

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

Tuesday, November 19, 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 19, 2019, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. As indicated in the agenda, pursuant to A.R.S. 38-431.03(A)(3), the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

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.

A. Council announcements about outside meetings and committees

B. Presentation by Jeff Dhont, Environmental Protection Agency (EPA), to provide an update to Council on dust control, fencing and signage at the Superfund site, and update on the progress of the feasibility study for the Superfund site.

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

- 5 **A. Liquor License – Conduct a public hearing and consider and recommend the approval or denial of a Series 10 (Beer and Wine Store) Liquor License for Howard Everett Magee, on behalf of Carioca Shell #69, located at 2735 South Highway 69, Humboldt, AZ 86329.**
1. **Staff Report**
 2. **Open Public Hearing and Receive Public Comments**
 3. **Close Public Hearing**
 4. **Council Discussion and Possible Action**

8. **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 September 10, 2019 Study Session Meeting**
- 17 **B. Approval of Minutes of October 1, 2019 Regular Council Meeting**
- 23 **C. Approval of the floorplan of the new Town Hall building to be located at 12938 East Main Street** (From the November 12, 2019, Study Session)
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 the new Town Hall building, to be located at 12938 East Main Street**
10. **General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.
- 25 **A. Discussion and possible action to approve the Consent and Agreement, related to the Yavapai County Free Library District holding an upcoming series of educational events at the Dewey-Humboldt Town Library relating to growing and producing wine that will include wine sampling** (Staff CC)
- 29 **B. Canvass the results of the Special Election held on November 5, 2019, for the purpose of entering into a Franchise Agreement with the Arizona Public Service Company (APS)** (Staff CC)
- 35 **C. Discussion and possible action to approve the survey of property from the bridge on Old Black Canyon Highway to the end of the Statler property** (CAARF – Mayor Nolan)
- 39 **D. Discussion and possible action relating to updating the website with information on what is happening with the Superfund site** (CAARF – Councilmember Brooks)
- 41 **E. Discussion and possible action relating to moving the start time of Agenda Committee meetings to 8:00 a.m. or 8:30 a.m. on Mondays** (CAARF – Councilmember Brooks)
- 43 **F. Discussion and possible action relating to amending the Dewey-Humboldt Code of Ordinances, Zoning Regulations, § 153.005, Definitions, to protect the health and safety of Town residents. Definitions for consideration include: Carport, Fence, Garage (Private), Pets (Exotic), Pets (Household), and Porch** (CAARF – Councilmember Collins)
- 45 **G. Discussion relating to the acquisition of water resources for the Town, and possible direction to staff** (CAARF – Mayor Nolan)

11. Executive Session

Vote to Recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion and consultation for legal advice with the Town Attorney relating to acquisition of water resources for the Town

Close Executive Session/Reconvene Regular Meeting

12. Discussion relating to the acquisition of water resources for the Town, and possible direction to staff

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

Staff recommends scheduling Special Meetings to discuss the proposed building codes on the following dates:

- Thursday, December 5, 2019
- Thursday, December 12, 2019

14. 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 Town Council Regular Meeting: Tuesday, December 3, 2019 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, December 5, 2019, at 6:00 p.m.

Next Town Council Study Session: Tuesday, December 10, 2019, at 6:30 p.m.

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

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MEMORANDUM

Regular Council Meeting Date: **November 19, 2019**
Agenda Item: **7.A.**

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

Subject:

Liquor License – Conduct a public hearing and consider and recommend the approval or denial of a Series 10 (Beer and Wine Store) Liquor License for Carioca Shell #69 located at 2735 S. Highway 69, Humboldt, AZ 86329.

Recommendation:

- (a) Hold Public Hearing.
- (b) Review and give a recommendation to Arizona Department of Liquor Licenses and Control to approve the application for a “Series 10 Beer and Wine Store” Liquor License for Carioca Shell #69 located at 2735 S. Highway 69, Humboldt, AZ 86329.

Background:

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

Howard Everett Magee, Agent, has applied with the State for a “Series 10 Beer and Wine Store” Liquor License on behalf of Carioca Shell #69. The Sheriff’s Department (YCSO), Central Arizona Fire & Medical Authority (CAFMA) and Dewey-Humboldt Community Development Department (D-H CDD) have all reviewed the application and recommended approval with the following comments:

D-H CDD: Location is within C2-1 & C1-2 zoning districts; sale of beer and wine is an allowed use.

YCSO: No objections to this request.

CAFMA: No issues.

Staff posted the establishment with the necessary notices to meet the required 20-day period from October 15, 2019 through November 13, 2019. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Attachments:

Beer and Wine Store definition

Town of Dewey-Humboldt
P.O. Box 69
Humboldt, AZ 86329
Phone: 928-632-7362 | Fax: 928-632-7365
www.dhaz.gov

Beer and Wine Store Application Kit - Series 10

This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form. Internet sale of liquor is not permitted in the state of Arizona. Liquor must be delivered to an Arizona liquor-licensed wholesaler, then an Arizona liquor-licensed retailer prior to delivery to the consumer.

Town of Dewey-Humboldt
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Humboldt, AZ 86329
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www.dhaz.gov

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
SEPTEMBER 10, 2019, 6:30 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 10, 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.
2. **Roll Call.** Town Councilmembers: Karen Brooks, Lynn Collins, Amy Lance, Mark McBrady, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmember John Hughes was absent.
3. **Study Session.** No legal action to be taken.

A. Presentation and Discussion of the Humboldt Smelter and Iron King Mine Sites and Liabilities – presentation by Brian Beck, Brian Beck Consulting (from the June 19, 2019 Study Session and Special Meeting)

Brian Beck, Brian Beck Consulting, gave a PowerPoint presentation that included a summary of the different smelters and the years that they were in effect. He explained what a smelter does and provided historical information about the Agua Fria Smelter, Val Verde Smelter, 1906 Arizona Smelting, and the Consolidated Arizona Smelter. He spoke to the source of power for each smelter: Agua Fria Smelter – charcoal and coal/coke; Val Verde Smelter and Arizona Smelter – coke and bunker oil; and, Arizona Consolidated Smelter – refined heavy oil. He displayed a map from the 2016 EPA RI Report showing all locations of arsenic, and spoke to arsenic concentration levels. The EPA identified 58 properties that needed cleanup; 50 properties have been mitigated, while eight refused mitigation. He spoke to the differences between mitigation and remediation; “mitigation” is no longer used officially by the EPA. Non-smelter and mine impacts that have been found, include: smelter/mine tailings used for house foundations and roads; lead, arsenic and copper bearing paints used for houses; and, imported arsenic in landscape materials. There are more than 20 other properties within the impacted area that were not tested by the EPA.

He stated that the Town’s liability is related to issuing construction permits, road improvements, and utility companies working within the areas; the main liability is not issuing warnings and guidelines on how to handle impacted materials and protection of personnel. Property owners have the same liability issues with contractors doing work. The EPA removed the top one-foot of soil; however, codes for putting in different utility lines are deeper than that, resulting in exposed material being moved up to the surface again.

He spoke to disturbances in the impact area, including: direct exposure to contractors, workers and residents; ground disturbances leave new impacted materials at the surface; there are no directions on what to do with new exposed impacted materials; the EPA and Arizona Department of Environmental Quality (ADEQ) have not provided the Town and residents with guidelines on newly exposed impacted materials; and, sources for replacement materials have not been provided. In 2015, the EPA made a statement that disturbed material should be put back in the ground; however, that is not keeping with laws of Arizona and the United States.

He discussed items lacking for the Town and residents, including: detailed maps showing impacts block by block; impact maps not only showing the surface but impacts to depths; written guidelines, codes and ordinances for conditions of impacted areas; a blue-stake person for the impact area; and, an environmental program for workers and ability to identify impacted materials. He recommended the Town meet with environmental and OSHA (Occupational Safety and Health Administration) attorneys. He spoke to grant opportunities for non-profit organizations; the Town’s support is necessary for the non-profit to receive funding. The non-profit is looking to establish a protocol for people to be tested; most insurance won’t pay for heavy metal testing without a doctor’s referral. There is one lab in the immediate area that can do the testing. He distributed a handout of resident concerns that he received and spoke briefly to each, including: dust from the smelter and mine; beryllium; fencing; asbestos in the stack and cement; smelter bricks; no roads were tested; coal/coke use: gasification; Phelps Dodge Corporation’s presence; and, non-profit foundation grant sources and testing for heavy metals.

Councilmember Collins spoke and asked whether the EPA tested deeper than one foot; Mr. Beck confirmed that they had, but there are no maps reflecting that data. Data has been requested from the EPA multiple times; he has received nothing back. He has requested a digital file of all the analytical material. Councilmember Collins continued, and asked whether the Mayo Clinic has a mobile unit that could come up to test; Mr. Beck responded that they do not for metal testing. The Mayo Clinic testing facility is in Minnesota; there are two doctors in the Mayo Clinic in Phoenix that know the protocols for testing.

Councilmember McBrady spoke relating to the Walker area, and the beehives for making charcoal; he asked if

that was made for coming down to the Humboldt smelter. Mr. Beck discussed the Walker area and the amount of coal required for each ton of copper ore.

