

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

**Tuesday, November 5, 2019, 6:30 P.M.**

**DEWEY-HUMBOLDT TOWN HALL  
COUNCIL CHAMBERS  
2735 S. HWY 69, SUITE 10  
HUMBOLDT, ARIZONA 86329**

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

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Town Council and to the general public that the Town Council will hold a meeting open to the public on **Tuesday, November 5, 2019, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329.**

**DEWEY-HUMBOLDT TOWN COUNCIL REGULAR MEETING AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Council believes public meetings to be a safe place for people to speak, and 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 the 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. Council Meetings are 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. Roll Call** Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan.

**3. Pledge of Allegiance**

**4. Invocation**

**5. Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

Page

**A. Council announcements about outside meetings and committees**

**5 B. Proclamation – November 11, 2019 – Veterans Day Recognition**

**6. 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

**7. Consent Agenda**

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

**7 A. Approval of Minutes of May 21, 2019 Regular Council Meeting**

- 13 **B. Approval of Minutes of July 9, 2019 Study Session and Joint Study Session with the Planning and Zoning Advisory Commission**
- 19 **C. Approval of Minutes of July 16, 2019 Regular and Special Council Meeting**
- 27 **D. Approval of Minutes of August 13, 2019 Study Session Meeting**
- 33 **E. Approval of Minutes of September 3, 2019 Regular Council Meeting**
- 8. Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.
- A. Town Manager's Report on the status of the new Town Hall building, to be located at 12938 East Main Street**
- 9. General Business** Discussion and possible legal action may be taken.
- 41 **A. Presentation by Victor Hambrick, Planning and Zoning Advisory Commission Chair, of the Commission's Recommendation relating to updating Sections 153.221 and 153.222, Dewey-Humboldt Code of Ordinances, Design and Development Standards, to be less restrictive on commercial uses, including allowing steel/metal buildings on commercially-zoned property along highway frontage, and Council discussion and possible action relating to the recommendation** (Staff CC; referred to the Commission at the September 10, 2019 Study Session)
- 43 **B. Presentation by Victor Hambrick, Planning and Zoning Advisory Commission Chair, of the Commission's Recommendation relating to possibly repealing Sections 153.215 through 153.220 and 153.223 through 153.228, Dewey-Humboldt Code of Ordinances, Design and Development Standards, and Council discussion and possible action relating to the recommendation** (Staff CC; referred to the Commission at the September 10, 2019 Study Session)
- 45 **C. Discussion and possible action relating to considering alternatives to Sections 153.215 through 153.228, Dewey-Humboldt Code of Ordinances, Design and Development Standards, including discussion on the current wording of Sections 153.220, 153.223 and 153.225. Alternatives for Council discussion include examples from the Cities of Tucson and Chandler and the Town of Marana.** (CAARF – Councilmember Collins)
- 65 **D. Review, discussion and possible action to direct staff relating to the draft ordinance amending the Dewey-Humboldt Code of Ordinances relating to the regulation of steel cargo containers** (Staff CC; from the May 21 and October 15, 2019 Regular Meetings)
- 75 **E. Discussion and possible action relating to the process of reviewing the proposed 2018 Building Codes, to review and approve the proposed 2018 Building Codes chapter by chapter starting at Chapter 1** (CAARF – Councilmember Brooks)
- 77 **F. Discussion and possible action relating to establishing Council Coffee events, where each Councilmember would pick a day of the week to have coffee with the community** (CAARF – Mayor Nolan)

**10. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date

## **11. Adjourn**

Persons with a disability may request reasonable accommodations by contacting the Town Hall at (928) 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_ a.m./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 Planning & Zoning Meeting: Thursday, November 7, 2019, at 6:00 p.m.  
Next Town Council Study Session: Tuesday, November 12, 2019, at 6:30 p.m.  
Next Town Council Regular Meeting: Tuesday, November 19, 2019 at 6:30 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Tim Mattix, Town Clerk.

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## **VETERANS DAY PROCLAMATION**

**WHEREAS**, on November 11, 1918, the United States and its allies signed an armistice with Germany to end hostilities in World War I; the Great War exacted a tremendous toll on our Nation and thousands of American service members perished in the war, and the lives of countless others were forever altered; and,

**WHEREAS**, in 1919, to honor and memorialize the loss of lives, President Woodrow Wilson proclaimed November 11 as Armistice Day, the precursor to Veterans Day, expressing “solemn pride in the heroism of those who died in the country’s service”; and,

**WHEREAS**, we humbly thank our veterans and their families for their selflessness and love of country as we remember their service and their gallantry; and we pray for the safety of all currently serving in harm’s way; and,

**WHEREAS**, this day, and every day, we pay tribute to America’s sons and daughters who have answered our country’s call, we recognize the sacrifice of those who have been part of the finest fighting force the world has ever known and we will never forget the heroes who paid the ultimate price;

**NOW, THEREFORE**, I, Terry Nolan, Mayor of the Town of Dewey-Humboldt, Arizona, do hereby acknowledge

### **NOVEMBER 11, 2019 as VETERANS DAY.**

As a grateful Nation, let us show our appreciation by honoring all of our veterans and working to ensure the promise of America is within the reach of all who have protected it.

**In Witness Whereof**, I have hereunto set my hand this 5th day of November, 2019.

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Terry Nolan, Mayor

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Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
MAY 21, 2019, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 21, 2019, 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 6:35 p.m.
2. **Roll Call.** Town Council Members: Karen Brooks, Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present.
3. **Pledge of Allegiance.** Veteran, Glen Blomgren led the Pledge.
4. **Invocation.** Given by CM Lance.
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. Council announcements about outside meetings and committees**

Mayor Nolan spoke about the dedication of the Blue Hills water tanks by CAFMA on May 22<sup>nd</sup> at 10:00 a.m.

Mayor Nolan said he attended a meeting between the ambulance service and the fire department in regards to response time. He said they are revising their system and will be lowering the response time by twenty seconds. He said they talked about sending out a two-man response team, which might cut down on the response time. He said he will be attending all future meetings on this subject.

**B. Presentation by Darla Deville with Arizona Public Service (APS) on fire abatement**

Darla Deville, Community Affairs Manager for the Northwest Division of APS introduced two APS professionals, Robbie Hould, Construction Supervisor and Wade Ward, Fire Mitigation Specialist.

Mr. Hould gave a slide presentation on APS Fire Mitigation. He said their Mission Statement says nothing comes before safety. He spoke about performing detailed line inspections and noted there are a numerous amount of poles that need defensible space done around them. He said APS has done a lot of proactive events. He stated the public safety number is 602-371-7171 and APS.com has a lot of information. He said the Fire Mitigation Patrol has risk rated areas around the state. In the northwest they have checked over 1,200 miles of overhead lines. He said their priority is to not affect the community by having wires down. The APS outage map can be googled or go to APS.com and they have people that manage and keep that site updated. He spoke about what to do during an outage and to treat downed lines like they are energized.

Mike Donovan asked if there is a higher standard for ingress/egress routes. Mr. Hould said no, there is only one standard. Mr. Ward said usually people that are stuck from downed power lines did not evacuate on time. He recommended to follow the Sheriff's recommendation for Ready, Set, Go. Mr. Donovan said the concern is one downed pole blocks everyone from getting out. Mr. Ward said they respond to those issues as quickly as possible.

Ron Thibodeau asked if mitigation could convert to underground lines for the egress routes. Mr. Hould said customers can do whatever they want, but they would have to pay for it, so it can be cost prohibitive. Mr. Ward said outages can be longer if lines are underground.

VM Wendt asked when are you going to be mitigating around the power poles again. Mr. Ward said mitigation around poles is on a three-year cycle, so next year we will be back in this area. There was discussion about a pole on Henderson Road needing mitigation, but the pole in mention is a transit pole that just carries wire, it does not have any equipment on it.

**C. Marine Corps League Month of June Proclamation**

Mayor Nolan read the Marine Corps Proclamation that declared the month of June 2019 as Marine Corps League Month.

## 6. Public Comment on Non-agendized Items

Local Town residents Ashley Preston, Paula Brogdon, Pastor Ramadene Couch, Bailey Sullivan and Dusty Wilson addressed the Council about health concerns regarding the Superfund sites. They spoke about five residents who had recently passed away from cancer and said there are several more who are currently battling cancer. They said everyone who died lived within a half mile of the Superfund sites. They talked about Mayor Nolan's conflict of interest with businesses he operated on these sites. They brought up fines that were given by Arizona Department of Environmental Quality (ADEQ) to Iron King Landfill owners, Clayton and Warren Khules, for illegal dumping of household trash, tires and asbestos. They questioned how North American Industries was able to conduct business in 2015 at the Iron King site. They didn't like the idea of the Superfund site being turned into a State Park and said the immediate concern should be having these sites fenced off and to have a health study done.

Jack Hamilton stated he thought the Council had followed the law when it re-adopted the General Plan on November 20, 2018, but he now thinks the Council was misled by the former Town Manager, Tom Wilson. He said A.R.S. §9-461.06 is the controlling law for General Plans. He said our existing General Plan expired on May 19, 2019, so if the re-adoption isn't good, then you don't have a General Plan. There are a lot of things that you cannot do without a General Plan, you can't acquire property, sell property or do re-zoning. He advised consulting with our Town Attorney.

Leigh Cluff said she heard about the smelter site not being fenced. She said she drove there, via Holiday, to see if it was fenced, but she didn't see one. She spoke that she has lung trouble and that by going there, she felt sick and started coughing. She said that on May 8<sup>th</sup> she called Warren Khules, owner of the smelter site and asked if she could go on the property and he said no. Mr. Khules said he had given a key to the Superfund Site to Mayor Nolan because of vandalism. Ms. Cluff asked if the Town could be liable because Mayor Nolan has a key to the smelter site. There was no response from Council.

Gary Mortimer spoke that he had attended the Environmental Protection Agency (EPA) meeting last week and he thought having some additional activities in the Town would be a good thing. But, now thinks there needs to be a little more investigation. He said everybody needs to be on the same page and that public health needs to be first and foremost on everyone's minds.

Council said this information would be sent into EPA for their recommendation.

## 7. Consent Agenda

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

- A. **Approval of Minutes of January 22, 2019, Special Study Session Meeting**
- B. **Approval of Minutes of February 19, 2019, Regular Council Meeting**
- C. **Approval of Minutes of March 27, 2019, Special Council Meeting**
- D. **Approval of Minutes of April 3, 2019, Special Council Meeting**
- E. **Approval of Minutes of May 2, 2019, Study Session Meeting**

CM Collins asked to pull the Minutes of January 22, 2019 and the Minutes of May 2, 2019. CM Collins asked to clarify her comments for Item 9 of the Minutes of January 22, 2019 to be, "Implement the third land use goal of the General Plan through the Planned Area Development/Zoning Code regarding compatibility of zoning." She asked to clarify her comments regarding fees on the Minutes of May 2, 2019 to be, "if we are charging enough or too much for fees under the General Fund."

VM Wendt made a motion to approve the Minutes of February 19, 2019, Regular Council Meeting; March 27, 2019, Special Council Meeting; and April 3, 2019, Special Council Meeting, seconded by CM Brooks. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

## 8. General Business Discussion and Possible Legal Action may be taken

- A. **Discussion and possible adoption of a resolution approving a Franchise Agreement with Arizona Public Service, calling an election for November 5, 2019 to approve the Franchise Agreement and approving the ballot language.**

ITM Hanks spoke that the attorney has made the requested changes, as discussed at the March 5, 2019 Council meeting, to the APS Franchise Agreement and the revised agreement and Resolution 19-136 is in the packet. There was Council discussion on the APS Franchise Agreement and the percentage.

CM Hughes made a motion to adopt the Resolution, seconded by VM Wendt. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

Public Comment

Ron Thibodeau asked if the 2% is a percentage of his APS bill. Mayor Nolan said yes.

TA Goodwin stated the APS Franchise Agreement has the ability for Council to adopt a resolution reducing the 2%.

**B. Discussion regarding Town Council meeting schedule continuation from earlier meeting to add a third meeting every month**

CM Brooks stated she wants to handle agenda items in a more timely manner and would like to see one Study Session (for study items only) and two full Council meetings every month. There was Council discussion regarding adding a third meeting every month and when to start. There was also discussion on whether items go under the Consent Agenda.

CM Brooks made a motion to have a Town Council meeting, a Work Study Session and a Town Council meeting on the first three Tuesdays of every month at 6:30 p.m., starting in July, seconded by CM Lance. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**C. Presentation by Victor Hambrick with Planning and Zoning Advisory Commission (P&Z) on amending § 153.086 (A) (13) (a) to (g) Steel Cargo Containers as a possible emergency measure to allow on 25,000 s/f lot**

Chair Victor Hambrick said the Commission, at its April 4, 2019 Regular Meeting, reviewed the original code and after discussion decided to delete § 153.086 (A) (13) (e), (f) and (g) in their entirety and amend § 153.036 (B) (7) to add new section (k) to the list of permitted accessory uses to read as follows, "Steel storage container to meet the minimum requirements as provided under § 153.086."

There was Council discussion regarding the recommendation from P&Z. They talked about setbacks, that the containers are mobile, the required paint of the container and whether to allow them in R1L zoning.

Chair Hambrick said this is not on your agenda to be voted on tonight, it is a recommendation from P&Z to Council, as directed from Council for review. He said during the review process, we were given direction from public and there was discussion amongst Commissioners. P&Z's recommendation is to treat steel cargo containers as any other structure and have the same enforcement as any other structure. In regard to the mobile part of it and setbacks, a container on a trailer could be parked on any part of a property and not be required to be in the setbacks.

There was further Council discussion with Chair Hambrick regarding the recommended changes to the Ordinances on steel cargo containers. Council acknowledged the P&Z Commissioners on how well they handled this review.

There was a question about the use of a P&Z Ordinance Revision Evaluation Sheet that began use on February 5, 2015 and it was stated that one needed to be used for this revision.

TA Goodwin said she read this proposal, liked it and didn't see any less enforceable issues. She asked if there was direction from Council to prepare an Ordinance, as she didn't hear a motion. She said this is not adoption, we could put it in an Ordinance form and Council could continue having discussions as you get public comments from the Public Hearings.

VM Wendt made a motion to direct TA Goodwin to prepare an Ordinance on storage containers to bring back to Council to review again and receive public comment. She also asked for a copy of the P&Z Ordinance Revision Evaluation Sheet from the February 5, 2015 Town Council meeting for review, seconded by CM Brooks.

**D. Planning and Zoning discussion with Council on proposed Work List**

ITM Hanks spoke about having Council put together a work list for P&Z to start working on monthly.

Council discussed the previous agenda item 8.C. and then Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay. The motion passed 6-1.

TA Goodwin stated this agenda item was not agendized properly. She said there could be a presentation, but there couldn't be a discussion on a work item list. There was Council discussion with Chair Hambrick about having a joint meeting between Council and P&Z in July to come up with a work list.

**E. Discussion on approval of Intergovernmental Agreement (IGA) between Superior Court and Municipal/Magistrate Court for interpreter services (Staff CC)**

ITM Hanks stated that the Court advised him that, beginning July 1, 2019, we need to provide interpreter services for anybody that comes into the court. Superior Court does provide this service, we just need an IGA with Superior Court. He stated it is a pay as you go program and they have interpreters that are available for us in person or by phone that are Board certified. He said we are required to be able to supply interpreters that are court certified and this appears to be the best option for the Court.

CM Brooks made a motion to enter into the IGA agreement to provide interpreters, as needed, seconded by CM Collins. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**F. Update Code 30.104 to ensure Study/Work Sessions are only for study/work, no action items. May need definitions (CAARF – CM Collins)**

CM Collins requested having an uninterrupted Study Session with nothing on the agenda that would require a vote. She said she would like to change the requirements so that three Councilmembers are needed to insert an action item on an agenda for a Study Session instead of just the Mayor. She said it would be more productive to have a Study Session that is only for study. There was further Council discussion with TA Goodwin on the definition of a Study Session stating that no action can be taken at a Study Session.

CM Lance made a motion to make all Study/Work Sessions only for study/work, no action items starting with the July Study/Work Session, seconded by CM Collins. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**G. Discuss violation of 30.031 (B) (4) and (8) by Mayor Nolan. Vote on 30.031 (C), (D) - referral to Town Prosecutor (CAARF – CM Collins)**

VM Wendt said she thought Mayor Nolan should recuse himself for this agenda item. Mayor Nolan recused himself.

CM Collins stated that Town Code 30.031 (B) (4) says that the Mayor shall not act as a representative of the Town before any other Towns, Cities, State, Federal Government or Agency and Town Code 30.031 (B) (8) says the Mayor shall not attempt to exert influence on the Town Manager on issues yet to be decided by the Council. She said Council never discussed the May 10, 2019 Superfund open house. She said it also says in Town Code 30.031 (B) (8) that the Mayor shall not interfere with the Town Manager's authority by giving orders or explicit directions regarding Town matters to any subordinates of the Town Manager. She said at the May 7, 2019 Council meeting, the Mayor said he invited dignitaries only to the open house, but then there was discussion about an article in the Town Newsletter inviting the public. ITM Hanks said he told Mayor Nolan he would not put it in the newsletter or send out invitations. Mayor Nolan told Interim Town Clerk Evans to put it in the newsletter. CM Collins said this action was not allowed and Town Codes 30.031 (C) and (D) allows Council to refer actions in excess of delegations to the Town Prosecutor. She spoke about State Statutes and no Town insurance coverage existed for this event.

TA Goodwin stated a motion would be needed. There was further Council discussion on this event.

CM Collins made a motion to refer this issue to the Town Prosecutor for violation of Town Codes 30.031 (B) (4) and (8) as allowed by Town Codes 30.031 (C) and (D), seconded by CM Lance. VM Wendt called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – abstained; CM Lance – aye; CM McBrady – nay; VM Wendt – aye. The motion passed 5-1.

Clerk Note: Pursuant to Town Code 30.109, A voluntary abstention counts as an aye vote.

**H. Discuss the vacancy of the Town Attorney with direction to Staff (CAARF – Mayor Nolan)**

Mayor Nolan returned to the dais.

ITM Hanks spoke about advertising for the Town Attorney. Council asked about the hours per month the attorney would be needed. TA Goodwin said that she has only attended meetings at the request of the Town Manager, lately, she has been asked to attend more meetings. She stated whoever you hire, they should attend all of the meetings. She thought the cost would be \$2,500-\$4,000 per month. There was further Council

discussion with TA Goodwin on how many hours would be needed.

Public Comment

Jack Hamilton asked why are putting out a RFQ for another Town Attorney. The Mayor stated because our current attorney is resigning.

VM Wendt made a motion to utilize the ad that was used in the past, change the dates and place an ad for Town Attorney, seconded by CM Brooks. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**I. Discuss right-of-way (ROW) on Old Black Canyon Highway (CAARF – Mayor Nolan)**

Mayor Nolan stated Mr. Statler and Mr. Wood would like to donate property they own on Old Black Canyon Highway which includes a bridge and 60' of frontage to the Town for the Town to survey and install new fencing along said ROW.

There was Council discussion about who owns the property. TA Goodwin said you need to have a title search done with title insurance to verify ownership. It was stated that the road has been there for over 100 years, it was designated as a war road and was never blocked off. This road was a public, county-maintained road that is now Town owned. It was stated that Mr. Statler put up a fence which encroaches on the ROW of the road. There was discussion on the cost of the survey, the title report, the new fencing and the maintenance of the road.

