

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

Tuesday, October 6, 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 public meeting (see notes about public participation below) on **Tuesday, October 6, 2020, at 6:30 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329**. Members of the Town Council will attend by audio/video conference call.

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY

Due to the federal government's declaration of a COVID-19 pandemic and the resulting Executive Orders from Arizona Governor Ducey to limit events of people in personal contact and Mayor Nolan's declaration of an emergency based on the COVID-19 pandemic, the following accommodations are provided for public participation at the Council Meeting:

- Viewing live streaming audio only on the Town's website, at <http://az-deweyhumboldt.civicplus.com/2164/Town-Meeting-Documents-and-Videos>
- Viewing and potentially participating in the meeting via Join Zoom Meeting
 - Computer: <https://zoom.us/j/83179688128>
 - Telephone: (301) 715-8592; Meeting ID: 831 7968 8128
- Submitting comments via email to the Town Clerk at TimMattix@dhaz.gov. Comments should be submitted no later than 3:30 p.m. on the day of the meeting. Please identify the agenda item and your first and last name.

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. 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

5. 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.

6. 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.

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A. Approval of Minutes of August 18, 2020 Regular Meeting

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B. Approval of Minutes of September 1, 2020 Regular Meeting

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C. Approval of Minutes of September 8, 2020 Study Session

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D. Approval of Minutes of September 15, 2020 Regular Meeting

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E. Approval of an Intergovernmental Agreement with the Yavapai County Flood Control District for a Fiscal Year 2020/21 contribution from the District to the Town in the amount of \$10,000 for Flood Control Improvements (Staff CC)

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F. Approval of a five-year Intergovernmental Agreement with Yavapai County for Regional Emergency Operations Management and Disaster Services (Staff CC)

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

A. Town Manager’s Report on proposed changes to the Fee Schedule in Title XV, Chapter 153, Dewey-Humboldt Code of Ordinances, relating to fees for Lot Splits, Lot Combinations, and Lot Line Adjustments

B. Town Manager’s Report on the status of the Council discussion of the Town’s Home Occupation Code, which was noted in The Dewey-Humboldt Newsletter as being on tonight’s agenda but is being postponed

8. General Business Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

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A. Discussion and direction to staff to answer survey questions from the Urban Land Institute (“ULI”) to assist in creating a targeted presentation by ULI at a future Town Council Meeting. Specific questions to be discussed and provide direction on are: (Staff CC)

- What community initiatives have you dreamed about that you would most like to see materialize in your community and in Arizona during this time of change?

- List three of the most pressing issues your community should address over the next 12 months, as it relates to land use and community growth, economic potential and development opportunities;
- Similarly, planning for the longer-term (more than a year), list three of the most pressing land use and community and economic development issues to address, including a time frame;
- What positive or negative impacts do you foresee resulting from the issues identified in questions 1 and 2 (such as the effect on your community’s decision-making, policies, or prioritization of projects)?
- What, if any, specific leadership assistance or support would be helpful for your community to have in order to effectively adapt to the impacts during these unprecedented times?
- The ULI Arizona Technical Assistance Program is offering a nimbler, quickly executed and specifically focused opportunity called a “Rapid Assistance Dialog”, where ULI members provide guidance on timely issues affecting communities in a two-hour virtual session. Would you please rate your community’s level of interest in this concept?

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B. Discussion and possible direction to staff relating to establishing a recruitment process for the Town Manager position, including the advertisement, position description and salary range, possible use of an executive recruitment firm, recruiting and advertising timeframe and markets in which to advertise, and any additional next steps, including for a potential Interim Town Manager (Staff CC)

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

10. 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 Town Council Study Session: Tuesday, October 13, 2020, at 6:30 p.m.
 Next Town Council Regular Meeting: Tuesday, October 20, 2020 at 6:30 p.m.
 Next Planning & Zoning Meeting: Thursday, November 5, 2020, at 6:00 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
REGULAR COUNCIL MEETING MINUTES
AUGUST 18, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, AUGUST 18, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:31 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the first Council Meeting at which Zoom was utilized. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
3. **Pledge of Allegiance** Audience member Glen Blomgren led the Pledge.
4. **Invocation** Given by Vice Mayor 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.

A. Council announcements about outside meetings and committees

Mayor Nolan announced that he has been to several meetings; everyone has a copy of the meetings he attended.

B. Public Safety Report and Discussion – Central Arizona Fire & Medical Authority (CAFMA), covering the period of January – June, 2020. Presentation by Fire Marshal Rick Chase. Topics for possible discussion include: calls responded; outreach programs and services; construction permitting.

Rick Chase, CAFMA, summarized that CAFMA has 10 staff stations, covers 365 square miles and has a population of 86,865. There were 79 EMS responses in the first quarter (January through March) and 84 in the second quarter (April through June). There were two fire responses in the first quarter out of 36 in the district; in the second quarter, there were also two calls, out of 43 calls in the district. For public service dispatches (non-emergency public assist calls), the first quarter was 5% of the overall call volume, and the second quarter was 5.1% overall. There were three calls in the first quarter for hazardous conditions (illegal burning is typically the highest) and zero in the second quarter. Good intent responses in the first quarter were 19 out of 358 and the second quarter had 19 calls out of 346. Total dispatches in the first quarter was 119 out of 2,958 total calls, while the second quarter had 137 calls out of a little over 3,000 total calls.

Mr. Chase installed a smoke alarm system for a hearing-impaired resident in the upper Blue Hills; CAFMA partnered with the Arizona Burn Foundation to provide a smoke alarm system with a bright strobe that sits next to the bed, and a bed shaker that vibrates if the alarm goes off. Today off Highway 169 there was an incident (possible lightning strike); the Forest Service and CAFMA responded.

Mayor Nolan asked about snake removal; Mr. Chase responded that CAFMA removes and relocates snakes and responds to bee calls, which are typically handed over to local beekeepers, so the bees aren't destroyed.

Mike Donovan spoke and requested that the next presentation include the average response time from call to arrival; Mr. Chase responded that he will see what he can do and try to break them down into areas.

C. Magistrate Court Quarterly Report and Discussion – covering the period of January – June, 2020. Presentation by Town Magistrate Douglas Suits. Topics for possible discussion include: Statistics, revenue, Court security, citations, procedures, services, health screening protocols, High Intensity Drug Trafficking Area update.

Judge Suits reported that there have been regular administrative orders to all courts regarding operations during COVID-19. There are mandates asking people questions about their health before they come into the Court and to be masked while they're in the Court. Another series of administrative orders is the Court Security process; there is an ongoing mandate to meet quarterly. The last meeting included a review of the new Town Hall plans;

this allowed the Court to define necessary changes and has improved the space for the Court, Sheriff's Office and Prosecutor. Quarterly meetings regarding security issues in the present and the new space will continue.

Historically, one major Court day was held each month; some lesser hearings were moved to other Tuesdays, giving more efficiencies and not having as many people in the Courtroom. Statistics for 2019/2020 show a 12-month average of 94 phone calls per month, 45 window visits, and nine motions; in April and May, 2020, the window dropped off considerably because the building was locked and the Court was asking people to use the phone or Zoom. The Town has had two requests for injunctions against harassment since February, 2020; the thought had been that it would increase, since so many are remaining at home. The Court's annual revenue from July 2019 – June 2020 is consistent, though June, 2020, was an outlier. By spreading out the Court's calendar over the entire month, he has more of an opportunity to have detailed and slower conversations with defendants and get outliers resolved. Because of COVID-19, the last week of his Limited Jurisdiction Judge training was cancelled; it currently will conclude in September, and once complete, he will have met the training criteria.

Councilmember Brooks spoke relating to not yet being able to do the appraisal for Judge Suits and wanting to do it in person. Judge Suits spoke relating to having done the annual review for Therese Christopher, Court Administrator, and spoke highly of Ms. Christopher.

D. Public Safety Report and Discussion – Yavapai County Sheriff's Office Report, covering the period of January – June, 2020. Presentation by Sergeant Ethan Stover. Topics for possible discussion include: overview – self-initiated, calls for service, traffic stops including number of citations, arrests (family fight, disorderly, DUI/drugs), criminal investigation, animal control – calls for service, calls for service comparison – days of week and time of day, average response times, part 1 crimes comparison.

Sergeant Ethan Stover, Yavapai County Sheriff's Office, provided a report on the first two quarters. For the first quarter (January through March), there were 345 calls for service and 129 deputy initiated calls for a total of 474 calls, of which there were 125 traffic stops, 10 traffic citations, two assaults, three drug arrests, one disorderly conduct and one wanted person. There were 17 arrests, including custody arrests and criminal citations; due to COVID-19, there are concerns about taking people to jail, and if able, the Sheriff's Office gives a criminal citation, where a ticket is issued and the person later has a court appearance, rather than a custody arrest. In the first quarter, there were six animal bites, one neglect, six animal noise calls, eight animal pickups, 36 dog-at-large, and three vicious animals; of these, there were five criminal citations. Calls on Friday and Saturday go up a little bit; for busiest time of day, it was from 2:00 – 6:00 p.m. Response times for in-progress calls included nine minutes for accidents, 11 for alarms, seven for assaults, 11 for disorderly, and 13 for family fights. Part 1 crimes in Town included three aggravated assault, one burglary, four thefts and one motor vehicle theft.

For the second quarter (April through June), there were 286 calls for service and 110 deputy-initiated calls, of which 86 were traffic stops, nine traffic citations, and 21 total arrests (custody and criminal citations). There were five animal bites, one neglect, 17 noise, seven pickups, 23 at-large and two vicious animals. Monday was the busiest day for the second quarter; 2:00 p.m. – 6:00 p.m. was the busiest time of day. Average response times for in-progress calls included seven minutes for alarms, six for assaults, nine for disorderly and 10 for family fights. Part 1 crimes in Town included one burglary, eight thefts, and two vehicle thefts.

Mayor Nolan spoke relating to the number of warrant arrests and asked if there is an influx of people who are residing in the Town. Sergeant Stover responded that it is not more than normal; and, that there were times where there were a couple of arrests in one call, where people with warrants were together.

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.

Ed Hanks, Town Manager, read a letter from Judy Kerber, which included: requested an agenda item on the status of making the dais and Council Chambers meet social distancing guidelines to return to in-person Council and Commission Meetings in the Council Chambers; the Town nearing, or already meeting, the requirements for reopening set by Governor Ducey; Prescott Valley Council Meetings being conducted with social distancing and masks if preferred, with no plexiglass barriers; chairs in the galley being arranged to accommodate several citizens to be present at six-foot intervals; and, requiring masks to eliminate the six-foot requirement.

9. **General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes. **Agenda Items 9.B. and 9.A. were taken out of order.**

B. Discussion and possible direction to staff relating to how the Town of Dewey-Humboldt is going to complete the 2020 Census. Per a televised news report on 8/4/2020, there will be no census workers taking the census. Anyone with a P.O. Box will not be counted unless they have reported on their own. **NOTE:** Kimberly Robinson, U.S. Census, will be present to answer questions (CAARF – Councilmember Brooks)

Kimberley Robinson, U.S. Census, gave an update on 2020 Census activities; the Census is currently in non-response follow-up, which is when Census workers go out and knock on doors. Due to COVID-19, the Census was shut down for about three months, with no field workers. Workers started back in the field about August 6, 2020; the Census deadline is currently September 30. Census workers make 100% contact with all households in the area; the Census workers get updated lists every 24 hours, so there is a chance of a household responding after the cutoff time, resulting in a knock on the door from a Census taker. The report that there would not be Census takers in the Town was false. Across the United States, the Census gets address lists from County GIS and knocks on all doors on the address list.

Councilmember Brooks spoke relating to an August 4, 2020, report on the 6:00 p.m. ABC news that the Census was going to end August 31, 2020 and that Census workers would not be going around; and, a majority of the Town's population only receiving mail at a post office box and the Census having previously said that forms will not be mailed to a post office box. Ms. Robinson confirmed that is correct; for areas that don't receive mail at home, Census workers walked around and hung flyers, postcards and forms at doors; people who did not get the form will have a Census worker knock on the door; the Census worker will attempt to contact people multiple times. Census workers will contact every household that has not responded.

Vice Mayor Lance asked why Census forms are not sent to post office boxes; Ms. Robinson responded that every census response must be tied to an actual household, and gave examples of businesses having post office boxes, and the possibility of people from Phoenix having a post office box in a rural area.

Leigh Cluff spoke relating to having filed online when the Census was first mailed and receiving an email saying that she needed to re-file. Ms. Robinson gave examples of what could have happened; spoke to a quality-control effort where multiple addresses will be consolidated; and, confirmed that the Census sent out emails, for the first time, this year.

Glen Blomgren spoke relating to having visited with a Census worker on Main Street last week who was verifying people who live in commercial buildings. Ms. Robinson responded that the Census workers are covering all areas that they can, including going to properties that are not listed in the address list.

A. Discussion and report on speeding on Prescott Street in Humboldt, including the frequency of patrols and time spent monitoring the speeds, especially between 4:00 p.m. to 7:00 p.m., seven days a week. **NOTE:** Sergeant Ethan Stover will be present to discuss and answer questions. (CAARF – Councilmember Brooks)

Sergeant Stover stated that he had reviewed records on Prescott Street; there were two traffic stops on Prescott Street, though it's possible that other stops started on Prescott Street and ended on another, as the Sheriff's Office categorizes them by the actual stop rather than where the offense occurred. Extra patrols are regularly done upon request; if the area is a concern, the Sheriff's Office can do an extra patrol. There is also the option of a speed trailer, showing people what their speed is, which sometimes slows people down.

Councilmember Brooks spoke relating to having received complaints about people using the downhill straightaway from Main Street down Prescott Street as a racetrack; people using ATVs, UTVs and cars; her hope that the Sheriff's Office can keep an eye on it; and, asked if the Sheriff's Office has ever done a sting patrol there. Sergeant Stover responded that is an extra patrol; it sometimes is a matter of the Sheriff's Office being parked there; and, that he will put in a request to look into that area, though it is based on priority of resources.

Vice Mayor Lance asked who people can complain to when they see people speeding. Sergeant Stover responded that they can call the Sheriff's Office and tell them where it is at; if there is a Deputy in the area, they may be able to stop someone; and, that the Sheriff's Office can try to set up a patrol in 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 July 21, 2020 Regular Meeting

Councilmember Brooks moved to accept the Consent Agenda item as presented; seconded by Vice Mayor Lance. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM

McBrady – aye; CM Wendt – aye; VM Lance – 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 Code of Conduct/Code of Ethics

Mr. Hanks reported that staff’s goal is to bring this back at the September 8, 2020 Study Session; comments were received from Councilmembers Brooks, Collins and Wendt; and, asked the others to turn in their comments by the end of this week.

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

Mr. Hanks reported that staff was trying to bring the preliminary plans back to Council tonight for a vote; staff is working on changes; and, that the plans will come back to Council at the September 1, 2020 Regular Meeting.

- 9. General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

A. Discussion and report on speeding on Prescott Street in Humboldt, including the frequency of patrols and time spent monitoring the speeds, especially between 4:00 p.m. to 7:00 p.m., seven days a week.

NOTE: Sergeant Ethan Stover will be present to discuss and answer questions. (CAARF – Councilmember Brooks)

Item taken out of order. See page 3 for discussion.

B. Discussion and possible direction to staff relating to how the Town of Dewey-Humboldt is going to complete the 2020 Census.

Per a televised news report on 8/4/2020, there will be no census workers taking the census. Anyone with a P.O. Box will not be counted unless they have reported on their own. **NOTE:** Kimberly Robinson, U.S. Census, will be present to answer questions (CAARF – Councilmember Brooks)

Item taken out of order. See page 3 for discussion.

C. Review, discussion and possible action to approve or direct staff relating to a requested vacation of a portion of Town-owned right-of-way along Antelope Way, generally located at the intersection of River Drive and Antelope Way. (Staff CC)

Mr. Hanks stated that the Town received a request from Victor Hambrick to vacate or sell a portion of Antelope Way, along River Road, that currently only services his property. Mr. Hanks displayed a map. Staff is seeking direction as to whether Council would like to sell the right-of-way; Kay Bigelow, Town Attorney, is also available.

Councilmember Collins spoke relating to this not being the only remnant parcel of right-of-way; not being able to get them back after letting them go; right-of-way being assets; the Open Space and Trails (“OSAT”) [Master] Plan including, a planned trail system immediately north of this road; and, not liking the idea of losing connectivity for trails. She spoke relating to the wash in the area not being a big obstacle to hiking and biking; the potential for the river in the area to turn into an expanded trail system, which in turn could bring in tourist dollars; not knowing what the Town will need in the future; and, it being better to preserve assets now.

