections:

- 92.01 Definitions
- 92.02 Duty to Maintain Premises; Declaration of Public Nuisance.
- 92.03 Authority to Inspect
- 92.04 Interference with Inspection; False Information; Failure to Provide Evidence of Identity.
- 92.05 Emergency Abatement
- 92.06 Abatement in Lieu of or Addition to civil or Criminal Complaint
- 92.07 Abatement Procedures
- 92.08 Appeal of Abatement
- 92.09 Abatement by Town; Cost
- 92.10 Assessment; Notice of Assessment
- 92.11 Appeal of Assessment
- 92.12 Hearing on Appeal of Assessment
- 92.13 Assessment Lien; Recordation; Foreclosure
- 92.14 Annual Installments of Assessment Liens
- 92.15 Subsequent Assessments

92.01 Definitions.

The following words, terms, and phrases, when used in this chapter shall have the meanings set forth below, unless the context clearly indicates a different meaning.

BLIGHT, OR BLIGHTED: Any deteriorated, dilapidated or decayed condition characterized by neglect, lack of maintenance, damage, or similar condition creating a danger to life, health or safety.

BUILDING: Any real property structure, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human occupancy or business purposes, or where livestock, produce, or personal or business property is located, stored or used.

BLIGHTED BUILDING, STRUCTURE OR PROPERTY: Any building, structure or property in a condition of blight as determined by the town.

LESSEE: A person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.

OWNER: A person or legal entity who is shown as owner of real property in the official records of the Yavapai County recorder, and includes a person holding equitable title under a recorded installments sales contract, contract for deed or similar instrument.

PERSON IN CONTROL: A person who has responsibility for the care and maintenance of private property, whether or not the person has possession or the use and enjoyment of said property. "Person in Control" includes, but is not limited to, the owner, occupant, property manager, or designated agent of the owner.

PREMISES: Any real property and buildings and structures thereon.

PUBLIC NUISANCE: Any blighted building, structure or property and any unsafe building.

STRUCTURES: Improvements and other facilities that are constructed or placed on land.

UNSAFE BUILDING: A building for which any one of the following conditions is present:

1. Inadequate means of egress facilities;
2. Is a fire hazard or is otherwise dangerous to human life or the public welfare;
3. Is vacant for an extended period of time and is not secured to prevent entry.

92.02 Duty to Maintain Premises; Declaration of Public Nuisance.

A. It shall be unlawful and a public nuisance for any person in control to maintain any public nuisance in the town.

B. Any person found in violation of this chapter shall be responsible for a civil offense subject to the penalties and habitual offender provisions set forth in § 10.99 of this Code. Each and every day that the violation continues shall constitute a separate offense.

C. In addition to and separate from actions for civil or criminal offenses, violations of this chapter may be abated by injunctive or other equitable relief, pursuant to state and common law and the procedures set forth in this chapter. Imposition of a penalty or civil sanction does not prevent abatement or other equitable relief.

92.03 Authority to Inspect.

A. Town enforcement agents are hereby authorized to inspect property for violations of this chapter in the normal course of job duties, in response to a citizen complaint that an alleged violation of this chapter may exist; or when the enforcement agent has probable cause that a violation has been or is being committed. No anonymous citizen complaints shall be accepted.

B. In order to determine compliance with this chapter, private property may be entered with the consent of the person in control or as authorized by a court of competent jurisdiction.

C. This section shall not be construed to require regular inspections of private premises by the town, nor shall the town have an obligation to abate any public nuisance, reported or unreported within a specific time period. Neither the town nor any of its officers or officials shall be liable in any manner for injuries or damages which result or are alleged to have resulted from any delay or failure to enforce the provisions of this chapter.

92.04 Interference with Inspection; False Information; Failure to Provide Evidence of Identity.

A. Any person who interferes, prevents, or attempts to interfere or prevent an individual employed or contracted for by the town from investigating an alleged violation of this chapter, or from correcting or abating a violation of this chapter is guilty of a class one misdemeanor.

B. Any person who knowingly makes a false or fraudulent statement, or knowingly misrepresents a fact, or misleads an individual employed or contracted for by the town when that individual is investigating, correcting or abating a violation of this chapter is guilty of a class one misdemeanor.

C. Any person who fails or refuses to provide evidence of his identity to an individual employed or contracted for by the town when that individual is investigating an alleged violation of this chapter and has reasonable cause to believe that person has committed a violation of this chapter, is guilty of a class one misdemeanor. Evidence of identity under this section shall consist of a person's full name, residence address and date of birth.

92.05 Emergency Abatement.

A. If a public nuisance presents an imminent hazard to life or public safety, the town may do one or more of the following:

1. Issue a notice to abate the nuisance, directing the person in control to immediately take such action as is appropriate to correct or abate the emergency upon notice by the enforcement official to the person in control.
2. Act to correct or abate the emergency, whether or not the town is able to contact the owner, occupant, or person in control.

B. The person in control may appeal an order to abate to the Town Council. Upon notice and request by the owner, occupant or person in control, a hearing before the Town Council shall be scheduled as soon as practicable. Such appeal shall in no case stay the abatement or correction of such emergency.

C. The town may recover its costs incurred in abating an imminent hazard under this section in the same manner as provided for in this chapter to the extent practicable under the circumstances.

92.06 Abatement in Lieu of or in Addition to Civil or Criminal Complaint.

In addition to or in lieu of filing a civil or criminal complaint, the town may file notice to abate any nuisance as defined in this Code. Such abatement shall proceed independently of any civil or criminal violation filed. The town enforcement officer, town prosecutor and town attorney are authorized to file civil or criminal complaints to abate a public nuisance.

92.07 Abatement Procedures.

A. *Notice to Abate.*

1. If, after an inspection, the town finds one or more violations of this chapter, and the town elects to use the abatement process, the town shall, in writing, notify the person in control of the property.
2. The notice to abate shall set forth the following information:
 - a. The street address, legal description, or location by book, map and parcel number if street address is unknown, sufficient for identification of the property on which the alleged violation occurred;
 - b. A statement that the town has determined that there is a reasonable belief that a violation of this chapter has occurred on the property identified in the notice to abate;
 - c. Notice that the person in control has thirty (30) days from the date of mailing or personal service of the notice to abate or correct the violation;
 - d. A statement of the violation(s) in sufficient detail to allow a reasonable person to identify and correct the violation(s);
 - e. A statement that all materials removed from the premises must be disposed of at an approved waste collection facility or by other appropriate legal means and that a tipping fee receipt or other evidence of legal disposal is to be submitted to the town prior to a determination of compliance with the notice to abate;
 - f. A warning statement that if the violation is not corrected within 30 days of the date of the Notice, the town may abate the nuisance and assess the owner, occupant, or person in control the cost of such abatement and record a lien against the property for payment of the assessment;
 - g. An estimate of the cost of removal or abatement by the town, plus ten percent (10%) for the incidental costs associated with abating the nuisance;
 - h. Re-inspection date and time.
 - i. Name, address, telephone number, and email address of the town enforcement officer who sent the notice to abate;
 - j. A statement that the person in control may appeal the abatement order in writing to the Town Council within fifteen days from the date of the notice and that failure to appeal will constitute waiver of all rights to an administrative hearing and determination of the matter.
 - k. The 15-calendar day notice set forth in this section shall not apply to emergency abatements.

3. The Town Manager may extend the time limits set forth in this section if the person in control demonstrates to the satisfaction of the Town Manager that complying with the notice of violation or notice to abate is a hardship and if the person in control agrees in writing to a schedule for correcting the violation bringing the property into compliance with the requirements of this title and complies with the schedule.

4. The notice requirements set forth in this subsection do not apply in an emergency abatement situation.

B. *Service of Notices.*

1. Any notice required to be given for any purpose under this section shall be accomplished by an enforcement agent of the town delivering the notice to the person in control of the property, or by mailing the notice to the person in control by certified mail, return receipt requested. If the property owner is not the occupant or person in control, a duplicate notice shall be mailed to him by certified return receipt requested mail at his last known address.

2. Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.

3. Nothing herein shall preclude the town from giving additional oral or written notice at its discretion. If the town does elect to give additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

C. The notice to abate shall run with the land. The town, at its sole option, may record a notice to abate with the Yavapai County recorder and thereby cause compliance by an entity thereafter acquiring such property. The non-filing of a notice to abate shall in no way affect the validity of such notice as to entities so notified. If the notice to abate is recorded and compliance with the notice to abate is subsequently satisfied, the town shall record a satisfaction and release of the notice to abate with the County Recorder.

92.08 Appeal of Abatement.

Any person receiving a notice to abate may appeal to the Town Council as follows:

A. *Notice of Appeal.* A written notice of appeal shall be filed with the Town Clerk within fifteen days after the notice to abate was mailed or personally served. The date of receipt by the Town Clerk shall be the date of filing.

B. *Contents of Notice of Appeal.* The notice of appeal shall state in reasonable detail why the appellant should not be required to comply with the notice to abate.

C. *Hearing on Appeal.* Upon receipt of the notice of appeal, the Town Council shall place the matter on the agenda for its next available regular meeting. The town shall appear and present evidence of the existence of the public nuisance. The person in control may present evidence controverting the existence of the public nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Town Council shall decide the appeal, and its decision shall be final.

D. *Extension for Compliance.* If the Town Council's decision is adverse to the appellant, the date for compliance set forth in the notice to abate shall be extended by the number of days elapsing between the filing of the notice of appeal and the rendering of the Town Council's decision.

92.09 Abatement by Town; Cost.

A. *Abatement Time Limitation.* If the person in control fails to remove or otherwise abate the public nuisance within thirty (30) calendar days of mailing or personal service of the notice to abate (or such extension thereof as may be granted in writing by the Town Council), the Town Council may, at the expense of the person in control, remove or abate the public nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within one hundred eighty (180) days after the right to do so first accrues to the Town, a new notice of abatement shall be served as provided in § 92.03.

B. *Determination of Cost of Removal.* The costs assessed for removal or abatement shall not exceed the actual costs plus ten percent (10%) for the incidental costs associated therewith, including associated legal costs. Before undertaking the actual removal or abatement, the Town shall attempt to obtain at least three written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate that is otherwise satisfactory to the Town. In the alternative, the removal or abatement may be performed by Town personnel, and the cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor as determined by the Town.

C. *Removal from Tax Rolls.* Upon removing or demolishing a dilapidated building, the Town shall give notice to the county assessor to adjust the valuation of the real property on the property assessment tax roll from the date of removal.

92.10 Assessment; Notice of assessment.

A. *Assessment.* Upon the removal or abatement of public nuisances, as provided in § 92.06, the actual cost of removal or abatement, together with the actual costs of any additional inspections and other incidental costs, including any legal fees, determined as set forth in § 92.09(B), shall be an assessment against the real property on which the public nuisance was located.

B. *Notice of Assessment.* A written notice of assessment shall be served in the same manner as the notice to abate. The notice of assessment shall provide the following information:

1. The street address, legal description, location by book, map, or tax parcel number of the property;
2. The facts supporting the assessment;
3. An itemized listing of the actual cost of removal or abatement;
4. The actual costs of any additional inspections and other incidental costs, including legal fees.

5. State that the entire cost is due and payable in full no later than thirty (30) days from the date of issuance of the notice of assessment and that the assessment will become delinquent as of that date.
6. Be signed by the Town official authorized to issue such notices.
7. Contain the following statement in bold face print:

NOTICE: PURSUANT TO A.R.S. § 9-499, THIS NOTICE OF ASSESSMENT SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THIS NOTICE OF ASSESSMENT IN FAVOR OF THE TOWN OF DEWEY-HUMBOLDT. THE TOWN MAY TAKE LEGAL ACTION TO FORECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS STATED IN THIS NOTICE OF ASSESSMENT.

8. State that the person in control shall have fifteen (15) days from the date of the mailing or personal service of the notice of assessment to appeal the amount of the assessment imposed by the town.

92.11 Appeal of assessment.

A. *Appeal of Assessment.* A party wishing to appeal an assessment shall file a written notice of appeal with the Town Clerk within fifteen (15) days after the date of the notice of assessment was mailed or personally served. The appeal shall clearly specify the grounds for the appeal. The date of receipt of the notice of appeal by the Town Clerk shall be the date of filing. No appeals of violations shall be heard at the hearing on an appeal of an assessment.

B. *Grounds for Appeal.* The following shall constitute reasonable grounds for appeal of an assessment:

1. A claim that the true intent of the section or standards described in the section have been incorrectly interpreted; or
3. A claim that the statement of costs for correcting or abating the violation is excessive.

C. *Report of Assessment.* If an appeal of the assessment is not timely filed, the Town shall prepare a report of assessment for consideration by the Town Council. The report shall list the address, legal description and/or tax parcel number of the property. The report of assessment shall set forth the facts supporting the assessment and an itemized list of the actual cost of removal or abatement, the actual costs of any additional inspections and other incidental costs, including legal fees. Upon acceptance of the report by the Council, it shall be signed by the Mayor.

92.12 Hearing on appeal of assessment.

A. *Hearing on Appeal.* Upon receipt of the notice of appeal, the Town Council shall place the matter on the agenda for its next available regular meeting. Written notice of the hearing shall be provided to all appropriate Town departments and to the appellant. The appropriate representative of

the Town shall appear and present the facts supporting the assessment and an itemized listing of the actual cost of removal or abatement, the costs of any additional inspections and other incidental costs, including legal fees. The appellant may present evidence controverting the imposition of the assessment. The Town Council shall determine whether the assessment was made in accordance with the provisions of this chapter and applicable state statutes and whether the amount of the assessment is sufficient to cover the actual costs of abatement and related activities. The Town Council shall issue its findings in writing, upholding or modifying the amount of the assessment, or overturning the assessment. The decision of the Town Council shall be final.

B. *Extension of Compliance.* If the Town Council's decision is adverse to the appellant, the date for compliance set forth in the notice of assessment shall be extended by the number of days elapsing between the filing of the notice of appeal and the rendering of the Town Council's decision.

92.13 Assessment Lien; Recordation; Foreclosure.

A. *Recordation.* If the person in control fails to pay the assessment within thirty (30) calendar days after receipt of the notice of assessment (or any extension as may be granted in writing by the Town Council), the assessment shall be delinquent and may be recorded in the office of the Yavapai County recorder as a lien. The assessment lien shall include the date, amount of assessment, legal description, tax parcel number and name of Town.

B. *Assessment Lien.* The assessment shall be a lien against the real property from and after the date of recordation and shall accrue interest at the statutory judgment rate, pursuant to A.R.S. § 44-1201, until paid. The assessment lien is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.

C. *Foreclosure.* The Town Council may, but shall not be obligated to, bring an action to enforce the assessment lien in the Yavapai County Superior Court through a judgment of foreclosure and order of sale, at any time after the recordation of the assessment. Failure to enforce the assessment lien by such an action shall not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

92.14 Annual installments of assessment liens.

A. Assessments that are imposed pursuant to § 92.10 shall run against the property until paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.
2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.
3. Assessment of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.
4. Assessment of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

92.15 Subsequent assessments.

A prior assessment shall not constitute a bar to a subsequent assessment or assessments for violations of this chapter and any number of liens on the same lot, tract of land or premises and may be recorded and enforced in the same or separate actions by the Town.

[Page intentionally left blank]



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

TOWN COUNCIL REGULAR MEETING

May 1, 2018 – 2:00 p.m. Town Council Meeting Chambers

**Agenda Item - #9. B. Revision of Town Code §30.105 Council Agenda;
§30.107 Time of Adjournment; and §30.108 Agenda Packets**

To: Mayor and Town Council Members
From: Tom Wilson
Date submitted: May 10, 2018

Summary:

Staff's review of the provisions of Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets determined that some of the provisions do not accommodate the public/citizen participation in the Council meetings and are cumbersome in relation to the preparation of the meeting Agendas.