Jack Hamilton said that he has done a lot of research on this road. He said he could give a copy of this research to the Town Attorney, so she doesn't have to spend time doing it. He said that if this isn't a Town owned road, then you have violated the gift laws because the Town has spent over \$125,000 on that road in the last two years. He stated there is an 1871 government map that shows Old Black Canyon Highway. This map shows Mr. Bower's house. Mr. Bower bought King Woosley's property at a Sheriff's auction sale. He said Mr. Bower's house and where the road are is right where it crosses the bridge. He said if the road was there first and it's an RS2477 road, which it is, then it is a territorial road which doesn't have a ROW. He stated this is a legal road and these roads get moved around, but the ROW goes with the road. He said Mr. Bower homesteaded a quarter section of his land in 1880 which included Statler's land. When he homesteaded, there was no ROW on the deed because the road was there, but it was never surveyed. So, when the land is sold after that, it never shows up on the deed. He said that's why Mr. Statler claims that this is his road, because for a road to be a legitimate road, it has to have a ROW on the deed. He said that doesn't work with the RS2477 roads, because they didn't have to have a surveyed ROW.

CM Brooks made a motion to allow Mr. Hamilton more time to talk about the Old Black Canyon Highway, seconded by CM Lance. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

Mr. Hamilton said where the vineyard is, used to be King Woosley's property. He said that property was split up in the early 1970s. When they split it up, the east border of that property runs along Old Black Canyon Highway. The other side was the railroad ROW which was eventually abandoned. He said so you know what is on each side of the roadway and you have a map from 1871 before any of this land was homesteaded. So, the road was here before any of this land was homesteaded. On that map it shows almost exactly crossing that property line where the bridge is. He said you should authorize the Town Attorney to look at the information he has and have her make a determination on where the road goes. There was further Council discussion with the Town Attorney on this issue.

CM Lance made a motion to request the Town Attorney to take the information presented to her, research it and verify its truth, seconded by CM Collins. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**J. Update on emergency ingress/egress fire road (Staff CC)**

ITM Hanks said they have been in discussions with numerous owners along Prescott Dells Ranch Road and we have had the survey done on the Bureau of Land Management (BLM) property, Read Star Mine and Bandit Way. He said we need to send the survey to the Town Attorney for final review. He said we have been in contact with roughly half of the owners and we are getting ready to send a second letter out to the ones that haven't responded. He stated BLM is still on board for the easement across their land once we have the easements of Read Star Mine and Bandit Way, which goes down to Prescott Dells Ranch Road. ITM Hanks

said no one has been opposed. There was further Council discussion on the emergency ingress/egress fire road and Council thanked ITM Hanks for all of his work on this project.

Public Comment

Jack Hamilton asked if Bandit Way ran through the three properties that were split. He said it shows on the GIS that it is on the northern parcel and asked if it was actually there. ITM Hanks said that the majority of it did go on the northern parcel. Mr. Hamilton said but they didn't have a ROW for that, so that would have to be acquired. ITM Hanks said there was a ROW on the far west side. He said part of agreement that we have to come up with is an easement all the way to the BLM, because it is short about 50'. Council asked if we are using one parcel more than the others. ITM Hanks said no, we are using the easement as it was surveyed and sold.

**K. Allow a presentation by Carole Stensrud, D-H Firewise Chair, on proposed Northern Emergency Evacuation Route and subsequent acceptance by Town of donated easement (CAARF – Vice Mayor Wendt)**

VM Wendt spoke asking Council to allow Carole Stensrud to give a presentation on a proposed Northern Emergency Evacuation Route. She asked if it could be added to the June 18, 2019 Town Council meeting. Council discussed the date of the request.

VM Wendt made a motion that Council allow Carole Stensrud, D-H Firewise Chair to present to Council the Northern Emergency Evacuation Route, seconded by CM Hughes. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed unanimously.

**9. Executive Session**

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

**Vote to recess to Executive Session**

Mayor Nolan asked for a motion to recess to Executive Session at 8:52 p.m.

VM Wendt made a motion to go into Executive Session for both agenda items 9.A. and 9.B., seconded by CM Brooks. Mayor Nolan called for the vote: CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM Lance – nay; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye. The motion passed 5-2.

- A. An Executive Session pursuant to A.R.S. § 38-431.03 (A) (7) for discussion with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations for the lease of real property located at 2735 S. Highway 69. (Staff CC)**
- B. An Executive Session pursuant to A.R.S. § 38-431.03 (A) (4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding an Employment Agreement with Alan Lanning for Town Manager that is the subject of negotiations.**

**Close Executive Session/Reconvene Regular Meeting**

Mayor Nolan closed the Executive Session and reopened the Regular Meeting at 10:27 p.m.

**10. Discussion and possible action regarding the Town Hall lease contract.**

Mayor Nolan stated TA Goodwin has direction.

**11. Discussion and possible action regarding the Town's position regarding an Employment Agreement with Alan Lanning for Town Manager that is the subject of negotiations.**

Mayor Nolan stated TA Goodwin has direction.

**12. Consideration of additional Special Session(s) whether to hold and, if so, set the date**

None

**13. Adjourn** Mayor Nolan adjourned the meeting at 10:28 p.m.

ATTEST: \_\_\_\_\_

Terry Nolan, Mayor

Beth Evans, Administrative Assistant II

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION AND JOINT PLANNING AND ZONING ADVISORY COMMISSION STUDY  
SESSION MEETING MINUTES  
JULY 9, 2019, 6:30 P.M.**

**A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL AND JOINT STUDY SESSION WITH THE PLANNING AND ZONING ADVISORY COMMISSION WAS HELD ON TUESDAY, JULY 9, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR VICTORIA WENDT PRESIDED.**

1. **Call To Order.** Vice Mayor Victoria Wendt called the meeting to order at 6:33 p.m.
2. **Roll Call – Town Council.** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Mark McBrady and Vice Mayor Victoria Wendt were present. Councilmember Amy Lance and Mayor Terry Nolan were absent.
3. **Roll Call – Planning and Zoning Advisory Commission (for Agenda Item 4, Joint Study Session Meeting).** Commissioners Christina Corbisello, Mario Manzo, Vice Chair Jeff Siereveld and Chair Victor Hambrick were present. Commissioners Ken Murphy and Lon Ullmann were absent.
4. **Joint Study Session Meeting – Town Council and Planning and Zoning Advisory Commission**
  - A. **Discussion and possible direction to staff on the Planning and Zoning Advisory Commission Work List (Staff CC)**

Ed Hanks, Town Manager, stated that staff wants to try to get a work list going for the Planning and Zoning Advisory Commission (P&Z) to work on, and that is the reason for this meeting.

The memo in the Council packet lists the work items to be discussed.

The Council and P&Z discussed memo item C, improvement districts as a mechanism for improving private roads that are proposed to transition to public. Mr. Hanks confirmed that the Town still needs to get a dirt road standard or path standard; P&Z can start on the item, such as guidelines for putting improvement districts together, while Council finishes the standards. The road standards should be able to be completed before needing them.

The Council and P&Z discussed County improvement districts being different than what the Town would be able to do; there being authority for an improvement district to construct a road, but not for maintaining one; and, improvement districts are a tax in a particular district. The Blue Hills area is financially-challenged; to make it fair throughout the community, there could be a half-cent area-wide property tax, versus a district tax for one financially-challenged area. A tax would need to go to voters. Yavapai County used to have a road co-op, where the County would pay half of the improvement, and residents would match it; however, that required being in the County, not in a Town. There are a lot of variables that could be discussed for hours; improvement districts have to be voted on and accepted.

The Council and P&Z discussed memo item A, establishment of volunteer groups to provide assistance with compliance with code enforcement violations, where the Town would contact volunteers to assist in cleaning up property. It's not possible to get liability insurance on volunteers; it was tried with Firewise. Going onto a property with tools and equipment could cause damage or injury. Without liability coverage, the Town is in jeopardy because no one will come after a volunteer community group. The Council and P&Z continued to discuss liability, including whether a waiver is needed, moving this forward when there is a Town Attorney, and a similar example from previous police experience where an individual was injured, and the homeowner was responsible for workers' compensation insurance to pay medical bills. The community group Country Town Volunteers is still active.

The Council and P&Z discussed memo item B, for exploration of possible routes for providing permanent access across the Agua Fria river. There is already access by going down Foothills to 169.

Mr. Hanks clarified whether memo item C should be brought back to P&Z once there is an Attorney. The Council and P&Z continued their discussion on a tax; Mr. Hanks stated other towns collect property tax, though not specifically for road improvements. Chino Valley's was just turned down. Prescott Valley has a utility; they provide water service, sewer service and trash, but it's not a part of the tax. The excise tax on APS (Arizona Public Service Company) is going to the voters, and maybe a tax could be looked at during the next voting cycle.

The Council and P&Z discussed memo item D, review and discussion of Town General Plan Circulation Element and challenges to implementation. The 2011 PARA (Planning Assistance for Rural Areas) Study has a looping system and corridor system, and the Town is contacting residents for right-of-way access on an emergency road across the Bureau of Land Management (BLM) into Prescott Dells. The residents agreed to an emergency road

with locked gates, and if the Town now does a bait-and-switch with a full looping system with 50 to 100 cars a day, the community will fight. There are a few remnant parcels that may give extra connectivity, such as Jones to Martha, and there are some ways that the Town may need to be able to eventually hook into. Ideally, emergency services would be coming in on one, and everybody else going out on others.

In response to the Council and P&Z, Mr. Hanks would like to see coming out of this item for the Council and Commission to look at where the possibilities are, and maybe formulate a list of how many property owners would need to be contacted. The PARA Study shows a number of different routes; maybe the Town can find a completely better alternative. One of the first steps could be identifying signage to identify routes to follow to get to Highway 69; staff could begin working on a list of roadway signs that are needed. The PARA Study is on the Town's website.

All of the items being discussed tonight are items that P&Z discussed over the last year. There are roadblocks; P&Z was giving Steven Brown, Community Planner, ideas to send back to Council to vote on; Council makes the decisions. P&Z's question is how the Town can get funding for staff to enforce the ideas such as zoning anomalies, the General Plan update process, and the volunteer group.

The Council and P&Z discussed memo item E, discussion regarding troubling existing zoning anomalies. The discussion included examples along Prescott Dells and Powerline Roads; there appearing to be a lot of mining claims on the 4-acre parcels; and, in some of the zoning anomalies on the south end, there is one zoning district on half of the property, and different zoning on the other half. P&Z previously worked on it and recommended to Council that the only thing that could be done is whatever is in the property owner's best interest. Otherwise, it was going to be a simple matter of everybody having to come apply for a zoning change. The feedback that P&Z received from the public was that they weren't interested in having to apply; they would have had to pay for it. If the zoning just changed, but was in their best interest, then it didn't matter. Because this was not the product of the property-owners' fault, P&Z wanted to waive the costs to change the zoning; it would have been across the board, one time. P&Z recommends not sending it back to P&Z, because they already made a recommendation on it. It's already there. Staff needs to locate the recommendation that was made in the past. Council and P&Z also discussed whether or not the Zoning Map was properly adopted.

Council and P&Z discussed memo item F, discussion of General Plan Update process and alternatives. Mr. Hanks stated that first the Town is having to re-re-adopt the Planning and Zoning Code (General Plan) because of missing the P&Z meeting last December. Once that is completed, staff will look into going through the General Plan update process. There are numerous steps, and P&Z will have a big part in it. P&Z can start to get an outline, process, steps, and timelines put together with various options along the way.

Council and P&Z discussed East Valley cities doing the Land Use Element first and later, the rest of the General Plan; Focus Area Plans working well in the East Valley; and, people aren't necessarily opposed to all commercial development - they want to have a say in it, they want services, and they want to be listened to. Commercial areas in the Town are at Highways 69 and 169, and at Kachina and Highway 69; there could be separate Focus Area Plans for each area. Council and P&Z discussed the public input process and how individuals may participate. Mr. Hanks recommends P&Z putting together how many are on the committees, the timing of public meetings, and making sure that the Town is following all of the steps and procedures.

**A2. Discussion and possible direction to staff relating to creating a new Neighborhood Commercial use district with permitted uses/restrictions to minimize the impact to residential neighbors, such as limiting business hours and prohibiting rental uses like apartments, hotels or duplexes (CAARF – Councilmember Collins)**

Councilmember Collins stated that this is similar to Focus Area Plans; the Town needs the community's support to get business into the Town. This worked in areas in the East Valley, where people did not want commercial and there were buffer zones put in place. A buffer zone could use a less-intensive area, with a more intense area behind it. This would allow the neighborhoods to define what neighborhood commercial is. If the Town has a less-intense use for commercial, the Town will have less fighting about it. The commercial zoning that the Town has now all allows hotels, motels, and 24-hour use.

The Council and P&Z discussed the following: it being a General Plan issue or a zoning issue; low-impact uses, such as a grocery store, doctors, or dentists, will be a lot less objectionable to people. This is a zoning definition; the Town needs a new zoning definition and class of use. The Council and P&Z also discussed property rights and the highest and best use of properties. This is not downzoning; this is to create a definition that's socially acceptable to people to create more opportunity for someone who has something that's zoned residential to come in and say that they want to be commercially zoned. If the Town's commercial uses go to a referendum every time, the Town gets on a short blacklist, where developers don't want to come in. The Council and P&Z discussed

previous referenda; this being a new class of commercial that would be chosen by the property owners; this sounding like a conditional use permit; and, properties being rezoned with conditions for when they develop, such as hours of operation.

Based on the discussion, Mr. Hanks will add this to a list of items for the Town Attorney to review.

**A1. Discuss and inform the public and Planning and Zoning Advisory Commission members of the Town Council's vision for future goals, as discussed at the January 22, 2019 Special Study Session**  
(CAARF – Councilmember Collins)

Councilmember Collins stated that she went back and looked through the priority list, and they were set by the Town Council. P&Z's most valuable function is as an extra layer of public information to inform people what is going on, and to inform the Council what the people feel about what's going on. There were a lot of problems, from the anomalous lots to a lot of code issues. Problems with the commercial codes are not just intensity of use. There is a problem with zoning codes throughout the Town.

The Council and P&Z discussed the code having some conflicting verbiage; if Council identifies where the problems are, they can then be taken to P&Z for review and recommendation.

**A3. Discussion and possible direction to staff relating to developing an infill policy for the Town and amending the Dewey-Humboldt Town Code of Ordinances to make smaller commercial lots more usable by commercial developers** (CAARF – Councilmember Collins)

Councilmember Collins stated that she doesn't think all of the codes need to be changed; all that needs to be done is pass an ordinance to exempt certain size lots from things like the amount of open space. 50% lot coverage is allowed, with a required 25% open space, leaving 25% of the property to be used. This makes it difficult for smaller lots, such as at the corner of Kachina and Highway 69 and lots in the downtown area. Some lots are 10,000 square foot and some are 12,000 square foot lots.

The Council and P&Z discussed where the codes originally came from; many of the Town Codes were brought in by former Town Manager Emerson and are from Peoria; the Town has to look at these pieces and make them viable so something good and constructive can come into the Town. It doesn't need to be done lot by lot; all that needs to be done is to exempt, by lot size, from needing 25% open space. Allowances could be made for smaller buildings. The Code is not for the modern economy; things like food trucks and drive-throughs make money.

The Council and P&Z also discussed: normally, when the zoning of one kind of lot is changed, the zoning of that particular lot everywhere in Town needs to be changed; the process an investor goes through when writing an offer and what they would look to exempt themselves from; investors will drive development; and, whether it is feasible for the Town to spend the time and resources to do this. The Code could be amended to change setbacks, but that will not cure all of the problem. The property defines itself for the highest and best use and what the zoning should be. An incentive for a property owner would be the reduction of fees for that zoning change, or the cost to apply for that zoning change. The way to do it is to put the code in place, and then market that it is in place.

The Council and P&Z talked about infill for redevelopment areas. If it is in the code, there would be no issue of needing a variance; they could apply for that zoning on their property. For it to be effective, it has to be advertised, not just to the Town, but to those outside of the Town. Infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. Infill is the urban planning term for the re-dedication of land in an urban environment, usually open space, to new construction and also applies within an urban policy to construction on any undeveloped land that is not on the urban margin.

**A4. Discussion and possible direction to staff relating to amending the Dewey-Humboldt Town Code of Ordinances in response to State of Arizona House Bill 2556, which defines agritourism and sets criteria for agritourism to be classified as class two agricultural real property** (CAARF – Councilmember Collins)

Councilmember Collins stated that there is a new state law that lets the Town have a business area that can be monopolized, because the Town has a lot of open space and a lot of agricultural-minded people. Agritourism and ecotourism are the two bigger-growing tourist industries now. If the Town de-regulates it, it can get bigger. She would really like to see the Town get the Code up-to-date with the new state law, so that the Town can grow business. It would need to be added to the Code as a benefit.

Council and P&Z discussed that the Town should allow the extra use in the Code to make sure that it is there, and people know that it's in the Code. The Town can be less stringent on the Codes to allow a more intense use; an agricultural exemption is technically four acres. The bill related to tax laws; it is a way to allow farmers

to keep agricultural zoning and still have businesses. When it comes to the tax code, there doesn't need to be anything in the Town Code. If somebody were to put that type of business here, they could go into the County Assessor's Office and apply for that tax exemption under that law. More than likely, this comes into play where the land is farmed, and there is a store selling some of the produce. On the agricultural side, they would be taxed in one way, and the entire property would be taxed as a high-density commercial piece of property, making it not marketable to do it in that manner.

Motion by Councilmember Brooks to accept public comment on agenda item 4.A.4; second by Councilmember McBrady. There was consensus to allow public comment.

Sharla Mortimer, Mortimer Farms and Yavapai County Farm Bureau President, spoke relating to the bill; anything that would apply for agriculture also applies to agritourism. It eliminates a gray area and encourages those in agriculture who want to sell their product. It is applied through the County Assessor's Office and the governing agency for zoning and building codes. Mr. Hanks stated that all of the ag-business parcels have the ag-exempt status but also have the residential underlying zoning, which is what the Town goes by on the permits.

The Council and P&Z discussed other business activity being included in agritourism. In response to the Council and P&Z, Ms. Mortimer stated that her opinion is that dry camping at Mortimer Farms or Coldwater Conservancy can be agritourism; it would have to go to the Town for approval. The Council and P&Z discussed having P&Z start discussions on this; staff would need to update P&Z on what type of things are holding it back now. Mr. Hanks stated that the best place to start is to meet with Mortimer Farms and find out how this is going to impact the special use permits or various permits that they get throughout the year. In response to the Council and P&Z, Ms. Mortimer agreed to participate. There is no ag-zoning in Dewey-Humboldt, and that might be another place to look at.

Commissioner Corbisello departed the meeting at 8:14 p.m.

The Council and P&Z concluded their discussion; staff will look into this before it goes to P&Z.

Mr. Hanks stated that as a member of P&Z had to leave, there is no longer a quorum of P&Z.

Councilmember Hughes moved to table agenda items 4.A5 and 4.A6 to a later date with Planning and Zoning, and move on to the Study Session for Town Council; second by Councilmember Brooks. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

The Joint Study Session Meeting with the Town Council and Planning and Zoning Advisory Commission adjourned at 8:19 p.m.; Council continued into the Study Session portion of the meeting.

**A5. TABLED.** Discussion and possible direction to staff relating to amending the Dewey-Humboldt Town Code of Ordinances to change Farm Animals from an accessory use to a permitted use, as per the following Planning and Zoning Advisory Commission recommendation to the Town Council, dated June 21, 2016: Farm animals be “permitted uses” rather than “accessory uses” in the R1-L; RMM; R1; C1; C2; C3; M1; and, M2 zoning districts (CAARF – Councilmember Collins)

**A6. TABLED.** Discussion and possible direction to staff relating to conflicting code provisions in the Dewey-Humboldt Town Code of Ordinances, Land Usage Code, Title XV, and potential conflicts between the Land Usage Code and other Code provisions, including Council prioritization of Land Usage Code review, as discussed at the June 11, 2019 Town Council Study Session (Staff CC)

**5. Study Session.** No legal action to be taken.

**A. Overview, discussion and possible direction to staff of the Proposed Council Meeting and Council Agenda Action Request Form (CAARF) Process** (Staff CC)

Mr. Hanks stated that with Ordinance No. 19-145 going into effect, staff would like to start a standard process for receiving CAARFs, to ensure time to review and still add them on to the appropriate agendas. Staff is requesting CAARFs to come in on Friday, to review Monday morning prior to the agenda committee meeting. Supporting documents should be presented at that same time.

