

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

**Tuesday, April 17, 2018, 6:30 P.M.**

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

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

## **AGENDA SUMMARY**

- 1. Call to Order** Mayor Nolan called the meeting to order at 6:35 p.m.
- 2. Pledge of Allegiance** Led by Veteran Ken Murphy.
- 3. Invocation** Led by Councilmember Wendt.
- 4. Roll Call** Town Council Members: Jack Hamilton, Amy Timmons, Doug Treadway, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Council Member Mark McBrady was absent.
- 5. Announcements regarding Current Events; Guests; Appointments; and Proclamations**

Councilmember Wendt reported that her quarterly Firewise committee report was not on the agenda and would be placed on a future agenda.

**A. Fair Housing Proclamation related to the Town's policy on compliance with the Fair Housing Act**

Mayor Nolan read the proclamation in support of the Fair Housing Act.

**B. Interviews and possible appointment of applicant to the Planning & Zoning Commission to fill one vacancy**

There were three applicants for one vacancy on the Planning & Zoning (P&Z) Commission: Lynn Collins, Nancy Wright and Ken Murphy.

Ms. Collins spoke in support of water conservation measures, wildland building codes for all construction, and architectural diversity in subdivisions. She spoke of experience with the General Plan process, in other cities, and extensive planning involvement. She has read the D-H 2008 General Plan.

Ms. Wright spoke of serving on the D-H Town Council for 11 years. She has watched every P & Z meeting, if she did not attend. She wants to do what is right for the Town to keep it rural. She is offering to serve the Town.

Mr. Murphy would like to serve on the committee in order to further his community service. He has two brothers who are developers in Colorado, so he is familiar with the good, bad and ugly of zoning. He would like to be part of the development in going forward. He has read the General Plan, however, has not attended P & Z meetings in the past.

Councilmember Hamilton made a motion: To vote to see who we want on Planning & Zoning, seconded by Vice Mayor Hughes. The Motion passed unanimously.

The Council Members (CM) voted by ballot with the following results: CM Wendt – Ken Murphy; CM Treadway – Nancy Wright; Mayor Nolan – Ken Murphy; VM Hughes – Ken Murphy; CM Hamilton – Nancy Wright; CM Timmons – Ken Murphy.

Ken Murphy was appointed to the P & Z vacancy with a majority of four votes.

Mayor Nolan asked to move the Public Hearings and Agenda Item 10. C. forward to this point of the meeting. There was Council consensus to do so.

**10.C. Request for a waiver of the required \$850 application fee for a requested Use Permit, UP 17-002 for approximately 5.1 acres of real property, Woodrow Wampler residence, located at 9955 E. Newtown Ave., also known as Yavapai County Assessor's Parcel Number 402-03-212 in the R1-70 (Residential Single Family) zoning district to allow the operation of a dry camp to accommodate no more than ten travel trailer/RVs. The travel trailers/RVs will not be connected to any utilities, and the camp will be limited to operating during the period from April 15 through October 15 each year.**

This agenda item was moved forward in the meeting and addressed after Agenda Item 5.B.

Community Planner (CP) Brown noted that he would give a full review of the User Permit request during the Public Hearing.

Woody Wampler, applicant, gave an overview of his request to Council. Mr. Wampler is an event coordinator for his chapter of Gold Prospectors Association of America. Campers come to his property in the summer, hold various events, and teach gold panning. They participate in various, local events such as the school and mine tour events that benefit the Dewey-Humboldt Historical Society, and the Agua Fria Festival. They also participate in community clean-ups. The campers park their trailers on Mr. Wampler's property and leave them for the summer, coming up for occasional weekends and to participate in the above described events. They do not live on his property. This saves them having to move trailers up and down Interstate 17. The campers infuse money in the community at shops and restaurants, as well. Mr. Wampler does not charge or make money on this endeavor. He feels bad asking the campers to pay when they are helping the community.

There were Council questions for Mr. Wampler. The Town Attorney was asked if this would be a violation of the gift clause. Attorney Goodwin was unable to verify this.

CM Wendt noted that Mr. Wampler is a good neighbor and that he has the cleanest property. Her neighbors have expressed their support of Mr. Wampler. She applauds his efforts and volunteerism but cannot support waiving the Use Permit fee.