Staff's revisions/edits are proposed to address these circumstances.

Attached is Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets as current in Town Code, along with a "strike-out" version and a proposed "new" version without strike-outs.

Recommendation:

Review Staff's proposal revisions to Town Code §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets

ORDINANCE N^o 18-142

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 III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, COUNCIL MEETINGS, SECTIONS 30-105 COUNCIL AGENDA, 30-107 TIME OF ADJOURNMENT, AND 30.108 AGENDA PACKETS, SUBSECTION A, ALL RELATED TO COUNCIL MEETINGS AND AGENDAS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

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

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-105 Council Agenda is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.105 COUNCIL AGENDA.

(A) The Town Manager and Town Clerk are responsible for receiving and organizing all materials for COUNCIL Meeting Agendas, in collaboration with the Mayor and Vice-Mayor. ~~The Manager will then prepare a memorandum for distribution to the Council containing all agenda items currently scheduled.~~ THE MAYOR, VICE MAYOR, TOWN MANAGER AND TOWN CLERK SHALL CONSTITUTE THE AGENDA COMMITTEE. The Mayor or ~~Vice Mayor~~ TOWN MANAGER should be contacted if an individual Councilmember wishes to modify THE AGENDA ~~that~~ schedule.

~~(B) Any resident of Dewey-Humboldt or staff member may request placement of a matter on the Council agenda by requesting that a Councilmember submit a "Council Agenda Action Form."~~

~~(B)(C)~~ ANY RESIDENT OF THE TOWN MAY REQUEST THAT AN ITEM BE PLACED ON A COUNCIL AGENDA BY PRESENTING THE ITEM AT A COUNCIL MEETING UNDER THE TOPIC OF "PUBLIC COMMENT ON NON-AGENDIZED ITEMS", OR BY REQUESTING THAT A COUNCILMEMBER SUBMIT A "COUNCIL AGENDA ACTION REQUEST FORM". Any member of the Town Council may request an item be PLACED ON ~~added to~~ A FUTURE Council the agenda for the next regular Council meeting. ~~If the request complies with the requirements set forth in division (D) of this section, the item shall be placed on the agenda~~ A request to modify or remove an agenda item may be made by the Councilmember WHO REQUESTED THE ITEM BE PLACED ON THE AGENDA, in which case it shall be modified or removed without

further action. The Mayor or any other Councilmember may request an item that was submitted by another Councilmember be modified or removed, in which case it may only be modified or removed with the concurrence of the Councilmember who requested it be put on the agenda.

~~(DC)~~ Agenda item requests shall be submitted by a Councilmember using a "Council Agenda Action REQUEST Form". THE AGENDA COMMITTEE SHALL PLACE all such requested ITEMS ON THE NEXT APPROPRIATE AGENDA. ~~and shall accurately describe the matter to be addressed and the proposed Council action regarding the matter. Agenda Action Forms shall be submitted prior to the next agenda setting meeting prior to the next requested, regularly scheduled Council meeting.~~ An emergency agenda request may be submitted after the deadline pursuant to § 30.031(B)(10).

~~(E)~~ 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 to a future date or dropped.

~~(D)(F)~~ Order of agenda.

(1) Regular Council Meeting Agendas items shall be BEGIN WITH listed in the following ITEMS order:

- (a) Call to order;
- (b) ROLL CALL;
- ~~(c)~~ Pledge of Allegiance;
- ~~(d)~~ Invocation;
- ~~(d)~~ Roll call;

THE FOLLOWING AGENDA ITEMS SHALL BE APPROPRIATELY PLACED ON THE AGENDA BY THE AGENDA COMMITTEE, BASED ON CONTENT.

~~(e)~~ PUBLIC COMMENT ~~Announcements regarding current events, guests, appointments, and proclamations;~~

(f) PUBLIC HEARING; ~~Town Manager's report;~~

(g) Consent agenda;

(h) GENERAL REPORTS; TOWN MANAGER'S REPORT ~~Public comment on non-agendized items~~

(i) GENERAL BUSINESS ~~Unfinished business~~

(j) ANNOUNCEMENTS, PROCLAMATIONS ~~New business;~~

(k) CONSIDERATION OF ADDITIONAL SPECIAL SESSION(S) THIS MONTH ~~Public hearing agenda; and~~

(l) Adjournment.

(2) When Council holds a STUDY SESSION ~~work study~~ or Special ~~study~~ Council meeting, agenda items shall be listed in the following order:

- (a) Call to order;
- (b) Roll call;
- (c) Discussion only items;
- (d) Action items;
- (e) Adjournment.

(G) *Modifications to the agenda.*

(1) The presiding officer or any Councilmember may request a change IN THE of order of the agenda ITEMS which, if approved by a majority of the Council, shall be granted.

(2) An agenda item may be continued to a date certain or postponed indefinitely by motion and approval by a majority of the members present who have not declared a conflict of interest.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-107 Time of Adjournment is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.107 TIME OF ADJOURNMENT.

It is the policy of the Town that all STUDY SESSIONS, SPECIAL MEETINGS, AND REGULAR COUNCIL MEETINGS ~~evening meetings of the Council~~ SHALL be adjourned no later than 3-1/2 HOURS FROM THE SCHEDULED START TIME. ~~10:00 p.m.~~ Study sessions shall be adjourned no later than 6:00 p.m. These times shall be referred to as the normal times of adjournment. ~~The Council, by majority vote, may decide to set aside this policy and consider any or all of the items remaining on the agenda. If it appears that the entire agenda cannot be completed before the normal time of adjournment, the Council may decide by motion to consider and act upon the more pressing agenda items. All items that are not considered because of the time limitation shall be continued by the Council to the next regular or special meeting.~~ At or before the normal time of adjournment, the presiding officer shall ask for a motion to CONTINUE OR adjourn and, ~~upon Council approval~~, the meeting. ~~shall be adjourned~~

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-108 Agenda Packets, Subsection A is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

§ 30.108 AGENDA PACKETS.

(A) Agenda packets are to be made available at the Town Clerk's office, the Town's web site (www.dhaz.gov), and at all Council meetings. Council meeting agendas, minutes and staff reports are available for public review BY CLOSE OF BUSINESS beginning the Friday PRECEDING each Council meeting.

* * *

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 May, 2018, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of May, 2018.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-142 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF

DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF MAY, 2018, WAS POSTED IN THREE PLACES ON THE ____ DAY OF MAY, 2018.

Julie Gibson, Town Clerk

ORDINANCE No. 18-142

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 III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, COUNCIL MEETINGS, SECTIONS 30-105 COUNCIL AGENDA, 30-107 TIME OF ADJOURNMENT, AND 30.108 AGENDA PACKETS, SUBSECTION A, ALL RELATED TO COUNCIL MEETINGS AND AGENDAS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

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

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-105 Council Agenda is hereby amended to read as follows:

§ 30.105 COUNCIL AGENDA.

(A) The Town Manager and Town Clerk are responsible for receiving and organizing all materials for Council Meeting Agendas, in collaboration with the Mayor and Vice-Mayor. The Mayor, Vice Mayor, Town Manager and Town Clerk shall constitute the Agenda Committee. The Mayor or Town Manager should be contacted if an individual Councilmember wishes to modify the agenda.

(B) Any resident of the Town may request that an item be placed on a Council Agenda by presenting the item at a Council meeting under the topic of "Public Comment on Non-agendized Items", or by requesting that a Councilmember submit a "Council Agenda Action Request Form".

Any member of the Town Council may request an item be placed on a future Council agenda. A request to modify or remove an agenda item may be made by the Councilmember who requested the item be placed on the agenda, in which case it shall be modified or removed without further action. The Mayor or any other Councilmember may request an item that was submitted by another Councilmember be modified or removed, in which case it may only be modified or removed with the concurrence of the Councilmember who requested it be put on the agenda.

