

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

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

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

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order

2. 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. Tax Credit Giving Month Proclamation

B. Cites & Towns Week Proclamation

C. Public Safety Reports

- 1. Public Works Department Update presented by Director Ed Hanks** Topics for possible discussion include: roads and storms
- 2. Central Arizona Fire & Medical Authority report presented by Fire Marshall Rick Chase** Topics for possible discussion include: calls responded; outreach programs and services, construction permitting
- 3. Yavapai County Sheriff's Office report presented by Sgt. Johnson** Topics for possible discussion include: overview - self-Initiated, calls for Service, traffic stops including number of citations, arrests (family fight, disorderly, DUI/drugs); criminal investigation; animal control - calls for service; calls for service comparison-days of week, time of day; average response times; Part 1 crimes comparison
- 4. Magistrate Court report presented by Judge Catherine Kelley** Topics for possible discussion include: citations, procedures, services

6. Firewise Quarterly Report Topics for possible discussion include: General Committee Update

7. 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.

8. Consent Agenda

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

- A. Approval of Meeting Minutes:**
 - 1. Study Session of August 7, 2018**
 - 2. Special Meeting of September 25, 2018**

- 15 **B. Approval of revisions and 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**

9. 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.

10. Unfinished Business

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

11. New Business

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

- 19 **A. Discussion regarding a donation to the Hot Shots Memorial** (Mayor Nolan - CAARF)
- 21 **B. To approve the timeline for Readoption of General Plan** (Mayor Nolan – CAARF)
- 25 **C. Discuss - amend/delete Code Ordinance 153.999 & 10.999** (Mayor Nolan & CM Hamilton – CAARF)
- 31 **D. Presentation Request to discuss development & doing a demographic study** (Mayor Nolan – CAARF)
- 33 **E. Letter of Support for the proposed “Greater Prescott Area Community Protection Program” project** (Councilmember Wendt – CAARF)

12. Public Hearing Agenda - None

- 43 **13. Consideration of adding a Special Session (Regular Meeting) due to the fifth Tuesday of the month** This is an established agenda item for Council’s discussion on whether to add an additional Special Study Session and if so, set the date.

14. 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 11th day of October, 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, November 6, 2018, at 2:00 p.m.
- Next Planning & Zoning Meeting: Thursday, November 8, 2018, at 6:00 p.m.
- Next Town Council Regular Meeting: Tuesday, November 20, 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.

Tax Credit Giving Month November 2018 Proclamation

Whereas, the State of Arizona tax credit program enables taxpayers to contribute \$400 for a single taxpayer and \$800 for taxpayers filing a joint tax return, and receive a dollar for dollar tax credit on their Arizona tax bill; and

Whereas, the full amount can be given to a qualified charitable organization of their choice AND a school of their choice; and

Whereas, taxpayers can use their tax dollars to express their beliefs and values by supporting a charity that does the work they hold dear; and

Whereas, by donating to a qualified charitable organization and a school, taxpayers are in effect, given the opportunity to choose how to use a portion of their tax dollars; and

Whereas, taxpayers no longer need to itemize in order to participate in the Arizona Tax Credit Program; and

Whereas, a donation that qualifies for a state tax credit is also fully deductible on a Federal tax return, reducing the Federal tax liability; and

Whereas, the Arizona Tax Credit Program is a way of keeping our tax money in this community; and

Whereas, keeping tax dollars local through the charitable giving tax credit builds a stronger and better community at no cost to the donors.

Now, therefore, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt, in partnership with Yavapai Big Brothers Big Sisters, do hereby declare November 2018 as "Charitable Tax Credit Giving Month", and for the good of the community, urge residents to keep their money local by making a donation to a qualified local charity and school.

In Witness Whereof, I have hereunto set my hand this 16th day of October, in the year of our Lord two thousand eighteen.

*Terry Nolan, Mayor
Town of Dewey-Humboldt*

*Julie Gibson
Town Clerk*

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Cities and Towns Week 2018

WHEREAS the citizens of the Town of Dewey-Humboldt rely on the Town to experience a high quality of life in our community; and

WHEREAS cities and towns in Arizona work 24 hours a day, seven days a week to deliver vital services such as fire, police and emergency medical response to ensure safe communities; and

WHEREAS cities and towns in Arizona also provide services and programs that enhance the quality of life for residents such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers and recreational programs; and

WHEREAS it is important for the Town of Dewey-Humboldt to continue to provide excellent delivery of services and programs that our citizens have come to expect in our community; and

WHEREAS it is one of the responsibilities of town officials to ensure open and accessible government through frequent communication with citizens using various avenues and means; and

WHEREAS through participation and cooperation; citizens, community leaders, local businesses and municipal staff can work together to ensure that services provided by the Town of Dewey-Humboldt can remain exceptional elements of the quality of life of our community.

NOW, THEREFORE, be it resolved that the Town of Dewey-Humboldt joins with the League of Arizona Cities and Towns and fellow municipalities across the State of Arizona in declaring October 21-27, 2018, Arizona Cities and Towns Week.

In Witness Whereof, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt have hereunto set my hand this 16th day of October, 2018.

Terry Nolan, Mayor
Town of Dewey-Humboldt

Julie Gibson, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
AUGUST 7, 2018, 2:00 P.M.**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 7, 2018, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 2:03 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan were present. Council Members Amy Timmons and Doug Treadway were absent.
3. **Study Session.** No legal action to be taken

Mayor Nolan went over the Study Session Procedures.

A. Discussion of Study Session Procedures

1. **Study Sessions are held for “discussion only” by the governing body. No formal action will be taken by the Mayor & Council at any Study Session.**
2. **A Study Session item will first be discussed – uninterrupted – by the Mayor & Council.**
3. **Upon the conclusion of its discussion of a Study Session topic, there will be Public Comment on that topic. All comments will be limited to three (3) minutes per speaker.**

Councilmember McBrady questioned if the word “uninterrupted” was in the ordinance or policy. Mayor Nolan clarified that it meant that Public Comment would be taken after the Council had discussed the item, not during Council discussion.

- B. Review and discussion of an ordinance, amending Dewey-Humboldt Town Code, Title III Administration, Chapter 30 Town Council and Officials, Council Meetings, §30.105 Council Agenda; §30.107 Time of Adjournment; and §30.108 Agenda Packets, Subsection (A), related to council meetings and agendas** (As directed by Council

5/1/18)

Town Manager Wilson gave an overview of this agenda item. This was originally presented on May 1st. Items clarified or revised in these sections were the composition of the Agenda Committee; how Council Agenda Action Request Forms are acted upon, providing a more efficient process by making it a one-step process instead of two; the order of agenda items to be set by the Agenda Committee; a 3.5 hour meeting limit that requires a motion to extend the meeting and agenda packets to be distributed on Thursdays by the end of the business day.