In response to the Council, Mr. Hanks stated that this differs from the current process as currently, staff receives CAARFs without the backup item or at 10:00 a.m. on Monday morning, when the agenda committee meets.

The Council discussed the sample timeline in the Council packet; staff would like to start presenting CAARFs at Study Sessions for discussion; if there is a vote, it would then be at a later meeting for a vote. Councilmembers discussed concerns with it seeming to eliminate too many options or times that Council needs to get things in to

a meeting, or something has come up at a previous meeting. From the Monday of the agenda committee meeting to the following Tuesday allows plenty of time to get the verbiage right and to do the research or bring any added materials. If needed, staff can call the person who put in the CAARF and request to postpone it one meeting. Mr. Hanks clarified that no agenda committee meetings will be cut.

Council continued the discussion, including: CAARFs that come in late can't be prepped and ready; staff needs time so that when there is an agenda committee meeting, it's all correct. There are still the two regular meetings and the study session, which Councilmembers can bring in their CAARFs; that hasn't changed. It's just the fact that they would like to have the CAARFs in by Friday. Mr. Hanks confirmed this and discussed the staff process. CAARFs won't be delayed until the next meeting and will not only be discussed at Study Sessions. Attachments should be included; if it's something simple where the Councilmember just needs staff to print off a copy of the code, to make sure that staff is aware that it is needed. Previous meeting minutes should be included if the CAARFs refer back to that meeting.

Mr. Hanks stated that staff will put this in an official memorandum to send out; staff is trying to streamline their workload and what will benefit staff to make sure that items Council wants on the meetings get to the meetings, as well as keeping out of open meeting law violations.

**B. Overview, discussion and possible direction to staff of Community Development Department Staffing Options (Staff CC)**

Mr. Hanks stated that with the passage of the budget on June 25, he has been analyzing the Town's employment needs. Heavy-handed code enforcement is not wanted, and a name change from Code Enforcement is wanted. The Community Planner ("Planner") has always been the one doing Code Enforcement, creating a conflict as they are helping to create the rules and enforce them. He would like to create the position of Community Enhancement Officer ("Officer"). The Town has now acquired Firewise and has a percentage of work to do there; there's a community volunteer group that the Officer would work on with some of the code violation complaints. Sometimes it's just that the person doesn't have the physical capabilities of taking care of weeds or mowing. The Officer would help get them in communication with each other, with the Firewise work, and with the Cleanup Days. This could reduce some of the complaints related to brush, weeds and trash; there can be some Code Enforcement without being a strong-arm. The Town will put together standards and policies before getting into the actual violation part. He wants to get away from having the Planner do the Code Enforcement; in the past nine years, it's created a high turnover among staff and discontent in the Town.

In response to the Council, Mr. Hanks stated that the Officer will report to the Town Manager and the Planner. The Planner would help research codes and where the violations may be as complaints are received; the Officer could then go out and work with the residents and help to try to clean them up instead of sending a letter notifying individuals that they are in violation. This will improve communication and reduce complaint numbers.

The Council discussed that the Officer should report to the Town Manager. Mr. Hanks stated that when the complaints come in to him, he would ask the Planner to decipher where the codes are, and then the Officer would get a plan of action to figure out how to help get it cleaned up. The Council discussed having the Officer look at the codes themselves to be sure there's not conflicting codes; and, working with the Planner may send the Officer down the wrong road. The current Planner caused problems and would not respond to correspondence back to the Town. Mr. Hanks stated that he can look at addressing that; in doing this, there would be three sets of eyes looking at them, instead of just one, which is what the Town has always had in the past. All of the complaints would come in to the Town Manager first. The Planner would help decipher which codes they may be violating or how it needs to be addressed from the Code standpoint; the Officer would be the one addressing it, but in coordination with the Town Manager and Planner. A past problem was that there was only one set of eyes looking at everything.

The Council discussed the codes being nit-picky and not important; some of the codes may not have been codified properly. Some things, like burnt out buildings, need to be acted on right away; the Town can use a new set of eyes to report back to the Town Manager on things in the Code that could be fixed. In response to the Council, Mr. Hanks stated that the Planner and Officer positions will be up to about 20 hours a week, on an hourly rate. The Officer will also coordinate Firewise activities, community cleanup, and may be able to help get grants. There are a few people Mr. Hanks has in mind for the position, if they would be willing.

The Council discussed that changing the name will help; code enforcement got a lot worse when the Town went with anonymous complaints; and, wanting to see the word "cooperation" instead of "compliance". In response to the Council, Mr. Hanks stated that if the Town gets a complaint, but the person can't physically do it or afford to do it, the Officer could go to one of the community groups and ask for their help. He doesn't believe it's a cure all, and it may need to be adjusted moving forward, but this is what he's putting out there to try based on the nine

years of failures that the Town has had. Based on what the Enhancement Officer sees, they may know of areas they can go after additional grants or smaller ones that would help specific things.

- 6. 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.

No one spoke.

**7. Adjourn.**

Councilmember Brooks moved to adjourn; seconded by Councilmember Hughes. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent. The meeting was adjourned at 8:49 p.m.

\_\_\_\_\_  
Victoria Wendt, Vice Mayor

ATTEST: \_\_\_\_\_  
Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR AND SPECIAL COUNCIL MEETING MINUTES  
JULY 16, 2019, 6:30 P.M.**

**A REGULAR AND SPECIAL COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, JULY 16, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR VICTORIA WENDT PRESIDED.**

1. **Call To Order** Vice Mayor Wendt called the meeting to order at 6:31 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, Mark McBrady, and Vice Mayor Victoria Wendt were present. Councilmember John Hughes arrived at 6:31 p.m. Councilmember Amy Lance and Mayor Terry Nolan were absent.
3. **Pledge of Allegiance** Audience member Jack Hamilton led the Pledge.
4. **Invocation** Given by CM Brooks.
5. **Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

**A. Council announcements about outside meetings and committees**

There were no announcements.

- B. Public Safety Report – Central Arizona Fire & Medical Authority (CAFMA) Report presented by Fire Marshal Rick Chase** Topics for possible discussion and action include: calls responded; outreach programs and services; construction permitting. A brief video relating to the Blue Hills Water Tank celebration may be played by the Town during this agenda item.

Rick Chase, Fire Marshal, Central Arizona Fire & Medical Authority (CAFMA), gave the first and second quarter reports. CAFMA covers 365 square miles, has 10 staffed stations and 2 reserve stations and a population of approximately 86,865. EMS responses are the highest number of calls; in January, February and March there were 39, 25 and 24 calls; about 5.7% percent of the total calls in January, 3.7% in February, and 3.5% in March. The total number of EMS calls for the Town in the first quarter was 88, or 4.3% of the total number of calls CAFMA received. In January, February and March, the Town had three, one and two calls for Fire Responses, for six in the Town out of a total of 25. In January, February and March, the Town had 191, 167 and 175 calls for Public Service (animal calls, police assist, unauthorized burning) for 533 calls in the Town, or 1.7% in the area. In January, February and March, CAFMA had a total of 33 Hazardous Conditions calls, and none were in the area.

In the Second Quarter Report, there were 2,024 EMS calls, with 70 in the Town; one Fire Response call in April, and one in May, for a total of 2 fire calls in the Town out of 48 total fire calls. CAFMA had 518 total public service dispatches with 21 in the Town, 36 total hazardous condition calls throughout the district, with three in the Town.

The July 4 fire was in Forest Service property, on the other side of the Mount Orme area. No structures were lost. Another fire is burning; the last update from the Forest Service was that it was over 1,000 acres and the Forest Service will be calling in a Type 1 response. He recommended people get in the "Ready" mode, and think about the "Set" mode. At nighttime, typically fires lay low, the winds subside, the moisture content comes up, and chances are that it will lay low. There were no fire restrictions this year; monsoons are going to slow down this week. The Forest Service takes the lead on fire restrictions; there is still no talk of going into fire restrictions, even with a fire burning. He advised people to watch social media, CAFMA's webpage, and the Prescott National Forest Emergency Management for updates. He also spoke of doing an assessment of the Foothills and Upper Blue Hills areas for the Firewise status, and of the new Heli Swift building.

Vice Mayor Wendt played a video by Firewise of the water tank dedication and presented a copy to Mr. Chase.

- C. Public Safety Report – Yavapai County Sheriff's Office Report** Topics for possible discussion and action 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 and time of day, average response times, Part 1 crimes comparison.

Sergeant Lopez, Yavapai County Sheriff's Office, gave the second quarter report, from April to June, 2019. The sector goes from Highway 69 at Fain Road to Black Canyon. Staffing currently is about 17 people; the Sheriff has been able to keep one deputy in the area from 6:00 a.m. until 2:00 a.m. There were 606 total calls, with 328 calls for service and 278 self-initiated calls. Out of self-initiated calls, 151 were traffic stops with 34 resulting in

citations and 5 cite and release. There were three assaults, no drug arrests, five disorderly conduct arrests, zero family fight arrests, and four warrant arrests. There were 20 in-custody arrests and 25 cite and release arrests. Animal Control stayed busiest with dogs at large. There were four animal pickups, where people were surrendering animals; three were due to animal bites and one due to neglect.

Fridays and Saturdays are the busier days. The Sheriff's Office responds to a lot of civil-type calls for different citizen disputes. There hasn't been an influx in violent crime or anything to be alarmed about. The two busiest times for service are between 2:00 p.m. and 6:00 p.m., and 10:00 p.m. and 2:00 a.m. The Sheriff's Office tries to accommodate for that by having more coverage; typically, in the morning when it's quiet, there are usually three deputies; between about 2:00 p.m. and 2:00 a.m., they try to have about five deputies in the area to accommodate the influx of calls. The average response time is between two and five minutes; alarm response time is higher because deputies wait for a second deputy before going to clear a building, for safety reasons.

There haven't been any homicides, robberies, or forcible rapes in the Town. Countywide, there were 55 aggravated assaults; in this sector, there were 12, three in the Town. In comparison, the Town is on the low-end for call-ins – no arsons, no vehicle thefts, no robberies. There were quite a few larceny thefts; some of those are unsubstantiated.

In response to a question by Councilmember Collins, Sgt. Lopez confirmed that residents may use paint guns to try to scare off coyotes, and may shoot a coyote, as long as it is in a safe manner.

## **6. 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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Leigh Cluff spoke, asking if the Dewey-Humboldt Town Hall is the building that used to sit at Highway 169 and Highway 69 in the L Shape, and if so, how old it was before it got moved here.

Jack Hamilton spoke relating to the Town's current open positions; the job descriptions sound very onerous and almost discourage applicants.

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

### **A. Approval of Minutes of July 2, 2019, Regular Council Meeting**

Vice Mayor Wendt noted that the minutes of the July 2, 2019 Regular Council Meeting are being pulled for corrections and that they will be back at a future meeting.

## **8. Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

Councilmember McBrady recused himself from Agenda Item 8 and left the dais.

### **A. Report on the lease/purchase of the existing Town Hall location, 2735 S. Highway 69, for continued use by the Town of Dewey-Humboldt.**

Ed Hanks, Town Manager, stated that at the last meeting, it was determined that the landlord wasn't interested in leasing; he was more interested in selling. The approximate lot size is 1.04 acres; the total building square footage is 3,308, which includes the 715 square-foot apartment above the Council Chambers. The current asking price is \$780,000. Improvements include a fully-paved parking lot with 4-inch asphalt, 312 linear feet of curb, 780 linear feet of the covered boardwalk. The improvements are about \$225,000. To move this item forward, it will need to be brought back as an agenda item for discussion and possible direction for an appraisal to find out the exact lot size and building value.

### **B. Report on inquiries relating to a Larger Building for Town Hall, as directed by Town Council on June 18, 2019.**

Mr. Hanks stated that the building at 3650 South Highway 69 is 9,900 square-feet; it is a showroom style, with three different rooms and a sunroom. Rooms are about 728 square feet, 1,768 square feet with small storage, three bathrooms, and a water closet, and the primary room is 7,000 square feet. Rent amount is approximately \$6,500 monthly. Tenant improvements are needed. It will need to be agendized to be discussed and for possible direction.

The lot is approximately 1.25 acres of which part is in the wash and unusable. Vice Mayor Wendt and Councilmember Brooks asked clarifying questions; in response, Mr. Hanks stated that he has not been able get clarification about a build-to-suit though they would be willing to lease with a first right of refusal if they decided to sell. He estimates somewhere in the neighborhood of \$25,000 to \$35,000 for tenant improvements.

Councilmember Brooks and Vice Mayor Wendt asked for both items to be brought back on a future agenda for discussion and a decision. Mr. Hanks confirmed that it will be on the next meeting.

Councilmember Collins moved to allow public comment; seconded by Councilmember Brooks. Motion passed on a voice vote 4-0-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – absent.

Martha Duncan spoke relating to her family's background, the Town not acquiring the old bank building, the importance of Main Street, and how the old Town area has a lot of meaning to her. She opposes paying \$780,000 in rent at another building and recommends buying the current property.

Jack Hamilton spoke relating to the current building still being here whether the Town is in it, moving would help the businesses by allowing other businesses to come in and give the Town more revenue, and this building being old, too small, and a poor return on investment. He also spoke relating to nobody using the floor above, except as storage; the Town not including the purchase of this building in the current budget and being unable to spend money not in the budget, and if the Town does, he will protest, and do a referendum if he can. He thinks the Town should build a new building on its property on Main Street; the return on investment will be better.

In response to Ms. Duncan, Councilmember Collins stated that the Town tried to buy the bank building; it went through a referendum and was turned down.

Councilmember McBrady rejoined the meeting at 7:14 p.m.

**9. General Business** Discussion and possible legal action may be taken.

**A. Discussion and possible action to authorize staff to make budget transfer adjustments to the Fiscal Year 2018/19 Budget, as part of the fiscal year closeout process. There is no fiscal impact to the Town by making these adjustments.** (Staff CC)

Mr. Hanks stated that this item is to make line item adjustments to the budget for the audit process, as recommended by the auditor. Mickey Moore, Town Accountant, provided an overview of the adjustments. In Town Clerk and Public Records, \$1,500 will be moved from training and travel to print, publish and advertise, which is over-budget by \$1,400. In Magistrate Court, Specialized Court Fees was over-budget due to Pro-Temp Judges in between having a Magistrate; \$2,500 will be moved from salary to cover it. In Public Works, the Overtime was over-budget due primarily to snow removal; \$2,400 will be moved from salary. The Capital Equipment was for the Gannon and was over-budget by \$5,670 in taxes; there was a credit from the insurance company for having no claims, and \$6,000 will be taken from it to cover. In Community Development, P&Z Management was over-budget for plan review, inspector and Community Planner; \$29,000 will be moved from salary into that line item. The Clean Up Days went over a little, \$500 from Neighborhood Outreach will be moved into the Cleanup Days. Altogether, \$53,900 total is moving.

Councilmember Brooks moved to accept the adjustments as presented; seconded by Councilmember Collins. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**B. Discussion and possible action to approve the Intergovernmental Agreement with the Yavapai County Flood Control District for the Fiscal Year 2019/20 financial contribution from the District to the Town for Flood Control Improvements.** (Staff CC)

Mr. Hanks stated that the Yavapai County Flood Control District has given the Town \$65,000 in reimbursements towards drainage improvements throughout Town; approval will allow the Town to begin using the Flood Control funds for drainage control purposes.

Councilmember Hughes moved to approve agenda item 9.B., intergovernmental agreement; seconded by

Councilmember Brooks. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**C. Discussion and possible action to clarify the direction provided to staff at the July 2, 2019, Town Council Regular Meeting, relating to enacting a Town of Dewey-Humboldt Business License for all Businesses, to authorize staff to pursue drafting an ordinance to make necessary changes to the Dewey-Humboldt Town Code of Ordinances, and to take other actions necessary to prepare documentation required for implementation, subject to Council review. (Staff CC)**

Mr. Hanks stated that on July 2, 2019, Council discussed the business license as a resolution. Staff is seeking Council direction to proceed with an ordinance, so it can be codified, and for authority to do other things, such as posting fees. It would go into effect January 1.

Councilmember Brooks moved to direct staff to draft an ordinance for agenda item 9.C., on a Town business license; seconded by Councilmember Collins.

Councilmember Collins moved to allow public comment on this issue; seconded by Councilmember Brooks. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

Jack Hamilton spoke relating to the item having been before past Councils, the impact of having to include a penalty clause, the Town being complaint-driven, and needing an Enforcement Officer. He also spoke relating to some of the businesses will have a license, others not, irritating a lot of businesses, and the Town being unable to see what businesses are earning and paying in taxes.

Councilmember Collins spoke relating to Town Code Chapter 34, and Vice Mayor Wendt spoke regarding asking the Town Attorney to look into it.

In response to Tim Mattix, Town Clerk, Councilmember Brooks clarified that the motion included to authorize staff to prepare other documentation.

In response to Councilmember McBrady, Mr. Hanks clarified that the Council will see the ordinance again to vote on it.

The motion to direct staff to draft an ordinance for Agenda Item 9.C. and to authorize staff to prepare the required documentation passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**D. Discussion and possible action to clarify the direction provided to staff at the July 2, 2019, Town Council Regular Meeting, relating to enacting a Town of Dewey-Humboldt Peddlers Occupation License for all Peddler-Type Sales, to authorize staff to pursue drafting an ordinance to make necessary changes to the Dewey-Humboldt Town Code of Ordinances, and to take other actions necessary to prepare documentation required for implementation, subject to Council review. (Staff CC)**

Mr. Hanks stated that similar to the last item, this was brought to Council July 2, 2019 and listed as a resolution. Staff is seeking Council authorization for an ordinance and for the additional documents that would be needed.

Councilmember Collins spoke related to a state statute that was included in the Council packet at the last meeting, and Councilmember Hughes requested a detailed description of the peddler-type sales that would be included in the ordinance. Mr. Hanks confirmed that the Town Attorney will check into the state statutes.

Councilmember Brooks moved to go ahead with 9.D. directing staff to draft an ordinance, with the addition of the detailed types of peddlers that would come under the license, and all other documentation or directives that the staff needs to see this go forward; seconded by Councilmember Collins. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**10. Public Hearing** Discussion and possible legal action may be taken.

**A. Hold a Public Hearing to receive public comments on the Final Fiscal Year (FY) 2019/20 Final Budget. (Staff CC)**

- 1. Staff Report**
- 2. Open Public Hearing**
- 3. Close Public Hearing**
- 4. Motion to recess the Regular Meeting and Convene into a Special Meeting**

Mr. Hanks stated that state statute requires that a public hearing be held. Once the public hearing closes, there will be additional Council discussion and a vote or direction to staff.

Vice Mayor Wendt opened the public hearing at 7:33 p.m.

Jack Hamilton spoke relating to violating the principles of sound financial management and past Councils being over-budget by over \$100,000 for one-time expenses, which is allowed, while this budget is \$78,000 over, not including \$15,000 of one-time expenses. He spoke relating to operating expenses continuing to grow, potential revenue if the Giant station comes in and if not, the Town being bankrupt, and needing a balanced budget. He spoke relating to where the Council would cut \$275,000 if it had to be done, past Councils saving \$200,000 annually by making tough choices; and this budget taking money from savings to give to charity. He spoke relating to next year's budget, including money for a Town Hall, the budget being for Council to plan ahead and keep in control of what is going on. He spoke relating to the 2020 Census, the Town not growing as fast as the rest of the state, and taking a cut on the per-capita tax, which makes almost 2/3 of the Town's budget.