(C) Agenda item requests shall be submitted by a Councilmember using a "Council Agenda Action Request Form". The Agenda Committee shall place all such requested items on the next appropriate agenda. An emergency agenda request may be submitted after the deadline pursuant to § 30.031(B)(10).

(D) Order of agenda.

(1) Regular Council Meeting Agendas shall begin with the following items:

- (a) Call to order;
- (b) Roll Call;
- (c) Pledge of Allegiance;
- (d) Invocation;

The following agenda items shall be appropriately placed on the agenda by the Agenda Committee, based on content.

- (e) Public Comment
- (f) Public Hearing;
- (g) Consent agenda;
- (h) General Reports; Town Manager's Report
- (i) General Business
- (j) Announcements, Proclamations;
- (k) Consideration of Additional Special Session(s) this month
- (l) Adjournment.

(2) When Council holds a Study Session or Special Council meeting, agenda items shall be listed in the following order:

- (a) Call to order;
- (b) Roll call;
- (c) Discussion only items;
- (d) Action items;
- (e) Adjournment.

(G) *Modifications to the agenda.*

(1) The presiding officer or any Councilmember may request a change in the order of the agenda items which, if approved by a majority of the Council, shall be granted.

(2) An agenda item may be continued to a date certain or postponed indefinitely by motion and approval by a majority of the members present who have not declared a conflict of interest.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-107 Time of Adjournment is hereby amended to read as follows:

§ 30.107 TIME OF ADJOURNMENT.

It is the policy of the Town that all Study Sessions, Special Meetings, and Regular Council Meetings shall be adjourned no later than 3-1/2 hours from the scheduled start time. These times shall be referred to as the normal times of adjournment. At or before the normal time of adjournment, the presiding officer shall ask for a motion to continue or adjourn the meeting.

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title III Administration, Chapter 30 Town Council And Officials, Council Meetings, Section 30-108 Agenda Packets, Subsection A is hereby amended to read as follows:

§ 30.108 AGENDA PACKETS.

- (A) Agenda packets are to be made available at the Town Clerk's office, the town's web site (www.dhaz.gov), and at all Council meetings. Council meeting agendas, minutes and staff reports are available for public review by close of business the Friday preceding each Council meeting.

* * *

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 May, 2018, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of May, 2018.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC, Town Attorney
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-142 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF MAY, 2018, WAS POSTED IN THREE PLACES ON THE ____ DAY OF MAY, 2018.

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 REGULAR MEETING

May 15, 2018 – 6:30 pm Town Council Meeting

Agenda Item # 10. A. Call of Election

To: Mayor and Town Councilmembers
From: Julie Gibson, Town Clerk
Date submitted: May 8, 2018

Recommended action: Call of Election.

Summary:

The Town must begin the process of electing or re-electing a Mayor for a 2-year term and three Council Members for 4-year terms. The terms of Mayor Nolan, Councilmembers Hamilton, McBrady and Treadway are ending on December 6, 2016.

The Primary Election will be on August 28, 2018, and any candidate receiving a majority of all votes cast for these offices, at the Primary Election will be declared elected without running at the General Election. If a General Election is needed, it will be held on November 6, 2018.

Candidate Packets were made available on April 30, 2018, at 8 a.m. Candidates will have until May 30, 2018, by 5 p.m., to **file their nomination papers**. Candidates who miss that deadline will have until July 19, 2018, to file nomination papers as **write-in** candidates. If a "Late Vacancy" occurs, then Nomination Papers for such **late vacancy write-in** candidates are due by August 23, 2018.

The voter registration deadline for the Primary Election is July 30, 2018.

If any interested citizen needs more information, Town staff will be happy to help. Of course, Town resources and staff are not available for any campaigning, finance report preparation, or assistance with actual campaign or signature materials.

Budget: Total cost for both the Primary and General Elections have been budgeted for \$18,000.

Attachments: Call of Election form for publication.



CALL OF ELECTION PUBLIC NOTICE OF TOWN OF DEWEY-HUMBOLDT

Notice is hereby given that the Town of Dewey-Humboldt will hold elections as follows:

*Primary Election: August 28, 2018

General Election: November 6, 2018

Offices to be filled: Mayor (2-year term)
3 Council positions (4-year terms)

Candidate Packet Filing Deadline: May 30, 2018, at 5 p.m.

Voter Registration Deadline for
Primary Election: July 30, 2018, at 5 p.m.

Information and candidates' packets are available at Town Hall, 2735 S. Hwy 69 Suite 12, Humboldt, Arizona 86329. Completed candidates' packets should be filed at Town Hall.

/s/ Julie Gibson
Town Clerk

May 10, 2018
Date

*Any candidate receiving a majority of all votes cast at the Primary Election will be declared elected without running at the General Election.

For Additional Information, Contact: Julie Gibson, Town Clerk
Town of Dewey-Humboldt, P.O. Box 69, Humboldt, AZ 86314
Telephone: (928) 632-7362
Email: juliegibson@dhaz.gov



LLAMADA DE L'ELECCIÓN AVISO PÚBLICO D'EL MUNICIPIO DE DEWEY-HUMBOLDT

El aviso se da por este medio que el municipio de Dewey-Humboldt celebrará elecciones como sigue:

*Elección Primary: 28 d'agosto 2018
Elección general: 6 de noviembre 2018
Oficinas que se llenarán: Alcalde (término de 2 años)
3 posiciones del Consejo (términos de 4 años)
Plazo de la limadura del paquete del candidato: 30 de mayo 2018, à las 5 p.m.
Plazo del registro del votante para Elección primaria: 30 de julio 2018, à las 5 p.m.

La información y los paquetes para los candidatos están disponibles en el edificio del ayuntamiento, 2735 S. Highway 69, # 12, Humboldt, Arizona 86329. Los paquetes terminados se deben archivar en el edificio del ayuntamiento.

/s/ Julie Gibson
Secretaria Municipal

10 d'mayo 2018
Fecha

* Cualquier candidato que recibía a una mayoría de todos los votos qu'el molde en las elecciones primarias será declarado eligió sin el funcionamiento en l'elección general.
** Desafortunadamente, los paquetes d'información para los candidatos no están disponibles en español.

Para Infomación Adicional, Comuníquese con : Julie Gibson, Secretaria Municipal
Pueblo de Dewey-Humboldt, Apartado Postal 69, Humboldt, AZ 86314
Teléfono : (928) 632-7362
Correo Electrónico : juliegibson@dhaz.gov

[Page intentionally left blank]



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

TOWN COUNCIL REGULAR MEETING

May 15, 2018 @ 6:30 p.m. Town Council Meeting Chambers

Agenda Item @ 10.B. 2017 Volunteer of the Year update and recommendation.

To: Mayor and Town Council Members

From: Steven Brown, Community Planner

Date Submitted: May 8, 2018

Summary:

The Town opened a “nomination period” for the 2017 Volunteer of the Year with a March Newsletter article, and a second article running in the April Newsletter as well. The period to submit nominations closed on April 12th. Two nominations were received to date and Lindsay Statler was selected as the 2017 VOTY (see attached nomination). Lindsay is the League President of the Dewey-Humboldt Little League and has many duties as such.

Recommendation:

Ratify the selection of the nomination as 2017 Volunteer of the Year.

Next Steps:

Schedule the early evening VOTY picnic/dinner (4:00-6:00 p.m.) and Council presentation of Certificate (6:30 p.m.) on June 19th. The picnic/dinner would be held at the Butte Park location, weather permitting. In the event of inclement weather, the picnic would be moved to the Council Chambers. The regular Council meeting would follow at 6:30 with the presentation of the certificate to the 2017 Volunteer of the Year.

From: Mike Nache [<mailto:mike.nache.l8kn@statefarm.com>]
Sent: Thursday, March 8, 2018 3:04 PM
To: Beth Evans <BethEvans@dhaz.gov>
Cc: Crawford, JO - SJHMC <Jo.Crawford@DignityHealth.org>; Mike Nache <mike.nache.l8kn@statefarm.com>
Subject: Volunteer of the Year nomination

My name is Mike Nache, and I live in the Prescott Country Club. I have been Treasurer for the Dewey-Humboldt Little League since 2012, as well as manager, umpire, etc... I would like to nominate our League President, Mrs. Lindsay Statler for the 2017 D/H volunteer of the year. She is a resident of Dewey.

