

**TOWN OF DEWEY-HUMBOLDT  
TOWN COUNCIL  
REGULAR MEETING MINUTES  
APRIL 21, 2015, 6:30 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, APRIL 21, 2015, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:35 p.m.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Done.
  - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, Mark McBrady, Dennis Repan, Doug Treadway, Nancy Wright; Vice Mayor Jack Hamilton; and Mayor Terry Nolan were present.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**
  - 4.1 **Environmental Protection Agency (EPA) Superfund clean-up project update and possible next steps (30 to 45 minutes presentation with questions and answers).**

EPA Project Manager Jeff Dhont, introduced Heather Parker, Community Development Coordinator and 3 members from the ADEQ agency. Mr. Dhont gave a (PowerPoint) presentation on the Superfund Site (Iron King Mine and Humboldt Smelter) update. A current fact sheet is available for the public. He spoke on toxic metals in tailings, determining level of toxicity and options to address it; EPA focus is cleaning up contaminates from mining operations, not background arsenic; evaluating health risks from soil contaminates exposure; far fewer properties needing cleanup than originally thought; placement is a greater problem than dust; cleanup options will be brought back to the community, and next steps. A draft of full investigative report will be done within two months with a feasibility draft sometime in the fall; public comment, then record of decision early next year.

There were questions by council addressed to Mr. Dhont. These included: longevity and damage of arsenic retained in the body; types of arsenic; migration of arsenic into the water system; monitoring wells to determine impact of the mine on groundwater; potential threat to public health being less than originally thought; historical information on dross material; condition of smelter structure (flue ready to fall) and the need for remediation; possible uses of the land if or along with remediation; liability to cleanup for property owners; consideration of turning smelter area into a state park; how remediation might be funded (EPA to negotiate agreements, take to court or fund themselves); most serious threat to the public – if the dam blows out it would threaten the Agua Fria River; mine is worse with instability and has more parties to potentially contribute money for cleanup.

Mayor Nolan spoke to Mr. Dhont about the slow pace of the superfund process, hindering other possible options for cleanup or use and testing has not been done with local contractors. CM Wright called a point of order stating it was an update, not a time to berate.

Public comment was taken on this item.

Len Marinaccio spoke on testing on his property; looking at where the contamination is located; frustration with time taken for this process; nudge the EPA to keep moving forward.

Rose Eitemiller announced the public meeting for TAG at 5:30 the next night in the Council Chambers. She asked for more information on the dross if it blows and how it might cause harm.

Mr. Dhont explained the dross is not as bad as once thought but elevated lead levels are

found; air levels did not find high levels of lead; stabilize it during cleanup and stated best not to walk on smelter property.

Kelly Levine spoke on high levels of arsenic in her private well and becoming sick due to it; reaction to arsenic depends on a person's DNA and asked for more honesty about the dangers of arsenic.

Doris Lake recommended contacting local congressman and senators to put forth the town's situation and for getting help.

Rose Eitemiller spoke on the learning curve about arsenic and not knowing much about how it affects the human body. She spoke on her son's health issues with arsenic; communicating about this and talking with the senators.

Mayor Nolan spoke on the community's frustration over this issue; allowing the property owners to fix the problem and looking toward the ADEQ to move this forward.

There was discussion on contacting representatives to assist in expediting this; looking at how to be proactive so people don't get ill; Toxic substance and disease agency (ATSDR) for testing; tips provided in fact sheet and ways to avoid exposure; town could impose deed restrictions or limitations on superfund properties if desired.

## **5. Town Manager's Report. Update on Current Events.**

### **5.1. Community Development Block Grant (CDBG) progress.**

Town Manager Kimball gave an update and overview on the process: eligible for the two top priorities the council selected – drainage and road improvements near Kachina neighborhood and Huron near Elementary School. NACOG is working on finishing the surveys and environmental studies if needed and proceeding with the process, applying officially.

Mayor Nolan moved the agenda forward to address 9.1. 2015 Spring Chip Seal Contract Award.

### **9.1.2015 Spring Chip-seal contract award.** Possible council awarding or rejecting of the contract.

Ed Hanks, Public Works Supervisor, spoke on the Earth Resources bid being the only responsible bidder and explained the bid was higher than the estimate due to oil and rock price increases. He recommended approving the contract to Earth Resources, covering the cost overrun using some other funds in the budget. He explained a couple of roads were pulled off this year's project plan as they were wider and they can be added in the next year's work. Mr. Hanks answered council's questions about cost per mile, how advertised, why the response was low; doing more square yardage but less square miles due to wider roads.

Vice Mayor Hamilton made a motion to award the contract to Earth Resources for Spring Chip-seal project, seconded by Councilmember Treadway. It was approved unanimously.