There was Council discussion regarding the revisions. Councilmember McBrady asked that the new practice regarding the Agenda Committee Meetings with Council Members in attendance be included in the language. This allows a third Council Member to join the meeting by calling in to schedule their attendance. If the Mayor or Vice Mayor were absent, then two Council Members could attend. It was decided this should be on a first come, first serve basis. Town Manager Wilson said he would include this language.

Councilmember McBrady asked about the language regarding removing an item from an agenda. The current code language shall remain unchanged.

There was discussion regarding the CAARF process. CAARFs are to be scheduled on Regular Council Meeting agendas. If required or requested it can be moved to a Study Session. There was further discussion regarding the CAARF process. The wording of “next appropriate agenda” would cover this.

Public Comment

Karen Brooks recommended that announcement & proclamations be moved up to follow the invocation. She would like General or Town Manager Reports and the Safety Reports to follow the Announcements & Proclamations. The idea of a CAARF being put right on a general agenda is a good idea, especially if it comes from a citizen, so they know their concern is being heard.

Councilmember Hamilton clarified that the Agenda Committee will set the order of items on the agendas.

Town Manager Wilson said that the requested change regarding the Agenda Committee Meeting will be added to a future agenda, as determined by the Agenda Committee.

C. Review of revisions and discussion 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 definitions, prohibition of public nuisances, and procedures for notice and abatement of nuisances. (As directed by Council 4/17/18)

Town Manager Wilson gave an overview of the item noting that this has been a work in progress. He provided an index of changes that were a result of Council and public recommendations made at the public meeting this ordinance was covered. He gave detail on some of the revisions regarding misdemeanors and penalties; lengthened periods for response and action; and the abatement and lien process.

Councilmember McBrady spoke of there being many ways to accomplish this and this was not his idea for the Town. He recommended that complaints come first to Town Council. He was not in favor of many aspects of the proposed ordinance noting this is the first nuisance ordinance for the Town and it needs to be a good one. Town Attorney Goodwin noted that this ordinance is not the first step, it is the last step in the abatement process. There is a lot of notice given in the Town’s complaint process. She spoke of Council being careful to not be involved in the complaint process due to liability.

TM Wilson clarified that there is no abatement if the party chooses to have a review. The process stops, if there is an appeal. The redaction process of a complaint was explained. In order to file a complaint you have to be a resident and you have to sign the complaint. CM McBrady clarified that the complaints are not anonymous, but only Staff has access to the complainant’s information. This was confirmed. CM McBrady expressed his concern with the redaction. TM Wilson explained that a complainant’s first concern is that their identity is protected. There was further discussion regarding the complaint process. Town Attorney Goodwin explained the Public Information Request process and the ability to withhold the complainant’s name.

Councilmember Hamilton informed Council that he recently put in a Public Information Request for all the complaints filed with the Town since March 1. There have been 16

complaints. You don't want those going to the Council. Council should not be dealing with that as they would have to choose sides and it would split the Town. He is in favor of anonymous complaints and explained his reasons.

Town Manager Wilson explained the penalty and abatement process explaining that if someone refused to cooperate after the initial complaint process the Town could fix or clean up the situation at their expense and the cost would be assessed to the property or home owner. There is an appeal process that provides a review. The cost could be then be paid, if not, a lien could be filed on the property. The lien would remain with the property until it was paid or there was a change of ownership. Public liens have to be paid before a sale in order to get clean title. The foreclosure option was removed from this revised version.

Councilmember Wendt spoke of her surprise when she read over the proposed ordinance prepared by attorneys. Words matter. She had issue with some of the wording and definitions. She noted it was repetitive, redundant and not very well written. CM Wendt covered her prepared statement in reference to the first two pages of the proposed ordinance. She provided new wording for the first three definitions; added definitions for the terms "reasonable belief" and "imminent danger"; and new wording and rewrites for 92.02 (B) , 92.02 (C); 92.03 (A); and 92.03 (B). She is not in favor of the proposed ordinance and reminded Council that this was supposed to be an ordinance to deal with health and safety, not nuisances. She felt the ordinance language overstates and overdoes. She noted this covered the first two pages and there are nine pages. She also recommended needing the community's buy-in. She again noted that this should be "health and safety ordinance", not nuisance.

There was extensive Council discussion including the Town Manager and Town Attorney regarding CM Wendt's definitions and proposed revisions to the above noted sections, in addition to her desire for penalties for false complaints.

Councilmember McBrady was in favor of Council determining if a Code Officer would go onto a property. He also advocated for a community volunteer group to assist in clean-ups leaving the legal process as the last step. There was further discussion including using the Planning & Zoning Commission; a mediation process; or a hearing process as alternatives. Town Attorney Goodwin pointed out that if a Code Officer is making decisions he has immunity but does not believe that immunity is granted to Town Council, nor do they have the skills to make these types of determinations and could incur liability.

Councilmember Hamilton spoke of needing an abatement ordinance before you can do anything. He spoke of the definitions being discussed have legally defined terms under law. He was not in favor of a percentage scale for imminent danger and the term "short period of time" needs definite language. The previous Council worked on this and kicked it over to the current Council. There has never been any agreement on this. He recommended shelving it and letting the next Council take it on and he sees no resolution.

Councilmember Treadway, who was absent from the meeting, requested that a statement be read into the record. He noted having reviewed the ordinance and believed the recommended revisions discussed at the May 15, 2018, were adequately addressed. He felt the ordinance would be useful in serving Dewey-Humboldt for its intended purpose.

Councilmember Wendt asked the Mayor for his comments. He declined comment. There was discussion and disagreement regarding who and why this was on the agenda.

Councilmember McBrady agreed with CM Hamilton to leave this for the next Council.

Councilmember Hughes spoke of this matter having been on the tentative agenda and did not need to be postponed. Council needs to do something for the citizens. He spoke in favor of bringing this back to future Study Sessions two pages at a time.

There was further discussion and disagreement regarding why this was brought back to the agenda.

CM Wendt spoke of bringing this in to be a simple, easy ordinance for health and safety matters.

CM Hamilton spoke of needing this ordinance and that it won't be abused. If it is abused, the Council can do something about it. There are no tools to work with, without this ordinance.

CM Wendt spoke of this proposed ordinance being abused and that wording was placed in this to substitute for the lack of a livestock ordinance. This is Arizona's Country Town. Council needs a tool, but they have to be careful that it is not used for other than what it is designed for. CM Hamilton noted that there was a livestock ordinance and they did away with it. CM Wendt said some other Council Member can bring a new CAARF forward, it wasn't needed at the time.

Public Comment

Leigh Cluff – Spoke of raised voices during this meeting and that Council should set the example for meeting decorum. She spoke of personally inviting Council to view the house at 1445 S. Hopi Trail and not everyone came. She cited a former staff presentation being based on deceit and lies. She recommends that Council get copies of complaints with the complainant's names on them that were presented. She spoke in disfavor of anonymous complaints and the issues it causes amongst neighbors. She recommended tabling this issue for a year or two.

