

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

Tuesday, January 7, 2020, 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, January 7, 2020, 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)(1), 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, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance 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

6. Public Comment on Non-agendized Items The Council wishes to hear from Citizens at each meeting. Those wishing to address the Council need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Council. Individuals may address the Council on any issue within its jurisdiction. According to the Arizona Open Meeting Law, Councilmembers may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Councilmembers are forbidden from discussing or taking legal action on matters raised during Public Comment unless the matters are properly noticed for discussion and legal action. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

7. Consent Agenda

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

5 A. Approval of Minutes of May 24, 2019 Study Session

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- 9 **B. Approval of Minutes of May 29, 2019 Study Session**
- 11 **C. Approval of Minutes of October 15, 2019 Regular Meeting**
- 21 **D. Approval of Minutes of November 5, 2019 Regular Meeting**
- 27 **E. Approval of Minutes of November 12, 2019 Study Session**
- 31 **F. Approval of Policy and Guideline PG No. TC20-01, Regional Organization Appointments, which amends previous Policy and Guideline PG No. TC15-01 (Staff CC)**
- 35 **G. Approval of new Administrative Regulation No. 20-01, Volunteer of the Year (Staff CC; from the December 10, 2019 Study Session)**
- 8. Town Manager's Report** Update on Current Events. The Town Council may ask clarifying questions about any item listed on the agenda under Town Manager's Report, or ask that any item listed on the agenda under Town Manager's Report be placed on a future agenda for Council deliberation and action. No legal action will be taken on items listed under Town Manager's Report. From time to time, as authorized by A.R.S. § 38-431.02(K), the Town Manager may present a brief summary of a current event that, due to its timeliness, is not listed on the agenda. In such cases, the Town Council shall not propose, discuss, deliberate or take legal action on the matter.
- A. Town Manager's Report on the status of the proposal from Earth Resources Corporation (ERC) and Firewise for a Northern Evacuation Route, including the plans, cost status and options, from Yavapai County Flood Control District Engineers and information from the Property Owner**
- 9. General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.
- 39 **A. Presentation by Mike Donovan on the International Wildland Urban Interface Code (From the December 17, 2019 Regular Council Meeting)**
- 57 **B. Discussion of the International Wildland Urban Interface Code, and possible direction to staff to distribute the most important information in it to Town residents via the Town website, Town newsletter or other means, to inform residents of "self-help" improvements to protect homes (CAARF – Councilmember Collins)**
- 69 **C. Discussion and possible action to adopt and approve Ordinance No. 20-149 and an Intergovernmental Agreement for the exchange of property with the Humboldt Unified School District, including making a determination that the Dewey-Humboldt parcels are substantially equal in value to the School parcel. In exchange for property generally located at the west side of Huron Street approximately 375 linear feet north of Humboldt Street, and an alley generally located southwest of the Coral Street inside paved parking lot of the school, the Town would receive property generally located northeast of the Town Library parcel. (Staff CC)**
- 115 **D. Discussion and possible action to approve a Consulting Agreement with PLAN*et Communities for consulting services associated with Phase One of the Town's General Plan Update (Staff CC; from the December 3, 2019 Regular Council Meeting)**
- 123 **E. Discussion and possible action to schedule dates for three Community Meetings to review, discuss and lead to an understanding of which portions of the General Plan need to be updated, as Phase One of the General Plan Update (Staff CC)**
- 125 **F. Discussion and possible action to authorize staff to expend up to \$1,000 of Fiscal Year 2019/20 funds for Christmas decorations, while on sale, to decorate the new Town Hall in 2020 and future years (CAARF – Councilmember Brooks)**
- 127 **G. Discussion and possible action to return Main Street to angle parking for more possible parking spaces, and to mark the parking spaces (CAARF – Councilmember**

- 129 **H. Discussion and possible action to authorize Councilmember Karen Brooks to contact businesses and the Dewey-Humboldt Historical Society (DHHS) relating to sponsoring a booth at the 2020 Arizona League of Cities and Towns Annual Conference** (CAARF – Councilmember Brooks)
- 131 **I. Discussion and possible action to contact State Representatives Noel Campbell and Steve Pierce to request legislation to set aside state funds for the Town to improve evacuation routes for fire** (CAARF – Councilmember Collins)
- 135 **J. Discussion and possible action to approve new Policy and Guideline, PG No. TC20-02, Electronic Communications** (Staff CC)
- 139 **K. Discussion and possible direction to staff related to the Dewey-Humboldt Code of Ordinances, §§ 30.031(B)(5) and 30.105, regarding the agenda committee and agenda preparation process.** (Staff CC)
- 143 **L. Accept public comment related to the performance of Town Manager Ed Hanks** (Staff CC)

10. Executive Session

Vote to recess to Executive Session

A. An Executive Session pursuant to A.R.S. § 38-431.03(A)(1) for the purpose of providing a six-month performance review of Town Manager Ed Hanks, pursuant to Section 2.1 of the Town Manager Employment Agreement

Close Executive Session/Reconvene Regular Meeting

11. Possible action related to the six-month performance review of Town Manager Ed Hanks

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

13. 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 _____, 2020, at _____ a.m./p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

For Your Information:

- Next Planning & Zoning Meeting: Thursday, January 9, 2020, at 6:00 p.m.
- Next Town Council Study Session: Tuesday, January 14, 2020, at 6:30 p.m.
- Next Town Council Regular Meeting: Tuesday, January 21, 2020 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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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
MAY 24, 2019, 6:30 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, MAY 24, 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, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmembers John Hughes and Mark McBrady were absent.
3. **Study Session.** No legal action to be taken

A. Discussion of FY 2019/20 Budget for Special Projects

Ed Hanks, Interim Town Manager, stated that staff added some numbers into the budget as previously requested and asked if there were any questions or concerns. CM Collins asked if accountability contracts were needed for all donations. Mickey Moore, Town Accountant, stated we don't have an accountability contract with every donation. VM Wendt asked what amount is left to work with after the expenditures. Ms. Moore stated the General Fund expenditures total, with the one-time contingency money of \$200,000 added, is \$380,896 over extended. The beginning fund balance is \$4,557,388.

CM Brooks asked to start at the top and go line-by-line.

Ms. Moore gave an overview as follows: The benefits are basically the same for every department with a 2% Cost of Living Adjustment and 3% merit for the year. She said, based on our Administrative Regulations, she is not sure on the \$1,000 allowance for the Town Manager; Dues and Memberships should be higher than \$8,000, as we don't have some of the bills in yet. CM Brooks said we can eliminate \$4,000 for Greater Prescott Regional Economic Partnership (GPREP), since it is going dark. Ms. Moore continued as follows: Training and Travel is \$2,100. She said this figure will need to be adjusted for Council training.

Ms. Moore continued with the next section Town Clerk and Public Records: The first few line items are for the Town Clerk's salary, merit and benefits; \$20,000 for American Legal Publishing and Granicus; \$12,000 for Elections, which may go up; \$600 for annual certifications and memberships for the new Town Clerk. She stated the new Town Clerk starts on June 3, 2019. Ms. Moore continued as follows: A three-year average is used for the cost of the monthly newsletter; Print, Publish and Advertise is our news postings; Software Maintenance is Laserfiche, CivicPlus and WindoWare; and Capital Equipment. Mr. Hanks said we are not looking at buying any additional capital equipment at this time. CM Lance asked if the voting equipment for the Council was in here. Ms. Moore stated that is in Information Technology (IT). Mr. Hanks said the Software Maintenance amount should be \$6,000.

Finance and Budget is the next section and Ms. Moore gave an overview as follows: Salary went up considerably, as we budgeted for a new Finance Director; on Audit Services we are waiting on a quote. She said \$13,000 was the first year, \$13,500 the last year, so \$14,000 is budgeted. Ms. Moore continued with Off-site Provider (OSP) Contracts which includes HealthEquity, Automatic Data Processing (ADP), Wells Fargo Client Services, Department of Revenue and Palmer Investigative Services; Professional Memberships is for upkeep with Government Finance Officers Association (GFOA) and Government Finance Officers Association of Arizona (GFOAz). She stated she did not renew the membership with PRIMA55, as it is not needed. Ms. Moore continued with Software Maintenance and Acquisition which includes Caselle and eCivis.

Legal is the next section and Ms. Moore summarized this section as follows: \$60,000 for the Town Attorney. She stated she didn't know what kind of response from advertising we will have for a Town Attorney. She continued with the Public Defender which is based on \$60/hour; and the Prosecutor at \$1,800/month.

Information Technology (IT) is next and Ms. Moore summarized it as follows: \$11,000 for general maintenance which includes CivicPlus and software maintenance; Equipment - Non-Capital includes wiring, keyboards, cable, voting election, etc. with \$5,000 for outside speakers. There was Council discussion on what was in last year's budget for equipment.

Ms. Moore summarized the Magistrate Court as follows: Salary and benefits are the first few lines; there are two lines showing \$0 which were moved to Legal; Specialized Court Fees are a little higher this year due to our pro tem Judges; the Lease is based on the current lease contract; Professional Memberships are listed; \$3,000 for Training and Travel for Douglas Suits; General Supplies increased a little; Legal Book Subscriptions; Utilities; and Equipment Supply is what they rent from the Supreme Court.

Ms. Moore continued with the next section Public Safety: The Sheriff is based on their Intergovernmental Agreement (IGA) through 2021 which goes up to \$438,000 and will stay there for two years; Emergency Response will stay the same at \$1,700 and is good through June 2020.

The Engineering section is next and Mr. Hanks summarized it as follows: \$50,000 for the survey work and design engineering of Clearview Drive and State Route 169 and is part of the work with ADOT to widen the roads; \$10,000 for additional surveys on rights-of-way (ROW); Training and Travel is for tech meetings, the Rural Transportation Annual Conference and some other small items; \$200 for Central Yavapai Metropolitan Planning Organization (CYMPO) for Professional Memberships, if we don't meet our in-kind match.

Ms. Moore summarized the Public Works section as follows: Salaries & Wages are first; Janitorial Services for the Town, Town Library and Sheriff's office. She stated these are based on our current expenses. Ms. Moore continued with the Public Works section: Facility Maintenance is for the small items that we do within the facility; Training and Travel is for the safety courses that the Public Works guys attend; Liability & Auto Insurance amounts may change; we are adding an increased amount for electronic fraud. She said we are waiting on a quote for electronic fraud. Mr. Hanks stated the General Supplies are for the Town's office supplies; \$500 is for fuel for the Ford Escape. CM Lance asked if there is a car allowance in the Town Manager's contract; Ms. Moore said yes. Mr. Hanks continued summarizing as follows: Capital Equipment was reduced to \$25,000, as we are not looking at buying any new equipment. He said we need to expand the fencing on the yard, get an additional container for storage, add concrete slabs for equipment and get a good air compressor. CM Lance asked if \$25,000 was enough; Mr. Hanks responded yes. CM Brooks asked if one employee is trained in safety and that employee trains the others; Mr. Hanks responded Jason Berg provides weekly safety meetings, so \$200 is for Jason Berg's training. Mr. Hanks continued with the Public Works section as follows: ROW Acquisition at \$5,000 is just a place holder as we do ROWs to acquire land. He said it is for surveys, etc. and it would be a place to increase the funds. VM Wendt asked what figure you would use; Mr. Hanks responded he would increase it to \$50,000 if you are looking at acquisition for the Blue Hill's fire road. There was continued Council discussion on increasing the amount to \$50,000 for ROW Acquisition. Mr. Hanks continued with Open Space Trails & Parks: this is for park maintenance and the water bill at the park. CM Collins asked about replacing the gazebo. Mr. Hanks said the cost for a new gazebo would be \$3,000-\$5,000. CM Lance asked about a trail that was recently completed; Mr. Hanks responded there might be \$1,500-\$1,800 left from the trail. There was Council discussion to increase this to \$10,000. Mayor Nolan suggested getting inmates here to do some weed eating at no cost to us; Mr. Hanks responded staff can look into it. There was Council discussion on this subject.

Community Development is the next section and Ms. Moore summarized it as follows: Salary increase for a Community Planner and Building Inspector. Mayor Nolan asked about hiring a separate person as a Code Enforcer. There was Council discussion on the Community Planner and Code Enforcer position(s). There was also Council discussion on the Building Inspector/Official position(s). Ms. Moore continued with Planning & Zoning (P&Z) Management: \$50,000 is for Building Official plan check and the Community Planner. Ms. Moore stated, due to insurance liabilities, the Building Inspector was changed to a temporary employee and taken out of salaries. She said the General Plan process also comes out of this line item. VM Wendt asked how much is allotted for the General Plan process; Mr. Hanks responded roughly \$20,000. There was Council discussion on the cost of the General Plan process. Mr. Hanks stated if you are looking at increasing the amount for the General Plan process, we'll have to ask for bids. VM Wendt asked to bring this discussion back to the next budget session. Ms. Moore continued with the IGA for the Library: Ms. Moore stated this amount may change depending on how much assistance they get from the County. Ms. Moore continued with this section as follows: Clean Up Days; Firewise waiting to see if Firewise becomes a 501(C)(3); library facilities; \$25,000 for abatements/water tests. CM Collins asked if there is any other place for water testing; Ms. Moore responded it is in 10-465-5900 Abatements. VM Wendt asked how much it cost to do water tests in the past; Mr. Hanks responded water tests were \$10,000-\$12,000. There was further Council discussion on abatements/water tests.

CM Brooks asked if we don't use money in one area, can we move it to another area; Ms. Moore responded there are two ways you can do it; you can bring it back to Council and Council can do a revised budget, or you can do a budget transfer. She stated a line item can go a little over budget, but you want to keep the department under budget. CM Brooks asked if a department is coming in under, can you move it to another department that is over; Ms. Moore responded that is a little bit different and that's what we did last year with the General Fund, the Grant Fund and the Highway User Revenues Fund (HURF).

CM Collins asked if we could get a consultant to represent our Town to for the Superfund site; Mayor Nolan responded we don't need a consultant, as the Environmental Protection Agency (EPA) has one. There was further Council discussion on this subject.

Ms. Moore continued with Community Development as follows: Professional Memberships is for Building Certificates, etc.; Training and Travel; Software Maintenance is WindoWare and GIS. Mr. Hanks stated that we have WindoWare budgeted twice, as it is in the Town Clerk. He said we will make that adjustment out of the Town Clerk. VM Wendt asked why we didn't have anything under Community Outreach; Ms. Moore responded because that was all donations. Ms. Moore continued with Community Outreach with the Fee Refund: She said this is an area where we can process refunds and would like to put in \$500 or \$1,000. CM Lance asked if we could put this in at \$1,000-\$1,500. There was further Council discussion with an amount of \$1,500 put in for refunds.

Mayor Nolan asked under Public Works, where is the money for ingress/egress for the new road; Mr. Hanks responded that is on line item 10-431-7001, where we increased it from \$5,000 to \$50,000. Mayor Nolan said that is for ROW Acquisitions, he asked what about building the road and the cost of the road; Mr. Hanks responded we can budget that in HURF, once we have the ROW. He said we need the ROW first. There was further Council discussion on ROW.

Ms. Moore stated the last item under the General Fund is for Cost Overruns Contingency and she summarized it as follows: \$200,000 is money that we put in the budget for cost overrun contingency. She said we haven't used it in the past three years, but if we don't budget it in, and need something, you won't have any place to take it from.

Ms. Moore spoke about the \$1,000 increase in healthcare benefits for the Town Manager. She said per our regulations, all full-time employees get the same benefit. She asked if we are going to change that ruling in our regulations so that all full-time employees get that same benefit. Mayor Nolan stated he would suggest that. CM Brooks asked to research the process and get some figures together to provide dependent benefits for our staff; Ms. Moore responded Administrative Regulation 15-01 states full-time employees are eligible for health insurance paid by the Town, but dependent coverage is at their expense. There was further Council discussion on possibly changing this, the other numbers for the other departments and the Code.

CM Lance asked if the upcoming prosecution will affect the amount under the Prosecutor; Mr. Hanks responded that should fall under her regular salary. Mayor Nolan asked if we have money in for the Public Defender; Mr. Hanks responded yes.

Ms. Moore stated that finishes the General Fund.

Mayor Nolan asked about looking at the fence along Old Black Canyon Highway from the bridge to down past the property. CM Brooks stated we gave that information to the Town Attorney and we aren't going to do anything until we get direction from the Town Attorney. There was further Council discussion on this subject.

Ms. Moore summarized Donations as follows: last year we had a total of \$44,000; \$4,000 Mayer Area Meals On Wheels (MAMOW); \$2,500 Agua Fria Festival; \$5,000 Dewey-Humboldt Historical Society (DHHS) display at Mortimer Farms; \$2,500 Coldwater Conservancy; \$2,000 Dewey-Humboldt Community Center; \$20,000 Agua Fria Little League; \$8,400 DHHS reimbursement, which really isn't a donation; \$2,500 Granite Mountain Hotshots. She said other little things come out of that same line item. CM Brooks asked about Firewise; Ms. Moore responded Firewise is on the Firewise line. There was further Council discussion regarding Firewise and further discussion on donations.

Mr. Hanks stated the next section is HURF. He said the expenditures relate directly to the roads and he summarized as follows: OSP for dirt road maintenance, this has been reduced over the last 5 years; Software Maintenance is a work order program, Mobile 311; Vehicle Maintenance is for the trucks that do road maintenance; \$15,000 for fuel for all the equipment. CM Brooks asked if we are allowing for fuel to go up; Mr. Hanks responded we should go up to \$20,000; Heavy Equipment Maintenance is the for tractors and the dump truck; ROW Maintenance Materials is for inhouse AB, hot patch; Capital Road Maintenance is our annual chip seal/fog coating. He said we combined these two and saved \$25,000. He continued stating under 20-431-7008 the \$6,880 is a carryover from a prior year; \$65,000 for Flood Control which is used for drainage, flood work, pipes. Ms. Moore said that Prescott Area Wildland Urban Interface Commission (PAWUIC) comes out of Miscellaneous Grant. VM Wendt stated we are getting an additional 10 acres. Ms. Moore stated we are waiting on the final number for the Community Development Block Grant (CDBG). Mr. Hanks said the additional that is in the miscellaneous grant is just a place holder in case we are able to go after grants after we get the right-of-way. CM Collins asked if HURF would cover purchasing a sandbox to be used as a spreader; Mr. Hanks responded yes.

VM Wendt asked about putting in \$5,000 to get the flagpole fixed and putting in \$50,000 to start saving money for purchasing this facility or looking elsewhere. CM Lance said she thought the flagpole was the expense of the Landlord, as he bought it. There was further Council discussion regarding whose responsibility is the flagpole. CM Lance asked how would the \$50,000 be designated. There was further Council discussion on the \$50,000 placement. CM Collins said she found a 2016 estimated cost for steel buildings in some of our minutes and asked about a price for a structure.

Ms. Moore stated Mr. Hanks and I will get some updated numbers together for the next budget meeting. She said we are going to be using the same format for the next meeting. There was Council discussion on the next budget meeting dates.

Mayor Nolan asked if we put in anything for a Town bus. There was further Council discussion with staff regarding getting a Town bus for public transportation.

4. Adjourn.

The meeting was adjourned at 8:13 p.m.

Terry Nolan, Mayor

ATTEST: _____
Beth Evans, Administrative Assistant II

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
MAY 29, 2019, 6:30 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON WEDNESDAY, MAY 29, 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, John Hughes and Mayor Terry Nolan were present. Councilmembers Amy Lance, Mark McBrady and Vice Mayor Victoria Wendt were absent.
3. **Study Session.** No legal action to be taken.

A. Discussion of FY 2019/20 Budget for Special Projects

Ed Hanks, Interim Town Manager, stated that staff made budget adjustments as discussed on May 24, 2019. Staff also adjusted the Town Manager budget to the same as last fiscal year. Expenses are \$314,000 over revenues, not including the \$200,000 for contingency overrun. Mickey Moore, Town Accountant, gave an overview as follows: Town Manager salary is \$85,000 with no Cost of Living Adjustment but a 3% merit increase; costs to the Town for dependent benefits; Council training and travel is based on last year's data; and, under Town Clerk, Software and Maintenance, the description was corrected. Under Public Works, flags were added to the Facility Maintenance line; Off-site Service Provider (OSP) Other was changed to reflect updated pest control costs; Right-of-Way (ROW) Acquisition now reflects \$45,000 for the Blue Hills fire road; and, \$10,000 was added to Open Space and Trails (OSAT) for the gazebo.

Mayor Nolan spoke relating to not needing a gazebo; Mr. Hanks responded that the dollar amount included was what was directed to be added in.

Ms. Moore continued addressing changes, including: Community Development Salary & Wages updated to include a salary for a Code Enforcement Officer, which impacted other benefit numbers. CM Brooks asked if a Building Inspector is included; Ms. Moore clarified that the line item includes a Community Planner, Code Enforcer, Building Inspector and support staff. Ms. Moore continued as follows: Clean Up Days changed; Community Outreach includes items in addition to donations such as posters for community notice, the Mayor's breakfast, and Firewise snacks. Ms. Moore suggested the Council consider deciding the total amount to allocate towards donations, rather than people dictate what is wanted; last year, the donations totaled \$36,500.

Mayor Nolan asked if Firewise will be included in donations; Ms. Moore responded that there is a Firewise line item; donations are typically dictated by non-profits and Firewise is not yet a 501(C)(3). Mayor Nolan asked Carole Stensrud if Firewise has received an EIN number; Ms. Stensrud responded that their attorney informed them that the status is pending active at the Corporation Commission.

Mayor Nolan spoke relating to the Coldwater Conservancy not needing additional money once they reach the total as they will be self-sufficient, and not donating to them this year. CM Brooks spoke relating to not removing Coldwater Conservancy funding; a prior presentation noted that funds are needed each year for maintenance and upkeep; Coldwater Conservancy is a small donation and hundreds of people yearly come into Town for this. CM Collins spoke relating to leaving Coldwater Conservancy in as this is a step in the right direction to help with tourism and, in the Verde Valley, migratory events are now a four-day event. Mayor Nolan and CM Collins discussed Coldwater Conservancy further.

CM Collins spoke relating to receiving an email from the Dewey-Humboldt Historical Society (DHHS) requesting additional funding for a security fence on their new site. Mr. Hanks stated that DHHS will present to Council on June 11, 2019.

Ms. Moore spoke relating to setting a total amount for donations, and then, after presentations, seeing how everyone fits in. Mayor Nolan spoke relating to staying with the \$36,500 budgeted last year; and, the Agua Fria Little League ("League") going away, leaving money for Firewise. Mayor Nolan and CM Brooks discussed League funding and activity. In response to CM Brooks, Mr. Hanks stated that the League has not contacted him yet; and he has not heard back from Mayer Area Meals on Wheels (MAMOW); he will try to schedule outside agencies to present on June 11, 2019; Firewise will present at tonight's meeting.

CM Collins spoke relating to earmarking funds for certain projects and asked if it is possible to designate funds from the utility franchise fees for roads. Ms. Moore stated that she would have to research that; the Town has three funds: Highway User Revenue Funds (HURF), which are restricted; General Fund; and Grants. Mr. Hanks noted that he will look into it for future budgets once the Town starts receiving franchise fees.

CM Collins spoke relating to needing a consultant for the Superfund site, which people began asking for in 2010; at the last Council Meeting, people asking the Town to do certain things; and, the Town not having enough information about the Superfund site. Mayor Nolan spoke relating to setting money aside for an attorney; listening to Brian Beck, the attorney who studied the Superfund site; and receiving a presentation from Mr. Beck. CM Collins and Mayor Nolan discussed what is involved with Mr. Beck's work. CM Collins spoke relating to whether the Town should accept donations or buy property in certain areas and whether an attorney would have the necessary knowledge as people want health studies. There was additional Council discussion about the Superfund site and previous lab testing. Mr. Hanks stated that he will contact Mr. Beck prior to the next budget meeting for additional information and cost information.

CM Collins asked about account 10-413-6010 (Town Council and Management, Dues and Memberships) still including the Greater Prescott Regional Economic Partnership (GPREP); Mr. Hanks noted that the budgeted amount was reduced, but the reference to GPREP was inadvertently left in.

Mayor Nolan spoke relating to adding \$1,000 monthly per employee for dependent health insurance. Mr. Hanks responded that staff will prepare estimates and will bring it back to Council.

CM Hughes asked if there is information on a new Town Attorney; Mr. Hanks responded that the Request for Proposals closes in June 2019; staff will present information to Council when it is available.

Carole Stensrud, Dewey-Humboldt Firewise ("Firewise") Chair, acknowledged Firewise Board members in attendance and gave a PowerPoint presentation. Ms. Stensrud spoke relating to Firewise's mission, and how the mission is accomplished, and provided background information about Firewise, since it started in 2015. Ms. Stensrud spoke about abatement and mitigation grants totaling over \$116,000; the Central Arizona Fire and Medical Authority (CAFMA) water tank installation and dedication; various agency partnerships; educational material distributed to 196 parcels in Blue Hills; monthly community meetings and the topics covered; and, efforts in evacuation awareness, such as grant monies, encouraging awareness of the need for secondary access routes for Blue Hills; and, 911-approved address signs. Between January and April 2019, Firewise has volunteered 2,816 hours or \$68,000 in voluntary hours; Firewise has \$331 total cash-on-hand.

Ms. Stensrud discussed Firewise's 501(C)(3) status, including being a charitable/educational, non-member organization; and, funds being donated rather than through membership fees. She discussed various reasons that Firewise needs the Town's help, her experience with 501(C)(3) organizations and financial stability, and the fundraising process and challenges. Current funding includes \$3,800 from the Town restricted to 501(C)(3) startup and \$14,000 in the Arizona Community Foundation (ACF) fund, which is restricted until it gets to \$25,000. Firewise had asked for \$2,500 for liability insurance, \$1,800 for professional fees including an attorney and non-profit Certified Public Accountant, and \$1,000 for fundraising. For the second half of calendar year 2019, Firewise needs \$30,850 for the operating budget; she addressed the various needs for the operating budget.

Firewise is asking the Town for \$12,500 for Fiscal Year 2019/20 - \$5,000 for fundraising, \$1,000 for operations, \$2,500 for technology and software and \$4,000 for marketing; Ms. Stensrud spoke to each of the items.

Mr. Hanks suggested that Council wait until June 11 before making any budget adjustments to see what other groups request; the number in the line for Firewise can be left in as a placeholder. Mr. Hanks noted that he will print and provide tonight's Firewise presentation to Council.

CM Collins asked if the street signs are for private roads; Mr. Hanks confirmed that it is for the private roads. In response to CM Collins, Mayor Nolan stated that the signs will be different to indicate private roads. CM Collins stated that a firefighter noted that the current signs are so reflective they are difficult to read at night; Mr. Hanks responded that the Town is required to meet certain standards to maintain Highway User Revenues Funds (HURF).

Ms. Stensrud asked what is currently budgeted for Firewise; Ms. Moore responded that it is \$10,000.

4. Adjourn.

The meeting was adjourned at 7:38 p.m.

Terry Nolan, Mayor

ATTEST: _____
Beth Evans, Administrative Assistant II

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
OCTOBER 15, 2019, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, OCTOBER 15, 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, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmember Mark McBrady arrived at 6:34 p.m. Councilmember John Hughes was excused.
3. **Pledge of Allegiance** Audience member Jason Chisholm led the Pledge.
4. **Invocation** Given by Councilmember Lance.
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.

Councilmember Brooks spoke relating to the Dewey-Humboldt Library starting a yoga class on October 16, 2019.

Councilmember Collins spoke relating to a Humboldt Superfund Awareness and Research Team meeting on October 23, 2019 at 6:30 p.m. at Mortimer Farms Barn.

Vice Mayor Wendt spoke relating to a Firewise Community Meeting on October 16, 2019 at 6:30 p.m. in the Council Chambers.

A. Council announcements about outside meetings and committees

- B. Public Safety Report – Central Arizona Fire & Medical Authority (CAFMA) Report presented by Fire Marshal Rick Chase.** Topics for possible discussion and action include: calls responded; outreach programs and services; construction permitting.

Fire Marshal Chase provided the 2019 3rd Quarter Report. District-wide, EMS responses the Town had 5.2% of the calls in July; in August, 4%; and 4.7% of the calls in September. There was one fire response call in July, one in August, and two in September, for a total of 9.7% of the District's calls. Councilmember McBrady arrived at 6:34 p.m. The percent was higher than normal due to the overall lower number of calls. In the quarter, there were 653 total public service dispatches, with 32 in the Town, or 4.9% of the total calls. In July, there were two hazardous condition responses, and none in August or September, for 4.7% of the total calls. The District had 422 good intent responses in the quarter, with 19 in the Town, or 5.1% of the total calls. Overall, there were 3,207 total dispatches in the district, and 110, or 3.4% in the Town.

He spoke relating to the recent fire in the Upper Blue Hills, started by someone cutting metal and sparks catching. He encouraged people to not do anything that creates a spark in wildfire season, and to make sure that there is a water source or sprinklers. No structures were lost in the 2-acre fire.

Councilmember Collins spoke relating to burn permits and asked how to tell if someone has a permit and who to call after hours. Fire Marshal Chase responded that people can go online to CAFMA's website or the City of Prescott, or call CAFMA or go to the fire station to get a burn permit. Burn permits cannot be activated if burning is not being allowed. To find out if someone has a burn permit, call 911, inform them that it is not an emergency, and ask if there is a burn permit; CAFMA will come out and look at it if it looks like an improper burn.

In response to Mayor Nolan, Fire Marshal Chase confirmed that a burn permit is required for burning in a barrel.

Robert Baker spoke and asked if a burn permit cancels by itself, or if individuals can burn the next day. Fire Marshal Chase responded that he guesses it does not self-cancel.

Leigh Cluff spoke and asked about what can be burned in a barrel, and spoke relating to having been told that it must be wood; Fire Marshal Chase confirmed that it must only be natural vegetation and cannot be construction material, boxes, papers or other trash. He recommended not using flammable liquids to start the fire and noted that while stores sell propane torches, Fire Codes do not allow their use to broadcast burn on private property.