Nancy Wright spoke and asked why, since in prior fiscal year 2017/18, the Town received over \$600,000 for local sales tax but thinks it will only be \$423,000 this year. She spoke relating to almost \$200,00 that she was told could be used for roads and asked why it is not in the HURF (Highway User Revenue Fund) budget.

In response, Ms. Moore stated that it is not included in HURF to make it easier to track and confirm how that particular amount was spent. It does not have to be in HURF, though it is regulated to be used on roads. Sales tax amounts are provided to the Town by the League of Arizona Cities and Towns.

There being no one else who wished to speak, Vice Mayor Wendt closed the public hearing at 7:40 p.m.

Councilmember Hughes moved to move into the Special Meeting; seconded by Councilmember Brooks. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**11. Special Meeting.** Legal action may be taken.

**A. Town Council discussion and possible direction to staff relating to the Final FY 2019/20 Budget, and possible action to adopt Resolution No. 19-137, adopting the Final FY 2019/20 Budget, with the total amount of proposed expenditures of \$4,132,564. (Staff CC)**

- 1. Council Discussion**
- 2. Possible Action to Adopt Resolution No. 19-137**
- 3. Motion to adjourn the Special Meeting and Reconvene into the Regular Meeting.**

The Special Meeting convened at 7:42 p.m.

Mr. Hanks stated that the final budget is in the amount of \$4,132,564. Line item adjustments were made at the recommendation of the auditors; they do not affect the bottom line. Ms. Moore stated that under Revenue, account 10-100-3800, Miscellaneous Waived Permits, permit revenue was moved into this line for permits that are waived. An account that was used in 2011 for donations was added under Community Development, 10-465-6940, Strategic Community Partnership, to be used for donations, instead of including it in Community Outreach, and \$3,000 was moved into that line. There were no other changes.

Councilmember McBrady stated that he would like to wait and have the attorney review it before approving the budget. The Town does not want to do anything wrong; the Town does not have a lease for Town Hall, so that could change in a number of ways. It behooves the Town to at least make sure that the budget matches what the Town wants to do and make sure that it's correct.

Ms. Moore stated that is a sound decision, but the expenditure amount cannot be increased. It can be changed from another line, but an expense cannot be added after the tentative budget adoption. The Council can move it around, but can't go over what was already approved as a preliminary budget expenditure.

Councilmember Brooks stated that the Council was already locked into the numbers when it was accepted at the end of June. It has to be approved before the end of this month. The Council's hands are tied. Ms. Moore clarified that it can be moved around and stated that the Town has \$1.4 million budgeted for grant expenditures for miscellaneous grants; it doesn't have anything to do with Community Development Block Grant (CDBG) or

flood control grants, so there is some money there.

Vice Mayor Wendt asked if those moves can be made at any time with Council approval; Ms. Moore stated that once the budget is adopted, they cannot, but they can delay the adoption to find other things out and then decide whether they want to move it. Vice Mayor Wendt asked when it was due; Ms. Moore stated at the end of July. Mr. Hanks stated that when the Town has an attorney, it may be able to do an amended budget.

Councilmember McBrady stated that it would be nice to have that information before the budget is approved. Vice Mayor Wendt stated that she questions the validity. The Town is almost at the end of July now, and she doesn't know whether this attorney is up on budgets.

Councilmember McBrady stated that the attorney has a lot of budget background; he thinks that it is safest to have her look at it and the Council can look at the benefits of what they were talking about and seeing if they match. If it does work, and he thinks it will, and he thinks they can do something, then it would be nice to be able to get it done. There is a chance to do it, and rather than forcing the Town not to be able to, wants to see what the attorney says. That would allow staff to bring up an idea of what the cost would be.

Vice Mayor Wendt asked Councilmember McBrady to clarify what he wants the Town Attorney to look at; Councilmember McBrady stated that it goes to the purchasing of the Town Hall, if the Town can do that and he believes it will be a good deal for the Town and for the business community. In talking about the taxes, the gas station needs to open up. It's unfortunate that it's closed right now; it has to do with a loan that needs to be retired so that it can be finished, and new tanks put in. The Town is losing sales tax. The Town would be helping the business community; he is asking for the Town to listen to the offer, and then, if there is time, to put it in the budget. He thinks the attorney would be able to look at that very quickly and give advice on the best way to do it, if the Council wants to.

Vice Mayor Wendt asked if that would require a special meeting after the attorney has been brought in and has an opportunity to look at it. Mr. Hanks confirmed that the Town would need a special session for that item.

Councilmember Collins moved to allow public comment; seconded by Councilmember Hughes. There was consensus to allow public comment.

Jack Hamilton spoke relating to the law saying that the Town has to approve the budget by the third week in July, grant money is money coming in so that the Town can spend it rather than monies in the reserves, and the reason why it's in the budget is if the Town receives the grants, it can be spent. Vice Mayor Wendt asked Ms. Moore to clarify. Ms. Moore stated that Mr. Hamilton is correct in that the Town is bringing in and taking out revenue; the Town does not have enough revenue for a purchase like this. The Town has a healthy fund balance; a big purchase will have to come out of the fund balance.

Councilmember Brooks asked if use of the fund balance can be made at a later date. Ms. Moore stated that she believes it can. This year's budget is over \$293,000; if the Town expends everything that had been budgeted for expenditures, the Town would need to decrease the fund balance by \$293,000. Expenditure limits are set by the state; the Town's limit is \$4,697,199. The Town only has about \$500,000 to stay within the expenditure limit.

Councilmember McBrady stated that the Town has a certain amount that is paid for the lease of the building and asked if the Town could borrow an amount from a bank with payments are lower than the monthly lease amount. That's the kind of question that he thinks the attorney should be asked.

Vice Mayor Wendt stated her concern that the Town has been dealing with the Town Hall lease or purchase for quite some time. It seems unfair to wait until the last minute before these questions are brought up, when the Town could have taken steps previously to address it.

Councilmember Brooks moved to accept the 2019/20 fiscal budget as presented by staff to Council; seconded by Councilmember Collins. Councilmember Brooks stated that the Town has worked on this for three-and-a-half months or more, has asked for information about where the lease stood and asked the previous attorney to meet with the property owner, and she agrees that the Town is here at the final week, and this is the first time that the Town has heard a number or even the direction of what the property owner wanted.

Councilmember McBrady stated that the attorney never had contact with them. He didn't consider it until the

Town started looking at a different building. It's a good deal; the price that he's talking about is the offered price. It could be negotiated down.

Mr. Hanks asked for the meeting to be called to order.

Vice Mayor Wendt stated that there was a motion on the floor to accept the resolution adopting the final fiscal year 2019/2020 budget. Motion passed on a roll call vote 4-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – nay; VM Wendt – aye; Mayor Nolan - absent.

Councilmember Brooks moved to adjourn the Special Meeting and reconvene the Regular Meeting; seconded by Councilmember Collins. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

The Special Meeting adjourned and reconvened into the Regular Meeting at 7:58 p.m.

**12. Executive Session.**

**Vote to recess to Executive Session**

Councilmember Brooks moved to go into Executive Session; seconded by Councilmember Collins. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

The Regular Meeting adjourned for a five minute recess prior to Executive Session at 7:59 p.m.

**A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(1) to discuss and consider the appointment and employment/legal services contract of Bigelow Law Offices, PLC, for the position of Town Attorney.**

**Close Executive Session/Reconvene Regular Meeting**

The Regular Meeting reconvened at 8:27 p.m. Councilmembers Brooks, Collins, Hughes, McBrady and Vice Mayor Wendt were present. Councilmember Lance and Mayor Nolan were absent.

**13. Discussion and possible direction to staff relating to, and possible action to approve, the employment/legal services contract of Bigelow Law Offices, PLC, for the position of Town Attorney.**

Possible direction and action include approval, rejection, modification, and/or authorizing staff to negotiate terms of the employment/legal services contract.

Councilmember Brooks moved to direct the Town Manager to negotiate with Bigelow Law Offices, PLC, for Town Attorney services as discussed during Executive Session, with the contract coming back for Council consideration at the August 6, 2019, Regular Meeting, if completed. Seconded by Councilmember Hughes.

Councilmember McBrady asked if it was possible to have it come back sooner; Council discussed the need to schedule another meeting.

Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – absent; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – absent.

**14. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date.

There was no discussion.

**15. Adjourn** The meeting was adjourned at 8:30 p.m.

\_\_\_\_\_  
Victoria Wendt, Vice Mayor

ATTEST: \_\_\_\_\_  
Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
STUDY SESSION MEETING MINUTES  
AUGUST 13, 2019, 6:30 P.M.**

**A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 13, 2019, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. VICE MAYOR VICTORIA WENDT PRESIDED.**

1. **Call To Order.** Vice Mayor Wendt called the meeting to order at 6:30 p.m.
2. **Roll Call.** Town Councilmembers: Karen Brooks, Lynn Collins, John Hughes, Amy Lance and Vice Mayor Victoria Wendt were present. Councilmember Mark McBrady and Mayor Terry Nolan were absent.
3. **Study Session.** No legal action to be taken.

**A. Presentation and Discussion: Morgan O'Connor, Arizona Department of Environmental Quality (ADEQ) – Introduction of ADEQ local community liaison** (from the July 2, 2019 Regular Meeting)

Morgan O'Connor, ADEQ Community Liaison, stated that he takes a non-regulatory role in ADEQ. The Town is his customer; his territory is Yavapai County and Coconino County. He discussed his background and how he came to work for ADEQ.

He gave a PowerPoint presentation. He is based in Flagstaff and assists the public and the regulated community on ADEQ-related issues. ADEQ was created in 1987 and its mission is to protect the health and the environment in Arizona. ADEQ has six Liaisons throughout the state; the Liaisons coordinate with ADEQ program staff to answer specific questions or resolve problems, provide permitting assistance, and provide customer service. He displayed the webpage; if anyone has trouble navigating the website, they can call him. The website has a "My Community" webpage, which provides information about environmental issues and actions, including air quality, water quality, and waste.

ADEQ has a customer complaint form for specific complaints related to air, water or waste; there is also a feedback tracker that goes to the executive leadership team. The more people that submit feedback, the better. There is a listserv and he can help people get connected to it.

The website has a link to all of the Community Liaisons, but he is leaving his cards, which have his office direct number and cell number. He spoke to the voluntary Environmental Stewardship Program, which recognizes and awards incentives to Arizona businesses and other organizations. It gives them an opportunity to get a call ahead of time if an inspector will be coming out.

ADEQ has a small communities' environmental compliance assistance program designed for cities and towns with populations of less than 10,000. It helps develop small community environmental protection plans and is free. There is an Underground Storage Tank financial program; there are a lot of underground storage tanks throughout the area, some of them leaking. This program helps businesses become compliant.

The Arizona Water Watch Citizen Scientist Program app is new and popular. It allows people to work together with ADEQ on research to protect the Arizona waters.

Councilmember Collins asked what place he occupies with respect to the Town's two superfund sites. Mr. O'Connor has attended community meetings and is available to be part of any community committees. He asked people to help connect him. In response to Councilmember Lance, he confirmed details and that he will be at the Thursday, August 15 event.

Councilmember Brooks requested a list of the webpages; he will send that information to Town Clerk Tim Mattix to distribute to Council.

Councilmember Collins asked if he is a hands-on type, and if he does anything at all with the superfund sites. Mr. O'Connor said he is not, but he assists in any way he can for the community. He is here to help connect to the right people. In response to Councilmember Collins, he will send information about the number of superfund sites in Arizona to Mr. Mattix to provide to the Council.

Motion by Councilmember Lance to allow the public to ask questions; seconded by Councilmember Brooks. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – absent.

Ashley Preston spoke relating to whether Mr. O'Connor has done research on what has taken place in Dewey-Humboldt. Mr. O'Connor said that he has, and is familiar with the new group that's coming together, and he wants to assist in any way he can. Ms. Preston asked if he plans on staying in the area a long time. Mr. O'Connor said he has been in Flagstaff since 2006 and is not going anywhere.

**B. Overview and discussion of the process and timelines of adopting new Building Codes** (Staff CC)

Ed Hanks, Town Manager, stated that this item is an overview of updating the Building Codes ("codes"). The Town has hired Don Roberts as the new Building Official; Mr. Roberts has started on the codes. Most communities in Yavapai County have already adopted the new, current codes. The Town is under the 2012 codes, with the Energy Conservation Code of 2006. Mr. Roberts is reviewing what other entities have approved. The codes will be discussed at the September 10, 2019 Study Session and voted on at a later meeting. If the Council wants to change anything, they can. The goal is to have new codes in effect by the end of the year. Mr. Roberts has reviewed the Chino Valley codes and has started to compare those with the Yavapai County codes.

Councilmember Brooks spoke relating to requesting Council receive the codes before the meeting; a lot of things she wants to look at in the codes; things she doesn't agree with from the codes that were published in the paper; Council having input and how in years past Councils have signed off on codes without getting a chance to look at them. She spoke relating to the 2012 codes being approved in 2016; not being in a hurry to review the codes; and wanting to know all of the impacts to the citizens.

Councilmember Collins spoke relating to the Chino Valley codes; posting the codes in the packet online; and the mandatory electrical outlet in new garages required in the codes. Mr. Hanks clarified that it's not being based off of Chino Valley's; he's reviewing what the other entities approved and found things that he is not recommending approving. Staff will post the codes online so that residents can see it as well.

Councilmember Brooks moved to accept public comment; seconded by Councilmember Hughes. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – absent.

Jack Hamilton spoke relating to the Council having the right to adopt whatever building codes they want; having standard codes throughout the area; and, without being standard, the Town having a hard time, if it loses its building inspector, getting one from somewhere else.

Vice Mayor Wendt summarized that Mr. Hanks will provide the codes so that they can be reviewed ahead of time. Mr. Hanks confirmed; staff's goal is to have the review done by September 1, to give Council a chance to review prior to the September 10 Study Session.

**C. Discussion and consideration of a Secondary Road Standard (Country/Gravel and Emergency Access Standards)** (Staff CC; from the March 19 and January 15, 2019 Regular Meetings)

Vice Mayor Wendt asked Mr. Mattix about the Granicus streaming video; Mr. Mattix confirmed that the video is currently streaming online.

Mr. Hanks stated that in January, 2019, Council had requested a review of the road standards to see if they could be reduced down to a gravel road/country road standard. Council asked him to add information pertaining to emergency access roads; that is in here but does not fit very well, and Council may want to consider leaving this standard for daily use, and having a separate emergency access road.

Vice Mayor Wendt spoke relating to her research and contacting contractors for their input; the standard is stringent, but is fine for a dirt road standard; and, it will require a lot less maintenance after it has been put in. She spoke relating to an emergency road needing consideration for the criteria of saving lives; the Town making an exception for an emergency road; and, a southern emergency route won't be feasible if it has to adhere to a stringent dirt road standard. She spoke relating to the Town needing an emergency standard for a one-time use road, and keeping this for the dirt road standard, but needing a separate emergency standard.

In response to Councilmember Collins, Vice Mayor Wendt clarified that, for the emergency roads standard, she is talking about locked gates, with keys held by the Town and emergency agencies, not something that is traveled on a daily basis. Councilmembers Collins, Hughes and Vice Mayor Wendt clarified that this standard is for any road, except emergency roads.

In response to Councilmember Lance, Mr. Hanks stated that this standard was built off of the standard used for the lower half of Mingus Mountain Lane.

Councilmember Hughes spoke relating to staff coming back with an emergency road standard; his support of the standard; and, once completed to the standard, roads won't be a burden to the Town to maintain.

Councilmember Lance spoke relating to the approximate cost, the cost efficiency, if HURFS would be able to be used when upgrading roads, and how long it would take to upgrade roads to this standard. Mr. Hanks confirmed that the Town can use HURF funds to upgrade roads, and flood control funds for drainage improvements. He doesn't have a cost-estimate, but believes that the end product will have a lower maintenance cost. Staff has

already been trying to build up roads to that standard; this will come into effect where there is a private road that individuals want to transition to a Town road. It will probably take six or seven years to get the current Town-owned roads transitioned over to this. For new roads coming in, it would give a standard that is acceptable for the Town to maintain.

Councilmember Brooks spoke relating to displacing large rocks in a drainage area and the difficulty of maintaining the drainage area. Rocks are sometimes used in the drainageway in the dirt road standard. Vice Mayor Wendt requested Council to stay on the topic of the dirt-road standard.

Councilmember Brooks moved to allow the audience to speak on this subject; seconded by Councilmember Hughes. Motion passed on a voice vote 5-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – absent.

Jack Hamilton spoke regarding past Councils wanting trail to go in on the right-of-way for new roads; the standard not allowing for that; emergency roads not coming in to Town property and the Town and the Town not being able to do anything on private land; and, the Town's liability if the Town accepts a road and designates it as an emergency road.

Ulys Brooks spoke and asked Mr. Hamilton if he was speaking of the lock being locked and the Town employee not unlocking it; Mr. Hamilton responded that a Town road shouldn't be locked.

Joan Legillo spoke relating to maintaining their dirt road, and whether that can still be done or if the Town is taking it over. Vice Mayor Wendt noted that it is getting off topic and recommended that she speak with Mr. Hanks.

Vice Mayor Wendt summarized that the consensus is that Council likes the dirt road standard and wants to see it brought back, with a separate emergency standard.

Councilmember Collins spoke and asked what the Town's liability would be. Kay Bigelow, Town Attorney, stated that she will speak with staff and get back to Council with additional information. In response to Vice Mayor Wendt, Ms. Bigelow stated that she's listening to the meeting on the phone and watching the video online.

Vice Mayor Wendt summarized that the Town Attorney will get back to the Council on the emergency access road, and that Mr. Hanks will bring this back to Council. Councilmember Lance clarified that the emergency access will be stricken from the standard, based on the advice received from the Town Attorney.

**D. Town Manager update and discussion on the status of lease negotiations for the property located at 3650 South Highway 69, and on moving Town Hall from 2735 South Highway 69** (Staff CC; from the August 6, 2019 Regular Meeting)

Mr. Hanks stated that the Town Attorney is putting together information to go to the owner's representative. Mr. Hanks and Mr. Mattix are meeting with architectural firms to try to get price estimates and bids [for tenant improvements at 3650 South Highway 69].

Councilmember Brooks spoke relating to encouraging Town staff to be patient and be prepared to not be in this building after December 31.

Mr. Hanks stated that it is a tight schedule, but staff is moving as quickly as they can.

Councilmember Lance spoke relating to the timing of staff providing updates to Council; Mr. Hanks stated that he can email updates and information as it's received; if it's just before a meeting, he will hold off on sending it.

Vice Mayor Wendt summarized that Mr. Hanks will finish interviews with the design companies and get back to Council with information on what has been presented; Mr. Hanks confirmed, and stated that staff will also provide information from the Town Attorney regarding lease negotiations.

**E. Discussion of the condition of Main Street, South of 3<sup>rd</sup> Street, including whether gravel can be placed on Main Street by the Town or another agency, and the Dead End street sign located on Main Street** (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and said that it is from a person who contacted her who is concerned about dust and possible contamination because it is so close to the superfund site. The individual had mentioned that at one point, the Environmental Protection Agency (EPA) had put gravel down. She is trying to find out how to get it on a budget to be paved and whether the Town can get a bigger or brighter Dead End sign.

Mr. Hanks stated that staff looked at the area. There is a 30" by 30" Dead End sign just after the asphalt ends; it meets all of the Town's reflectivity standards and was installed about a year and a half ago. This item can be brought up as the Town goes into the next year's budget cycle. A number of years ago, the EPA did some work

and added AB; the Town has twice added AB. When the dirt road gets graded, the Town will add AB to thin it out and make sure that contaminated dust is not being spread.

Councilmember Collins spoke relating to contaminated dust being a concern, and whether the Town could motivate the EPA to do something. Mr. Hanks stated that he will ask the EPA if he can contact the right person.