CM Timmons noted the money that could be generated in the community by the campers, up to \$7-800 on a weekend for local businesses. She spoke of other fees having been waived by Council previously in other situations.

CM Treadway applauded Mr. Wampler for his activities but noted his concern regarding waiving the fee, as it will oblige Town Council to waive it for others

#### Public Comment

Dale Creel – spoke in support of Mr. Wampler noting that he is a great neighbor and citizen. He spoke in support of waiving the fee.

David Nystrom – spoke in support of the waiver of the fee as permit fees are not the financial security of this Town noting Mr. Wampler's non-profit endeavors for local organizations.

Leigh Cluff - spoke of Mr. Wampler's property being immaculate. She spoke against the person that complained and wondered if they are donating money to the community as Mr. Wampler does.

Gerald Boyer – noted that these people are willing to give their time and talent to the community and he supported the waiver of the fee.

There was further Council discussion with CM Treadway noting that P & Z reviewed this issue and made a recommendation to waive the fee. Council should consider their recommendation. He supported waiving the fee, unless it were a violation of the gift clause.

#### Public Comment

Woody Wampler – spoke of the Club not covering these event costs, the people pay their own expenses. The fee will come out of the volunteers pockets.

Vice Mayor Hughes spoke in support of Mr. Wampler’s events but noted that Council cannot give him an exemption and then deny similar future request from others.

CM Timmons spoke of a demolition permit being waived for someone who had a structure fire, but when someone else with a fire being charged for the same permit, noting a case-by-case basis.

CM Hamilton made a motion to deny the fee reduction, seconded by CM Wendt. A roll call vote was taken: CM Timmons – No; CM Hamilton – Yes; VM Hughes – Yes; Mayor Nolan – Yes; CM Wendt – Yes; CM Treadway – No. The motion passed by a 4 -2 margin.

### 11. Public Hearing Agenda

Discussion and Possible Legal Action may be taken.

**A. Request for a Use Permit UP 17-002 for approximately 5.1 acres of real property, Woody Wampler residence, located at 9955 E. Newtown Ave., also known as Yavapai County Assessor’s Parcel Number 402-03-212 in the R1-70 (Commercial; General Sales and Services) zoning district to allow the operation of a dry camp to accommodate no more than ten travel trailer/RVs. The travel trailers/RVs will not be connected to any utilities, and the camp will be limited to operating during the period from April 15 through October 15 each year.**

#### 1. Staff Report

CP Brown stated applicant, Woodrow Wampler, is in the low density residential General Plan designation, R1-70 residential zoning, identified as APN 402-03-212. Mr. Wampler is seeking a Use Permit for no more than ten travel trailers on property he owns at 9955 E. Newtown Ave. There will be no hook-ups for either septic or water. The travel trailers will be the property of individuals, other than Mr. Wampler, and all owners are members of the Gold Prospectors Association of Phoenix. They gather each year in D-H to promote gold prospecting and to conduct hands-on demonstrations and educational programs centered on prospecting. The applicant is seeking to limit the Use Permit to the period of April 15 through October 15 of each year. Mr. Wampler does not charge for the use of the property for this gathering. This coincides with the schedule of events that the group will be participating in beginning in early May with a presentation to the Humboldt Unified School District pupils. Mr. Wampler currently maintains his personal residence on this property. The subject property is zoned R1-70 Residential Single Family, as are all of the properties abutting on all sides. The subject property is currently being used to house a single-family residence. The property to the north, south and west is currently vacant. The property to the east is a combination of one vacant property and two single-family residences. Public notices were sent to property owners within 300 feet radius of the project site. Three of the fourteen neighbors who were noticed attended the public participation meeting. The town has received eight letters in support and one letter in opposition to the request. P & Z Commission voted unanimously to approve the Use Permit with the following conditions from Staff and the Commission:

- 1) The Use Permit is approved for a term of five (5) years, to be reviewed at the end of that period to determine if renewal for an additional period is appropriate. Application for Renewal shall be made by the owners of the property following the same process as for a new Use Permit.
- 2) The presence of more than two (2) travel trailers on the property (Mr. Wampler's) will be permitted only between the dates of April 15 through October 15. He is allowed to have one (1) registered in his name and one (1) that he may store that is not registered in his name.
- 3) The noise ordinance on the generators be limited to the time period of 8 a.m. to 10 p.m.
- 4) Waiver of the Use Permit fee.