In response to Councilmember Brooks, Mr. Hanks clarified that the wash behind the property is not the Agua Fria River, but feeds into it; and, that there are no culverts across the wash, though there is a dike on the west side and the road would need to be built up over it. Councilmember Brooks asked if the Town has to do the survey and title search and if the Town can set a minimum or reserve bid to recoup expenses; Ms. Bigelow responded that the survey would be paid for by Mr. Hambrick. Ms. Bigelow also spoke relating to Mr. Hambrick producing acceptable surveys and replatting that is acceptable to the Town; the property value being very small as the Town can’t sell it to anyone other than the two property owners on either side; and, it being silly for the Town to take those costs and get the small amount that it is worth in exchange. Councilmember Brooks asked if the wash is completely unfenced; Mr. Hanks stated that portions are fenced. In response to Councilmember Brooks, Mr. Hanks stated that Mr. Hambrick did a chip seal and single chip overlay on East Antelope Way.

Mr. Hanks noted that staff received and distributed a public comment letter from Nancy Wright earlier today.

Councilmember Hughes asked Mr. Hanks about the wash and if the road would ever go through to Antelope

Way. Mr. Hanks responded that he is not sure it would ever go through. The 2010 PARA Study recognized this as a possible route for secondary traffic; with the size of the wash, the Town would need to do either a large box culvert or bridges and he does not see doing that in the near future. Councilmember Hughes spoke relating to Quarterhorse Lane and Deer Pass to the south, and asked Mr. Hanks if, in his opinion, Antelope Way would be used, when there are already two other options; Mr. Hanks responded that he would not recommend it and doesn't foresee it happening. Councilmember Hughes spoke relating to No No Lane, which is just to the north, having never been maintained by the Town; asked if it is feasible for the Town to keep Antelope Way and start maintaining it, since the two property owners are the only ones it feeds; and spoke relating to it not working for the OSAT Plan, which would use East Antelope Way. Mr. Hanks responded that he does not see the Town putting a box culvert or bridge in and maintaining it over the next 20 years.

Councilmember McBrady spoke relating to Antelope Way dividing one piece of property; and, that by selling all of Antelope Way back to the people, that lot could be reconnected. In response to Councilmember McBrady, Mr. Hanks said he will need to speak with that property owner to see if he is interested. Councilmember McBrady spoke relating to having bought easements from Yavapai County in the past for over \$20,000 for a similar-sized piece of right-of-way; the cost being borne by the people who are getting the improvement; and, that the Town could make money off it and fix a strange-looking lot. Mayor Nolan responded that the wash can't be built on and asked why the Town is involved if it is private property. Mayor Nolan, Councilmember McBrady, and Mr. Hanks discussed it further. Ms. Bigelow spoke relating to the Town owning or being in control of the roadway easement; property being based on the legal description that Mr. Hambrick provides; Mr. Hambrick not asking for release of the property that does not border on his property; Mr. Hambrick only asking for it to be released where it borders his property; and that parcel number 800-27-003C will remain Town roadway. Councilmember McBrady discussed it further. Councilmember Brooks asked if Council is off the agenda as that property owner has not come forward; Ms. Bigelow confirmed and requested the discussion get back to Mr. Hambrick's request.

Councilmember Collins spoke relating to the OSAT Plan having to do with using Town right-of-way for the trail system; and, that this is directly south of an existing planned route as part of a neighborhood trail system.

Mayor Nolan and Councilmember Collins discussed which piece of land is being considered; Mr. Hanks displayed it on the map.

Vice Mayor Lance spoke relating to having been told that it was brought to Council every few years and asked what has been hindering it; and, spoke relating to it being a precedent as everyone will want their right-of-way. Mr. Hanks responded that while he is not sure of the exact reason it didn't go through, another property owner was interested in acquiring half and Mr. Hambrick the other half; and, confirmed that it is possible that a lot of others will request right-of-way.

Mr. Hambrick stated that he requested the right-of-way that begins at River Drive and ends at the wash; the property to the east is completely fenced with a straight fence across the wash. Mr. Hambrick spoke relating to his property being gated across the front when he purchased it; it was always used as the accessing driveway to his property; he is unable to secure the property and is trying to purchase it so he can secure his property, remove the mobile home and build a house. He also spoke relating to the guidelines for purchasing or abandoning property already being in place in state law; that the reason it was previously pulled off the Council agenda was because the other owner was in the process of selling their property; and, that the new owner has no interest in purchasing it. Mr. Hambrick confirmed that he will bear all cost for the surveys. In response to Mayor Nolan, Mr. Hambrick clarified that the new property owner is not interested in acquiring half of the right-of-way, though they support Mr. Hambrick's request; Mr. Hambrick would be acquiring the entire 50-foot area; and, that he does not want the property for the parcel that is divided by Antelope Way, but that if needed, he will pay for a survey so the Town can abandon it to that property owner to make it contiguous.

Councilmember Collins spoke relating to properties in the Blue Hills that are bisected by Town right-of-way; that it is a Town-wide problem; and, that if it is done for one, it needs to be done for all.

Mr. Hambrick stated that the property is laid out the way it is because when the plat was drawn, it was laid flat and did not take topography into consideration; and, that it was never used as a roadway and instead has only been used as a driveway to his parcel.

Vice Mayor Lance asked what the lot sizes are and if, once the property is acquired, Mr. Hambrick would be able to split the property and make two lots. Mr. Hanks responded that the zoning in the area is R1L-70, or about 1.5 acres; Mr. Hambrick has 3.71 acres and he is right at the point of being able to split the property.

Ms. Bigelow stated that the agenda item is only for what Mr. Hambrick requested; any direction or motion can't

deal with the right-of-way that bisects the adjacent parcel; and, that Council can just act on what Mr. Hambrick is asking for tonight, and deal with other things at another meeting.

Vice Mayor Lance spoke relating to not wanting to lose Town right-of-way because it is hard to get it back.

Councilmember Hughes spoke relating to Mr. Hambrick not being able to split the lot again; it currently can be split twice, but adding another 50 feet won't allow it to be split again.

Mr. Hambrick spoke relating to the parcel that he owns can be split without acquiring the road; the road being purchased to fulfill legally how it has always been used; his willingness to survey the neighboring piece if needed; and, about the fence on the neighboring property. He also spoke relating to his reason being that he is unable to secure his property with a fence.

Mayor Nolan moved to go ahead and deal with Mr. Hambrick on this piece of property; seconded by Councilmember Hughes.

Leigh Cluff spoke and asked for clarification as to why Mr. Hambrick cannot secure his property and fence it; spoke relating to having moved fences; Mr. Hambrick being able to fence within his property; and, that all Councilmembers should go out and look at the property before voting.

Mayor Nolan called for a roll call vote. During the vote, additional discussion ensued regarding not knowing what is being voted on and a reclarified motion.

Mayor Nolan reclarified the motion that all Mr. Hambrick is asking for is to deal with the right-of-way that goes by his property and nothing else. Councilmembers discussed it further.

Councilmember Hughes moved to have Victor and the Town get together and do the survey and take it all out per the Council's request so it can come back at a later date. Discussion about the motion ensued.

Councilmember Hughes clarified the motion as being to make an action to approve and direct staff related to the requested vacation of the right-of-way of the portion of Antelope Way; seconded by Mayor Nolan.

Mr. Hanks stated that Council is in the middle of a vote on the other motion. In response to Mayor Nolan, Mr. Hanks clarified that Council never finished the vote on the first motion. Discussion ensued.

Mayor Nolan withdrew his motion.

Mr. Hanks clarified that Councilmember Hughes' motion was to have staff work with Mr. Hambrick to get the survey done to find out the square footage and cost estimates to bring it forward.

Ms. Bigelow requested Council add on to the motion "to follow the process in Town Code 50.16, which requires it to be brought back to Council when all of that information is known." Councilmember Hughes concurred.

The motion, as clarified by Mr. Hanks and with the addition recommended by Ms. Bigelow, passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – nay; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Vice Mayor Lance asked who absorbs the cost if it comes back and Council decides not to move forward. Ms. Bigelow responded that Mr. Hambrick is bearing the cost.

D. Status update, discussion and possible action relating to the creation of the Blue Hills Emergency Exit, including answering specific questions listed in the CAARF. (CAARF – Councilmember Brooks)

Councilmember Brooks stated that she wants the following questions answered: how much has been spent on the Blue Hills emergency exit; how many parcels have been surveyed; how many parcels have had deed searches; what has been done with the Bureau of Land Management ("BLM") parcel; are there any gates or cattle guards to go across the BLM parcel; if a road is dozed through the BLM parcel; has there been any paperwork signed with the BLM parcel; and, how much was actually spent in Fiscal Year 2019/20.

Mr. Hanks responded that staff has been working with the residents on Bandit Way and Read Star Mine Road, both of which are private roads, to get everything tied together where the BLM parcel is; surveys are completed on all eight easements, including the BLM parcel; title reports are done on all except the BLM; and, staff is on hold with the BLM until the easements are completed. All eight environmental assessments are complete; for Fiscal Year 2019/20, just under \$12,800 was spent; and, one person got an attorney and staff is working with the attorney. There is a draft plan of development that the BLM will proceed with on a 60-foot easement once the Bandit Way and Read Star Mine easements are complete; and, the BLM won't release the Town to do anything on their parcel until it can go somewhere. Once the last person is on board soon, staff will get signatures and

move forward with the BLM.

Mayor Nolan asked about the total number of parcels; Mr. Hanks responded that the Town has surveyed the eight individual parcels and the BLM parcel and is waiting for the last person to get on board.

Councilmember Brooks asked if the deed searches have been done; Mr. Hanks confirmed that they are complete, though the BLM has not been started at the BLM's request. Councilmember Brooks asked about moving further east; Mr. Hanks stated that staff has been in contact with some further east, though the primary focus is on getting these easements and the BLM before moving onto the Prescott Dells easements. Councilmember Brooks asked if, once all parcels and the BLM are finished, it will connect to any existing roads; Mr. Hanks responded that it connects Town-owned Shirley Lane to Prescott Dells road, which is a public ingress/egress easement that goes across private property, though it is open for the public to use.

Mayor Nolan asked how many parcels are left to get approval for; Mr. Hanks responded that there is one parcel left to get approval for the BLM parcel. Mayor Nolan and Mr. Hanks discussed it further.

Councilmember Wendt spoke relating to staff's efforts; that these types of things take a long time to get through; and, asked what is next once the BLM is on board. Mr. Hanks responded that once the draft plan is started, the Town will need to do a small road plan, including drainage; environmental and archaeological assessments are completed; and, staff will need to get the engineered plans for the road and install gates and cattle guards.

Mayor Nolan asked why cattle guards are required when the Town is installing gates; Mr. Hanks responded that crash gates are for vehicles and that the BLM may ask for cattle guards to be put in.

Councilmember Wendt asked what the timeframe is to get completion on the balance of the road; Mr. Hanks responded that he doesn't know, but that the quickest part will be building the road.

E. Discussion and possible direction to staff to invite Jeff Schalauski, University of Arizona Cooperative Extension, to present expert information at a future Council Meeting on the area required for each species of animals, as listed on the attachment to the CAARF (CAARF – Councilmember Brooks)

Councilmember Brooks introduced the item as follows: this is a request for input from Mr. Schalauski on the square foot areas that each species of animal requires; and, that it will give Council good guidance going forward on animal codes and show that the chart in the Town Code is inappropriate.

Vice Mayor Lance moved to have the gentleman come to a presentation at a Work Session; seconded by Councilmember Collins. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

F. Canvass the results of the Primary Election held on August 4, 2020, for the purpose of nominating and/or electing candidates to the offices of Mayor and Town Councilmember (Staff CC)

Mr. Hanks stated that staff received the canvass after the packet was initially distributed and that it is in the amended packet; turnout at the August 4, 2020 Primary Election was 51.25%; state law requires the canvass be completed not less than six days nor more than 20 days after the election; and, the canvass was prepared by the Yavapai County Recorder's Office and contains all required information.

Councilmember Brooks moved to accept the canvass of the 2020 Primary Election as presented; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

G. Discussion and action to decide the Town's position on League of Arizona Cities and Towns ("League") Resolutions for the upcoming legislative session, and on two proposed amendments to the League Charter. Proposed resolutions and League Charter amendments to be considered include: (Staff CC)

- Resolution BFED 1, to support legislation requiring cities and towns to accept consular ID cards as a valid form of identifications;
- Resolution GAHRE 1, to support legislation that allows ordinances imposing a penalty, fine, forfeiture or other punishment to be posted on the municipality's website and published in a paper of local circulation instead of posted in three or more public places;
- Resolution GAHRE 2, to allow governing bodies to use any newspaper printed and published in their county for public notices required by state law if the newspaper has circulation within the city or town; and,
- Resolution NSQL 1, to establish a state affordable housing tax credit.
- Charter Amendment 1, amending Article IV. Organization, Section 1, by changing the terms of League Officers from a two-year term to a one-year term beginning in 2024; and,

- Charter Amendment 2, amending Article IX. Amendments to Charter, Section 1, to create a Standing Charter Committee to review proposed amendments to the Charter.

Mayor Nolan noted that there are proposed League Resolutions and League Charter Amendments to be voted on at the upcoming League meeting. Mayor Nolan introduced proposed League Charter Amendment 1.

Councilmember Brooks moved to direct the Mayor to vote in favor of changing this to a one-year term instead of a two-year term; seconded by Councilmember Wendt. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Mayor Nolan introduced proposed League Resolution BFED 1.

Councilmember Brooks moved to direct the Mayor to vote no against this Resolution BFED 1; seconded by Councilmember Collins.

Mr. Hanks read a letter from Judy Kerber that included the following: consular ID cards being issued by foreign countries' consulates rather than a United States government entity; ID requirements and recommendations by various Commissions and acts; foreign nationals who are in the U.S. legally have the ability to use other identification; consular ID cards being vulnerable to fraud; law enforcement officers who are presented with a consular ID card are discouraged from asking questions that would open them to discrimination liability and accusations of racial profiling; and, that the Town should not support this resolution.

The motion to vote no on League Resolution BFED 1 passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Mayor Nolan introduced proposed League Resolution GAHRE 1.

Councilmember Brooks moved to direct the Mayor to vote no on GAHRE 1, against the resolution; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Mayor Nolan introduced proposed League Resolution GAHRE 2.

Councilmember Brooks moved to direct the Mayor to vote no on GAHRE, against the resolution; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Mayor Nolan introduced proposed League Resolution NSQL 1.

Councilmember Collins clarified that the credit would only be applied to rentals and not owner-occupied homes and that it will not help people to buy a house; Mayor Nolan confirmed.

Councilmember Brooks moved to direct the Mayor to vote no on NSQL 1, against the resolution; seconded by Councilmember Hughes. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

Proposed League Charter Amendment 2 was introduced.

Councilmember Hughes moved to vote no on Charter Amendment 2; seconded by Councilmember Collins. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

H. Council action to determine whether to proceed to follow processes for modifying the Fee Schedule and Zoning Ordinance for Lot Splits, Lot Combinations, and Lot Line Adjustments, or if such action is to be postponed as controversial and to be delayed until in-person meetings resume (Staff CC; from the August 11, 2020 Study Session)

Mr. Hanks stated that the item was introduced at the August 11, 2020 Study Session; during the discussion, Councilmember Brooks discussed the item being controversial; tonight's item is for a vote to determine if it is controversial or not, so staff knows whether or not to bring it back.

Councilmember Brooks spoke relating to not having a problem with the fees except for one about a zoning change brought by a citizen, and spoke relating to the fee amount for it.

Councilmember Hughes spoke relating to this item being only to vote if it can be brought back or not. Mr. Hanks confirmed that the discussion needs to stay off the merits and focus on whether it is controversial.

Councilmember Collins spoke relating to needing to discuss it; not considering it as controversial; and, putting information out to the public and bring it back to discuss it.

Councilmember Brooks spoke relating to supporting bringing it back after it has been published in the Town Newsletter so everyone has a chance to read it and look it over.

Councilmember Hughes moved to bring this back to an October meeting after the September Newsletter; seconded by Vice Mayor Lance.

Councilmembers Collins and Brooks discussed whether to print the whole item in the Newsletter.

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

I. Council action to determine whether to proceed with the consideration of requiring first and second read/adoption of ordinances and resolutions and if Council desires to further consider it then whether such action is to be postponed as controversial and to be delayed until in-person meetings resume (Staff CC; from the August 11, 2020 Study Session)

Mr. Hanks noted that this item was originally brought forward on August 11, at which time Mayor Nolan spoke about it being controversial; staff is seeking clarification as to whether it is controversial or can be brought back.