Lindsay has such a healthy passion for the kids in our league district! The position of President would be more than what most people would be willing to take on, in addition to parenting. This past year, she spearheaded the drive to raise funds to build two baseball fields on the DHLL property in Humboldt. Under her leadership, the league has increased in size by nearly 40%. The thankless job includes:

- Monthly meetings (on Sundays) that take her anywhere from Bagdad, Sedona, or Williams, to as far South as Wickenburg.
- Scheduling and attending board meetings, league registration, interleague games, and fund raisers.
- Recruiting coaches and umpires.
- Soliciting sponsor for each little league team, as well as donors for long-term projects.
- Managing/assistant managing her own little league team!
- Learning about and disseminating all of the new Little League rules which affect the activities on and off the field.
- Enforcing the Code of Conduct for players, coaches, volunteers and parents.
- Running the team draft, and chartering teams with Little League International.
- Picking up uniforms in Phoenix and delivering them.
- Securing facilities (ball fields) for practice and games, and negotiating fees with the respective municipalities.

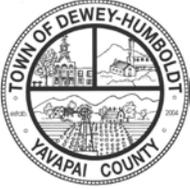
Lindsay would be the first to admit that she could not accomplish all of the duties of League President without a good team surrounding her. However, we appreciate her hard work, which inspires us all to fight harder to see the Dewey-Humboldt Little League thrive!

Incidentally, we would appreciate any publicity for our Opening Day Ceremonies on Saturday, April 7, at the Mayer Elementary Ball Field in the Town of Mayer!

Respectfully,

Mike Nache, Treasurer
Dewey-Humboldt Little League
PO Box 99
Dewey, AZ 86327
Cell# 928-848-8112

[Page intentionally left blank]



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8643 ▪ Fax 928-632-7365

Staff Report

Town Council Meeting

May 15, 2018

Date: May 10, 2018

To: Town Council

From: Steven Brown, Community Planner

12. A. Request for a Use Permit UP 17-003 for approximately 2.99 acres of real property. Application by Luis Pena, representing Heli Swift Aviation, located at 2845 S. State Route 69, also known as Yavapai County Assessor's Parcel Number 402-08-069W in the C3-35 (Commercial and Minor Industrial) zoning district to allow the operation of a helicopter training facility, which utilizes flightless helicopter trainers.

APPLICANT: Luis and Diana Pena

GENERAL PLAN DESIGNATION: Commercial

ZONING: C3-35 Commercial and Minor Industrial

LOCATION: 2845 S. State Route 69, APN # 402-08-069W

EXHIBITS: Location Map, Photos of Site, and Application for Use Permit including Letters of Support and Opposition, as well as proof of compliance with Public Participation Process.

I. BACKGROUND

The applicant is seeking a Use Permit to allow the operation of a helicopter flight training school, describing the proposed use as follows:

"The proposed intention of Heli Swift Aviation School is to offer the general public an affordable means to aviation training. We shall teach the basic fundamentals of aviation and also have the Cicare SVH4 flight trainer on the premises. The flight simulator shall be stored indoors in a metal building, once the student is ready for their flight lesson the Cicare will be brought outdoors to a concrete slab. Where most flight maneuvers taught in the air shall be safely conducted without ever becoming airborne. Hours of operation will be Monday-Friday 9am-5pm and Saturdays 10am-4pm."

Staff provides the following links to a videos of the operation of the Cicare SVH4 for your information.

<https://www.youtube.com/watch?v=g1mrNmXVINO>

<https://www.youtube.com/watch?v=MD642Ygoccs>

II. SITE DESCRIPTION

Subject Property is identified as Assessor's Parcel Number (APN) 402-08-069W.

Zoning: The subject property is zoned C3-35 Commercial and Minor Industrial

- The property to the north is zoned C2-1 Commercial, General Sales and Services.
- The property to the south is zoned C3-35 Commercial and Minor Industrial
- The property to the west across SR 69 is zoned M2-1 Industrial; Heavy
- The property to the east is zoned R1-12 Residential; Single Family

Land Use: The subject property is currently vacant

- The property to the north is currently vacant.
- The property to the south is JT's Sanitation
- The property to the west across SR 69 is currently vacant.
- The property to the east is a combination vacant properties and three single-family residential homes.



Figure 1, Aerial Photograph of the Subject Site and Surrounding Area

Access:

The property is accessed via Omega Dr., a private dirt road, north of Third St. There is no access to SR 69 currently, and none is proposed.

General Plan Compliance:

The subject property is designated by the 2009 General Plan as “General Commercial”, and is intended for retail, office, and industrial uses. Typical zoning districts applicable to this designation include all commercial and industrial zones. This proposal, if approved, would be in compliance with the General Plan.

Staff Assessment:

Council is charged with hearing and acting on the facts surrounding applications for Use Permits, and should take into consideration:

- Staff’s presentation and recommendations
- The report and recommendations of the Planning and Zoning Advisory Commission
- The applicant’s presentation and responses to questions from Council Members.
- Input from the public during the Public Hearing portion.

Council takes all this into consideration, through the perspective of a fresh and unbiased view of the proposal before them.

Why is a Use Permit Required?

The property where the Use Permit is sought, is zoned C3 (Commercial and Minor Industrial).

C3 zoning allows a number of uses by right, as well as all the principal and accessory uses permitted in all more restrictive zoning districts.

- C2 Commercial General, Sales and Services
- C1 Commercial Neighborhood Sales and Services
- RS Residential and Services
- R2 Residential Multi-Family
- RCU Residential Rural
- R1 Residential Single Family
- RMM Residential Multi-Sectional Manufactured Homes
- R1L Residential Single Family Limited

C2 zoning district, which is a more restrictive district than the C3, includes, among the permitted uses “Dancing, art, music, **business and trade schools**

The use proposed as a flight training school is a trade school.

§ 153.091 USE PERMITS.

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

- (1) Is compatible with permitted uses in the underlying zoning district;
- (2) Is in compliance with the town's General Plan and applicable town regulations; and
- (3) Meets or exceeds the conditions and criteria described in this section.

Use Permits are required in the C3 district for commercial uses **contiguous to residential districts.** Contiguous is defined in the Town Code as **“In actual contact”**.

The C3 zoning district where this Use Permit is sought, is in direct contact with the R1-12 Residential zoning district directly to the east.

Therefore, a Use Permit is required for this proposed outside use contiguous to a residential zoning district.

Additionally, due to the proximity of the residential zoning district, it would be reasonable to impose limitations on the hours of operation.

Use Permit Approval Criteria:

- Specific limitations and conditions may be applied to mitigate potential impacts
- May be granted for no more than five (5) years.
- Criteria to be considered:
 - Significant increases in vehicular and pedestrian traffic.
 - Nuisances arising from noise, dust, gas, odor, vibration, smoke, heat or glare
 - Downgrading of property values
 - Incompatibility with existing adjacent structures and uses
 - Nuisances from inadequate control of disruptive behaviors

During the consideration of this application, the Planning and Zoning Advisory Commission heard testimony from the public raising a number of issues dealing with the operation of the use. The applicant was afforded the opportunity to address each issue, and to offer mitigation for all of the issues raised. The issues presented were:

- Noise: The applicants pointed out that the noise associated with the trainer operation would be at levels similar to the background traffic on the adjacent State Highway 69. In attempting to mitigate the noise concern, the applicant organized the site and designed the facility such that the primary administration and classroom building is located between the adjacent residential neighborhood and the outdoor trainer pad.
- Dust: The applicants agreed to design their landscape to include 3” rock for 10 meters around the concrete pad where the trainer is operated. The further agreed to use gravel to cover the remainder of the open surfaces to cut down on dust.
- Hours of Operation: The applicant, in the application committed to restricting the hours of operation to between 9 am and 5 pm, Monday-Friday, and 10 am and 4 pm on Saturday.