CP Brown noted that Mr. Wampler keeps an exemplary property. This matter started with the filing of a complaint. CP Brown worked with Mr. Wampler on the Use Permit and Mr. Wampler is trying to address this by legitimate means.

Mayor Nolan closed the regular meeting at 7:38 p.m.

## **2. Open Public Hearing**

Mayor Nolan opened the Public Hearing at 7:38 p.m.

### **Public Comment**

Woody Wampler – inquired if Council needed further detail. They did not. Mr. Wampler stated that the club would be participating in an event at Little Dealer Little Prices in July to benefit veterans and their families. Their mission is to teach people to respect the land and teach the art of gold panning.

David Nystrom – spoke in favor of the Use Permit and said he shared this viewpoint at the P & Z meeting.

Stanley Gorodenski – spoke of misunderstanding this issue at the P & Z meeting. His initial understanding was that this request was for a couple day event, now he realized that it was regarding parking trailers for a six-month time period.

## **3. Close Public Hearing**

Mayor Nolan closed the Public Hearing at 7:52 p.m.

## **4. Council Discussion and Possible Action**

Councilmember Wendt made the following motion: That we grant Mr. Wampler his application for his conditional use permit to keep within the six-month time period as stipulated in the agenda the 7 – 10 trailers for Council approval. There was further Council discussion. Councilmember Treadway seconded Councilmember Wendt's motion. Town Attorney Goodwin recommended making the motion subject to the payment of the application fee. Councilmember Wendt agreed with this revision to her motion as well as the conditions set by the Planning & Zoning Commission. Mayor Nolan requested a roll call vote. The motion passed by a 5-1 margin, with Councilmember Hamilton voting against.

### **Public Comment**

Dale Creel spoke of Arizona's mandated monsoon season and due to having seasons, it is hard to give specific dates. Referring to this issue as a trailer park is inaccurate.

## **B. Liquor License – Conduct public hearing and consider approval of a “Series 10 Beer and Wine Store” Liquor License for Giant #086 located at 12833 E. State Route 69, Dewey, AZ 86327.**

### **1. Staff Report**

Town Manager Wilson stated that this liquor license would be utilized at the Giant Gas Station. It would be limited to a Series 10 license for beer and wine. The appropriate applications and reviews have been addressed by the Liquor Board. A motion from Council in support or denial is in order from the Council. There were no comments or questions from the Council.

## **2. Open Public Hearing**

Mayor Nolan opened the Public Hearing at 8:12 p.m.

Mary Franks – inquired as to where the Giant station would be located and was informed that it would be located at the intersections of Highways 69 and 169.

Dale Creel – viewing his cell phone, said he was looking for the motto for the Town of Dewey-Humboldt. He said he looked at it online and it said the motto was “Country Town”. When he finds it, he will read it to Council.

## **3. Close Public Hearing**

The Public Hearing was closed at 8:15 p.m.

## **4. Council Discussion and Possible Action**

Councilmember Hamilton made a motion to approve the liquor license, seconded by Vice Mayor Hughes. The motion passed unanimously.

## **5. C. Public Safety Reports**

### **1. Central Arizona Fire & Medical Authority report presented by Fire Marshall Rick Chase.**

Fire Marshall Rick Chase gave an overview on the First Quarter (Jan–Mar 2018) sharing that there were 82 EMS Responses; 2 Fire Responses; 21 Public Service Dispatches; 3 Hazardous Condition Responses and 11 Good Intent Responses for a total of 119 Dispatches. These numbers are considered low and standard for the Dewey-Humboldt area. Fire Marshall Chase said he would provide figures as to what percentage population Dewey-Humboldt is of the entire district. (Later in the meeting, FM Chase figured that D-H is about 4% of the entire district population).