Councilmember Brooks moved to bring it back to the Council for a voting session after it's printed in the Newsletter; seconded by Councilmember Collins. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

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

Councilmember Brooks moved that no Special Sessions are needed; seconded by Vice Mayor Lance. Motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

11. Adjourn.

The meeting adjourned at 9:05 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Dewey-Humboldt, Arizona, held on the 18th day of August, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Timothy A. Mattix, Town Clerk

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**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 1, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 1, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order** Mayor Nolan called the meeting to order at 6:31 p.m.
2. **Roll Call** Town Councilmembers Karen Brooks, Lynn Collins, John Hughes, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. Councilmember Mark McBrady was absent. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the first Council Meeting at which Zoom was utilized. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
3. **Pledge of Allegiance** Audience member Glen Blomgren led the Pledge.
4. **Announcements regarding Town Current Events; Guests; Appointments; and Proclamations** Announcements of items brought to the attention of the Mayor not requiring legal action by the Council. Guest Presentations, Appointments, and Proclamations may require Council discussion and action. Pursuant to the Arizona Open Meeting Law, the Town Council may present a brief summary of current events; however, the Council may not discuss, deliberate, or take legal action on any matter in the summary.

A. Council announcements about outside meetings and committees

There were no announcements.

B. Proclamation – declaring September, 2020, as Prostate Cancer Awareness Month

Mayor Nolan read a proclamation declaring September, 2020, as Prostate Cancer Awareness Month.

5. **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.

No one spoke.

6. **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 August 4, 2020 Regular Meeting

Councilmember Brooks moved to accept the Consent Agenda item as presented; seconded by Councilmember Wendt. Motion passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – absent; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

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

A. Town Manager’s Report on the November 3, 2020 General Election

Ed Hanks, Town Manager, reported that the Town will be holding an election on November 3, 2020, for one Council seat; it is open for write-in candidates. An article is in the September Newsletter with information about the forms; the filing deadline is September 24, 2020.

B. Town Manager’s Report on the 2012-2014 Model City Tax Code Amendments

Mr. Hanks reported that staff received an email from the League of Arizona Cities and Towns (“League”); a number of cities and towns have fallen behind on adopting changes to the Model City Tax Code; the Town needs to adopt the 2012-2014 amendments. This will not change the tax rates. The amendments need to be adopted as approved by the Municipal Tax Code Commission without changes. Staff will be following the League recommendation to post notice online and will bring it back to Council in the November or December timeframe.

C. Town Manager’s Report on the status of the presentation by Jeff Schalau, University of Arizona Cooperative Extension, on the area of land required for various types of animals

Mr. Hanks reported that staff contacted Mr. Schalau, as directed by Council; Mr. Schalau will be at the September 15, 2020, Council Meeting for a discussion; it was announced in the September Newsletter.

In response to Mayor Nolan, Mr. Hanks confirmed that the Town is required to have an election for the open seat; candidate packets are available at Town Hall; and, the deadline is September 24, 2020, at 5:00 p.m.

8. General Business Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

A. Discussion and possible action to approve, modify or disapprove the preliminary plans for the new Town Hall Building, to be located at 12938 East Main Street, as included in the Council packet materials (Staff CC)

Mr. Hanks noted that this was initially brought up at the August 11, 2020 Study Session. Changes to the Site Plan include two options for Council consideration: one with landscaping between Town Hall and the neighbor to the south, and the second with a block wall, which allows more parking spaces; the sidewalk has been added, though it is in the existing right-of-way and is not part of the configuration; and, the flagpole has been added. Changes to the first floor Floorplan include shifting the Judge’s office wall to be flush with the Council Chambers; extending the Executive Session meeting room to encompass a larger area with direct access from the Council Chambers; and, a dumbwaiter to go to the second floor. The second floor Floorplan was changed to add a secure storage area. The project schedule is included in the Council packet materials as reference; Mr. Hanks noted that each delay pushes the schedule back. With preliminary plan approval, staff can get hard cost estimates, and start on construction drawings, septic permits, and bid documents. Mr. Hanks will start working with the United States Department of Agriculture (“USDA”) on a potential loan. All public comment received by staff is included in the Council packet materials.

Councilmember Collins spoke relating to Town Code provisions about protective screens, such as Section 153.220, which is for protective screens in cases where a non-residential use in a commercial or industrial district abuts a residential use in a residential district. She also spoke relating to this area of Main Street being zoned C-1 and not spending money on a block wall that obscures the new building.

In response to Councilmember Brooks, Mr. Hanks stated that the property was donated to the Town in the 2016/2017 timeframe. Councilmember Brooks spoke relating to the previous Council saying it would be a nice place for Town Hall; it having been discussed multiple times about being a location for Town Hall; Mayor Nolan’s letter about not having any public meetings in relation to it being a commercial district and already accepted by the Town Council; and, the place to the south has been a factory, engineering, and a septic business. She spoke relating to other buildings along Main Street and their history as commercial buildings; discussions that have taken place since November 19, 2019; meetings being shut down to public access; needing to move forward and have Town Hall there; and, that it will be a rejuvenation of Main Street and Humboldt.

Councilmember Collins spoke relating to the address and announcement being published in the Town Newsletter in October, 2019; the current address being associated with the new Town Hall since at least October 8, 2019; the address and new Town Hall having been on the agenda at least five times; the agendas being posted throughout Town; the Town Newsletter being mailed to everyone in Town; and, that it will bring positive changes.

Mayor Nolan spoke relating to new people having moved in on Main Street, including one across from the site; water usage and a 2-inch waterline not being sufficient; not being opposed to building a new Town Hall, but opposing doing it too soon; and, being three years out from getting a grant to fix Main Street and install an 8- or 10-inch waterline. Mayor Nolan also spoke relating to Mr. Odell having rezoned his property to residential, with a residential use; the block wall being for a purpose; the six or seven bathrooms requiring water; the cost being more than \$1.5 million; and, needing to determine how much money will be borrowed from the USDA.

In response to Vice Mayor Lance, Mr. Hanks stated that this area of Main Street is zoned C-1, though some

people have chosen to live there; and, that it is a different waterline from the same water system and that the current Town Hall has a 2-inch waterline.

Councilmember Brooks spoke relating to most of the water system's lines being 2-inch lines; Town Hall being open during the day while most people work, and open three nights a month; and, Town Hall being quiet most of the time. She also spoke relating to the Town having rented the current Town Hall for fourteen years with a rough estimate of \$672,000 paid in rent; receiving several letters about the size and square footage of the new Town Hall; it being a matter of time until more businesses come in; this being the right size for the Town, if not currently, then in the future; and, the possibility of the new owner of Humboldt Station being able to entice new renters.

Councilmember Collins spoke relating to the parcel to the south having C-1 zoning; the Town Code requiring 6-foot block walls only when commercial abuts residential in a residential district; a block wall damaging the value of the Town's improvement; and, her preference to make an investment in the Town and downtown rather than spending money on higher rent.

Vice Mayor Lance asked about researching whether there was a vote in 2016 or 2017 on moving Town Hall; Mayor Nolan responded that she can have the Town Clerk research the minutes.

Councilmember Wendt spoke relating to understanding the concern about water; the water being improved upon in the future if an issue is discovered; this having been discussed by at least two Councils; believing that the plans are ambitious; needing to allow for growth and flexibility; and, concerns about the cost. She also spoke relating to potential sound issues for neighbors; and, some offices not needing separate walls.

Councilmember Collins spoke relating to the previous facilities study and the consultant at the time saying that the Town would need an 8,000 square foot building; adding partitions within offices when necessary; and, liking the storage on the second floor. She spoke relating to the plans not being overly aggressive; this being a desirable area as a gateway to northern Arizona; and, taking the right steps now to help realize the potential.

Vice Mayor Lance asked if a block wall was put in for Heli Swift; Mr. Hanks stated that they were not required to do a block wall, though they were required to do screening. Vice Mayor Lance spoke relating to the noise from a helicopter right across from residents.

Ted Brooks spoke relating to previous research on how much space the Town would require; the current Town Hall plans being smaller than the research said; and, using plants as a sound barrier, rather than a brick wall, as a brick wall would make it look like a prison.

Leigh Cluff spoke relating to having a complaint about putting a block wall up; it not being done for Heli Swift; not doing something for one person and not another and not picking and choosing who Council wants to help; and, wanting to welcome people into Town rather than making it look like a prison.

Barton Lee McLain spoke relating to building materials getting more, not less, expensive.

Councilmember Hughes asked if anyone looked into the eco, with all of the shrubbery; people having asked why the building can't be one color as it will look more professional; having needed a Town Hall since 2004; needing more discussion about the inside to keep costs down; and, needing to research the pricing compared to a stick-built building due to the cost for what is being done.

Councilmember Hughes moved to go forward with Site Plan ASP * 1.

Councilmember Hughes spoke relating to the plan having two pages labeled as ASP * 1, one with a block wall and one with landscaping; paying for an architect; not doing one plan for both pictures; and, staff having asked Council to pick between two plans and that they should be differentiated. He spoke relating to a wall allowing more parking; the importance of parking; and, looking into whether shrubbery can be reduced for more parking.

It was clarified that motion was for the option with the block wall. The motion was seconded by Councilmember Wendt.

Councilmember Collins moved to go with the other plan with the shrubbery; seconded by Councilmember Brooks.

Vice Mayor Lance spoke relating to native plants that don't require a lot of water; removing the wall/shrubs and adding a curb to allow more parking; the wall being a target for graffiti; and, if the Town were to do a fence, preferring a chain link fence with a shielding screen.

Councilmember Collins spoke relating to the Town Code not requiring the block wall; a Town Code provision that mandates a certain amount of landscaping; and, following the same standard required for a business.

Vice Mayor Lance requested staff check with the Sheriff's Office to see how many times there is a visitor to the jail and how long they stay.

Councilmember Hughes called the question. There was no vote on calling the question.

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

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

Councilmember Hughes moved to move the item to the next meeting; Vice Mayor Lance seconded. Vice Mayor Lance rescinded the second. Councilmember Hughes rescinded the motion.

Kay Bigelow, Town Attorney, reminded Council that the next meeting is a non-voting Study Session, and requested that Council move it to the 15th.

Councilmember Brooks moved to go forward with the plans as presented and take the south edge and put up a chain link fence with a curb; seconded by Councilmember Collins.

In response to Vice Mayor Lance, Mr. Hanks confirmed that the south edge is the area with the block wall.

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

During the vote, Councilmember Hughes clarified whether this includes the parking spots; Councilmember Brooks responded that it would add the parking spots back in.

B. Discussion and possible direction to staff relating to Invocations at Council Meetings (Staff CC)

Mr. Hanks stated that staff has started to receive outside requests to give invocations at Council Meetings and is bringing this forward for discussion and possible direction; Council reviewed this in 2012 and took no action; this falls under Town Code Section 30.051; and, staff is seeking direction to schedule outside invocations or to prepare an ordinance to change or remove the invocation from the Town Code.

Councilmember Brooks spoke relating to a Town Code provision that allows for public comment and that during the last discussion a citizen had their hand up and was never called on.

Councilmember Brooks moved to change invocation to a moment of silence; seconded by Councilmember Collins.

Councilmember Collins spoke relating to being surprised that this was not addressed when it first came up; and, a moment of silence allowing everybody to use their own method to prepare mentally and spiritually.

Vice Mayor Lance asked about making an ordinance for a Councilmember to give the invocation. Ms. Bigelow responded that it is not legal; other federal appellate courts that have found that violates the establishment clause; and, that while those two circuits do not govern Arizona, the 9th Circuit, which governs Arizona, is the most liberal and she is sure that they would find that violative. Ms. Bigelow stated that making it an ordinance doesn't help save it; that when a town invites all other religions or anybody to come and give the invocation, it has been found acceptable by the United States Supreme Court; once that is made, the Town may not distinguish between one religion and another, or to one that may seem non-religious; and, the Town would have to take all comers.

Barton Lee McLain spoke relating to everyone thinking that they are tolerant of other religions; asked how many would be fine with an atheist or a Muslim; the City of Scottsdale being in the second year of a lawsuit by the Satanic Temple of Arizona; and, that the Scottsdale Council just approved another \$130,000 to fight it. She also spoke relating to it being about money; the Town not being able to afford being sued; the Constitution of the United States guaranteeing separation of church and state; and, a moment of silence being appropriate.

Leigh Cluff spoke and asked if staff will put 30 seconds or one-minute so that down the road there won't be arguing over how long the moment of silence was. Mr. Hanks confirmed that staff can add that into the ordinance.

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

C. Discussion and possible direction to staff to add more media outlets to a contact list for possible press releases for Town events/news (CAARF – Councilmember Collins)

Councilmember Collins introduced the item as follows: having searched online for other media outlets to add to a contact list for newsworthy items; having found the Quad Cities Business News, Arizona Chamber of Commerce, Signals Arizona, and Prescott eNews; and, this being a good way to promote the Town.

Councilmember Brooks moved to direct staff to look into these other news media outlets and see what is required for the Town to have input or to put newsworthy items about Dewey-Humboldt in these news media companies that were brought forward by Councilmember Collins; seconded by Councilmember Collins.

Councilmember Wendt spoke relating to staff time in writing more articles; possibly having to hire a media relation person; future costs; and, that the news media outlets will want the Town to submit articles rather than writing them.

Vice Mayor Lance asked if the intention is to send the same news to several different media outlets; Councilmember Collins confirmed that she wants to add these contacts to who the Town normally sends press releases to.

Mayor Nolan spoke relating to contacting Signals Arizona and putting material in for the Town as Town staff is too busy. Vice Mayor Lance spoke relating to there being an ordinance. Ms. Bigelow noted that this is off topic. Mayor Nolan also spoke relating to putting things on Next Door.

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

D. Discussion and possible direction to staff relating to changing Town Councilmember terms of office to two years (CAARF – Mayor Nolan)

Mayor Nolan introduced the item as follows: this giving a fresh look with new Councilmembers every two years; and, that it would indicate that it is not a lifetime position for anyone.

Barton Lee McLain spoke relating to it being a power grab to limit Councilmember terms of office to two years.

Councilmember Collins spoke relating to it being too controversial to vote on without public input; needing public involvement as it involves elections; and, that if something is not broken, to not fix it.

Councilmember Brooks spoke relating to keeping it as it is, with Council serving alternate terms; there being a lot to learn with the codes and taking a while to get up to speed; keeping the cost of training lower as currently only half of Council goes to some trainings each year; there only being four other people on the meeting besides Council, staff and the Town Attorney; and, that if it does not die tonight it needs to be held over until Council Meetings are in person for more input.

Mr. Hanks noted that past practice when a Councilmember identifies an item as controversial, has been for conversation to close, and the item brought back at a future meeting for a vote. Ms. Bigelow spoke relating to it needing to go to a vote, not Council action, to do this; it not starting until everyone currently elected has finished their terms; and, that it will come back to another meeting to get set for election.

Mayor Nolan spoke relating to people on the Council still being able to re-run and get re-elected.

Vice Mayor Lance spoke relating to Mayor Nolan having recently brought forward an item to make the Mayoral position four years and asked why he wants to make Council terms two years. Mayor Nolan responded that this would allow people to change their minds after two years and that people can still re-elect Councilmembers. Vice Mayor Lance asked about the reasoning; Mayor Nolan responded that having a Council position running every two years gives the community a chance if they dislike a Councilmember. In response to Vice Mayor Lance, Mayor Nolan stated that it is possible this would get more people running for office. Vice Mayor Lance spoke relating to having an open Councilmember seat that didn't get filled.

Councilmember Collins spoke relating to an undesirable side effect being that it would confuse the electorate; and, having heard from people who were confused about the past election.

Mayor Nolan and Vice Mayor Lance discussed keeping it the way it is; changing everyone to four years; and, whether voters or Council decided to have four-year terms of office for Councilmembers.

Leigh Cluff spoke relating to the ability to take out recall petitions; filing a petition challenge if a person thinks someone is not qualified to be on the ballot; not seeing the importance to change it as it is working fine; thinking that this is about people trying to control things; and, that wasted time needs to stop.

Councilmember Collins spoke relating to it being too controversial to cover without more public input; expenses;

causing confusion to voters; and, putting it off until meetings are open and everyone able to participate.

Mayor Nolan spoke relating to bringing this to the next Regular Meeting; Ms. Bigelow responded that Council needs to vote on a continuance to see if it should go to another meeting.

Mayor Nolan moved to extend the item to the third meeting of this month. Motion failed for lack of a second.

In response to Councilmember Hughes, Mr. Hanks stated that staff will bring it back to vote on if it is controversial.

Vice Mayor Lance moved to keep the Council seats a four-year term; seconded by Councilmember Brooks.

Ted Brooks spoke relating to the cost to run for office preventing more people from running for office; and, this alienating people due to the cost of running for office every two years being doubled.