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.

Nancy Wright spoke relating to the traffic light at Main Street and Highway 69 not working well for individuals trying to get across Highway 69; the APS franchise agreement going on the ballot and the letter from APS stating that APS will pay the Town 2% without telling people they would be charged; APS implying elections will be held until it is approved as required by the Constitution, while the Constitution does not require the Town to have an election if it is turned down; and, APS giving false information.

Mike Donovan spoke relating to a Councilmember having said that they hated government and want to keep the Town rural; the Council being the government, and resigning from office; Councilmember oaths; an Arizona Revised Statute addressing incorporation; 74% of those who voted chose to abide by the statute; and, the statute stating that incorporated areas shall not include large areas of uninhabited, rural or farmland, but shall be urban in nature. He also read definitions he found for the words "rural" and "urban" and spoke of voters having voted to become urban; 1,380 acres of 8,128 square miles in Yavapai County being rural, of which the Town is not a part; and, if the Council wants the Town to be rural, they should be working to unincorporate the Town.

Leigh Cluff spoke and asked if the Town Attorney can verify in the future if Mr. Donovan's comments are true.

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

A. Approval of Minutes of May 7, 2019 Study Session and Special Council Meeting

B. Approval of Minutes of September 17, 2019 Regular Council Meeting

Councilmember Brooks moved to accept the two previous meetings as presented; seconded by Councilmember Lance. Mayor Nolan clarified that the motion was to accept the consent agenda. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

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

A. Town Manager's Report on the status of the Blue Hills emergency evacuation route

Ed Hanks, Town Manager, reported on properties needed for easements to tie in to the Bureau of Land Management (BLM) parcel; the Town obtained legal descriptions from a surveyor and the Phase 1 Environmental Site Assessment on those; and, the next step is to contact the property owners to get the easements and proceed with working with BLM. On Prescott Dells Ranch Road, there are 61 properties with 50 property owners; in February and March 2019, the Town sent letters to property owners. When that process is complete, the survey and Phase 1 Environmental Site Assessment process will begin. Approximately \$4,200 has been spent to date.

Vice Mayor Wendt asked if there is an agreement needed with the property owners on road maintenance; Mr. Hanks confirmed that they will be next and will come to Council for approval. Mayor Nolan asked if an archaeological study is required; Mr. Hanks responded that it is not required on the existing and has been completed in other areas. In response to Councilmember Brooks and Mayor Nolan, Mr. Hanks clarified that there are 61 properties along Prescott Dells Ranch Road and 50 different owners; 15 have contacted the Town and are in agreement. In response to Vice Mayor Wendt, Mr. Hanks stated that he will provide Council with a copy of the second letter to property owners, and that he hopes to have the right-of-way agreements ready to come to Council in November or December. Staff is also looking into grants for putting the road in.

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 has contacted surveyors for confirmation of building placement and setbacks. Staff has contacted steel building manufacturers and anticipates presenting that information to Council in November.

Gary Mortimer spoke relating to the building design and making it look like it has been there for 100 years.

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

A. Consider the adoption of Ordinance No. 19-147 to amend the Town of Dewey-Humboldt zoning map to change the zoning for Assessor's parcels 402-08-068E, 402-08-068G, 402-08-068L and 402-08-068K from C3 (Commercial and Minor Industrial) to M1 (Industrial; General Limited). *Note:* On September 3, 2019, Council held the public hearing and continued the discussion and possible action to a future meeting. (Staff CC)

Mayor Nolan recused himself due to owning adjoining property and left the dais at 6:59 p.m.

Mr. Hanks stated that on September 3, 2019, the Council held the public hearing and based on Council direction, deed restrictions are in the Council packet and the applicant is present.

Harry Hansen stated that he owns two of the three buildings at the site; a potential renter wanted to salvage trucks and weld the trucks if needed. Steven Brown, Community Planner, indicated that could not happen as it was an industrial use. Mr. Hansen does not want heavy industrial, which is prevented by deed restrictions. The neighboring property owner is close to being considered industrial.

Councilmember Lance spoke relating to the property currently being Commercial and Minor Industrial and asked about the difference between that and Industrial; General Limited. Mr. Hanks referenced a handout with zoning uses and stated that Industrial; General Limited allows for cutting and welding.

In response to Councilmember McBrady, Mr. Hanks stated that the deed restrictions are in the Council packet.

In response to Vice Mayor Wendt, Mr. Hansen stated that the potential renter has moved on; there is a renter who does dirt work and mixing that is so close that he would like to make the zoning change.

Councilmember Brooks noted that there is a two-year time limit on Special Use Permits, while zoning changes are permanent; Kay Bigelow, Town Attorney, stated that the Council may put a time limit on zoning, but it does not automatically revert. At the end of the time period, the Council would need to change the zoning back.

Councilmember McBrady spoke relating to changing zoning and then the owner selling; a future owner using any of the industrial uses at the property; the property being at the gateway to the Town; and, it being nice to know what is going in before the zoning. Mr. Hansen stated that he would like to keep it as a rental property.

Councilmember Collins spoke relating to being in favor of it; the land to the north of parcel 068K being zoned as a residential district; and, the code requiring use permits for lots contiguous to residential districts. Ms. Bigelow stated that open space can't be zoned, and so the residential zoning is a holding zone. A Planned Area Development zoning is a way to get the uses that Mr. Hansen wants; this would result in sending it back to the Planning and Zoning Advisory Commission ("P&Z") to resolve the issue. In response to Councilmember Collins, Ms. Bigelow confirmed that the other lots could be approved tonight, with the neighboring lot separated out.

Councilmember Brooks asked if screening and fences are required around the property if the zoning is changed, and the difficulty of reversing zoning once a business/property owner has made an investment into the property because of financial ramifications against the owner. Ms. Bigelow stated that the uses that come in will be administratively dealt with; if a fence is not there now, it won't be there. If the neighboring property develops as residential, there may be complaining from that area; it is possible that after a residential development goes in, a more intense M1 use could go in. Mr. Hanks displayed a map with the area zoning.

Councilmember McBrady spoke relating to the property being state land; Ms. Bigelow discussed the holding zoning, and stated that an option would be to put a buffer on the state land property.

Jason Chisholm spoke and asked which properties have buildings on them. Mr. Hanks pointed out the properties.

Troy Odell spoke relating to having been the original engineer for the development; a 30- or 35-foot cut bank starts at the property line; the cut bank making it harder to build a fence; and, the cut bank being the buffer.

In response to Vice Mayor Wendt, Ms. Bigelow stated that, since Mayor Nolan recused himself, he cannot speak on the item.

Jennifer Combs, Agua Fria Little League ("League") spoke relating to the League's land being west of the property and wanting to make sure that whatever goes in won't affect the League's land, such as an automotive use. Mr. Hansen stated that he can't do general auto repair on the property due to the property's CCRs. Councilmember Lance read various uses that can be in the M1 zoning district.

Nancy Wright spoke relating to conforming to the General Plan and not being able to make changes contrary to the General Plan. Ms. Bigelow stated that P&Z would look at and determine that, and that they recommended approval on the item.

Councilmember McBrady spoke relating to the buildings being set back from Highway 69; the property in front being a ravine and not usable for buildings; and, not wanting to see the ravine being used as a storage yard. Mr. Hansen stated that the buildings were not built for heavy industry and agreed to it not being a salvage yard. Councilmember McBrady and Mr. Hansen spoke relating to the existing business which blends dirt; Mr. Hanks stated that it is questionable if that business falls under C3 zoning but would definitely fall under the M1 zoning.

Councilmember Collins spoke relating to the deed restrictions prohibiting screened outside storage.

Councilmember Lance spoke relating to C3 zoning allowing a body and fender shop; in response, Mr. Hansen stated that Mr. Brown had indicated it wasn't allowed. Councilmember Lance spoke about body and fender shops doing welding; Mr. Hanks stated that what was explained to staff fell more under fabrication, was more than just welding and a higher use than a typical body shop. Mr. Hansen stated that business has moved on, and he applied for the zoning change because of that.

Councilmember McBrady moved to approve the item with the add-on that it won't be a salvage yard. Ms. Bigelow read a condition as follows: "Conditioned on the non-use for outdoor storage of any equipment or vehicles".

Councilmember McBrady moved to approve it for M1 with the condition that there's not outside storage, as read by Ms. Bigelow; seconded by Councilmember Collins.

Councilmember Lance clarified that this is without sending it back to P&Z; Ms. Bigelow confirmed.

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

Mayor Nolan returned to the dais at 7:34 p.m.

B. Town Council discussion, possible direction to staff, and possible action to adopt Ordinance No. 19-148, amending the Dewey-Humboldt Code of Ordinances, § 30.109, to allow public comment at all types of public meetings (Staff CC; from the September 17, 2019 Regular Council Meeting and October 8, 2019 Study Session)

Councilmember Brooks spoke relating to this being discussed in-depth at the October 8, 2019, Study Session and moved to accept the ordinance as written; seconded by Councilmember Lance.

Councilmember Collins spoke relating to allowing public comment prior to an Executive Session item. Ms. Bigelow stated that is not on the agenda tonight and can be brought up at another meeting.

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

C. Discussion with the Town Attorney and possible direction to the Town Attorney relating to reviewing Dewey-Humboldt Code of Ordinances § 153.051, Overlay Zones, to determine if § 153.051 is in compliance with current state statutes and if it is the correct method to initiate "infill" zoning (CAARF – Councilmember Collins)

Councilmember Collins introduced the item and stated that this may not be the correct code.

Ms. Bigelow stated that the ordinance attached to the CAARF is a type of overlay zone and stated that overlay zones are placed over another zoning district to allow different uses; overlay zones would be put in an area that allows otherwise unusable pieces of property to be put into use, such as a smaller parcel; it could be in the downtown and could be used for infill. With an overlay zone, having an idea of where to place it and what to do with it is important. Overlay zones are a way to put land into use if everyone can agree; they must be over more than one parcel and could overlay different types of zoning and would need to go to P&Z and then to Council.

Councilmember Collins spoke relating to trying to make property that is too small more usable by removing regulations; Ms. Bigelow stated that an overlay zone can remove regulations, such as reducing setbacks or parking requirements. Council would need to name it and identify what is wanted, how development standards will be changed, and where it will be located.

Vice Mayor Wendt asked if it would be better handled during the General Plan update; Ms. Bigelow spoke relating to this being more zoning than Planning. In response to Vice Mayor Wendt, Ms. Bigelow stated that overlay zones do not need to be created by landowners per state law.

Councilmember Brooks spoke relating to Ms. Bigelow bringing back an outline or framework where overlay zones could be utilized; unusable parcels due to setbacks; Ms. Bigelow giving Council guidelines for standalone parcels to have infill; and, starting the process to be more adaptable to future businesses in those areas.

Ms. Bigelow stated that she will bring copies of what other cities have used overlay for; spoke to an example from the City of Chandler; and, outlined the decision points that Council would need to make for an overlay.

Councilmember Lance spoke relating to whether property owners can come to the Town to request an overlay; Ms. Bigelow responded that often, overlay zones are initiated by the city or town.

In response to Councilmember Collins Ms. Bigelow confirmed that state statute allows overlay zones to make smaller parcels of land usable.

Vice Mayor Wendt asked about using a conditional use permit in situations like this; Ms. Bigelow replied that a conditional use permit is not used to change development standards and gave the example of outdoor music.

D. Discussion and possible action relating to the status of the revised Code Violation Complaint Policy and Complaint form (CAARF – Councilmember Brooks; from the September 10, 2019 Study Session)

Councilmember Brooks introduced the item and asked about the status. Mr. Hanks noted that the item was on the Council's September Study Session agenda; staff is working on changes with the goal of bringing it to Council in November.

In response to Councilmember Collins, Mr. Hanks stated that it is more an administrative policy than an ordinance; the policy will be approved by Council.

E. Discussion and possible action relating to the status of amending the Dewey-Humboldt Code of Ordinances relating to the regulation of steel cargo containers (CAARF – Councilmember Brooks; from the May 21, 2019 Regular Council Meeting)

Councilmember Brooks introduced the item and noted that it was talked about in May 2019 and asked about the status. Mr. Hanks spoke relating to the item's history and the May 21, 2019 Council Meeting; staff is seeking formal Council direction tonight to create an ordinance to bring back to Council.

Councilmember Collins spoke relating to ensuring that there is enough public input; a letter to the editor in March, 2019, asking people to contact the Town Council about this and property values; and, asked about publicizing the item in the newsletter prior to it coming back. Councilmember Collins also spoke relating to concerns with the setback requirements; telling people the color to paint containers; and, a conflict in the Code relating to being allowed in site-built only zoning districts.

Councilmember Brooks spoke relating to P&Z's recommendation to eliminate the eight-foot by 20-foot size restrictions, the parcel size requirement of two-acres, and the requirement for one unit per residential parcel. She also spoke relating to cargo containers being more weather resistant and better storage than wood buildings; and, removing subsections E, F, G and H from Code § 153.086(13).

Councilmember Lance spoke relating to concurring that there should not be a mandatory paint color requirement.

Councilmember Collins spoke relating to having enough outreach; and requesting an interpretive letter from the Community Planner about some of the language, such as having to conform to yards.

Vice Mayor Wendt spoke relating to notifying the public through the Town newsletter, including the Council's suggested changes.

Councilmember Brooks spoke relating to the public having had the opportunity to have input on the item, and being able to go forward with an ordinance with the changes discussed.

Ms. Bigelow spoke relating to tonight's agenda item being for direction to produce the ordinance, and needing direction from the Council as a whole about the separate issues.

Mayor Nolan spoke relating to setbacks from property lines and buildings being necessary; and, containers having graffiti and for the containers to be painted to at least coincide with the property.

Vice Mayor Wendt spoke relating to needing setbacks for fire safety; and, painting being necessary for containers with graffiti.

Councilmember Collins and Vice Mayor Wendt discussed setbacks being for safety purposes and the flammability of cargo containers. Mayor Nolan and Councilmember Collins discussed the timing and purpose of this agenda item and the types of items that can be stored in containers.

Jason Chisholm spoke relating to the item being brought up in a Firewise meeting; setbacks; containers being fireproof and used for storage; the painting requirement and needing a standard color; containers not having graffiti when they're sold to the public; and, there being 52 distributors in the state.

Leigh Cluff spoke relating to having 50-foot setbacks; wanting firewood to be closer to the house; being careful about what is required; and, not wanting to see graffiti on containers.

Councilmember Brooks spoke relating to the Council deciding on what to direct the Town Attorney on relating to the item; the timing of the item, which started in March; there being a consensus of abiding by a respectful color and the property size not being restricted; and, working through the question of setbacks.

Councilmember Lance spoke relating to having a five-foot setback, and the impacts to smaller lots.

Vice Mayor Wendt spoke relating to discussing this at a Work Session rather than at a Regular Meeting.

Councilmember McBrady and Mr. Hanks discussed sheds under 400 square feet not needing a permit but needing to meet setback requirements. Councilmember McBrady spoke relating to reducing setbacks if there are problems due to a hardship; and, having the item come back to a Study Session.

Councilmember McBrady moved to take the item back to Study Session; seconded by Vice Mayor Wendt.

Councilmember Collins spoke relating to leaving readdressing setbacks later.

The motion by Councilmember McBrady to bring the item back to a Study Session failed on a roll call vote, 3-3. CM Brooks – nay; CM Collins – nay; CM Hughes – excused; CM Lance – nay; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

Councilmember Brooks moved to accept the things that Council discussed tonight, taking the recommendations by P&Z, adding H to the omission and that it can be allowed on all sizes of property, with no requirement for site built or two acres or more; seconded by Councilmember Collins.

Councilmember McBrady asked if the size is being limited; Councilmember Brooks noted that P&Z's recommendation removed the size restriction. Councilmember Lance noted that she will not be in favor if a certain color is required. Councilmembers discussed the mandatory painting requirement.

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

Councilmember Lance moved to present this to the Attorney for reposing and withdrawing item C, E, F, G and H; seconded by Councilmember Brooks. Motion passed on a roll call vote, 4-2. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – nay; Mayor Nolan – nay.

The Council recessed at 8:28 p.m. and reconvened at 8:38 p.m. Councilmembers Brooks, Collins, Lance, McBrady, Vice Mayor Wendt and Mayor Nolan were present. Councilmember Hughes was excused.

F. Discussion and possible action to refer to the Planning and Zoning Advisory Commission for the Commission's review and recommendation related to establishing a low-intensity, neighborhood-friendly, new zoning classification for commercial zoning in residential neighborhoods. Examples of neighborhood-friendly include restricted hours, residential-scale buildings, no hotels or apartments, and able to serve as a buffer use between homes and more intense uses (CAARF – Councilmember Collins; from the October 8, 2019 Study Session)

Councilmember Collins introduced the item, noting that she had provided examples from other Towns. She spoke relating to the need to reserve a place in the zoning code for service-type businesses; this being a way for a more balanced approach to the zoning code that would give a buffer zone; having something that is more acceptable to neighborhoods that are next to a commercial use; and, asked the Town Attorney about not being able to plan for neighborhood commercial in the General Plan unless it appears in the Zoning Code as a definition. Ms. Bigelow responded that General Plans are generally broader, such as indicating commercial rather than C1, C2 or C3; Zoning Codes are generally more specific.

In response to Councilmember Lance, Councilmember Collins noted that she would like Council to send it to P&Z for input. Councilmember Lance spoke relating to there not being brainstorming at P&Z meetings, while there will be public meetings for the General Plan.

Mayor Nolan spoke relating to the Town not being Gilbert or a highly-populated area.

Councilmember Collins spoke relating to every Town having its own expectations for neighborhood commercial; she has heard from the public that they do not want 24-hour businesses or being next to a hotel.

Councilmember Brooks spoke relating to the item having been brought forward at the October 8 Study Session; it being appropriate to send to P&Z; Councilmember Collins bringing in examples as asked; and, this may encourage small businesses.

Councilmember Collins spoke relating to asking P&Z to come up with a definition that they think would be acceptable to the community for neighborhood commercial; and, making room for service industry instead of everything being developed to the highest intensity. This would be a new class of zoning, or land use, that could be applied to any new users that come in to the Town.

In response to Mayor Nolan, Councilmember Collins stated that she did not want to push commercial zoning into residential areas; the item is to make a neighborhood-friendly commercial zoning classification. Examples include doctor offices, car part stores, antique stores, and offices.

Mayor Nolan moved to send the item to the Planning and Zoning Advisory Commission; seconded by Councilmember Brooks.

Vice Mayor Wendt spoke relating to liability for decreasing property values if C1 zoning is changed to this; Ms. Bigelow responded that was not her understanding of what this would be or do.

Troy Odell spoke relating to making this like a use permit with a 300-foot surrounding area for approval and input.

Councilmember Brooks raised a point of order relating to the presiding officer not using the position as chair to debate other members in a condescending manner. She spoke relating to a property at Main Street and Third Street, where a property owner wanted to put a two-story duplex in; the surrounding property owners said no, while up the street are two-story buildings.

Councilmember Collins spoke relating to the use permits only applying to contiguous lots.

Councilmember Lance called for the question. The motion to call for the question passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

The motion to send the item to P&Z passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

G. Discussion and possible action relating to changing Coffee with the Mayor back to Coffee with the Town Manager at Town Hall (CAARF – Councilmember Brooks)

Councilmember Brooks introduced the item; the CAARF was entered at the request of several citizens; this originated with a prior Town Manager; and, that it would be appropriate to go back to Coffee with the Town Manager at Town Hall.

In response to Vice Mayor Wendt, Mr. Hanks spoke relating to needing leeway to set outlines such as once per month, the time of month, and limiting the time to a half-hour; it could potentially start after the first of the year. Councilmember Brooks spoke relating to it previously being one day a month and for a specific amount of time; she indicated no problem with it starting in 2020.

Councilmember Lance moved to start, in January, Coffee with the Manager at Town Hall; seconded by Councilmember Brooks.

Mayor Nolan spoke relating to Coffee with the Mayor not being designated by the Town Council; bringing things from it back to the Town Manager; and, not being able to tell him not do it because he is doing it on his own.

Councilmember Lance spoke relating to not including the Coffee with the Mayor event in the Town newsletter.

Councilmember Brooks spoke relating to the information being better disseminated from the Town Manager.

Troy Odell spoke and asked what problem Councilmember Brooks has with Mayor Nolan and noted his observations; Councilmember Brooks spoke relating to incidents earlier in 2019 where Mayor Nolan used the title of Mayor and potential liability arising out of those; and, the difference between acting on behalf of the Council and individually. Mr. Odell spoke relating to a lack of respect and personal problems with Mayor Nolan.

Councilmember Collins spoke relating to the Town Code requiring that representing the Town must be done in an official manner after a Council vote; and, there not being a point of contact ordinance requiring the first point of contact with the Town being staff rather than a politician.

Jason Chisholm spoke relating to the code noted by Councilmember Collins and asked that the Town Attorney read it; and, Prescott Valley and Prescott, who have events with their Mayors. Councilmember Lance spoke relating to the Town having its own set of rules, as do Prescott and Prescott Valley. Ms. Bigelow spoke relating to it not being a matter of looking just at the ordinance, and preparing an opinion if directed by the Council. Councilmember Collins spoke relating to the Council being unable to speak to Boards or Commissions per the Town Code. Ms. Bigelow spoke relating to there being some duties that are inherently allowed without being

passed through a Council action; she is uncomfortable going into detail without doing more research.

Councilmember Brooks spoke relating to allowing the Town Attorney to research the matter and report back on it. Mayor Nolan spoke relating to not making a decision about anything pertaining to the Town; he takes notes and presents it to the Town Manager; and, each Councilmember taking a day to meet with the community.

Councilmember Lance spoke relating to previous Councils approving codes regarding this.

Leigh Cluff spoke relating to disagreeing with Mr. Odell; Councilmembers being disrespected by the Mayor; the Mayor winking at people during meetings; and, meetings not being as long when chaired by Vice Mayor Wendt. Ms. Cluff also spoke relating to a recall; reasons for the community to wonder what is happening outside of the meeting; and, having a Coffee with the Mayor and Town Manager or Coffee with the Mayor and a Councilmember.

Mike Donovan spoke relating to the cost if the Town Manager were to hold the event. In response, Mayor Nolan stated there is no cost for Coffee with the Mayor, and that there would be a cost, in salary, for an event with the Town Manager. Mr. Donovan also spoke relating to it being unbudgeted.

Councilmember Brooks spoke relating to it being a precedent set by previous Town Councils.

Gary Mortimer spoke relating to it being Mayor Nolan's prerogative to have Coffee with the Mayor; Mr. Hanks being very accessible; and, to not burden the Town Manager with it.

Councilmember Lance withdrew her previous motion. Councilmember Brooks agreed to the withdrawal.

Councilmember Lance moved to stop wasting Town money on advertising the Coffee with the Mayor; seconded by Councilmember Collins.

Robert Baker spoke relating to a half-hour being spent on this agenda item; and, Mr. Hanks being available all of the time and to not burden him. Councilmember Lance and Mr. Baker discussed the new motion.

Jason Chisholm spoke relating to using the *Daily Courier* to advertise the Coffee with the Mayor events; and, there not being a cost for the ad.

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

Councilmember Lance spoke relating to the Mayor telling people his opinion not being allowed.

Councilmember McBrady spoke relating to past Council Retreats and the use of facilitators and looking into it in the future. Mr. Hanks asked to get back on the agenda, and suggested a CAARF for this.

H. Discussion and possible action relating to the Mayor's use of a tomahawk as a gavel (CAARFs – Councilmember McBrady and Councilmember Brooks; continued from the October 1, 2019 Regular Council Meeting)

Councilmember McBrady introduced the item and noted that he had received a call from a constituent who wanted a CAARF submitted related to the Mayor's use of a hatchet; he has heard a lot of comments and thinks it should be discussed.

Councilmember Lance moved to have whomever is presiding the meeting use the appropriately provided gavel that the Town has spent money on and use to preside the meetings; seconded by Councilmember Collins.

Vice Mayor Wendt spoke relating to having been in the audience and not noticing the tomahawk; never feeling threatened; her feeling of being ashamed and this being disgraceful; and, it making no difference to her.

Councilmember Collins spoke relating to it being unprofessional. Mayor Nolan responded relating to the Town being a Country Town; using it in respect for Native Americans; it being an instrument and a gavel, not a weapon.

Councilmember Brooks spoke relating to having been approached by different residents who feel like the tomahawk is used as an intimidation tool; it being shaken at people and people feeling threatened; and, it not being appropriate to use in Town Hall. Mayor Nolan responded relating to having never pointed it at anybody and shaken it at them.

Councilmember Lance spoke relating to having been in the audience and noticing the tomahawk; not being frightened of it; it being unprofessional, and that the Town-provided gavel should be used.

Vice Mayor Wendt spoke relating to having never seen the Mayor shake the tomahawk at anybody; all of the Council having raised their voice; and, this being a waste of time.

Jason Chisholm spoke relating to wasting time and more items remaining on the agenda; the Second Amendment to the Constitution of the United States ("Second Amendment"); concealed sidearms; the tomahawk being a gift

to Mayor Nolan; and, having never felt threatened. Councilmember McBrady indicated that the tomahawk is a weapon and can be intimidating, and that there is a group of people who don't want it.

Troy Odell spoke relating to spending time on better things and stopping hurting each other. Councilmember Collins responded relating to citizens feeling threatened; people no longer come to meetings; and, it being addressed now because of feedback from residents.

Robert Baker spoke relating to people not coming to a Town meeting for other issues, not a tomahawk; the time of this discussion; retiring the tomahawk as a small compromise; and, keeping principles on the big things and letting the little things go.

Mayor Nolan spoke relating to the Second Amendment referring to guns and weapons; if it is called a weapon, it can be carried; the Council taking oaths to protect the Constitution of the United States and of Arizona; and, his constitutional rights being challenged.

Councilmember Lance requested the motion be re-read and called for a vote. The motion to call for the question passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

The motion by Councilmember Lance passed on a roll call vote, 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

Mayor Nolan moved to extend the meeting to 10:30; seconded by Vice Mayor Wendt. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – excused; CM Lance – aye; CM McBrady – aye; VM Wendt – aye; Mayor Nolan – aye.

I. Discussion and possible action relating to the amended and restated lease agreement with Humboldt Station, Inc., for the lease of the current Town Hall location at 2735 South Highway 69 (Staff CC)

Councilmember McBrady recused himself and left the dais at 9:44 p.m.

Mr. Hanks noted that the Town received the signed lease extension, which needs to be voted on by the Council and accepted. He noted that the monthly lease amount is the same for the one-year lease term.

Councilmember Collins spoke relating to whether or a not a one-year lease will be a long-enough extension; the Town not being able to spend money until July 2020 on construction of the new building; and, an alternative location is half the price of this location. Ms. Bigelow noted that the agenda item is the lease, not the alternatives.

Councilmember Lance moved to accept the lease as signed; seconded by Vice Mayor Wendt. Motion passed on a roll call vote, 4-1. CM Brooks – aye; CM Collins – nay; CM Hughes – excused; CM Lance – aye; CM McBrady – abstain; VM Wendt – aye; Mayor Nolan – aye.

10. 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), (4), and (7) for discussion and consultation for legal advice, consideration of Council's position, and instruction with/to its attorney and designated representatives of the Town regarding negotiations for the lease of real property located at 2735 South Highway 69

Close Executive Session/Reconvene Regular Meeting

11. Discussion and possible action relating to the amended and restated lease agreement with Humboldt station, Inc., for the lease of the current Town Hall location at 2735 South Highway 69

Discussion took place under agenda item 9.1.

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

Council scheduled a Special Meeting for November 26, 2019 at 6:30 p.m. to discuss the 2018 building codes.

13. Adjourn The meeting was adjourned at 9:49 p.m.

ATTEST: _____

Terry Nolan, Mayor

Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 5, 2019, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 5, 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, John Hughes, Amy Lance, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.
3. **Pledge of Allegiance** Mayor Nolan led the Pledge.
4. **Invocation** Given by Councilmember Lance.
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.

B. Proclamation – November 11, 2019 – Veterans Day Recognition (*item taken out of order*)

Mayor Nolan read a proclamation recognizing November 11, 2019, as Veterans Day and acknowledged veterans in the audience.

A. Council announcements about outside meetings and committees

Mayor Nolan reported that he attended a meeting about transportation and bus service for the quad-city areas and a Greater Arizona Mayors Association (GAMA) meeting where Airbnb regulations were discussed.

In response to Mayor Nolan, Councilmember Brooks indicated that she did not attend a Northern Arizona Council of Governments (NACOG) meeting.

Councilmember Collins reported that she and Councilmember Brooks attended a Superfund study group on October 23 where concerns about water quality at the school were discussed with the Arizona Department of Environmental Quality (ADEQ).

Councilmember Hughes reported attendance at the Arizona Department of Transportation Rural Transportation Summit and noted that I-17 down the hill will be done and spoke briefly to the project, and that there will be no more new highway construction due to the budget.

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.

Jack Hamilton spoke relating to Council bickering and lack of decorum at meetings; violating the Principles of Sound Financial Management; violating state law about the General Plan; voted on violating the Open Meeting Law on Executive Sessions; and, talking off agenda items. He also spoke relating to not looking out for the Town people; imposing a two-percent tax on electrical bills; wanting to implement a business license; changing zoning codes not helping businesses come to the Town; low-intensity commercial in residential areas being very expensive as it would reduce property values; ignoring problems pointed out by individuals; and, that the international building codes were put together by experts, and modified by the County to fit the area.

7. **Consent Agenda** All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.
 - A. **Approval of Minutes of May 21, 2019 Regular Council Meeting**
 - B. **Approval of Minutes of July 9, 2019 Study Session and Joint Study Session with the Planning and Zoning Advisory Commission**
 - C. **Approval of Minutes of July 16, 2019 Regular and Special Council Meeting**

D. Approval of Minutes of August 13, 2019 Study Session Meeting

E. Approval of Minutes of September 3, 2019 Regular Council Meeting

Vice Mayor Wendt moved to approve the consent agenda; seconded by Councilmember Lance. Motion passed on a voice vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – aye.