Mayor Nolan spoke relating to the Town having developed a procedure for individuals who have moved lots, and requiring material being moved back to the mine area; that material would need to be replaced with something new. Mr. Beck responded that there is no way to confirm whether it is something that needs to be removed or transported; the EPA took entire yards.

Vice Mayor Wendt spoke relating to the EPA having said that they haven't been able to identify anyone to be financially responsible and confirmed that Mr. Beck has identified Phelps Dodge; Mr. Beck clarified that Phelps Dodge was on the site and it was formally owned or leased by Phelps Dodge. Vice Mayor Wendt asked if the EPA can go after Phelps Dodge for financial responsibilities; Mr. Beck confirmed that they can.

Councilmember Brooks asked about zinc residues; Mr. Beck stated that 838 pounds was taken out of Iron King mine. Zinc was mainly high on the mine site but is also high in one other site.

Mayor Nolan called on Jeff Dhont, EPA, to come forward to speak.

Mr. Dhont spoke relating to the EPA being here to work on the Superfund site, which is large and complex and has a lot of places with contamination. The EPA has been focusing first on where the biggest risk is; this involves characterizing the contamination in areas where there is waste, and in people's yards.

Councilmember Collins spoke and asked Mr. Dhont his responsibility on the EPA site; Mr. Dhont responded that this is a federal Superfund site and the EPA is in charge of investigating the problem and bringing it to the process for a cleanup. ADEQ is another key player that is in a support role.

Vice Mayor Wendt spoke relating to financial responsibility and that since 2008, the Town has been trying to get the EPA to resolve the issue, and getting fencing and dust control. Mr. Dhont responded that there is a successor on the mine site; the EPA did not have a successive party on the smelter site. He will speak with Mr. Beck more to see what else Mr. Beck found. The EPA is aware of fencing and dust, and is planning on new signage, to work on the fencing, and an action on dust this fall. He spoke about the EPA's resources, prioritizing them, and the size and complexity of the site.

Councilmember Lance spoke relating to Mr. Beck's comments on requesting records, and asked about the EPA's concern of privacy. Mr. Dhont responded that not all records are subject to privacy; most environmental results are releasable; a lot of results were published in a three-volume investigation report.

Councilmember Collins spoke relating to dust control on part of Main Street and the EPA having placed gravel down previously, and asked about getting a schedule so that dust control is done on a regular basis. Mr. Dhont responded that he is not aware of contaminated dust at the surface on Main Street; the EPA has done cleanups along Main Street, and spoke to steps the EPA has taken. Councilmember Collins also spoke relating to the length of time the Gorilla Snot® sealant, which was applied once, lasts for, and asked why there is not a schedule to reapply. Mr. Dhont responded that the EPA would like to look into something that will be more durable and last longer. The EPA did air sampling over a period of 10 months in 2009-2010; it indicated that levels were below those that would be of health concern, and the EPA focused its attention on people's yards. The EPA is planning to do something now. Councilmember Collins asked what the EPA was testing for; Mr. Dhont stated that the EPA was testing for lead, arsenic and all of the heavy metals.

Councilmember Brooks spoke and asked why the EPA's records are considered sensitive. Mr. Dhont responded that there are very few records exempt from FOIA (Freedom of Information Act). Councilmember Brooks asked if the private roadway of Sweet Pea lane was remediated; Mr. Dhont responded that it had not. Councilmember Brooks spoke relating to Main Street; Mr. Dhont stated that the EPA focused on individual properties where people were living. Councilmember Brooks spoke relating to dust and fencing problems, asked when this will get ranked high enough to get people protected, and spoke to people in the community dying from, potentially, the site. Mr. Dhont responded, speaking to the EPA's funding and limitations. Councilmember Brooks asked Mr. Dhont about the EPA's budget for this region, and the percent that the Superfund receives out of the region; Mr. Dhont responded that he does not have that information.

Councilmember Lance spoke and asked about the last time that the EPA tested; Mr. Dhont responded that the EPA tested prior to applying treatment, which was in 2009-2010. The EPA will take action on the dust. Councilmember Lance asked if the residents were informed about removing dirt and hauling it away. Mr. Dhont stated that they were told about removing dirt. The EPA informed residents that it was there and that if it was dug into, the procedure by which they could remove soil and keep soil below the barrier; they could put the contaminated dirt back. It is not hazardous waste. Councilmember Lance confirmed that the contaminated

material could now be back at the surface due to removing dirt and putting it back, spoke relating to people moving in who don't know about the problem, and about houses with bricks from the site, and asked if anything has been done to prevent people from extracting the materials. Mr. Dhont is unaware of people extracting; people who want to get in or out are able to.

Councilmember Brooks asked how much testing was done on Sweet Pea Lane and the north side of Third Street. Mr. Dhont responded that the EPA did a number of cleanups along Sweet Pea Lane; north of Third Street, every property except one was remediated. Councilmember Brooks spoke relating to properties not being remediated in the area, and asked if there is any help for Town residents to remove bricks from their houses, or any sealant to make their houses safer. Mr. Dhont spoke of a statutory exemption in Superfund for building materials, though he would like to learn more about the bricks.

Ashley Preston spoke relating to a community meeting on September 11 where the EPA and Mr. Beck will be giving presentations; the bricks being brought up for over 10 years; beryllium qualifying the site at a higher level than other sites and there not being a safe level for inhaling beryllium; the yards that were cleaned up have had dust blowing on them for over ten years and if they are contaminated again, and if there needs to be testing for that; and, the non-profit hopes to provide a way for the community to address some health questions. She encouraged everyone to attend the community meeting.

Breanne Barney spoke and asked why there is not any information as to what a Superfund is; she has lived in Town for six years and learned of the Superfund site through Ms. Preston.

Yolanda Sanchez, EPA, stated that she is a liaison between the community and the EPA, and spoke of the number of Superfund sites (over 1,400 across the country); the EPA's website talks about what Superfund sites are and has a number of fact sheets that have been distributed over the last fifteen years.

Leigh Cluff spoke relating to driving on Holiday Drive and not seeing signs or fencing; a 37-year old who grew up in the community died of brain cancer three weeks ago; and, her hope that something is done now.

Len Marinaccio spoke relating to the number of staff from the EPA who have been responsible for the site and the efforts dropping off at some point; fencing has been washed out and not replaced; something better than fencing being needed; contractors not knowing how to handle dirt removal and replacement; and, there should have been more Gorilla Snot®.

Darrell Wyatt spoke and asked what the non-profit is; Councilmember Lance responded with information. Mr. Wyatt also asked if the four smelter areas are included in the superfund area; Mayor Nolan confirmed.

Leah Robbins spoke relating to being a new resident, trying to research the property and learning more, and that the EPA or the Town should provide more information about the site; and about levels of arsenic in the water. Mayor Nolan responded that the real estate agent should have notified her that she was purchasing property in a Superfund area, and asked if she came to the Town and asked about it. Logan Robbins spoke of where they moved from; being familiar with Phelps Dodge; the arsenic levels in their well; and, asked if they can help people moving into the community learn about the area. Ms. Robbins asked if, being out of the remediation zone, there is anything they should be looking into; Mayor Nolan responded that the Town does water testing. Mr. Robbins spoke relating to Cottonwood having higher levels of arsenic and Cottonwood let people know. Councilmember Lance responded and spoke of arsenic in the area; not knowing of the Superfund site; and, asked the EPA to look into how to tell if people were dumping the material where they were supposed to.

Nancy Wright spoke relating to the Town Council previously having the EPA, ADEQ and Health Department give quarterly reports; there were changes with the Town Manager and on the Town Council and the reports were no longer wanted; and, Mayor Nolan having property in the Superfund site.

Gary Mortimer spoke relating to his appreciation for this meeting and those involved; learning about the Superfund site; not knowing the boundary of the Superfund site; asked what it would take for the EPA to remediate the whole situation; the Superfund site affecting the growth of the area and health of residents; if dirt is moved, it will be blown back across Town; and, Jack Smith, Arizona Director for Rural Development, indicated that the Superfund site will hold the Town back.

Sandy Geiger spoke relating to echoing Mr. Mortimer's comments; all are on the same team and want a great outcome.

Councilmember Collins responded to Mr. Mortimer regarding a map; the online General Plan, Land Use Map, shows the two areas as special study areas. Mr. Dhont clarified that the definition of a Superfund site is where contamination is located; it is not synonymous with the study area.

Councilmember Lance asked when the bad soil is brought to the surface and a wash runs, if the EPA is tracking that. Mr. Dhont responded and discussed the way the water flows to the river and tailings being at the surface at the smelter site; it is not running down into people's yards. In response to Councilmember Lance, Mr. Dhont stated that since 2008, the EPA has completed the remedial investigation, which is a study of the entire site, and has begun the feasibility study, which looks at cleanup options. The EPA would need to take a smaller action to do fencing around the site.

Councilmember Brooks spoke relating to tailings being covered and exposed again when the canyon flows and the sedimentation over the years; the drainage from the tailings came down Third Street and into Chaparral Wash; and the tailings sediment have been here for 70 years. Mr. Dhont responded and concurred about how sediment turns over, and noted that the EPA is looking for options at what to do in Chaparral Gulch. In response to Councilmember Brooks, Mr. Dhont noted that the EPA is putting up nine new signs in the next two weeks, though more could possibly be used, and is replacing worn out signs.