Mr. Hanks read a letter from Jack Hamilton, regarding Council not being able to change the length of how long Council needs to serve; and, that as the voters approved it, it would need to go back to the voters.

The motion to keep the Council seats a four-year term passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – absent; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

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

Councilmembers did not schedule a Special Meeting.

10. Adjourn.

The meeting adjourned at 8:00 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Dewey-Humboldt, Arizona, held on the 1st day of September, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MEETING MINUTES
SEPTEMBER 8, 2020, 6:30 P.M.**

A STUDY SESSION MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 8, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. 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, Mark McBrady, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the first Council Meeting at which Zoom was utilized. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
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.

No one spoke.

4. **Study Session** Study Sessions are held for the purpose of detailed review and Council discussion. As such, Council may discuss and provide feedback on any matter listed on the agenda. No final decisions or voting occurs at Study Sessions. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.
 - A. **Discussion and staff clarification on proposed changes to the Fee Schedule in Title XV, Chapter 153, Dewey-Humboldt Code of Ordinances, relating to fees for Lot Splits, Lot Combinations, and Lot Line Adjustments** (Staff CC)

Ed Hanks, Town Manager, stated that Council discussed this at the August 11 and August 18, 2020 Council Meetings; staff brought it forward based on the fees that the Town has been charging, which are not in the fee schedule. It has been advertised in the Town Newsletter, as directed by Council; staff added it to tonight's agenda for additional discussion and will bring it back in October for a vote. The fee schedule does not specify lot splits, lot line adjustments or lot combinations. Staff has been charging the \$500 fee based on the fee for the record of survey in lieu of subdivision for three lots or less in the fee schedule.

Councilmember Collins spoke relating to having read state law that all pieces of land within the same class of use need to have the same rules applied equally; and, asked if a lot split and lot combination take the same amount of time for staff. Mr. Hanks confirmed that it is the same process and has the same steps involved. Councilmember Collins spoke relating to the Town not wanting to encourage more lot divisions; Mr. Hanks confirmed and stated that the Town has been charging this fee under multiple managers. Councilmember Collins spoke relating to Town Code Chapter 152, and the steps required and time spent in review.

Nancy Wright spoke relating to a concern with the September, 2020 Town Newsletter article stating that often a property owner becomes aware of underlying lots when a building permit is applied for; having purchased four lots in the Parker-Hill subdivision; the lots being legal, nonconforming lots because the property was made a subdivision in 1917; having applied for a building permit and received a Certificate of Occupancy from Yavapai County in 1999; and, having always received one tax bill for the four parcels. She spoke relating to seven more homes having been built in the subdivision, all of which receive one property tax bill while using multiple lots for their building; lot sizes and not being able to meet 50-foot setback requirements; the Town having issued building permits for those properties; and, asked why the Town did so. She spoke relating to the lots being legal, non-conforming lots and current zoning rules not applying to them; and, asked if the Town wants to penalize residents for choosing to combine lots for a larger home and lower density and if Council wants high density development. She spoke relating to lot combinations being in Town Code Chapter 152; the Code showing that joining lots was

never a part of the section under Subdivisions in the fee study; and, asked Council to vote against the proposed change as it is not clear and needs more research.

Councilmember Collins spoke relating to Town Code sections 152.02, 152.03, 152.04 and 152.05; and, the codes being adopted in 2009.

Ms. Wright spoke relating to Yavapai County not charging a fee for combining lots or requiring that a survey.

Councilmember Collins asked if there is a hurry on this; Mr. Hanks responded that staff was bringing it forward to discuss, and will check to see what Yavapai County does on lot splits and combinations.

B. Discussion on creating a Dewey-Humboldt Code of Ordinances provision to require first and second read/adoption of ordinances and resolutions, making conforming changes to the Code, and of modifying Town Council Policy PG TC20-04 accordingly (Staff CC; CAARF – Councilmember Collins)

Councilmember Collins introduced the item as follows: this being a way to get people extra time to address concerns that they may have; it giving an extra step on ordinances; agreeing that it doesn't need to be done on resolutions; and, that it should be done on ordinances and items that have fines attached to them; and, that it would increase public involvement and transparency.

In response to Mayor Nolan, Mr. Hanks confirmed that the Planning and Zoning Advisory Commission ("P&Z") holds a public hearing on zoning code items before going to Council and that P&Z would constitute the first read and Council the second. Mayor Nolan spoke relating to not thinking it should be changed. Kay Bigelow, Town Attorney, noted that there are ordinances other than zoning changes or changes to the Zoning Map, such as Zoning Ordinance text changes and others; rezonings are not the only things done by ordinance.

Councilmember Collins spoke relating to having found a P&Z practice from 2010 to have a first and second read; having seen it in other municipalities; and, that it is good to add an extra step so things get worked out before getting to a potential referendum. She also spoke relating to giving more transparency and building trust.

Mayor Nolan asked why P&Z dropped the practice; Mr. Hanks responded that he is not sure but will research to see if he can find out why and when it occurred.

Nancy Wright spoke relating to her husband having brought up two meetings when he was on Council; thinking it is generally a good idea; and, that people will complain because it takes too long to get anything done.

Councilmember Brooks spoke relating to allowing enough time to print in the Town Newsletter at least once; a lot of Town citizens not participating in every meeting; there being few attendees at P&Z meetings; Council having a few attendees; and, having liked all of the information that was in the September Newsletter.

Judy Kerber spoke and clarified that this is for all ordinances, not just P&Z; focusing on P&Z can't be the entirety of the conversation; and, needing to have a wider scope.

Vice Mayor Lance spoke relating to having at least two visits to Council, including a Study Session and a Regular Meeting; and, putting it in the Town Newsletter so that any Town resident can voice their opinions.

Mayor Nolan spoke relating to bringing it back to the next meeting for a vote. Vice Mayor Lance spoke relating to not bringing it back to the next meeting for a vote; it being controversial as members of the public spoke about it tonight; and, there not being Council agreement on it. Mr. Hanks stated that staff will look at bringing it back at next month's Study Session once staff has additional information.

C. Discussion and Council input on options for a Code of Conduct for members of the Town Council. The discussion will include the subjects of a Prescott Valley Tribune article of October 26, 2011 and a Prescott Valley Tribune editorial of December 28, 2011, both of which are included in the Council packet materials. (Staff CC)

Mr. Hanks stated that Council reviewed the Code of Conduct at the June 16 and July 21, 2020 Council Meetings. Staff had provided samples for Council to consider and send back with comments; comments that staff received were compiled and are in the Code of Conduct document for discussion. Staff is seeking Council input, such as scaling it down, or additional items that Council would like included.

Councilmember Collins spoke relating to Conduct being a visible, measurable action, while Ethics are not; the Town sometimes having had problems with situational ethics; and, the Oath of Office, required by state law, requires public officials to uphold the U.S. constitution, the laws and Constitution of Arizona and the regulations and ordinances of the Town. She spoke relating to the number of ordinances and regulations dealing with processes, meetings and member conduct; and, that everything she has read in the Code of Conduct is covered

by codes or state laws. She spoke relating to the \$20 fine specified in A.R.S. 9-234 not helping with compliance; the cost for a Hearing Officer and investigative officer; and, wanting one Code of Conduct dealing with staff, Council and Commission, and another dealing with Council or Commission members that cause a risk of litigation or hazard to the Town's assets. She spoke relating to the money involved with having a legitimate process; spending money on measurable things rather than abstract theories; and, having a Code of Conduct rather than a Code of Ethics.

Vice Mayor Lance spoke relating to Councilmembers signing a Code of Ethics at the beginning of their terms of office; and, everyone being adults and being able to handle themselves as such.

Councilmember Brooks spoke relating to correcting a reference to the document name; reducing the time in which a complaint must be filed to thirty days; and, following state law and the current Town codes instead of an additional code.

Councilmember Wendt spoke relating to reducing the amount of time to file a complaint to 30 or 60 days; Council having signed the Code of Ethics but still having problems with bullying, degrading, yelling and disregard for other Councilmembers; Goodyear having a better Code; this being too wordy; and, the Town needing a Code of Conduct or Ethics and a way to file a complaint against Councilmembers.

Judy Kerber spoke relating to agreeing that ethics can't be legislated; that Council should try to do something about conduct; the document needing to be pared down; and, following the Goodyear or Carefree examples.

Councilmember Collins clarified that staff compiled notes and comments from Councilmembers; Mr. Hanks confirmed. Councilmember Collins spoke relating to the document being long because it took everyone's input into account; money that is spent needs to be for something that benefits the Town; it being effective when a member of the public embarrasses a Councilmember during public comments and that it gets on record that there is a problem; and, being more concerned with protecting assets and making sure Council and staff work as a team and promote the Town moving forward. She also spoke relating to past issues with Councilmembers doing investigative work and adding something to the Town Code to make things enforceable.

Ms. Bigelow stated that the Town Clerk compiled all of the comments; staff wanted to give Council the broadest amount of information that Council had provided; and, that the document has three parts. The first part talks about aspirational things; there is no use in putting it into Code language, though it can be part of the information that is given to the Councilmembers at the beginning of their service and they can sign that they've received it. Aspirational qualities can't be proven to be absent or present in a Councilmember. The second section in many parts has reprints or slightly revised versions of things that appear in the Town Code already on Council conduct. The third part is a process for taking care of the complaints and is missing from the current Code; something like this is very much needed. Given the comments tonight, the only thing that gets codified, or that staff returns with, may be the complaint and penalty assessment processes. The Code has a process that is applicable only to the Mayoral position; it should be taken out, and the same process should be applied to all Councilmembers and the Mayor. The Resolution, which was a stopgap, needs to be repealed. These are legal suggestions for how to do it; the Town should not reinvent state law or what is already in the Town Code. If Council wants to be able to have some sort of process for adjudicating these, the complaint process needs to be in place or Council can't take care of violations.

Councilmember Brooks spoke relating to the code needing to be measurable; and, needing to be careful, look it over and take time to get it right.

Councilmember Wendt spoke relating to cutting out the excess and going right into the complaint filing and penalties; a lot currently being in codes; and, bringing another copy back to Council for review.

Councilmember Collins spoke relating to code provisions that intermingle when they shouldn't; only enforcing things that Council wants to spend money on, such as protecting the Town and its employees; and, wanting things that keep the Town out of court to be enforced.

Judy Kerber spoke relating to agreeing that less is more for the Code of Conduct and thanked staff for compiling the comments.

Nancy Wright spoke relating to the document being too long; the *Prescott Valley Tribune* article and being unaware of anybody on Council bullying anyone on staff during her time on Council; having been in the meeting with previous Interim Town Manager Art Castricone and being unsure what caused him to become so upset as referenced in the article; it being unfair to say that previous Councils bullied staff based on what one person said; and, having previously had a simple Code of Conduct.

Vice Mayor Lance spoke relating to Council taking accountability for themselves; needing to realize that staff are

humans; and, that Council as a collective need to step back and look at it.

Councilmember Collins spoke relating to not inferring that it is just past Councils; Council being aware of what they are doing and thinking things through more carefully; and, her hope that Council will improve to be an effective team with staff and citizens. She spoke relating to having received an email saying that if Council voted to remove somebody from Council, that they would be sued; and, her understanding that if someone signs a Code of Conduct they agree to be bound by it. Ms. Bigelow responded that if Council comes up with a complaint process and a way of adjudicating the complaints, yes, that is what they are stuck with; not being able to complain about somebody and then go through a different procedure to find out whether or not they committed that act. Ms. Bigelow stated that any kind of penalty should have some sort of proportionality worked into it and spoke relating to the City of Tempe having expelled a member and the background; they held hearings and decided to expel him because they found it to be actions that would draw bad feelings on the Council and of citizens if he remained a Councilmember. She stated that it is not one of those where Council says if someone should be fined or is not worthy of being a Councilmember; there needing to be some sort of proportionality; and gave an example of a first offense by a new Councilmember when they did not understand what they were doing, and giving that person a fine. There should always be a range of penalties that can be imposed, so Council is not having to do a one-size fits all solution. In response to Councilmember Collins, Ms. Bigelow stated that if a complaint is made, Council could get the complainant to withdraw if the Councilperson being complained about goes to that person and says here's what I'll do that's better, and the person withdraws the complaint; however, if they want the complaint process, it will need to get processed.

Councilmember Wendt recommended that the Town Attorney take this herself and condense it down to where it's reasonable, and figure out the complaint and adjudication process and bring it back to Council to look at.

Councilmember Hughes spoke relating to having it at the basics and to the point so people understand what it is; and, making it basic, doing the fines in a stepped process and going from there.

Vice Mayor Lance asked what is being talked about complainant-wise, such as Council to Council or Council to staff. Ms. Bigelow responded that is an open question and she would like to hear from Council. Vice Mayor Lance spoke relating to wanting to hear feedback from Council, the Town Manager, and the public.

Councilmember Collins spoke relating to thinking it needs to be compartmentalized to the two sections; address the risk issue and relationship with staff; and, asked Councilmembers if they want to spend more time on it.

Leigh Cluff spoke relating to her hope that the public can file complaints; her experience at public meetings; that Council should not try to humiliate citizens at meetings; and, that several handicapped people have come and been humiliated.

Judy Kerber spoke relating to having it be all three aspects and it being interactive between staff, Council and the public to some extent.

Councilmember Wendt spoke relating to anyone in the public, staff or Council being able to file a complaint.

Mayor Nolan requested that Ms. Bigelow and Mr. Hanks remain until after everyone is gone.

5. Adjourn The meeting adjourned at 7:35 p.m.

ATTEST: _____

Terry Nolan, Mayor

Timothy A. Mattix, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Dewey-Humboldt, Arizona, held on the 8th day of September, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Timothy A. Mattix, Town Clerk

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 15, 2020, 6:30 P.M.**

A REGULAR COUNCIL MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 15, 2020, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. THE MEETING WAS HELD VIA ZOOM VIDEO/TELECONFERENCE. 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, Victoria Wendt, Vice Mayor Amy Lance and Mayor Terry Nolan were present. Councilmember John Hughes arrived at 6:40 p.m.; Councilmember Mark McBrady arrived at 6:36 p.m. **Town Clerk Note** (as required by Public Body Rules of Policies and Procedures PG No. TC12-01): Town staff implemented and tested Zoom Video Communications – Pro prior to the first Council Meeting at which Zoom was utilized. Permissions in Zoom prevented the use of a chat feature, to ensure that members could not communicate except for verbally to all members. The first page of the agenda included instructions for public participation via video or calling in to the meeting; members of the public were also able to submit comments via email to the Town Clerk to be read at the meeting. After the meeting, Town staff downloaded the meeting video from Zoom. Additionally, Town staff attended the meeting in the Council Chambers and utilized the video recording system; the video recording system recorded all audio from the Council discussions and actions, and video of staff.
3. **Pledge of Allegiance** Audience member Glen Blomgren led the Pledge.
4. **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.

Mayor Nolan announced that September 19, 2020, is a ceremony in remembrance of POWs and MIAs and spoke relating to those from Vietnam, Korea and World War II.

A. Council announcements about outside meetings and committees

There were no announcements.

5. **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.

No one spoke.

6. **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 August 11, 2020 Study Session

B. Adopt Ordinance No. 20-154, amending the Dewey-Humboldt Code of Ordinances, Title III, Administration, Chapter 30, Town Council and Officials, by amending § 30.105(D), Council Agenda, Order of Business, to change Invocation to 30-Second Moment of Silence (Staff CC)

Council discussed removing agenda item 6.B. from the Consent Agenda; Councilmember Collins referenced a letter received from Judy Kerber on item 6.B.

Councilmember Wendt moved to approve Ordinance No. 20-154, amending the Dewey-Humboldt Town Code of Ordinances, Title III, Administration, Chapter 30, to change the Invocation to a 30-Second Moment of Silence; seconded by Councilmember Collins.

Councilmember Brooks removed Consent Agenda Item 6.B. from the Consent Agenda. She spoke relating to having been removed from the meeting three times. Councilmember Mark McBrady arrived.

Councilmember Wendt moved to approve Consent Agenda Item A; seconded by Councilmember Brooks.

Vice Mayor Lance spoke relating to the letter from Ms. Kerber; not liking the idea of not having the prayer; and, asked how it came to be a 30-Second Moment of Silence. Kay Bigelow, Town Attorney, spoke relating to the item being removed from the Consent Agenda, and clearing up the Consent Agenda before going to Item 6.B.