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

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

Mr. Hanks reported that staff has contacted steel building manufacturers; most indicated that their design services is for building exterior, not interior, design. Staff will bring information to a Study Session for Council review.

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

A. Presentation by Victor Hambrick, Planning and Zoning Advisory Commission Chair, of the Commission's Recommendation relating to updating Sections 153.221 and 153.222, Dewey-Humboldt Code of Ordinances, Design and Development Standards, to be less restrictive on commercial uses, including allowing steel/metal buildings on commercially-zoned property along highway frontage, and Council discussion and possible action relating to the recommendation (Staff CC; referred to the Commission at the September 10, 2019 Study Session)

Victor Hambrick, Chair, Planning and Zoning Advisory Commission ("P&Z") Chair, noted that P&Z's recommendation was included in the Council packets and that he was prepared to answer questions.

Vice Mayor Wendt spoke relating to P&Z's recommendation being that the item wait until after the new General Plan is in place; Chair Hambrick confirmed this recommendation.

Councilmember Collins spoke relating to this being a function of zoning rather than Planning.

Vice Mayor Wendt asked Chair Hambrick if it is possible to change the wording to add "steel metal buildings" into the code. Chair Hambrick responded that other places in the code may be impacted; P&Z didn't want to try to list every possible thing that may be a possibility. Vice Mayor Wendt noted a concern from the Dewey-Humboldt Historical Society (DHHS), and asked Chair Hambrick if he sees a reason that DHHS can't put a steel building on their property; Chair Hambrick responded that it would need to be presented to P&Z for review.

Kay Bigelow, Town Attorney, noted that P&Z is recommending that this item be considered after the General Plan; there is a way to allow a steel building for DHHS. Chair Hambrick spoke relating to P&Z not wanting to create new ordinances that aren't needed at this time.

Councilmember Brooks thanked P&Z for attending and their work.

Councilmember Lance asked about allowing steel building on commercial property to wait. Councilmember Hughes spoke relating to there not being a code requirement that steel buildings can't be built in the Town.

Sharon Holly, DHHS Board Member, spoke relating to DHHS wanting assurances that a steel building can be put up; with the current code, it is understood that it is allowed with an exception relating to the outside appearance; and, DHHS wanting a guarantee that DHHS can put up their building without problems.

Councilmember Lance spoke relating to the outside of the building and codes that require steel buildings to look nice on the exterior. In response, Mr. Hanks stated that this code requires the exterior façade to look a certain way. Councilmember Lance spoke relating to the Town Hall building not looking like a metal building, either.

Ms. Holly continued, speaking relating to there needing to be a total camouflage that it is a steel building and DHHS wanting to change this; and, DHHS not being the only one in the Town that will want a steel building.

Councilmember Collins spoke relating to Code § 153.221 requirements for building styles, colors (such as earth tones), and shapes; and, that limiting styles limits uses.

Councilmember Hughes spoke relating to determining if a design is within tolerances when plans are submitted; not knowing what will be built at this time; the four styles in the code fitting rural communities; bringing plans or a

picture in to Town staff to review; and, if there is a problem, P&Z can take care of it. He also spoke relating to the code's purpose being to help make things look as they should and not being to hinder people.

Jeff Siereveld, P&Z Vice Chair, spoke relating to composing a theme so there are guidelines to follow.

Vice Mayor Wendt moved to approve the recommendation of P&Z, that this be better addressed once the General Plan has been updated; seconded by Mayor Nolan.

Jack Hamilton spoke relating to the reason of the Design Standards being due to wanting to maintain the historical look of the Town; and, zoning laws being required to follow and be compatible with the General Plan.

Councilmember Lance spoke relating to there being steel buildings in the Town already.

Councilmember Brooks spoke relating to not needing to wait for the General Plan if allowed by the code.

Councilmember Collins spoke relating to a building on Omega Drive that didn't comply with the styles in the Code. Mayor Nolan responded, relating to there having been an Interim Town Manager and a company from Phoenix reviewing the permits at the time. Councilmember Collins continued, and asked the Town Attorney if one building was permitted without fitting the code, whether others can be required to fit the code; in response, Ms. Bigelow noted that one exception does not vacate the other codes or the application of existing codes.

Chair Hambrick spoke relating to P&Z saying that there is already a place that covers this; that the code and definitions are open for interpretation; and, that every little thing can't be added to the code.

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

B. Presentation by Victor Hambrick, Planning and Zoning Advisory Commission Chair, of the Commission's Recommendation relating to possibly repealing Sections 153.215 through 153.220 and 153.223 through 153.228, Dewey-Humboldt Code of Ordinances, Design and Development Standards, and Council discussion and possible action relating to the recommendation (Staff CC; referred to the Commission at the September 10, 2019 Study Session)

C. Discussion and possible action relating to considering alternatives to Sections 153.215 through 153.228, Dewey-Humboldt Code of Ordinances, Design and Development Standards, including discussion on the current wording of Sections 153.220, 153.223 and 153.225. Alternatives for Council discussion include examples from the Cities of Tucson and Chandler and the Town of Marana. (CAARF – Councilmember Collins)

Chair Hambrick noted that agenda items 9.B. and 9.C. are related and requested to take them together. P&Z's recommendation is the same, to not move anything until after the General Plan Update is complete.

Councilmember Collins spoke relating to Code Section 153.220(C) requiring an opaque wall or fence; the issue being recognized as a building safety issue in other communities; a giant block wall being a barrier; and, the code not being anything that will accentuate the Town.

Councilmember Collins moved to change the code to allow something that's safer and not so objectionable, that won't be a health and safety issue. Motion failed for lack of a second.

Vice Mayor Wendt spoke relating to agreeing with P&Z; that the General Plan must be taken care of first; and, that the codes can then be matched to the General Plan.

Vice Mayor Wendt moved to accept P&Z's recommendation and wait until the General Plan has been updated to match them correctly; seconded by Mayor Nolan.

Councilmember Brooks asked the Town Attorney if codes and zoning are separate from planning, and which come first. In response, Ms. Bigelow responded that the zoning code has to correlate with the General Plan and spoke relating to the General Plan being a wider umbrella; the big picture is generally needed to work down from.

Jack Hamilton spoke relating to ordinances still being in place until the General Plan is adopted, and possibly not changing then; there being other reasons for walls, such as concrete walls for sound; and, more restrictions does away with people having more control on their property.

The motion by Vice Mayor Wendt passed on a roll call vote, 5-1. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – aye.

D. Review, discussion and possible action to direct staff relating to the draft ordinance amending the Dewey-Humboldt Code of Ordinances relating to the regulation of steel cargo containers (Staff CC – from the May 21 and October 15, 2019 Regular Meetings)

Ms. Bigelow noted that the original change was to only have R1L District allow steel storage containers (“containers”); however, it could apply to other districts. She asked for clarification from the Council about having containers on all residential property as long as setbacks are in place. She may need to go back and add it to other uses that are mentioned throughout Code § 153.086.

Councilmember Brooks spoke relating to encouraging Ms. Bigelow to change it so that it is allowed on all residential areas as long as setback requirements are met.

Ms. Bigelow noted the chart in § 153.086(A)(11)(b) dictates the square footage and height on all outside storage, and she is seeking direction from Council as to whether or not to retain it. Her understanding of the previous discussion was that Council did not wish to limit the size as long as setback requirements were met. The chart needs to be modified to not apply to containers if that is Council’s intent; it would still apply to sheds.

Councilmember Hughes confirmed that the chart would apply to buildings but not containers.

Councilmember Brooks spoke relating to the setbacks in the chart in § 153.086(A)(11)(b) conflicting with the setbacks in the chart in § 153.036, and whether the chart in § 153.086(A)(11)(b) is needed. Ms. Bigelow clarified that the chart in § 153.086(A)(11)(b) does not include any setback requirement; it provides maximum square footage based on the distance to the nearest property line. Councilmember Brooks clarified that the chart in § 153.086(A)(11)(b) could be clarified to say that it does not apply to containers; Ms. Bigelow confirmed and noted that if that is Council’s intent, she will modify the language to reflect this.

Chair Hambrick noted that P&Z made the recommendation that everything was covered.

Ms. Bigelow spoke relating to seeking Council direction as a majority vote.

Councilmember Brooks moved to instruct staff to make changes in the ordinance on steel cargo containers to apply to all residentially-zoned property and also to not apply the chart in Section 153.086(A)(11)(B) to outside steel storage containers but would apply to a shed or other outside storage.

Mayor Nolan asked if, on a property with 10 acres, someone could have hundreds; Chair Hambrick responded that it is covered under the lot coverage area. Mayor Nolan spoke relating to individuals starting to store and stack containers; Ms. Bigelow responded that they have to be personal use.

Jack Hamilton spoke relating to the reason for different residential zonings; if the intent is for people to use their property any way they want, everything should be R1; people wanting to protect their investments and having restrictions in place; containers being used to keep cost down, and the older ones being rusty; colors varying and not blending in; eyesore items next to the property making the property worthless; A.R.S. 12-1134 and reduction of property value due to rezoning and the Town’s liability relating to neighboring homeowners; in definitions, it says steel cargo containers are not shipping containers and steel shipping containers are prohibited in Section 153.016(12); and, enforceability. Ms. Bigelow responded that the neighboring property does not have legal standing as it is an explicit exception.

Jason Chisholm spoke and read the definition of a conex; and, discussed cargo containers and shipping containers being the same thing.

In response to Mayor Nolan, Chair Hambrick noted that P&Z had already reviewed it. Mr. Hanks stated that the ordinance needs to go back to P&Z for a public hearing; Ms. Bigelow stated that it already had a public hearing.

The motion by Councilmember Brooks passed on a voice vote 5-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – nay.

E. Discussion and possible action relating to the process of reviewing the proposed 2018 Building Codes, to review and approve the proposed 2018 Building Codes chapter by chapter starting at Chapter 1 (CAARF – Councilmember Brooks)

Councilmember Brooks introduced the item and spoke relating to reviewing and approving the codes chapter by chapter, possibly taking two or three chapters at a time; and, wanting a systematic process to review the codes.

Vice Mayor Wendt spoke relating to reviewing the codes ordinance by ordinance; not having the proper certification and relying on Don Roberts, Building Official, to lead Council; and, the time that would be spent reviewing the codes chapter by chapter.

Mr. Hanks spoke relating to the Council holding a Special Meeting on November 26, 2019, at which the Administrative Code, International Residential Code, and International Property Maintenance Code will be discussed one at a time; the volume of information at any one meeting will be limited.

Councilmember Brooks spoke relating to switching the Property Maintenance Code to the end and inserting another code at the November 26, 2019, Special meeting.

Councilmember Brooks moved to accept the process of looking at the 2018 Building Codes as laid out by the Town Manager, with the Property Maintenance Code moved to the end; seconded by Councilmember Collins.

Jack Hamilton spoke relating to doing away with the building codes altogether if Council believes people should be able to do what they want on their property; reasons for the international codes include that they help money lenders, insurance companies, and builders; outside inspectors from Yavapai County and Prescott Valley may not want to bother inspecting for the Town if the codes are different; bank lending rates may change; insurance companies can raise rates; and, growth may be hampered by creating a different set of rules.

Tom Mallette spoke relating to his only issue with the 2018 Codes being the arcfault breakers not working and the impact while building; and, having spoken to Mr. Roberts, Prescott Valley and County inspectors about it.

Jason Chisholm spoke relating to having built a house off of the 2012 International Building Codes; concerns with arcfault breakers; an article in the *Daily Courier* and building too tight of a house is bad as it doesn't work energy efficiency-wise; not taking the Code as a whole; and, using the subject matter experts like Mr. Roberts.

Darrell Wyatt spoke relating to promoting growth and the General Plan not addressing aggressive growth.

Councilmember Collins spoke relating to building codes causing an increase in housing costs and there being a statewide affordable housing crisis.

The motion by Councilmember Brooks passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM Lance – aye; CM McBrady – absent; VM Wendt – aye; Mayor Nolan – aye.

F. Discussion and possible action relating to establishing Council Coffee events, where each Councilmember would pick a day of the week to have coffee with the community (CAARF – Mayor Nolan)

Mayor Nolan introduced the item and noted that he put the item in for each Councilmember to pick out a day of the week to have coffee with the community.

Councilmember Hughes spoke relating to having a job and going to work.

Jason Chisholm spoke relating to there being seven days in a week; Council having it on the same day; and, limiting it to restaurants located in the Town.

Councilmember Brooks spoke relating to harm caused to restaurants if all Council tied up tables for coffee only; publishing her cell phone; meeting at Town hall; being able to talk about herself and what Council is doing, and referring people to Town staff on issues such as what can be done on their property; not giving out misinformation; being careful on what to discuss at the meetings; and, not being restricted to one hour a week.

Councilmember Lance spoke relating to Council being prohibited from interfering with staff jobs; posting her cell number and email address so people can contact her; and, not limiting it to one hour a week.

Councilmember Collins spoke relating to using her email address; public comment on non-agendized items at every meeting; if one person has a problem that affects the whole town, allowing everyone to hear about it; and, people not wanting to come to meetings and talk can email her and she will read the concerns.

Darrell Wyatt spoke relating to a purpose of meeting on an informal basis is so people can know Council as human beings; and, not knowing any Councilmembers until he started attending Council meetings.

Ulys Brooks spoke relating to the people at the café being the same ones who are there day to day; the Town not paying for anything; the Council not being paid; and, talking to the same six people not accomplishing a lot.

Jason Chisholm spoke relating to Coffee with the Mayor being brought to the table; not being able to tap into the phone or email to find out what is said; and, what the difference is between that and Coffee with the Mayor.

Vice Mayor Wendt spoke relating to the website only listing personal telephone numbers for Mayor Nolan and Vice Mayor Wendt; encouraging the Council to put their numbers down so residents can contact them; having never had anyone take advantage or abuse it; and, supporting Mayor Nolan on Coffee with the Mayor.

Councilmember Lance spoke relating to her number being in the Town paper; always taking calls; and, not putting her personal agenda out or trying to sway people certain ways.

Councilmember Collins spoke relating to emails about personal issues such as yards and telling people which department to talk to; and, putting Town-wide issues into a CAARF to be discussed at Council meetings.

Leigh Cluff spoke relating to Councilmembers having given her their number; people being able to get a hold of all Councilmembers; and, liking it better that she can call at any time.

Vice Mayor Wendt suggested the Town Manager acquire all Council phone numbers to post on the website.

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

No discussion was held.

11. Adjourn The meeting was adjourned at 8:08 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
NOVEMBER 12, 2019, 6:30 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, NOVEMBER 12, 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, John Hughes, Amy Lance, Vice Mayor Victoria Wendt and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent.
4. **Study Session.** No legal action to be taken. *Agenda item 4.A. was taken out of order.*

A. Presentation by the Humboldt Elementary School Humboldt First Lego League Teams (Kristen Munchinsky, Gifted Resource Teacher) – Possible Solutions for Land Near Smelter, and Council discussion. Possible solutions to be presented: community center and community garden.

Jakob Schmidt, Aide and Coach, Humboldt Elementary School, spoke relating to the coaches involved; there being two teams, the Precision Pandas and the Humboldt Engineers; the teams learning to research and bring ideas that could have a real-world application; and, asked that Council provide input into the challenges and feasibility of the concepts, for the teams to adjust their presentation for the regional qualifier.

The Precision Pandas (Sierra, Serenity, Ricky and Landon) presented an idea to invest in a Community Center or event center to help people be active and find new hobbies. A Community Center would help improve the community; the plan is to put it by the smelter because the government would like to use the land in a useful way. Weddings, auctions and sports events could be held there. The team wanted the Community Center to help people do other things; the community doesn't have a place to get active or play sports. There are some places to have meetings, but nowhere to play sports.

The Humboldt Engineers (Caleb, Liam, Lexi, Sarah, Jonathan) spoke relating to the younger generation not knowing how to grow food; due to the mining at the Iron King Mine site, the ground and groundwater being unsafe for planting; there not being many recreational spaces; and, the team identified a greenhouse as a solution. The greenhouse interior is made up of booths, paths and planters; the booths can be used to sell produce straight from the garden; the flower growing area will be closed off for people with allergies; the greenhouse will have both edible plants, such as tomatoes, lettuce, edamame, peaches, and strawberries, and ornamental plants; and, the flower growing area will include flowers such as tulips, roses and sunflowers. The greenhouse will be 50 feet wide by 50 feet long, and 20 feet high, or 1,963.5 square feet; the outside has a water system, where rainwater will be collected and used to give the plants safe water. The greenhouse solves the problems of not knowing how to grow foods and not having a recreational space; the greenhouse will provide a place to plant food that wasn't used originally. Vice Mayor Wendt asked about having a community garden at the community center; in response, the Humboldt Engineers that the greenhouse will be a large center to come and grow food, and sell the food that is grown.

Vice Mayor Wendt asked about the size of the Community Center; in response, the Precision Pandas indicated about six to seven acres.

Councilmember Brooks asked if there is a small greenhouse at Humboldt Elementary; the Humboldt Engineers indicated that gardening is included as an activity, but is not funded.

The Humboldt Engineers provided a model for Council to look at and answered questions about the model. Ed Hanks, Town Manager, took pictures of the teams with the Council.

3. 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.

Darla Deville, Arizona Public Service Company (APS) spoke relating to the November 5, 2019 Special Election, congratulated the Town on passing the franchise agreement and noted that it will benefit the Town and APS.

4. Study Session. No legal action to be taken.

A. Presentation by the Humboldt Elementary School Humboldt First Lego League Teams (Kristen Munchinsky, Gifted Resource Teacher) – Possible Solutions for Land Near Smelter, and Council discussion. Possible solutions to be presented: community center and community garden.

Agenda item taken out of order. See page 1 for presentation and discussion.

B. Discussion and consideration of an Evacuation Route Standard and an Emergency Roads Standard (Staff CC; from the August 13 and October 8, 2019 Study Session)

Mr. Hanks spoke relating to the two standards; the emergency roads standard will be used in the case of an emergency when people can't get out, while the evacuation route standard is more for a planned road that would only be accessed during an emergency; and, that it has been reduced down.

Mayor Nolan spoke relating to the road width not allowing people to go in and out, and making the road at least 25 feet wide with shoulders for two-way traffic. Mr. Hanks responded that this is primarily for an evacuation route. Mayor Nolan asked about people with livestock who need to go back in to get more out; Mr. Hanks responded that when there is an evacuation order, responders do not generally want people going back in, and clarified that the instruction from the last meeting was to reduce it to an evacuation route standard.

Vice Mayor Wendt spoke relating to this not being for in and out traffic; in an emergency situation, there is one chance to get things out.

Councilmember Brooks spoke relating to it being an evacuation route of one direction at the least expense; the cost of widening and increased time to get right-of-way and easements; going back in later to widen it; and, Blue Hills, south of Green Gulch, having a second route at the far-west end.

Councilmember Lance spoke relating to the County not allowing people back in once there is an evacuation.

Carole Stensrud asked if there is the possibility to have to get safety vehicles in while people are coming out.

Mayor Nolan noted that this will come back to the Council for approval.

C. Update and discussion of the sample Code Compliance Policy and Form, and discussion of elements that Council would like to see in a Code Compliance ordinance. Topics included for discussion, as previously discussed by Council, include not allowing anonymous complaints, residency requirement, number of complainants required to initiate an investigation, distance from the alleged violation, how the complainant is impacted by the alleged violation and if it is within constant view. (Staff CC; from the August 13 and September 10, 2019 Study Sessions)

Mr. Hanks noted that Council previously directed staff to begin working on the code complaint form; areas in the policy and code that will also need to be changed to make sure that there are no conflicts. Staff is seeking direction on the complaint form, and whether there is additional information to add in; staff will work on the policy and codes to bring back at a future date.

Councilmember Lance asked if Town staff will go around looking for issues; Mr. Hanks indicated no; primarily, staff would only look for building code safety violations; and, code enforcement is complaint-driven.

Councilmember Collins spoke relating to the reference to health and safety and recommended it be defined rather than left to an opinion; background on the process; and, 10 days not being enough time at the front of the process for people who work. She also spoke relating to the Municipal Regulatory Bill of Rights in A.R.S. § 9-813-842 allowing a total of 85 days and a Code Enforcement Process Flow diagram dated October 22, 2015.

Vice Mayor Wendt spoke relating to it not being restricted only to health and safety concerns; the appeals process being long; and, the recourse for the Town if people don't respond.

Councilmember Brooks spoke relating to the person making the claim not having the expertise to determine if there is a health and safety threat and needing expertise, such as with animals; a house on Prescott Street being a hazard but still standing; complaints coming from a Town resident, not Town staff; and, wanting complaints made in-person at Town Hall by three different households within 30 days. Mr. Hanks indicated that the procedure in the Council packet materials is the current one to be used as an example. Councilmember Brooks also spoke relating to wanting to know if the issue was seasonal rather than year-round or long term.

Councilmember Collins spoke relating to removing the health and safety verbiage; Mr. Hanks confirmed that it can be removed from the form, but that it should be acknowledged in the policy with a clear definition.

Vice Mayor Wendt spoke relating to the form asking if the person complaining is a Town resident and it being

required to be within 300 feet; and, the quality of life impact being ambiguous and possibly being removed.

Councilmember Brooks spoke relating to leaving the Town resident question on the form; allowing individuals to add pages if there is a list of problems; and, to come back on individuals who indicate that they are a Town resident if it is fraudulent reporting.

Councilmember Collins asked if somebody who gets a complaint gets a copy of the fines; Mr. Hanks confirmed that the Notice of Complaint includes the code that is being violated and the potential fines. In response to Councilmember Collins, Mr. Hanks indicated that staff will look at possibly extending the number of days.

Vice Mayor Wendt spoke relating to not putting anything on a Town form to intentionally try to trip people up.

Councilmember Lance spoke relating to leaving the Town resident question on the form.

Councilmember Brooks spoke relating to the Sheriff's Department filing charges against people for harassment; people being held accountable; and, that people have to file an information request for a copy of their complaint.

In response to Councilmember Hughes, Mr. Hanks noted that the staff time involved in a standard complaint would be approximately three hours over 60 days, and that with the initial approach being changed, the majority are taken care of by the time the initial Notice of Complaint goes out; none have gone into the third notice yet.

Mayor Nolan spoke relating to it being difficult to get three residents to file a complaint against one person and not having to wait for two others to file a complaint; and, having three residents within 300 feet of a complaint is hard due to large lot sizes and sometimes not having three within 300 feet. Mr. Hanks indicated that staff can research what other jurisdictions are doing and provide that information to Council.

Councilmember Brooks spoke relating to multiple complaints being a valid point, and some areas having a steady neighborhood with neighbors living there long-term.

Councilmember Collins spoke relating to the October 14, 2014 Council Study Session including a definition of probable cause; that one complaint is not enough because of the history in the Town; and, that basing probable cause on one person is not due process.

Councilmember Lance spoke relating to people having grudges against their neighbor; it turning into he said/she said; and the types of complaints in these situations.

Councilmember Collins spoke relating to the Sheriff's Office policy on barking dog complaints needing three households.

Mr. Hanks recapped: remove health and safety from the form; add in seasonal and frequency; Town resident will be decided when Council can vote; remove quality of life; and, staff will confirm the Sheriff's policy on barking dog complaints and provide the information to Council. Staff will also have the Town Attorney review.

Mike Donovan spoke relating to whether a first responder or caregiver making a complaint will be invalid if they don't live in the Town; annotating all codes as to whether they are a health or safety issue and purging non-health and safety violations from the codes; and, what the recourse is if someone files a valid complaint and nothing happens because no one else complained.

Leigh Cluff spoke relating to caregivers, first responders and neighbors having the responsibility to call Adult Protective Services; needing a three-complaint policy, and examples of why; and, people trying to harass others.

Carole Stensrud spoke relating to a neighboring house on seven acres violating a building code and nobody else living within distance to be able to complain; it not being practical in all situations for there to be three people; an example of a complaint being handled through the Court; and, her support of one person with a valid complaint.

D. Review and discussion of the new Town Hall building, to be located at 12938 East Main Street, including: (Staff CC; from the August 13, 2019 Study Session)

- **Responses to the Architectural Design Services Request for Proposals (Headwaters Architecture, P.C. and Michael Taylor Architects, Inc.);**
- **Information provided by steel building manufacturers (Armstrong Steel Buildings, Building Systems, Bunger Steel, Forbes Steel Buildings, Great Western Steel Buildings);**
- **Proposed building size and floorplan;**
- **Next steps in the design and construction process.**

Mr. Hanks noted that staff brought back information that was previously presented and that he contacted a number of steel building manufacturers, only one of which (Forbes Steel Buildings) offers an all-in-one package with architectural design; for the others, the architectural design was for the exterior. Great Western Steel Buildings ("Great Western") provided a cost estimate of \$35,100, which does not include putting it together, the

pad, or the floor. Forbes Steel Buildings ("Forbes") is working on an estimate; staff will bring the item back to Council when the information is received. Mr. Hanks reviewed the floorplan, which was used as a base for all architects and steel building manufacturers.

Councilmember Brooks spoke relating to waiting until the information is received from Forbes; and, having to cut in the windows under Great Western. In response, Mr. Hanks stated that Great Western would cut in the windows, as long as they do not affect the engineering structure.

Councilmember Hughes spoke relating to his support of the floorplan space and layout; the cost being minimal due to the layout; the plumbing being straight and no issues with the underground slab.

Vice Mayor Wendt spoke relating to ensuring that there is enough storage space.

Mr. Hanks asked for Council feedback on any changes to the floorplan; the floorplan will be brought back for Council approval.

Councilmember Brooks spoke relating to the Sheriff's Office being located at the rear of the building; Mr. Hanks responded that the building can be rotated 90 degrees.

In response to Councilmember Collins, Mr. Hanks provided an overview of the floorplan and discussed various aspects; noted that as the Town grows, the Sheriff's Office could be moved into their own office with the area converted into additional space for Town needs; and, confirmed that the break room will be big enough.

Carole Stensrud spoke and asked if there will be good insulation and sound protection in the walls. Mr. Hanks confirmed that it will and there will be soundproofing between the Sheriff's Office and Town Hall.

5. Adjourn.

The meeting was adjourned at 7:45 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk



CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **January 7, 2020**

Consent Agenda Item: **7.F.**

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

Subject:

Consent Agenda Approval of Policy and Guideline PG No. TC20-01, Regional Organization Appointments, which amends previous Policy and Guideline PG No. TC15-01.

Background:

Each year, Council makes appointment to regional organizations, following the guidelines in PG No. TC15-01.

With the appointments made in December 2019, it became apparent of the need to amend PG No. TC15-01 to accurately reflect the organizations that Council participates in.

Changes include:

- Removing references to the Greater Prescott Regional Economic Partnership (GPREP), which closed in 2019;
- Changing the name of the Yavapai County Emergency Management organization to the current name, "Local Emergency Planning Committee";
- Adding Central Arizona Fire and Medical Authority (CAFMA), as per current Council practice;
- Clarifying the policy relating to appointing alternative members; and,
- Clarifying that replacement appointments are made at a Regular or Special Council Meeting.

As per past practice, with the amendments, the policy is assigned a new number.

Financial Impact:

There is no financial impact to the Town to update the Policy and Guideline.

Direction Requested:

Staff is seeking formal Council approval of the Policy and Guideline.

Suggested Motion:

For: I move to approve Policy and Guideline PG No. TC20-01, Regional Organization Appointments.

Against: I move to deny Policy and Guideline PG No. TC20-01, Regional Organization Appointments.

Attachments:

Redlined PG No. TC20-01.

 <p>TOWN OF DEWEY-HUMBOLDT TO BE DETERMINED</p>	<p>PG No TC15- <u>0120-01</u></p>
<p>All Public Bodies : Town Council, Board, Commission, and Committees</p>	<p>Effective Date: December 1, 2015<u>January 7, 2020</u></p>
<p>Subject: <i>Regional organization appointments</i></p>	

1. **Purpose and Scope:** To provide a procedure for Council or other public bodies to appoint representatives to regional organizations. Town staff representation at regional organizations is not subject to this policy.

2. **Background:**

The Town participates in the activities of several regional organizations, such as the Central Yavapai Metropolitan Planning Organization (CYMPO), the Northern Arizona Council of Governments (NACOG), ~~the Greater Prescott Regional Economic Partnership (GPREP)~~, the League of Cities and Towns, and others. It is important that the Town has representation at these regional organizations. Town Council usually appoints the Mayor or a Council Member to serve as Town’s official representative at each organization.

3. **Policy and Appointment procedures:**

3.1 An appointment to a regional organization may be initiated by a request of the agency or a council decision to ensure the Town is properly represented at the organization. The Council appointee may or may not serve on a board, commission or committee within the regional organization.

Town Council, as of the effective date of this Policy, has appointed the Mayor and/or Council members to represent the Town at the following organizations:

CYMPO – Executive Governing Board

~~GPREP – Governing Board~~

NACOG – Council

Yavapai Regional Medical Center – Board of Electors

GAMA (Greater Arizona Mayors’ Association)

Yavapai County ~~Interagency Coordination Committee (Emergency Management)~~Local Emergency Planning Committee

CAFMA (Central Arizona Fire and Medical Authority)

The Town’s representation to regional organizations is not limited to the above list and organizations may be added or deleted at the Council’s discretion.

3.2 When the Town receives an invitation or a request for a public body member to represent the town at a regional organization, the matter shall be placed on a regular meeting agenda for the Council to make an appointment decision. Such decision may be made by motion unless otherwise required by the regional organization.

3.3 It is Council's policy that when a Representative to a regional organization is appointed, Council will also appoint an alternate representative to the same organization, unless an agency does not allow for alternate members.

3.4 Once appointed, the appointee shall make every effort to represent the town properly and provide periodic reports to the Town Council. The appointee shall comply with applicable town codes and policies, including Town Code section 30.085 Representing an Official Town Position.