Lynn Collins – Spoke of watching old videos of Town meetings. On 10/10/16 the Town Attorney said there is a Health and Safety ordinance. She found it in the zoning code ordinance. She gave a hypothetical situation that if she has nine chickens and sleeps on her porch, she is in violation and endangering the health and safety of the Town.

Karen Brooks – Spoke of the “imminent danger” and “health and safety” issues being all relative. She spoke of having issue with a Code Officer entering someone's property. What about your rights as a property owner or US citizen? She feels there needs to be a change of venue for a court order to enter property as the Code Officer sits in the same building and works closely with the Judge. She recommended getting some expertise, relative to the issue, when it comes to health and safety matters. She noted that when an issue has been resolved, the property owner does not get a letter of resolution. She referred to being threatened by five different Code Officers since the Town's inception and they had better have a warrant or police officer next time.

Woody Wampler – Spoke of attending meetings in the past when it was a kangaroo court. He said that sitting out there watching it seemed nothing ever got done. He spoke of D-H becoming like a home association. He spoke of less rigorous requirements when he moved up from Phoenix. D-H has their own issues they don't take care of and referred to boulders rolling down the road from rains. The community needs to help each other, not criticize or take things away from people, because they can't afford to resolve issues.

Dale Creel – Spoke of his landlord having all the farming equipment in his yard. Those things matter to some of us. He agrees with CM Hamilton - throw the whole thing out. He spoke of everyone being wrong and everyone messing up. He referred to do something as a community to get people together.

Gary Mortimer – Spoke of the money spent on attorney fees on this ordinance and ripped up the ordinance noting there goes \$5K. He spoke of the house on Hopi Trail and the clean up that occurred and he did not feel it was a health and safety issue. He spoke of a complaint from a couple years ago on his property and wonders how the pictures were taken on his private property without his permission. Mayor Nolan informed him he gave permission when he received his Use Permit. Mr. Mortimer is not in favor of liens or fines being filed on properties. He spoke in favor of the volunteer committee assisting in these small issues. He offered to take care of the situation near the park and take his chances trespassing.

CM Hamilton spoke of being in favor of the ordinance and dealing with it now while they have the ability to be moderate. He spoke of newcomers to Town outnumbering the old residents. They will have the votes to get it. (ordinance)

There was further Council discussion and consensus to table this and send it to the new Council.

There was Council discussion regarding the Mayor's role on the Council and his decision to withhold comment.

4. Adjourn.

Mayor Nolan adjourned the meeting at 4:21 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
SPECIAL MEETING MINUTES
SEPTEMBER 25, 2018**

A SPECIAL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 25, 2018 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order.** Mayor Nolan called the meeting to order at 6:32 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, Mark McBrady, Victoria Wendt, Vice Mayor John Hughes and Mayor Terry Nolan. Council Members Amy Timmons and Doug Treadway were absent.
3. **Special Session:** Discussion and legal action may be taken. Public Comments on the agenda item can be taken.

A. Environmental Protection Agency Update on the Superfund Site.

Jeff Dhont, Remedial Project Manager with EPA introduced everyone that came to the meeting representing the Superfund Site. Yolanda Sanchez, Community Involvement Coordinator with EPA, John Peterson with ADEQ, and Miranda Maupin and Alisa Hefner with Skeo. He announced the engagement of Skeo, who are special consultants that provide community outreach and citizen participation in the development of the Superfund Site remediation program. They support EPA's efforts to clean up and restore some of the nation's most contaminated lands. They consistently deliver innovation to help unleash the unlimited potential of EPA and its partners.

The Superfund Site involves two separate facilities, interconnected by a drainage and lying above the river. The former Iron King Mine 1910-1970 and the Humboldt Smelter, which melts iron ores to obtain metal. It was done in 1937, although there were other operations that occurred on the property after they were gone. EPA has done a lot of investigation and cleanup at 50 residential areas, which is now complete.

It is important to talk about land reuse and where does that fall in the overall project. The first thing is to investigate it, compare the options, consider public input and make an informed decision. EPA has done the first steps. Now, the other parties involved need to carry out the rest. Remedial investigation and risk assessment, feasibility study, then sign a record of decision and assign a Remedial Design and Remedial Action.

Mr. Dhont talked about the types of hazardous materials on these sites and that we need to have a cleanup solution for all the properties involved. He showed pictures of the areas from 1906 to current day. In addition to these sites, there is a threat to Galena Gulch, due to a nearby waste rock pile. There are unoccupied residential properties near Omega and Third Street that have contamination from tailings. The Smelter Tailings Swale is leftover tailings that used to be a tailings pond. The swale and everything that flows down from the mine got stuck in the Tailings Flood Plain. At the Smelter site, the stack is there and a converter flue that are both in poor shape. There is a lot of contaminated, fine dross material (mineral waste) at the site, which also covers up even higher levels of contamination underneath. All of these areas will need cleanup.

Councilmember Hamilton asked how deep is the contamination. Mr. Dhont stated the dross is all different depths, with some as high as 15'. Everything that is left behind from melted metal is called slag. The slag was then dumped over a cliff. This would harden like molten lava and the cliff would get bigger. It is mostly inert, but can be toxic if it gets in water. The feasibility study will develop alternatives for the sites. The law says certain criteria must be

Town Council Special Meeting Minutes September 25, 2018 followed in the cleanup. All options need to be considered. CM Hamilton asked if the repository can be higher from the mine. Mr. Dhont stated it is something that we can think about. CM Hamilton asked if demolition is involved, will EPA get rid of it. Mr. Dhont stated yes, we could put it in the repository. CM Hamilton asked if this can be done in parts. Mr. Dhont stated yes, but it depends on where money comes from. CM Hamilton stated that we need to start at the top. There was Council discussion on the large lake at the top.

Mayor Nolan asked if it is feasible to haul tailings to a repository. Mr. Dhont stated there is about 400,000-500,000 cubic yards of material to be cleaned up. There was Council discussion on the costs involved. Mr. Dhont stated the Town does not pay for the cleanup and the feasibility study would determine the cost of alternatives.

Ms. Hefner gave a presentation on redevelopment options. The next steps are to gather reuse goals and considerations, develop conceptual reuse scenarios, conduct a working session/public meeting to gather input, and develop a summary reuse report for EPA and the Town. The outcomes will help inform the feasibility study.

There was Council discussion regarding the land being private and how the Council can be involved in the redevelopment process of private land.

Councilmember Wendt asked what liability the Town has in the cleanup process. Mr. Dhont stated it depends on the nature of the cover and what it is that you are covering. There are different forms of covers and they all require maintenance. CM Wendt asked if the maintenance is the Town's responsibility. Mr. Dhont stated no, it is part of the Superfund cleanup. Ms. Maupin stated there is a process in place that would protect the Town from liability.

CM Hamilton stated there is an abandoned railroad right-of-way that goes through part of the smelter site. Will the railroad be liable on this site? Mr. Dhont stated they are still working on this from a liability standpoint, but the railroad is liable.