Prescott National Forest is going into Stage 1 Fire Restrictions. The Oasis Church on Hideaway Lane has received its final inspections and is having any Open House on May 4, 2018. They have been working on the tank project in the Upper Blue Hills with the Firewise committee on this. The tanks are in their new budget, which takes effect July 1, 2018, and they should be able to move forward at that time. Councilmember Wendt spoke of a recent fire in the Blue Hills and a road closure situations. She had questions about the water supplies. FM Chase did not have an absolute end date for the project.

Public Comment

Dale Creel spoke of the recent fire noting that the temporary tank was set up on Cranberry and Wicklow, which is what stopped the traffic. He noted that the Department did a great job up there.

### **2. Yavapai County Sheriff’s Office report presented by Sgt. John Johnson.**

Sgt. Johnson provided an overview of the First Quarter (Jan-Mar 2018). There were 568 total calls in that quarter. 228 Traffic Stops; 69 Traffic Citations; 5 Assaults; 3 Drug Arrests; 2 Disorderly Conduct Arrests; 5 Family Fight Arrests; and 3 Wanted Person Arrest with a total of 26 arrests (7 cite and release). There were also 10 Animal Citations issued. These numbers are normal for the D-H area. He provided information on the

calls by day of the week and by time of day.

#### Public Comment

Woody Wampler asked how D-H crime rates compared to the rest of the County. Sgt. Johnson noted that of the unincorporated areas of the County, D-H's numbers are relatively low.

### **3. Magistrate Court report presented by Judge Catherine Kelley.**

Judge Kelley commented that the Court does not generate its own business, so she will not go over territory that was already covered in previous reports. She did explain that the arrests that were noted in the Sheriff's statistics can be spread over three courts and do not necessarily end up in the D-H court. Judge Kelley shared that the new computer system has the ability to text or email reminders regarding court dates and seems to be having a positive impact. There is a new grant program which allows inmates to be screened at the jail for mental health issues, substance abuse and other types of issues resulting in recommended resources, so that someone doesn't have to be kept in custody, if these types of issues can be addressed. Jail personnel inform the Judges of these particular types of issues and help follow up and provide the resources to the inmates. Judge thinks it is an excellent grant program.

### **6. Town Manager's Report**

Town Manager Wilson explained that Building Official Don Roberts has continuing health issues and has taken a leave of absence. There is a plan to have Cindy Spahr assist with inspections. She will also participate in some additional training being held in Prescott at the end of the month.

### **7. Consent Agenda**

#### **A. Approval of Meeting Minutes:**

- 1. Special Meeting of February 27, 2018**
- 2. Study Session & Special Meeting of March 6, 2018**
- 3. Regular Meeting of March 20, 2018**

#### **B. Approval of adoption of Resolution No. 18-130 repealing Resolution No. 08-61 Related to the Public Participation Plan for adoption of a General Plan; providing for repeal of conflicting results; and providing for severability**

Councilmember Hamilton made a motion to approve the Consent Agenda, seconded by Vice Mayor Hughes. The motion passed unanimously.

### **8. Public Comment on Non-agendized Items**

Nancy Wright - spoke of online live-streaming issues and also noted that there was money allocated in a past budget for a second camera for people to see what is on the overhead projector and recommended follow-up.

Leigh Cluff - spoke of the emergent issue of a second access in and out of the Blue Hills noting the area is growing every day and this becomes more important all the time.

Dale Creel - read the Town's Mission Statement to the Council and reminded them this was their responsibility to uphold.

### **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. Special Projects Discussion for FY 2018/19 Budget**

Town Manager Wilson gave an initial overview of the following proposals by going through the list:

Friends of the Library: There was a request from the FOL for assistance in the way of a part-time staff (16 hours per week). TM Wilson asked Sandra Goodwin of the Friends of the Library to speak on the issue. Ms. Goodwin explained that they took this issue to the County, but they did not feel it was warranted, so they are asking the Council to help support the program. Ms. Goodwin informed Council that TM Wilson has been extremely helpful on this issue.

Activity Center: A part-time staff for the Activity Center to help keep the doors open and move programming forward. There was also an associated idea of having Meals on Wheels provide one meal per week at \$5 for interested residents. The Town could consider funding it totally or offering a discounted meal price. There were Council questions and discussion on this proposal.