3.5 Council will review the Regional Organization appointee list to reappoint and/or continue the existing appointments at the second regular Council meeting in December of each year. If, for any reason, Council fails to do so, the appointees shall remain in their positions until new appointments have been made.

3.6 If a person appointed as a representative or alternate representative to a regional organization resigns or is unable to serve, the Town Council shall appoint a new representative and/or alternate at the next available regular or special Council meeting. The new representative may or may not be the alternate to the representative who resigned.

TERRY NOLAN, MAYOR _____

ATTEST:

JUDY MORGAN _____
TIMOTHY A. MATTIX, TOWN CLERK _____

Notes: _____

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CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **January 7, 2020**

Consent Agenda Item: **7.G.**

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

Subject:

Consent Agenda Approval of new Administrative Regulation No. 20-01, Volunteer of the Year.

Background:

Following the discussion at the December 10, 2019 Study Session, staff created a new Administrative Regulation that outlines the process that will be followed for advertising, nominating, reviewing, selecting, and recognizing the Volunteer of the Year.

Financial Impact:

There is no financial impact to the Town to approve the Administrative Regulation.

Direction Requested:

Staff is seeking formal Council approval of the new Administrative Regulation.

Suggested Motion:

For: I move to approve Administrative Regulation, AR No. 20-01, Volunteer of the Year.

Against: I move to deny Administrative Regulation, AR No. 20-01, Volunteer of the Year.

Attachments:

AR No. 20-01



**TOWN OF DEWEY-HUMBOLDT
ADMINISTRATIVE REGULATION**

AR No 20-01

Subject: *Volunteer of the Year*

Council Approval Date:
January, 2020

- 1. Scope:** This policy applies to the procedures and regulations involved in the Volunteer of the Year process.
- 2. Purpose:** This policy describes the Volunteer of the Year process by identifying who is eligible, the nomination process, the honoree selection and recognition.
- 3. Definitions:** For purposes of this policy, the following words and phrases shall have the meanings set forth below:

Volunteer: A person who has given of their time and efforts for the benefit of the Town.

Nominee: A person who is proposed for the recipient of the award.

Honoree: A person who receives recognition for their nomination.

Citizen Committee: A diverse group of individuals/organizations who are involved in the community. Committee members do not have to be a Dewey-Humboldt resident.

Liaison: A Councilmember who can serve on the Citizen Committee as an arbitrator only.

4. Background:

The Town recognizes that this is a great way to express its sincere appreciation for our volunteers who generously give of their time and efforts for the benefit of the Town.

The process begins with a Volunteer of the Year article printed in the Town Newsletter for a maximum of two (2) consecutive months. The article identifies the following criteria that is required for the nomination process:

Who is eligible?: The nomination is open to all Dewey-Humboldt residents who have volunteered in the previous calendar year. Nominees need to have been volunteers as individuals or for organizations that directly benefit the citizens of the Town of Dewey-Humboldt. The organization can be the Town Council, Town Boards/Commission/Committees, including the Planning and Zoning Commission, Open Space and Trails Committee, Firewise, Volunteers for the Town’s Activity Center, the Town Library, the Historical Society, Humboldt Elementary School and other Agencies that have programs benefiting the citizens of the Town of Dewey-Humboldt.

Nomination Process: The process is simple. State the Nominee’s name, what work has been done as a volunteer and/or the volunteer organization where the Nominee volunteered. Briefly describe why you believe the individual should be nominated, such as how his/her efforts volunteering in the specific organization have made a profound difference in citizens’ lives. Each Nominee should be submitted on a separate form. Nominations can be delivered to Town Hall via in person, U.S.P.S., emailed or faxed.

Honoree Selection: The Town Manager appoints a Citizen Committee to review the Nominees and make a recommendation to the Town Council. The Citizen Committee shall be comprised of a diverse group of individuals/organizations who are involved in the community. Members do not have to be a Dewey-Humboldt resident. One Councilmember liaison will serve on the committee as an arbitrator only. Nominees will be judged on the service performed/donated by the nominee; the amount of time and effort spent by the nominee; whether the nominee was nominated for more than one service; and, whether the nominee was nominated by more than one person for their service. After review of the nominations, the Citizen Committee will make their recommendation to the Town Council.

Recognition: The Honoree of the “Volunteer of the Year” Award, along with all that have been nominated, will be recognized by the Town Council at an upcoming Town Council meeting where they will be awarded certificates of appreciation. Nominees’ guests and other dignitaries will be able to express their appreciation for the Nominee. The Volunteer of the Year plaque will be updated with the Honoree’s name and date. This plaque is displayed in Town Hall. This is a wonderful way for the Town to express its sincere appreciation for our volunteers and a great opportunity for volunteers to inspire others through their stories.

5. Policy:

In order to recognize those citizens that have so generously given of their time and efforts for the benefit of the Town, the Town has decided to implement procedures for the Volunteer of the Year process. With the Council’s approval, the Town Manager has implemented the following:

5.1. The Volunteer of the Year procedure process.

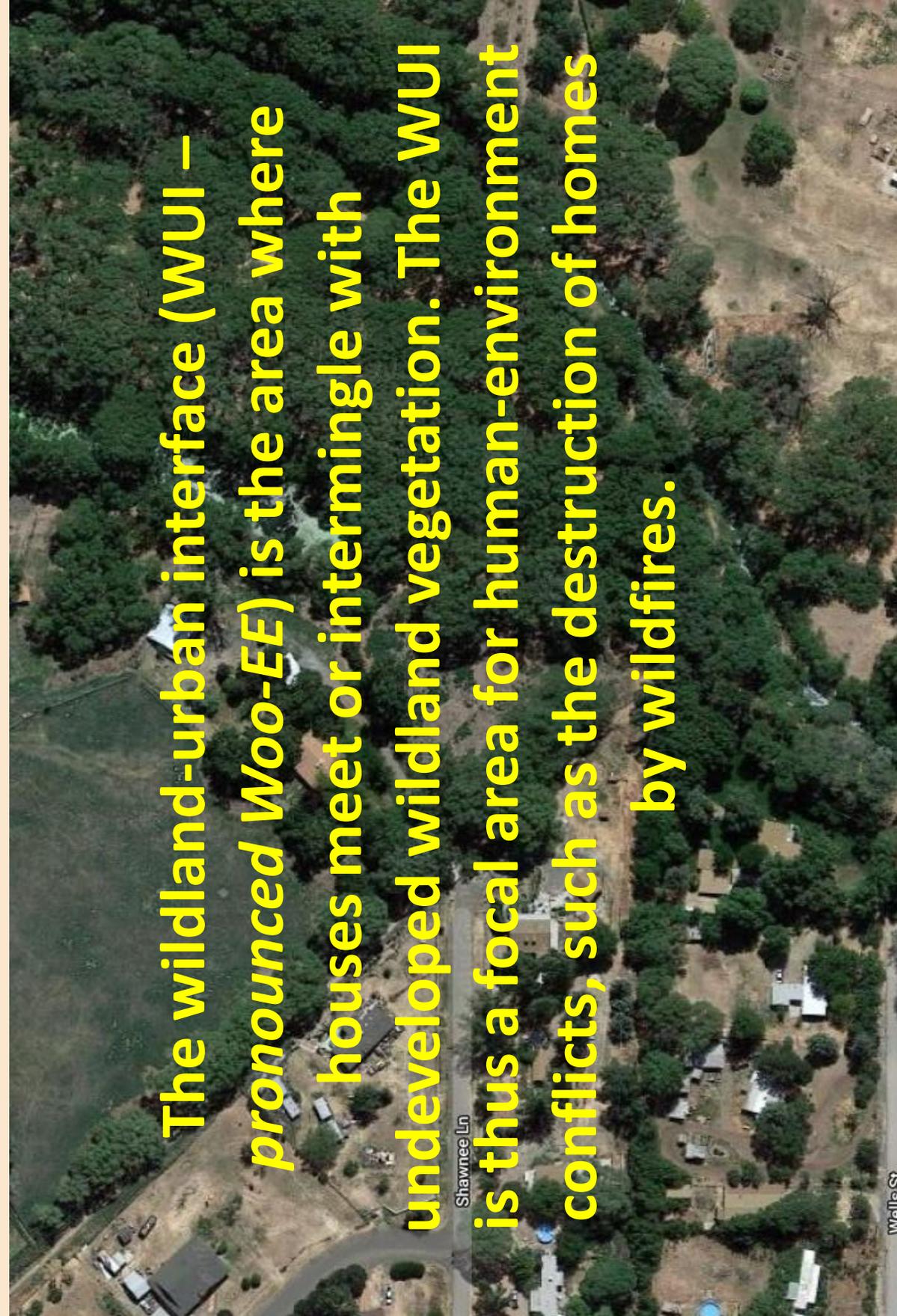
- a. The process begins with a Volunteer of the Year article printed in the Town Newsletter for a maximum of two (2) consecutive months. The article identifies the criteria that is required for the nomination process.
- b. All nominees must have volunteered in the year of the nomination period. Nominations are to be date stamped when received, with one nomination per submittal.
- c. A Citizen Committee is to be formed by the Town Manager to review all nominations, with one Councilmember as a liaison to serve as an arbitrator. The arbitrator does not get involved with the selection process.
- d. A Staff Council Communication is to be added to a Town Council’s Agenda for their approval of the Citizen Committee’s recommendation for Volunteer of the Year.
- e. All nominees will be contacted, advised of their nomination and thanked their volunteerism.
- f. A date gets scheduled for the Volunteer of the Year celebration. All nominees, their guests, dignitaries, volunteer organizations representatives, Staff, Council, media and the public will be invited to attend the celebration and the Town Council meeting where everyone will be recognized for the volunteerism.
- g. Certificates of appreciation for all nominees and the winner of the Volunteer of the Year are to be made and the Perpetual Plaque will get engraved with the name of the Volunteer of the Year.
- h. Notification to the public of the Volunteer of the Year celebration will be made via the Town’s website, Facebook, Constant Contact and the Town’s Newsletter.

TOWN MANAGER APPROVAL	Initial: _____
Notes: _____	

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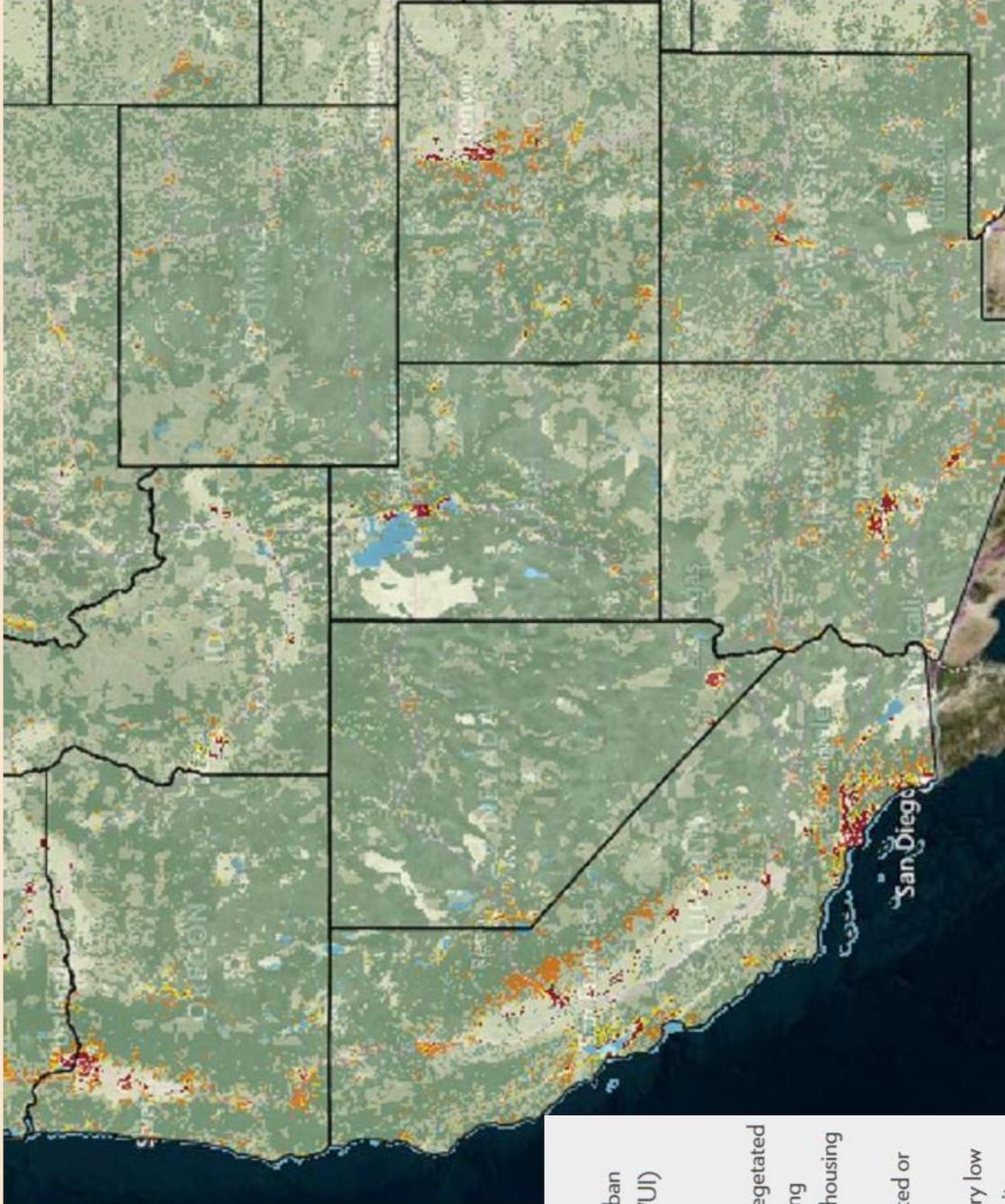
WOOD-BEE

**WHAT IT IS AND HOW DEWEY-HUMBOLDT CAN
SAFEGUARD AGAINST IT**



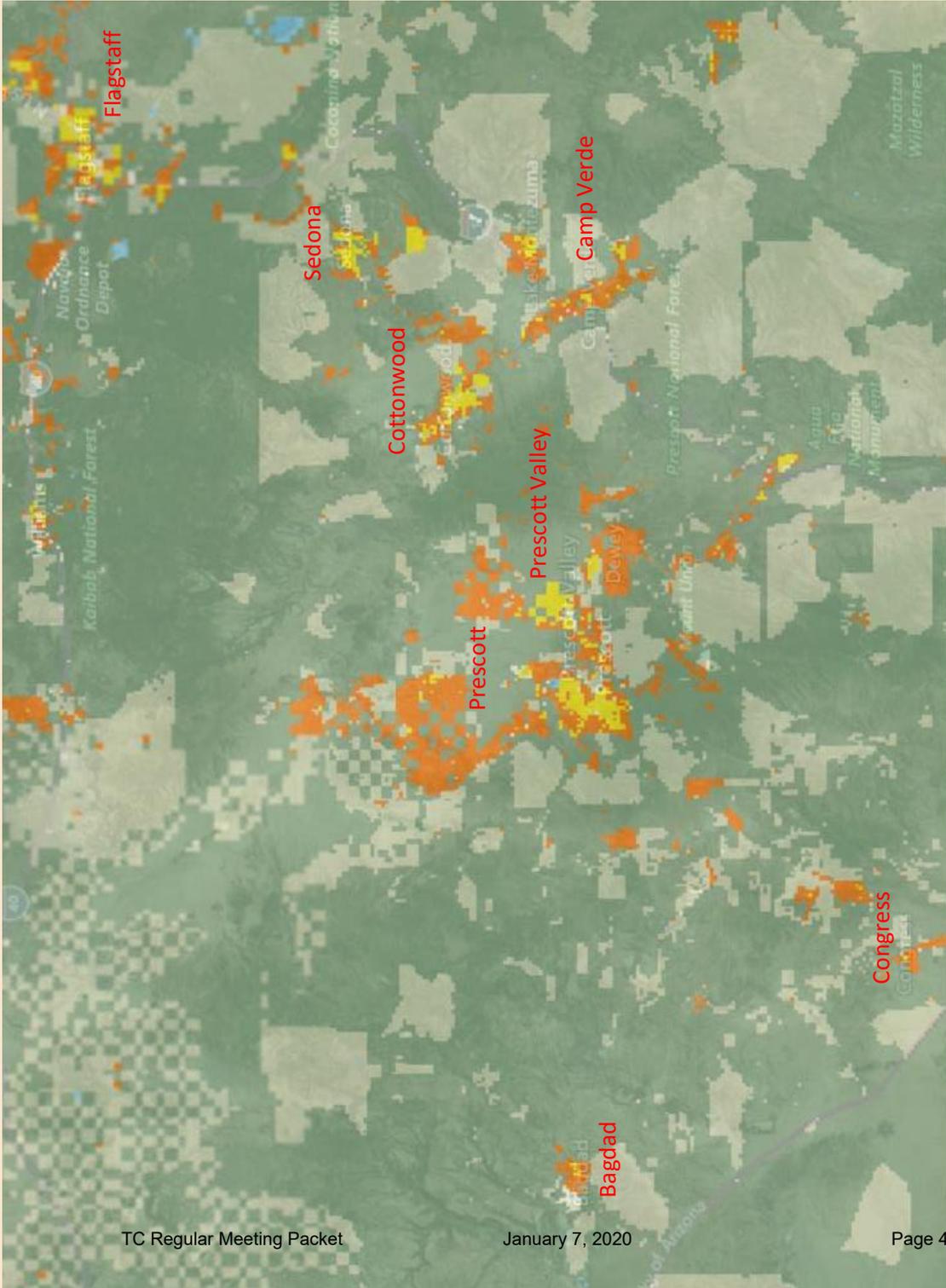
The wildland-urban interface (WUI – pronounced *Woo-EE*) is the area where houses meet or intermingle with undeveloped wildland vegetation. The WUI is thus a focal area for human-environment conflicts, such as the destruction of homes by wildfires.

Here's a subset of that map which shows the US Southwest along with a map legend. Shades of green and blue are not WUI, nor is the bright red, but yellow and especially brown are. It's easy to see that most of the Southwest is NOT within a WUI.



LEGEND	
Wildland-Urban Interface (WUI)	Yellow
Interface	Brown
Intermix	Orange
Non-WUI Vegetated	Dark Green
No housing	Light Green
Very low housing density	Lightest Green
Non-Vegetated or Agriculture	Lightest Yellow
low & very low housing density	Lightest Yellow-Green
Medium & high housing density	Red
Water	Blue

Here I've zoomed into central Arizona. Again, it's mostly green, but some blotches of yellow and brown can easily be seen.





And here's Dewey-Humboldt. This is a *dang* moment. Essentially the entire incorporated Town is the undesirable brown which means that we are predominantly and undoubtedly a WUI community. A quick look shows that it's primarily only public land (State and BLM) that are not within a WUI.

Douglas Thomas & David Butry of the National Institute of Standards and Technology paired the SILVAS LAB maps with wildfire (and other) data and, within the journal *Natural Hazards*, published their results titled “**Areas of the U.S. wildland–urban interface threatened by wildfire during the 2001–2010 decade**”, (Apr 2014). 71. 10.1007/s11069-013-0965-7. https://www.researchgate.net/publication/259635498_Areas_of_the_US_wildland-urban_interface_threatened_by_wildfire_during_the_2001-2010_decade

One of the interesting conclusions they found was:

In a 10 year period, from 2001-2010, approximately
44.9%
of the WUI experienced a wildfire



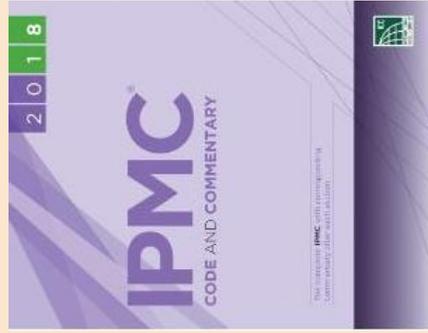
That brings me to the upcoming discussion regarding the adoption of updated building codes. As you're aware, one building code cannot cover all conditions, so there is an umbrella code and multiple subordinate codes that can be appended. For 2018, there is the International Building Code (IBC) which is the umbrella or foundation of the complete Family of International Codes®.



To that is typically appended the International Residential Code (IRC) that focuses on single or dual family homes.



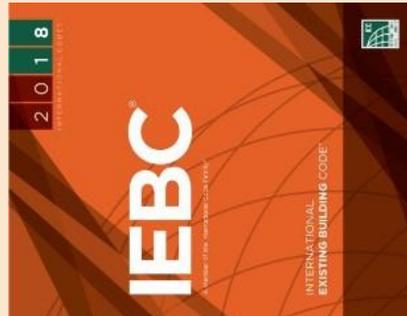
Plus the International Plumbing Code (IPC) which of course focuses just on plumbing.



Also there's the International Property Maintenance Code (IPMC), which contains for this Town the controversial section dealing with weeds.



International Fire Code



International Existing Building Code

And there are many more, some of which may have already been adopted or also may be appropriate for our Town...



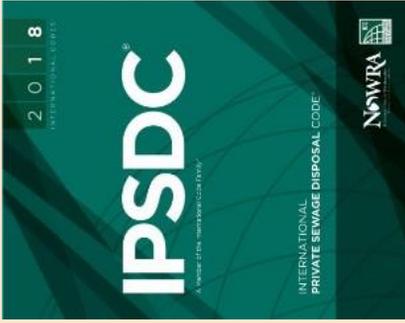
International Mechanical Code



International Energy Conservation Code



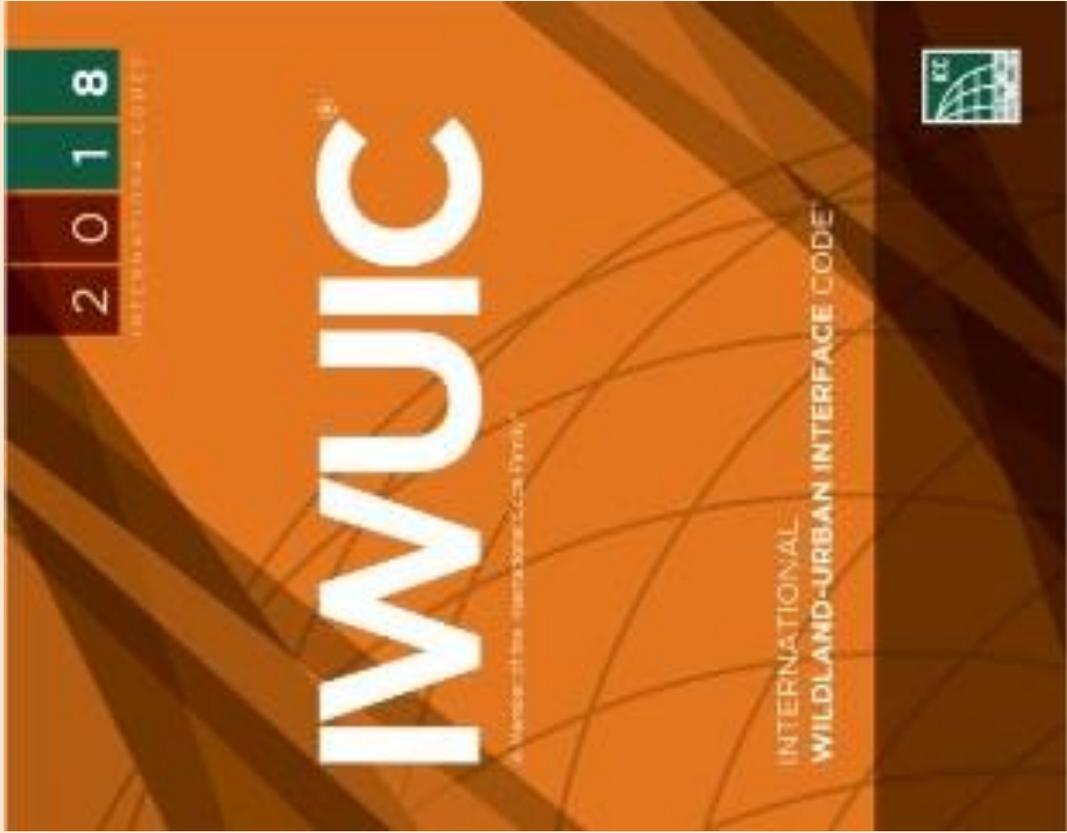
International Zoning Code



International Private Sewage Disposal Code



International Fuel Gas Code



And finally, for the purpose of this discussion, there's the International Wildland-Urban Interface Code, identified as the IWUIC. For those communities that include any significant areas of WUI, it should be considered for adoption. As nearly ALL of Dewey-Humboldt is within the WUI, it seems to be obvious that it is a set of standards that should be discussed and almost certainly adopted by this Council.

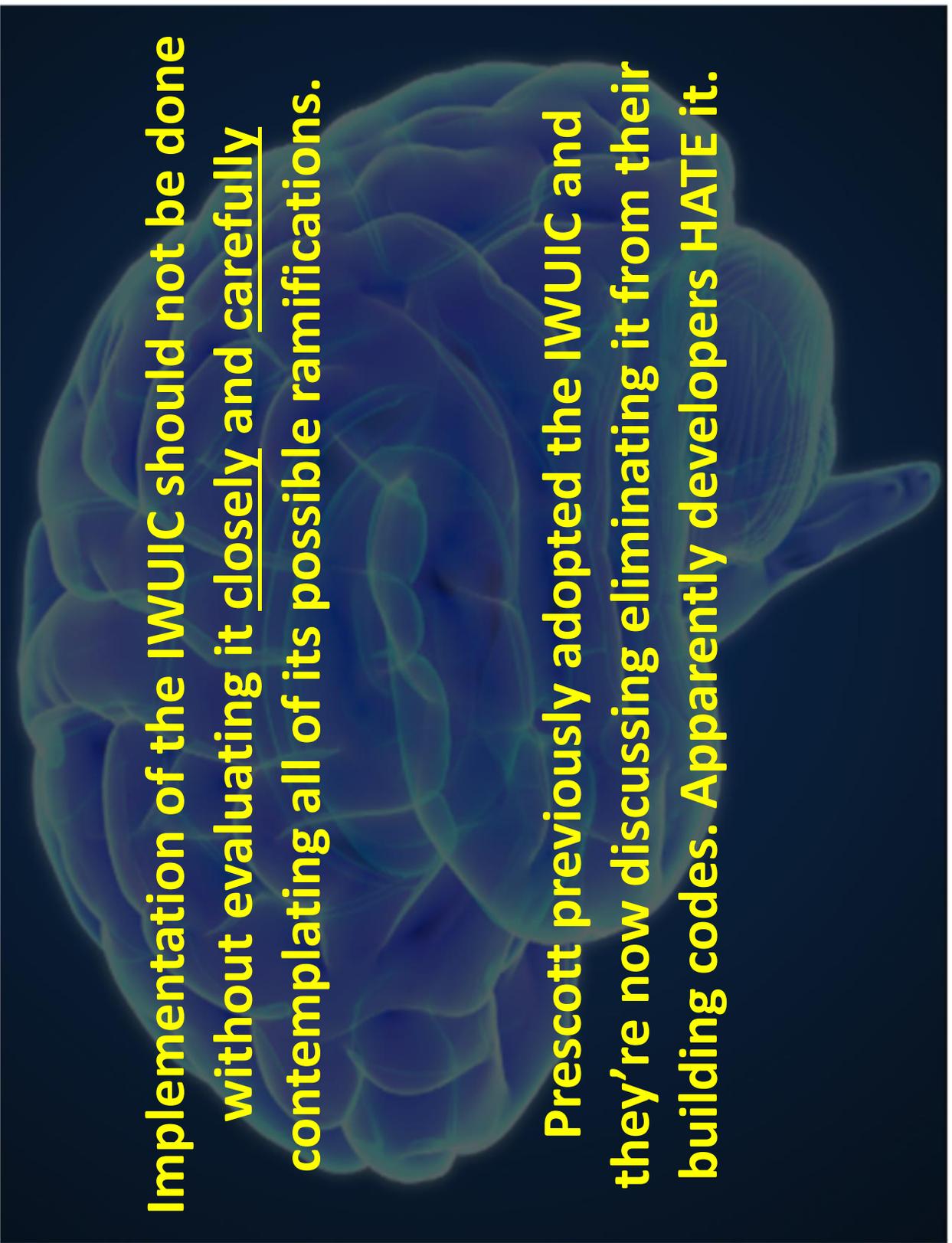
I can't provide a copy of the IWUIC to you– It's copyrighted and it costs. However, it is available online and it can be read at the following site:

<https://codes.iccsafe.org/content/IWUIC2018>

There is no doubt that the IWUIC is onerous and lots of folks will be upset with its adoption. It could easily change the future character of our Town. However, the first sentence of it's stated intention offers the best reasoning as to why it should be adopted:

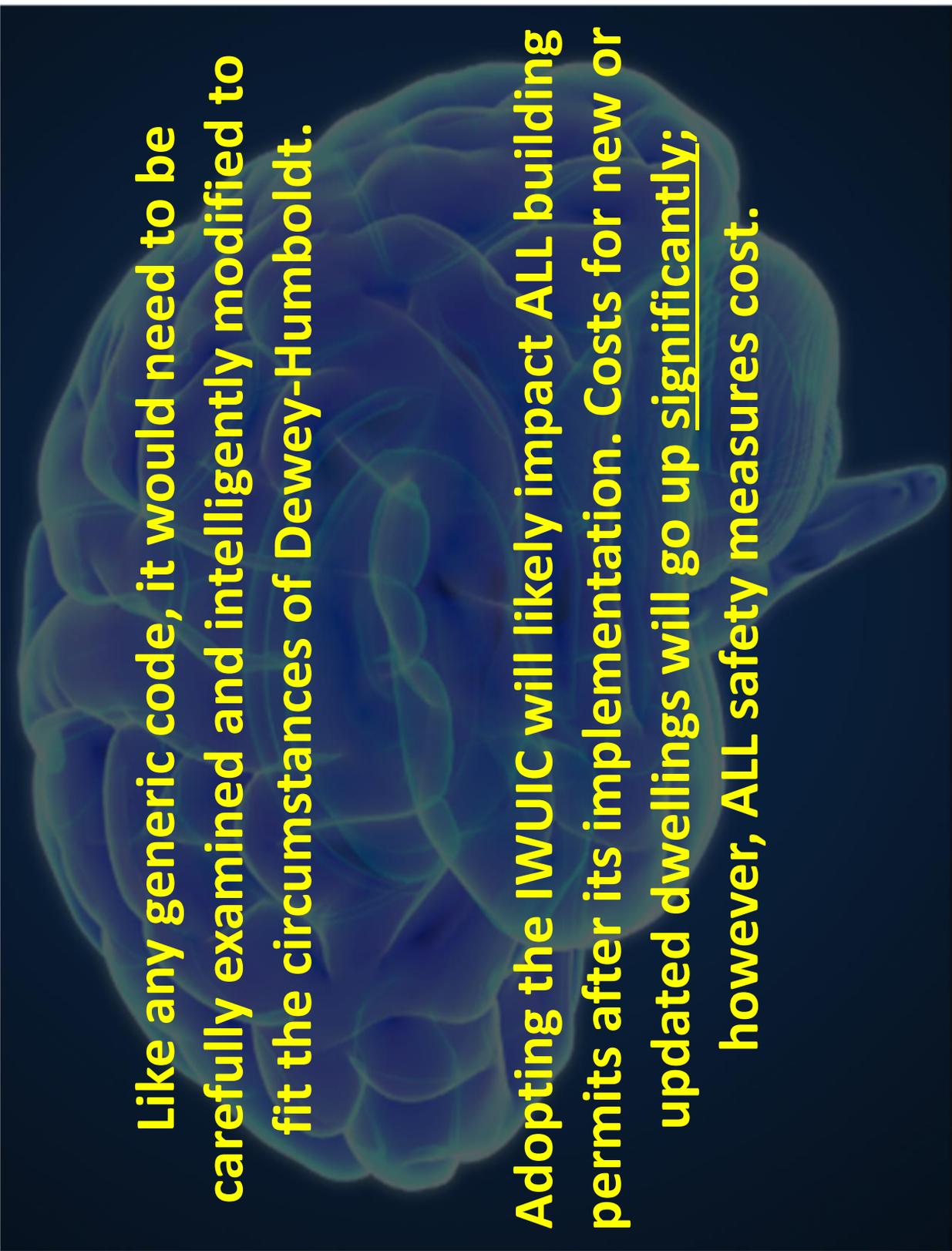
“The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and for property protection.”