Councilmember Lance asked about the cost to resolve this. Mr. Dhont responded relating to the feasibility study, which looks at alternatives for the entire site; there is a public comment period and then a record of decision. Following the record of decision, the EPA will get into the funding. The feasibility study looks at cost; ideally, there will be a draft by the end of 2019. The cost could be many tens of millions of dollars. The EPA is required to move through the process. In response to Councilmember Lance, Mr. Dhont stated that the EPA doesn't do studies to determine if there is a link between a Superfund site and health effect; the studies are done by the CDC (Centers for Disease Control and Prevention) or ATSDR (Agency for Toxic Substances and Disease Registry). Councilmember Lance spoke relating to more people getting ill and dying.

Lori Kenney spoke and asked why the EPA didn't start in 2008, knowing that the Gorilla Snot® was only going to last for a short period of time.

Ms. Sanchez stated that the EPA does a risk assessment to understand the risks to the different contaminants on the different parts of the site, if people are exposed to them, and how it could affect health. After the assessment, the EPA realized that the risk was in residential yards, and the EPA prioritized accordingly. In response to Councilmember Lance, Ms. Sanchez stated that she will get back to Councilmember Lance on the safe level of beryllium; it depends on different factors, such as how a person is exposed.

In response to Councilmember Collins, Ms. Sanchez spoke of CDC and ATSDR, who have been to the Town in the past and took blood samples. The Arizona Department of Health Services has also done some work in the Town. In response to Councilmember Collins, Ms. Sanchez stated that she does not know if any of the agencies have done statistical studies of past cancer cases; in the past, the CDC has done some investigations of cancer clusters, but have recently shied away from it due to challenges showing that type of risk.

Motion by Councilmember Collins to allow Ms. Preston to talk past her three minutes; seconded by Councilmember Brooks. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – absent; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

Ms. Preston spoke relating to the risk assessment and health study being invalid because the EPA did not test for other contaminants that come with the coal tar or beryllium; the rest of the history on the site was missed.

B. Town Manager update and discussion on the letter to the Environmental Protection Agency (EPA) regarding dust control at the Superfund site (from the June 18, 2019 Regular Meeting; Staff CC)

Ed Hanks, Town Manager, stated that the Town Attorney is looking into getting an environmental attorney. As indicated earlier, the EPA is in Town working on dust control. There was no discussion.

C. Overview and discussion of the proposed 2018 Building Codes, including: 2018 Dewey-Humboldt Administrative Code, 2018 International Building Code, 2018 International Residential One & Two Family Dwelling Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2017 National Electrical Code, 2018 International Property Maintenance Code, 2019 Grading Ordinance, 2018 International Existing Building Code, 2018 International Swimming Pool and Spa Code, and 2006 International Energy Conservation Code (Staff CC)

Mr. Hanks introduced Don Roberts, Building Official, and noted that Mr. Roberts has been reviewing the proposed 2018 Building Codes ("codes") and has prepared an initial draft that is being presented tonight. Mr. Roberts provided an overview of his review of the Yavapai County, Prescott, Prescott Valley, Chino Valley, Sedona and Wickenburg codes. He spoke to the importance of adopting the codes, including the codes helping people get financing through banks for houses, IOS reports coming out next year, and helping to keep insurance costs down. The Town was previously penalized due to adopting the codes later.

Councilmember Collins spoke relating to Code Section 101.2.2, allowing amendment of the codes by simple motion, and her preference that it remain as an ordinance to amend the code rather than a motion; if it not by ordinance, it would not be subject to referendum. Mr. Roberts provided information on his research of the codes, the purpose of the Administration Code, and stated that the Town Attorney would review before it becomes code.

Councilmember Collins discussed her questions and concerns relating to the codes and noted her wish to get public feedback on the Codes. Her questions and concerns include: requiring permits for building demolition and community objections (throughout the codes, with first mention in Section 101.4.1); support for Section 102.9 allowing a local jurisdiction to decide what a historic building is; some definitions (building, detached building, structure, and trailer (park model)) in Chapter 150 are different than the definitions in the Zoning Code and people wanting definitions to match throughout the Town Code; Section 107.2.6 requires a site plan for a building demolition; Section 110.1 states that a survey of a property may be required and what rules would trigger it; Section 114.6, penalties, and recent Council discussions reducing the severity of fines and penalties; Section 114, under Violations, should refer to Sections 153.019 and 153.020; new language allowing any adjacent or neighboring property owner to institute an action to initiate an action relating to a violation; the wording in section P2601.2 relating to composting toilets (she supports); the requirement for weeds six inches or higher, and weeds having been exempted from the current codes; BLM (Bureau of Land Management) and State Trust Lands being exempted from the weeds requirement, which is up to 20% of the Town's land; new Section 108.1 relating to vehicles or trailers with limited living facilities for human inhabitation; Section 201.3 deleting the International Zoning Code and replacing it with the Dewey-Humboldt Planning and Zoning Ordinance, and whether this re-adopts it by reference; and, Section 101.6, refers to an incorrect ordinance number.

In response, Mr. Roberts and Mr. Hanks provided the following information: a site plan for a demolition permit helps people avoid paying double taxes on a property; the property survey is included so in case the property line can't be found, staff can verify setbacks and has been a requirement since 2002 or 2003; penalty provisions are included just in case they're needed, but most people will comply. Staff also provided the following information: the references to code sections will be updated; the requirement relating to composting toilets requires them to be shown on the plan; the requirement for weeds is in case there is a violation or a hazard, in dry conditions, and is determined by the Zoning Inspector, not the Building department; the new Section 108.1 should not be included; Section 101.6 refers to the fees collected by the Town and is on the valuation sheet and included in the permitting packet.

Councilmember Brooks spoke relating to delaying adopting the codes to allow for public, including a licensed contractor, review and input; wanting input from Councilmember Hughes on the grading ordinance; and, the need to try to enhance commercial interest and development. She also asked if the demolition requirement applies to portable structures, if the Town will accept a survey that is 50 years old, and if weeds in Town rights-of-way will be kept to six inches so that everyone is held to the same standard. In response, Mr. Roberts and Mr. Hanks stated that demolition permits do not apply to portable structures and the Town will accept an existing survey as long as the corner markers can be found; if there are at least three points, and the building is within the square line of the three points it will be accepted. In response to Councilmember Brooks, Mr. Roberts clarified that the fee collection reference was previously adopted, noted that the grading ordinance is the same as in the past, and spoke to a commercial plan in the codes and nothing being changed in the Mechanical, Plumbing or Fire code books. Councilmember Brooks and Mr. Roberts discussed having contractors review and provide feedback on the codes.

In response to Mayor Nolan, Mr. Roberts confirmed that notice was sent to contractors through the Arizona Contractors Association that the codes are changing. Mr. Roberts attended most of the meetings, and no contractors attended them; he has discussed the codes with contractors in the Town.

Councilmember McBrady spoke relating to moving too fast with the codes, advertising in the newsletter that the Town is looking at the codes, and going step by step in the review. Councilmember McBrady also spoke relating to his history with building, codes being a major change, requirements for engineering, codes being used as a weapon against citizens, and the need for public input. Councilmember McBrady also spoke relating to keeping the Town more rural and keeping things simpler and easier to build. Councilmember McBrady and Mr. Roberts discussed the number of changes, engineering requirements, and the requirements for foundations changing.

Vice Mayor Wendt spoke relating to taking time with the codes, wanting community participation, taking a section of the codes at a time to get input, and including information in the Town's newsletter.

Councilmember Lance spoke relating to seeing changes to the codes being put in the Town's newsletter, agreeing that the section allowing an adjoining neighbor to institute an action to prevent, abate or remove a violation being excessive; and, relating to the requirements for weeds, that the Town is looking at requiring three

complaints in order to cause the Code Enforcer to address an issue, and it needs to be included in the codes. Councilmember Lance and Mr. Roberts discussed information to include the newsletter.

Councilmember Collins spoke relating to understanding that the codes will require an electrical outlet in garages for each vehicle space; Mr. Roberts responded that it will not be in the codes. Councilmember Collins also spoke relating to weeds not being defined, and, having not had a requirement before, it being excessive; at the December 9, 2014, Council Meeting, the packet materials included a cost analysis and a list of what the changes were; and, the last time there was a code update, there was a presentation online for people to review. Mr. Roberts responded that if there is electrical in the garage, one outlet and one switch are required.

Vice Mayor Wendt spoke relating to keeping the requirement related to weeds in the codes until the Council has received public input on it. Councilmember Lance spoke relating to including the three-complaint requirement in the codes, with the provision relating to the weeds.

Nancy Wright spoke relating to Section 113.3 of the Codes, Board of Adjustment, who must be on the Board of Adjustment, and that her son, an electrician, recommends adopting the 2018 electrical codes.

Clinton Cardlin spoke relating to his experiences with building in the Town, including there being foundation and electrical issues; unlicensed contractors doing work throughout Yavapai County; and, a need to do something to help homeowners. He also spoke relating to mold issues; calling the Registrar of Contractors (ROC) to report unlicensed contractors; and, his support of a lot of the codes. Vice Mayor Wendt left the dais at 9:38 p.m. Councilmember Lance spoke relating to hoping that he will be here helping as the Council reviews the codes. Vice Mayor Wendt returned at 9:40 p.m. Councilmember McBrady and Mr. Cardlin spoke regarding there being problems with licensed contractors also; the responsibility for backing up the homeowners; the responsibility of homebuilders; a recovery fund through the ROC for work done by a licensed contractor; and the Town's responsibility for a building that passes inspections.