The motion to approve Consent Agenda Item 6.A. passed on a roll call vote 6-0. CM Brooks – aye; CM Collins – aye; CM Hughes – absent; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

6B. Adopt Ordinance No. 20-154, amending the Dewey-Humboldt Code of Ordinances, Title III, Administration, Chapter 30, Town Council and Officials, by amending § 30.105(D), Council Agenda, Order of Business, to change Invocation to 30-Second Moment of Silence (Staff CC)

Councilmember Collins noted that Ms. Kerber joined the meeting.

Ed Hanks, Town Manager, read the letter from Ms. Kerber, which included: being confused about the motives for the change; being opposed to eliminating prayer altogether; that if the goal is to keep outsiders from speaking at the Invocation, then to state it that way instead of beating around the bush; and, this being a knee-jerk reaction to someone's needs not being met at a previous Town Council Meeting. Councilmember John Hughes arrived.

Councilmember Collins spoke relating to this being an issue since 2008; an opinion by a previous Town Attorney, released publicly, that the current practice violates the Establishment Clause; the opinion saying that the Town would need to ensure minority religions could give invocations; and, cases moving forward in the 9th Circuit of Appeals. She spoke relating to a 2012 Council discussion that the Town was violating the Establishment Clause; a lawsuit by the Satanic Temple against Scottsdale; not being able to pick and choose who is allowed to give the Invocation; and, the recommendation by the previous Town Attorney being to have a Moment of Silence as a way to include everybody all at the same time.

Ms. Bigelow responded to Ms. Kerber's question and noted that under the Establishment Clause, the Town may not choose; if somebody volunteers, the Town must accept them. The Town must set up a process to try to include everybody; the Town does not have the choice to have it open for everybody and then, when somebody comes in that offends everyone, say that they may not do that. It is a legal issue; if the Town is sued, it would be spending millions of dollars to defend what the courts have already said is incorrect procedure.

Nancy Wright spoke relating to preferring to have the Invocation by the Council; it not being against the Establishment Clause, which it was ruled at one Court, though the Supreme Court ruled that it was not; that if the Town asks outside speakers, everyone has to be asked; and, that if it is just the Council, it can be done. Ms. Bigelow responded that there have been cases since the earlier opinion that have gone to upper courts, and the courts have said that allowing only someone from the Council is a violation of the Establishment Clause. Ms. Bigelow stated that is the outcome of earlier cases; the lower Court decision was that it could not be just the Council; and, that there is no way to do this unless the Town is willing to have the Satanists pray at a Council Meeting. Ms. Wright and Ms. Bigelow discussed it further.

Vice Mayor Lance spoke relating to agreeing with Ms. Bigelow; and, Ninth Circuit cases relating to anyone being able to give the invocation.

Judy Kerber spoke and thanked Council for the conversation.

Mr. Hanks noted that Councilmember Brooks has a comment on it and should be arriving soon. **Town Clerk Note:** Councilmember Brooks left the meeting at approximately 6:47 p.m. and rejoined at 6:51 p.m.

Councilmember Wendt spoke relating to there being consensus to keep it the same as it was.

Mayor Nolan and Vice Mayor Lance discussed tablets for Councilmembers and the reliability of internet connections. Councilmember Brooks rejoined the meeting.

Councilmember Brooks spoke relating to not having heard anyone speak; this being to avoid possible conflict of interest and litigation; and, thinking that it would be a 60-Second Moment of Silence.

Councilmember Collins spoke relating to this being a risk management situation; and, a Moment of Silence being a better practice.

Councilmember Wendt moved to adopt Ordinance No. 20-154, amending the Dewey Town Code of Ordinances to change the Invocation to 30-Second Moment of Silence; seconded by Councilmember Brooks.

Vice Mayor Lance spoke relating to having a 60-Second Moment of Silence.

Councilmember Wendt amended her motion from 30-seconds to a Moment of Silence; the amendment was

acceptable to Councilmember Brooks as seconder. The motion, as amended, was to adopt Ordinance No. 20-154, amending the Code of Ordinances to change the Invocation to a Moment of Silence. The motion passed on a roll call vote 7-0. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – aye.

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

A. Town Manager's Report on the status of the presentation by the Urban Land Institute, as approved by Council at the July 7, 2020 Regular Meeting

Mr. Hanks reported that Council previously authorized staff to contact the Urban Land Institute ("ULI") to give a presentation; ULI is requesting the Town complete a questionnaire to find out what information Council is looking for. The presentation will be scheduled once the questionnaire is completed. In response to Mayor Nolan, Mr. Hanks stated that the questionnaire will help ULI get a better idea as to what Council and the community is looking for; and, that staff will try to get it set up for October or November.

Mayor Nolan asked if there is anything on the new Town Hall; Councilmembers noted that it is not on the agenda.

- 8. General Business** Discussion and possible legal action may be taken. Agenda language may vary from that in CAARFs for Open Meeting Law purposes.

A. Review of information and discussion with Jeff Schalau, University of Arizona Cooperative Extension, relating to the recommended number of animals per acre/amount of area required for different species of animals, and on the Allowed Animal Chart in Dewey-Humboldt Code of Ordinances § 153.066(F), and possible direction to staff (Staff CC)

Jeff Schalau, University of Arizona Cooperative Extension, provided background information. He has been the Extension Agent in Yavapai County for 22 years and active in 4-H activities; his background is not in livestock. Staff had asked him how many square feet for a chicken, as an example; he is not able to respond to that but can look at what other cities and towns have done for zoning for each species. He worked with Sedona on amendments for poultry and honeybees, though they are more restrictive than the Town. He noted that he finds Yavapai County's zoning ordinance reasonable, easy to understand, and easy to enforce. He is not equipped to recommend anything; his job is education, not regulation.

Councilmember Brooks spoke relating to her intent for the item not being to discuss the Zoning Code or animals per acre; that she wanted research on specific animals; and, read specific data from the Society for the Prevention of Cruelty to Animals ("SPCA"). The data includes: pigeons, 28 cubic feet including flying, or an 18X18 square inch space for show birds; laying chicken, two square feet; duck for meat, one square foot; laying duck, 2.7 square feet; turkeys 22 pounds or greater, 4.2 square feet; New Zealand or large rabbits, four square feet; rabbits six pounds and under, three square feet; sheep and goats without lambs, 16 square feet; ewe with lamb, 18 square feet; full-grown ram, 30 square feet; alpacas and llamas, 40 square feet; pigs 770 pounds, 31 square feet; pigs 220 pounds, 18 square feet; cow, 56 square feet; yearling, 33 square feet; calf, 26 square feet; bull, 206 square feet; Shetland pony, 156 square feet; horses 18 hands and above, 225 square feet. In response to Mayor Nolan, Councilmember Brooks stated that the information is on SPCA and other websites.

Ted Brooks spoke relating to the Town being unique and that codes from other towns should not be involved in the Town's codes; changes to the livestock codes should be brought before public assembly; there being many resources on the square footage for livestock and animals, including 4-H packets; and, that the codes should be representative of Arizona's Country Town.

Vice Mayor Lance spoke relating to animals needing to be cared for and there being different views on the room needed for animals. She spoke relating to the SPCA's recommendation for ducks not including a water area and animals being as happy as they can for as long as they can, regardless of if they are pets or for consumption.

Councilmember Collins asked if animal units are universal standards throughout states, or if each state sets its own rules, and discussed horses. Mr. Schalau responded that a horse is two animal units; the information that he provided was from university Cooperative Extension Systems across the country and is more for a grazing area. He spoke relating to not having chickens if he only had two square feet for them; the space being the minimum and that more space is healthier for the animal, though animals may hurt themselves if given too much

room. He also spoke relating to Yavapai County's rules looking reasonable; having a duck in a square foot giving him concerns to avoid issues of animal cruelty; animal units being used for how much forage is available, giving another piece of data for animals and the space they need; and, it being more a ranch than homeowner situation.

In response to Councilmember Collins, Mr. Schalau confirmed that the definitions stay roughly the same across several states, though it involves the area not the terrain; and, Council can develop rules which support backyard animals and animal agriculture, from data in other places. Councilmember Collins spoke relating to the information provided by Mr. Schalau about poultry showing that a lot of Arizona cities are more rural.

Ted Brooks spoke relating to the square footage presented by Councilmember Brooks being based on how many animals can fit in, for example, a 10X10 pen, rather than the animal living in a one-square foot area; animal units being an internationally-recognized measurement and are based on size and scale; and, the SPCA information being accepted throughout the world as a humane way to raise animals.

Vice Mayor Lance spoke relating to Council looking to educate people and get more insight because there is an issue with the animal ordinances; thinking Yavapai County is narrow enough for the Town; and, the important thing being that the animals are cared for and people not seeing the big picture of the animal ordinance.

Councilmember Collins spoke relating to A.R.S. § 13-2910.07, relating to the humane treatment of pigs during pregnancy and calves raised for veal, saying that animals need to be able to lay down and fully extend their limbs.

Councilmember Brooks spoke relating to there not being grazing in the area because of the climate and not enough natural feed; it not being like range management; her focus not being on the numbers as the Town Code says; and, that it will boil down to the price of feed and on maintenance.

Sharla Mortimer spoke relating to supporting continuing to have animals and livestock in the area; there not being a reason to not have pigs on properties; and, wanting the Town to continue encouraging livestock.

Vice Mayor Lance spoke relating to livestock being a productive and positive way to teach children responsibility and to treat animals humanely.

Councilmember Collins requested staff catalog and track the information going forward.

Gary Mortimer spoke relating to the community being agricultural and rural; supporting all residents to be self-sufficient in their agriculture endeavors and livestock production; and, meeting the needs of people by setting an ordinance that works in harmony with the rural community.

Mayor Nolan summarized that staff will do more research and come back with more information.

B. Discussion and possible direction to staff relating to creating a policy to use The Dewey-Humboldt Newsletter for outreach about future Town issues (CAARF – Councilmember Collins)

Councilmember Collins introduced the item as follows: this being the next step to move to better transparency between the Town and residents; the Newsletter being a good tool for public outreach as everyone gets it at about the same time; this being a way to address distrust of Town government in the past; and, the Newsletter being accessible. She would like to see Council consider a policy of where future hot-button issues coming to Council, such as property rights, are put into the Newsletter.

Councilmember Collins moved to ask staff to do a little bit further research on how this would look and affect the CAARF and agenda processes, and bring it back to Council at a Study Session; seconded by Councilmember Brooks.

Mayor Nolan spoke relating to the Newsletter doing well and the last Newsletter having a lot of information.

Vice Mayor Lance spoke relating to putting hot-button issues in the Newsletter; having three monthly meetings but only one Newsletter; and, not seeing it being a huge help unless things are put off further than necessary.

Councilmember Collins spoke relating to this being a future issues type forum, such as three months in advance, to let people know that at some point Council will discuss a certain issue; giving a chance for public input before Council discusses it that is not a last-minute notice; and, a longer lead time being beneficial for the public.

Councilmember Wendt asked about the effect on the Open Meeting Law. Kay Bigelow, Town Attorney, responded that it will need a sort of process with the ability to come up with a list of things that will be looked at in the future. Right now, the Town doesn't have it; a Councilmember puts in a CAARF and it is heard at the next meeting, unless requested for a different date; Council not having a way at looking at the list and submitting CAARFs, unless the Town Manager will have the ability to do it. Councilmember Wendt spoke relating to Councilmembers

normally not knowing what is coming up on the agenda.

In response to Vice Mayor Lance, Mr. Hanks confirmed that staff sets the agenda. Vice Mayor Lance spoke relating to needing to go in real time and the Newsletter slowing things down and asked about Open Meeting Law concerns with Council prioritizing the list that appears in the Newsletter. Ms. Bigelow responded that it would not be an Open Meeting Law violation because there is not a Council discussion in the Newsletter; it would be a dropdown of information on various topics, or, if Council wants, a list of coming issues. If that is what Council wants to see in the Newsletter, it could be done but most of the discussion items emanate from CAARFs or continued discussions on CAARFs. If Council wants to decide the priority or importance, it needs to be done in an open meeting. Staff cannot email a CAARF and ask Council where they think it should go.

In response to Vice Mayor Lance, Councilmember Collins clarified that public hearings can't be held right now and this being a way to get public input on issues; and, wanting to see outreach when the General Plan starts, such as putting the General Plan Steering Committee agenda in the Newsletter. Vice Mayor Lance spoke relating to it helping with a future review of the Town Codes; the codes coming up for review could be announced.

Mayor Nolan spoke relating to staff putting out a list monthly of items that Council is going to talk about, and that publishing it would be sufficient, with no comments.

Councilmember Wendt spoke relating to a former Town Manager including a simple list of upcoming agenda items so that everyone knew what was coming to individual meetings; sometimes it would change and not get discussed, which is ok; and, not having any issues when it was done this way before.

Councilmember Collins spoke relating to valley cities putting schedules of future agenda items, including Chandler at six months and Gilbert at two months in advance; the Newsletter being published two or three days before the first meeting, which is sufficient for routine items but not enough time to let people know what's going on for items of community-wide concern, future development, or a code change; and, that she is trying to find a way around an information flow problem. Ms. Bigelow responded that most agendas in valley cities are controlled by what staff is doing and the Manager is assigning, not by Councilmember requests; and, that the items are driven by staff. She also stated that many of the items are Council-driven; and, when it is staff-driven, there is not the Open Meeting problem that is present when Council sets it and decides the priorities.

Judy Kerber spoke and asked Ms. Bigelow if it is allowed for citizen reporters to report community activities in the Newsletter. Ms. Bigelow responded that the Town just did a policy on this; it is encouraged that organizations wanting a news item in the Newsletter submit a plain, vanilla, press release to the Town. Just like a news release that would go to a media station, then that publisher can use that information to provide an article about it; that is permissible, while advertisements are not because the Town can't pick and choose between them.

Mayor Nolan asked if Councilmembers can make statements in the Newsletter. Ms. Bigelow responded that generically, Councilmembers could submit a press release; press releases can be edited as they are not supposed to be cut and pasted and stuck in publications. An article about an event or something of public interest can be submitted. Mayor Nolan spoke relating to the article he put in inviting everyone to the open house at the smelter being ok. Mr. Hanks noted that it is off topic and requested Council get back on topic. Ms. Bigelow responded to the question that it is a more complex issue that has other tentacles that are beyond this discussion.

Councilmember Brooks called the question, which passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – nay; Mayor Nolan – aye.

The motion to ask staff to do further research and bring it back to a Study Session passed on a roll call vote 6-1. CM Brooks – aye; CM Collins – aye; CM Hughes – aye; CM McBrady – aye; CM Wendt – aye; VM Lance – aye; Mayor Nolan – nay.

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

Councilmembers did not schedule a Special Meeting.

10. Adjourn.

The meeting adjourned at 7:54 p.m.

Terry Nolan, Mayor

ATTEST: _____
Timothy A. Mattix, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Dewey-Humboldt, Arizona, held on the 15th day of September, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

Timothy A. Mattix, Town Clerk



CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **October 6, 2020**

Consent Agenda Item: **6.E.**

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

Subject:

Consent Agenda Approval of an Intergovernmental Agreement (“IGA”) with the Yavapai County Flood Control District (“District”) for a Fiscal Year 2020/21 contribution from the District to the Town in the amount of \$10,000 for Flood Control Improvements.

Background:

The Town routinely enters into IGAs with the District, whereby the District contributes funding to the Town for flood control improvement project.

Due to the effects of the COVID-19 pandemic on budgets, the District had previously indicated that funding would not be available for the current 2020/21 Fiscal Year. However, the District is now making available a \$10,000 grant to the Town.

Financial Impact:

The District will reimburse the Town up to \$10,000 for flood control and drainage improvements made in the 2020/21 Fiscal Year. Sufficient funding for acceptance and expenditure of the grant was budgeted in the current budget.

Direction Requested:

Staff is seeking Council approval of the IGA.

Suggested Motion:

For: I move to approve the Intergovernmental Agreement with the Yavapai County Flood Control District for a Fiscal Year 2020/21 contribution to the Town of \$10,000 for Flood Control Improvements.

Against: No motion is necessary.

Attachments:

IGA

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

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND
THE TOWN OF DEWEY-HUMBOLDT
FOR THE FISCAL YEAR 2020-2021 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL
IMPROVEMENTS

THIS INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND THE TOWN OF DEWEY-HUMBOLDT, FOR THE FISCAL YEAR 2020-2021 FINANCIAL CONTRIBUTION TO THE TOWN FOR FLOOD CONTROL IMPROVEMENTS (the “Agreement”) is entered into, effective this 21st day of October, 2020 between the Yavapai County Flood Control District, a political subdivision of the State of Arizona (the “DISTRICT”), and the Town of Dewey-Humboldt, Arizona, a municipal corporation of the State of Arizona (the “TOWN”). The District and the Town are sometimes collectively referred to as the “Parties” or individually as the “Party.”