It seems self-evident that that should also be one of the primary objectives of this Town Council.



Implementation of the IWUIC should not be done without evaluating it closely and carefully contemplating all of its possible ramifications.

Prescott previously adopted the IWUIC and they're now discussing eliminating it from their building codes. Apparently developers HATE it.



Like any generic code, it would need to be carefully examined and intelligently modified to fit the circumstances of Dewey-Humboldt.

Adopting the IWUIC will likely impact ALL building permits after its implementation. Costs for new or updated dwellings will go up significantly; however, ALL safety measures cost.

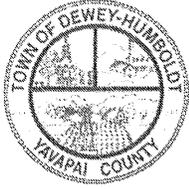
We have been told multiple times by our first-responders that it's not a question of IF but instead a question of WHEN Dewey-Humboldt will burn. We're way past due. So the struggle for the Town is, what safety measures are you willing to do beforehand?

When we're aware of not just possible but probable injury, death, or mass destruction, to not act is irrational.

You as the Town Council get to live with the realization that some of your decisions, if wrong, can cause wasted money, unnecessary pain, and potentially death, and then you have to sleep at night. Your best hope to comfortably do that last is to replace as many hopes and guesses with real knowledge and action. I encourage you to recognize that Dewey-Humboldt is undeniably within a Woo-EE and that a prudent action by this Town Council is to supplement your other efforts by incorporating the IWUIC into the Town's building codes.

Perhaps imagining what you'll tell the citizens and media AFTER the wildfire may help.

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

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DEC 20 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: Jan 7 2020

Date of Request: 12 - 20 - 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):

Discussion of Wildland-Urban Interface Code ^{and} to put the most important info in it on web or town news letter - to inform RESIDENTS of "self-help" improvements to protect homes.

Purpose and Background Information (Detail of requested action). Several good ideas

in this need to become available - this is hard to find online since the total code is copyrighted. There are things like 504.7.1 that may be a useful addition to building code though.

Staff Recommendation(s): _____

Budgeted Amount: _____

List All Attachments: Prescott 2012 Amendments to 2012 IWUIC

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.

EXHIBIT 'A'

**CITY OF PRESCOTT 2012 AMENDMENTS TO THE
2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**

Section 101.1 entitled "Scope and Administration; Scope and General Requirements; Title" is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Wildland-Urban Interface Code of the City of Prescott, hereinafter referred to as "this code".

Section 101.2 entitled "Scope" is hereby amended to read as follows:

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within the *wildland-urban-interface areas* in this jurisdiction. This area is designated on the City of Prescott Wildland-Urban Interface Vegetation Management Map as referenced in Appendix B of this Code.

Exceptions:

1. Modular / manufactured buildings affixed on an individual lot are exempted from the special building construction regulations of this code but are required to comply with the vegetation requirements.
2. Any commercial, multi-family, townhouse, or triplex and larger resource, including but not limited to, buildings, structures, landscapes, streetscape features or sites may be exempted from this code if, it is determined by the *Building Official* or Community Development Director, and approved by the *fire code official*, that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource.
3. Any cultural resources, including but not limited to, buildings, structures, landscapes, streetscape features or sites may be exempted from this code if, It is listed in or officially determined eligible for, the National, State of Arizona or City of Prescott Register of Historic Places or is located within a Historic Preservation District and It is determined by the City of Prescott Historic Preservation Specialist or the Community Development Director, and approved by the *Fire Code Official*, that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource."
4. Any area designated by the City of Prescott to be riparian providing that the exemption of said resource will not create an additional fire hazard in the immediate vicinity of the resource.

Section 103 Enforcement Agency

[A] 103.1 Creation of enforcement agency. The Prescott Fire Department is hereby created and the official in charge thereof shall be known as the ~~code official~~ *fire code official*.

[A] 103.3 Deputies. In accordance with prescribed procedures of this jurisdiction, and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Positions shall be, but not limited to, inspectors, code enforcement officers, plans reviewers, or suppression personnel.

Section 107.8 entitled "Scope and Administration; Expiration" is hereby amended to read as follows:

107.8 Expiration. ~~Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.~~

~~Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. No permit shall be extended more than once.~~

~~Every permit issued or extended by the code official under the provisions of this code shall expire as set forth in said permit.~~

202 DEFINITIONS

Section 202 entitled "Definitions" is hereby amended by changing the definition "Driveway", to read as follows:

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five two dwelling units.

Section 202 entitled "Definitions" is hereby amended by adding the following definitions: "Aerial Fuel", "All Weather Surface", "Forest Floor", "Ladder Fuel", "Operational Platform" and "Surface Fuel".

AERIAL FUEL shall mean all live and dead vegetation in the forest canopy or above surface fuels, including but not limited to tree branches, twigs and cones, snags, and high brush.

ALL WEATHER SURFACE (AW) shall mean a road surface made up of approved materials compacted to 95% and capable of supporting vehicles in excess of 75,000 pound G.V.W. under any weather condition (i.e. decomposed granite)

FOREST FLOOR shall mean fresh and decomposing organic litter which forms the surface layer of a soil under forest vegetation.

LADDER FUEL shall mean flammable materials occurring between surface fuels and aerial fuels which act as a ladder to facilitate the spread of a surface fire to tree crowns, or a crown fire down to the surface.

OPERATIONAL PLATFORM shall mean an area located, as close to the dwelling as practical, where an emergency vehicle is staged while performing emergency medical or fire fighting tasks. The platform shall be a minimum of 20 feet by 30 feet with a maximum grade of 5 percent. Depending on terrain, the length and width may be extended as determined by the *Fire Code Official*.

SURFACE FUEL shall mean loose surface litter on the soil surface to include grasses, shrubs and tree seedlings available to burn.

Section 302.3 entitled "Wildland-Urban Interface Areas; Wildland-Urban Interface Area Designations; Review of Wildland-Urban Interface Areas" is hereby amended to read as follows:

302.3 Review of Wildland-Urban Interface Areas. The Code official shall reevaluate and recommend modifications to the Wildland-Urban areas in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the legislative body *fire code official*.

Section 402.2.2 entitled "Wildland-Urban Interface Area Requirements; Applicability; Individual Structures; Water Supply" is hereby amended to read as follows:

402.2.2 Water Supply. Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404. Structures shall have a water hose bib installed to accommodate the use of a garden hose on the exterior of each side of all dwelling units.

Exception:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for non conforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet.

The second paragraph of Section 403.2 entitled "Wildland-Urban Interface Area Requirements; Access; Driveways" is hereby amended to read as follows:

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from an apparatus access road. When a driveway exceeds 150 feet in length, an operational platform, as defined in this amendment, shall be provided as close to the dwelling as practical.

Section 403.2.3 entitled "Wildland-Urban Interface Area Requirements; Access; Service Limitations" is hereby amended to read as follows:

403.2.3 Service Limitations. A driveway shall not serve in excess of 5 2 dwellings.

Section 403.2.4 entitled "Wildland-Urban Interface Area Requirements; Access; Turnarounds" is hereby amended to read as follows:

403.2.4 Turnarounds. Driveway turnarounds shall have inside turning radii radius of not less than 30 28 feet and outside turning radii radius of not less than 45 48 feet. Driveways that connect with a road or roads at more than one point shall be considered as having a turnaround if all changes of direction meet the turning radii radius requirements for driveway turnarounds.

Section 403.7 entitled "Wildland-Urban Interface Area Requirements; Access; Grade" is hereby amended to read as follows:

403.7 Grade. The grade of the fire apparatus access road shall be no more than 12%, or within the limits established by the *fire code official* based on the fire department's apparatus and to meet requirements of this code and amendments.

Section 504.5 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Exterior Walls" is hereby amended by adding one new paragraph at the end thereof, to read as follows:

504.5 Exterior Walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.
2. Approved noncombustible materials.
3. Heavy timber or log wall construction.
4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.
5. Ignition-resistant materials on the exterior side.

Such material shall extend from the top of the foundation to the underside of the roof sheathing. Where wood siding of any type is used, there shall be required a ten (10) foot clearing of all vegetation and a ten (10) foot minimum setback to all property lines.

Section 504.7.1 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Appendages and Projections; "Underfloor Areas" is hereby amended to read as follows:

504.7.1 Underfloor Areas. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 24 inches of the ground, with exterior wall construction in accordance with Section 504.5.

add?

Section 504.10 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Vents" is hereby amended to read as follows:

good self help info

504.10 Vents. Attic ventilation openings, foundation or under-floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 1/8 inch or shall be designed and approved to prevent flame and ember penetration into the structure.

Section 504.10.1 entitled "Special Building Construction Regulations; Ignition-Resistant; Vent Locations" is hereby amended to read as follows:

*

504.10.1 Vent Locations. Attic ventilation shall not be allowed to be located in soffits, in eave overhangs, between rafters at eaves, or on other overhang areas. Gable end and dormer vents shall be located at least 10 feet from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

good self help info

Attic ventilation openings in soffits, eave overhangs, between rafters at eaves or in other overhang areas shall be allowed. These vent openings are required to be located as close to the fascia as is possible. Such ventilation openings shall be covered (inside or outside) with a noncombustible, corrosion resistant mesh with openings not to exceed 1/8 inch (3.2mm)."

Section 504.11 entitled "Special Building Construction Regulations; Ignition-Resistant Construction; Detached Accessory Structures" is hereby amended to read as follows:

504.11 Detached Accessory Structures. Detached accessory structures located less than 50 15 feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour-rated fire-resistive construction, heavy timber, log wall construction, or constructed with approved noncombustible materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

Section 602.1 entitled "Fire Protection Requirements; Automatic Fire Sprinkler Systems" is hereby amended to read as follows:

§ § §

602.1 General. ~~An approved automatic fire sprinkler system shall be installed in all occupancies in new buildings required to meet the requirements for Class 1 ignition resistant construction in Chapter 5 as required by the Fire Code Official in accordance with regulations set forth by this jurisdiction. The installation of the automatic fire sprinkler systems shall be in accordance with nationally recognized standards.~~

The first paragraph of Section 603.2 entitled "Fire Protection Requirements; Fuel Modification" is hereby amended to read as follows:

603.2 Fuel Modification. In order to qualify as a conforming defensible space for the purpose of Table 503.1, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (9144 mm) or to the property line, whichever is less. Fuel modification shall be in accordance with Appendix B and subject to erosion control treatments of the disturbed soils or sloped areas. Distances specified in Table 603.2 shall be measured along the grade from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the *Fire Code Official* because of a site-specific analysis based on local conditions and the fire protection plan.

Appendix A Section A102 entitled "General Requirements; Table A102.3.3.1 titled "Minimum Clearances Between Vegetation and Electrical Lines At Time of Trimming" is hereby amended as follows:

**Table A102.3.3.1
Minimum Clearances Between Vegetation
And Electrical Lines**

Line Voltage	Minimum Radial Clearance From Conductor (feet)
2,400 – 72,000	4 16 *
72,001 – 110,000	6 30 *
110,001- 300,000	10-30 *
300,001 or more	15 50 *
	* Consistent with Utility Requirements

Appendix A Section A102.3.2.2 entitled "General Requirements; Minimum clearance to be maintained" and Table A102.3.2.2 entitled "Minimum Clearances Between vegetation and Electrical Lines To Be Maintained" is hereby amended by deleting both Section A102.3.2.2 and Table A102.3.2.2

Section A106.1 of Appendix A entitled "General Requirements; Dumping; Waste Material" is hereby amended by adding the following additional exception thereto:

A106.1 Waste Material Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exceptions:

1. Approved public and private dumping areas.
2. Items removed from the forest floor in compliance with this Code may be composted to a safer fire resistive level with the intent to redistribute to the forest floor to maintain forest health. Compost piles must be a minimum of 10 feet from all native fuels and structures.

Appendix B entitled "Vegetation Management Plan" is hereby amended by adding new paragraphs to read as follows:

**APPENDIX B
VEGETATION MANAGEMENT PLAN**

The vegetation fuel modifications shall be completed within thirty (30) feet of the house or to the property line, whichever is less) prior to the vertical construction. The vegetation fuel modification beyond thirty (30) feet of the house and up to one hundred fifty (150) feet of the house or the property line, whichever is less, shall be completed or any re-growth of native vegetation shall be subject to inspection prior to the issuance of the Certificate of Occupancy.

A maximum of 80 healthy trees per acre shall be allowed, with the under-story pruned and maintained.

Exception: Indigenous tree(s) under six (6) feet in height shall not be counted but treated like shrubs according to restrictions of other indigenous shrubs in the relevant zone.

Where non fire-resistive construction materials are used for exterior walls, the tree density provision stated above does not apply and there shall be required a ten (10) foot clearing of all vegetation.

Exception: Designated historic or specimen trees are allowed to remain. This allowance is made regardless of the trees' proximity to structures or the roofline, provided the trees conform to the following:

- A. Trees are estimated to be a minimum of twenty (20) years old or have at least a six (6) inch caliper and,
- B. Trees do not have any ladder fuel within ten (10) lateral feet of their canopy and,
- C. Trees must be irrigated on an approved automatic irrigation system and,

- D. Only one (1) tree is allowed in every thirty (30) feet of lateral distance between canopies.

When, in the professional opinion of the code official, particular vegetation does not constitute a fire danger (including but not limited to cases of natural groupings), the code official may grant exceptions to the requirements as set forth in the Defensible Space Requirements.

A three-zone approach shall be applied to accomplish the defensible space requirements of this code as outlined below.

Zone (1) 0 feet to 10 feet from buildings, structures, decks, etc.

1. Remove all indigenous ladder fuels by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush height.
2. Thin indigenous shrubs, leaving only the best specimens. Those remaining specimens should be opened up by pruning and by removal of dead and weak material.
3. Groupings of vegetation both indigenous and non-indigenous are allowed in zone 1 providing that a clear space is maintained. No non-fire resistive vegetation is allowed that creates a ladder fuel condition to structures or indigenous trees.
4. The lineal measurement of said clear space must be equal to or greater than 10% of the total square footage of the said grouping. Clear space need not exceed 10 lateral feet. Groupings over 150 square feet are not allowed in zone 1.
5. Fire resistive plants are highly encouraged in this zone. Zone 1 may not be comprised of more than 20% non fire resistive vegetation.
6. All introduced ornamentals must be hydrated by an approved automatic irrigation system.
7. Coniferous evergreen trees that cannot be limbed above the roof line may not have non-fire resistive vegetation under or within 10 lateral feet of their canopy.
8. Remove all combustible materials and vegetation from under decks. No indigenous brush or grasses shall be within 3 feet of buildings, structures and decks.

9. The maximum tree density shall not exceed the limits as established in Appendix B.

10. Defensible space shall be maintained at least annually.

Zone (2) 10 feet to 30 feet from buildings, structures, decks, etc.

1. Remove all indigenous ladder fuels by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush height.

2. The maximum tree density shall not exceed the limits as established in Appendix B.

3. Groupings of vegetation both indigenous and non-indigenous are allowed in zone 2 providing that a clear space is maintained.

4. The lineal measurement of clear space must be equal to or greater than 10% of the total square footage of the grouping. For groups less than 200 square feet the open space need not exceed 15 feet. For groupings 201-300 square feet the open space need not exceed 20 feet. Groupings over 300 square feet must meet the 10% rule.

5. All introduced ornamentals must be hydrated on an approved automatic irrigation system.

6. Coniferous evergreen trees that cannot be limbed above 6 feet may not have non-fire resistive vegetation under or within 10 lateral feet of their canopy.

7. Reduce continuity of indigenous fuels by removing dead materials and removing/thinning so a person can walk between them.

8. Emphasis is placed on slopes greater than 20% gradient, in which case, additional vegetation treatment may be required. (Example: Zone 2 treatment may be required to extend out an additional 100 feet to a total of 130 feet from the structure.) Control erosion and sedimentation from exposed soils through terracing, gravel beds, rocked and appropriate irrigated ground covers.

9. Remove all but one (1) inch of the last-season pine needle or leaf droppings. It is important to leave one (1) inch of the new and all of the decomposing layers of needles and leaf droppings to build healthy soil.

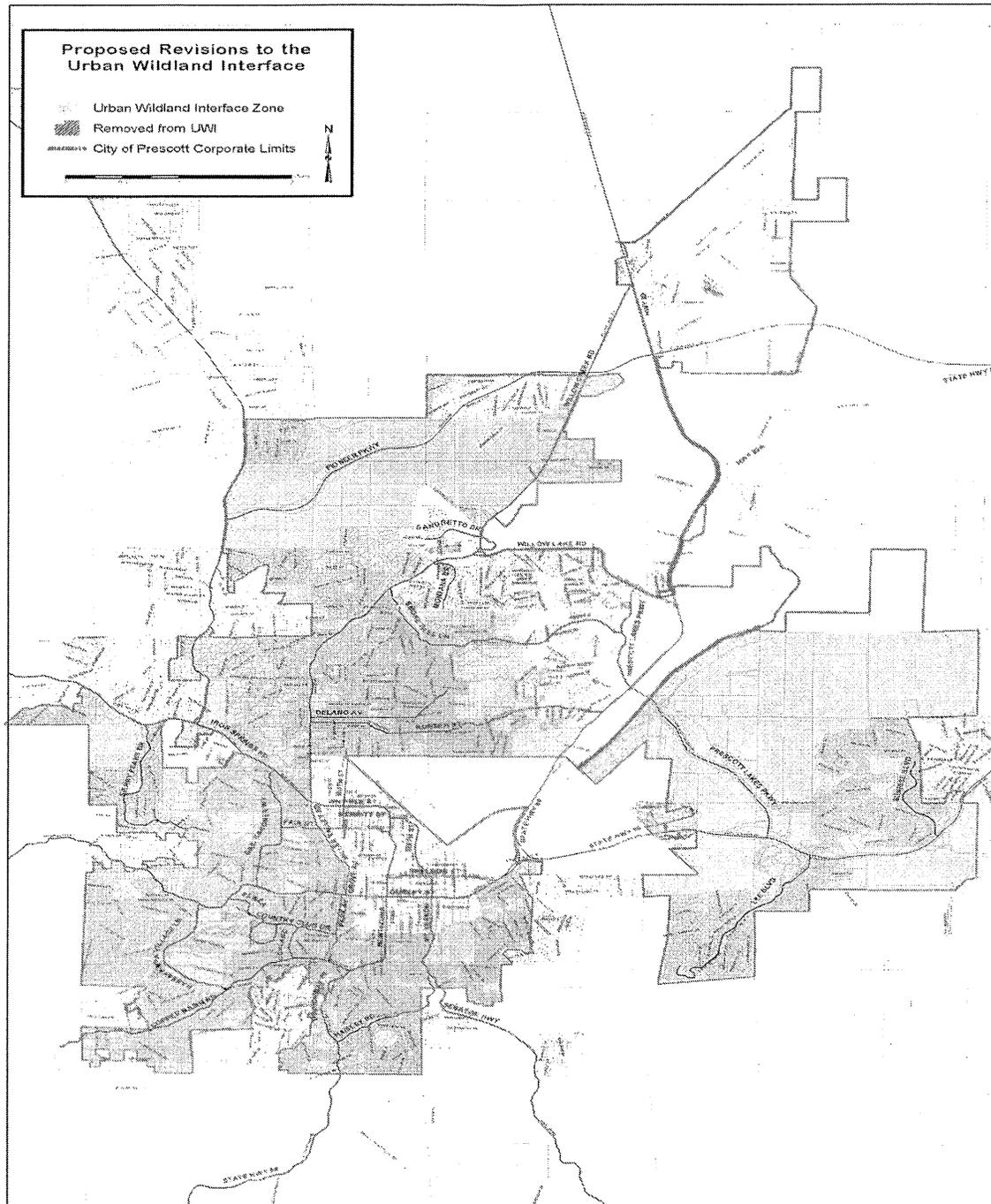
10. Defensible space shall be maintained at least annually.

Zone (3) 30 feet to 150 feet from buildings, structures, decks, etc. where no slopes exist.

1. Remove all ladder fuels and dead materials by trimming back, pruning up or removing vegetation from under trees. Distance to the lowest tree branches should be a minimum of 3 times the brush/shrub height.
2. Defensible space shall be maintained at least annually.
3. All introduced ornamentals must be hydrated by an approved automatic irrigation system.
4. The maximum tree density shall not exceed the limits as established in Appendix B.

The International Urban-Wildland Interface Code is hereby amended by adding a map thereto, entitled "City of Prescott Urban-Wildland Interface Vegetation Management Map", to read as follows:

CITY OF PRESCOTT WILDLAND-URBAN INTERFACE VEGETATION MANAGEMENT MAP



End of Document



COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**
Agenda Item: **9.C.**

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

Subject:

Discussion and possible action to adopt and approve Ordinance No. 20-149 and an Intergovernmental Agreement for the exchange of property with the Humboldt Unified School District, including making a determination that the Dewey-Humboldt parcels are substantially equal in value to the School parcel. In exchange for property generally located at the west side of Huron Street approximately 375 linear feet north of Humboldt Street, and an alley generally located southwest of the Coral Street inside paved parking lot of the school, the Town would receive property generally located northeast of the Town Library parcel.

Background:

The Town has been working with the Humboldt Unified School District on an exchange of property as generally described above. The Humboldt Unified School District governing board approved the property exchange at its meeting on October 15, 2019.

State law requires the Town Council to make a determination that the parcels are substantially equal in value. As seen below, the parcels being exchanged equal the same size:

Town parcels to School District:

Huron Street – 9,690 square feet or .222 acres

Alley – 6,520 square feet or .150 acres

Total: 16,210 square feet or .372 acres

School District parcel to Town:

School property – 16,210 square feet or .372 acres

Given that the properties located in the same general vicinity of the Town, are of equivalent size, and are remnants or other types of property that is unusable for other uses than those proposed by the agreement between the School District and the Town, Town staff submits that the properties are substantially equal in value.

The Notice of Intent to exchange real property was published as required by state statute.

Financial Impact:

Under the terms of the agreement, the Town shall pay the following: one-half the closing costs and the cost of title insurance for the parcel that the Town is acquiring. Sufficient funds to cover the costs are available in the General Fund, account 10-431-7001, ROW Acquisition.

Direction Requested:

Staff is seeking Council determination that the property is substantially equal in value, adoption of the ordinance, and approval of the Intergovernmental Agreement.

Suggested Motion:

For: I move that the Town Council determine the properties being exchanged are substantially equal in value, adopt Ordinance No. 20-149, approve the Intergovernmental Agreement with the Humboldt Unified School District, and authorize staff to take all other necessary steps as contemplated in the ordinance and Intergovernmental Agreement.

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

Against: I move to deny Ordinance No. 20-149 and the Intergovernmental Agreement with the Humboldt Unified School District.

Attachments:

Ordinance No. 20-149 and Intergovernmental Agreement; Notice of Intent

ORDINANCE No. 20-149

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AUTHORIZING THE EXCHANGE OF REAL PROPERTY OWNED BY THE TOWN OF DEWEY-HUMBOLDT FOR REAL PROPERTY OF SUBSTANTIALLY EQUAL VALUE IN THE TOWN; AUTHORIZING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL STEPS NECESSARY TO EXCHANGE SAID REAL PROPERTY SUBJECT TO CERTAIN CONDITIONS; AND APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR EXCHANGE OF REAL PROPERTY SETTING FORTH THE TERMS AND CONDITIONS FOR THE EXCHANGE AND AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY EASEMENT AND GRANTING OF A LICENSE.

Whereas, pursuant to A.R.S. § 9-407, the Town of Dewey-Humboldt (the “Town”) may authorize an exchange of real property for any other real property of substantially equal value within the Town; and

Whereas, the Town of Dewey-Humboldt Town Council desires to exchange certain real property with the Humboldt Unified School District (the “School”), subject to certain conditions; and

Whereas, respective staffs of the Town and the District have outlined the terms and conditions under which their governing boards may agree to the exchange of their respective properties in an Intergovernmental Agreement for Exchange of Real Property between the Town and the School (“Intergovernmental Agreement”), attached hereto as **Exhibit 3** and incorporated herein by this reference; and

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

Section 1: Finding of Substantially Equal Value

The Town Council hereby finds that the value of the real property parcels owned by the Town which are legally described as set forth in **Exhibit 1** (“Town Parcels”) are substantially equal in value to the real property legally described as set forth in **Exhibit 2** (“School Parcel”).

Section 2: Intergovernmental Agreement for Exchange of Real Property

The Town Council hereby approves the Intergovernmental Agreement and authorizes the execution of it by the Mayor.

Section 3: Acceptance of the Public Utility Easement on the Huron Street Parcel

The Mayor, Town Manager and Town Attorney are hereby authorized and directed to take all necessary actions to accept a Public Utility Easement, as set forth in the

Intergovernmental Agreement at its Exhibit 3, on the real property located on the Huron Street Parcel contained in the legal descriptions of the Town Parcels.

Section 4. Authorization for Grant of License

The Mayor, Town Manager, and Town Attorney are hereby authorized and directed to take all necessary actions to grant a license for the installation and maintenance of a marquee sign by the District on real property identified in Exhibit 4 of the Intergovernmental Agreement and in accordance with the provisions set forth in the form of License attached as Exhibit 5 of the Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2020, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2020.

Terry Nolan, Mayor

ATTEST:

Timothy A. Mattix, Town Clerk

APPROVED AS TO FORM:

Bigelow Law Offices, PLC, Town Attorney
By Kay Bigelow

I, TIM MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2020, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2020.

Timothy A. Mattix, Town Clerk

EXHIBIT 1 TO ORDINANCE

TOWN PARCEL

LAND DESCRIPTION
(Huron Street Parcel)

All that portion of 'Huron Street' and the 'Prescott and Eastern R.R' as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE N38°26'01"W , 52.11 feet along the northeasterly line of said parcel;

THENCE N54°49'46"W , 295.99 feet along said line;

THENCE S61°40'47"W , 67.06 feet along the northwesterly line of said parcel to a spike and washer stamped RLS 35138;

THENCE N73°08'01"W , 52.90 feet to the TRUE POINT OF BEGINNING;

THENCE S46°17'21"W, 51.78 feet;

THENCE S38°46'54"W, 147.73 feet;

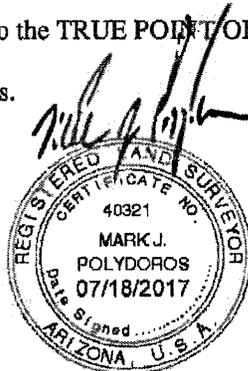
THENCE N55°18'56"W, 43.21 feet;

THENCE N34°41'04"E, 138.41 feet;

THENCE N48°47'44"E, 61.53 feet;

THENCE S55°18'56"E, 49.18 feet to the TRUE POINT OF BEGINNING.

Containing 9,690 sq.ft or 0.222 acres.



Expires 3/31/2019

LAND DESCRIPTION
(20' Alley Parcel)

All that portion of a 20' Alley lying immediately adjacent to and northwesterly of Block 20 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE continuing N40°59'58"W , 207.46 feet along said line to the TRUE POINT OF BEGINNING;

THENCE S48°56'47"W , 49.94 feet to the most northerly corner of said block 20;

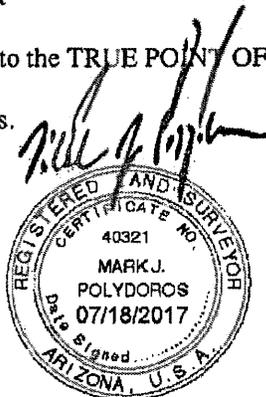
THENCE continuing S48°56'47"W , 293.12 feet along the northwesterly line of said block 20 to a point on the easterly right of way of the abandon Prescott & Eastern R.R. Said point being on a curve curve concave to the northeast, having a radius of 524.63 feet, to which the radius point bears N59°54'29"E;

THENCE northwesterly along the arc of said curve 20.45 feet, through a central angle of 02°14'02;

THENCE N48°56'47"E , 283.93 feet

THENCE N60°12'16"E , 55.94 feet to the TRUE POINT OF BEGINNING.