Len Marinaccio spoke relating to drawing a distinction between updating codes and having qualified work being done as they are separate issues; his experience in going through the ROC due to a problem with a licensed contractor; so much of the Town being built when the area was lax about building standards; and, electrical outlets in garages due to electric cars.

In response to Councilmember McBrady, Mr. Marinaccio said that he would not want to see the Town requiring individuals to bring their home up to code; he spoke relating to being out of code is a safety issue; and, another Town that was condemning house after house.

Vice Mayor Wendt moved to extend the meeting until 11:00 p.m.; seconded by Councilmember Lance. There was consensus to extend the meeting.

Leigh Cluff spoke relating to the Council not being able to talk back to her, but there being conversation with speakers tonight. Vice Mayor Wendt spoke relating to being unable to respond during public comment, and Councilmember Lance spoke relating to being able to ask clarifying questions.

Gary Mortimer spoke relating to his experience being a licensed contractor; needing public involvement; having more codes and rules not fixing the problem; and examples of builders, with architects, engineers and having inspections done, who have problems with homes and he and his employees building a house with no problems. Councilmember Lance spoke relating to people who don't take pride in their job not doing a good job, and the need for apprentices on jobs.

Vice Mayor Wendt moved to take a fifteen-minute break; seconded by Councilmember Brooks. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – absent; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

The meeting recessed at 9:55 p.m. and reconvened at 10:10 p.m. Councilmembers Brooks, Collins, Lance, McBrady, Vice Mayor Wendt and Mayor Nolan were present. Councilmember Hughes was absent.

D. Discussion of the Code Violation Complaint Policy and Complaint form, including complainant residency requirement, requiring the complainant to indicate how the violation impacts the complainant (smell, sight, safety, danger), the distance from the complainant to the problem, and if the problem is within the complainant's constant sight (24/7) (CAARF – Councilmember Brooks)

Councilmember Brooks introduced the item and stated that the code violation form needs to be revamped. She spoke relating to the form having an area to mark whether they are a resident; complainants addressing how they are impacted, if it is constant or a seasonal issue, if it is a safety issue, how far they are from the issue; and, that these areas on the form need to be filled out. She also spoke relating to this providing the code enforcement

officer a better guideline on what the issue is.

Mayor Nolan spoke relating to the existing form calling for the name and address, and the other fields that are in the form, and asked if that is all-inclusive on what the request is. Councilmember Brooks spoke relating to the items that she wants to be included on the form, as noted above; and, that complaints from people who don't live in Town should not be valid.

Councilmember McBrady spoke relating to the Town's process of allowing anonymous complaints; Mr. Hanks stated that names and addresses are included on the form, but are redacted, and, that anonymous complaints were a previous Council directive.

Councilmember Lance spoke relating to not allowing anonymous complaints, transparency, and there being three complainants before anything in writing is sent to the homeowner.

Vice Mayor Wendt spoke relating to agreeing with the changes being discussed, requiring a formal letter from neighbors, and, there being a lack of enforcement and no follow-through.

Kay Bigelow, Town Attorney, spoke relating to it being a public records violation to remove the name of complainants, and changing the elements of the offense in the ordinance or the enforcement policy. A policy change would be to not enforce certain things unless criteria is met, such as proximity to the problem or residency.

Vice Mayor Wendt spoke relating to moving forward with the item as discussed. Ms. Bigelow spoke relating to giving Council examples. Mr. Hanks spoke relating to the code, policy and form, and having staff work with the Town Attorney to bring forward options for the Council to consider.

Councilmember McBrady spoke relating to the complaint having to be of a violation of the code or an ordinance.

Councilmember Brooks spoke relating to a letter being sent around for signatures not qualifying as separate complainants.

Nancy Wright spoke relating to transparency in government being to hold government officials accountable, not removing privacy rights; everyone needing to fill out the form and the names being redacted to prevent neighbors from retaliating against neighbors; national security issues telling people that if they see something, they should say it; and, it being unreasonable to require three complainants.

Leigh Cluff spoke relating to due process; her experience years ago with a complaint against her and finding out after it was complete who had complained; getting to know a person before complaining; and, taking the time to find out what the problem is and helping each other.

Councilmember Collins spoke relating to the three-household rule being used in New York City to cut down on frivolous complaints.

E. 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 (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and spoke relating to the Design and Development Standards code being in place since 2008; the code being ignored on Omega Drive; and, there being a need for affordable structures for commercial users.

Mayor Nolan spoke relating to there being nothing saying that steel buildings can't be used. Mr. Hanks spoke relating to the code being for the purpose of keeping the rural environment and recommended sending this to the Planning and Zoning Advisory Commission ("P&Z") to review.

Councilmember Collins spoke relating to her suggested changes and the existing code requirements specifying styles; and, the code being limiting to individuals.

Mayor Nolan spoke relating to the code being approved to require those styles on the front of the building. Councilmember Lance spoke relating to Omega Drive; Mayor Nolan responded that there is 12 feet of fence screening.

Vice Mayor Wendt spoke relating to sending this to P&Z and being more descriptive on allowing steel buildings, and the new Museum building. Mayor Nolan stated that the Museum indicating that they would have a façade on the steel building.

Councilmember Brooks spoke relating to having set a precedent because of the building on Omega, a precedent creates grounds for legal ramifications, and there not being a lot of commercial pre-fabricated steel buildings.

She also spoke relating to P&Z not needing to look at this, but to just move forward with it. Ms. Bigelow spoke of this needing to go back to P&Z because it is part of the zoning regulations, and P&Z needing direction on enabling steel or trying to remove the architectural styles in the code.

Councilmember Collins spoke relating to the code requiring the same color, everything having to be similar, the setbacks having to match, and these not being rural requirements.

Mayor Nolan spoke relating to sending it back to P&Z to come back with a recommendation. There was general consensus to do so.

Councilmember Lance spoke relating to landscaping, and not being able to require the color or façade of steel buildings.

Nancy Wright spoke relating to the code section (B) leaving flexibility.

Mayor Nolan spoke relating to the building on Omega and the outside plan review being responsible and not knowing the Town's codes. Mayor Nolan stated that it will be sent back to P&Z to look at.

Councilmember Collins spoke relating to Use Permit procedures in other towns; Mr. Hanks stated that he will look into the Town's process and pre-application meetings.

Councilmember Lance moved to extend the meeting to midnight; seconded by Vice Mayor Wendt. Motion passed on a voice vote 4-2. CM Brooks – aye; CM Collins – aye; CM Hughes – absent; CM Lance – aye; CM McBrady – nay; VM Wendt – aye; Mayor Nolan – nay.

F. 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 (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and stated that the Design and Development Code requires everything to be the same texture, materials, and color, and includes setback and screen requirements. The requirements are covered in other codes; Mr. Hanks stated that it may be best to have P&Z review it. There was general consensus to send this to P&Z to work on.

G. Overview and Discussion of the proposed Fiscal Year 2019/20 Accountability Agreement for agencies receiving funding from the Town (Staff CC)

Mr. Hanks stated that the accountability contracts are because groups requested funding for specific functions; they are based on previous years' contracts. The contracts will be brought back to Council for formal approval. In the past, the Town has not done an accountability contract with the Prescott Area Wildland Urban Interface (PAWUIC); staff is looking into preparing an acknowledgment and receipt for PAWUIC.

Councilmember Lance spoke relating to the Town reaching out to the agencies to see if they wanted to receive funding, and, that it should be the agencies' responsibility to approach the Town to request funding.

H. Town Manager update and discussion on the Business License ordinance. Discussion may include a timeline of events that need to take place prior to implementation, statutory notice requirements, fees, and requirements to include in the ordinance (Staff CC; from the July 2 and July 16, 2019 Regular Meetings)

Mr. Hanks stated that Council previously directed staff to proceed with drafting a business license ordinance; as part of that ordinance, fees need to be established and posted prior to ordinance adoption. Council previously discussed a \$25 annual fee for a business license. Staff will need to start advertising the fee.

Councilmember Lance spoke relating to the Council agreeing on \$25 for the business license fee and \$10 for the peddlers license. Mr. Hanks noted that a summary of surrounding jurisdictions' fees was placed at the dais for Council review.

Mayor Nolan spoke relating to the business license fee being \$25 and will be renewed every year.

Councilmember Collins spoke relating to a newspaper article about the City of Prescott considering repealing their business license ordinance; she will leave the article with staff to copy and provide to Council.

I. Town Manager update and discussion on the Peddlers License ordinance. Discussion may include a timeline of events that need to take place prior to implementation, statutory notice requirements, fees, and requirements to include in the ordinance (Staff CC; from the July 2 and July 16, 2019 Regular Meetings)

Mr. Hanks stated in addition to license fees, a peddlers license ordinance must demonstrate that it will protect the health and safety of citizens, and hold a public hearing. This will not go into effect at the same time as the business license ordinance. Staff will work with the Town Attorney to ensure compliance with state statute.

Councilmember Lance asked Gary Mortimer, Mortimer Farms, if a \$10 fee would hinder participation at events or if it is an appropriate amount. Mr. Mortimer responded that it is reasonable.