Vice Mayor Wendt summarized that Mr. Hanks will try to contact the right person at the EPA and add it to the budget list for next year.

**F. Discussion of the Town Council's policy of allowing anonymous code enforcement/code violation complaints, and of the proper method to repeal the practice of allowing anonymous complaints and switch to an outreach/arbitration-type approach to code enforcement/code violation complaints**  
(CAARF – Councilmember Collins)

Councilmember Collins introduced the item and said that it is about the most hated piece of policy that she has heard about; it sets up static in neighborhoods; if you talk to people, sometimes that fixes it. She spoke relating to moving away from attack mode and into the talk to each other mode, which can't be done when a party is anonymous; it would just require a policy change.

Councilmember Lance spoke relating to it being non-anonymous in other Towns, and that it usually takes two neighbors to complain before anything drastic happens.

Councilmember Brooks spoke relating to a new CAARF for September to revamp the code complaint form; the Town needing to know if the complainant is a Town resident; needing to know how it is impacting the complainant; if the complainant is within 300 feet of the property and if it is definitely impacting the complainant.

Councilmember Lance spoke relating to have a liaison who could mediate between the Town and the two parties to make things easier, so they don't have to directly talk to each other if they don't want to, or so that they can sit down and work it out.

Vice Mayor Wendt spoke relating to her support of non-anonymous complaints; complaints being restricted to within a certain number of feet; and, anonymous complaints being allowed because people are afraid of retribution. She also spoke relating to mediation; the Town having a [Community Enhancement Coordinator] position who will do mediation and possibly help to pave the way; and, first priority being given if more than one person is complaining.

Councilmember Collins spoke relating to finding a way to let the community and new residents know of the most frequently complained about items.

Councilmember Lance moved to allow the public to have a chance to speak on this item; seconded by Councilmember Hughes. There was consensus to allow public comment.

Leigh Cluff spoke relating to people would rather come and complain at the Town and get other neighbors to complain about their neighbor; complaints against her before the Town formed by people who didn't live near her; working through a concern her neighbor had about barking dogs that weren't hers; and, people needing help from their neighbors.

Jack Hamilton spoke relating to having no problem with being local for the person complaining; none of the complaints being anonymous as they have to give their name when complaining; the Town's investigation and enforcement process and it can't be done through arbitration or mediation; and, the Town having to enforce Town code. He also spoke relating to animal codes not being anything that the Town deals with; and, there are pros and cons to anonymous complaints and the impacts of neighborhood bullies.

Councilmember Brooks spoke relating to Town Officials needing to address only the complaint that was received and not other things that they see; and, the Town's former Code Enforcement Officer wrote complaints on animals.

Councilmember Collins spoke relating to a Council Meeting where roosters were crowing at all hours of the night due to bright lights; if the Town had been enforcing the night sky ordinance, there wouldn't have been a need to discuss crowing roosters.

Vice Mayor Wendt summarized that the Council consensus is to look at revising the Code Enforcement process.

Councilmember Collins spoke relating to reading online that they are not allowed to address other violations. Vice Mayor Wendt asked the Town Attorney to begin addressing it.

**4. 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. According to the Arizona Open Meeting law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A 3 minute per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Leigh Cluff spoke and thanked the Council and staff for meeting times getting shorter, there not being argument, people working together and the Town is moving forward.

Jack Hamilton spoke relating to legal advice, and whether the Council, the Town Manager, or staff requesting advice holds the privilege and who decides whether to release it or not. He also spoke relating to the problem with asking for verbal legal advice and how the question is worded; this being an issue when the General Plan re-adoption comes to Council because the Council has never asked for a written legal opinion on it; and, that Steven Brown, Community Planner, has spoken with the Town Attorney and did not ask all of the appropriate questions, based on his testimony before the Planning and Zoning Advisory Commission.

**5. Adjourn.**

The meeting was adjourned at 7:40 p.m.

\_\_\_\_\_  
Victoria Wendt, Vice Mayor

ATTEST: \_\_\_\_\_  
Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
SEPTEMBER 3, 2019, 6:30 P.M.**

**A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 3, 2019, 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 6:30 p.m.
3. **Pledge of Allegiance** Audience member Jack Hamilton led the Pledge.
4. **Invocation** Given by CM Lance.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present.
5. **Announcements regarding Town 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. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

**A. Council announcements about outside meetings and committees**

Mayor Nolan reported that he attended meetings about the transportation program for the quad-city areas and the County Mayors, Managers, Supervisors, Tribes and Nations biannual meeting, and provided updates.

Councilmember Brooks reported that she attended the Chino Valley Fire Board, Central Yavapai Fire Board and the CAFMA (Central Arizona Fire and Medical Authority) Fire Board meeting on Monday, August 26, 2019 and provided updates. She attended the regional NACOG (Northern Arizona Council of Governments) meeting on Thursday, August 29, 2019, and provided updates.

**B. Interview and possible appointment of applicant (Darrell Wyatt) to fill the vacancy on the Planning and Zoning Advisory Commission**

Mayor Nolan called Mr. Wyatt forward. Mr. Wyatt provided a brief background of himself. In response to Vice Mayor Wendt, Mr. Wyatt stated that he has not yet had a chance to review the Town's zoning ordinances or the General Plan.

Councilmember Brooks moved to accept Mr. Wyatt for a position on the Planning and Zoning Advisory Commission; seconded by Councilmember Lance. Motion passed unanimously on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

**C. Proclamation – Prisoner of War (POW)/Missing in Action (MIA) Recognition Day**

Mayor Nolan read a proclamation declaring September 20, 2019 as POW/MIA Recognition Day in the Town of Dewey-Humboldt.

6. **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. According to the Arizona Open Meeting Law, Councilmembers 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, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

Leigh Cluff thanked the Council and staff for the Cleanup Days; Cleanup Days is important to the Town and its residents.

Gary Mortimer spoke relating to revitalizing the downtown Humboldt area; the impact of Town Hall moving, and his concern about the impact to local businesses in the area, and asked about the vision for the Town.

Councilmember Brooks introduced and welcomed Kay Bigelow, Town Attorney.

Martha Duncan spoke and thanked Mr. Mortimer for his comments; she submitted a letter earlier today to the Town Council. In response to Mayor Nolan, she said that she will leave her contact information for the Council.

**7. Public Hearing Agenda** Discussion and possible legal action may be taken.

**A. Public Hearing on Re-Adoption of 2009 General Plan – conduct public hearing and consider the adoption of Resolution No. 19-138, readopting the Town of Dewey-Humboldt 2009 General Plan.** (Staff CC)

**Staff Report  
Open Public Hearing and Receive Public Comments  
Close Public Hearing  
Council Discussion and Possible Action**

Ed Hanks, Town Manager, introduced the item and provided background information. In November 2018, the General Plan was re-adopted; at that time, the Planning and Zoning Advisory Commission (“P&Z”) did not review and hold a public hearing. Based on advice from the Town Attorney, staff proceeded with starting a re-re-adoption process. P&Z recommends that the Town Council adopt Resolution No. 19-138.

Mayor Nolan opened the public hearing at 6:55 p.m.

David Nystrom spoke related to being in favor of re-adopting the General Plan; the three-year period being too long a period for the re-adopted plan being in effect; encouraged the Town to move quickly on updating the General Plan; and, spoke of things in the General Plan that are outdated.

Jack Hamilton spoke relating to letters he has written about this; state law saying that the Council has to pass a written plan before anything else goes forward and that was not done by this Council; and, if approved, because the law is not being followed, he will challenge it in Court.

Denise Rogers spoke relating to moving on the General Plan update right away; and, the current General Plan being voted down by the citizens but passed by Council.

Mayor Nolan closed the public hearing at 7:00 p.m.

Councilmember Collins spoke relating to the recommended five-year re-adoption time period, her agreement that the General Plan update needs to be done sooner than five years, and concerns with the Existing Zoning Map in the General Plan. Mayor Nolan stated that this is for the old General Plan to be readopted, not discussing what should be changed.

Councilmember Lance spoke relating to the Council either voting to accept it as the new Town plan or to not accept it. Vice Mayor Wendt and Councilmember Lance discussed the purpose of the item tonight and Vice Mayor Wendt spoke relating to the General Plan Update process, the five-year time period being to allow the Town to move forward on the Update; and, the opportunity to voice their recommendations.

Councilmember Lance asked Ms. Bigelow the effect of a no vote. Ms. Bigelow stated that if the motion to re-adopt does not pass by a two-thirds vote, then the 2009 General Plan stays in existence until it is either re-adopted or the Town has a revised plan.

Councilmember McBrady spoke relating to an opportunity last year for the Council to pick two or three people to volunteer to work on the General Plan, being told that there wasn’t time, if the process had started and been gone through it would already be in place, and starting the General Plan Update process now.

Councilmember Brooks spoke relating to allowing the current General Plan to ride, and then setting up committees and starting the process for a new 10-year General Plan, rather than re-adopting it.

Sharon Holly asked if changes can legally be made if the General Plan just rides. In response to Councilmember Lance, Ms. Bigelow stated that if the General Plan is kept in the form it is in now, it can have amendments made to it under the rules set forth in the General Plan.

Jack Hamilton spoke relating to his belief that the Town Attorney was incorrect; state law saying that the General Plan does not carry over; without a General Plan, the Town can’t do any amendments; the Council needs to say that the last Council’s General Plan is valid; and, if it goes to Court and the Town loses, all of the amendments will also be thrown out.

In response to Vice Mayor Wendt, Ms. Bigelow said that A.R.S. § 9-461.06 (K) clearly states that a General Plan stays in effect. Councilmember Brooks spoke relating to another City Attorney agreeing to the same thing.

Vice Mayor Wendt moved to deny Resolution No. 19-138 and let the current plan ride until such time as the Town has begun the process of forming committees to establish a current General Plan; seconded by Councilmember Brooks. Motion passed unanimously on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

**B. Conduct public hearing on proposal and consider the adoption of Ordinance No. 19-146 to amend the text of Town of Dewey-Humboldt Zoning Ordinance to amend the uses permitted in the C1 district to add "Museums" to the list. (Staff CC)**

**Staff Report**

**Open Public Hearing and Receive Public Comments**

**Close Public Hearing**

**Council Discussion and Possible Action**

Mr. Hanks introduced the item and spoke of the various processes and public hearings. P&Z recommended the amendment. The ordinance will add "Museums" in the C1 district, and permit Museums in the C2 and C3 districts.

Mayor Nolan opened the public hearing at 7:18 p.m.

David Nystrom, President and Board Chair of the Dewey-Humboldt Historical Society ("DHHS"), spoke relating to it being six months since he approached the Town Council about this; when the Zoning Code was put together, Museums was simply omitted; and, his support of the item. He also spoke relating to DHHS beginning to work with contractors, make plans, and move exhibits to the permanent home.

Sharon Holly spoke relating to a Museum being a nice start for the Town to move forward and being a benefit for the community.

Councilmember Lance spoke relating to the Code allowing commercial art galleries and the museum used to be an art gallery; and, her support for a Museum to be allowed in commercial districts.

Jack Hamilton spoke relating to the Public Hearing being for Council to hear the public, and then Council discussion after the public hearing.

Mayor Nolan closed the public hearing at 7:22 p.m.

Councilmember Hughes moved to approve Ordinance No. 19-146; seconded by Councilmember Brooks. Motion passed unanimously on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

**C. Conduct public hearing on request and consider the adoption of Ordinance No. 19-147 to amend the Town of Dewey-Humboldt zoning map to change the zoning for Assessor's parcels 402-08-068E, 402-08-068G, 402-08-068L and 402-08-068K from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited). (Staff CC)**

**Staff Report**

**Open Public Hearing and Receive Public Comments**

**Close Public Hearing**

**Council Discussion and Possible Action**

Mayor Nolan recused himself because he has adjoining property in the same zoning that is being requested, and left the dais at 7:24 p.m.

Vice Mayor Wendt opened the public hearing at 7:25 p.m.

Jack Hamilton spoke relating to being in favor of this; it being difficult to bring business in to the Town; and, this would help the Town.

David Nystrom spoke relating to being in favor of this item; and, this works for the Town and the property owner.

Martha Duncan spoke relating to concerns of the potential for Town Hall to move to this location and deed restrictions on what can be done at the property; she read restrictions from copies of the deeds and asked Council to consider this.

In response to Vice Mayor Wendt, Ms. Bigelow stated that CC&Rs and deed restrictions are private covenants and are not affected by incorporation; the deed restrictions are not being overridden if the Town gives more intense zoning, and the Town will not be liable.

Vice Mayor Wendt closed the public hearing at 7:31 p.m.

Councilmember McBrady spoke relating to concerns with M1 being the least-restrictive zoning; allowed uses in M1; property owners coming before Council to speak of their plans; and, the property being right on the highway coming in to Town.

In response to Councilmember Lance, Mr. Hanks stated that initially the owner wanted to put larger repair shops in. Councilmember Lance spoke relating to appreciating a restriction read by Ms. Duncan relating to requiring

drought-tolerant, native plants; there are issues with plants being brought in that are invasive and damaging.

Councilmember Collins spoke relating to the deed restrictions covering junk cars; she would like the applicant to be present; being in favor of getting businesses; and, her thought that the deed restrictions would prevent the property from becoming a mess.

In response to Vice Mayor Wendt and Councilmember Lance, Mr. Hanks stated that the property owner requested the rezoning and they indicated that they were looking at more metal fabricating and repairs on pickup trucks. Vice Mayor Wendt spoke relating to the Town needing to increase opportunities for additional businesses to come in; and, because of the deed restrictions she doesn't see a problem with it.

Councilmember McBrady spoke relating to wanting to see the deed restrictions; this being a major zoning change; and, wanting to speak with the people involved.

Councilmember Brooks moved to accept the zoning change from Commercial to M1; seconded by Councilmember Collins.

In response to Councilmember Lance, Mr. Hanks indicated that he is not aware of there being a time limit for the property owner if the item is put on hold.

Councilmember Lance moved to hold this item over and do a little more due diligence on it; seconded by Councilmember McBrady. Motion passed on a roll call vote 4-2. CM Brooks - nay; CM Collins - aye; CM Hughes - nay; CM Lance - aye; CM McBrady - aye; VM Wendt - aye; Mayor Nolan - abstain.

Mayor Nolan returned to the dais at 7:42 p.m.

- 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 Minutes of April 16, 2019, Regular Council Meeting**

**B. Approval of Minutes of June 19, 2019, Study Session and Special Council Meeting**

**C. Approval of Minutes of August 6, 2019, Regular Council Meeting**

Councilmember Brooks moved to accept the consent agenda items as presented; seconded by Vice Mayor Wendt. Motion passed unanimously on a voice vote 7-0. CM Brooks - aye; CM Collins - aye; CM Hughes - aye; CM Lance - aye; CM McBrady - aye; VM Wendt - aye; Mayor Nolan - aye.

- 9. Town Manager's Report Update on Current Events.** The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.

**A. Town Manager's Report on the status of Firewise**

Mr. Hanks stated that staff met with the executive board of Firewise and discussed the roles of the Town and Firewise and of the items will be in an agreement that is being worked on.

**B. Town Manager's Report on the status of lease negotiations for the property located at 3650 South Highway 69, and on moving Town Hall from 2735 South Highway 69**

Mr. Hanks stated that the Town Attorney received a response from the property owner relating to the negotiations and recommended that it be addressed during Executive Session.

- 10. General Business** Discussion and possible legal action may be taken.

Mayor Nolan stated that he would like to move agenda item 10.A. to after the Executive Session. There were no objections.

**A. Discussion and possible action to accept one of the proposals received for the Town's Request for Proposals for Architectural Design Services for the Town Hall Tenant Improvements Project. The Town received proposals from: Headwaters Architecture, P.C., Michael Taylor Architects, Inc., and Stroh Architecture, Inc. (Staff CC)**

Item discussed after agenda item 12. See page 7.

**B. Discussion and possible action for a limited waiver of the Executive Session privilege from the**

**August 6, 2019, Executive Session, for the release of bullet points relating to moving from the current Town Hall location** (CAARF – Councilmember Brooks/Staff CC)

Councilmember McBrady recused himself and left the dais at 7:45 p.m.

Councilmember Brooks introduced the item; her understanding is that there needs to be a motion to let this out and to have a majority vote to authorize this. In response to Councilmember Brooks, Ms. Bigelow confirmed that this would be a limited waiver on a specific document that needs to be voted on and approved by Council.

Councilmember Collins spoke relating to a legal opinion from the Town Attorney and confirmed that everyone received it.

Mayor Nolan spoke relating to setting a precedence if this is done; and, stated he is not in favor.

Jack Hamilton spoke relating to legal advice; this is not a privileged communication, but secret communication established by the state; and, if the Council votes on it, he will file an Open Meeting Law complaint.

Vice Mayor Wendt spoke relating to not being in favor; and, this opens the Town up to a legal action.

Leigh Cluff spoke relating to having a right to know as a resident; and, people are being told different things. In response to Mayor Nolan, Ms. Cluff stated that Councilmember McBrady is telling people different things and costs.

Councilmember Lance stated that this would not be to disclose what was said in Executive Session, only a list of bullet points that were made that swayed the Council's decisions.

Vice Mayor Wendt spoke relating to Councilmember McBrady not being aware of what was discussed at the Executive Session.

Martha Duncan spoke relating to the community not knowing what is going on with the Town being moved; Mr. McBrady has done a good job with these buildings; being against anything being done without public involvement; the cost to the Town to begin the work at the proposed location; and, the traffic at the proposed location and there not being a traffic or water study. In response to Councilmember Lance, Ms. Duncan stated that she lives in the Country Club; Councilmember Lance clarified that the Country Club is not in the Town.

Councilmembers Lance and Collins discussed how the bullet points would be released and distributed. In response to Councilmember Lance, Ms. Bigelow confirmed that a vote is required to waive privilege for each separate item; if the Council approves a waiver, it would become a public record that could be released at any time.

Councilmember Brooks moved to get a waiver to tell the bullet points of just the issues that Council looked at for the property; seconded by Councilmember Collins. Motion failed on a roll call vote 3-3. CM Brooks – aye; CM Collins – aye; CM Hughes - nay; CM Lance - aye; CM McBrady – abstain; VM Wendt – nay; Mayor Nolan – nay.

Councilmember McBrady returned to the dais at 8:01 p.m.

**C. Discuss and set a date for the Volunteer of the Year Celebration** (Staff CC – from the August 6, 2019 Regular Meeting)

Mr. Hanks stated staff is contacting the people who were nominated for Volunteer of the Year; staff is looking at October 1, 2019, late afternoon for the awards, to be held at Town Hall.

Vice Mayor Wendt moved to accept the date of October 1, 2019, about 4:30 p.m. for the ceremony. Councilmember Brooks asked for a friendly amendment to move the time to 5:00 p.m.; the amendment was acceptable to Vice Mayor Wendt. The motion, as amended, was seconded by Councilmember Brooks. Motion passed on a voice vote 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – nay.

**D. Discussion and possible action relating to developing a precise procedure of transparency for selecting the Volunteer of the Year award** (CAARF – Councilmember Brooks)

Councilmember Brooks introduced the item; there is a need to go over the procedure. A committee reviews the nominations; committee members have not been interviewed. The deadline this year was extended without Council approval; this is a Council award and Council action, and the Council should be reviewing the applications of committee members. The Council could also select the winner.

Councilmember Lance spoke relating to there being an issue this year; and, going back to the way it was, with Council Committees being approved by Council.

Vice Mayor Wendt spoke relating to trying to micromanage this; it has been successful since 2012; there being more important things for Council to worry about; and, having no problem with a Councilmember sitting in with the committee.