Containing 6,520 sq.ft or 0.150 acres.



Expires 3/31/2019

EXHIBIT 2 TO ORDINANCE

SCHOOL PARCEL

LAND DESCRIPTION
(Humboldt Elementary School Parcel)

All that portion of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94, also being a portion of 'A Revised Map of Humboldt', as recorded in Book 2 of Maps & Plats, Page 9, Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

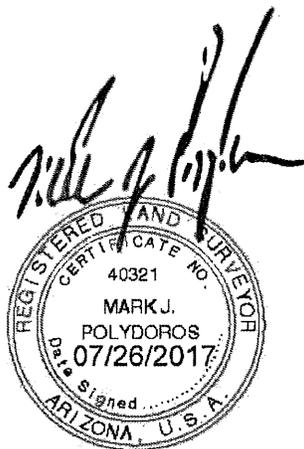
THENCE S00°04'50"W , 515.47 feet along the easterly line of said parcel to the TRUE POINT OF BEGINNING;

THENCE continuing S00°04'50"W, 223.65 feet along said line to a 5/8" rebar capped RLS 35138;

THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE N68°27'21"E , 155.90 feet to the TRUE POINT OF BEGINNING.

Containing 16,210 sq.ft or 0.372 acres.



Expires 3/31/2019

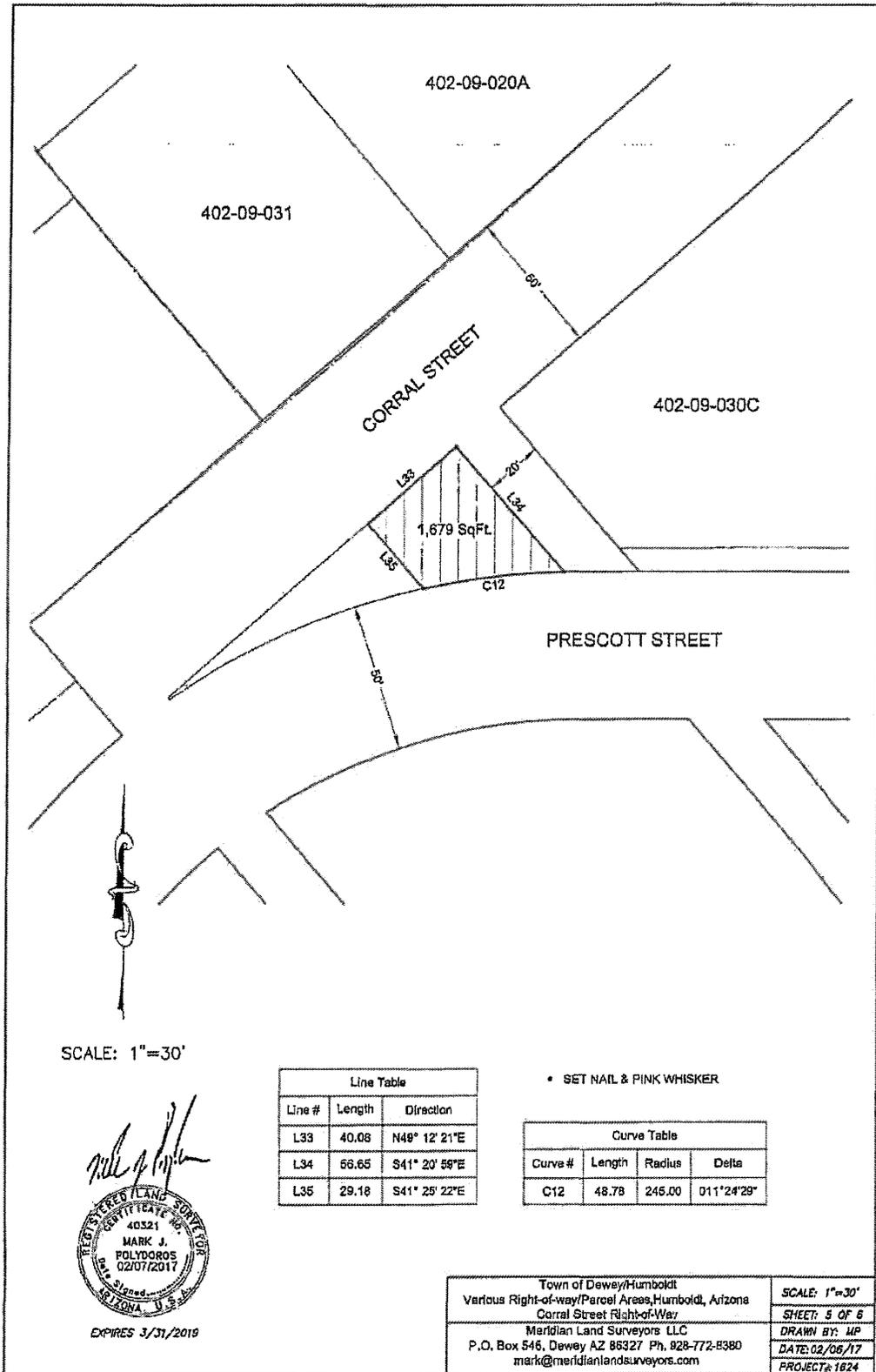


EXHIBIT 3 TO ORDINANCE

INTERGOVERNMENTAL AGREEMENT FOR EXCHANGE OF REAL PROPERTY

EXHIBIT 3 TO ORDINANCE

INTERGOVERNMENTAL AGREEMENT FOR EXCHANGE OF REAL PROPERTY
BETWEEN
THE TOWN OF DEWEY-HUMBOLDT AND THE HUMBOLDT UNIFIED SCHOOL
DISTRICT

This Intergovernmental Agreement for Exchange of Real Property (“Agreement”) is entered into this ___ day of _____, 2020, between the Town of Dewey-Humboldt, Arizona, a municipal corporation, (“Dewey-Humboldt”), and the Humboldt Unified School District, a political subdivision of the State of Arizona (hereinafter referred to as “School”).

RECITALS:

1. Dewey-Humboldt is empowered to enter into this Agreement pursuant to A.R.S. § 9-407 and has authorized the undersigned to execute this Agreement on behalf of Dewey-Humboldt.
2. School is empowered to enter into this Agreement pursuant to A.R.S. § 15-342.9 and has authorized the undersigned to execute this Agreement on behalf of School.
3. The exchange is in the best interest of the citizens of Dewey-Humboldt and the School.
4. A.R.S. § 11-951 *et seq.* provides that public agencies, including school districts and towns, may enter into intergovernmental agreements for provision of services or for joint or cooperative action.

AGREEMENT:

In consideration of the mutual agreements expressed herein and the respective rights, privileges and obligations of the parties hereinafter set forth, it is agreed as follows:

1. Dewey-Humboldt owns two parcels of land known respectively as a portion of Huron Street and a twenty (20) foot alley which are legally described in Exhibit 1 attached hereto (“Dewey-Humboldt Parcels”), and School owns the parcel of land legally described in Exhibit 2 attached hereto (“School Parcel”). Subject to the requirements of A.R.S. § 9-407 and this Agreement, Dewey-Humboldt shall convey the Dewey-Humboldt Parcels to School and School shall convey the School Parcel to Dewey-Humboldt.

2. Title reports for the Dewey-Humboldt Parcels and the School Parcel shall be prepared and delivered to the non-owner party (“Acquiring Party”). Upon written notice from each Acquiring Party to the other party that the title report is acceptable, the exchange may proceed through Yavapai Title Agency, Inc., 980 North Highway 89, Chino Valley, Arizona 86323 (“Escrow Agent”).

3. Fee simple absolute title to the parcels shall be conveyed to the Acquiring Parties as set forth herein at the Close of Escrow (defined in Paragraph 6, below) by Special Warranty Deed, which shall include conveyance of all surface and ground water rights related to the parcel being conveyed. The deed for the conveyance to School of a portion of Huron Street shall include a reservation to Dewey-Humboldt of a public utility easement over, under and across Huron Street. School shall deposit into escrow an executed public utility easement in the form of Exhibit 3, attached hereto. Immediately after the recordation of the deed for the Huron Street parcel, Escrow Agent shall record the public utility easement. The Acquiring Party is only obligated to accept title to the parcel being conveyed to it if (i) the parcel is free and clear of all defects, exceptions, easements, covenants, conditions, restrictions, mining claims, liens and encumbrances not acceptable to such Acquiring Party; and (ii) the Acquiring Party, at its sole discretion, is otherwise satisfied with the condition of title as reflected in the above-referenced title report and policy and any investigation made by the Acquiring Party pursuant to Paragraph 8. The Acquiring Party shall have until ten (10) days prior to Close of Escrow to file its objections to the condition of title. Close of Escrow shall occur as set forth below in Paragraph 6, and shall be conditioned on the following:

3.1 Each party shall pay one-half the closing costs.

3.2 Each Acquiring Party shall pay the cost of the title insurance policy for the parcel being acquired by that party.

3.3 Each Acquiring Party shall have until ten (10) days prior to Close of Escrow to make investigations of the parcel it is acquiring and may cancel this agreement at any time prior to that date if it is not satisfied with the condition of the parcel being acquired.

3.4 The conditions set forth in this Agreement shall be satisfied..

3.5 Dewey-Humboldt and School shall deposit with the Escrow Agent an executed license agreement whereby Dewey-Humboldt authorizes School to place a marquee sign on the property described in Exhibit 4 at a location approved by the Town Manager of Dewey-Humboldt, which shall be generally in the center of the property. The term of the license agreement shall be fifty (50) years; provided however, that after the twenty-fifth year of the fifty year term, Dewey-Humboldt may in writing request the removal of the marquee sign within one year, in which case the marquee sign shall be removed within one year of the date of the request from Dewey-Humboldt. The form of License is attached hereto as Exhibit 5. The existing marquee sign located on the School Parcel shall be removed from the School Parcel within sixty (60) days from Close of

Escrow for the properties to be exchanged. If School fails to remove the existing marque sign within such sixty (60) day period, Dewey-Humboldt may do so and charge the cost to the School, which amount shall be paid within ten (10) days of an invoice for the cost of such removal.

4. Each party represents to the other party the following with respect to the parcel being conveyed by it that to the best of its actual knowledge, without additional investigation:

4.1 Except as reflected in the preliminary title report at the time of execution of this Agreement, there are no claims, actions, suits, or other proceedings pending or threatened by any governmental department or agency or any other corporation, partnership, entity, or person whomsoever, nor any voluntary actions or proceedings contemplated by it, which in any manner or to any extent may detrimentally affect the Acquiring Party's right, title, or interest in and to the parcel being acquired or the value of such parcel.

4.2 There is no pending or threatened condemnation or similar proceeding affecting any part of the parcel being conveyed and the conveying party has not received any notice of any such proceeding and has no knowledge that any such proceeding is contemplated.

4.3 No work has been performed or is in progress at the parcel being conveyed and no materials have been furnished to the parcel which might give rise to mechanic's, materialman's, or other lien against any part of the parcel.

4.4 All risk of loss related to ownership and possession of the parcels, including liability to third persons, shall be the responsibility of the owner of such parcel until the title and possession of the parcel passes to the Acquiring Party at Close of Escrow. Each party shall indemnify and hold harmless the other for all such loss, damage, liability, fees or costs of any kind whatsoever for its own parcel, except those caused by the other party. This indemnity shall survive termination of this Agreement.

4.5 It is not prohibited from consummating the transactions contemplated by this Agreement by any law, regulation, agreement, instrument, restriction, order or judgment.

4.6 There are no other parties in adverse possession of the parcel being conveyed; there are no parties in possession of the parcel being conveyed; and no party has been granted any license, lease, or other right relating to the use of possession of the parcel being conveyed.

4.7 There are no attachments, executions, assignments for the benefit of creditors, receiverships, conservatorships, or voluntary or involuntary proceedings in bankruptcy or pursuant to any other laws for relief of debtors contemplated or filed by it or pending against it or affecting or involving the parcel being conveyed.

4.8 There is no default nor has any event occurred which with the passage of time or the giving of notice or both would constitute a default in any Agreement, mortgage, deed of trust, lease, or other instrument which relates to the parcel being conveyed or which affects such parcel in any manner whatsoever.

4.9 There are no agreements or other obligations outstanding for the sale, exchange, or transfer of all or any part of the parcel being conveyed.

4.10 There are no violations of laws, rules, regulations, ordinances, codes, covenants, conditions, restrictions, instructions, or agreements applicable to the parcel being conveyed, nor has it received notices from any insurance companies, governmental agencies, or any other person with respect to violations concerning the parcel being conveyed. If any notices of violations are received prior to Close of Escrow, they shall be immediately submitted to the Acquiring Party and the Acquiring Party's review and acceptance shall be a condition precedent to Close of Escrow.

4.11 There are no attachments, executions, assignments for the benefit of creditors, receiverships, conservatorships, or voluntary or involuntary proceedings in bankruptcy or pursuant to any other laws for relief of debtors contemplated or filed by the Non-Acquiring party or pending against the Non-Acquiring Party or affecting or involving the parcel being conveyed.

4.12 There is no default nor has any event occurred which with the passage of time or the giving of notice or both would constitute a default in any agreement, mortgage, deed of trust, lease, or other instrument which relates to the parcel being conveyed or which affects such parcel in any manner whatsoever.

4.13 It will not, at any time prior to Close of Escrow, grant to any person an interest in the parcel being acquired.

5. Default.

5.1 Default by Non-Acquiring Party: All provisions of this Agreement are hereby deemed to be material. The Acquiring Party shall have all rights and remedies available to it under Arizona law should the Non-Acquiring Party breach any of the provisions under this Agreement. The Acquiring Party shall immediately be entitled to specific performance by the Non-Acquiring Party, should the Non-Acquiring Party breach any provision of this Agreement.

5.2 Default by Acquiring Party: All provisions of this Agreement are hereby deemed to be material. The parties agree that Acquiring Party's remedies for the Non-Acquiring Party's breach of this Agreement shall be such rights and remedies available to them under Arizona law.

5.3 The breaching party shall be responsible to pay all escrow costs and fees related to this Agreement.

6. Close of Escrow shall occur on or before 60 days following Opening of Escrow. Close of Escrow will be at the offices of the Escrow Agent set forth in Paragraph 2 herein. At the Close of Escrow, both the title to and possession of the parcels shall be transferred from the Non-Acquiring Party to the Acquiring Party. In no event shall the escrow close on the conveyance of the Dewey-Humboldt Parcel to the School until after the Close of Escrow for the conveyance of the School Parcel to Dewey-Humboldt.

7. Applicability of A.R.S. § 38-511.

7.1 School may cancel this Agreement pursuant to A. R. S. § 38-511 without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the School is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of Dewey-Humboldt in any capacity or a consultant to Dewey-Humboldt with respect to the subject matter of the Agreement. The cancellation shall be effective when written notice from the School is received by Dewey-Humboldt, unless the notice specifies a later time.

7.2 Dewey-Humboldt may cancel this Agreement pursuant to A.R.S. § 38-511 without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of Dewey-Humboldt is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of School in any capacity or a consultant to School with respect to the subject matter of the Agreement. The cancellation shall be effective when written notice from Dewey-Humboldt is received by the School, unless the notice specifies a later time.

8. Each Party shall allow the other Party and/or its agent's access to the Property it is acquiring pursuant to this Agreement to perform, at Acquiring Party's sole expense, any and all investigations, inspections, tests and studies desired by Acquiring Party in connection with its review of the matters described in Paragraph 3.3 of this Agreement. To the extent permitted by Arizona law, Acquiring Party hereby agrees to indemnify and defend the other Party and hold the other Party harmless from and against any and all claims, demands, actions, losses, liabilities, obligations, damages, costs and expenses (including without limitation reasonable attorneys' fees and court costs, whether or not any action is filed or prosecuted) incurred in connection with such access, investigations or inspections. Acquiring Party's indemnification obligations under this Section shall survive the Closing, the termination of this Agreement and/or the cancellation of the Escrow.

9. Except for those representations contained in Paragraph 4 of this Agreement, each Party acknowledges that it is acquiring the Parcel(s) from the other Party “AS IS” AND “WHERE IS” WITH NO WARRANTY OF ANY KIND.

10. Notices: All notices, demands, request consents, approvals and other communications (collectively, “Notices”) required hereunder shall be given by certified U.S. mail return receipt request, postage prepaid or personally delivered and acknowledged, at the addresses set forth below or at such other address as either party shall, from time to time, designate in writing to the other by notice given in the same manner specified in this paragraph. Notices shall be deemed received upon receipt, which shall be evidenced by a receipted copy (in the case of Notices that are personally delivered), or as evidenced by the postal service receipt.

Town of Dewey-Humboldt
Town Manager
P.O. Box 69
Humboldt, AZ 86329

Humboldt Unified School District
District Manager
6411 N. Robert Road
Prescott Valley, AZ 86314

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed the date and year first herein above written.

TOWN OF DEWEY-HUMBOLDT

HUMBOLDT UNIFIED SCHOOL DISTRICT

By: _____
Terry Nolan, Mayor

By: _____

ATTEST:

ATTEST

Timothy A. Mattix, Town Clerk

Clerk of the Board

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Town Attorney

School District Attorney

EXHIBIT 1 TO INTERGOVERNMENTAL AGREEMENT

DEWEY-HUMBOLDT PARCELS (HURON STREET AND 20' ALLEY)

LAND DESCRIPTION
(Huron Street Parcel)

All that portion of 'Huron Street' and the 'Prescott and Eastern R.R' as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE N38°26'01"W , 52.11 feet along the northeasterly line of said parcel;

THENCE N54°49'46"W , 295.99 feet along said line;

THENCE S61°40'47"W , 67.06 feet along the northwesterly line of said parcel to a spike and washer stamped RLS 35138;

THENCE N73°08'01"W , 52.90 feet to the TRUE POINT OF BEGINNING;

THENCE S46°17'21"W, 51.78 feet;

THENCE S38°46'54"W, 147.73 feet;

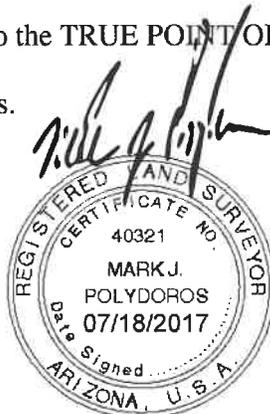
THENCE N55°18'56"W, 43.21 feet;

THENCE N34°41'04"E, 138.41 feet;

THENCE N48°47'44"E, 61.53 feet;

THENCE S55°18'56"E, 49.18 feet to the TRUE POINT OF BEGINNING.

Containing 9,690 sq.ft or 0.222 acres.



Expires 3/31/2019

LAND DESCRIPTION
(20' Alley Parcel)

All that portion of a 20' Alley lying immediately adjacent to and northwesterly of Block 20 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE continuing N40°59'58"W , 207.46 feet along said line to the TRUE POINT OF BEGINNING;

THENCE S48°56'47"W , 49.94 feet to the most northerly corner of said block 20;

THENCE continuing S48°56'47"W , 293.12 feet along the northwesterly line of said block 20 to a point on the easterly right of way of the abandon Prescott & Eastern R.R. Said point being on a curve curve concave to the northeast, having a radius of 524.63 feet, to which the radius point bears N59°54'29"E;

THENCE northwesterly along the arc of said curve 20.45 feet, through a central angle of 02°14'02;

THENCE N48°56'47"E , 283.93 feet

THENCE N60°12'16"E , 55.94 feet to the TRUE POINT OF BEGINNING.

Containing 6,520 sq.ft or 0.150 acres.



Expires 3/31/2019

EXHIBIT 2 TO INTERGOVERNMENTAL AGREEMENT
SCHOOL PARCEL

LAND DESCRIPTION
(Humboldt Elementary School Parcel)

All that portion of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94, also being a portion of 'A Revised Map of Humboldt', as recorded in Book 2 of Maps & Plats, Page 9, Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 515.47 feet along the easterly line of said parcel to the TRUE POINT OF BEGINNING;

THENCE continuing S00°04'50"W, 223.65 feet along said line to a 5/8" rebar capped RLS 35138;

THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE N68°27'21"E , 155.90 feet to the TRUE POINT OF BEGINNING.

Containing 16,210 sq.ft or 0.372 acres.



Expires 3/31/2019

EXHIBIT 3 TO INTERGOVERNMENTAL AGREEMENT
FORM OF PUBLIC UTILITY EASEMENT

When Recorded Return to:
Town Clerk, Town of Dewey-Humboldt
2735 S. Highway 69
Dewey-Humboldt, Arizona 85329

Exempt under A.R.S. § 11-1134(A)(2)

PUBLIC UTILITY EASEMENT

GRANTOR:

Humboldt Unified School District

GRANTEE:

Town of Dewey-Humboldt
2735 S. Highway 69
Dewey-Humboldt, AZ 85296

For the consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR hereby grants and convey to GRANTEE, its successors and assigns, a perpetual easement described herein for utility purposes, including, but not limited to, the right to erect, construct, install, maintain, use, operate, inspect, repair, replace and remove delivery and/or distribution lines, and other utility facilities and telemetering and communications equipment in, on, over, under, across, above and through the following described real property situated within Yavapai County, Arizona:

[INSERT HURON STREET LEGAL DESCRIPTION]

The GRANTEE shall also have the right and privilege forever to patrol, inspect, alter, improve, add to, repair and remove such utility facilities, including the right to increase or decrease the size of the lines, and all other rights and privileges necessary or convenient for the full use and enjoyment of the easement, servitude and privileges herein granted for the purposes herein described, including the right of ingress and egress to and from said easement and pipeline over adjoining property of the GRANTOR, and the right to remove trees and fences and to use existing roads and as much of the surface of the land, herein above described as may be necessary for the purpose of constructing, inspecting, maintaining, operating, repairing, replacing, and/or removing the facilities, either in whole or in part, at the will of GRANTEE.

To have and to hold said easement, servitude and privileges unto the GRANTEE, its successors and assigns, forever, subject to the conditions and limitations herein contained.

It is agreed that the GRANTOR shall have full use of said easement except for the purpose for which the same is herein conveyed to the GRANTEE, and except for uses

which interfere with the enjoyment by GRANTEE of the rights and servitude herein conveyed to it, and provided always that no building or structure of any nature or kind whatsoever, including without limitation fences, nor any part of same, shall be constructed, installed or placed on or over said easement or any part thereof by GRANTOR or the successors or assigns of GRANTOR, and that the grade over any buried facilities shall not be changed by GRANTOR or the successors or assigns of GRANTOR without the prior written consent of the GRANTEE. The rights and obligations of GRANTEE shall be construed broadly and consistent with the performance of its obligations to provide utility service to its customers.

GRANTEE shall be and remain responsible for the construction, operation, maintenance and repair of the utility facilities and GRANTOR shall have no responsibility or liability in such construction, operation, maintenance or repair. GRANTEE shall indemnify and hold GRANTOR harmless from all injuries and damages arising from GRANTEE'S use of the easement area. GRANTEE shall return the easement area to its prior condition after completing the construction, maintenance or other uses permitted under the foregoing easement.

This Public Utility Easement constitutes a perpetual covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

CAUTION: The above described easement may contain underground facilities the location of which must be verified as required by Arizona Revised Statutes, Section 40-360.21 et seq. (Arizona Blue Stake Law) *prior to* excavation.

[SIGNATURES ON FOLLOWING PAGE]

ACCEPTED BY THE TOWN OF DEWEY-HUMBOLDT

Mayor

Date

EASEMENT DESCRIPTION
(Town of Dewey-Humboldt Parcel)

An Easement for Public Utilities over a portion of Block 21 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE continuing S00°04'50"W , 38.64 feet along said line to a point on the northerly right of way of Prescott Street;

THENCE S89°47'33"W , 224.76 feet along said right of way to the beginning of a curve concave to the south, having a radius of 245.00 feet , to which the radius point bears S00°02'18"W;

THENCE westerly along the arc of said curve 4.73, along said right of way, through a central angle of 01°06'20; to the TRUE POINT OF BEGINNING;

THENCE continuing westerly along the arc of said curve 48.88 feet, along said right of way, through a central angle of 11°25'49";

THENCE N41°36'30"W, 29.18 feet to a point on the southerly right of way of Corral Street;

THENCE N49°01'13"E , 40.08 feet along said line to the most northerly corner of Lot 24;

THENCE S41°32'07"E, 56.60 feet to the TRUE POINT OF BEGINNING.

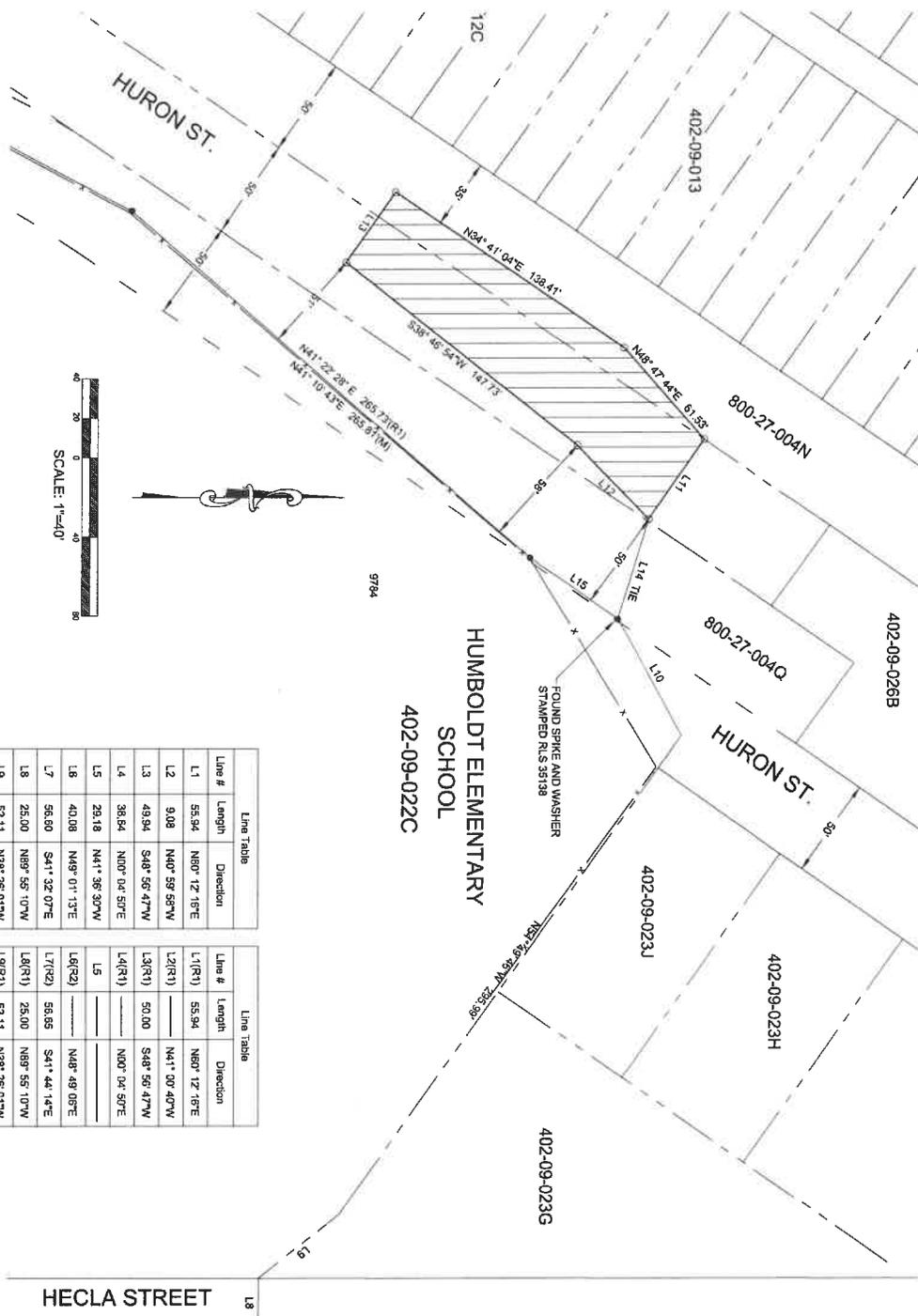
Containing 1,679 sq.ft.