IV. PUBLIC COMMENT

Public notices were sent to property owners within a 300-foot radius of the project site.

There was one person of the total 13 neighbors who attended the Public Participation Meeting held by Mr. and Ms. Pena at the property at 11:00 am on Wednesday March 28, 2018 (see attached invitation and attendance sign in sheet).

Following the Public Participation meeting and to date, the Town has received no letters of support, and two letters opposing the request (see attached).

Staff will forward to the Commission any public further comments as they are received.

V. STAFF RECOMMENDATION

Staff suggests that the applicants in our discussions with them, and throughout the Planning and Zoning Commission public hearing have exhibited a willingness to address valid issues and concerns with a positive attitude toward identifying mitigations that can be implemented to address them. Therefore, Staff recommends that the Council should consider approving this application as meeting the approval criteria and the necessary findings of fact can be supported in that decision.

Staff recommends that, if the Council chooses to approve this application, that the following conditions be made a part of the approval.

1. The Council in granting approval of this Use Permit has made the following findings of fact:
 - a. The use is compatible with permitted uses in the underlying zoning district.
 - b. The use is in compliance with the Town's General Plan and applicable town regulations.
 - c. The use, if approved with conditions, meets or exceeds the conditions and criteria described in Town Code Section 153.091.
2. The Hours of operation of the flight simulator outdoors shall be limited to Monday-Friday 9am - 5pm and Saturday 10am-4pm.
3. The flight trainer shall not operate at noise levels in excess of 90 dB at any time. The applicant will be required to provide monthly monitoring of noise levels for the first six (6) months of operation on a monthly basis. The noise levels will be taken in the presence of the Community Planner by appointment. If after the end of six (6) months the noise levels have averaged 90 or less, the monitoring will go to annual monitoring and reporting.
4. The applicant, prior to approval of a building permit for the use on that property, shall submit to Community Development Department of the Town of Dewey-Humboldt, a dust mitigation plan that will delineate the measures that will be taken to limit or reduce the generation of dust as a result of the outdoor operation of the trainer. Some of the measures that may be included are:
 - Provision of plantings around the interior perimeter of the fencing.
 - Application of a dust sealant to all open space surfaces.
 - Provision of rock and gravel surfaces surrounding the trainer operation pad.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit to the Community Planner, a landscaping plan that provides perimeter plantings to soften noise and dust impacts.
6. To limit any distraction to motorists along Highway 69, the trainer will be housed within the building at any time that students are not taking flight lessons actively.
7. 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.

V. PLANNING AND ZONING ADVISORY COMMISSION RECOMMENDATION

The Planning and Zoning Advisory Commission, held a public hearing on this Use Permit application on May 3, 2018, and on a vote of 4-1 approved the following motion.

"In hearing all the details,

I don't see as much support for this application as against it.

So, I make a motion that we do not recommend this permit to the Council."

For questions or comments about this proposal, please contact: Steven Brown, Community Planner at 928-632-7362 or stevenbrown@dhaz.gov.

RECEIVED

TOWN OF DEWEY-HUMBOLDT
DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

- General Plan Amendment - Major
- General Plan Amendment - Minor
- Pre-Application
- Community Master Plan
- Major Use / Site Plan
- Preliminary plat
- Commercial Design Review
- Annexation
- Zoning Clearance
- Conditional Use Permit
- Abandonment
- Rezone
- Land split (3 parcels max)
- Lot Combine
- Variance
- Area Plan / Amendment
- Final Plat / Amendment
- Land Use District
- Other _____

LEGAL DESCRIPTION:

Property Address: 2845 S State Route 69 Dewey-Humboldt, AZ
 Number of Lots / Units Proposed: 1
 Assessor's Parcel Number: 402-08-069W Parcel Size (Acres): 2.99
 Existing Land Use District: C3-35 Proposed Land Use District: Dewey-Humboldt Zoning
 Plat Name: _____ Block: _____ Lot: _____ Tract: _____

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water _____
- Gas _____
- Sewer Septic
- Phone _____
- Electric _____
- Cable _____

Describe Public Access to Property:

S Omega Dr

FEES

Base Fees: \$1,150.00 Other Fees: _____ Other Fees: _____ Subtotal: _____ Total: \$1,150.00

*APPLICANT / CONTACT INFORMATION:	OWNER INFORMATION:
Name: <u>Luis Pena</u>	Name: <u>Diana Pena</u>
Address: <u>8070 E. Yaupai Rd Prescott Valley, AZ</u>	Address: <u>8070 E. Yaupai Rd Prescott Valley, AZ</u>
Phone: <u>928-642-8592</u>	Phone: <u>928-261-3821</u>
Email: <u>meliswiftaviation@gmail.com</u>	Email: _____

Signature of owner or representative

*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

RECEIVED

MAR 29 2018



TOWN OF DEWEY-HUMBOLDT "Arizona's Country Town"

Use Permit Checklist
Community Development
P.O. Box 69
Humboldt, AZ 86329

www.dhaz.gov Phone: 928-632-8645, Fax: 928-632-7365

APPLICANT: Luis Pena PARCEL#: 402-08-069W

- 1. A mandatory pre-application meeting with the Development Services representatives on (DATE) _____;
2. Development application submittal form filled out completely;
3. Letter of Intent detailing the proposed use(s) and time period requested (if applicable);
4. A legal description of the property/lease area identified on the application;
5. The address and directions to the subject parcel for purposes of preparing the hearing notice and posting the property;
6. Permission to enter property statement;
7. Letter of authorization signed and notarized if required;
8. A copy of deed restrictions that may apply to the subject property;
9. Citizen participation completed. Including:
- Attendees list, minutes, and information obtained from community meeting, if required
- Affidavit of Notification
- Mailing list of all property owners notified of the application
- Citizen Participation Report (may be submitted up to the date of advertising)
10. Requested variances and waivers or known deviations from design standards;
11. One (1) copy of a site plan (up to 11"x 17" in size) showing: Parcel boundaries, zoning classification, adjacent roadways/legal access, setbacks from parcel boundaries, method of fencing, signage, and landscaping, if applicable. If plan is larger than 11"x 17", then applicant must provide thirty (30) copies upon submittal;
12. Conformance with General Plan and respective Community Plan;
13. Does the request require a Community Plan Amendment?
14. Does the request require a Major or Minor General Plan Amendment?
15. Flood/drainage status check from the Yavapai County Flood Control District;
16. Environmental Unit status check;
17. Traffic study if required;
18. A filing fee in the amount of \$ _____. (Determined by the Development Services fee schedule as adopted by the Town Council).

NOTE: The applicant or his representative must be present at scheduled Planning and Zoning Commission and the Town Council meetings in order to answer questions. A building permit will be required for the construction of any structure after approval of a Use Permit. If such construction is planned, the applicant(s) should obtain a Zoning Clearance Package and familiarize themselves with both those requirements, as well as the requirements of the Building Safety Code.

RECEIVED

MAR 29 2018

Dewey-Humboldt

Use Permit/Zoning Map Change Process Summary

APPLICATION REVIEW: Once it has been determined by staff that your application is complete, a copy of your site plan, letter of intent, and other pertinent information such as drainage, traffic, etc., will be forwarded to various reviewing agencies for their review and comment. If those reviewing agencies find that the information submitted is complete enough for them to assess your proposal and find the proposal to be acceptable, your request will be scheduled for the next available Planning and Zoning Commission public hearing.

NOTIFICATION: Prior to the Planning and Zoning Commission hearing, a notification that your Use Permit/Zoning Map Change request will be considered by the Planning and Zoning Commission will appear in the local newspaper. A poster, announcing the date and time of the Commission's hearing where your request will be considered, will be placed on your property and notification letters will be sent to surrounding property owners within three hundred feet (300') of your property. Even though you are fulfilling the application's citizen participation requirements, all of these notifications are intended to allow members of the public the opportunity to express their support for, or opposition to, your application as part of the public hearing process.