Councilmember Lance spoke relating to activities such as children doing summer jobs, and not banning that activity with the ordinance. In response, Ms. Bigelow stated that how peddler is defined in the ordinance will determine it, and asked Council feedback on if a company hires people to work for them, if each worker would be required to get a license, or if there is one for the company.

Councilmember Brooks spoke relating to special events, some jurisdictions charging daily fees, and it needing to be defined in the ordinance; Councilmember Lance spoke relating to that situation having an event fee of \$25 plus a \$10 peddlers license fee, rather than a daily fee. Ms. Bigelow stated that it will be defined the way that Council wants it to be defined. Councilmember Lance spoke relating to staff meeting with the Agua Fria Festival organizers and the Mortimers to see how they charge people, to help in determining the fee.

Leigh Cluff spoke relating to school children bringing pamphlets to order candy, and whether that is considered selling.

Councilmember McBrady spoke relating to somebody going to a festival and handing out material, and if that would require a peddlers license.

Councilmember McBrady clarified the outcome of agenda item 3.D.; Ms. Bigelow stated that the deliverable is to return with examples.

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 relating to the use of a hatchet or tomahawk as a gavel, and it being offensive to people; people have been intimidated and have left Council meetings; and, her hope that Council will do whatever it takes to stop it.

Nancy Wright spoke relating to having public comment at the beginning of meetings; transparency being the Council's obligation to share information with the public; discussions held in Executive Sessions, and nothing being said in public and the impression it gives; the Open Meeting Law permitting Executive Sessions but not requiring them; and, transparency being important for citizens having confidence in outcomes.

Gary Mortimer spoke relating to thanking the Council and staff.

5. Adjourn.

The meeting was adjourned at 11:17 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
OCTOBER 1, 2019, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 1, 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** Councilmembers Karen Brooks, Lynn Collins, John Hughes, and Vice Mayor Victoria Wendt were present. Councilmember Amy Lance and Mayor Terry Nolan were excused; Councilmember Mark McBrady was absent.
3. **Pledge of Allegiance** Audience member Jack Hamilton led the Pledge.
4. **Invocation** Given by audience member Leigh Cluff.
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. Discussion and Presentation of the 2018 Volunteer of the Year Award to Mike and Ronnie Donovan and Certificate Presentations to the 2018 Volunteer of the Year nominees: Leigh Cluff, Tom Mallette, Ken Dolan, Jeffery and Karen Whitman, Paul Mangarella (deceased) and Denise Rogers.

Vice Mayor Wendt spoke to the 2018 Volunteer of the Year nominees and winners, and presented certificates to nominees Leigh Cluff and Tom Mallette, who were present, and to the 2018 Volunteer of the Year, Mike and Ronnie Donovan; their names have been added to the plaque in the Town Hall lobby.

C. Proclamation – declaring October, 2019, as Domestic Violence Prevention Month

Vice Mayor Wendt read a proclamation declaring October 2019 as Domestic Violence Prevention Month.

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 and requested that a Council Agenda Action Request Form (CAARF) form be submitted to have the Town Manager have meetings at Town Hall, with Councilmembers if they want to attend.

Jack Hamilton spoke relating to advice from Kay Bigelow, Town Attorney, on the General Plan re-adoption and Council considering releasing information from Executive Session; Council has been trained in Open Meeting Law and has a signed a statement; attorneys being censured for ethical violations, not bad advice; and, Ms. Bigelow does a lot of different types of law and does not specialize in Town law as did the last Town Attorney.

Gary Mortimer spoke relating to Ms. Bigelow, his thought of her doing a good job and being respectful to the Community, and thanking the Council for hiring Ms. Bigelow.

7. **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 General Plan Update process

Ed Hanks, Town Manager, reported that the Request for Qualifications (RFQ) for consultants will be closed on

November 1, 2019. Staff hopes for Council review and award of the RFQ on November 19, 2019.

B. Town Manager's Report on the status of the new Town Hall building, to be located at 12938 East Main Street

Mr. Hanks reported that staff sent out the Request for Proposals (RFP) for architectural design and met with four architects; responses are due on October 2, 2019. The responses will be brought to Council at the October 8, 2019, Study Session for review and staff hopes to have Council award the RFP on October 15, 2019. Staff has met with utility companies and is working on a land survey for the property.

8. General Business Discussion and possible legal action may be taken.

Vice Mayor Wendt asked to move agenda item 8.E. to the beginning of the agenda. There were no objections.

E. Discussion and possible action to approve a presentation by Robert Houle from APS (Arizona Public Service Company) on the issue of power outages in Humboldt (CAARF – Mayor Nolan)

Vice Mayor Wendt stated that Mayor Nolan submitted a CAARF for Council to hear a presentation from Robert Houle from APS on the issue of power outages in Humboldt.

Councilmember Hughes moved to approve and listen to the presentation from Robert Houle; seconded by Councilmember Brooks. Motion passed on a voice vote 4-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – excused; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – excused.

E1. If approved by Council, presentation by Robert Houle from APS on the issue of power outages in Humboldt

Robert Houle, APS, spoke relating to going into the fire mitigation season; APS has distribution lines that run throughout the community; a storm coming through and the line going to the ground, the line sees the ground as earth and releases energy into the ground. In the event that something happens to a line, the system de-energizes. When this happens, APS inspects each section of that line, which could be anywhere from 10 to 80 miles to ensure the safety of the community and environment before re-engaging power. A particular feeder, PJ01 comes into the Town and goes up through Breezy Pines; what is happening in the mountain may impact what is happening downstream. As of September 30, 2019, APS is out of fire mitigation; PJ01 is back in normal configuration, and people will see a flicker rather than an extended outage. There is technology that can be installed on the wire that will alert APS as to where a fault is, which shortens the inspection time. APS has a group of individuals patrolling the feeders around the Town to see if there is any equipment that can be upgraded to minimize impact. Coming out of mitigation, he looks for more reliable service coming out of APS.

Councilmember Brooks spoke relating to Lazy River Acres having a number of outages during good weather and people on oxygen being unable to use their concentrators. Mr. Houle stated that is a mitigated feeder, and whatever is taking place upstream affects downstream. The quad-cities led the state in lightning impacts; when individuals patrolling identify something, a crew has to come out for repairs. Councilmember Brooks spoke relating to the microburst on August 28, and commended APS for their response.

Councilmember Hughes thanked Mr. Houle and requested that he get the address of an audience member. Mr. Houle indicated that he has been in contact with them.

Jack Hamilton spoke relating to appreciating what APS has done, and asked if APS has a way to let people know when there is a scheduled outage. Mr. Houle responded that people should be identified through a roster if it will be longer than one hour.

In response to an audience member, Mr. Houle clarified the difference between mitigation and a planned outage.

Jim Coggins spoke relating to meeting with Mr. Houle and Mayor Nolan about 343 homes that have been impacted; in the last three weeks seeing more APS trucks on his street than in the time he has lived there; not being done with this if it doesn't stay better like it currently is. He also spoke relating to not having power for 10 days out of a 51-day period; needing cooperation between APS and the Council to rectify the situation; and, the Post Office sending everything to the other Post Office because there is no power.

Vice Mayor Wendt asked if it is possible to override and redirect the power; Mr. Houle responded that it is not possible, explained who is involved in determining the mitigation and APS high-risk feeders to eliminate fire potential, and discussed where the impact came from over the past three weeks.

In response to Councilmember Brooks, Mr. Houle stated that APS can only keep trees back 10 feet on each side of the line, and confirmed that neither APS nor the Forestry Service can keep the trees back far enough.

A. Discussion and possible direction from the Town Council to the Town Attorney on the provisions of the draft ordinances establishing business licenses and peddlers' licenses (Staff CC)

Ms. Bigelow stated that tonight's item is to get Council feedback on the draft ordinances. She provided an overview of the business license ordinance, including a business license being required for any business activity; the business license being \$25 per year; a list of exemptions, including casual yard sales, churches, schools, and other entities in the draft ordinance; and, a license is required prior to conducting business and for each kind of entity that an individual has. If a license is applied for in the last quarter of a year, it would run for the next year so that they are not paying in the last quarter and then again in January. The ordinance includes items that can cause revocation and licenses are non-transferrable.

Councilmember Collins spoke relating to casual sales being defined as being on no more than three separate occasions. Ms. Bigelow confirmed that it needs to be casual; it can't be held every Saturday because it is no longer casual; the definition goes along with what is taxed by transaction privilege tax requirements. Councilmember Collins spoke relating to the number of casual sales she had when she first moved and people using casual sales to make ends meet. Ms. Bigelow responded that the number is a placeholder and the Council may want to change the number. Councilmember Collins and Ms. Bigelow discussed more firmly defining the word "occasion" in the ordinance.

Councilmember Brooks spoke relating to casual sales, gave an example of having yard sales while also posting a vehicle for sale, where people are not coming in mass to the house, and about the ordinance making distinctions in cases like this. She spoke relating to violations resulting in the loss of license, of the Town trying to clean up codes and penalties, and not using a Town license as a punishment.