RECITALS

WHEREAS:

- A. The DISTRICT is a special taxing district legally created in the State of Arizona and organized by Yavapai County to include and govern its jurisdiction.
- B. The DISTRICT administers the Federal Emergency Management Agency (“FEMA”) Regulations under the National Flood Insurance Program.
- C. The Yavapai County Board of Supervisors is the Board of Directors of the DISTRICT.
- D. A portion of the TOWN lies within the legal boundaries of the DISTRICT.
- E. The DISTRICT, the TOWN, and the County are separate and distinct political subdivisions, but each can provide for the benefit of the other(s), for the benefit of public health, safety, and welfare, and other public purposes.
- F. The DISTRICT and the TOWN have authority to enter into Intergovernmental Agreements pursuant to Arizona Revised Statutes (“A.R.S.”) §§11-952, 48-3603, and 9-240, and TOWN’s Code.
- G. Among other things, the DISTRICT receives tax proceeds as general funding for the planning, construction, and maintenance of flood control improvements.

- H. Under the budgeting process for the DISTRICT, a category of “Contributions” (hereinafter “Funds”) has been established, setting aside monies that may be utilized by the various political subdivisions located within the boundaries of Yavapai County.
- I. The DISTRICT has approved and budgeted Funds to provide funding assistance for flood mitigation work and is authorized to expend such Funds for flood control projects (including storm water control) to political subdivisions for projects so long as the projects are flood or drainage related, cost-effective, a benefit to the County, the DISTRICT, and the political subdivision and are in accordance with FEMA regulations.
- J. The TOWN has experienced storm water control and flooding problems for a number of years in various locations and seeks to mitigate such problems to increase safety and protect public and private property and persons within the TOWN.
- K. The TOWN seeks to improve its storm water control, make drainage improvements, and/or mitigate flooding problems by constructing the General Drainage Improvements within the Incorporated limits of the TOWN (hereinafter the “Project”).
- L. The TOWN desires to receive DISTRICT Funds for the 2020-2021 fiscal year to be used for its Project.
- M. The DISTRICT has budgeted Funds to support the Project in an amount not to exceed Ten Thousand Dollars (\$10,000) for fiscal year 2020-2021 which begins on July 1, 2020.

AGREEMENTS

NOW THEREFORE, for good and valuable consideration, including consideration of the mutual promises, terms, and conditions hereinafter set forth, including the mutual promises and obligations to be performed by the Parties hereto, IT IS AGREED BETWEEN THE TOWN AND THE DISTRICT AS FOLLOWS:

I. PURPOSE

The purpose of this Agreement is to authorize the DISTRICT to pay and contribute to the TOWN Funds in support of the TOWN’s Project. Such funding for fiscal year 2020-2021 shall not exceed Ten Thousand Dollars (\$10,000).

II. COMMENCEMENT, DURATION, AND TERMINATION

The effective date is as set forth on page one (1) of this Agreement. Performance under this Agreement shall commence following the effective date and shall terminate upon the earliest of:

- A. The completion of the Project as determined by the TOWN;
- B. The exhaustion of the Funds allocated to the TOWN for the Project;
- C. The end of the fiscal year 2020-2021; or
- D. The mutual agreement of the Parties.

III. RESPONSIBILITIES OF PARTIES

A. The TOWN shall:

1. Be solely responsible for the design, engineering, bidding, right-of-way acquisition, supervision, construction, inspection, administration, and project management of the Project and for contracting directly for all Project work.
2. If plans are used to bid, provide the DISTRICT a copy of the final Project plans.
3. Use the Funds for the Project in fiscal year 2020-2021.
4. Use the Funds exclusively for costs associated with the Project described above.
5. When requesting Funds from the DISTRICT, provide detailed invoices with supporting documentation for the request(s).
6. Request Funds from the DISTRICT on or before July 31, 2021 (for work completed in fiscal year 2020-2021).
7. Be responsible for the proper disbursement of the Funds provided by the DISTRICT.
8. Be responsible for maintaining the Project and the resulting improvements.

B. The DISTRICT shall:

1. Make Funds available to the TOWN for the Project as approved by the Board of Directors.
2. Provide funding as available and appropriate upon proper request(s) by the TOWN.
3. Pay properly invoiced requests monthly or on an alternate schedule as agreed to by the TOWN and DISTRICT.
4. Pay properly invoiced requests for work completed by the TOWN in fiscal year 2020-2021 so long as TOWN's requests are received by the DISTRICT on or before July 31, 2021.

C. The DISTRICT and TOWN mutually agree:

1. That they recognize the Funds to be used by Parties pursuant to this Agreement are tax funds. The agreements herein for funding are based upon projected tax funds to be received. In the event the projected income is not received, there is the possibility that some or all of the Funds anticipated by this Agreement and set forth herein will not be available. All monetary obligations under this agreement shall be subject to annual budget approval of the respective governing bodies of the parties. A failure of either party's governing body to approve funding for payment of any obligation hereunder shall constitute grounds for termination of this agreement.
2. The Project is the sole responsibility of the TOWN, and not of the DISTRICT or the County. All real property upon which the Project work will occur is within the TOWN limits and not owned or under the control of the DISTRICT or County.

VII. INDEMNIFICATION

The TOWN agrees to defend, indemnify, and hold harmless the DISTRICT, its Board of Directors,

the County, its Board of Supervisors, officers, employees, agents, or other representatives from any and all claims for damages or otherwise arising under this Agreement and from any negligent acts of the Town, its officers, employees, agents, or other representatives. This Indemnification provision shall survive the termination of this Agreement.

VIII. OTHER PROVISIONS

- A. NOTICE. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by certified mail, return receipt requested, addressed as follows:

TOWN OF DEWEY-HUMBOLDT	DISTRICT
Town Manager	Yavapai County Flood Control District Director
P.O. Box 69	1120 Commerce Drive
Humboldt, AZ 86329	Prescott, AZ 86305

- B. ENTIRE AGREEMENT. This Agreement represents the entire understanding between the parties with respect to the subject matters herein, and may be amended, modified, or waived only by written instrument signed by both Parties.
- C. CONFLICT OF INTEREST. This contract is subject to the cancellation provisions of A.R.S. §38-511.
- D. SEVERABILITY. In case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.
- E. NON-DISCRIMINATION. The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.
- F. EMPLOYMENT VERIFICATION. The Parties are required to comply with A.R.S. §41-4401, and hereby warrants that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their respective employees, the requirements of A.R.S. §41-4401, and with the e-verification requirements of A.R.S. §23-214(A) (together the “state and federal immigration laws”). The Parties further agree to ensure that each subcontractor that performs any work under this Agreement likewise complies with the state and federal immigration laws. A breach of a warranty regarding compliance with the state and federal immigration laws shall be deemed a material breach of the Agreement and the party who breaches may

be subject to penalties up to and including termination of the Agreement. The Parties retain the legal right to inspect the papers of any contractor or subcontract employee working under the terms of the Agreement to ensure that the other party is complying with the warranties regarding compliance with the state and federal immigration laws.

G. LAWS. The Parties shall each be fully responsible for compliance with all statutes ordinances, codes, regulations, rules, court decrees, or other laws (hereinafter “Laws”) applicable to it as part of fully performing the Project with regards to their respective roles. This Agreement shall not relieve either Party of any obligation or responsibility imposed upon it by Laws.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year specified below.

YAVAPAI COUNTY
FLOOD CONTROL DISTRICT

TOWN OF DEWEY-HUMBOLDT

Craig L. Brown, Chairman Date
Board of Directors
Yavapai County Flood Control District

Terry Nolan, Mayor Date
Town of Dewey-Humboldt

ATTEST:

Kim Kapin Date
Clerk of the Board of Directors

Timothy A. Mattix, Town Clerk Date
Town of Dewey-Humboldt

DETERMINATIONS OF COUNSEL
FOR THE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE YAVAPAI COUNTY FLOOD CONTROL DISTRICT AND
THE TOWN OF DEWEY-HUMBOLDT

FOR THE FISCAL YEAR 2020-2021 FINANCIAL CONTRIBUTION
FROM THE DISTRICT TO THE TOWN FOR FLOOD CONTROL
IMPROVEMENT

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney Town of Dewey-Humboldt. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona and the Town of Dewey-Humboldt.

Attorney Date
Town of Dewey-Humboldt

Pursuant to A.R.S. §11-952, as amended, the foregoing Agreement has been submitted to the undersigned Attorney for the Yavapai County Flood Control District, Prescott, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Yavapai County Flood Control District.

Deputy County Attorney Date
Flood Control District

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CONSENT AGENDA ITEM OVERVIEW

Regular Council Meeting Date: **October 6, 2020**

Consent Agenda Item: **6.F.**

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

Subject:

Consent Agenda Approval of a five-year Intergovernmental Agreement (“IGA”) with Yavapai County for Regional Emergency Operations Management and Disaster Services.

Background:

The Town routinely enters into IGAs with Yavapai County for Emergency Operations Management and Disaster Services.

The Town last entered into an IGA with Yavapai County for Emergency Management in 2015; said IGA had a five-year term date, which expired this year.

Financial Impact:

Pursuant to the terms of the IGA, the Town pays Yavapai County an annual assessment of \$0.43 per person. Sufficient funds to cover the cost of the IGA have been allocated in the Fiscal Year 2020/21 budget.

Direction Requested:

Staff is seeking Council approval of the IGA.

Suggested Motion:

For: I move to approve the five-year Intergovernmental Agreement with Yavapai County for Regional Emergency Operations Management and Disaster Services.

Against: No motion is necessary.

Attachments:

IGA

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

INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL EMERGENCY OPERATIONS MANAGEMENT AND DISASTER SERVICES
BETWEEN YAVAPAI COUNTY, ARIZONA
AND THE
_____Town_____ OF _____Dewey-Humbolt_____

This Regional Disaster and Emergency Management Services Agreement (“Agreement”) goes into effect on the _____ day of _____ 2020 (the “Effective Date”), by and between Yavapai County, a political subdivision of the State of Arizona (“County”), and the Town of Dewey-Humbolt, a political subdivision of the State of Arizona (“Public Agency”).

STATUTORY AUTHORIZATION

County and Public Agency are empowered by A.R.S. sections 11-951 et seq. and A.R.S. section 26-308 to enter into this Agreement.

PURPOSE

WHEREAS, there is an existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural, technological, national security or other causes; and,

WHEREAS, the parties mutually desire that preparation shall be adequate to provide for the common defense against disaster; and,

WHEREAS, the parties mutually desire to assure the coordinated preparation and execution of emergency management programs and plans for the preservation of life and property when disasters occur in accordance with the guidance set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207; Post Katrina Emergency Management Reform Act of 2006, Public Law 109-295; applicable Federal Emergency Management Guides and Directives; and applicable State of Arizona Emergency Plans:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed by and between County and Public Agency as follows:

DEFINITIONS

1. For purposes of this Agreement, the term “public agency” shall have the same definition as that contained in A.R.S. §11-951.
2. “Participating Public Agencies” means those public agencies, which have active agreements for Disaster and Emergency Management Services with County.
3. “Population” means the most recent U.S. census figure for each Participating Public Agency. This figure is normally calculated every 10 years, but if a supplementary census is conducted out of the 10-year cycle, the supplementary census numbers will be used, provided that all participating public agencies are included in the supplementary census.

TERMS OF AGREEMENT

1. County Obligations

County shall:

- a. Prepare and maintain a County Emergency Operations Plan or Plans (“EOP”) with due consideration of hazards that affect all areas in the County.
- b. Advise and assist Public Agency in the development, review, update, publication, and distribution of an EOP developed by Public Agency or the adoption of the Yavapai County EOP.
- c. Advise and assist Public Agency in the development, review, update, publication, and distribution of Continuity of Operations Plans
- d. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Multi-Jurisdictional Hazard Mitigation Plan.
- e. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Community Wildfire Protection Plan.
- f. Advise and assist Public Agency with the disaster and emergency management training of such employees as Public Agency shall designate.
- g. Provide and maintain a coordinated countywide emergency management program for extraordinary operational systems not provided for in normal governmental operations, including Warning Systems, Communications System, comprehensive emergency management and planning, and an Emergency Operations Center.
- h. Provide and maintain and issue access to a comprehensive emergency management software tool to expedite the emergency operations center processes.
- i. Develop and maintain a countywide comprehensive electronic interactive resource database of government owned and other resources available for use in the event of a disaster.
- j. Provide assistance with local emergency declarations and obtaining Federal and / or State funds available to Public Agency for emergency management and disaster purposes.
- k. Advise and assist Public Agency in the timely preparation of reports and other documentation required by the state and / or federal governments for emergency management purposes.
- l. Offer coordination assistance to Public Agency for major events or disasters affecting Public Agency.
- m. In its sole discretion, have the option to act as a primary or backup Emergency Operations Center for partner cities.
- n. Assist Public Agency in the design, development, delivery, and after-action reporting of exercises scheduled by Public Agency to test its disaster response capability.

- o. Advise and assist Public Agency with emergency shelter inspections and Americans with Disabilities Act compliance.
- p. Advise and assist Public Agency in complying with the provisions of A.R.S. Title 26, Chapter 2, (Emergency Management), and State policies and procedures.
- q. Advise and assist Public Agency with public awareness and education including but not limited to:
 - (1) providing disaster response pamphlets/handouts to Public Agency emergency management personnel for later distribution to the public.
 - (2) delivering disaster response pamphlets/handouts to libraries, community centers, and senior centers located in Public Agency.
 - (3) Coordinating with Public Agency to assist with public outreach activities on disaster and emergency-related subjects to schools, civic groups and similar organizations.
 - (4) Coordinating with Public Agency to assist with public outreach activities such as staffing information booths at fairs, safety days and similar events.
- r. Notify Public Agency of its annual assessment for each upcoming fiscal year no later than March 1 of the Preceding Fiscal Year.
- s. Assist Public Agency with other disaster and emergency management programs as may be agreed upon.

2. Public Agency Obligations

Public Agency shall:

- a. Develop or adopt, publish and distribute an EOP which is complementary to and compatible with County's EOP.
- b. Develop and conduct such emergency management training programs and exercises as it deems necessary.
- c. Have the option to act as a backup to the County if the County needs an alternate location.
- d. Collect and provide disaster and emergency management information, such as annual National Incident Management System reporting, when so required by the state or federal government.
- e. During each fiscal year (July 1 to June 30) of the term of this Agreement, pay to County an annual assessment to be determined as follows:
 - (1) \$.43 per person, per year based on the population of the Public Agency for the regional emergency operations management and disaster services defined in this agreement.

3. This Agreement supersedes any and all agreements, either written or oral, between the parties hereto with respect to the subject matter contained herein and contains all the covenants and agreements between the parties with respect to the rendering of disaster and emergency management services. Except as otherwise provided herein, any effective modification must be in writing signed by both parties.
4. The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. §38-511.
5. In the event of any controversy, which may arise out of this Agreement, the parties agree that the matter shall be arbitrated as provided in A.R.S. §12-1518(A). The method of arbitration and the selection of arbitrators shall be decided by the mutual agreement of the parties at such time as arbitration services are needed. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
6. **TERMINATION.** The term of this Agreement shall commence on the Effective Date and continue for a period of five years, unless sooner terminated as provided herein. The Agreement may be terminated by either party giving written notice of such intention to the other party not less than ninety (90) days prior to June 30 of the year during which the notice is given, which shall be the effective date of the termination. This agreement shall be automatically renewed for another term of five years unless terminated pursuant to this paragraph.
7. To the extent provisions of A.R.S. §41-4401 are applicable, all Parties warrant to each Party that they will comply with all Federal Immigration laws and regulations that relate to their employees and that each now complies with the E-Verify Program under A.R.S. §23-214(A).
 - a. A breach of this warranty will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement.
 - b. All of the Parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above.
 - c. Any Party may conduct a random verification of the employment records of any other Party to ensure compliance with this warranty.
 - d. A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).
 - e. The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services under this Agreement.
8. To the extent permitted by law, each Party does hereby covenant and agree to indemnify, defend, and hold harmless the other Party, their elected officials, appointees, officers, employees, contract employees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature relating to this Agreement which, are the result of any act or omission of the Party, its officers, employees, contract employees, agents, and anyone acting under its direction or control, whether intentional or negligent, in connection with or incident to this Agreement. Failure of a Party to comply with the terms of this Agreement shall not provide the basis of any third-party action against any of the Parties.