ISSUES CONSIDERED: When the Planning and Zoning Commission considers your request, the following items may be considered:

1. Does your request conform to, or conflict with, the Town of Dewey-Humboldt General Plan and the specific Community Plan for the area (if a Community Plan has been adopted for the subject area);
2. Does the surrounding neighborhood support or oppose your request;
3. Have all health and safety issues been addressed;
4. Is the use compatible with, and adequately buffered from, surrounding land uses (if necessary);
5. There could be other issues that are specific to your application that the Commission may consider as well.

APPROVAL/DENIAL: The Planning and Zoning Commission will forward a recommendation to the Town Council to approve or deny your application; however, they may postpone (defer) consideration of your request until such time as you have submitted additional information, if necessary to make an informed decision. Use Permits and Zoning Map Changes are approved by the Town Council, at a separate hearing, after the Planning and Zoning Commission has reviewed the request and offered a recommendation of approval or denial. Approvals may be subject to a number of conditions, if the Commission feels they are warranted, in order to address any impacts as well as public health, safety and welfare issues.

**To assist with insuring that your application is processed in as timely and efficient manner as possible, you should stay in contact with the planner that has been assigned to your application, as your application is being processed.*



Notice of Inspection Rights

Company/Permit Holder/Notification Recipient: _____

Address: 2845 S Stark Route 69 Dewey-Humboldt, AZ

Permit/License No.: _____ Date: 3/28/2018 Time: 12:00 (am/pm)

Inspector(s): _____ Phone: _____

Type of Inspection: _____

The legal authority granting this inspection is the Town of Dewey-Humboldt Town Code.

The Inspector(s) listed above were present at the above location at the date and time stated. Upon entry to the premises, the inspector(s) met with me, presented photo identification and explained the purpose of this inspection:

- Necessary for issuance of a permit
- Determine compliance with a permit and/or Town Code requirements.

I understand that as related to this inspection:

- I may accompany the inspector(s) on the premises, except during confidential interviews.
- I have the right to copies of any original documents(s) taken from the premises by the inspector(s) if the Town is permitted by law to take the original document(s).
- I have the right to a split or duplicate of any sample taken by the inspector(s) if the split or duplicate of the sample, where appropriate, would not prohibit an analysis from being conducted or rendered inconclusive.
- I have the right to copies of any analysis performed on samples taken during the inspection by the inspector(s).
- Each person whose conversation with the inspector(s) is tape-recorded will be informed that the conversation is being recorded.

MAR 29 2018

Dewey-Humboldt

- Each person interviewed by the inspector(s) will be informed that statements made may be included in the inspection report.
- An appeal of a final decision by the Town based on the result of the inspection may be brought in accordance with the applicable right of appeal provisions set forth in the Dewey-Humboldt Town Code and/or by way of a special action lawsuit in Yavapai County Superior Court.

If I have any questions regarding the inspection or the process or rights to appeal the decision based on the inspection, I may contact _____, at (928)-_____ or by email at _____@dewey-humboldt.net.

I acknowledge that I am the regulated person or on-site representative of the regulated person and that I have read this Notice and am now informed of my inspection rights. If I decline to sign this form, the Town inspector(s) may still proceed with the inspection.

Signature of Regulated Person on On-Site Representative

3/28/2018
Date

Lois Peña

Printed Name of Regulated Person or On-Site Representative

Note to Inspector: If the regulated person or on-site representative of the regulated person is not at the site or refuses to sign this Notice, please indicate below.

- Regulated person or on-site representative not on site
- Regulated person or on-site representative refused to sign Notice but was informed of the information in this Notice either verbally by me or by reading this Notice.

Inspector

MAR 29 2018

Dewey-Humboldt



PERMISSION TO ENTER PROPERTY

APPLICATION #: _____ PARCEL #: 402-08-069W

PROPERTY ADDRESS: 2845 S State Route 69 Dewey-Humboldt,

OWNER/ APPLICANT/ PERSON IN CONTROL OF THE PROPERTY: Diana Peña

ADDRESS: 8070 E. Yavapai Rd. Prescott Valley, AZ

TELEPHONE: 928-642-8592 EMAIL ADDRESS: heliswift@comcast.net

I, hereby give permission to the Town of Dewey-Humboldt Code Enforcement Officer (or other designated Town staff member) in the discharge of his or her duties, and for good and probable cause, to enter the above described property to inspect same in connection with the above-mentioned application or to investigate whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of Title XV of the Town of Dewey-Humboldt Town Code. Unless otherwise agreed in advance of the entry, such entry shall be limited to weekdays between the hours of 7:00 a.m. and 6:00 p.m. MST.

This permission to enter property is voluntarily given and may be withdrawn or revoked by providing the Town with notification of the withdrawal or notification in writing. I understand that if this permission is revoked, the Town's actions on the above-mentioned application may be delayed and that by withdrawing my permission to enter, I waive any claims I may have and any statutory remedies provided pursuant to A.R.S. § 9-831 et seq.

SIGNATURE _____
 OWNER

3/28/18
DATE

APPLICANT OR PERSON IN CONTROL

ACKNOWLEDGEMENT

STATE OF AZ)
COUNTY OF Yavapai) ss

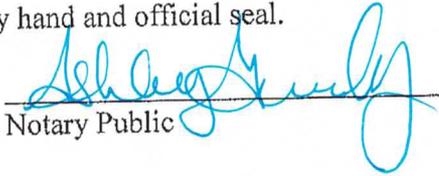
On this 29th day of March, 2018 before me, a notary public in and for said state, personally appeared Diana Peña of _____, an Arizona _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the

RECEIVED
MAR 29 2018

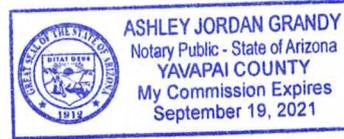
instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Dewey-Humboldt

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission Expires: 09/19/2021



DECEMBER

RECEIVED

MAR 29 2018

Town of Dewey-Humboldt

Dewey-Humboldt

Directions to Site

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-08-069W Address 2845 S State Route 69
Dewey-Humboldt AZ 86327



TOWN OF DEWEY-HUMBOLDT Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the application, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and fences; or any water course (including washes, drainage ditches etc.) on or within 50'; 100' or 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature

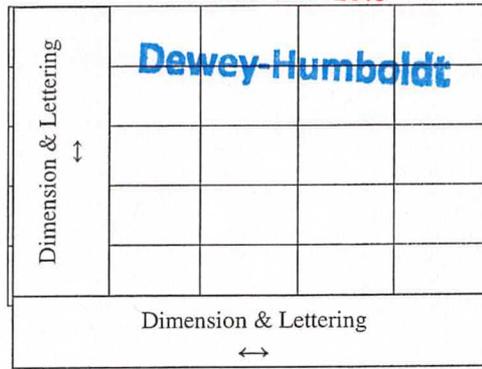
Date

3/28/18

RECEIVED

Orientation of Plot Plan.