Councilmember Lance spoke regarding this year, when a submission was filed prior to the deadline, and the deadline being extended. In response to Vice Mayor Wendt, Mr. Hanks explained that there was a deadline to go to print on the Town newsletter at 4:00 p.m. that day, with no nominations at the time; the deadline to nominate was after that, and he made the decision to extend the deadline; and, subsequently a nomination was received.

Councilmember Brooks spoke relating to the importance of volunteers to the Town; and, that there should be a fair and equitable system.

Vice Mayor Wendt spoke relating to it being taken seriously by staff and the committee; and, as a formal Town committee, there are Open Meeting Law considerations.

Mr. Hanks suggested getting a sample into a draft policy for Council review at a Study Session.

Mayor Nolan spoke relating to trusting the Town Manager to appoint people to the committee; standing behind the decision to extend the deadline; and, there not needing to be Council involvement in it.

Councilmember Brooks spoke relating to having asked who was on the committee and never being given a list of who was on the committee.

Councilmember Collins spoke relating to being in favor of more transparency.

Vice Mayor Wendt moved to allow Mr. Hanks to set something up in writing so that the committee is transparent to the Council and bring it back to Council at a later time; seconded by Mayor Nolan.

Councilmember Brooks moved that the Town Council take the Volunteer of the Year award under their control and set up a policy to handle it; seconded by Councilmember Lance.

Leigh Cluff spoke relating to something that did not seem transparent to her; a few years ago, it was done as the Firewise committee; and, it looked like Vice Mayor Wendt nominated them and pushed it through.

Councilmember McBrady spoke relating to agreeing with Councilmember Brooks; the Council should know who is on the committee; and, Councilmembers who have nominated someone not being involved.

The motion by Councilmember Brooks failed on a roll call vote 3-4. CM Brooks – aye; CM Collins – aye; CM Hughes – nay; CM Lance – aye; CM McBrady – nay; Vice Mayor Wendt – nay; Mayor Nolan – nay.

The motion by Vice Mayor Wendt passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

**E. Discussion and possible action relating to the “Dewey-Humboldt Existing Zoning” Map in the 2009 General Plan, and the lack of an adopting ordinance, as required by Dewey-Humboldt Town Code of Ordinances, Section 153.018** (CAARF – Councilmember Collins)

Councilmember Collins introduced the item as follows: the Town Clerk had found an adopting ordinance from 2005; a prior Town Attorney said that none of the ordinance prior to 2012 were properly adopted; the old code made everything immediately enforceable and no requirement to post the ordinances for 30-days to allow for a referendum. Town Code, Section 153.018, says that until such time as an official zoning map is adopted, the incorporated portion of the Town is deemed to be zoned RCU.

Mayor Nolan spoke relating to sending this to P&Z to sort it out, make sure it is correct and come back with a recommendation.

Vice Mayor Wendt moved to send this to the Planning and Zoning Advisory Commission to have them sort through it and make sure the Town is correct on what it is doing; seconded by Councilmember Hughes. Motion passed unanimously on a voice vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

**F. Discussion and possible action relating to the “Dewey-Humboldt Existing Zoning” Map in the 2009 General Plan, which in places requires 70,000 square-foot lots for public lands, while A.R.S. § 9-461.06(N) requires one-acre for public lands** (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and spoke of the land use map history. During an update of the land use map, State Land objected to the zoning; a new land use map showing the State Land property as open space was objected to by the State Land Department. The State Land Department wants to put their land at the best

possible use for auction. State Land has indicated that they want a minimum one-acre density; R1L-70 is an acre-and-a-half, which State Land did not like. She is asking for this to be put on a list of fixes for the General Plan Update.

Mayor Nolan and Councilmember Collins discussed the map, size of lots, and State Land or public lands.

There was consensus to add this item to a list of items to address during the General Plan Update.

**11. Executive Session**

**Vote to recess to Executive Session**

Vice Mayor Wendt moved to go into Executive Session; seconded by Councilmember Lance. Councilmember Collins clarified that the architects will not be discussed in Executive Session. Councilmember Lance asked to amend the motion to include a five-minute recess; the amendment was acceptable to Vice Mayor Wendt.

Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Lance – aye; CM Hughes – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

The Regular Meeting adjourned into Executive Session at 8:34 p.m. Councilmember McBrady recused himself and left the meeting.

**A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3), (4), and (7) for discussion, consultation for legal advice, consideration of Council’s position, and instruction with/to its attorney and designated representatives of the Town regarding negotiations for the lease of real property located at 3650 South Highway 69.**

**Close Executive Session/Reconvene Regular Meeting**

The Regular Meeting reconvened at 9:28 p.m. All Councilmembers were present.

**12. Discussion and possible action relating to the lease of real property located at 3650 South Highway 69**

Councilmember Lance moved to withdraw the action towards the property on Highway 69 and request the Town Manager to look into other options for the Town; seconded by Councilmember Collins. Motion passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

**10.A. Discussion and possible action to accept one of the proposals received for the Town’s Request for Proposals for Architectural Design Services for the Town Hall Tenant Improvements Project. The Town received proposals from: Headwaters Architecture, P.C., Michael Taylor Architects, Inc., and Stroh Architecture, Inc. (Staff CC)**

Councilmember Hughes moved to extend this item to a later date; seconded by Councilmember Lance. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

**13. Consideration of additional Special Session(s)** Whether to hold and, if so, set the date.

Councilmembers discussed possibly scheduling a special meeting on September 12, 2019 or September 19, 2019. The Town Manager will instead set an agenda meeting for a special session so that there is an appropriate time to get ready for the meeting. No Special Session was scheduled.

**14. Adjourn** The meeting was adjourned at 9:32 p.m.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST: \_\_\_\_\_  
Timothy A. Mattix, Town Clerk

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## COUNCIL COMMUNICATION

Regular Council Meeting Date: **November 5, 2019**

Agenda Item: **9.A.**

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**Submitted by:** Edward L. Hanks, Jr., Town Manager and  
Victor Hambrick, P&Z Chairman

**Subject:**

Code Amendments

**Background:**

Town Council referred to Planning & Zoning a discussion relating to updating Sections 153.221 and 153.222, Dewey-Humboldt Code of Ordinances, Design and Development Standards, to be less restrictive on commercial uses, including allowing steel/metal buildings on commercially-zoned property along highway frontage.

On October 3, 2019 the Commission had it on their agenda for discussion and possible action.

Following discussion, the Commission voted unanimously to communicate to the Council their belief that this is a request that could be better addressed once the General Plan has been updated.

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Agenda Item

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## COUNCIL COMMUNICATION

Regular Council Meeting Date: **November 5, 2019**

Agenda Item: **9.B.**

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**Submitted by:** Edward L. Hanks, Jr., Town Manager and  
Victor Hambrick, P&Z Chairman

**Subject:**

Code Amendments

**Background:**

Town Council referred to Planning & Zoning a discussion relating to repealing redundant codes, Sections 153.215 through 153.220 and excessive codes, Sections 153.223 through 153.228, Dewey-Humboldt Code of Ordinances, Design and Development Standards

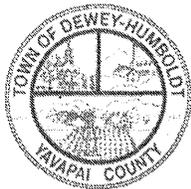
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Following discussion, the Commission voted unanimously to communicate to the Council their belief that this is a request that could be better addressed once the General Plan has been updated.

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Agenda Item

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**TOWN OF DEWEY-HUMBOLDT**  
P.O. BOX 69  
HUMBOLDT, AZ 86329  
Phone 928-632-8562 • Fax 928-632-7365

**RECEIVED**  
OCT 24 2019  
Dewey-Humboldt

**COUNCIL AGENDA ACTION REQUEST FORM**

Meeting Type:  Regular     Special     Work Session

Meeting Date: Nov 5

Date of Request: 10-29-19

Type of Action:  Routine/Consent     Regular

Requesting:  Action     Report Only

Agenda Item Text (a brief description for placement on the agenda; please be exact):

To Review alternatives to the design and Development code 153.215 to 153.228 that allow creativity with out endangering our economic viability as the current outdated code does, please see attached suggestions.

Purpose and Background Information (Detail of requested action). 153.215 to

153.228 talks a lot about "pedestrian friendly" but at the same time throughout offers stagnant design concepts and prohibits necessary leeway of set backs to allow for seating, outdoor dining ect.

Staff Recommendation(s): \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

List All Attachments: Examples from Tucson, So E. Chandler, Marana

Type of Presentation: oral

Special Equipment needed:  Laptop     Remote Microphone  
 Overhead Projector     Other: \_\_\_\_\_

Contact Person: Lynn Collins

**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.**

### III. Office/Commercial/Park Industrial Development

**Introduction** Guidelines in this section focus on those solutions that apply to the broad range of commercial developments, including office, commercial, and park industrial projects. These uses have been combined in this section for two primary reasons: 1) similar issues affect them, especially with regard to their interaction with residential developments and 2) there is a continuing and evolving trend towards mixed-used developments that contain a combination of these uses. It is recommended that these guidelines be reviewed in detail after making a complete review of 'All Development' (Section I).

#### A. Land Use and Site Design

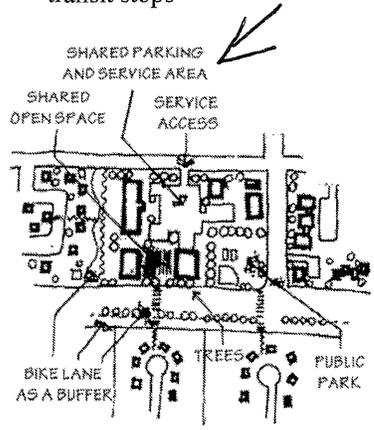
##### 1. Site Planning a. Park Industrial Quality(III.A.1.a)

**Intent** - Develop park industrial areas that reflect a commitment to functional efficiency and quality appearance, particularly where they adjoin more sensitive uses.

**Related Policy Link** - LU Policy 8 (8.1)

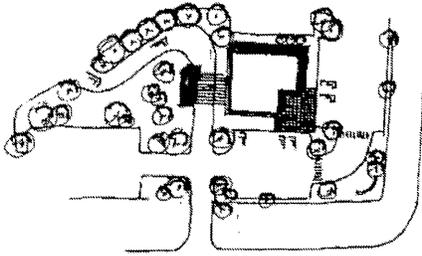
**Solution** - The quality of park industrial districts should be improved and sustained by:

- Planning the site as a whole, even if only a phase is to be built immediately
- Establishing common themes for buildings, signage, walls, and landscaping treatments
- Separating customer and employee parking from truck/loading access
- Locating loading areas away from residential uses
- Establishing a unified streetscape treatment for park industrial streets, using such devices as common street trees, common sign design/location, and lighting systems
- Providing outside gathering places for employees
- Creating internal pedestrian walkways and circulation systems, linked to external walkways that access the development, and transit stops



### III. Office/Commercial/Park Industrial Development

#### b. Drive-through Windows (III.B.1.b)



**Intent** - Improve the appearance and safety of drive-through facilities such as fast food restaurants, pharmacies, and banks, with special attention to drive-through windows and access lanes.

**Related Policy Links** – CCD Policy 4 (4.2, 4.5); LU Policy 5 (5.5)

**Solution** - Improve the appearance of the restaurant by the following:

- Orient the drive-through window away from the street frontage
- Avoid large, featureless, walls, especially toward the street frontage
- Provide landscaping sufficient to soften the visual impact of vehicle stacking areas for drive-through windows
- Locate curb cuts so as not to interfere with pedestrian movement

#### 2. Form/Scale/Material/Color

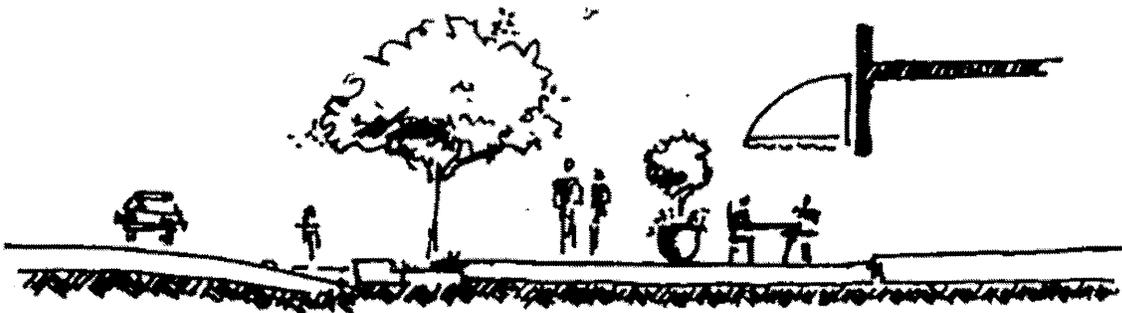
#### a. Pedestrian Scale at Street Level (III.B.2.a)

**Intent** – Create a street-level environment that encourages and supports pedestrian activity.

**Related Policy Link** - CCD Policy 4

**Solution** - Develop a pedestrian scale environment at street-level through the following techniques:

- Enhance the “eye level” experience with a variety of patterns, materials, textures, and color
- Provide retail and service activities on at least half of all street-level facades
- Provide occasional pocket parks, plazas, and seating areas with shade and landscaping
- Provide open views into interior working areas from walkways to create more dynamic visual interaction



# I. All Development



- \* • Stepping down heights of structures at the edge of development to match those in adjacent projects, for example transitioning from two story to single story where adjacent development is single story
- Using lighting standards and fixtures which gradually define the use transition, rather than causing an abrupt transition
- Using landscaped edges as open space as a 'transition tool'
- \* • Decreasing density at the edge of development
- Varying setbacks to soften the edge of the development
- Enhancing buffers with additional width or increased landscaping
- Orienting elements or functions that occur on adjacent developments in proximity to each other.

## c. 'Good Neighbor' Approach (I.A.5.c)

**Intent** – Encourage businesses to be 'good neighbors' to adjacent residences.

**Related Policy Link** - LU Policy 5 (5.4); CCD Policy 5 (5.6)

**Solution** - Encourage limited duration of activities which generate excessive noise, light, or traffic:

- Concentrate such activities between 10:00 a.m. and 6:00 p.m.
- Limit hours of operation where possible

## d. Mixed Use Circulation Systems (I.A.5.d)

**Intent** – Maintain a balance between privacy and a sense of community by using appropriate pedestrian/vehicular circulation systems.

**Related Policy Links** - LU Policy 6 (6.16)

**Solution** - The balance between community access and residential privacy can be strengthened by ensuring:

- Points of vehicular access to commercial and residential areas should be separate and distinct
- Major pedestrian linkages throughout the mixed use area are designed to maintain the privacy of individual residences
- A 'Village Concept', with decreasing densities moving out from the center, can shorten circulation routes, encourage pedestrian usage, and produce lower volumes of traffic near the center of the village

# I. All Development

- Finishes, materials and colors
- Site amenities such as walls and landscaping
- Traditional or prevailing setbacks and building orientation

**Note:**

Projects within City-designated historic districts must meet specific permitting and design review requirements outlined in the *Land Use Code* and Development Standard 9-02. (Consult with Planning Department or Development Services Department staff for more information.)

Development within National Register historic districts or other established neighborhoods with historic and architectural resources should be sensitive to the neighborhood character and design context. (Consult with Citizen and Neighborhood Services for information on the neighborhood association and National Register status.)

### 3. Buffering/Screening/ Landscape Design

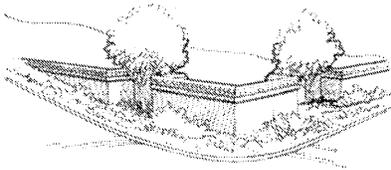
#### a. Free-standing Walls (I.B.3.a)

**Intent** - Reduce the impact of freestanding walls over 75 feet long and over 3 feet high and increase their visual appeal.

**Related Policy Link** - CCD Policy 6

**Solution** - Promote variations in scale, reflective surface, texture, and pattern:

- Vary wall alignments (jog, curve, notch, setback, etc.)
- Plant trees and shrubs, in voids created by wall variations, at an appropriate scale/massing
- Locate trees every 25 feet
- Use two or more wall materials and/or incorporate a visually interesting design on the wall surface
- Include decorative features of tile, stone, or brick
- Use sound absorbing or scattering materials such as tile, stone, or brick



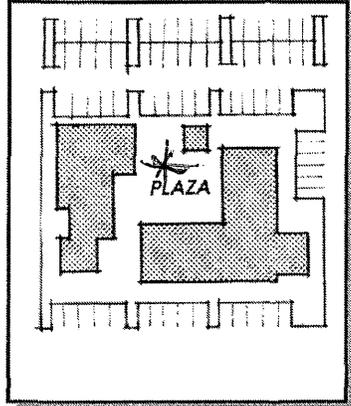
#### b. Water Harvesting (I.B.3.b)

**Intent** - Conserve water resources and preserve drainage patterns, thereby reducing engineering and irrigation costs.

**Related Policy Link** - LU Policy 9 (9.6)

**Solution** - Design for water-harvesting to direct all excess runoff onto vegetated areas:

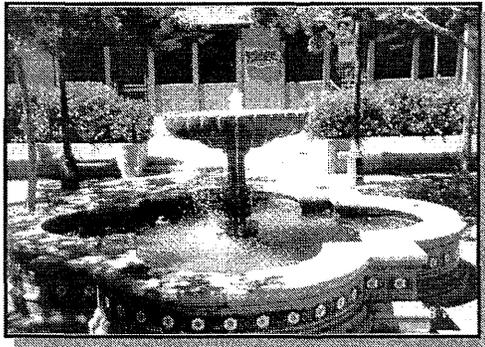
- Make 'saucers' around newly planted trees and shrubs
- Harvest runoff using surface grading



*Small commercial sites can accommodate a village concept.*



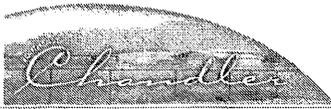
*This provides a functional courtyard which breaks up building mass*



*Generous use of water features is encouraged.*

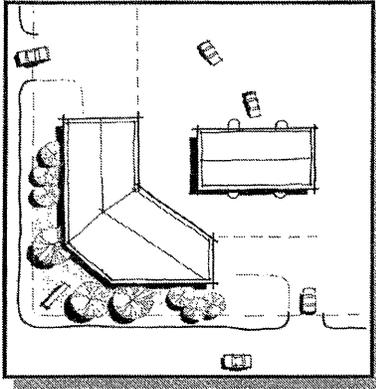


*Visual interest features are essential for promoting the character of Southeast Chandler*

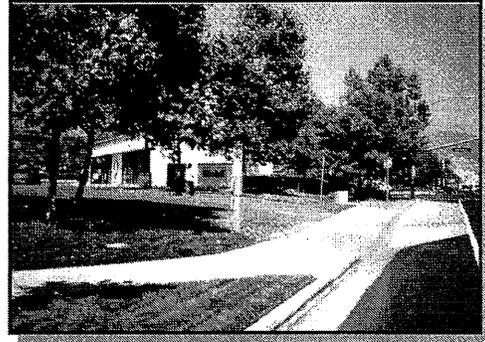


# Appendices: Southeast Chandler Area Plan

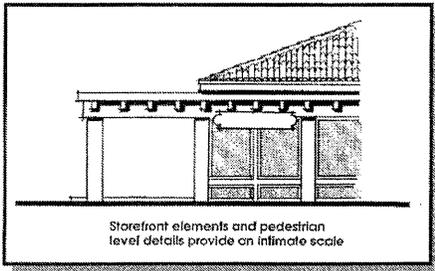
## APPENDIX VII - COMMERCIAL DESIGN ILLUSTRATIONS



*Reverse orientation of service stations optimize the landscape frontage while screening automobiles and gas pumps.*