9. Pursuant to A.R.S. §23-1022(D), for the purposes of worker’s compensation coverage, all employees of each Party covered by this Agreement shall be deemed to be an employee of all Parties. The primary employer shall be solely liable for payment of worker’s compensation benefits.
10. Property Disposition Clause. The parties do not anticipate the joint acquisition of property attributable to the exercise of each party’s duties and obligations pursuant to this Agreement. Any property acquired during the term of this Agreement shall be returned to the purchasing party no more than thirty (30) calendar days from the effective date of termination of this Agreement.
11. This agreement does not relieve any public agency of any obligation or responsibility imposed on it by law.
12. Any notices required or permitted to be given hereunder by either party to the other may be given by personal delivery in writing or by registered or certified mail, postage prepaid, with return receipt requested. Notices shall be addressed to the parties at the addresses appearing below, but each party may change such party’s address by written notice given in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of three (3) days mailing. Notices shall be addressed as follows:

To County to the attention of:

To Public Agency to the attention of:

Emergency Manager

Title: Town Clerk

Yavapai County Office of
Emergency Management
1100 Commerce Dr.
Prescott, AZ 86305

Agency: Town of Dewey-Humbolt
Address: 2735 South Highway 69, Suite
12, Humboldt, AZ 86329

If any provision of this Agreement is held by a court of competent jurisdiction or applicable state or federal law and their implementing regulations to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect.

Dated this _____ day of _____, 20__

For Public Agency: Dewey-Humbolt
Name: Terry Nolan
Mayor, Town of Dewey-Humbolt

For County: Yavapai
Name: Craig L. Brown
Chairman, Board of Supervisors

ATTEST:

Timothy A. Mattix, Town Clerk

Kim Kapin Clerk of the Board

The undersigned attorneys for the respective parties each hereby certify that they have reviewed this Agreement and find that it is in proper form, and within the power and authority granted to their respective clients under the laws of the State of Arizona.

APPROVED AS TO FORM:

Kay Bigelow, Town Attorney

Joy Biedermann, Deputy County Attorney

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COUNCIL COMMUNICATION

Regular Council Meeting Date: **October 6, 2020**

Agenda Item: **8.A.**

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

Subject:

Discussion and direction to staff to answer survey questions from the Urban Land Institute (“ULI”) to assist in creating a targeted presentation by ULI at a future Town Council Meeting.

Background:

At the July 7, 2020, Town Council Meeting, Council directed staff to contact ULI to see about scheduling a presentation to and discussion with Council at an upcoming Council Meeting.

Staff subsequently met with ULI to begin planning for the meeting. In order to create a targeted presentation that meets Council’s goals for the meeting, ULI requested the Town complete survey questions. The survey questions are listed in the agenda and are attached.

Financial Impact:

There are no costs associated with tonight’s discussion.

Direction Requested:

Staff is seeking direction from Council on answering each of the survey questions.

Suggested Motion:

Council’s pleasure.

Attachments:

ULI Survey Questions

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

Navigating a Resilient Future Survey

Dear Arizona Community Partner:

Thank you for taking the time to answer the questions below so that the Urban Land Institute Arizona District Council (ULI Arizona) can tailor its support for communities through its educational programming and technical assistance efforts. As we continue to navigate through these extraordinary times, ULI Arizona is thinking about how to engage most effectively to help communities meet the new development challenges facing them.

The [ULI Arizona Technical Assistance Program \(AzTAP\)](#) has a long history of helping Arizona local governments and nonprofits make informed decisions about a wide array of real estate and land use opportunities and challenges. Please help us prioritize the most important topics for educational programming and technical assistance services to address local community needs now and into the future. Examples might include real estate and infrastructure finance, supply chain distribution, retail, tourism, transportation, housing affordability, economic development, social equity, strategic public-private partnerships, and healthy community design.

COVID-19 is changing the way we interact and redesign spaces within the built environment and how building standards integrate health for the future. Now more than ever, ULI's global access to timely information and industry thought leaders can be invaluable to helping policymakers be nimble to "what works" and build resiliency in evolving market conditions. The Covid-19 Pandemic has brought major shifts to communities, broader government policy and the private marketplace. Major shifts such as these often energize new community initiatives, break open policy roadblocks and bring new innovation to the marketplace.

We encourage you to complete this questionnaire as well as share it with staff and other leaders within your community. As you respond to the questions, please be specific with your answers, but note your responses do not need to reflect official policies or positions.

1. What community initiatives have you dreamed about that you would most like to see materialize in your community and in Arizona during this time of change?
2. List three of the most pressing issues your community should address over the next 12 months, as it relates land use and community growth, economic potential and development opportunities:
3. Similarly, planning for the longer-term (more than a year), list three of the most pressing land use and community and economic development issues to address, including a time frame:
4. What positive or negative impacts do you foresee resulting from the issues identified in questions 1 and 2 (such as the effect on your community's decision-making, policies, or prioritization of projects)?
5. What, if any, specific leadership assistance or support would be helpful for your community to have in order to effectively adapt to the impacts during these unprecedented times?
6. The ULI Arizona Technical Assistance Program is offering a nimbler, quickly executed and specifically focused opportunity called a "Rapid Assistance Dialog", where ULI members provide guidance on timely issues affecting communities in a two-hour virtual session. Would you please rate your community's level of interest in this concept?



COUNCIL COMMUNICATION

Regular Council Meeting Date: **October 6, 2020**

Agenda Item: **8.B.**

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

Subject:

Discussion and possible direction to staff relating to establishing a recruitment process for the Town Manager position, including the advertisement, position description and salary range, possible use of an executive recruitment firm, recruiting and advertising timeframe, and markets in which to advertise and any additional next steps, including for a potential Interim Town Manager.

Background:

With the resignation of current Town Manager Ed Hanks, submitted September 28 and effective November 27, 2020, this item has been placed on the agenda so that staff can receive direction from Council as to the recruitment process.

Staff is specifically seeking direction from Council on:

- Vacancy advertisement;
- Position description and starting salary range;
- Possibility of using an executive recruitment firm for filling the position;
- Recruiting and advertising timeframe;
- Markets in which to advertise.

Vacancy advertisement

The advertisement that was used in the 2019 recruitment is attached for Council consideration and formal direction/approval. Samples from other jurisdictions are attached as reference.

Position description and starting salary range

The Town does not have a recent position description for the Town Manager position; more recently, the advertisement has been used. Samples from other jurisdictions are attached as reference and staff is seeking Council feedback on aspects to incorporate into a position description for the Town. Most recently, the starting salary range was between \$60,000 - \$95,000 and staff is seeking Council feedback on it. Staff is also seeking guidance from Council as to any minimum qualifications. Inclusion of minimum qualifications would allow staff to remove from consideration any applicants who do not meet the minimum qualifications.

Possibility of using an executive recruitment firm

Does the Town Council wish to hire a municipal recruitment firm to assist them in the full recruitment or portions of the recruitment? If so, does Council wish to issue a Request for Proposals to the firms used by other municipalities?

Recruiting and advertising timeframe

Staff is seeking guidance from Council on when to close the position and/or begin first review of applications. Council may wish to consider leaving the position open for 30 days.

Markets in which to advertise

Staff is seeking guidance from Council as to the markets in which to advertise. Certain markets have no advertising costs, such as the League website and the Town's website and social media (Facebook) page. Other markets will reach a wider group of candidates, such as the NLC (National League of Cities) and ICMA (International City/County Management Association) but may have fees associated with the posting.

Financial Impact:

Costs will vary depending on the direction Council wishes to proceed.

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

Direction Requested:

Staff is seeking direction from Council on the aspects outlined above.

Suggested Motion:

Council's pleasure.

Attachments:

2019 vacancy advertisement; samples from other jurisdictions

2019 Vacancy Advertisement

The Town of Dewey-Humboldt, AZ, population estimated at 4049, seeks an experienced management professional to manage 13 employees and a budget of \$4M. The Town Manager reports to the Mayor and Town Council; is responsible for all departments; budget preparation; personnel matters and long-term planning. In addition, the Town Manager directs activities of the Town with outside agencies and provides highly responsible and complex administrative support to the Mayor and Town Council. Salary range is \$60,000 to \$95,000. Please e-mail a cover letter and resume with five professional references to Mickey Moore at MickeyMoore@dhaz.gov. Applications will be accepted until 6:00 p.m. MST on Thursday, January 31, 2019.

Town Manager
Town of Chino Valley, AZ

The Town of Chino Valley (pop. 10,817, 63.4 sq. mi.) is located in central Arizona, near the scenic Mingus and Bradshaw mountain ranges in the heart of Yavapai County. Its high desert elevation (4,708 ft.) affords four seasons with mild temperatures year-round, a welcome alternative to the scorching heat of the Valley of the Sun to the south and the cold and snow of higher elevations to the north. This is Arizona's sweet spot.

This career opportunity is available with the announced retirement (early 2021) of highly-regarded Town Manager Cecilia Gritman, who has capably served Chino Valley for 19 years, the last four as its manager. The FY 2020-21 Budget (July 1 – June 30) is \$24 million and supports approximately 100 FTEs.

The annual salary range for this position is \$131,749 to \$172,866, and appointment will be made depending upon the qualifications of the selected candidate. In addition, the following benefits are provided: comprehensive medical, dental, and vision insurances; retirement through Arizona State Retirement System (ASRS) (mandatory) and voluntary options including 457(b)/ROTH plans; basic life (supplemental life available) and long- and short-term disability insurances; flexible spending accounts (medical, dependent care, and health savings), EAP and wellness programs; vacation and sick leave, plus 10 paid holidays. Relocation assistance subject to negotiation.

Call Andrew Gorgey at (970) 987-1238 for more information or to request a detailed brochure. The brochure is also available on our web site at www.peckhamandmckenney.com. Resumes will be acknowledged within 2 business days.

Filing deadline October 1, 2020.



Peckham & McKenney
"About fit"



Town Manager

TOWN OF CHINO VALLEY, AZ

THE COMMUNITY

The Town of Chino Valley (pop. 10,817) is located in central Arizona, near the scenic Mingus and Bradshaw mountain ranges in the heart of Yavapai County. Its high desert elevation (4,708 ft.) affords four seasons with mild temperatures year-round, a welcome alternative to the scorching heat of the Valley of the Sun to the south and the cold and snow of higher elevations to the north. This is Arizona's sweet spot.

Once a five-mile stretch of farming communities, Chino Valley is now a true western small town with a high quality of life. At 63.4 square miles, the town is actually 50 percent larger by area than either of its two more established neighbors, Prescott (41.5 sq mi) and Prescott Valley (38.1 sq mi), but with a population only 20-25 percent of either. Chino Valley has plenty of land, horses, and cattle ranches, and real estate prices are reasonable by comparison.

Three national forests (Prescott, Coconino, and Tonto) are nearby, and the South Rim of the Grand Canyon is a short two-hour drive away. Sedona's red rocks and the views from Jerome are pleasant day trips. Willow and Watson Lakes and the Granite Dells south of town are favorite escapes, and the area is ripe for every manner of outdoor recreation, including hiking, mountain

biking, cycling, golf, an equestrian center, hunting, fishing, a shooting range, and even skiing in Flagstaff.

Chino Valley residents love the idyllic, serene setting and enjoy cool breezes, a glass of iced tea on the front porch, Arizona's legendary sunsets, and little road traffic after 5:30 or 6:00 p.m. The town is friendly, and neighbors here look out for one another. Residents enjoy several quality parks, an aquatics center, and a senior center.

The Yavapai County Regional Medical Center in Prescott, the Chino Valley Unified School District, and the Chino Valley Library all serve the town. Nearby higher educational institutions include Yavapai Community College, Northern Arizona University/Yavapai, Embry-Riddle Aeronautical University, and Prescott College.

Chino Valley is approximately 109 miles north-northwest of Phoenix, 86 miles south-southwest of Flagstaff, and 16 miles north of both Prescott and Prescott Valley. The town is served by Prescott Regional Airport, and Phoenix Sky Harbor International Airport and Flagstaff Pulliam Airport are within easy driving distance. U.S. 89 serves the town, with I-17, I-40, and I-10 nearby.

To learn more about the Town of Chino Valley, please visit <https://www.chinoaz.net>.

THE ORGANIZATION

Incorporated in 1970, Chino Valley celebrates its Golden Jubilee this year, and its roots run much deeper. Arizona's first territorial capital was here at Ft. Whipple, before it moved a few miles south to Prescott, and eventually to Phoenix.

Chino Valley operates under the council-manager form of government. The seven-member town council is elected at large on a nonpartisan basis. The mayor is elected directly to a two-year term, town council members to four-year terms, all without limit. The town council sets policy, enacts ordinances, and hires the town manager, who oversees day-to-day operations.

With elections in November, the current town council will select the next town manager. Vice Mayor Jack Miller is running unopposed for mayor, and the newly elected council members will be joining a collegial, collaborative, and effective group. This is a favorable climate for a new town manager. The FY 2020-21 Budget (July 1 – June 30) is \$24 million and supports approximately 100 FTEs.

In addition to COVID-19 impacts, the top issues facing the town are all related to future growth. Because Chino Valley was not a master-planned community, as it grew, its infrastructure did not grow with it, and now the town has to catch up. Citizens overwhelmingly voted down funding for roads and streets in 2018, but the pressing need to improve both remains. Water and sewer infrastructure along U.S. Route 89, the town's main thoroughfare and commercial corridor, are another critical need. The town also needs a new police station.

Water is a complicated topic in Chino Valley. Citizens receive water from the Chino Valley Water Department and three private companies, as well as the City of Prescott. Eventual unification and integration of these entities in a master plan is essential to the town's future. The acquisition of a water utility



would require voter approval. Also, Chino Valley is in the Prescott Active Management Area (PAMA) and has rare permission from the state to transfer water rights from property it owns outside of the PAMA. Water rights are a long-standing challenge with the City of Prescott, who recently agreed to serve water to Chino Valley's commercial corridor on Highway 89. Chino Valley owns its own wastewater treatment plant and receives some water credits through recharge.



The Town is outgrowing its role as a bedroom community where development was long managed through verbal agreements and handshake deals. Enhanced sophistication to and a rewriting of Chino Valley's land development code (Unified Development Ordinance) and consistency in its enforcement are urgent needs to facilitate accountable, sustainable growth. The town has hired its first full-time economic development coordinator to facilitate the development of a 200-acre business park at Old Home Manor and other projects.

THE TOWN MANAGER POSITION

This career opportunity is available with the announced retirement (early 2021) of highly regarded Town Manager Cecilia Grittman, who has capably served Chino Valley for 19 years, the last four as its manager.

As chief administrative officer, the town manager oversees five primary divisions: administration, police, community services, development services, and public works/engineering. The town manager also oversees the prosecutor's office, town clerk, finance, human resources, information technologies, and management information services. A separate Chino Valley Fire District provides fire service and emergency services.

This is an organization that lives its values, so the next town manager must completely embrace the Core Values of Integrity, Teamwork, Respectful Communication, Service, Leadership, and Innovation.

A four-year degree in a relevant field of study, preferably public administration or business administration, and five years of progressively responsible management experience in local government are required. Master's degree in public or business administration is preferred. Previous experience as a town or city manager is highly desirable, especially with a rural municipality.

THE IDEAL CANDIDATE

Chino Valley's next town manager is an experienced leader and manager, who appreciates and invests in Chino Valley, someone who wants to live here and embrace the community as their home. This is a community that values and rewards true commitment. The successful candidate is a person of character and integrity, with deep commitments to ethics, accountability, and transparency. The next manager respects the council-manager form of government, always providing council with the available options and complete information they need to make good decisions.

As detailed above, Chino Valley has a long list of basic needs, and the ideal candidate will embrace the leadership challenge of the years of hard work ahead. She or he will be a multi-tasking, resourceful, and pragmatic manager, with the ability to prioritize projects and complete them within the strategic vision of Chino Valley's future. Experience leading similar communities through economic development and the meaningful execution of strategic growth is strongly preferred. Experience in land use and public works will be equally valuable.

It will be essential for the next town manager to invest substantial time settling in, understanding the organizational culture ("One town, one team."), and learning the nuances of this rural, but growing, community before doing anything else. The ideal candidate is someone who listens and considers before she or he speaks. Humility, common sense,



and a high level of emotional intelligence will be essential to success, as will be the ability to communicate comfortably with persons from every walk of life.

The next town manager has expert-level inward- and outward-facing communication skills, including clear and concise writing skills and the ability to give effective, relevant presentations to citizens, town council, and staff. The ideal candidate has strong interpersonal skills and is excellent at building and maintaining healthy relationships.

The successful candidate has the ability to motivate, develop, and inspire every other town employee, especially the qualified, committed members of the leadership team. She or he is approachable, fair, supportive of staff, inclusive, and collaborative, with a sense of humor. The next town manager delegates effectively, holding department heads accountable without micromanaging.

The ideal candidate must be decisive and strong, with the ability to stand her or his ground and say “no;” unafraid of hard decisions, risk-taking, and failure; and able to admit mistakes and to seek advice. She or he is unflappable, nimble, diplomatic, and politically astute but apolitical.