Town Manager Wilson stated there is a lot more work that needs to be done before decisions can be made. He asked what is the process of getting this money involved? There was further Council discussion with Mr. Dhont on this process. Mr. Dhont stated the Town has to select a remedy, so they can get on the list for the cleanup money.

Ms. Sanchez stated that Skeo would like to have a working session/public meeting by December 10th. TM Wilson asked if Skeo would be available to be involved with the work session/public meeting. Ms. Hefner stated they would be available for the Town.

TM Wilson thanked Mr. Dhont and Ms. Sanchez, as they worked hard to secure the funding on the contract with Skeo. There was further Council discussion with Mr. Dhont and Skeo on getting this process started with a timeline for completion by June 2019.

Public Comment

Karen Brooks stated she is one of the closest property owners to the smelter site and didn't want the repository on the north side. Wouldn't it be cheaper to contain it in place? She stated she didn't understand the difference in tailings. Mr. Dhont stated we haven't formulated the alternatives yet and the feasibility study will determine that. He said that some sort of cover for the pile would be best. You want to keep large amounts of water from infiltrating into tailings because you don't want acid mine drainage reactions to start. He stated the Superfund remedies need to be permanent and the alternatives need to be compatible with certain land uses. Mr. Dhont stated we need to go to the community now to see what they would like. Ms. Brooks asked what is the depth of coverage over the

Town Council Special Meeting Minutes September 25, 2018 repository. Mr. Dhont stated it depends on the repository. The feasibility study would determine the depth of coverage depending on where they repository is located. Ms. Brooks stated there was a big industrial site back east that cost prohibited what could be developed. The cost of hauling material offsite is expensive. Mr. Dhont agreed, and stated covering things up that are large is expensive. This is a materials balance problem and the engineers will come up with options. Ms. Brooks asked if it would be more dangerous on Chaparral to dig it out then to let nature take its course. Mr. Dhont stated he would like to preserve it as much as possible. He said the problem is sometimes there is scour and we have to think about exposure to humans and wildlife.

Councilmember McBrady asked how much time or money will be spent on this. Ms. Hefner stated information would be gathered tonight and tomorrow and then we would work with Ms. Sanchez to have the working session/public meeting. The outcome would be a summary report. The reuse scenarios would be a tool for use in updating the General Plan. CM McBrady asked who does the cost breakdown. TM Wilson stated it would be a subsequent analysis after the feasibility study, which is not within the scope of this process.

TM Wilson asked Ms. Sanchez to give us an oversite and wrap up. Ms. Sanchez stated how complex this site is and how each piece is different. Now we need to come up with a plan to control the contamination and keep people safe. We learned about the complicated funding scenario involved. We need to get the feasibility study done in order to come to a record of decision and get in line for the cleanup money. Mayor Nolan asked why can't we get on the list now. Ms. Sanchez stated you have to come up with your process first, in order to get on the list. Ms. Sanchez stated we got to this place because of the Mayor's vision. The timeline for Skeo, over the next couple of months, is to have discussions with the Town and the partners and then come to a working session/public meeting in possibly December or January.

Vice Mayor Hughes thanked everyone for their presentations, noting the Town is on track and the pictures were helpful.

TM Wilson stated this was really special and we want to extend our thanks. He stated Mr. Dhont and Ms. Sanchez worked very hard, in a very tight economic circumstance, to bring us Skeo. Mr. Dhont stated Ms. Sanchez did most of the work herself.

Mayor Nolan spoke in appreciation of the update.

4. **Adjourn.** Mayor Nolan adjourned the meeting at 8:45 p.m.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

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:

§ 30.105 COUNCIL AGENDA.

(A) The Manager and Clerk are responsible for receiving and organizing all materials for the Council agenda, in collaboration with the Mayor and Vice-Mayor. The Mayor, Vice-Mayor, Town Manager and Town Clerk shall constitute the agenda committee. Notice of agenda committee meetings shall be provided to other members of the Council. No more than three Councilmembers may attend agenda committee meetings and attendees shall be determined based on the order of requests made, not to exceed three. The Mayor or Town Manager should be contacted if an individual Councilmember wishes to modify the agenda. Upon recommendation of the agenda committee, the Mayor may cancel or reschedule a Study Session or Regular Council meeting.

(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 using a "Council Agenda Action Request Form". The agenda committee shall place the item 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, based on content, by the agenda committee.

- (e) Public comment on non-agendized items;
- (f) Public hearing;
- (g) Consent agenda;
- (h) Reports; Town Manager's report;
- (i) General business;
- (j) Announcements, proclamations;
- (k) Consideration of additional Special Session(s);
- (l) Adjournment.

(2) When Council holds a Study Session or Special Council meeting, the following agenda items shall be appropriately placed on the agenda by the agenda committee based on content:

- (a) Call to order;
- (b) Roll call;
- (c) Discussion only items;
- (d) Action items (Special Meetings only);
- (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 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 Thursday 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 16th day of October, 2018, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 16th day of October, 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 16TH DAY OF OCTOBER, 2018, WAS POSTED IN THREE PLACES ON THE ____ DAY OF OCTOBER, 2018.

Julie Gibson, Town Clerk



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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 10/16/18

Date of Request: 10/03/18

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

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

Donation For Hot Shots Memorial

Purpose and Background Information (Detail of requested action).

To Donate To the Hot Shot Memorial

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

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

Contact Person: Mayor, Nolan

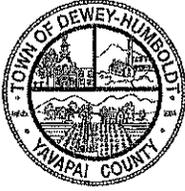
Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.

Dewey-Humboldt

OCT 05 2018

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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 10/16/18

Date of Request: 10/03/18

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

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

To appropriate line for Readoption
of General Plan

Purpose and Background Information (Detail of requested action).

To approve the Readoption of the
2009 General Plan

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

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

Contact Person: Mayor, Nolan

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

Dewey-Humboldt

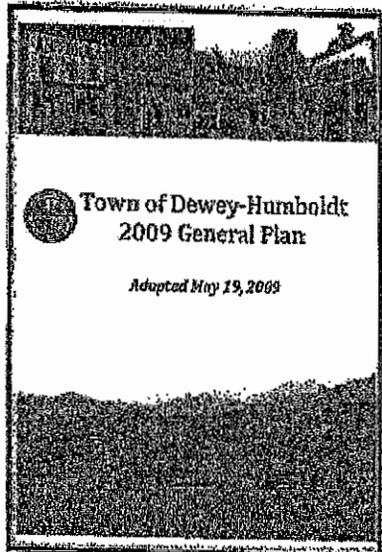
OCT 05 2018

Time Line for Re-adoption of 2009 General Plan Re-Adoption

October 10, 2018 – Deadline for Newsletter ad for November Newsletter
October 17, 2018 – Ad Copy to Paper for Hearings
October 22, 2018 – Ad Published in Paper
November 8, 2018 – Planning and Zoning Commission Hearing
November 20, 2018 – Town Council Hearing - (Super-majority vote for approval)
December 20, 2018 – Copy of Re-adopted General Plan sent to Yavapai County Planning Agency in accordance with A.R.S. 9-461.06.J.