Ms. Bigelow spoke relating to the ordinance anticipating that applications will go to the Fire district to review licenses, which could require individuals to put in fire alarms and other safety measures. Some home businesses that may not have gotten a permit may be impacted. She also spoke relating to types of businesses where people come in one at a time, those where nobody would come to the house, and asked Council if it makes sense to have a fire review for the license. Vice Mayor Wendt spoke relating to the Town's existing home occupation permit in the codes. Mr. Hanks stated that a permit is required for home occupations, and discussed looking at the number of people coming in and whether a fire safety inspection is required; the number who have applied for a home occupation permit is very few.

Councilmember Brooks asked if the Town has codes that cover this, rather than being connected to business licenses. Ms. Bigelow stated that the ordinance requires going through the permit process. Councilmember Collins spoke relating to the home occupation permit code requiring it to not look like a business, people not wanting to apply for a permit due to the number of conditions imposed, and it not being business-friendly.

Councilmember Brooks spoke relating to looking at the home occupation permit code at the same time as the business license ordinance, and making it as customer-friendly as possible. Councilmember Collins spoke relating to other towns having business incubators; the Town has them, but they are hiding due to code requirements. Ms. Bigelow spoke about home-based businesses and the different levels of impact, conditions for home-based businesses, and the state legislature looking into the issue.

Ulys Brooks spoke relating to businesses needing to pay for both a home-based business permit and a business license being double-taxation. Ms. Bigelow stated that if the Council wants, the business license fee could be comped if an individual pays for the home occupation permit.

Jack Hamilton spoke relating to non-local businesses also being required to get a license; Prescott using their license to build a directory of businesses that nobody used; the Town not being able to collect financial information on businesses; the Town being complaint-driven and someone needing to file a complaint; and, putting a burden on everyone to have to come in to fill out the form, and on the Town to verify the information and being liable if a license is issued for a fraudulent business. He also spoke about the Code Enforcement Officer enforcing the ordinance; the amount of time it will take to enforce the ordinance; business licenses not being community enhancement; people will find it oppressive; and, the cost of going to Court to enforce the ordinance.

Councilmember Collins spoke relating to business licenses providing valuable demographic information.

Councilmember Hughes spoke relating to it not working in Prescott; Prescott established business licenses to see the group homes in the City; Prescott getting rid of their ordinance; Council having more pressing things to do; the ordinance requiring Police to enforce it; and, stipulations that can be brought against people. He also spoke relating to the existing home occupation permit and the Town not knowing how many there currently are.

Councilmember Collins spoke relating to the peddlers license ordinance, which requires the Sheriff to enforce it; Ms. Bigelow responded that the Council will determine who will enforce it, such as Finance or Code Enforcement, and spoke of determining whether violations should be criminal or civil, and of being able to get the categories of businesses who pay taxes. Councilmember Collins continued, speaking relating to Town Code § 10-99 of the code, its history and relying on it for penalty provisions.

Councilmember Brooks spoke relating to going back and working on the codes first and then determining if the Town needs a business license; trying to get a business directory in other ways; and, of putting these off instead of trying to mandate them by January 1, 2020. Councilmember Collins spoke relating to starting with the home occupation permit code. Vice Mayor Wendt concurred with Councilmember Hughes and spoke of putting this to bed for a while and working on other items first.

Mike Donovan spoke relating to using Google Maps to query businesses in the Town; using Google Maps, he got a list of 500-600 businesses. Vice Mayor Wendt requested Mr. Donovan share the list with Mr. Hanks.

Tom Mallette spoke relating to having three licenses already and not needing any more; and, the way it is written, with a bond required, no vendors will come to the Town.

Gary Mortimer spoke relating to being concerned about outside companies, vendors and contractors who should be paying local sales tax, and what the Town can do to ensure that taxes are paid. Ms. Bigelow responded and spoke of the state taking on sales tax collection, a statewide conversation about prime contractor tax, and the state being responsible for enforcement and ensuring that taxes are paid and go to where the work is being done.

Councilmember Hughes spoke relating to realtors not being required to have a business license if their office is not located in the Town.

Councilmember Hughes moved to table this and go back to it in a year, and in this time to go back and get some ideas with that [on proceeding]; seconded by Councilmember Collins. Motion passed on a voice vote 4-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – excused; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – excused.

B. Discussion and possible action relating to the Mayor's use of a tomahawk as a gavel (CAARFs – Councilmember McBrady and Councilmember Brooks)

Vice Mayor Wendt moved to table this for another meeting where the Mayor will be present in order to defend his use or provide an explanation as to the use. Councilmember Brooks stated that she was one of the CAARF initiators and she has no problem tabling it. Councilmember Hughes seconded the motion. Motion passed on a voice vote 4-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – excused; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – excused.

C. Discussion and possible action relating to establishing a provisional or emergency permit code (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and stated that it relates to Mr. Orr's attempt to do an emergency driveway, and there being a need to have a provisional or emergency permit. She spoke of floodplains in the Blue Hills, and would feel safer with something in place.

Vice Mayor Wendt spoke relating to the reason that the permit is at a standstill is that it is a designated FEMA wash and the extensive process involved; and, requested Ms. Bigelow give a possible explanation of what would happen in the event of a forest fire. Ms. Bigelow responded that if the Town is in a situation with an imminent danger to life, a permit is not needed; the Town would be able to do whatever is needed. There is not anything that can be done in the Town Code that would trump Flood Control District requirements.

Vice Mayor Wendt clarified that if there is an emergency, the Town would blade through and later take the property back to its original condition. She spoke relating to the Town working closely with the Flood Control District, suggested that Firewise write a grant for the emergency driveway and establish an advocacy group to approach the Flood Control District, and that an emergency permit would not have helped in this situation.

D. Discussion and possible action relating to Executive Sessions, including amending Dewey-Humboldt Code of Ordinances § 30.103, and adopting new guidelines about what is allowed to be discussed in Executive Sessions, as authorized by A.R.S. § 38-431.03 and Code § 30.103 (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and stated that the Council sometimes overdoes the Executive Sessions; while the law says that the Council can have Executive Sessions, maybe it shouldn't be done all the time; and, she wanted to bring it forward for Council and the public to have a say on it. She has heard from the public about Executive Sessions.

Vice Mayor Wendt requested Ms. Bigelow discuss Executive Sessions. Ms. Bigelow stated that the least restrictive reasons are in state law; the Council could have more restrictive guidelines than state statutes, but there would be no opportunity to waive it if it is an ordinance. Ms. Bigelow also spoke about when Executive Sessions are appropriate and lawful and gave examples; Council could designate types of discussions that they would like to be on the public agenda or Executive Session; and, that Council shouldn't feel like they are sneaking something by if they are following the law.

Councilmember Collins spoke relating to people not being happy with Executive Sessions; the Town of Jerome doing interviews in public; and, before, agendas did not allow for public comment prior to Executive Session, while now they do.

Vice Mayor Wendt spoke relating to it being the Council's decision, by majority vote, as to whether or not to go into Executive Session. Ms. Bigelow stated that the Council always has a choice of whether or not to go into Executive Session; Executive Sessions are allowed because the state recognizes that there are particular items where letting the other side have information may hurt the Town.

Jack Hamilton spoke relating to that while there is a right to get legal advice in Executive Session, the debate and discussion needs to happen in open session.

Leigh Cluff spoke and agreed with Mr. Hamilton; she discussed residents having the right to know as it is their money; and, that the Town Hall building should have been discussed in open session and that there is still no lease agreement in place.

E. Discussion and possible action to approve a presentation by Robert Houle from APS (Arizona Public Service Company) on the issue of power outages in Humboldt (CAARF – Mayor Nolan)

E1. If approved by Council, presentation by Robert Houle from APS on the issue of power outages in Humboldt

Items taken out of order. See page 2 for discussion.

F. Discussion and possible direction to the Town Attorney relating to the Dewey-Humboldt Code of Ordinances § 30.086, Attorney-Client Relationship, and Public Body Rules of Policies and Procedures, PG TC13-01, Parameters of Obtaining Legal Services, including requesting advice on best practices and directing the Town Attorney as needed (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and spoke relating to not knowing that the Town has these regulations, and said that if everyone is happy with it, it is fine; if not, maybe there should be an ordinance. A lot of the regulation is what she had in mind.

In response to Councilmember Collins, Mr. Hanks clarified that it is a Policy and Guideline that was approved by Council a number of years ago.

Councilmember Brooks and Councilmember Hughes spoke relating to the Policy and Guideline referencing a previous version.

9. Executive Session – Executive Session not held.

Vote to recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for discussion and consultation for legal advice with the Town Attorney relating to the Dewey-Humboldt Code of Ordinances § 30.086, Attorney-Client Relationship, and Public Body Rules of Policies and Procedures, PG TC13-01, Parameters of Obtaining Legal Services

Close Executive Session/Reconvene Regular Meeting

10. Discussion and possible direction to the Town Attorney relating to the Dewey-Humboldt code of Ordinances § 30.086, Attorney-Client Relationship, and Public Body Rules of Policies and Procedures, PG TC13-01, Parameters of Obtaining Legal Services, including requesting advice on best practices and directing the Town Attorney as needed

Discussion took place under agenda item 8.F.

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

No discussion was held.

12. Adjourn The meeting was adjourned at 8:17 p.m.

ATTEST: _____

Victoria Wendt, Vice Mayor

Timothy A. Mattix, Town Clerk

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CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **November 19, 2019**

Consent Agenda Item: **8.C.**

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

Subject:

Consent Agenda Approval of the floorplan of the new Town Hall building to be located at 12938 East Main Street.