Open Space & Trails Committee: Improvements to be done by Town Staff at a specific area on a walking trail with an estimated cost at \$10,000

Agua Fria Festival: Request from Dewey-Humboldt Historical Society for \$2500

Merrill & Cranberry Road improvement: Drainage issues estimated at \$5,000

Dewey-Humboldt Historical Society: Donation to assist with displays and exhibits at Mortimer Farm.

There was further Council discussion and clarification on these proposed items, to be discussed more thoroughly at the next budget discussion.

### **Public Comment**

Sandra Goodwin reported that Ken Murphy, with additional volunteers, have offered to clean the Green Gulch Trail on a monthly basis. She also spoke of the great presentation Ms. Wendt recently gave regarding Firewise to the Granite Mountain Riders group.

## **10. New Business**

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

### **A. Public Works 2018 Chip Seal Overlay Contract Award**

Public Works Director Hanks informed Council that there were three bid submissions for the annual chip seal project. Earth Resources was the low bidder at \$179,986 and Staff recommends the bid be awarded to them.

Councilmember Hamilton made a motion to approve awarding the bid to Earth Resources, seconded by Councilmember Timmons. The motion passed unanimously.

### **B. Consideration and possible adoption of Chapter 92 Nuisance Abatement Ordinance**

(As directed by Council 3/20/18)

Town Manager Wilson gave an overview of Councilmember Wendt's CAARF asking the Town Attorney to bring back the proposed nuisance abatement ordinance. They are seeking Council's input to be able to revise this and bring it back for adoption.

Town Attorney Goodwin spoke of this having been before Council previously but they were not ready to proceed at that time. She narrowed the focus for blight and focus on health and safety situations. She understands D-H to want a very narrow definition for "nuisance". That was the goal of her revisions. The procedures stay the same and includes due process

of noticing, appealing, etc... If the nuisance was not cleaned up, the Town would have the ability to go in and abate the nuisance.

There was extensive Council discussion and questions regarding inspection procedures and the complaint process, whether it would be complaint-based or anonymous.

#### Public Comment

Lynn Collins spoke of the attorney not offering enough definition requesting more clarification for terms such as blight; blighted buildings, structures, etc... She cited the proposed ordinance as being overreaching requiring better definitions.

There was further Council discussion regarding health and safety, as well as the complaint process.

#### Public Comment

Gary Mortimer expressed that the process has to be complaint-driven with documentation and described some situations that he experienced at his property. He spoke of having a community that everyone can be proud of.

Leigh Cluff spoke of a complaint filed against her by the County back in 2002 and the outcome. She was in support of transparency in the system.

There was further Council discussion regarding the process and including language in the ordinance that it should be complaint-driven.

#### Public Comment

Ulys Brooks spoke of the possibility of bullies filing multiple complaints.

Vice Mayor Hughes made a motion to extend the meeting fifteen minutes, seconded by Councilmember Timmons. The motion passed by a 5-1 margin, with Councilmember Hamilton voting against.

There was further Council discussion about the definition for health and safety. Vice Mayor Hughes noted there was no direction for Staff after much Council discussion. His recommendation is that the ordinance be transparent; accept the strikeouts as written; and make sure it is in quotes that it is for "danger to life, health and safety" and go from there.

Councilmember Wendt believes the process should be complaint-driven and transparent, leave the strikeouts out, health and safety only.

Town Attorney recommended using the term "probable cause" instead of reasonable belief. Council agreed with this choice.

#### Public Comment

Lynn Collins spoke of the Code Enforcer at Prescott Valley taking the health and safety standard and stretching it. She wants examples written out. There should be no guessing on the code.

Gary Mortimer spoke in support of a transparent, complaint-driven process.

Mayor Nolan summarized that the abatement ordinance will be complaint-driven and transparent. Town Attorney Goodwin confirmed that the "probable clause" would apply to the Code Enforcement Officer and the strikeouts on the definition of blight will be taken out and she could now proceed with this direction.

**11. Adjourn** Mayor Nolan adjourned the meeting at 10:07 p.m.