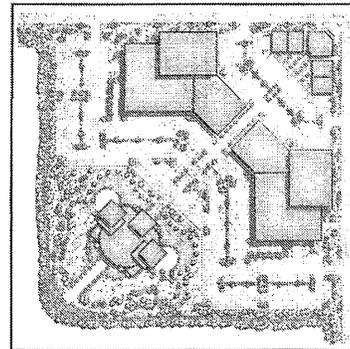


*Provide wider landscaping along commercial perimeters.*



Storefront elements and pedestrian level details provide on intimate scale

*This design provides a pedestrian scale setting.*

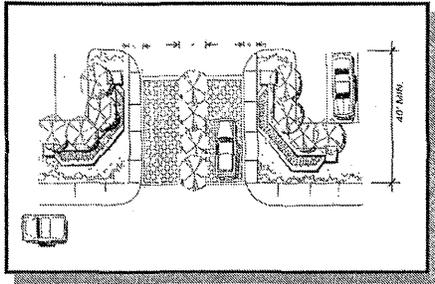


*This provides a multi-dimensional commercial concept while enhancing the intersection and providing a nonconventional building orientation.*

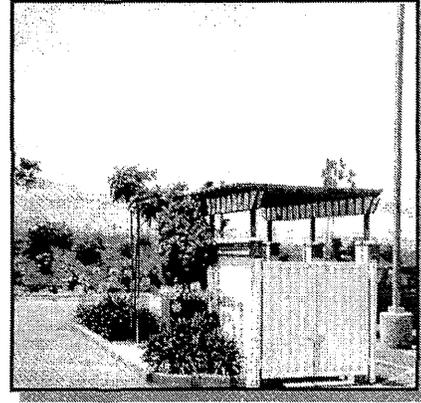


# Appendices: Southeast Chandler Area Plan

APPENDIX VII - COMMERCIAL DESIGN ILLUSTRATIONS



*Enhance project entries with significantly pronounced landscaped setbacks and decorative planter features.*



*Appurtenances such as trash enclosures, outdoor vending areas, etc. should be architecturally compatible with buildings.*

## 08.06 Residential Design

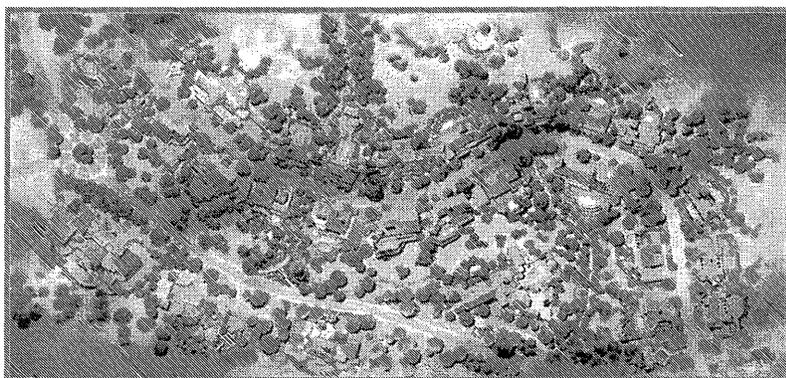
### 8.06.01 Purpose

A. The purpose of the neighborhood and residential design standards is to foster the establishment of neighborhoods that avoid the appearance of "production," leading to greater diversity and quality of residential development within the Town of Marana. It is necessary that new developments in which any lot is 16,000 square feet or smaller accomplish the following:



1. Foster variety of architectural style, house and lot size, and price within and among residential neighborhoods.

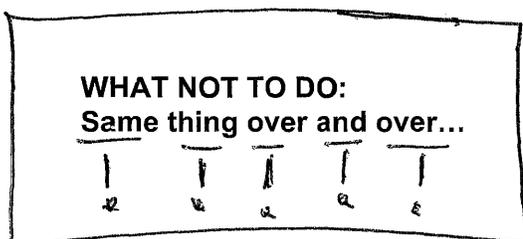
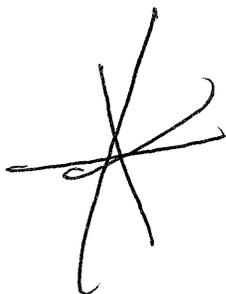
2. Create pedestrian friendly neighborhood streets through reduced pavement and increased landscaping.



3. Provide visual relief and shade through landscaping along streets, common entryways, common areas, and on individual lots.

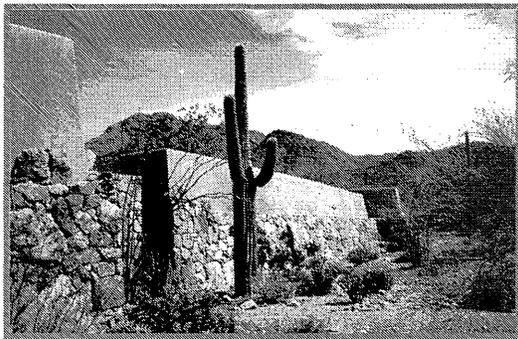
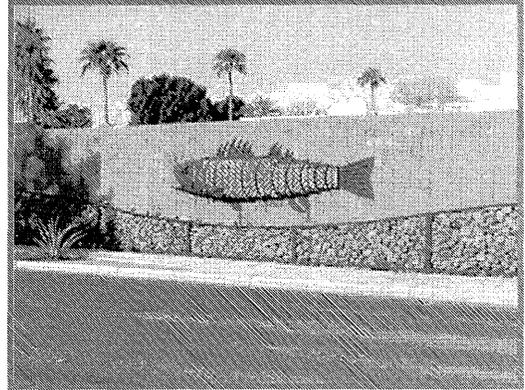
4. Integrate roads, paths, and trails within neighborhoods and through adjoining neighborhoods.

5. Incorporate parks and open space into the fabric of the neighborhood.



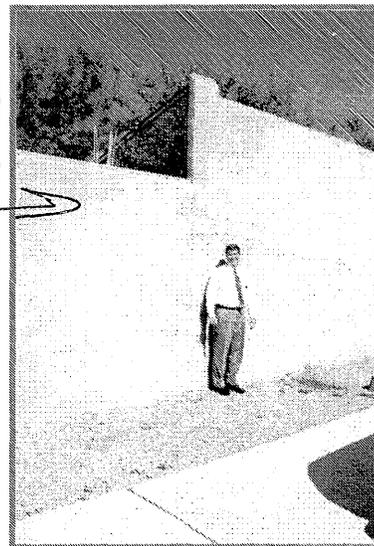
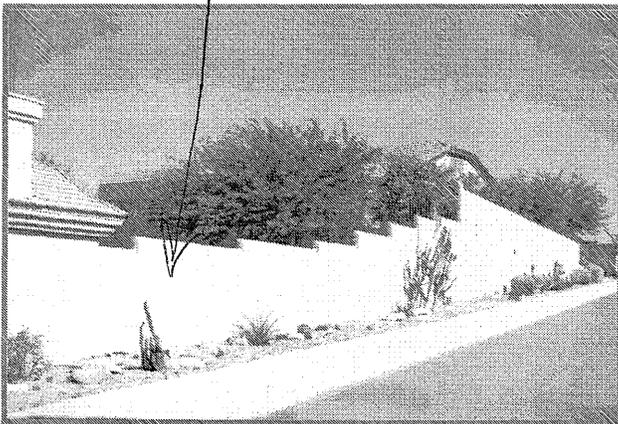
3. Irrigation. All plants shall be on an underground drip irrigation system. If turf is used, it must be irrigated from a secondary, non-potable source where available.

4. Perimeter walls. Where the neighborhood design plan includes perimeter walls, all walls visible from the public right of way and adjacent existing residential development shall incorporate one or more visually appealing design treatments, such as the use of two or more decorative materials like stucco, tile, stone, wrought iron or brick; a visually interesting design on the wall surface; varied wall alignments, such as jog, curve, notch, setback; and/or trees and shrubbery in voids created by wall variations. View fencing shall not be used where houses can be viewed from public streets. Uncolored grey block is not permitted. Perimeter walls shall be kept free of graffiti.

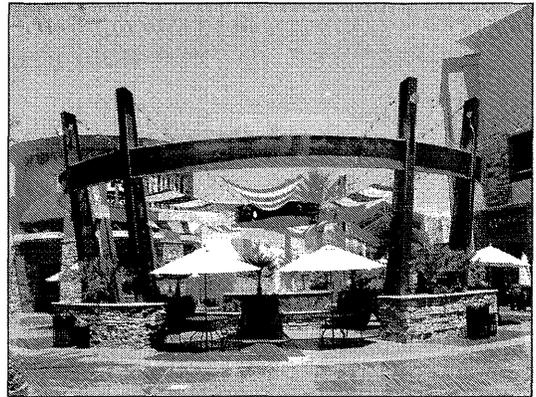


View fencing shall not be used where houses can be viewed from public streets. Uncolored grey block is not permitted. Perimeter walls shall be kept free of graffiti.

**WHAT NOT TO DO:**  
**Big, nondescript walls that look like barriers.**



- (iv) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
- (v) Where practicable and appropriate, any adjacent public park, greenway, or other public or civic use including but not limited to: schools, places of worship, public recreational facilities, or government offices.
- (c) On-site pedestrian walkways shall not “dead-end” without a logical connection.
- (d) At each point that a designated on-site pedestrian walkway crosses a parking lot, street, or driveway, the walkway shall be clearly visible to pedestrians and motorists through the use of two or more of the following delineation methods:
  - (i) A change in paving material or paving color;
  - (ii) A change in paving height;
  - (iii) Decorative bollards;
  - (iv) A painted crosswalk;
  - (v) Signage; or
  - (vi) A raised median walkway buffered by landscaping.



### 3. Pedestrian Amenities and Refuge Areas

#### a) Intent

1. To provide opportunities for outdoor patio dining, plazas, and other outdoor gathering spaces that encourage pedestrian activity within commercial developments.
2. To provide opportunities for pedestrians to seek refuge from the harsh desert elements.
3. To provide convenient “comfort stations” in large commercial developments.



#### b) Design Standards

##### (1) Outdoor Gathering Spaces

- (a) The incorporation of plazas, pocket parks, patio dining spaces, and other outdoor gathering spaces is strongly encouraged for all

Print

## Dewey-Humboldt, AZ Code of Ordinances

### § 153.220 PROTECTIVE SCREENS; FENCES, WALLS AND LANDSCAPE.

(A) Screening devices shall be similar in materials and height to those of other properties on the same block or blocks.

(B) Fences used for multi-family residences along street frontages shall have the appearance of spaced wood pickets, wrought iron, stone, brick or of the same materials as the residential buildings, and shall not exceed a maximum height of four feet.

(C) Where a non-residential use in the commercial or industrial districts abuts a residential use in a residential district, an opaque wall or fence, six feet in height above the average elevation of the ground level within a six-foot radius of the point of measurement on the fence or wall, shall be constructed along all common property lines of materials and finishes compatible with the adjacent residential building; such walls may be of masonry, double-sided wood fencing, stuccoed wood frame walls, native stone or rock veneered walls; a dense landscaping buffer may be substituted if approved by the Zoning Administrator; all protective screen walls in the front yard setback shall be lowered to four feet in height.

(D) Screening walls or fences shall be enhanced by the installation of 15-gallon drought tolerant trees, planted 20 feet on center along the screen walls; refer to § 153.080 for further Landscape and Screening regulations.

(E) Outside display for commercial uses shall also comply with the regulations in town law, including § 153.085, Outside Display-Commercial.

(F) Where a non-residential use occupies a portion of a residence and is adjacent to a purely residential use, screening shall be provided by an opaque fence or wall at least four feet in height, or by the planting of dense shrubbery capable of obtaining a minimum height of four feet within two growing seasons, or by a combination of both; such screening devices shall be located so as to screen on-site parking, refuse collection and mechanical equipment areas from the adjacent residence; refer to § 153.080 for further Landscape and Screening regulations.

(G) Tree and shrubbery species used for screening shall be selected from the Low Water Use Drought Tolerant Plant List of the Prescott Active Management Area, Arizona Department of Water Resources, and shall be additional to other on-site landscaping required by § 153.080.

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

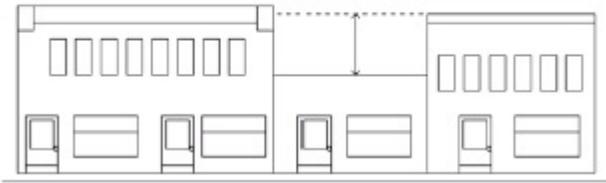
### § 153.223 BUILDING DESIGN ELEMENTS.

(A) *Generally.* Building design and architectural features establish the character of a building or complex of buildings. The character elements are comprised of the following:

- (1) Height, scale, proportion and profile;
- (2) Building facade patterns and architectural features; and
- (3) Surface texture and color.

(B) *Height, scale, proportion and profile.*

**Building Height Similarity**



(1) *Height.* All new buildings and additions shall be similar in height to that of other buildings on the same block or blocks, and shall comply with the height regulations that follow.

(a) The maximum building height is two stories, or 30 feet in all Residential Zoning Districts, except when a use permit is granted by the Planning and Zoning Commission and Town Council for three or four stories with maximum heights of 40 feet and 50 feet respectively in the Residential Multi-Family District, the Residential and Service District, and the Commercial Districts.

(b) Two stories may also be exceeded by the approval of a use permit in the Industrial Zones.

(c) Refer to § 153.091 for procedures on use permits.

(d) The maximum height of a building shall comply with the definition of **BUILDING HEIGHT** as specified in § 153.005 of this chapter.

(2) *Scale and proportion.* All new buildings and additions shall be similar in scale (relative size) and in proportion (ratio of building height to building width) as that of the majority of other buildings on its block or area, with emphasis on maintaining pedestrian related scale.



(3) *Profile.* All new buildings and additions shall have roof profiles similar to the majority of roof types and roof pitches on existing buildings on the same block or area.



Roof Types and Profile

(a) Where a pitched, rather than a flat roof, is to be used, similarity in the roof type and pitch is desired; and

(b) Where mechanical equipment is located on the roof, it shall be screened from view from the street, adjacent properties and surrounding hillside residences, by parapet walls or screens consisting of the same or compatible materials, colors and textures as those of the building's walls.

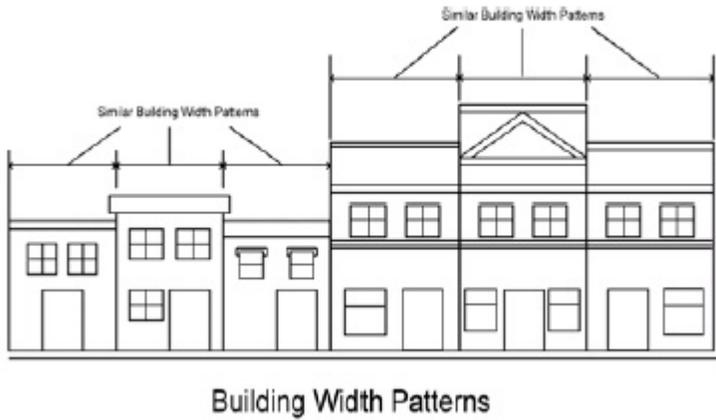
(C) *Building façade patterns and architectural features.*

(1) *Facade patterns.* Any new or redeveloped building or addition, fronting on a street, shall have a regular arrangement of architectural features, i.e., a recurring alternation or pattern of solids (walls) and voids (windows and doors), similar to those on the same block or area in which it is located; blank, flat facades are prohibited; and:



Architectural Patterns

(a) Non-residential building facades shall be divided by structural piers, bays or other vertical architectural features at a maximum interval length of 25 feet, as illustrated below, or the same facade length as a majority of other buildings on the same block;



(b) Multiple-family residential building facades planned for more than one lot, or for a lot wider than 50 feet, shall be divided by structural piers, bays or other architectural features at a maximum interval length of 25 feet; and

(c) Residential building facades shall be divided into a series of planes with bays, recesses, porches and other architectural features.

(2) Principal Entries and Doors shall be located so as to be the focal point of the facade of new and redeveloped buildings:

Entry Door Examples



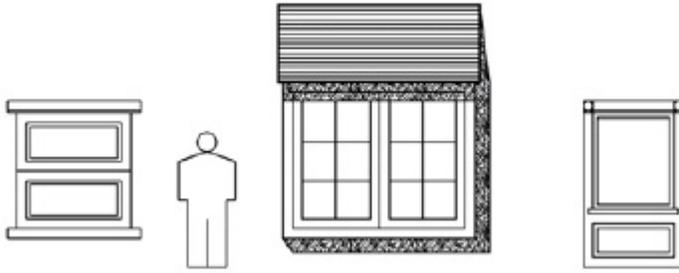
(a) Entries shall be protected from weather by being recessed or by the use of attached porches, pediments or small roofs;

(b) Entry and door designs shall be appropriate and similar to that of other buildings on the same block;

(c) Entries shall enhance pedestrian usage by being connected directly to safe, comfortable walkways or street sidewalks.

(3) Windows fronting streets shall be appropriate to their intended use, similar to the windows used in buildings on the same block, and shall be designed to relate to human scale and pedestrian views:

### Window Examples



(a) To relate to the standing human form, windows shall be vertical or square, not horizontal;

(b) Windows shall be enhanced by molding, trim boards, pediments or other architectural detailing;

(c) Display windows storefronts shall have continuous awnings or canopies over display windows protecting pedestrians from weather;

(d) Large glazed wall areas and mirrored glass are prohibited, except that merchandise display windows in storefronts are permitted in accordance with facade length regulations previously specified in this section; and

(e) Windows on non-residential use buildings above the first floor shall not be located to overlook adjacent residential uses.

(4) Porches shall be attached to front facades of residential buildings having a minimum depth of six feet, and:

(a) Occupying at least 30% of the total building façade length of attached multiple-family dwellings; and

(b) Vertical columns or posts shall support the porch roof and be appropriately spaced to continue the emphasis of vertical human scale.

(5) Other architectural features, such as awnings, canopies, balconies, recessed or relief bands of detailing and kick plate panels, are encouraged and shall be compatible with the building to which they are attached and with the intent of this subchapter.

(6) *Exterior signs.*

(a) All signs shall be an integral part of the building design, complementing it in appearance, color, size and location; and, shall comply with §§ 153.125 through 153.138.

(b) Signs for multi-family and non-residential uses in designated historic districts shall be regulated by sign design criteria as specified in the district.

(c) Off-premise signs or billboards are not permitted in any designated historic district, except where off-site advertising signs were historically painted directly on walls of buildings in the historic district.

(d) All signs and graphic symbols shall be designed in character and color with the building, use and purpose of the zoning district in which it is located, as well as with that of adjacent buildings.

(e) Signs intended for pedestrian viewing shall be scaled for the pedestrian and be located at pedestrian levels with letter height sizes of three to six inches.

(f) Banners, pennants, bunting and other special event signage are permitted for the identification of special cultural districts and events, and for customary seasonal or holiday decorations, subject to review by the Zoning Administrator when proposed for locations in public rights-of-way.

(g) Illuminated signs shall not be located in yards adjacent to residential districts.

(7) *Building exterior and outdoor lighting.*

(a) All outdoor lighting shall comply with §§ 153.150 through 153.153 of this Chapter and be fully shielded and oriented down and away from adjacent properties and streets, except for historic lampposts in designated historic districts.

(b) In the Multi-Family Residential and in the Residential and Service Districts, all lighting shall be low-intensity, wall-mounted, with a "front porch light" appearance, or low-intensity, low-profile and ground-mounted.

(c) In the Commercial and Industrial Districts, wall- and fascia-mounted lights shall be attached so that no part of the light source or structure exceeds the building's roof line.

(d) *Exceptions.*

1. Decorative white or colored light bulbs, not exceeding four watts, which may be strung along building roof lines and architectural features to create an outline effect, and other decorative lights customary to seasonal holidays of a temporary duration.

2. In the Commercial and Industrial Districts where high-profile lighting is necessary for security purposes, freestanding light structures may be permitted at a height not exceeding 18 feet measured from the surface intended for illumination to the highest point of the light source or structure.

3. Freestanding light structures and wall- or fascia-mounted lights shall not be located in yards adjacent to residential districts.