DRAFT - 7/16/18

**An Invitation to the Public to Provide Comment on:
Re-Adoption of 2009 Town of Dewey-Humboldt General Plan**



On May 19, 2009, the "Town of Dewey-Humboldt 2009 General Plan" was adopted by the Town Council, following extensive public participation.

"The General Plan serves as an expression of municipal intent to maintain and improve the Town. It provides guidance to landowners, newcomers, conservation groups, and all citizens as to Dewey-Humboldt's expectations for sustaining the community."

The Town is mandated by state statute, every 10 years to either adopt a new General Plan or to re-adopt the current Plan. That means that this must be accomplished by May 19, 2019.

The process of developing and adopting a new General Plan, providing for ample opportunities for the public to engage the process and provide guidance and comment to the Council is a lengthy one.

In order to provide adequate time for the Town Council of the Town of Dewey-Humboldt to identify and work with community leaders, stakeholders and the citizens of the Town on a new General Plan, it is proposed to make this a two-step process: 1) Council re-adopts the current Plan for a three year period; 2) Council appoints a steering committee to oversee the work of staff and consultants in the detailed review and appraisal of the current Plan, and the public involvement process that will result in the

preparation of a new General Plan to be considered for adoption.

In order to provide ample time for the new General Plan to be shaped by the community, that first step is proposed to be the re-adoption of the current 2009 Town of Dewey-Humboldt General Plan.

Council is currently inviting comment from the public, on the current 2009 General Plan.

There are two public hearings scheduled where the re-adoption will be considered:

1. The Planning and Zoning Advisory Commission (P&Z) will hold the first hearing on November 8, 2018 at 6:00 pm at Town Hall, at 2735 S. Hwy 69.
2. The Town Council will hold a final public hearing on November 20, 2018, at 6:30 pm, also at Town Hall. Citizens are encouraged to attend these public hearings and to share their comments and concerns with the P&Z and Council.

Copies of the 2009 Town of Dewey-Humboldt General Plan are available on the Town's web site, at dhaz.gov, can be obtained at Town Hall, at 2735 S. Hwy 69, or can be emailed to you on request.

To make arrangements to receive a copy of the 2009 General Plan, contact:

Steven Brown

(928) 632-7362

stevenbrown@dhaz.gov

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

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 10/16/18

Date of Request: 10/03/18

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

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

discuss & delete Code Ordinance 153.999 to 10.999

Purpose and Background Information (Detail of requested action).

To delete these Ordinance from our code

Staff Recommendation(s):

Budgeted Amount:

List All Attachments:

Type of Presentation:

Special Equipment needed: Laptop Remote Microphone
 Overhead Projector Other:

Contact Person: Mayor Nolan

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

Dewey-Humboldt

OCT 05 2018

CAARF Attachment

Agenda Item 11. C.

The proposal presented by Mayor Nolan's CAARF and CM Hamilton's CAARF was preliminarily reviewed by Staff and Dewey-Humboldt's Town Attorney, Susan Goodwin.

Generally, the proposal suggests that violations of the "Land Usage" provisions of the Town Code become "civil infractions" instead of today's civil or criminal violations which have more significant penalties. In addition, all of the "lien" provisions relating to Land Usage be eliminated in Section 10.99.

Upon review, it is believed that (1) we could amend 153.999 or potentially repeal it all; that (2) we could amend 10.99 to appropriately apply to violations of the "Land Usage" sections of the Town Code now covered by 153.999. These violations would be "civil infractions" with reduced penalties.; that (3) we could strike the lien provisions of 10.99 which - as written - may not be authorized by State law; that (4) we could establish an Administrative Hearing Officer to handle "civil infractions" of the "Land Usage" sections of the Town Code; that (5) the determination of responsibility for committing a "civil infraction" made by the Administrative Hearing Officer could be appealed - possibly to the Town Magistrate or elsewhere - whose determination would be final.

Examples of historic Craftsman/Bungalows used for businesses and a contemporary version are shown below.

Historic Craftsman/Bungalows



Contemporary Craftsman/Bungalow Style

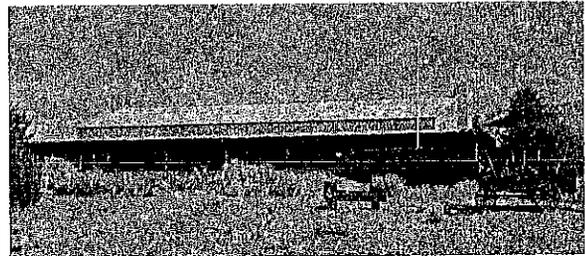


(Ord. 08-46, passed 12-16-2008)

§ 153.228 CONTEMPORARY SOUTHWESTERN RANCH THEME.

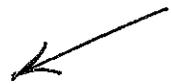
This style is not based on a historic style, but compatible in scale, mass, alignment of architectural features and details, building orientation, setbacks and parking placement. The theme emphasizes low building mass: wider and longer than tall. The

building usually is characterized by broad overhangs and full-width or wrap-around porches extending from the main roof structure. Exterior materials may be of wood, stucco, brick, stone, adobe or combinations of not more than two of these materials. Roofs may be gabled or hipped with tile or shingles, or flat with parapet walls. Windows and doors are vertically oriented to pedestrians. An example of a contemporary Southwestern Ranch style building is shown below.



(Ord. 08-46, passed 12-16-2008)

§ 153.229 (RESERVED).

§ 153.999 PENALTY. 

(A) *Civil penalties.*

(1) Each day's continuance of a zoning violation shall be deemed a separate offense.

(2) The maximum penalty for each offense shall be:

(a) For an individual, \$750; or

(b) For any enterprise corporation, association, labor union or other legal entity, \$10,000.

(B) *Criminal penalties.* The maximum penalty for each offense shall be a Class 2 misdemeanor as established by the Arizona Revised Statutes.

(Ord. 08-44 § 206(A), (B), passed 10-21-2008)

§ 10.17 CONFLICTING PROVISIONS.

If any provision of this code conflicts with any other provision of this code, any other local legislation, or any state or federal law, the provision which is more stringent or restrictive in nature shall apply unless the context clearly requires or indicates otherwise.

§ 10.18 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.19 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (A.R.S. § 9-240)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see A.R.S. § 39-121

§ 10.99 GENERAL PENALTY.

(A) Any person found responsible for violating any provisions of this code, except as otherwise provided in this code, shall be responsible for a civil code infraction, and upon such finding of responsibility therefor may be punished by a civil sanction not to exceed \$500. ~~Each day that a violation continues shall be a separate offense punishable as herein provided.~~

new amount

(1) In addition to any monetary civil sanction, the Civil Hearing Officer shall order the defendant to abate the civil code infraction, unless it has been abated by the date of a finding of responsibility therefor.