Background:

At the November 12, 2019 Study Session, Council reviewed the proposed floorplan for the new Town Hall building. Council consensus was to bring the floorplan forward at a Regular Council Meeting for a formal vote.

The floorplan:

- Is 4,875 square feet, allowing for future growth;
- Includes space for the Yavapai County Sheriff's Office;
- Features separate entrances for the Council Chambers, Court, Sheriff's Office and Town Hall administrative offices;
- Includes dedicated conference rooms, storage rooms, and an employee break room.

Approval of the floorplan will allow Town staff to proceed with next steps, such as moving forward with design and permitting of a septic system.

Since the Study Session, the floorplan has been updated to reflect current staff names, offices have been rearranged to facilitate operational needs, and the two rooms in the Sherriff's Office have been moved as discussed at the Study Session.

Financial Impact:

There is no cost associated with approval of the floorplan. As the overall project moves forward, cost information associated with the design and construction will be provided to Council.

Direction Requested:

Staff is seeking Council approval of the floorplan.

Suggested Motion:

For: I move to approve the floorplan for the new Town Hall building to be located at 12938 East Main Street.

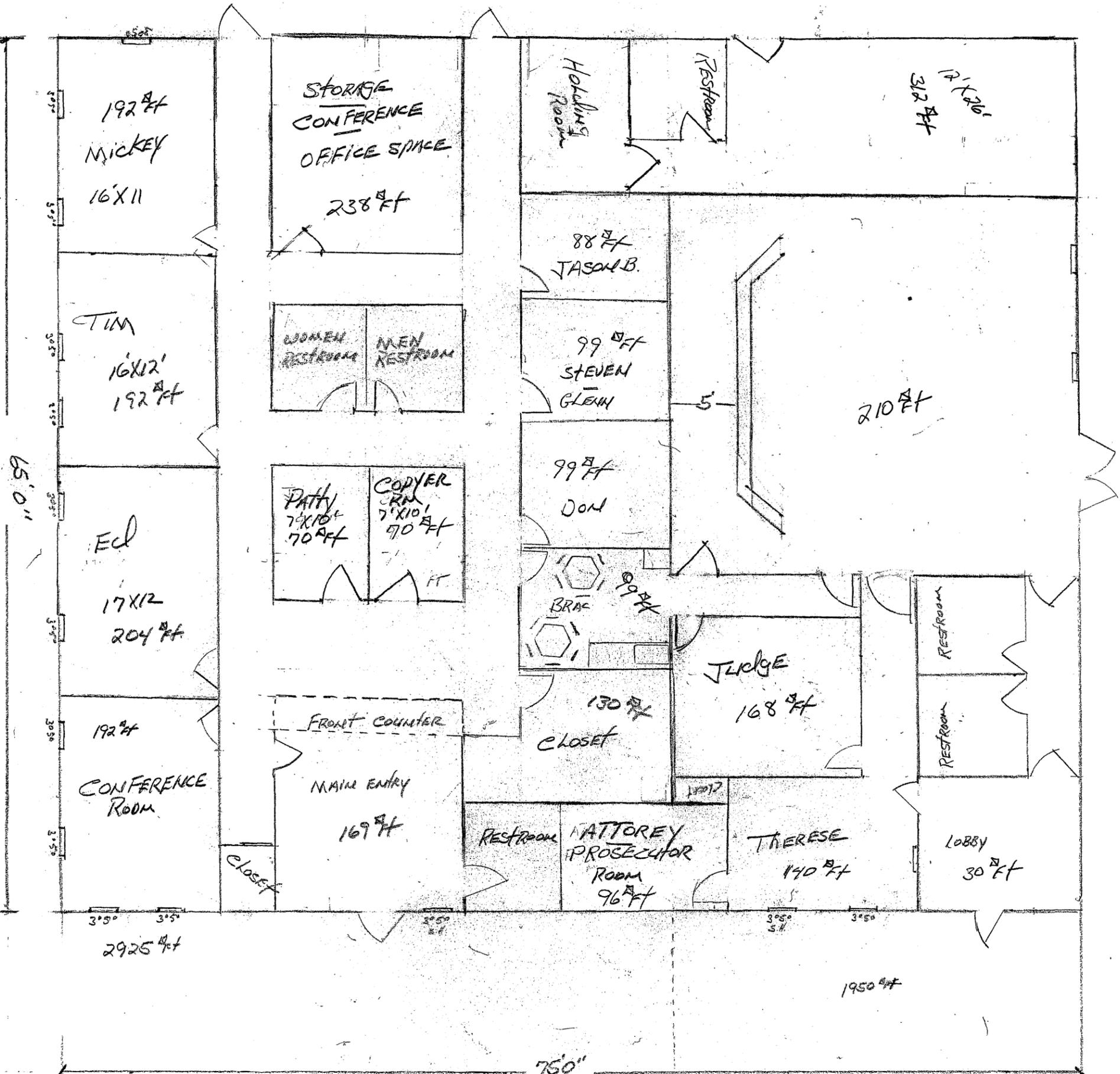
Against: I move to deny the floorplan for the new Town Hall building to be located at 12938 East Main Street.

Attachments:

Floorplan

DRAFT ONLY

March, 2017



HALLWAYS 4'ft in width

FRONT STREET

ADDRESS 12928 E. MAIN ST.

SCALE 1/8" = 1'ft

TOTAL SQ. FT 4875



COUNCIL COMMUNICATION

Regular Council Meeting Date: **November 19, 2019**

Agenda Item: **10.A.**

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

Subject:

Discussion and possible action to approve the Consent, related to the Yavapai County Free Library District holding for an upcoming series of educational events at the Dewey-Humboldt Town Library relating to growing and producing wine that will include wine sampling.

Background:

The Dewey-Humboldt Town Library has approached the Town regarding a series of events relating to grape growing and producing wine that the Library would like to host. As part of the events, there will be a sampling of wines.

Because the events would be outside of the parameters of the current intergovernmental agreement for Library services, the Library is requiring written Council approval.

Financial Impact:

None.

Direction Requested:

Staff is seeking Council direction on the proposed consent.

Suggested Motion:

For: I move to approve the Consent with the Yavapai County Free Library District.

Against: I move to deny the Consent with the Yavapai County Free Library District.

Attachments:

Consent

TOWN OF DEWEY-HUMBOLDT CONSENT AND AGREEMENT

This Consent and Agreement is made and entered into effective December 1, 2019, by and between the Town of Dewey-Humboldt, a municipal corporation of the State of Arizona (hereinafter the "TOWN") and the Yavapai County Free Library District, a political taxing subdivision of the State of Arizona (hereinafter the "DISTRICT"). TOWN and DISTRICT may each be referred individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the TOWN AND DISTRICT entered into an Intergovernmental Agreement (hereinafter "IGA" or "Agreement") on July 1, 2017.

WHEREAS, unless otherwise changed herein, this Consent and Agreement does not change any terms or conditions in the IGA.

WHEREAS, the TOWN agrees in the IGA to provide to DISTRICT, at no cost to the DISTRICT, an appropriate space that is suitable for library services (hereinafter the "Library Premises").

WHEREAS, the TOWN and DISTRICT acknowledge and agree that all of the terms of the IGA are in full force and effect, but this Consent and Agreement is dependent on the addition or proof that the DISTRICT has secured the type of insurance coverage as set forth below and provided proof of the same to the TOWN as well as the extension of the DISTRICT's obligations to indemnify the TOWN as set forth in the IGA is extended to the DISTRICT's invitees, volunteers, and staff (paid or not).

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and conditions set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TOWN and DISTRICT, intending to become legally bound, hereto agree as follows:

- I. TOWN's Obligations.** TOWN hereby provides its written consent and acknowledges and agrees to the following:
 - Community Connections monthly gatherings that educate the community that are offered at the Library Premises is a library service authorized under the IGA.
 - A Community Connections three-part series wine and grape class is a library service.
 - DISTRICT is authorized to use the Library Premises for a three-part series grape and wine class so long as DISTRICT obtains all necessary permits and licenses and the Liquor Liability coverage as set forth in Section II. The three-part series wine and grape class is as follows:
 - December 12, 2019: Basic Grape Growing and Wine Making in Dewey-Humboldt.
 - January 9, 2020: Wine Regions of the World - Old & New.

- February 13, 2020: Experiencing the wine - Food & Wine pairing where there will be five wines with 1 oz pour for each participant = a total of 1 glass of wine (5 oz.) for participants that are at least 21 years of age and that there will be food to match and enhance the flavor of each wine.

II. DISTRICT’s Obligations. DISTRICT hereby agrees to the following covenants as predicates to the TOWN’s Consent:

- DISTRICT agrees that the invitees, volunteers and staff, whether paid or not, who coordinate, teach or attend the Grape and Wine Classes are parties included in the term DISTRICT for purposes of the DISTRICT’s indemnification obligation set forth in the Parties’ IGA.
- DISTRICT will secure, and provide proof to the TOWN through a Certificate of Insurance sent to the Town Manager, Liquor Liability coverage as set forth below at least five (5) business days before the first class set forth above. Liquor Liability Coverage shall be provided either through a separate policy or a special endorsement upon the public entity liability policy obtained by the DISTRICT. Such coverage shall be in a minimum amount of Two Million Dollars (\$2,000,000) per occurrence. DISTRICT will maintain said coverage or the ability for claims to be made on the coverage for at least 24 months from the end of the classes.