Expires 3/31/2019

RECORD OF SURVEY

MINOR LAND DIVISION OF ASSESSORS PARCELS 800-27-004N & 800-27-004Q (HURON STREET RIGHT OF WAY) & PARCEL 800-27-009A, (20' ALLEY), MINOR LAND DIVISION OF 402-09-022C (HUMBOLDT ELEMENTARY SCHOOL), MINOR LAND DIVISION OF PARCEL 402-10-004C (TOWN OF DEWEY-HUMBOLDT PARCEL), ALSO BEING A PORTION OF A REVERSED MAP OF THE TOWN OF HUMBOLDT ARIZONA, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 13 NORTH, RANGE 1 EAST, GILA & SALT RIVER MERIDIAN, YAVAPAI COUNTY ARIZONA



Curve #	Length	Radius	Delta
C1	48.88	245.00	011°25'49"
C2	20.45	524.63	002°14'02"
C3	4.73	245.00	001°06'20"

Curve #	Length	Radius	Delta
C2(R1)	20.49	524.63	002°14'16"
C3			

Line #	Length	Direction
L1	55.94	N60°12'19"E
L2	9.08	N40°59'59"W
L3	49.94	S46°56'47"W
L4	38.64	N00°04'50"E
L5	29.18	N41°36'30"W
L6	40.08	N48°01'13"E
L7	56.80	S41°32'07"E
L8	25.00	N89°55'10"W
L9	52.11	N38°26'01"W
L10	67.06	S81°40'47"W
L11	49.18	S55°18'59"E
L12	51.78	S46°17'21"W
L13	43.21	N55°18'59"W
L14	52.90	N73°08'01"W
L15	53.91	N57°22'22"E

Line #	Length	Direction
L1(R1)	55.94	N60°12'19"E
L2(R1)		N41°00'40"W
L3(R1)	50.00	S48°56'47"W
L4(R1)		N00°04'50"E
L5		
L6(R2)		N48°49'09"E
L7(R2)	56.85	S41°44'14"E
L8(R1)	25.00	N89°55'10"W
L9(R1)	52.11	N38°26'01"W
L10(R1)	67.06	S81°40'47"W
L11		
L12		
L13		
L14		
L15(R1)	53.91	N57°22'22"E

LEGEND

- (R1) RECORD DATA PER LAND SURVEY RECORDED IN BK. 178, PG. 94
- (R2) RECORD DATA PER DEED OF GIFT RECORDED IN BK.4828, PG.672
- (M) MEASURED DATA
- FOUND 56" REBAR CAPPED R.L.S. 351.98
- FOUND 56" REBAR CAPPED YAVAPAI COUNTY
- FOUND 1/2" REBAR CAPPED 24622
- FOUND 1/2" REBAR NO CAP OR TAG
- FOUND 1/2" REBAR CAPPED R.L.S 22776
- FOUND GLO BRASS CAP MONUMENT
- FOUND 1/2" REBAR CAPPED R.L.S. 40321
- SET 1/2" REBAR CAPPED R.L.S 40321

NOTES

1. THIS PLAT.
2. BEARINGS AND DISTANCES ON ADJOINERS ARE SHOWN AS CORROBORATIVE EVIDENCE ONLY AND SHOULD NOT BE CONSTRUED AS A SURVEY OF THESE PROPERTIES.
3. ALL DOCUMENTS REFERRED TO HEREON ARE ON FILE AT THE YAVAPAI COUNTY RECORDERS OFFICE.

SURVEYORS STATEMENT

THE DEPENDENT RE-SURVEY AS SHOWN ON THIS PLAT WAS EXECUTED BY ME OR UNDER MY DIRECTION DURING JAN., 2013. ALL MONUMENTS SHOWN ACTUALLY EXIST AND ARE SUFFICIENT TO ALLOW THE SURVEY TO BE RETRACED.



MINOR LAND DIVISION
DEWEY-HUMBOLDT/HUMBOLDT ELEMENTARY PARCELS

Mentidan Land Surveyors LLC.
P.O. BOX 546, Dewey, AZ 86327 Phone (928) 772-4390
men@mentidandlandsurveyors.com

SHEET: 3 OF 3
DRAWN BY: MP
DATE: 07/10/2017
REVISIONS:
JOB NO.: 1624

EXHIBIT 4 TO INTERGOVERNMENTAL AGREEMENT
PROPERTY ON WHICH MARQUEE SIGN WILL BE LOCATED

LAND DESCRIPTION
(Town of Dewey-Humboldt Parcel)

All that portion of Block 21 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE continuing S00°04'50"W , 38.64 feet along said line to a point on the northerly right of way of Prescott Street;

THENCE S89°47'33"W , 224.76 feet along said right of way to the beginning of a curve concave to the south, having a radius of 245.00 feet , to which the radius point bears S00°02'18"W;

THENCE westerly along the arc of said curve 4.73, along said right of way, through a central angle of 01°06'20; to the TRUE POINT OF BEGINNING;

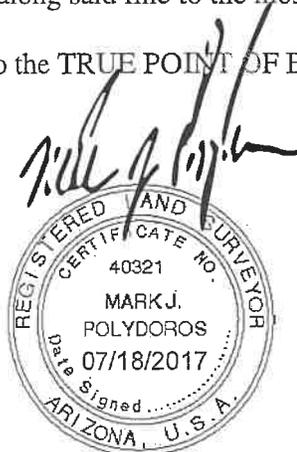
THENCE continuing westerly along the arc of said curve 48.88 feet, along said right of way, through a central angle of 11°25'49";

THENCE N41°36'30"W, 29.18 feet to a point on the southerly right of way of Corral Street;

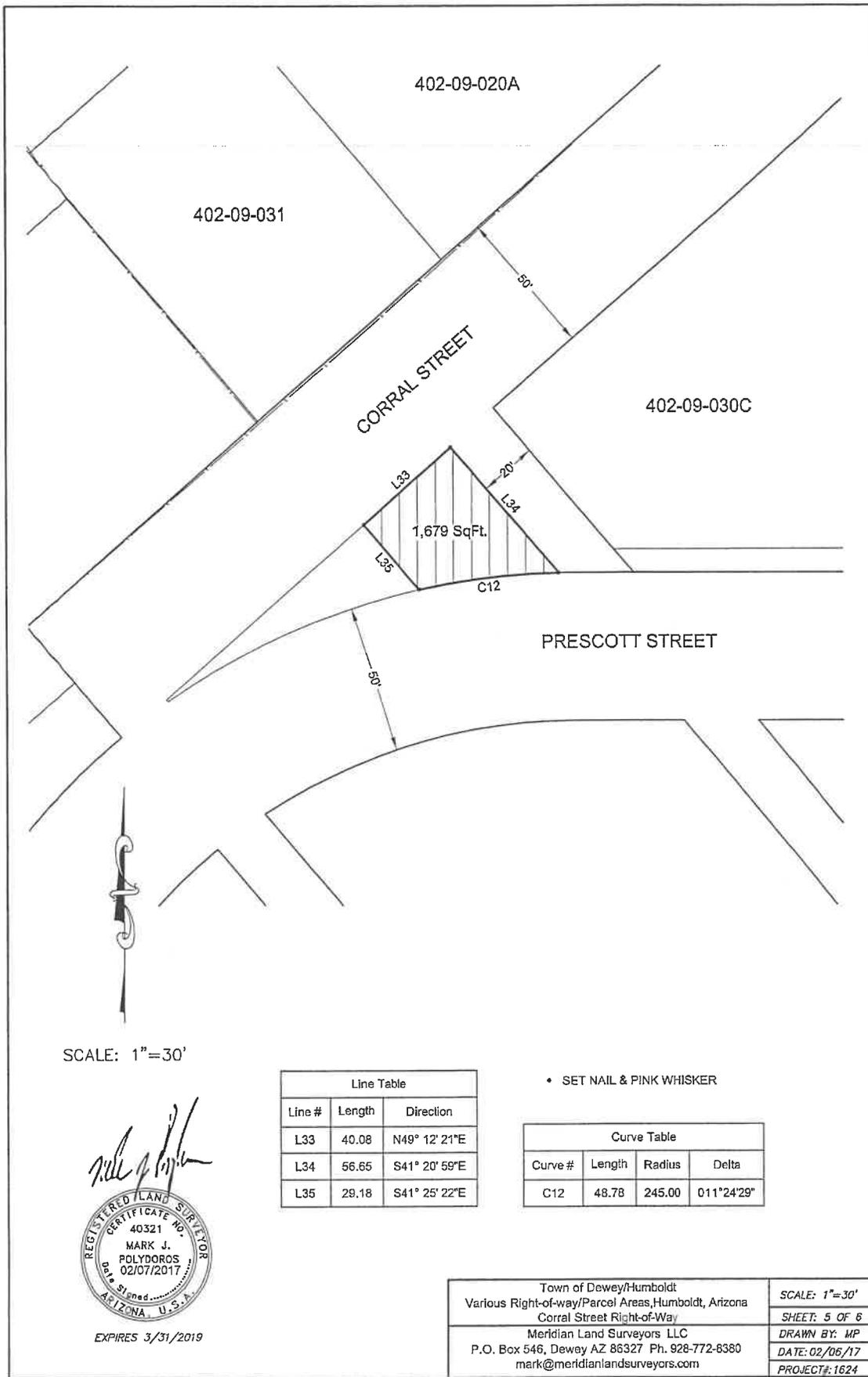
THENCE N49°01'13"E , 40.08 feet along said line to the most northerly corner of Lot 24;

THENCE S41°32'07"E, 56.60 feet to the TRUE POINT OF BEGINNING.

Containing 1,679 sq.ft.



Expires 3/31/2019



SCALE: 1"=30'

Mark J. Polydoros
 REGISTERED LAND SURVEYOR
 CERTIFICATE NO. 40321
 MARK J. POLYDOROS
 02/07/2017
 ARIZONA, U.S.A.
 EXPIRES 3/31/2019

Line Table		
Line #	Length	Direction
L33	40.08	N49° 12' 21"E
L34	56.65	S41° 20' 59"E
L35	29.18	S41° 25' 22"E

• SET NAIL & PINK WHISKER

Curve Table			
Curve #	Length	Radius	Delta
C12	48.78	245.00	011°24'29"

Town of Dewey/Humboldt Various Right-of-way/Parcel Areas, Humboldt, Arizona Corral Street Right-of-Way	SCALE: 1"=30' SHEET: 5 OF 6
Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	DRAWN BY: MP DATE: 02/06/17 PROJECT#: 1624

EXHIBIT 5 TO INTERGOVERNMENTAL AGREEMENT
FORM OF LICENSE FOR MARQUEE SIGN

When Recorded Return to:
Town Clerk, Town of Dewey-Humboldt
2735 S. Highway 69
Dewey-Humboldt, Arizona 85329

Exempt under A.R.S. § 11-1134(A)(2)

LICENSE AGREEMENT

This License Agreement is made this _____ day of _____, 20__, by and between Humboldt Unified School District, an Arizona political subdivision (“Licensor”) and the Town of Dewey-Humboldt, Arizona, an Arizona municipal corporation (“Licensee”).

Recitals:

A. Licensor owns the real property described on Exhibit A, attached hereto and made a part hereof by this reference (“Licensed Property”).

B. Licensee desires to place a marquee sign on the Licensed Property and desires to maintain the marquee sign on the Licensed Property.

C. Licensor is willing to grant a license to Licensee for the above purpose so long as the marquee sign is maintained in good condition and in compliance with Town Codes.

NOW THEREFORE, in consideration of the covenants and agreements contained herein, Licensor and Licensee agree as follows:

Terms and Conditions:

1. **Grant of License:** Licensor hereby grants to Licensee a license (“License”) to use and maintain a marquee sign on the Licensed Property. The marquee sign shall be located generally at the center of the Licensed Property. The location of the marquee sign shall be approved in writing by the Town Manager of Dewey-Humboldt prior to Licensee placing the marquee on the Licensed Property.

2. **Ownership of License Area and Marquee Sign:** Licensor shall retain ownership, title and use of the Licensed Property. Licensee shall retain ownership, title and use of the marquee sign.

3. **Maintenance:** Licensee shall keep the Licensed Property and marquee sign in good condition and shall repair and maintain the marquee sign at Licensee’s sole expense. Licensee shall not place any hazardous substance or materials on the Licensed Property that could potentially cause environmental contamination of the License

Property.

4. **Term:** This License shall commence on the date of this Agreement and shall terminate on the date that is fifty (50) years from the date of this License, provided however, that Licensor may terminate this License on the date that is twenty-five years from the date of this License or such later date as determined by Dewey-Humboldt, by giving Licensee written notice of termination. Licensee shall remove the marquee sign at its cost on or before one year from the date of the written notice. Licensor may also terminate this License in the event Licensee fails to maintain the marquee sign and the Licensed Property in good condition. Upon termination of this License, Licensee shall restore the Licensed Property to the same or better condition as it existed prior to the granting of this License. If this is not completed within thirty (30) days of notice of termination of this License, Licensor may restore the Licensed Property to its condition as it existed prior to the granting of this License and charge the cost thereof to Licensee and Licensee agrees to pay such costs within ten (10) days of presentation of a bill.

5. **License Fee:** There shall be no license fee for this License.

6. **Indemnification:** Licensee shall indemnify and hold harmless Licensor, its employees, officers and agents, from and against any liability, claim, injury or damage (including attorney's fees and costs) arising out of Licensee's use of the Licensed Property or the location, installation or maintenance of the marquee sign.

7. **Compliance with Law.** Licensee shall comply with all applicable laws, statutes, ordinances, rules and regulations applicable to this License.

8. **Not a Lease:** The Licensee shall not, by virtue of this Agreement, be deemed to have become the tenant of the Licensor.

9. **Governing Law:** This License is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona.

10. **Attorneys' Fees:** Should litigation be necessary to enforce any term or provision of this Agreement, or to collect any damages claimed or portion of the amount payable under this Agreement then all litigation and collection expenses, witness fees, court costs, and attorneys' fees shall be paid to the prevailing party.

11. **Conflict of Interest:** In the event Licensor elects to cancel this Agreement due to a conflict of interest as outlined in A.R.S. § 38-511 as amended, Licensor agrees to immediately give notice thereof to Licensee.

12. **Service of Notice:** All notices and demands required or permitted by this License shall be in writing and shall be deemed to have been given properly when sent by certified mail (postage pre-paid), delivered personally to the party at the address below or to such other address as may be furnished:

Notices to Licensor
Town Manager

Notices to Licensee

Town of Dewey-Humboldt
2735 S. Highway 69
Dewey-Humboldt, Arizona 85329

IN WITNESS WHEREOF, the parties hereto have executed this License
this ____ day of _____, 20__.

LICENSOR:
Town of Dewey-Humboldt, Arizona

LICENSEE:
Humboldt Unified School District

BY: _____

ATTEST:

Tim Mattix, Town Clerk

APPROVED AS TO FORM:

Town Attorney

STATE OF ARIZONA)
) ss
County of Yavapai)

The foregoing License Agreement was personally acknowledged before
me this ____ day of _____, 20__, by _____ who

executed the foregoing instrument for the purposes therein contained.

Notary Public

My Commission Expires:

STATE OF ARIZONA)
) ss
County of Yavapai)

The foregoing License Agreement was personally acknowledged before me this _____ day of _____, 20_, by _____ who executed the foregoing instrument for the purposes therein contained.

Notary Public

Description Of Document This Notarial Certificate Is Being Attached To:	
TYPE/TITLE	
DATE OF DOCUMENT	
NUMBER OF PAGES	
ADDITIONAL SIGNORS	
(other than those named in	
the notarial certificate)	

EXHIBIT A TO LICENSE AGREEMENT
DESCRIPTION OF LICENSED PROPERTY

LAND DESCRIPTION
(Town of Dewey-Humboldt Parcel)

All that portion of Block 21 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE continuing S00°04'50"W , 38.64 feet along said line to a point on the northerly right of way of Prescott Street;

THENCE S89°47'33"W , 224.76 feet along said right of way to the beginning of a curve concave to the south, having a radius of 245.00 feet , to which the radius point bears S00°02'18"W;

THENCE westerly along the arc of said curve 4.73, along said right of way, through a central angle of 01°06'20; to the TRUE POINT OF BEGINNING;

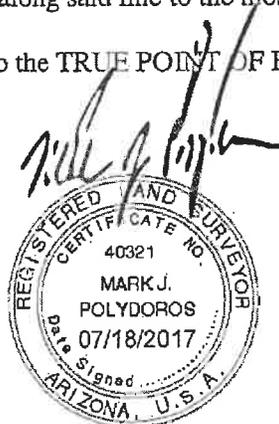
THENCE continuing westerly along the arc of said curve 48.88 feet, along said right of way, through a central angle of 11°25'49";

THENCE N41°36'30"W, 29.18 feet to a point on the southerly right of way of Corral Street;

THENCE N49°01'13"E , 40.08 feet along said line to the most northerly corner of Lot 24;

THENCE S41°32'07"E, 56.60 feet to the TRUE POINT OF BEGINNING.

Containing 1,679 sq.ft.



Expires 3/31/2019

PUBLIC NOTICE

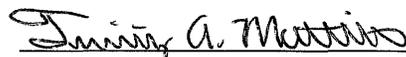
NOTICE OF INTENT TO EXCHANGE CERTAIN REAL PROPERTY OWNED
BY THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, FOR CERTAIN REAL
PROPERTY OF SUBSTANTIALLY EQUAL VALUE

Pursuant to Arizona Revised Statutes Section 9-407, the Town of Dewey-Humboldt, Arizona, hereby gives public notice that it intends to exchange real property owned by Dewey-Humboldt (the "Dewey-Humboldt Parcels"), as legally described in Exhibit 1, for and in consideration of obtaining real property of substantially equal value owned by Humboldt Unified School District, which is legally described in Exhibit 2 (the "School Parcel"). The proposed exchange of the Dewey-Humboldt Parcel for the School Parcel is contingent upon the following conditions:

1. A determination shall be made by the Dewey-Humboldt Town Council that the Dewey-Humboldt Parcels are substantially equal in value to the School Parcel.
2. All the terms and conditions of the exchange as set forth in the Intergovernmental Agreement for the Exchange of Real Property on file with the Town Clerk shall be complied with.

The Town Council will consider the proposed exchange of real property at its regular meeting to be held on January 7, 2020, at 6:30 p.m. at the Dewey-Humboldt Town Hall, Council Chambers, 2735 South Highway 69, Suite 12, Humboldt, Arizona.

DATED this 18th day of December, 2019.



Timothy A. Mattix, Town Clerk

EXHIBIT 1
TOWN PARCELS

LAND DESCRIPTION
(Huron Street Parcel)

All that portion of 'Huron Street' and the 'Prescott and Eastern R.R' as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE N38°26'01"W , 52.11 feet along the northeasterly line of said parcel;

THENCE N54°49'46"W , 295.99 feet along said line;

THENCE S61°40'47"W , 67.06 feet along the northwesterly line of said parcel to a spike and washer stamped RLS 35138;

THENCE N73°08'01"W , 52.90 feet to the TRUE POINT OF BEGINNING;

THENCE S46°17'21"W, 51.78 feet;

THENCE S38°46'54"W, 147.73 feet;

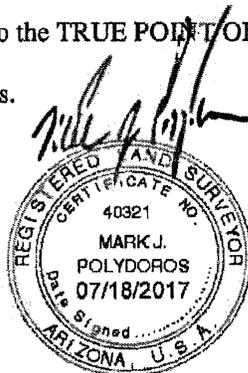
THENCE N55°18'56"W, 43.21 feet;

THENCE N34°41'04"E, 138.41 feet;

THENCE N48°47'44"E, 61.53 feet;

THENCE S55°18'56"E, 49.18 feet to the TRUE POINT OF BEGINNING.

Containing 9,690 sq.ft or 0.222 acres.



Expires 3/31/2019

LAND DESCRIPTION
(20' Alley Parcel)

All that portion of a 20' Alley lying immediately adjacent to and northwesterly of Block 20 as recorded in Book 2 of Maps & Plats, Page 9, 'A Revised Map of Humboldt', Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

THENCE S00°04'50"W , 739.12 feet along the easterly line of said parcel to a 5/8" rebar capped RLS 35138;

THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE continuing N40°59'58"W , 207.46 feet along said line to the TRUE POINT OF BEGINNING;

THENCE S48°56'47"W , 49.94 feet to the most northerly corner of said block 20;

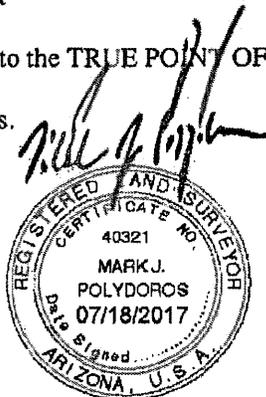
THENCE continuing S48°56'47"W , 293.12 feet along the northwesterly line of said block 20 to a point on the easterly right of way of the abandon Prescott & Eastern R.R. Said point being on a curve curve concave to the northeast, having a radius of 524.63 feet, to which the radius point bears N59°54'29"E;

THENCE northwesterly along the arc of said curve 20.45 feet, through a central angle of 02°14'02;

THENCE N48°56'47"E , 283.93 feet

THENCE N60°12'16"E , 55.94 feet to the TRUE POINT OF BEGINNING.

Containing 6,520 sq.ft or 0.150 acres.



Expires 3/31/2019

EXHIBIT 2
SCHOOL PARCEL

LAND DESCRIPTION
(Humboldt Elementary School Parcel)

All that portion of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94, also being a portion of 'A Revised Map of Humboldt', as recorded in Book 2 of Maps & Plats, Page 9, Yavapai County Records, located in the southeast quarter of Section 15, Township 13 North, Range 1 East, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the East ¼ of said Section 15, a GLO brass cap monument;

THENCE S00°04'50"W (Basis of Bearings) along the easterly line of said Section 15, 532.19 feet;

THENCE N89°55'10"W , 25.00 feet to the northeast corner of the Humboldt Elementary School Parcel as recorded in Book 178 of Land Surveys, Page 94;

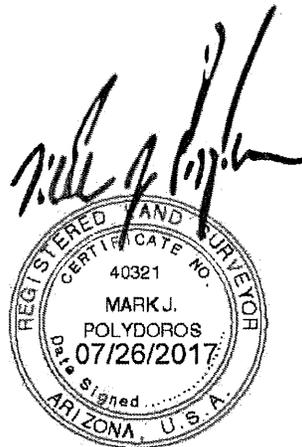
THENCE S00°04'50"W , 515.47 feet along the easterly line of said parcel to the TRUE POINT OF BEGINNING;

THENCE continuing S00°04'50"W, 223.65 feet along said line to a 5/8" rebar capped RLS 35138;

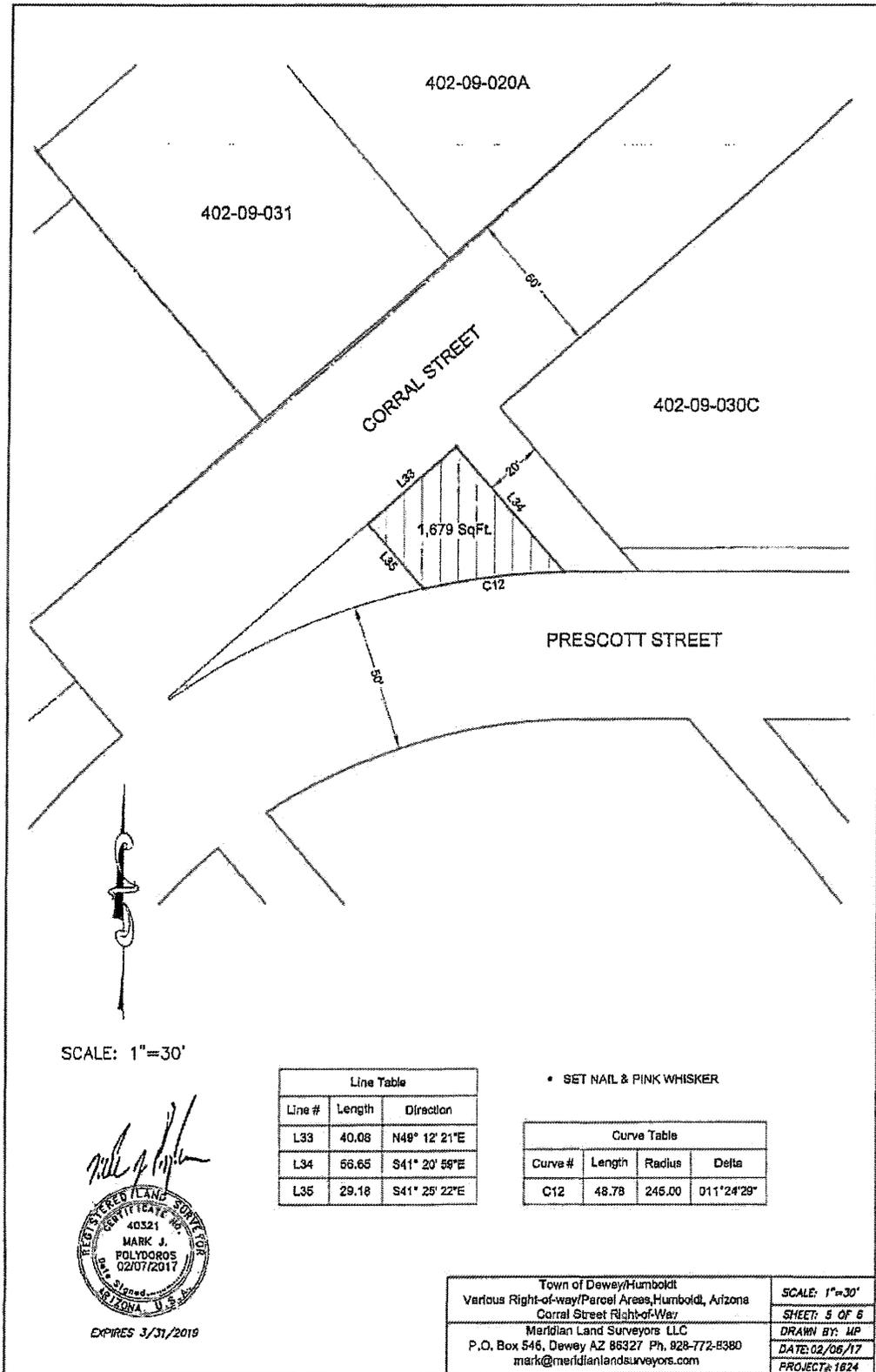
THENCE N40°59'58"W , 220.91 feet along the southwesterly line of said parcel;

THENCE N68°27'21"E , 155.90 feet to the TRUE POINT OF BEGINNING.

Containing 16,210 sq.ft or 0.372 acres.



Expires 3/31/2019



SCALE: 1"=30'



EXPIRES 3/31/2019

Line Table		
Line #	Length	Direction
L33	40.08	N48° 12' 21"E
L34	66.65	S41° 20' 58"E
L35	29.18	S41° 25' 22"E

• SET NAIL & PINK WHISKER

Curve Table			
Curve #	Length	Radius	Delta
C12	48.78	245.00	011°24'28"

Town of Dewey/Humboldt Various Right-of-Way/Parcel Areas, Humboldt, Arizona Corral Street Right-of-Way Meridian Land Surveyors LLC P.O. Box 546, Dewey AZ 86327 Ph. 928-772-8380 mark@meridianlandsurveyors.com	SCALE: 1"=30' SHEET: 5 OF 6 DRAWN BY: MP DATE: 02/06/17 PROJECT#: 1824
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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**

Agenda Item: **9.D.**

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

Subject:

Discussion and possible action to approve a Consulting Agreement with PLAN*et Communities ("PLAN*et) for consulting services associated with Phase One of the Town's General Plan Update.

Background:

At the December 3, 2019, Regular Council Meeting, Council accepted the response from PLAN*et in response to the Town's Request for Qualifications for General Plan consulting services. Council also authorized staff to begin negotiating a contract with PLAN*et.

Since that time, staff has met and negotiated a contract for Phase One of the General Plan Update. Phase One of the General Plan Update will include a series of community meetings leading to an understanding of which portions of the General Plan need to be updated, and which do not.

On the next agenda item, Council will review and set the dates for the Community Meetings.

Financial Impact:

Under the terms of the agreement, the Town shall pay \$25,000 to PLAN*et, in response to monthly billings and based on monthly progress reports. Sufficient funds were budgeted in the Fiscal Year 2019/20 budget, General Fund, account 10-465-5001, OSP P&Z Management.

Direction Requested:

Staff is seeking formal Council approval of the Consulting Agreement with PLAN*et.

Suggested Motion:

For: I move to approve the Consulting Agreement with PLAN*et Communities for the Town's General Plan Update.

Against: I move to deny the Consulting Agreement with PLAN*et Communities for the Town's General Plan Update.

Attachments:

Consulting Agreement

**TOWN OF DEWEY-HUMBOLDT
GENERAL PLAN UPDATE
CONSULTING AGREEMENT**

This Agreement is made this _____ day of _____, 20____, by and between The Town of Dewey-Humboldt (the “Town”), an incorporated municipality, organized and existing under the laws of the State of Arizona, and PLAN *et Communities, (the “Consultant”), a planning consulting firm located in Phoenix, Arizona.

WHEREAS, the Town desires that the Consultant provide advice and assistance to the Town in their area of expertise; and

WHEREAS, the Consultant desires to provide such advice and assistance to the Town under the terms and conditions of this Agreement;

NOW, THEREFORE, the Town and the Consultant hereby agree as follows:

1. Consulting Services.

(a) Subject to the terms and conditions of this Agreement, the Town hereby retains Consultant as a consultant and technical advisor to perform the consulting services specifically set out in Exhibit A attached to this Agreement and made a part hereof (hereafter referred to as the “Scope of Services”), as said Exhibit may be amended in writing from time to time, and Consultant agrees, subject to the terms and conditions of this Agreement, render such Services during the term of this Agreement. Such services shall be limited to the area of expertise described in Exhibit A (the “Field”), as amended in writing from time to time. Consultant shall render services hereunder at such times and places as shall be mutually agreed by Town and Consultant.

(b) It is understood that the purpose of the Consulting is to refine and engage the community in the update of the General Plan. In doing so, the Consultant will provide the Town with the means to evaluate the relevancy and effectiveness of its adopted 2009 General Plan, and develop an approach and framework for its update of the 2009 General Plan.

2. Compensation and reimbursement.

In consideration of the services to be provided by Consultant to the Town hereunder, the Town shall pay to Consultant \$ 25,000, paid in response to monthly billings from Consultant and based on monthly progress reports.

At each point identified in the above compensation schedule, consultant shall submit to the Town Manager, or his or her designee, an invoice describing services rendered and expenses incurred under this Agreement. The Town shall pay to Consultant invoiced amounts within thirty (30) days after the date of invoice.

3. Independent contractor status.

The parties agree that this Agreement creates an independent contractor relationship, not an employment relationship. The Consultant acknowledges and agrees that the Town will not provide the Consultant with any employee benefits, including without limitation any employee stock purchase plan, social security, unemployment, medical, or pension payments, and that income tax withholding is Consultant's responsibility. In addition, the parties acknowledge that neither party has, or shall be deemed to have, the authority to bind the other party.

4. Termination.

Upon termination of the Agreement, or any other termination of Consultant's services for the Town, all records, drawings, notebooks, digital information, maps and other documents pertaining to the Town, whether prepared by Consultant or others, and any material, specimens, equipment, tools or other devices owned by the Town then in Consultant's possession, and all copies of any documents, shall be returned to the Town, except Consultant may keep one copy of all documents for their records.