(2) The Civil Hearing Officer shall have the ~~authority, within his or her discretion,~~ to suspend the payment of any civil sanction imposed.

any authority

~~(3) In any case involving a civil code infraction relating to the occupancy or use of land, any monetary civil sanction imposed pursuant to this section upon a defendant who holds an ownership interest in such land shall be recordable as a lien upon the land and shall run with the land. The town, at its sole option, may record a notice of civil sanction and abatement order with the Yavapai County Recorder and thereby cause compliance by any person(s) or entity thereafter acquiring the property. When the property is brought into compliance by the owner or responsible party, a satisfaction of notice of civil~~

~~sanction and abatement order shall be filed at the request and expense of the owner or responsible party. It shall be the property owner's responsibility to secure the satisfaction of notice of civil sanction and abatement order from the town.~~

(B) Any person found guilty of violating any provision of this code which is classified as a Class 1 misdemeanor, upon conviction thereof, may 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.

(C) Notwithstanding any other provision of this code, any person found to have violated any provision of this code or amendments thereto, which pursuant to this section is classified as 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, ~~and~~ by a term of probation not to exceed three years, ~~or by any combination of the fine, imprisonment and probation.~~

(new amount)

Statutory reference:

Maximum penalty for civil traffic violations, see

A.R.S. § 28-1598

Misdemeanor penalty authorized, see

A.R.S. § 9-240(B)(28)(b)



TOWN OF DEWEY-HUMBOLDT
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Phone 928-632-7362 • Fax 928-632-7365

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 10/16/18

Date of Request: 10/28/18

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

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

To Discuss Development + doing a
demographic study

Purpose and Background Information (Detail of requested action).

To Bring a individual to Council
To discuss doing a demograph study
for the area + possibly working w: a developer

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: _____

Type of Presentation: _____

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

Contact Person: Mayor Nolan

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

Dewey-Humboldt

OCT 09 2018

Received



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HUMBOLDT, AZ 86329
Phone 928-632-8562 • Fax 928-632-7365

Town Council Presentation Request Form

Requests to make a formal Town Council presentation must be approved by the Town Council as a whole at a council meeting. The request form is used to accompany a council member's Council Agenda Action Request Form (CAARF) which would sponsor the presentation request. The Form must be submitted at least four weeks to the sponsoring council member prior to the requested Town Council meeting date. The CARF will be discussed at a council meeting for the Council to determine whether to approve the presentation request. The Town Council meets the first Tuesday of the month at 2:00 p.m. for study sessions. The Council also meets the third Tuesday of the month at 6:30 p.m. The Town Council attempts to limit the length of individual presentations to 30 minutes unless the Council votes to extend that time. If any special equipment is requested, please notify the Town Clerk no less than 72 hours before the Council meeting.

Nature and Description of Presentation (Please note that this form does not apply to commendation and /or proclamation presentations, and individuals who wish to speak at the Comments from the public item on an agenda):

*To discuss Development +
doing a demographics study*

Please describe the number of participants, any audio or visual equipment that you will set up and utilize, and how long you will require to set up your equipment.

one individual

Individual, agency, and/or organization attending Town Council meeting:

Name: *Deborah Butitta* Phone: *928-308-1117*
Council Meeting Date Requested: _____; alternate date: _____

Requested by:

Name: *Mayor Nolan* Phone: _____
Address: _____ Email: _____

If you have any questions about the application process, please contact the Town Clerk's Office at (928) 632-7362. Please return this form to the sponsoring council member, Dewey- Humboldt Town Hall, 2735 S. Highway 69, P.O. Box 69, Humboldt, AZ 86329, by fax to (928) 632-7365 or by email to the council member (Town Council contact information can be found at www.dhaz.gov/contacts).

S:\FORMS1\Town Clerk\Presentation Form\council presentation request form-final and adopted.docx



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

October 16, 2018

Keisha Tatum
NRCS – State Conservationist
Cal Joyner
USFS – Regional Forester

Dear Ms. Tatum & Mr. Joyner,

The Town of Dewey-Humboldt and the Dewey-Humboldt Firewise organization are pleased to strongly support the collaboration among the United States Forest Service, the National Resource Conservation Service, the Arizona State Land Department and the private landowners which has generated "The Greater Prescott Area Community Protection Program" (GPACPP) project.

As the citizens and Town of Dewey-Humboldt were directly impacted by the recent Goodwin Fire, we cannot think of a more needed and worthy project than that proposed by CPACPP project. We look forward to the potential opportunity to work with all parties as CPACPP is approved and implemented.

The safety of our citizens through the reduction of the risk of devastating wildfires and the protection of our landscape and wildlife habitat is Dewey-Humboldt's first priority.

Without reservation we endorse and support GPACCP.

Sincerely,

Terry Nolan, Mayor

Victoria Wendt, Firewise

PROJECT TITLE: Bradshaw Cross-Boundary Project

Natural Resources Conservation Service

Marques Munis, District Conservationist
USDA-NRCS Prescott Valley Field Office
8841 East Florentine Rd, Ste C
Telephone number 928-910-4477
Marques.Munis@az.usda.gov

United States Forest Service

Keith Borghoff, Forest Fuels
USDA-FS Prescott National Forest
2400 Melville Rd Prescott, AZ 86301
928-777-5731
kborghoff@fs.fed.us

Project Area

The Bradshaw Cross-Boundary Project (BCBP) is located in the central highlands of Arizona and encompasses the greater Prescott area (Appendix 1). The area is considered one of the largest and most complex wildland urban interface (WUI) fire hazards in the Southwest. Prescott, Walker, Groom Creek, Crown King, and the Yavapai-Prescott Indian Tribe Reservation are on the Federal Register of high fire hazard communities. High fire danger threatens the ecological, social, and economic significance of the area. Ecologically, the project area includes critical habitat for Mexican spotted owl as well as high priority watersheds. Economically, recreation is a major source of revenue for the Prescott region and a viable tourism industry is intricately linked to the condition of the forest. The BCBP area is made up of a wide variety of vegetation types including chaparral, pinyon-juniper, oak-juniper mix, ponderosa pine-oak, ponderosa pine, Gambel oak, and mixed conifer.

Fire is widely recognized as a natural disturbance agent within these ecosystems. Historically, fire kept fuel loads low and canopy cover more open so fires were lower in intensity and burned on the surface of the forest floor as opposed to in the tree crowns. A report from the Ecological Restoration Institute (ERI) of Northern Arizona University (NAU) revealed that the fire return interval for several higher elevation sites in the project area ranged from 3-5 years. A combination of drought and the long-term effects of aggressive fire suppression have created an unnatural buildup of brush and tree densities, creating a volatile accumulation of fuel and unhealthy forest conditions. The likelihood of a catastrophic wildfire occurring near the city of Prescott is highly probable. ERI has determined there is a high likelihood of a fire starting on one land ownership type and being transmitted to another. As a result cross-boundary collaboration outlined in the BCBP is essential to protecting life, property and the natural resource base of the area.