IN WITNESS WHEREOF, the Parties hereto have caused this Consent and Agreement to be executed by its duly authorized officials and have affixed their signatures to this Agreement on the date written below.

TOWN: Town of Dewey-Humboldt, a municipal corporation of the State of Arizona

Mayor Date

ATTEST:

Town Clerk Date

DISTRICT: Yavapai County Free Library District, a political taxing subdivision of the State of Arizona

Randall W. Garrison, Chairman Date
Board of Directors

Town of Dewey-Humboldt Consent

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **November 19, 2019**

Agenda Item: **10.B.**

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

Subject:

Canvass the results of the Special Election held on November 5, 2019, for the purpose of granting a franchise to the Arizona Public Service Company (APS).

Background:

The Town held a Special Election on November 5, 2019, for the purpose of submitting to the voters the question of granting a franchise to APS, in accordance with the franchise agreement.

State law requires the governing body to canvass the election results not less than six days nor more than 20 days following an election and specifies the information that must be included in the canvass. Once the Council canvasses the election results, the results will become final, official results.

The attached canvass was prepared by the Yavapai County Elections Department and meets all statutory requirements for a canvass.

Financial Impact:

None.

Direction Requested:

Staff is seeking Council approval of the official canvass.

Suggested Motion:

For: I move to approve the canvass of results of the November 5, 2019, Special Election.

Against: I move to deny the canvass of results of the November 5, 2019, Special Election.

Attachments:

Canvass

Elections
Lynn A. Constabile
Elections Director
928 771-3250
928 771-3446 (Fax)

Yavapai County Recorder
Leslie M. Hoffman
County Recorder
1015 Fair Street-Room 228
Prescott, Arizona 86305
928-771-3244
928-771-3258 (Fax)

Voter Registration
Laurin Custis
Registrar of Voters
928-771-3248
928-771-3446 (Fax)



CERTIFICATION OF ELECTION RESULTS

For the

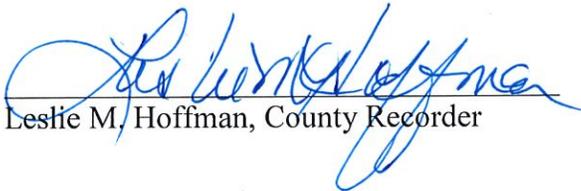
TOWN OF DEWEY-HUMBOLDT SPECIAL ELECTION

November 5, 2019

YAVAPAI COUNTY, ARIZONA

We, Leslie M. Hoffman, Yavapai County Recorder, and Lynn A. Constabile, Yavapai County Elections Director, hereby certify that the attached foregoing vote results contains a full, true, and correct copy of the vote tabulations for the November 5, 2019, Town of Dewey-Humboldt Special Election.

Dated this 12th day of November, 2019


Leslie M. Hoffman, County Recorder


Lynn A. Constabile, Elections Director

Registered Voters 2,724 - Total Ballots 912 : 33.48%

DEWEY-HUMBOLDT - QUESTION

Total Votes	906	
FOR THE FRANCHISE	574	63.36%
AGAINST THE FRANCHISE	332	36.64%

	Turnout		DEWEY-HUMBOLDT - QUESTION				
	Reg. Voters	Ballots Cast	% Turnout	Reg. Voters	Total Votes	FOR THE FRANCHISE	AGAINST THE FRANCHISE
Jurisdiction Wide							
PRESCOTT A (PRG19A)	15699	8152	51.93%	-	-	-	-
Early Voting							
PRESCOTT B (PRG19B)	14568	6857	47.07%	-	-	-	-
Early Voting							
D-H (DHQ19S)	2724	912	33.48%	2724	906	574	332
Early Voting							
ICR SD (ICR19R)	923	672	72.81%	-	-	-	-
Early Voting							
Total	33914	16593	48.93%	2724	906	574	332
Early Voting							
Total	33914	16593	48.93%	2724	906	574	332



**YAVAPAI COUNTY ELECTIONS DEPARTMENT
REJECTED BALLOTS REPORT**

November 5, 2019

TOWN OF DEWEY-HUMBOLDT

SPECIAL ELECTION

Precinct # & Name		EARLY
225.04/06	Dewey-Humboldt	2
TOTALS		2
TOTAL REJECTED BALLOTS =		2

**EARLY BALLOT
REJECT REASONS**

NOT SIGNED BY VOTER

2 SIGNATURE DIFFERENT

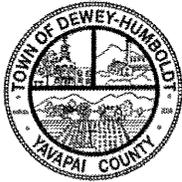
EMPTY ENVELOPE

SPOILED

VOTED TWICE

2 TOTAL

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

Dewey-Humboldt

NOV 04 2019

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: November 5, 2019

Date of Request: November 2, 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):

Survey of property

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

Survey property from the Bridge on Old Black Canyon Hwy to end of Statler property

see previous carf for this earlier this year.

Staff Recommendation(s): _____

Budgeted Amount: _____

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.



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 MAY 08 2019
 Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 5/21/19

Date of Request: 5/8/19

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

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

Discuss Right of Way on OLD
Black Canyon Highway

Purpose and Background Information (Detail of requested action):

Mr. Stalter & Mr. Wood would like to donate
The Bridge & 60' frontage to the Town for the
Town to Survey & install new Fencing along said

Staff Recommendation(s): Right of way

Budgeted Amount: _____

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.

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

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3:20 pm
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NOV 07 2019

Dewey-Humboldt
PT



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COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: NOVEMBER 19, 2019

Date of Request: NOVEMBER 7, 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):

GETTING THE WEB-SITE UPDATED ON
WHAT'S HAPPENING WITH THE SUPERFUND SITE

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

LAST UPDATE WAS 2016

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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NOV 08 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: DECEMBER 3 2019

Date of Request: NOVEMBER 8, 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):

MOVING AGENDA COMMITTEE MEETING START
TIME TO 8:00 OR 8:30 AM ON MONDAYS

Purpose and Background Information (Detail of requested action).

TO ACCOMMODATE THE YOUNGER WORKING
MEMBERS OF OUR CURRENT COUNCIL AND
FUTURE COUNCILS

Staff Recommendation(s):

Budgeted Amount: 0

List All Attachments:

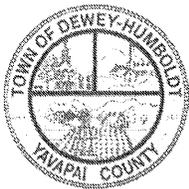
Type of Presentation: ORAL

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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NOV 08 2019
Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: Nov - 19 -

Date of Request: Nov 8

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

Amendments to definitions in the zoning code needed to protect the health and safety of our residents.

Purpose and Background Information (Detail of requested action).

Amend definitions to allow more self sufficient lifestyles also to assure that interpretations of current definitions do not interfere with how people currently live in our town, and to protect dog-conventional support animals from being banned.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: List of definitions to amend to improve H+S

Type of Presentation: _____

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.

~~CARPORT. An open porch used solely for the parking of motor vehicles and containing no enclosing walls, screen, lattice or other material other than the wall or walls of the building to which it attaches, or other than a storage room (where the side adjoining the lot boundary does not exceed six feet). A COVERED STRUCTURE FOR PARKING OF A VEHICLE THAT IS OPEN ENTIRELY ON ONE SIDE.~~

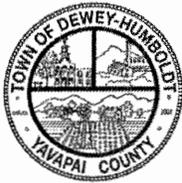
~~FENCE. A barrier constructed AS A BOUNDRY OR MEANS OF PROTECTION OR CONFINEMENT of materials such as solid wood slats and chain link. Pipe rail and barbed wire are permitted in residential zones, only. If a multi-strand barbed wire fence is used, the bottom strand must be of smooth wire, only. Barriers constructed with materials not designed for fencing are not included in this definition of a fence.~~

~~GARAGE (PRIVATE). An accessory building FOR THE STORAGE AND REPAIR OF occupied primarily by the passenger motor vehicles of the families residing on the same lot.~~

PETS (EXOTIC) ANIMALS KEPT INDOORS OR OUTDOORS AS COMPANION ANIMALS ; EXCEPT THAT BIRDS SHALL BE KEPT INDOORS TO DETER NOISE AND FOR PROTECTION OF THE BIRD FROM THE ELEMENTS. ANIMALS PROHIBITED BY ARIZONA GAME AND FISH ARE NOT CLASSED AS PETS.

~~PETS (HOUSEHOLD). Dogs, cats, rabbits, birds, pot-belly pigs and the like (and other small animals) POT BELLY PIGS under 100 pounds), for family use only (noncommercial) with cages, pens and the like.~~

PORCH. A ROOFED STRUCTURE PROJECTING FROM A WALL OF A BUILDING WHICH MAY USE COLUMNS OR OTHER GROUND SUPPORTS FOR STRUCTURAL PURPOSES. (OPEN). ~~A porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than 54 inches above the natural grade line adjacent thereto; which porch is to be used solely for ingress and egress and not for occupancy as a sleeping porch or washroom.~~



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

NOV 12 2019

Received

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 11/19/19

Date of Request: 11/11/19

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

Executive Session about water company

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

to discuss the idea of purchaseing the water company in Humboldt

Staff Recommendation(s): _____

Budgeted Amount: _____

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.