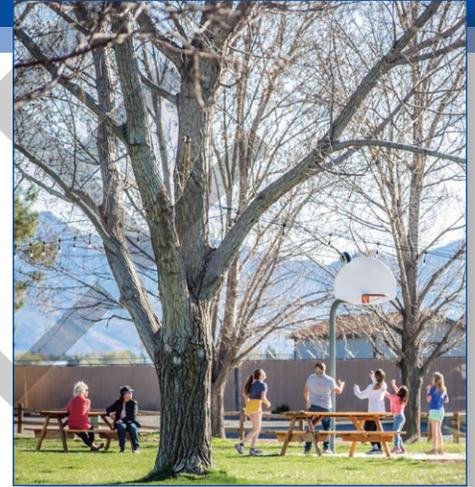
SEARCH SCHEDULE

Filing Deadline: October 1, 2020
Preliminary Interviews: October 7-14, 2020
Recommendation of Candidates: October 20, 2020
Finalist Interview Process: November 5-6, 2020

These dates have been confirmed, and it is recommended that you plan your calendar accordingly.

COMPENSATION PACKAGE

The annual salary range for this position is \$131,749 to \$172,866, and appointment will be made depending upon the qualifications of the selected candidate. In addition, the following benefits are provided: comprehensive medical, dental, and vision insurances; retirement through Arizona State Retirement System (ASRS) (mandatory) and voluntary options including 457(b)/ROTH plans; basic life (supplemental life available) and long- and short-term disability insurances; flexible spending accounts (medical, dependent care, and health savings), EAP and wellness programs; vacation and sick leave, plus 10 paid holidays. Relocation assistance subject to negotiation.



THE RECRUITMENT PROCESS

To apply for this exciting career opportunity, please visit our website:

Peckham & McKenney
www.peckhamandmckenney.com

Please do not hesitate to contact Andrew Gorgey directly at (970) 987-1238, if you have any questions regarding this position or the recruitment process.



www.peckhamandmckenney.com



Town Manager

Class Code:
101

Bargaining Unit: Non applicable

TOWN OF PRESCOTT VALLEY
Revision Date: Jun 3, 2019

SALARY RANGE

\$126,339.20 - \$176,862.40 Annually

CLASS CONCEPT:

Under general direction, plans, directs, organizes and controls the daily operations of the Town of Prescott Valley, including the overall management of the Town's human, financial, and physical resources to achieve municipal objectives, implement policies, master plans and operate municipal programs. Essential functions, as defined under the Americans with Disabilities Act, may include the following duties, knowledge, skills and abilities. This list of duties is illustrative only, and is not a comprehensive listing of all functions and duties performed by positions in this class.

EXAMPLES OF DUTIES:

Supervises town departments through subordinate managers including coordination of projects; provides guidance and direction to executive management of town departments; communicates with individuals at all levels of the organization on fiscal, human, material, and capital resource issues; communicates with citizens and other non-town entities/personnel including responding to questions, issues, and problems of residents. Researches statutory and policy issues and makes recommendations to the Council involving local ordinances as well as state and federal legislation that would impact the town; prepares and administers the Town budget, including development and presentation of submittals, recommended improvements and/or changes. As chief administrator, directs the planning, coordination, delivery, and evaluation of all municipal services and activities through department heads; interacts and communicates with the Council to determine new and modified services and activities to improve the health, safety, and welfare of the town's residents; advises the Council on matters related to the operation of the town government. Provides leadership and direction in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports, and recommendations; meets with town residents, attorneys, developers, consultants, vendors, and other parties to discuss and/or resolve issues of mutual concern and interest; maintains compliance with Arizona Revised Statutes and federal laws, ordinances, rules, regulations, policies and procedures.

TYPICAL QUALIFICATIONS:

Education equivalent to a Bachelor's Degree in Public Administration, Business Administration, or closely related area and eight (8) years full time supervisory or management experience in municipal government.

EEOE

OTHER NECESSARY REQUIREMENTS:

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of the principles and practices of public administration. Knowledge of the principles and practices of supervision and management. Knowledge of applicable federal, state, and local laws, statutes, ordinances, rules, regulations, policies, and procedures. Knowledge of the functions and activities of the Town. Knowledge of the Town's Codes. Skill in establishing and maintaining effective working relationships with State, Federal, and other local officials, elected officials, subordinate staff and Town residents. Skill in the development and administration of a municipal budget. Skill in communicating, interpreting, and applying new directions and guidelines. Skill in evaluating data and drawing valid conclusions.

SAMPLE

**TOWN OF HUACHUCA CITY
Job Posting**

POSITION TITLE: Town Manager

DATE CREATED: 8/27/20

DEPARTMENT: Administration

CLOSES: 10/26/20

Summary

The Town of Huachuca City is seeking a qualified individual to fill the position of Town Manager.

About the position

The manager shall be the administrative head of the town and shall serve at the pleasure of the Council. He or she shall be responsible for the administration of all affairs of the town which are under his or her control. In addition to his or her general powers as administrative head, it shall be his or her duty and he or she shall have the powers as set forth by Title 2, Chapter 2.35, and Section 2.35.015 of the Huachuca City Town Code.

Duties & Expectations

Reference Title 2, Chapter 2.35, Section 2.35.015 of the Huachuca City Town Code available on the Town's website.

Desired Minimum Qualifications

- Graduation from a four-year college or university with a degree in public administration, business administration or a closely related field; and
- Minimum of 5 years' experience related to municipal management; or
- Any equivalent combination of education and experience
- A working familiarity with the Arizona Revised Statutes, including: open meetings, public records, powers of municipalities, budget, finance, conflicts of interest and elections.

Necessary Knowledge, Skills and Abilities:

- Attention to Detail - Being thorough when performing work and conscientious about attending to detail.
- Customer Service - Working with clients and customers (that is, any individuals who use or receive the services or products of the Town, to assess their needs, provide information or assistance, resolve their problems, or

satisfy their expectations.

- Oral Communication - Expressing information (for example, ideas or facts) to individuals or groups effectively, taking into account the audience and nature of the information (for example, technical, sensitive, controversial); making clear and convincing oral presentations; listening to others, attending to nonverbal cues, and responding appropriately.
- Written Communication - Describing complex matters in memoranda meant to inform the Town Council, employees and the public, using proper grammar, punctuation and spelling. Must also be able to draft public meeting agendas, public notices and internal policies and procedures.
- Problem Solving - Identifying problems; determining accuracy and relevance of information; using sound judgment to generate and evaluate alternatives and to make recommendations.
- Handling or coordinating work assignments, projects, or program segments pertaining to the operation of the Town
- Maintain appropriate employee records in compliance with all Federal, State and local requirements.

Special Requirements

- Must be authorized to work in the United States
- Must have a valid U.S. Driver's License and be willing to obtain an Arizona Driver's license within six months of appointment
- Must be a resident of Huachuca City within 6 months of completing probation, if selected for appointment, unless waived by unanimous vote of the Council
- Must successfully pass a background investigation, including financial disclosure
- Must pass drug screening
- Must supply at least 3 (three) professional references

How to Apply

Candidates may apply by submitting a completed application form and Resume, to the office of Town Clerk.

This position closes on October 26, 2020.

The Town of Huachuca City is an equal opportunity employer. The Town does not discriminate against any individual in any way because of that person's age, race, creed, color, religion, sex, genetic information, disability, familial status, political affiliation or national origin.

Town Manager
Timnath, CO

The Town of Timnath (pop. 6,000, elev. 4,865, 5.05 sq. mi.) is a rapidly growing, safe, family-oriented community located in the plains at the base of the Rocky Mountains in beautiful Northern Colorado, north of Denver and south of Cheyenne, WY. Due east of Fort Collins in Larimer County, Timnath sits at a major regional crossroads, the intersection of I-25 and Harmony Rd., one of the busiest in the state. Denver's world-class urban culture, major sports venues, and Denver International Airport are an hour's drive south.

Timnath is not a typical small town. The biggest issues here relate to growth: infrastructure, increased traffic, and responsible development, among others. The Town's FY 2020 General Fund Budget of \$42.3 million supports 24 FTEs, as well as several contract positions, and three seasonal employees. The 2020-24 five-year capital improvement plan contemplates \$55.7 million in projects.

A bachelor's degree in business or public administration, or equivalent, and five years of progressively responsible experience in local government, including experience as a municipal manager, assistant municipal manager, or major department head are required. Masters degree in related field desirable. Residency within the Town of Timnath is preferred and encouraged, but not required. The annual salary range for this position is \$140,000 to \$165,000, depending upon the qualifications and experience of the selected candidate. Comprehensive benefits. Relocation assistance subject to negotiation.

Call Andrew Gorgey at (970) 987-1238 for more information or to request a detailed brochure. The brochure is also available on our web site at www.peckhamandmckenney.com. Resumes will be acknowledged within 2 business days.

Filing deadline October 12, 2020.



Peckham & McKenney
"All about fit"



Town Manager

TOWN OF TIMNATH, COLORADO

THE COMMUNITY

The Town of Timnath (pop. 6,000, elev. 4,865, 5.05 sq. mi.) is a rapidly growing, safe, family-oriented community located in the plains at the base of the Rocky Mountains in beautiful Northern Colorado, north of Denver and south of Cheyenne, WY.

Due east of Fort Collins in Larimer County, Timnath sits at a major regional crossroads, the intersection of I-25 and Harmony Rd., one of the busiest in the state. The Town's location provides easy access to nearby amenities, including Colorado State University, the University of Northern Colorado in Greeley, and many others. Denver's world-class urban culture, major sports venues, and Denver International Airport are an hour's drive south.

Multiple neighborhoods have grown from the farms and ranches of Timnath's agricultural roots, and residents still love the small-town feel and true neighborliness here. The area offers a variety of outdoor recreational activities including boating, cycling, hiking, mountain biking, camping, fly fishing, swimming, golfing, and more. The Town has an impressive

catalog of parks and open space, including the Timnath Reservoir and the Community Park. The Cache la Poudre River flows peacefully, and the nearby Poudre River Trail is a popular destination. Rocky Mountain National Park, a jewel of the national parks system, is about an hour away.

The Poudre School District serves the Town with two elementary schools. A middle school and high school are scheduled to open in Fall, 2022. The District has received considerable state and national recognition. The Poudre Valley Hospital, Banner Health Center, and UC Health Medical Center of the Rockies are next door in Fort Collins and Loveland, and all offer excellent medical care.

Although the Town does not have a chamber of commerce or economic development entity, Timnath succeeded in welcoming two of the nation's largest retailers, Costco and Wal-Mart, which account for approximately 85% of the Town's sales tax revenue. Local businesses and several national franchises serve the local population.

For more information about the Town of Timnath, please visit <https://timnath.org>.

THE ORGANIZATION

Incorporated on July 6, 1920, Timnath adopted its home rule charter on November 3, 2015. The charter calls for a council-manager form of government and establishes a five-member town council, consisting of the mayor and four council members, all of whom are elected at large on a nonpartisan basis to four-year, staggered terms without limit. The town council chooses the mayor pro-tem from among their number for a two-year term. Currently there are no wards or council districts, but when Timnath reaches 8,000 electors, the council will expand to seven members, with three members elected by district, and three at large. The town council sets policy and hires the town manager, who is responsible for the day-to-day administration of the Town. The council also hires the town attorney. An enviable, new Town Center (town hall) opened in June, 2019.

The Town's major operations include public works, engineering, town clerk, municipal court, community development, building, code enforcement, animal control, parks and recreation, and administrative services, including management, legal, finance, human resources, and information technology. Currently, many of these major services are contracted. The Timnath Police Department and Larimer County Sheriff's Office provide law enforcement, the Poudre Fire Authority, fire protection services. The Poudre Valley Rural Electric Authority and Xcel Energy provide electricity and natural gas utilities. Multiple districts provide water and sewer services. Timnath's FY 2020 General Fund Budget of \$42.3 million supports 24 FTEs, as well as several contract positions, and three seasonal



employees. The 2020-24 five-year capital improvement plan contemplates \$55.7 million in projects.

Timnath is not a typical small town. The biggest issues here relate to growth: infrastructure, increased traffic, and responsible development, among others. The sheer velocity of growth and the sophistication of the development community are real issues.



As the population grows, municipal services must keep pace, so a new police station is a high priority – there is robust discussion regarding its budget, size, location, design, construction, and funding. The service expectations from this well-educated, relatively affluent community are high.

Timnath owns a sizeable portfolio of real property, including a 14-acre parcel once set aside for a Dreamvision project. The Town also has an outsized number of metropolitan and improvement districts related to development, a consideration for prospective homebuyers and a subject area with which the next town manager must be familiar.

As is true everywhere, Timnath continues to navigate the health, safety, economic, and practical impacts of COVID-19.

THE TOWN MANAGER POSITION

The town manager supervises and manages all departments of the Town, except the municipal court and the town attorney. The powers and duties of the position include enforcement of ordinances, resolutions, franchises, and contracts; preparation, proposal, and administration of the annual budget; and informing the public on, and involving the public in, Town functions, plans, and activities.

A bachelor's degree in business or public administration, or equivalent, and five years of progressively responsible experience in local government, including experience as a municipal manager, assistant municipal manager, or major department head are required. Masters degree in related field desirable. Residency within the Town of Timnath is preferred and encouraged, but not required.

THE IDEAL CANDIDATE

Timnath's next Town Manager is an intelligent, dynamic, experienced leader, with a strong work ethic, integrity, and a commitment to ethics and transparency. The ideal candidate must be decisive and strong, with the ability to stand her or his ground and say "no;" unafraid of hard decisions, risk-taking, and failure; and humble, able to admit mistakes and to seek advice.

The successful candidate is a professional municipal manager, who sees today the community Timnath will soon become and has the experience,

ability, and commitment to lead the Town to that vision. Ideally, the next Town Manager will already have led at least one community through the imminent, substantial growth anticipated by Timnath.

The next Town Manager must be fiscally conservative, with a good business sense, an entrepreneurial mindset, and considerable experience in budget development and management. The ideal candidate has expert-level inward- and outward-facing communications skills, and understands that strategy and values mean little without measurable outcomes and accountability. She or he delegates effectively, confidently, and regularly.

The next Town Manager is someone who listens and considers before she or he speaks. The ideal candidate has strong leadership and management skills, with the ability to motivate, develop, and inspire every other



SEARCH SCHEDULE

Filing Deadline: October 12, 2020

Preliminary Interviews: October 19-23, 2020

Recommendation of Candidates: October 27, 2020

Finalist Interview Process: November 12-13, 2020

These dates have been confirmed, the Town would appreciate that you plan your calendar accordingly.

town employee, especially the team of department heads. Timnath's issues are sophisticated, layered, and deceptively complex, so the Town Manager must be a strategic and tactical thinker, with experience in community development, economic development, and capital projects.

The successful candidate must be an expert collaborator, able to maintain the Town's strong relationships with Fort Collins, neighboring municipalities, regional partners, and stakeholders including Larimer County, the Colorado Department of Transportation, and others. She or he will become a part of the community and create, develop, and maintain positive relationships with community members.

The next Town Manager is sophisticated, intelligent, passionate, gracious, and patient, with a sense of humor. The ideal candidate is emotionally intelligent, supportive of staff, inclusive, and collaborative, not a micromanager. She or he is nimble and adaptable, comfortable taking

direction from Town Council, but also in offering innovative solutions and advancing a strategic plan. She or he has experience with reorganization and change management, and will be asked to take a fresh look at the organization.

THE COMPENSATION

The annual salary range for this position is \$140,000 to \$165,000, depending upon the qualifications and experience of the selected candidate. In addition, the following benefits are offered: medical, dental, vision, voluntary life, long- and short-term disability, AD&D, and supplemental accident insurances. The Town pays 100% of employee medical coverage, 90% employee and spouse, 90% employee and child/children, 80% employee and family. An Employee Assistance Program is provided at no cost to employees. Retirement benefits customary to the position through COPERA [mandatory] and ICMA-RC [optional] are offered. The Town offers education reimbursement plans and a cafeteria plan for employees. This position enjoys paid vacation and personal leave, 10 paid holidays, as well as professional association dues, and fees for registration for professional development. Relocation assistance subject to negotiation.



THE RECRUITMENT PROCESS

Please submit your cover letter and resume (including all month and year of employment data) via our website:

Peckham & McKenney
www.peckhamandmckenney.com

Please do not hesitate to contact Andrew Gorgey directly at (970) 987-1238, if you have any questions regarding this position or the recruitment process. Confidentiality will be maintained until the Finalist Interview Process, at which time the identity of finalists will be announced to the public as required by Colorado law.



www.peckhamandmckenney.com