Cross-Boundary Objectives

The BCBP will:

- Reduce and mitigate the risk of wildfire threats to communities and landowners
- Protect water quality and supply for communities and industry
- Improve habitat quality for species, including the threatened Mexican Spotted Owl

Accomplishment of cross-boundary objectives will be achieved by:

- Coordination of partner activities in continued semi-annual hazardous fuels meetings.
- NRCS applications will be ranked based on whether core practices are applied within an area identified as a high priority area or whether a supporting practice enables a treatment of a core practice within a high priority area.

These methods coupled with a strong collaborative structure have led to the past successes such as Project Andrew. Project Andrew, required the coordinated work of the USFS, NRCS, Arizona

Department of Forestry and Fire Management (AZDFFM), Arizona Public Service (APS) and seven contiguous private property owners.

Resource Concerns and Values at Risk

The ERI identified the Prescott Basin as being “in grave danger of catastrophic fire”. The 2002 Indian Fire south of Prescott destroyed 1,330 Ac. and 7 structures. The 2008 Lane 2 Fire in 2008 destroyed 9,629 acres of forest, 5 residences, 1 commercial building and 12 outbuildings in the Crown King Area. The 2012 Gladiator Fire burned 16,240 ac of forest, destroyed 6 structures, caused 8 injuries and forced the evacuation of 4 communities in the Crown King Area. The Doce Fire and Yarnell Hill Fire of 2013 also both resulted in evacuation as well as claimed the lives of 19 firefighters. In 2017 the Goodwin Fire resulted in the evacuation of 9,000 people from the communities of Mayer, Spring Valley and Dewey Humboldt. It burned 28,518 acres and cost nearly \$14 million to suppress. These are all examples of recent events that have threatened an estimated population of over 100,000 people in the program area. In addition, youth camps on private forest and USFS permits can increase the WUI population by 4,000 to 10,000 weekly during the peak fire season.

A 2018 Area Wide Environmental Evaluation from the NRCS identified the following resource concerns:

- Degraded Plant Condition: Wildfire Hazard, Undesirable Plant Productivity and Health, Inadequate Structure and Composition, Excessive Plant Pest Pressure
- Inadequate Habitat for Fish and Wildlife: Habitat Degradation (Fragmentation)
- Excess/Insufficient Water: Inefficient Water Management

Benefits to Communities and/or Populations

Over 100,000 people live in the potentially affected communities of Prescott, Prescott Valley, Dewey Humboldt, Mayer, Spring Valley, Cordes Junction, Cleator, Crown King and Wilhoit. Mitigation of fire risk will benefit these people and communities by protecting a large portion of the combined \$18 billion dollar assessed property value of Yavapai County. Mitigation efforts will also protect the economically important recreation base. A 2015 NAU report on visitors to the Prescott National Forest estimated that visitors spent \$267 million dollars on visits to the area, that produced a total economic impact of \$340 million, which included \$100 million in labor income and \$46 million in federal, state, and local taxes. In 2018 much of the Prescott National Forest shutdown for several weeks due to fire risk, which undoubtedly had a financial impact to communities and local businesses.

Certification of NEPA Readiness

- *Bradshaw Vegetation Management Project*- Decision signed in 2013
- *Black Hills Vegetation Project*- Decision signed in 2011
- *Hassayampa Landscape Restoration Project*- Decision expected in early 2019

Partner Engagement and Associated Contributions:

The Prescott Area Wildland Urban Interface Commission (PAWUIC) is a collaborative group that was formed in 1990. The purpose of this multi-agency and non-governmental organization is to implement an all lands, all hands collaborative approach to address the fuel hazard and fire risk in the area as well as promote forest health in the greater Prescott region. Members from the Prescott National Forest, Natural Resources Conservation Service, Bureau of Land Management, Arizona State Forestry Division, Prescott Yavapai Tribe, Yavapai County Emergency Management, Central Yavapai Fire District, Prescott Fire Department, eleven other smaller fire departments, homeowner

associations, and private citizens meet monthly to report and coordinate activities. To date, there are over 30 Firewise communities in the Prescott area with an additional ten communities actively pursuing the Firewise certification. Non-Federal land treatments are closely coordinated between AZ State Forestry and the PNF to compliment on-going and foreseeable hazardous fuels activities.

The partnerships forged through PAWUIC were instrumental in the completion of the Prescott Basin Cross-Boundary Project (PBCBP). The PBCBP reduced fire risk to 27,976 homes and 53,681 residents, it hosted 98 fire prevention and education events, reduced hazardous fuels on 8,609 acres of private, state and forest lands and completed 1,858 acres of forest stand improvement. Our experience and implementation record in the PBCBP will help us achieve the expanded goals of the much larger BCBP. Partner contributions to the BCBP are outlined in Table 1.

Table 1: Non-Federal Contributions to project. Total matches assume funding across 3 years.

Partner Contributions	Annual Match	Total Match
AZ Department of Forestry and Fire Management (State and Private Land)	\$600,000	\$1,800,000
Chino Winds and Triangle Conservation District Cooperators (All Land Ownerships)	\$50,000	\$150,000
Prescott Area Wildland Urban Interface Commission (Private Land)	\$215,000	\$645,000
Highlands Center for Natural History (FS Land)	\$10,000	\$30,000
City of Prescott (City and Private Land)	\$305,000	\$915,000
Total	\$1,180,000	\$3,540,000

Monitoring and Evaluation

The program will be monitored and evaluated as part of an annual report that accounts for progress towards meeting each of the key deliverables described below. The annual report will also contain between 2-3 success stories that could be utilized by partners to spotlight the excellent work being completed as part of the Joint Chiefs Landscape Restoration Program. In addition, the PNF will conduct implementation monitoring on all projects and effectiveness monitoring on select projects, such as treatments in Mexican spotted owl protected activity centers.

Deliverables

Table 2. NRCS Environmental Quality Incentives Program and Conservation Technical Assistance.

<i>NRCS: Environmental Quality Incentives Program and Conservation Technical Assistance</i>			
<i>Core Practices</i>			
<i>Implementation Activities</i>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>
Forest Stand Improvement	250 ac	250 ac	250 ac
Brush Management	1,500 ac	1,500 ac	1,500 ac
Woody Residue Treatment	250 ac	250 ac	250 ac
Fuel Break	100 ac	100 ac	100 ac
<i>Supporting Practices *These practices will only be available to support the implementation of vegetation management treatments listed above. They include: Prescribed Grazing, Obstruction Removal, Fence, Well, Solar Pump, Livestock Pipeline, Watering Facility, Water</i>			

Harvesting Catchment, Pond and Pond Liner. These practices are not goalled as they will only be implemented to facilitate the accomplishment of a core practice.