(D) *Building surface texture and color.*

(1) Exterior textures of all new buildings, additions and rehabilitation of buildings shall respect and be similar to the exterior texture of buildings on the same block or blocks:

(a) Exterior walls fronting streets shall be constructed of, or surfaced with, brick, stucco, horizontal or shingled siding, granite or cut stone, or other materials found on existing buildings on the same block, except that flat or corrugated metal sheeting is prohibited.

(b) No more than two different materials shall be used to cover the primary wall areas of a building facade, not including trim or accent materials, such as stone, wood or brick.

(2) Exterior colors of all new buildings, additions and rehabilitation of buildings shall respect and be complementary to colors and tones of buildings on the same block or blocks:

(a) The base colors of exterior walls fronting on streets and alleys shall be the natural color of the material of brick or stone, or be of the same hue, a tone of the same hue, or a contrasting hue which complements an adjacent building or group of buildings.

(b) Trim and accent colors shall complement the wall base color and that of adjacent buildings on the same block.

(c) Earth tones, muted colors and warm off-whites are generally acceptable, while colors that visually overpower adjacent buildings are prohibited.

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

### **§ 153.225 LATE TERRITORIAL COMMERCIAL AND EARLY 20TH CENTURY COMMERCIAL.**

These styles relate to buildings generally constructed just prior to, and in the first few decades of, the 20th Century in business areas. These are prevalent historic styles in commercial areas of the region. Excellent examples can be found in the Courthouse Plaza Historic Preservation District in downtown Prescott. Prominent design features are noted below:

- (A) Buildings are located at front property lines, not setback.
- (B) Walls are of natural colored stone and brick masonry with flat roofs screened by parapet walls (vertical extension of facade above the actual roof line), usually 4 feet above roof.
- (C) Typical one-story building is 16 feet to 24 feet in height and two-story buildings are 28 feet to 36 feet in height.
- (D) Typical building proportions: One-story building of 25 feet width to a height of 16 feet to 18 feet; while a one-story, 75-foot wide building has a height of 20 feet to 24 feet.
- (E) Scale and mass of buildings are similar with windows and doors aligned in adjacent groupings of buildings.
- (F) First floors contain commercial uses, while upper floors contain offices or residential uses.
- (G) First floor architecture reflects pedestrian access with strong vertical orientation of windows and doors; below storefront windows are opaque three-foot high bottom panels; doors are topped by transom windows.
- (H) Typically the maximum spacing between windows is ten feet; the minimum wall surface from a window opening to the corner of a building is three feet; the minimum wall area above a window is one and one-half feet and the maximum wall below is four feet.
- (I) Architectural details such as medallions, rows of brick patterns (corbelling), arches, cornices (projections at top of wall), or columns enhance facades.
- (J) Fabric awnings are often above windows and doors.
- (K) Signs are usually flat against building facade; no roof mounted or moving signs.
- (L) Trees and shrubs for shading pedestrian areas are along street right-of-way, not located within building lot; hanging planters often are suspended from building structures.
- (M) Parking and loading areas are behind buildings.
- (N) Examples of historic Late Territorial/Early 20th Century Commercial buildings and a contemporary infill building are shown below.

**Territorial Commercial/Early 20th Century Commercial -  
Historic Whiskey Row**



Contemporary-Infill building on left  
(Ord. 08-46, passed 12-16-2008)

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## COUNCIL COMMUNICATION

Regular Council Meeting Date: **November 5, 2019**

Agenda Item: **9.D.**

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**Submitted by:** Edward L. Hanks, Jr., Town Manager

**Subject:**

Review, discussion and possible action to direct staff relating to the draft ordinance amending the Dewey-Humboldt Code of Ordinances relating to the regulation of steel cargo containers.

**Background:**

At the October 15, 2019 Council meeting, Council directed staff to prepare an ordinance regulating the use of cargo containers.

Based on Council direction, the draft ordinance removes the following paragraphs from Town Code § 153.086(13):

- C – relating to painting/color of containers;
- E – relating to size restrictions (P&Z recommended change);
- F – relating to the lot size on which containers may be placed (P&Z recommended change);
- G – relating to the number of containers on each parcel (P&Z recommended change);
- H – relating to requiring a use permit if code requirements are not met.

The draft ordinance includes P&Z's recommendation to amend § 153.036(B)(7), to allow containers in the R1L zoning district.

These changes seem to impact other portions of the Zoning Code that need to be addressed to be consistent with the Council-directed amendments of § 153.086 on Steel Cargo Storage Containers.

**Financial Impact:**

Costs associated with moving the ordinance forward include:

- Publication costs to publish the public hearing notice and the ordinance after adoption;
- Printing costs for posting the public hearing notice and the ordinance after adoption (minimal); and,
- Costs for the third-party codifier to codify the changes into the online Town Code.

**Direction Requested:**

Staff is seeking Council direction on the other impacted provisions of the Zoning Code which were not included in the information sent from P&Z.

Staff is also seeking direction to refer the final ordinance to the Planning and Zoning Advisory Commission to start the public hearing process.

**Suggested Motion:**

**For:** I move to direct staff to take all steps required to place the draft ordinance relating to the regulation of steel cargo containers [with any changes made by Council] on an upcoming Planning and Zoning Advisory Commission agenda to start the public hearing process.

**Against:** I move to hold the draft ordinance for additional changes as discussed at tonight's Council meeting.

**Attachments:**

Draft ordinance with highlights for Council review; P&Z recommendation dated May 16, 2019

Town of Dewey-Humboldt

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Humboldt, AZ 86329

Phone: 928-632-7362 | Fax: 928-632-7365

November 5, 2019  
[www.dhaz.gov](http://www.dhaz.gov)

ORDINANCE NO. 19- \_\_\_\_\_

**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 XV LAND USAGE, CHAPTER 153 ZONING REGULATIONS, BY AMENDING § 153.036 AND § 153.086, ALL RELATED TO THE REGULATION OF STEEL CARGO CONTAINERS;**

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

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.036 is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)**

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(A) Where no zoning/density district has been combined, then all provisions of Density District 10 shall prevail (see § 153.069, most common ones shown in chart below).

(B) (1) Dwelling unit (site built) for one family on any one lot;

(2) Religious institutions (in permanent site-built buildings);

(3) Educational institutions (publicly funded) as defined in § 153.005 under **BUILDING (SITE BUILT)**;

(4) Community parks, playgrounds or centers when part of a community plan;

(5) Public utility facilities (but not business offices nor repair or storage facilities) when necessary for serving the surrounding territory on one acre or less following administrative review with comment period;

(6) When in conjunction with an approved development plan, golf courses with accessory uses such as pro shops, shelters, restrooms and the like (but not commercial driving ranges or miniature putting courses). Subject to the performance standards set out in § 153.075;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per

the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit;

(b) Swimming pools in other than the front yard primary use setback area in compliance with design guidelines in § 153.090;

(c) Quarters for servants and/or nonpaying guests attached to the dwelling (facilities for preparation of food are prohibited);

(d) Temporary construction offices and construction sheds and yards incidental to a recorded subdivision development or other on-site construction project for a period not exceeding 24 months from date of plat recordation or date of issuance of construction project permit with no permits (other than electrical permits) required to install same (prohibited closer to lot boundary than is allowed for a principal building in the district);

(e) Open land carnival and recreation facilities accessory to religious or educational institutions (confined to same lot);

(f) Temporary on-site sales (real estate) facility only as defined in § 153.005 in compliance with the regulations and performance standards outlined under § 153.088;

(g) Household pets;

(h) Fences and freestanding walls;

(i) Parking facilities to meet no less than the minimum requirements as provided under § 153.110;

(j) Educational institutions as defined in § 153.005 but privately funded, allowed as an accessory use to a religious institution.

(k) STEEL STORAGE CONTAINERS THAT MEET THE MINIMUM REQUIREMENTS AS PROVIDED UNDER § 153.086.

(8) Occupancy of temporary housing, including travel trailers, recreational vehicles and single-wide manufactured homes during the construction of a permanent dwelling is allowed during the 24-month period after the issuance of a building permit (and the building permit remains valid). A permit for the temporary housing must be obtained prior to occupancy of the temporary dwelling unit. One extension of time for use of a recreational vehicle, travel trailer or single-wide manufactured home as temporary housing may be granted at the discretion of the Zoning Administrator or his/her designee for a period not to exceed the maximum life of the original building permit for the permanent dwelling which is 30 months from its issuance date (24 months plus one six-month extension). Further extensions will require a use permit.

(9) Bed and breakfast homestays as defined under § 153.005, subject to performance standards set out in § 153.068 for homestays with administrative review with comment period.

(10) Accessory dwelling units as defined in § 153.005, subject to the performance standards set out in § 153.075.5, with a minimum parcel size of 70,000 square feet.

(11) Home occupations as defined under § 153.005, subject to approval by the Zoning Administrator or his/her designee; home occupation shall comply with the regulations and standards set out in § 153.077.

Zoning/Density Regulations (in feet unless otherwise noted)									
Dist.	Min Lot Size (in Sq. Ft. per Dwelling)	Min Lot Width and Depth	Min Yard Setbacks Min Building Spacing is 10 Feet All Classes				Max Building Height (Stories/Feet)		Max Lot Coverage (Percent)
			Front	Rear	Interior	Exterior			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

## Section II

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Section 153.086 is hereby amended as follows (additions in ALL CAPS; deletions in strikeout):

### § 153.086 OUTSIDE STORAGE

(A) The outside storage of objects and materials shall be permitted as an accessory use (i.e.: where a primary use has already been established) in residential zones plus RS, PAD, PM, RCD and OS zones, provided the following conditions are met:

(1) A property owner or tenant may park or store any number of personally owned vehicles outside on residential property where a primary residential use has been established, provided that all vehicles are for personal use and are complete, operable and currently licensed and are arranged in an orderly fashion. Vehicles unable to meet these conditions will be deemed disabled or inoperable. Said disabled vehicles or vehicles determined to meet the definition of a junk vehicle are limited to two per parcel. These disabled, inoperable junk vehicles must be placed in the side or rear yard (but not within the required front yard

setback) and screened in such a manner so as they are not visible from any public or private street right-of-way or adjacent property. Personally owned vehicles may be offered for sale on an individual person-to-person basis on a residentially zoned parcel where a primary residential use has already been established, provided that no more than two vehicles may be offered for sale at any one time. Unlimited areas of firewood may be stored, provided that the firewood is for on-site personal use only and is stacked no higher than six feet unless against a structure.

(2) Unlimited areas of construction materials may be temporarily stored, provided that the construction materials are for use on-site pursuant to a current, valid construction permit and are stacked no higher than six feet and are kept at least ten feet from all property lines of adjacent residential properties.

(3) A property owner or tenant may park or store any number of personally owned (and for personal use) travel trailers, motor homes, recreational vehicles, boats, boat trailers, utility trailers, or other similar items designed for personal noncommercial uses outside on residential property where a primary residential use has been established. No more than one travel trailer, motor home or recreational vehicle, boat, trailer, etc. which is owned by a party other than the present owner or tenant of the property shall be stored. No travel trailers, motor homes or recreational vehicles on residentially zoned parcels or lots shall be used or made suitable for use for long-term occupancy without a temporary dwelling permit or use permit. Evidence of an intention for long-term occupancy shall include at least three of the following:

- (a) Being hooked up to power.
- (b) Being hooked up to water.
- (c) Being hooked up to sewer or septic facilities.
- (d) Being raised or leveled by means of jacks or blocks.
- (e) Having a mailbox.
- (f) Having any attached or adjacent structure or improvement that enhances the on-site livability and/or decreases the mobility of the vehicle.
- (g) Removal of wheels or axles or hitches on a vehicle normally fitted with wheels and axles and/or hitches.

(4) Temporary use of a travel trailer, motor home or recreational vehicle as an occasional overflow guest room for non-paying or non-reimbursing relatives or guests is authorized as outlined provided such interim use does not exceed 90 days of continuous duration or a total of 90 days in a year or one 12-month period. Temporary use of recreational vehicles shall be only authorized upon satisfaction of the following performance criteria:

(a) Subject property is occupied by a permitted primary residential structure.

(b) The Yavapai County Environmental Unit shall be furnished with information to determine that the septic or sanitary facilities are adequate to accommodate additional effluent from the temporary recreational vehicle (RV) unit installation.

(c) Verification by the Zoning Administrator that the foregoing criteria have been addressed prior to authorizing occupancy of the unit.

(5) All boats, trailers, motor homes, travel trailers, recreational vehicles shall be kept in reasonable repair and operable and neatly arranged.

(6) No mobile home shall be placed or kept on a lot without a current valid zoning clearance or a current valid construction permit or temporary dwelling permit and without erection of permanent foundations and hook ups to facilities, permanent piers, blocks or foundations.

(7) Appliances (washers, dryers, refrigerators, freezers, ranges, stoves, furnaces, water heaters, air conditioners, etc.) may be stored outside, provided said appliances are in an operable condition and are hooked up for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.

(8) Furniture may be stored outside, provided such furniture is in reasonable repair and weather resistant condition and is intended for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.

(9) A property owner or tenant may park or store construction, mining, or farming equipment or machinery outside, provided such equipment or machinery is in operable condition and is intended for personal on-site use.

(10) No vehicular parts, components or accessories not independently operable, nor any large non-structural objects, which are in disuse, or for use other than on site shall be stored outside.

(11) Any outside storage unable to meet the above exceptions and conditions must meet one of the following restrictions:

(a) Methods of screening for outside storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or live vegetative screening. All outside storage shall be totally screened from view of any contiguous property or right-of-way or easement and located in the side or rear yard. All screening for outside storage shall be subject to the review and approval of the Zoning Administrator. Adjoining property owners will be notified by mail of the proposed location and method of screening when an alternative method of screening is presented to staff for their consideration.

(b) Outside storage shall not exceed the heights and square footages provided for the setbacks from the nearest property line as follows:

<i>Distance to nearest property line</i>	<i>Maximum allowed square footage</i>	<i>Maximum allowed height in feet</i>
101 to 200 feet	200	6
201 to 300 feet	300	6
301 to 400 feet	400	8
401 to 500 feet	500	8
501 or more feet	Unlimited	8

(12) Manufactured homes, mobile homes, travel trailers, recreational vehicles, truck trailers, commercial trailers, boxcars, refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo carrying devices) or any other vehicle shall not be attached to or placed on any lot and are not allowed to be stored or utilized for storage purposes in any district, with the exception of the specific allowances referenced in division (A)(1) through (12) and § 153.035. These prohibited vehicles/containers may be considered for storage when there are unique circumstances subject to obtaining an approved use permit.

(13) The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas in the RMM or less restrictive use districts provided as follows:

(a) An approval letter from the Zoning Administrator is obtained prior to placement of the unit.

(b) Containers shall meet the minimum yard requirements of the primary structure in the applicable density district as well as building separation and lot coverage requirements.

~~(c)(e) All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.~~

~~(d)~~ Any electrical service to comply with applicable adopted building codes and other town codes.

~~————(e) No residential unit to exceed eight feet by 20 feet.~~

~~————(f) Minimum residential use parcel size is two acres.~~

~~————(g) Only one unit per residential parcel.~~

~~————(h) Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects.~~

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Timothy A. Mattix, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bigelow Law Offices, PLC  
Town Attorney  
By: Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. \_\_ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ON THE \_\_ DAY OF \_\_\_\_\_, 2019, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Timothy A. Mattix, Town Clerk



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

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## Staff Report

### Planning and Zoning Advisory Commission Meeting

### April 4, 2019

**Date:** May 16, 2019  
**To:** Town Council  
**From:** Planning and Zoning Advisory Commission  
**Agenda Item – 8.C.** Discussion on amending outside storage 153.086 (13) (a) to (g) *Steel Cargo Containers*

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#### **BACKGROUND:**

On February 19, 2019, the Town Council had on its Agenda, the following item:

***E. Discuss amending outside storage 153.086 (13) (a) to (g) Steel Cargo Containers, discuss as a possible emergency measure, allow on 25,000 s/f lot (CAARF – CM Collins)***

At the conclusion of their discussion, the Council voted unanimously to direct further consideration of possible amendments to Town Code Section 153.086.13 to the Planning and Zoning Advisory Commission (P&Z).

Section 153.086.13 reads as follows:

§ 153.086 OUTSIDE STORAGE.

(13) *The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas in the RMM or less restrictive use districts provided as follows:*

- (a) *An approval letter from the Zoning Administrator is obtained prior to placement of the unit.*
- (b) *Containers shall meet the minimum yard requirements of the primary structure in the applicable density district as well as building separation and lot coverage requirements.*
- (c) *All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.*
- (d) *Any electrical service to comply with applicable adopted building codes and other town codes.*
- (e) *No residential unit to exceed eight feet by 20 feet.*
- (f) *Minimum residential use parcel size is two acres.*
- (g) *Only one unit per residential parcel.*
- (h) *Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects.*

The issues conveyed to the P&Z by the Council were:

- The restriction on steel storage containers as accessory uses, to properties of 2 acres or greater.
- The restriction on steel storage containers as accessory uses to one per residential property.
- The requirement that steel storage containers, as accessory uses be subject to setbacks in effect for the underlying zoning district.

An issue not addressed by the Council, but that was taken up by the P&Z is the limitation of steel storage containers as accessory uses only in the RMM and less restrictive zoning districts. The more restrictive R1L zoning districts, which make up approximately 50% of the Town, are by virtue of this requirement, not eligible for the siting of steel storage containers as accessory uses.

**P&Z RECOMMENDATION:**

The Commission, at its April 4, 2019 Regular Meeting, discussed at length the direction from Council, and voted to direct Staff to report the following recommendations from the P&Z:

1. Delete 153.086(13) (e), (f) and (g) in their entirety.
2. Amend 153.036(B)(7) to add the a new section (k) to the list of permitted accessory uses to read:  
*“Steel storage containers to meet the minimum requirements as provided under § 153.086.”*



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

**RECEIVED**

OCT 25 2019

Dewey-Humboldt

**COUNCIL AGENDA ACTION REQUEST FORM**

Meeting Type:  Regular  Special  Work Session

Meeting Date: Nov 5, 2019

Date of Request: OCTOBER 25, 2019

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):

REVIEWING AND APPROVAL SHOULD BE TAKEN  
CHAPTER BY CHAPTER STARTING AT CHAPTER 1  
OF THE 2018 BUILDING MANUAL

Purpose and Background Information (Detail of requested action): SO AN  
INDEPTH REVIEW CAN BE MADE BY COUNCIL  
AND CITIZENS.

Staff Recommendation(s): \_\_\_\_\_

Budgeted Amount: 0

List All Attachments: \_\_\_\_\_

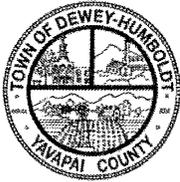
Type of Presentation: ORAL

Special Equipment needed:  Laptop  Remote Microphone  
 Overhead Projector  Other: \_\_\_\_\_

Contact Person: Karen Brooks

**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.**

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**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 • Fax 928-632-7365**

Dewey-Humboldt

OCT 21 2019

Received

**COUNCIL AGENDA ACTION REQUEST FORM**

**Meeting Type:**  Regular       Special       Work Session

**Meeting Date:** Nov 5, 2019

**Date of Request:** Oct 19, 2019

**Type of Action:**  Routine/Consent       Regular

**Requesting:**  Action       Report Only

**Agenda Item Text (a brief description for placement on the agenda; please be exact):**

Council Coffee

**Purpose and Background Information (Detail of requested action).** \_\_\_\_\_

to have all council members have coffee with the citizens. Each Council member pick out a day of the week  
to have coffee with the community.

**Staff Recommendation(s):** \_\_\_\_\_

**Budgeted Amount:** \$0.00

**List All Attachments:** \_\_\_\_\_

**Type of Presentation:** Oral

**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.**