MAR 29 2018



Document #

Sec

Twn

Rng

A P N

Zoning:

Stories:

Height:

Slope: _____ %

FY:

RY:

EY:

IY:

LC:

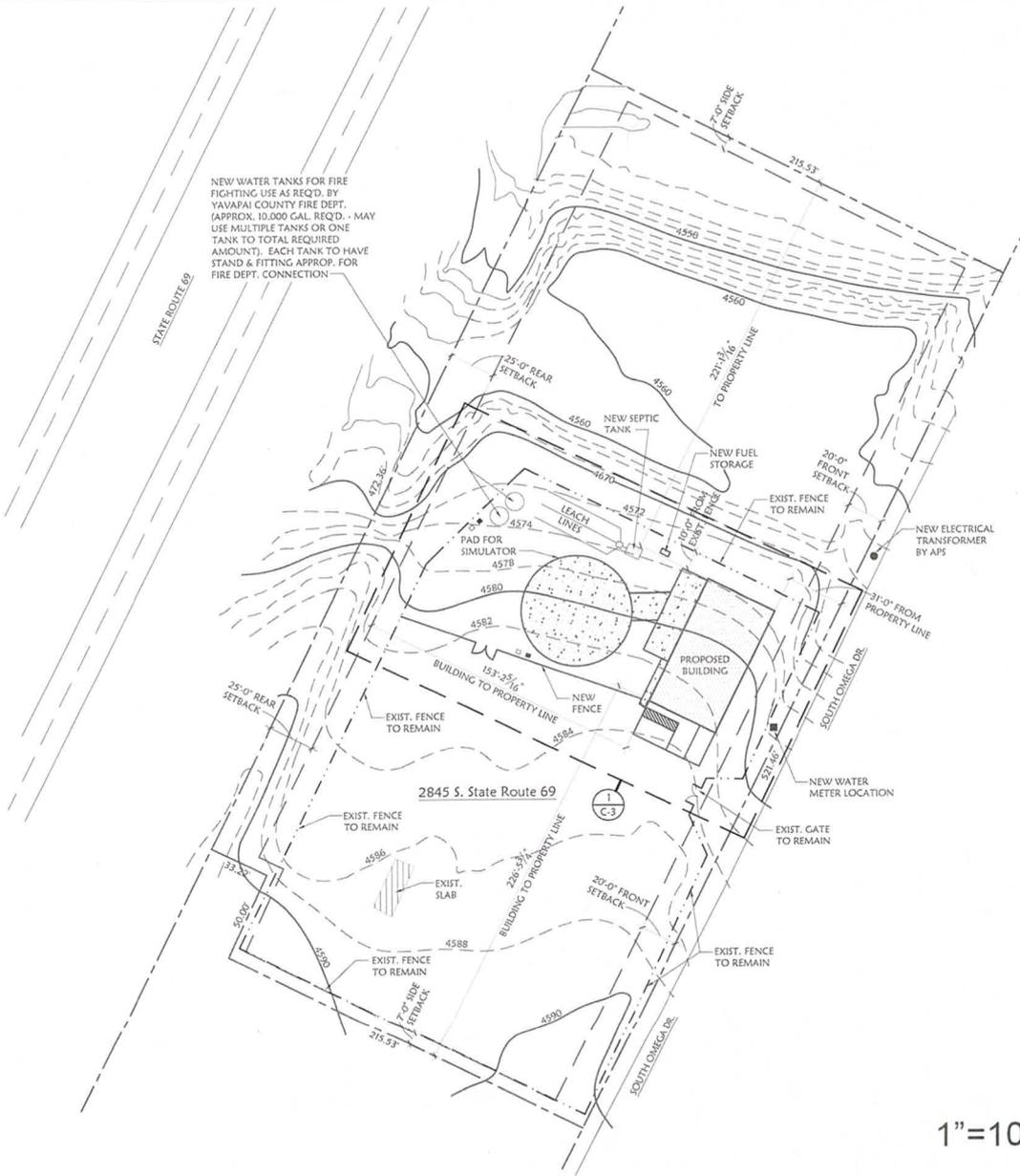
Lot Area

Lot %

Density Used:

Scale:

North Arrow



1"=10'

SCALE: 1" = 30'-0" (1)

SITE PLAN

Heli Swift Aviation LLC
2845 S. State Route 69
Dewey-Humboldt AZ 86327

To whom it may concern,

On Wednesday March 28th Heli Swift Aviation LLC will be hosting a meeting for all neighbors to 2845 S. State Route 69 Dewey-Humboldt, AZ 86327. The meeting will be at the above mentioned address at 11:00 AM. The purpose of this meeting will be to discuss the intended use of property. Please feel free to contact me via email or by phone with any questions.

heliswiftaviation@gmail.com

928-642-8592

Luis Peña

Owner & Chief Pilot

RECEIVED

MAR 29 2018

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
JANUARY · FEBRUARY · MARCH · APRIL · MAY · JUNE · JULY · AUGUST · SEPTEMBER · OCTOBER · NOVEMBER · DECEMBER
MONDAY · TUESDAY · WEDNESDAY · THURSDAY · FRIDAY · SATURDAY · SUNDAY

Dewey-Humboldt

Heli Swift Aviation

Meeting sign in. 3/28/18

Jesse Taalbe



3

Steven Brown

From: Gary Nece <gnece@aol.com>
Sent: Wednesday, April 25, 2018 8:04 PM
To: Steven Brown
Subject: HELICOPTER PROPOSAL

THIS IS AN EMAIL TO PROTEST THE HELICOPTER TRAINING ACROSS FROM MY PROPERTY, 2685 S OMEGA DR.

1. IT IS A PUBLIC SAFETY ISSUE. IF HELICOPTERS TAKE FLIGHT THAT CLOSE TO STATE HWY 69, IT WILL BE A DRIVER DISTRACTION. IT WILL CAUSE MASSIVE DISTRACTED DRIVER ACCIDENTS. WHICH COULD EXPOSE HUMBOLDT TO LAWSUITS FROM INJURED CITIZENS.
2. PUBLIC OPINION OF THE CITY FATHERS WOULD BECOME THE TALK OF THE STATE. THE REPUTATION OF HUMBOLDT WOULD CHANGE FROM COUNTY CITY TO "THE DISTRACTED DRIVING CAPITAL OF ARIZONA".
3. IT WILL CREATE NOISE POLLUTION THAT NO CITY WOULD WANT TO BE KNOWN FOR.
4. IT WILL DRIVE PROPERTY VALUES DOWN AND FUTURE RESIDENTS WILL NOT WANT TO LIVE HERE.
5. I AM ONE OF THOSE FUTURE RESIDENTS, I WILL NOT BUILD THE HOUSE AT 2685 OMEGA DR. THAT I HAVE BEEN WORKING TO DO. I WILL STOP AND TRY TO SELL IT IMMEDIATELY.
6. WHEN THE PROPERTY VALUE DROPS BECAUSE OF HAVING A HELICOPTER LIFTOFF PAD, GUESS WHO WE WILL BE DEMANDING TO REIMBURSE US. I WILL BE WITH THE GROUP WANTING THE CITY TO PAY ME.
7. THIS BUSINESS CAN EXIST WITHOUT IT.
 - A. THE USA MILITARY HAS SUCCESSFULLY TRAINED ALL KINDS OF AIR FLIGHT PILOTS WITH FLIGHT SIMULATORS. THEY ACTUALLY BELIEVE IT IS A BETTER, SAFER, MORE COST EFFECTIVE TO TRAIN PILOTS. IF YOU TRUST THEM WITH YOUR COUNTRIES SAFETY, THEN YOU WILL TRUST THEM WITH HOW THEY DO IT.
 - B. VIRTUAL REALITY TECHNOLOGY IS SO ADVANCED AND AVAILABLE TODAY THAT EVERY CELLPHONE CAN BE USED TO DO IT.
 - C. THIS BUSINESS CAN BE SUCCESSFUL WITH CLASSROOM SIMULATORS.
 - D. NOT ALLOWING THEM PERMISSION TO HAVE A LIFTOFF PAD IS NOT A HARDSHIP TO THEM. THEY STARTED THE IDEA OF A TRAINING PROGRAM WITH OUT LIVE HELICOPTER LIFTOFFS, THIS A LAST MINUTE CHANGE BY THEM TO OBTAIN ILL-GOTTEN PROFITS, WITH NO SENSE OF CIVIC DUTY OR PRIDE. IT IS ALL ABOUT MONEY AND PROFITS, NOT WHAT IS BEST FOR THE COMMUNITY.
8. DENYING PERMISSION IS THE ONLY RESPONSIBLE DECISION BECAUSE IT PROTECTS PUBLIC SAFETY, PROTECTS PROPERTY VALUES(THUS TAX REVENUE), PROTECTS FUTURE GROWTH, PROTECTS PUBLIC OPINION OF THE CITY FATHERS(I THINK THE MEDIA WILL HAVE A FIELD DAY WITH THIS),

Thanks Gary
Gnece@aol.com