Conservation Planning	Year 1	Year 2	Year 3
# of Conservation Plans	10	10	10
# of Forest Stewardship Plans	5	5	5

Table 3. Prescott NF

USFS: Prescott National Forest			
Implementation Activities	Year 1	Year 2	Year 3
Forest Stand Improvement	250 ac	500 ac	500 ac
HF- Mastication	500 ac	2,000 ac	2,000 ac
HF- Prescribed Fire	1,000 ac	1,000 ac	1,000 ac
HF- Fuel Break		200 ac	200 ac
Road Decommissioning		20.2 mi	
Road Maintenance	5 mi		52.7 mi

Outreach, Education and Coordination Activities and Deliverables

A well-established outreach, education and coordination activity program presently exists to support the BCBP. Highlights include the demo treatments located on the 80-acre Highland Center for Natural History campus.

Budget Request

Agency Request	2019	2020	2021	Total
NRCS (FA EQIP)	\$750,000	\$750,000	\$750,000	\$2,250,000
NRCS (10% TA EQIP)	\$75,000	\$75,000	\$75,000	\$225,000
S&PF: Hazardous Fuels (NFHF)	\$600,000	\$600,000	\$600,000	\$1,800,000
S&PF: State Fire Assistance (WFCF)	\$200,000	\$200,000	\$200,000	\$600,000
S&PF: Forest Stewardship	\$74,545	\$40,000	\$40,000	\$154,545
S&PF: Forest Health Protection - State (SPCH);	\$113,411	\$80,000	\$80,000	\$273,411
NFS: Hazardous Fuels (NFHF)*	\$850,000	\$2,200,000	\$2,300,000	\$5,350,000
NFS: Roads (CMRD)*	\$310,268	\$1,296,750	\$834,860	\$2,441,878

* See Appendix for breakdown of costs

Appendix 2: List of Outreach, Education and Coordination Activities and Deliverables

Event	Partners/Attendees	Estimated Annual Attendance
Bi-Annual Hazardous Fuels Meetings	USFS, AZDFFM, NRCS, BLM, PAWUIC, PFD, Yavapai County	20 * 2 meetings = 40 People Annually
Field Tours of Project Sites	State and Regional NRCS and USFS Staff, Interest Groups, Local and State Officials	10-15*2 tours = 20-30 People Annually
PAWUIC Monthly Meetings	PAWUIC, Firewise Communities, USFS, AZDFFM, Yavapai County, Local Government Representatives, Local Fire Departments	30-50 *11 meetings = 330-550 people annually
PAWUIC Wildfire Expo	PAWUIC, Firewise Communities, USFS, AZDFFM, Yavapai County, Local Government Representatives, Local Fire Departments	5,000 contacts
Publications (5-10)	District Newsletter (600), NRCS Employee Newsletter (97), Conservation District Social Media (100), Conservation District Website (100)	897 people reached
NCTC CSP3133 Restoration Policy, Planning, and Partnering	New restoration/partnership course that the PNF, NRCS, and AZDFFM are hosting to showcase local collaborative efforts	30 participants
Healthy Forest Field Tours/Lessons	Highlands Center for Natural History, United Christian Youth Camp, Camp Marapai, Willow Springs Camp, Emmanuel Pines Camp, Camp Stein, Camp Kippa, Copper Basin Bible Camp, Western Yavapai Conservation Education Center	100,000+ Campers and Visitors Annually
Estimated Total Contacts Annually		106,317+ contacts

Appendix 3: Cost breakdown for Forest Service vegetation project deliverables

Forest Service Implementation Activities- Hazardous Fuels Cost Breakdown						
	FY 19		FY 20		FY21	
Forest Stand Improvement	250 ac (\$1,000/ac)	\$250,000	500 ac (\$1,000/ac)	\$500,000	500 ac (\$1,000/ac)	\$500,000
HF- Mastication	500 ac (\$600/ac)	\$300,000	2,000 ac (\$600/ac)	\$1,200,000	2,000 ac (\$650/ac)	\$1,300,000
HF- Prescribed Fire	1000 (\$300/ac)	\$300,000	1000 (\$300/ac)	\$300,000	1000 (\$300/ac)	\$300,000
HF- Fuel Break	0	\$0	200 ac (\$1,000/ac)	\$200,000	200 ac (\$1,000/ac)	\$200,000
Total Request		\$850,000		\$2,200,000		\$2,300,000

Appendix 4: Cost breakdown for Forest Service road project deliverables

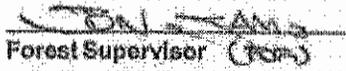
ITEM	DESCRIPTION	FY19	FY20	FY21	TOTAL
		Request	Request	Request	PRICE
151(1)	Mobilization	\$20,000.00	\$60,000.00	\$ 28,000.00	\$108,000.00
**	Pit Development		\$1,000,000.00		\$1,000,000.00
***	Decommissioning		\$200,000.00		\$200,000.00
201(1)	Road-Side Brushing (Pick-up truck and 2 sawyers)	\$768.00		\$3,840.00	\$4,608.00
303(2A)	Roadway Reconditioning High-Clearance Roads	\$10,000.00		\$105,600.00	\$115,600.00
308(5A)	Place MAG Spec AB			\$518,720.00	\$518,720.00
308(5A)	Furnish and Place MAG Spec AB (Big Bug Mesa)	\$277,200.00			\$277,200.00
308(7)	Furnish and Place Boulder Barriers		\$22,500.00	\$22,500.00	\$45,000.00
602(5)	Construct Rolling Dip			\$120,000.00	\$120,000.00
622(5)	Dozer Size 7 w/operator	\$2,300.00		\$20,700.00	\$23,000.00
622(6)	Backhoe		\$14,250.00		\$14,250.00
900(1)	Carsonite Post Furnish and Install			\$6,750.00	\$6,750.00
900(2)	Directional Sign Furnish and Install			\$8,750.00	\$8,750.00
		\$310,268.00	\$1,296,750.00	\$834,860.00	\$2,441,878.00

Signature Page

The following individuals have reviewed the proposal and support the submission for the Joint Chiefs' Landscape Restoration Partnership.


District Conservationist

10/1/2018
Date


Forest Supervisor (PCN)

OCT 01 2018
Date

State Conservationist

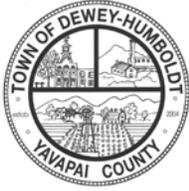
Date

State Forester

Date

Regional Forester

Date



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

Tentative Meeting Items for 2018

November 6, 2018 Study Session Council

- ⊕ Discuss Emergency Exit for Blue Hills (CAARF – Mayor Nolan)

November 8, 2018 Planning and Zoning

- ⊕ tbd

November 20, 2018 Regular Council

- ⊕ tbd

December 4, 2018 Study Session Council

- ⊕ tbd

December 6, 2018 Planning and Zoning

- ⊕ tbd

December 18, 2018 Regular Council

- ⊕ tbd

Items contained within are tentative in nature. Exact meeting agendas are subject to changes without notice. Official agendas for scheduled meetings will be published according to the Open Meeting Law and other applicable codes and regulations. Please contact Town Clerk at 632-7362 if you have questions regarding meeting agendas.