5. Term.

(a) This Agreement shall remain in effect for a term of one (1) year commencing on the date first written above, unless sooner terminated as hereinafter provided, or unless extended by agreement of the parties.

(b) This Agreement may be terminated by either party, with or without cause, upon thirty (30) days prior written notice to the other; provided that if Consultant terminates this Agreement, Consultant shall, in accordance with the terms and conditions hereof, nevertheless wind up in an orderly fashion assignments for the Town which Consultant began prior to the date of notice of termination hereunder.

(c) Upon termination of this Agreement for any reason, Consultant shall be entitled to receive such compensation and reimbursement, if any, accrued under the terms of this Agreement, but unpaid, as of the date Consultant ceases work under this Agreement. In addition, Consultant shall be reimbursed for any non-cancellable obligations, any cancellation penalties, and, unless Consultant terminates the agreement without cause, any expenditures reasonably made in order to perform the Services that were to occur had cancellation not occurred.

(d) No alteration or modification of this Agreement, including Exhibit A hereto, shall be valid unless made in writing and executed by Consultant and the Town.

(e) The Consultant and Town mutually represent that to the best of their knowledge neither currently has any agreement with, or any other obligation to, any third party that conflicts with the terms of this Agreement. The parties agree that they shall not intentionally and knowingly enter into any such agreement.

(f) The laws of the State of Arizona shall govern this Agreement.

(g) Any notice or other communication by one party to the other hereunder shall be in writing and shall be given, and be deemed to have been given, if either hand delivered or mailed, postage prepaid, certified mail (return receipt requested), or transmitted by facsimile, addressed as follows:

If to Consultant:

Leslie Dornfeld, FAICP, CSBA
4200 N. Central Ave.
Phoenix, AZ 85012

If to The Town:

Edward Hanks, Town Manager
Town of Dewey-Humboldt
P.O. 69
Humboldt, AZ 86329

Therefore, the parties expressly agree that no party may assign this Agreement without the written consent of the other.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

[Consultant's Signature]

[Date]

[TOWN]

By: _____
[Town Representative Signature]

Title: _____

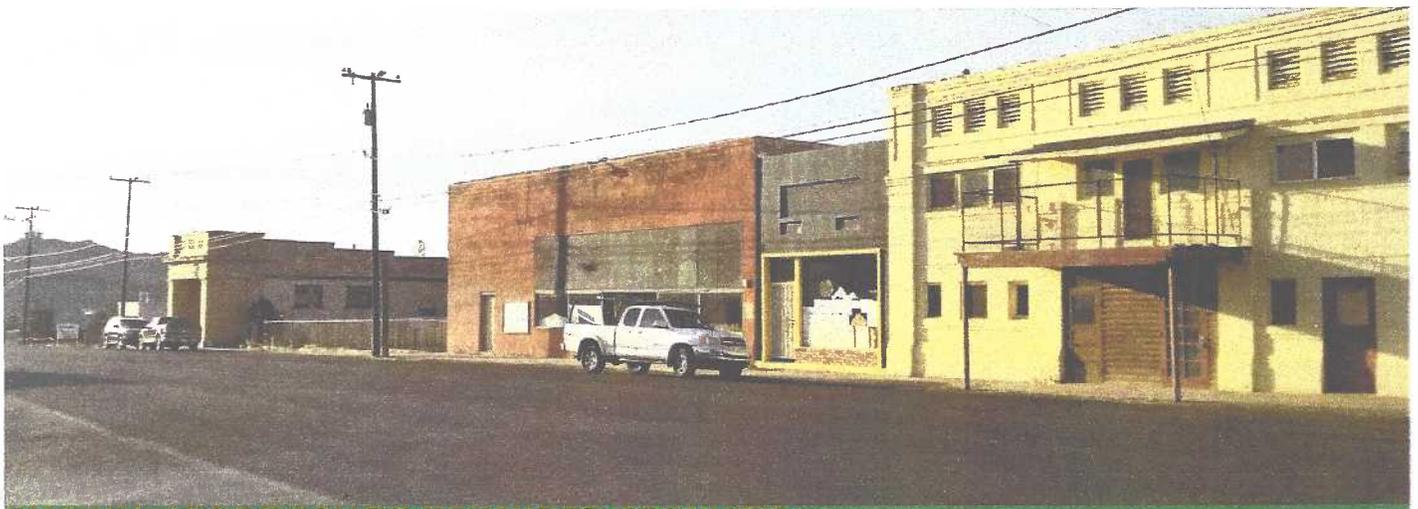
Date: _____

Exhibit A- Scope of Services

DRAFT 12/13/19

METHODOLOGY & APPROACH

- Potentially developing new General Plan Elements
- Conducting community meetings on the plan
- Presenting the General Plan at Public Hearings of the Planning Commission and Town Council public meetings for action and adoption



PHASE I: APPROACH TO REQUIRED SERVICES

TASK 0. GENERAL PLAN SCOPE AND SCHEDULE MEETING WITH TOWN STAFF

This task includes an in-person meeting to review the project scope, develop a project schedule for community, steering committee, and

TASK 1: EXISTING PLAN EVALUATION & APPRAISAL

TASK 1A. STEERING COMMITTEE MEETING 1: GENERAL PLAN KICK-OFF AND 2009 PLAN VISION REFINEMENT

At this first, kick off meeting, PLAN*et will present our Phase I scope and schedule, and present the 2009 Vision for a facilitated discussion that results in refinement of the Vision. The refined vision will be presented at the Issue Focused Community Meeting (Task 1E) for additional comment. The Vision will be refined with the intent of council adoption for inclusion in the 2009 General Plan update (Phase II).

TASK 1B. DEMOGRAPHICS / LAND USE / OPEN SPACE / HOUSING / ECONOMIC ASSESSMENTS

Development of baseline and 2030 and 2050 projections for population, housing and jobs. Development of current land use, trails and open space, and zoning maps. These maps will be developed based on publicly available data and data provided by the Town in a digital format agreeable to the Town and PLAN*et. The assumed end use of the maps and projections will be incorporation into the Phase II update of the 2009 General Plan.

TASK 1C. STEERING COMMITTEE MEETING :2 TOPIC IDENTIFICATION

At this meeting, PLAN*et will present its findings from the research completed in Task 1B and facilitate a discussion on key planning challenges faced by the community. The issues identified by the Steering Committee will be used to frame the issues discussion in Task 1E: Focused Community Meeting.

TASK 1D. A SURVEY (VIA SURVEYMONKEY) TO SOLICIT COMMENT ON THE KEY PLANNING CHALLENGES IDENTIFIED BY THE STEERING COMMITTEE AND TO SEEK BROAD BASED COMMUNITY FEEDBACK ON THE GOALS, OBJECTIVES, AND POLICIES/ACTIONS OF THE CURRENT GENERAL PLAN.

We conducted a similar survey for the Town of Queen Creek. The survey asked community members which goals they would like to keep, amend (and the amendment they would make), or discard. The findings from this survey would be presented at the Issue Focused Community Meeting (Task 1E).



Town of Hayden General Plan Update

TASK 1E: ISSUE FOCUSED COMMUNITY MEETING (TOPICAL ROUND TABLES)

To help focus on what the General Plan should and could focus on, we propose a community meeting where information about current conditions is presented and key planning challenges are described. After the presentation, participants will be asked to participate in focused discussions on issues important to them. The issue discussions could be focused around topics such as and not limited to land use (where should the town create it's downtown and what should it look like?), economic development and future areas of development, trails/open spaces, housing densities, fire safety, and water.

TASK 2: PLAN FRAMEWORK

TASK 2A: DEVELOP A RECOMMENDED OUTLINE FOR THE UPDATED OUTLINE AND KEY PLANNING ISSUES FOR THE 2009 GENERAL PLAN UPDATE

Our approach to updating the 2009 General Plan will be to substantially rely on the input received during this Phase and recently developed and adopted plans and policies. Should the community be willing, we will include a reformat to make these plans more web-friendly so it can include links (for the on-line version) to other resources and materials. We also suggest moving demographic and statistical information into an appendix (that is not adopted or ratified) so it can be updated without amending the plan. For the plan introduction and for each element, our approach to the update will be to organize the elements into chapters organized around the Town Vision.

TASK 2B. STEERING COMMITTEE MEETING 3: GENERAL PLAN 2009 OUTLINE UPDATE AND NEXT STEPS MEETING

PLAN*et will present the Recommended Outline to the Steering Committee for discussion and refinement/finalization of the key issues that should be addressed within this General Plan update. As State Statute is not burdensome with regards to the General Plan Elements required by Statute, the Steering Committee has wide latitude to identify those elements, in addition to land use and circulation, that should be included in the update. We anticipate, that in addition to the elements already included in the 2009 plan, the Town might consider including a housing, aggregate, and safety (fire protection) element. We also suggest that the Open Space / Trails element include recreation and the Environmental Planning Element be incorporated into a Conservation Element.

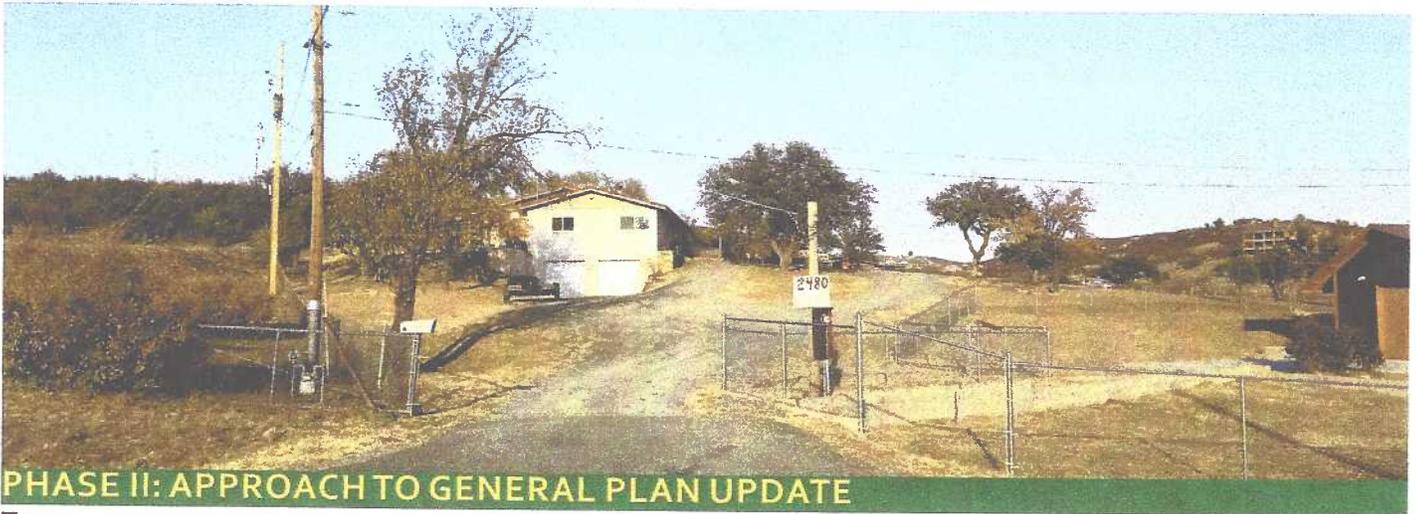
TASK 2C: PRESENTATION TO TOWN PLANNING COMMISSION AND TOWN COUNCIL

PLAN*et will attend a meeting of the Town Planning Commission and a meeting of the Town Council to present the draft General Plan outline and next steps/time line. Based on the comments received at the Town Council and Planning Commission, we will revise the outline and time line to final and provide it to the Town Project Manager.

Phase I Proposed Time Line						
	2019	2020				
	Dec.	Jan	Feb	Mar	April	
0 Task 1: Meeting with Town Staff						
1 Task 2: Steering Committee Meeting 1						
2 Task 3: Demographics						
3 Task 4: Steering Committee Meeting 2						
4 Task 5: Survey Monkey Survey						
5 Task 6: Community Meeting						
6 Task 7: Updated Plan Outline/Issues						
7 Task 8: Steering Committee Meeting 3						
8 Task 9: Commission / Council						

Need CD copy

METHODOLOGY & APPROACH



PHASE II: APPROACH TO GENERAL PLAN UPDATE

TASK 9: PREPARE A SCOPE OF SERVICES FOR THE UPDATE OF THE TOWN 2009 GENERAL PLAN IN CONFORMANCE WITH STATE LAW.

Should the town desire, we propose the following services be included in Phase II:

- A Land Use Planning Workshop where residents share their ideas of the locations and types of development desired for their community
- A General Plan Open House where the refined plan is presented to the community.
- Ongoing Steering Committee Meetings to help guide the update process
- Public Hearings as required by Statute
- General Plan Informational Brochure that will address:
 - » “Why Update the General Plan?” - This will highlight key issues and concerns that could be addressed through the update and also explain that it is a State requirement
 - » “How and When Will the Plan Be Updated” - This will outline, using graphics and text planned Steering Committee, Community workshops, and Public Hearings to update the plan and well as reference (through QR code and Text) the General Plan Website
 - » “Who Do I contact for More Information?” - This will identify contact names and numbers.
- Distribution of the Plan to 60-day review entities and recording of 60-day review comments
- Update of General Plan maps, elements, goals, and strategies based on Phase I
- Incorporating the Environmental Planning Element into a new Conservation Element
- Development of new Housing, Economic, Safety, and Aggregate elements and incorporation of Recreation into the Trails and Open Space element
- Draft and Final Plan documents as follows:
 - » A digital draft plan (for review by the City Project Manager)
 - » A revised draft (presented at a Public Workshop, posted on line, and presented to the Planning and Zoning Commission and City Council at a work session)
 - » A public review draft (for distribution by the Town to 60-day review agencies and the Planning Commission)
 - » A final draft final plan (presented at public hearings and the Planning Commission and City Council for recommendation and adoption).



COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**

Agenda Item: **9.E.**

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

Subject:

Discussion and possible action to schedule dates for three Community Meetings to review, discuss and lead to an understanding of which portions of the General Plan need to be updated, as Phase One of the General Plan Update.

Background:

If the consulting agreement with PLAN*et Communities is approved (agenda item 9.D. on tonight's agenda), PLAN*et will hold three community meetings over the next several months, at which the community is invited to participate, to review and discuss the General Plan. PLAN*et will facilitate the meetings.

The outcome of these meetings will lead to an understanding of which portions of the General Plan need to be updated, and which do not.

Staff is presenting two sets of dates for Council consideration for the community meetings, to ensure that members of the Council will be able to attend the community meetings. Option 1 falls on Tuesdays where Council Meetings are not scheduled. Option 2 falls on Wednesdays.

Option 1: February 25, 2020; April 28, 2020; either June 23 or June 30, 2020

Option 2: February 12, 2020; April 22, 2020; June 24, 2020

Financial Impact:

Sufficient funding for costs associated with the Community Meetings was budgeted in the Fiscal Year 2019/20 budget, General Fund, account 10-465-5001, OSP P&Z Management.

Direction Requested:

Staff is seeking formal Council approval of dates to hold the Community Meetings.

Suggested Motion:

For: I move to approve the Community Meetings be held on {Select Option 1 or 2, as discussed by Council}.

Attachments:

None.

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RECEIVED

DEC 20 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: JANUARY 7, 2019

Date of Request: DECEMBER 20, 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):

PLEASE ALLOW STAFF TO BUY SOME CHRISTMAS DECORATIONS WHILE ON SALE FOR 2020 AND FUTURE

Purpose and Background Information (Detail of requested action).

PLEASE ALLOW STAFF TO SPEND UP TO \$1,000.00 FROM THIS F.Y. FOR CHRISTMAS DECORATIONS WHILE THEY ARE ON SALE. SO WE CAN DECORATE

Staff Recommendation(s): OUR NEW TOWN HALL IN FUTURE YEARS

Budgeted Amount: \$1,000.00

List All Attachments: NONE

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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RECEIVED
DEC 20 2019
Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: JANUARY 7, 2019

Date of Request: DECEMBER 20, 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):

CAN WE RETURN MAIN STREET TO ANGLE PARKING FOR MORE POSSIBLE SPACES AND MARKING THEM

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

STREET USED TO HAVE ANGLE PARKING AND I THINK IT WOULD BE GOOD TO RE-ESTABLISH THAT PRACTICE

Staff Recommendation(s): _____

Budgeted Amount: UNKNOWN

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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RECEIVED
DEC 20 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: JANUARY 7, 2019

Date of Request: DECEMBER 20, 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):

I AM REQUESTING PERMISSION TO CONTACT BUSINESSES AND D-H.H.S. in SPONSORING A BOOTH AT THE 2020 AZ

Purpose and Background Information (Detail of requested action). LEAGUE OF CITIES AND TOWNS CONFERENCE

Staff Recommendation(s): _____

Budgeted Amount: UNKNOWN POSSIBLE PRINTING OR TOKENS

List All Attachments: WITH TOWN NAME OR LOGO

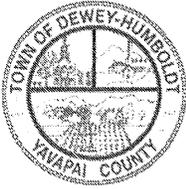
Type of Presentation: ORAL

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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RECEIVED

DEC 27 2019

Dewey-Humboldt

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: 1-6-20 OR 1-13-20

Date of Request: 12-27-19

Type of Action: Routine/Consent Regular

Requesting: Action Report Only

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

Discuss contacting ^{state} Representatives Campbell + Pierce to request legislation to set aside funds for DH. to improve evacuation routes for fire.

Purpose and Background Information (Detail of requested action). The attached article states that AZ. is currently in a position to be able to make more investments in infrastructure - fire evacuation is a crucial health and safety problem here so we should try to get on the "priority list" for

Staff Recommendation(s): state budget consideration.

Budgeted Amount: _____

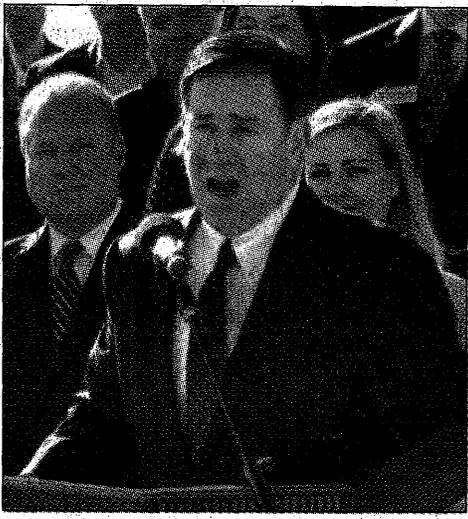
List All Attachments: Courier Article about "additional infrastructure investments"

Type of Presentation: oral

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

Contact Person: Lynn Collins

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



Gov. Doug Ducey said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix. (Howard Fischer/Capitol Media Services, file)

12-24-19

Gov. Ducey: State in position to make 'additional infrastructure investments'

By HOWARD FISCHER

For the Courier

PHOENIX — Gov. Doug Ducey won't commit to seek \$20 million for a bridge over a creek where three people died last month even as he formally dedicated a \$1.7 billion freeway designed largely to help Phoenix area commuters.

The governor said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix.

The new South Mountain Freeway, part of Loop 202, is designed to connect parts of Phoenix that are inaccessible from the west to the rest of the area. Of the cost, 40 percent came from federal sources, with the balance from a sales tax Maricopa County voters imposed on themselves and about \$350 million from state gasoline taxes and vehicle license fees.

And what of the \$20 million being sought by Rep. David Cook, R-Globe, for the bridge over Tonto Creek?

"We're going to look at every other request and properly prioritize," Ducey said.

Cook introduced legislation earlier this week to set aside \$20 million for the Department of Transportation to build a bridge in the Tonto Basin at the Bar X crossing in Gila County. Willa Rawlings, her brother Colby and their cousin Austin, all children, were killed after the vehicle they were in was swept away in Tonto Creek during a rainstorm.

Cook said Gila County already has done the environmental studies, purchased the right of way and designed the structure. He said if HB 2056 is fast-tracked the span could be in place before the next rainy season.

And Cook said there's no reason that rural areas of the state should be any lower priority

See **ROADS**, page 5A

• Roads

From page 1A

than urban roads.

At the ceremony Wednesday on the yet-to-be-opened freeway, the governor said the project will take traffic off Interstate 10 and away from downtown Phoenix. He said that congestion is a direct result of the state's booming economy.

Others at the event had their own take on the merits of the project, including Michael Bidwill, owner of the Arizona Cardinals. He said the freeway will cut the time it takes people from certain parts of the Phoenix area to drive to his team's stadium in Glendale.

Also present was Stephen Roe Lewis, governor of the Gila River Indian Community, which got the project altered part-way through construction to create a new exit to funnel traffic to his tribe's Vee Quiva casino and resort.

But as to those dollars for the Tonto Creek bridge, Ducey remains noncommittal.

"I'm going to take a look at it," he said.

"Like I said, we got a lot of requests, we have requests every year," the governor continued. "And we're going to prioritize and then form the budget."

Cook, for his part, said he sees the bridge as a top priority -- and one worthy of special consideration for funding by the state, separate and apart from any budget that Ducey will propose in January.

"How many more lives are going to be lost at this exact site, now or in the future, before somebody decides to



Gov. Doug Ducey said Dec. 18 the state is currently in a financial position to be able to make "additional infrastructure investments." And he cited \$130 million set aside this past legislative session to widen Interstate 17 north of Phoenix. (Howard Fischer/Capitol Media Services, file)

act?" he asked.

"Now's the time to do something," Cook continued. "If not now, when?"

More to the point, Cook wants to have the appropriation approved soon after the Legislature convenes next month and not wait a budget is adopted for the new fiscal year starting July 1. He said county officials have told him they believe that once funds become available the bridge could be completed in six months.

About 1,500 people live on the the far side of the creek. When it floods, they are stranded there, with no access to emergency services.

There were signs put in place at what is known as the Bar X crossing last month warning people not to drive in. But residents have said people have been driving around the barriers for years.

That's what happened last month when Lacey and Daniel Rawlings, the parents of Willa and Colby, attempted to cross in a large flatbed truck. The vehicle did not make it all the way.

County officials have been seeking funding, initially from the federal government, for decades.

And he rejected questions about whether it's the obligation of the state to deal with a situation where residents knew when they moved into the area that the creek regularly floods -- and that residents have ignored the temporary barriers. Cook said safety is the government's role "regardless of the population."

"Are we going to discount the citizens who live in rural Arizona (versus) those that live in metropolitan and downtown Phoenix?" he said. "Their lives are less valuable than putting in a crosswalk at 43rd Avenue (in Phoenix) where the tragedies continue to happen over there and people getting hit by cars?"

Cook acknowledged that projects like a new crosswalk generally are paid for out of local funds rather than being the financial obligation of taxpayers across the state. But he said it can be considered a state need because people other than area residents use the crossing.

And then there's the economic argument.

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**

Agenda Item: **9.J.**

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

Subject:

Discussion and possible action to approve new Policy and Guideline, PG No. TC20-02, Electronic Communications.

Background:

Staff has prepared a policy for use by the Town Council and all Boards, Commissions and Committees of the Town regarding electronic communications (such as email and social media) related to Town business.

Having a policy in place will help ensure compliance with:

- Arizona Open Meeting Law;
- Arizona Public Records Law; and,
- Arizona Records Management Law.

If approved by Council, the policy will be signed and distributed to Council and all members of Boards and Commissions. Additionally, the policy will be provided to all new public officials in the future.

Financial Impact:

There is no financial impact to the Town for implementing this policy.

Direction Requested:

Staff is seeking Council review, discussion and either direction or approval of the new policy.

Suggested Motion:

For: I move to approve Policy and Guideline PG No. TC20-02, Electronic Communications.

Against: I move to deny Policy and Guideline PG No. TC20-02, Electronic Communications.

Attachments:

PG No. TC20-02, Electronic Communications

Town of Dewey-Humboldt
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All Public Bodies : Town Council, Boards, Commissions, and Committees

Effective Date: , 2020

Subject:
Electronic Communications

- 1. Purpose and Scope: To provide a policy for Council and other Town public body members...
2. Background: The rise of technological communication methods, including email, text message, and social media...
3. Policy and procedure:
3.1 Email - Council. The Town provides official email addresses for all Councilmembers...
3.1.1. Email archive folders will be established...
3.1.2. Town staff will only send informational or administrative-related email...
3.1.3. Councilmembers who need to email staff shall send email only to staff...
3.1.4. Councilmembers shall not email other Councilmembers about Town business.
3.1.5. The Town will not publish or provide personal email addresses of Councilmembers.
3.1.5.1. Councilmembers who receive Town-business related emails at a personal email address...
3.1.5.2. Councilmembers may not acquiesce to senders' requests for anonymous communication...

3.1.5.3. Individuals who do not wish to communicate through a Town medium may be communicated with via telephone or in person.

3.2 Email – Non-Council Public Officials. All communications to non-Council Public Officials (members of Boards, Commissions or Committees) related to Town business shall be through Town staff.

3.2.1. The Town will not provide contact information for non-Council Public Officials.

3.2.2. A non-Council Public Official who receives a communication related to Town business from anyone other than Town staff shall only respond to the communication to refer the individual to Town staff and shall provide a copy of the communication to Town staff for recordkeeping.

3.2.4. Non-Council Public Officials shall not email other members of the same public body about Town business.

3.3 Social Media Communications. Public Officials who use social media are responsible to properly record all communications related to Town business in accordance with state law and shall forward the complete record to Town staff for recordkeeping.

3.3.1. Public Officials who utilize social media related to Town business shall only include informational material, such as providing meeting dates and times, and links to online material.

3.3.2. Public Officials shall refrain from posting or communicating personal opinions, arguments, opinions, or any other type of message on matters related to Town business.

3.3.3. Public Officials who see social media posts or communications from another member of the same public body shall not respond to the post/communication.

3.3.4. Public Officials who intend to use social media for Town business, as authorized by section 3.3.1, shall notify the Town Manager of their intent to do so.

3.3.5 Public Officials shall not use Snapchat or other social media platforms where the messages disappear to communicate about Town business.

3.4 Text Message. Public Officials who use text messages to communicate about Town business are responsible to properly record all communications related to Town business in accordance with state law and shall forward the complete record to the Town Clerk for recordkeeping.

3.5. Other electronic communication methods. Public Officials shall use other electronic communication methods in accordance with the guidelines set forth in this policy.

TERRY NOLAN, MAYOR _____

ATTEST:

TIMOTHY A. MATTIX, TOWN CLERK _____

Notes: _____

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**

Agenda Item: **9.K.**

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

Subject:

Discussion and possible direction to staff related to the Dewey-Humboldt Code of Ordinances, §§ 30.031(B)(5) and 30.105, regarding the agenda committee and agenda preparation process.

Background:

Staff is seeking Council direction on the agenda committee and agenda preparation process.

Options for Council consideration include:

Option 1. Direct staff to prepare an ordinance amending the Town Code to remove the agenda committee and clarify staff's responsibility for agenda-related duties. If Council proceeds with Option 1, staff will also revise Administrative Regulation 10-08, Town Council Agenda Process Reference Guide, and bring it forward for formal Council approval.

Option 2. Leave the Town Code as-is and keep the agenda committee in place. If Option 2 is chosen, the agenda committees will be changed to be open meetings, to stay in compliance with open meeting laws.

Financial Impact:

There is no financial impact to the Town.

Direction Requested:

Staff is seeking Council direction to proceed with either Option 1 or Option 2 listed above. Staff recommends Option 1.

Suggested Motion:

For: I move to direct staff to prepare an ordinance amending Dewey-Humboldt Code of Ordinances, Sections 30.031(B)(5) and 30.105, regarding the agenda committee and agenda preparation process.

Against: I move to follow the existing Town Code provisions relating to agenda preparation and the agenda committee, and to direct staff to begin to agendaize, take minutes of, and comply with the Open Meeting Law with respects to the agenda committee.

Attachments:

Town Code §§ 30.031(B)(5) and 30.105.

Town of Dewey-Humboldt
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§ 30.031 MAYOR AND VICE MAYOR; APPOINTMENT, POWER AND DUTIES.

(B) The Mayor shall perform such duties as prescribed by town ordinance, as imposed by the Town Council, or as required by the constitution and laws of the State of Arizona, including the following:

(5) The Mayor and Vice Mayor, or their designee(s), shall coordinate with the Town Manager to develop agendas for meetings of the Town Council.

§ 30.105 COUNCIL AGENDA.

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

(B) (1) Any resident of the town may request that an item be placed on a Council agenda by presenting the item at a Council meeting under the topic of “public comment on non-agendized items”, or by requesting that a Councilmember submit a “Council Agenda Action Request Form.”

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

(C) Agenda item requests shall be submitted using a “Council Agenda Action Request Form”. The agenda committee shall place the item on the next appropriate agenda. An emergency agenda request may be submitted after the deadline pursuant to § [30.031](#)(B)(10).

(D) *Order of agenda.*

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

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

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

- (e) Public comment on non-agendized items;
- (f) Public hearing;
- (g) Consent agenda;
- (h) Reports; Town Manager’s report;

- (i) General business;
- (j) Announcements, proclamations;
- (k) Consideration of additional Special Session(s); and
- (l) Adjournment.

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

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

(E) *Modifications to the agenda.*

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

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

(F) *Modifications to the agenda.*

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

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

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **January 7, 2020**

Agenda Item: **9.L.**

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

Subject:

Accept public comment related to the performance of Town Manager Ed Hanks.

Background:

Section 2.1 of the Town Manager's Employment Agreement states that, "The Council shall provide Hanks with a performance review on or about the six-month and one-year anniversaries of the Start Date". The agreement start date was June 17, 2019, and tonight is the first available Council Meeting following the six-month anniversary.

This item has been added to tonight's agenda to allow for public comment on the performance of Town Manager Ed Hanks, prior to the Executive Session in which Council will provide the Town Manager with the six-month performance review.

Financial Impact:

There is no financial impact to the Town.

Direction Requested:

N/A

Suggested Motion:

For: N/A

Against: N/A

Attachments:

None

Town of Dewey-Humboldt
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