Will Orr with Earth Resources was present and thanked Council and explained ERC's efforts to keep the margins tight and they appreciate doing business at home.

Vice Mayor Hamilton commented that he appreciates their work, it is well done.

## **6. Consent Agenda.**

### **6.1. Minutes.** Minutes from the February 24, 2015 Special Meeting.

Vice Mayor Hamilton made a motion to approve the Minutes from the February 24, 2015 Special Meeting, as presented; seconded by Councilmember Wright. It was approved unanimously.

## **7. Comments from the Public (on non-agendized items only). None.**

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

8.1. **Possible engineering solutions to “Chaparral Gulch” neighborhood ingress/egress issue and Council direction of next steps.** (Continued from the March 3<sup>rd</sup> and 17<sup>th</sup> meetings)

Public Works Supervisor, Ed Hanks presented the item and Council looked at various options. Council discussed the options, costs, accessibility, safety issues, Town’s rights-of-way versus private property access, how the current access was established. Council’s consensus was to do nothing with this item.

8.2. **Replacement and re-use plan for current Town information sign located at the intersection of Third St. and S.R. 69.** Possible direction to how to proceed. (Responding to the direction from the April 7<sup>th</sup> meeting original discussion)

Town Manager Kimball explained this was continued from the April 7<sup>th</sup> meeting, with samples provided.

Councilmember Alen made a motion to use the second sign option (page 22 in packet), changing the font of “Arizona’s Country Town” to the western font, seconded by Doug Treadway. It was approved by a 6-1 vote in favor, Councilmember McBrady voting against.

Ed Hanks reiterated the sign would be a white background with brown letters.

8.3. **Ordinance 15-112 Code of Ethics Ordinance amending Town Code Section 35.06 Compliance and Enforcement.** Possible adoption, rejection or adoption with modifications. (Directed at the March 24<sup>th</sup> Council meeting)

Councilmember Wright made a motion to adopt Ordinance 15-112 Code of Ethics, as presented; seconded by Vice Mayor Hamilton.

There were questions and discussion on parts of the ordinance. Phyllis Smylie, Town Attorney was present to answer those questions. There was discussion on wording that talks about who should be recused from the Hearing Officer selection.

Councilmember Treadway called the question. A 5-2 vote in favor of calling the question passed, Councilmember McBrady and Mayor Nolan voting against.

A vote was taken on the motion to adopt Ordinance 15-112, which passed by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

9. **Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Council.

9.1. **2015 Spring Chip-seal contract award.** Possible council awarding or rejecting of the contract.

Moved up on the agenda to follow 5.

9.2. **Extend Town of Dewey-Humboldt Town hall business hours back to the original 8am-5pm M-F, with the exception of holidays.** [CAARF requested by CM Repan]

Councilmember Repan gave an overview on his request. Mayor Nolan spoke on being short a Community Development Officer and Staff using the time to get caught up from the week. Councilmember Wright spoke on how the alternate office hours came to be and intent was only to keep this schedule until there was a full complement of employees.

Councilmember Repan made a motion to approve going back to the original business hours

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(8-5, M-F), seconded by Councilmember Alen. It was approved by a 5-2 vote in favor, Councilmember McBrady and Mayor Nolan voting against.

**9.3. Consideration of the offer made by Mr. McBrady, Town Hall/Town Sheriff Office facility landlord, regarding (Humboldt Station Inc.) selling to the Town the current leased properties and their surrounding units and real properties located at Humboldt Station at 2735 S. State Route 69, Dewey-Humboldt (APN 402-08-079B) and its adjacent property (APN 402-09-024F).** The Council may, by majority vote, recess the regular meeting, hold an executive session and then reconvene the regular meeting for discussion and possible action on this item.

Councilmember McBrady recused himself from this agenda item and left the dais at 9:22 p.m. Town Attorney Smiley explained Mr. McBrady would need to present his offer in Open Session prior to convening into Executive Session for discussion of his offer. CM Repan suggested they could do the reverse of that as well, Ms. Smiley agreed.

Vice Mayor Hamilton made a motion to recess into Executive Session for this agenda item, seconded by Councilmember Alen. It was approved by a 5-1-1 vote in favor, Mayor Nolan voting against and Councilmember McBrady recused from the vote. Council recessed into Executive Session at 9:25 p.m.

**9.3.1. Recess into and hold an executive session** pursuant to A.R.S. § 38-431.03(A)(7) for discussions or consultations with designated representatives of the Town in order to consider its position and instruct its representatives regarding negotiations, for the potential purchase or lease of real property, Humboldt Station Inc. located at 2735 S. Highway 69, Dewey-Humboldt, Arizona (APNs 402-08-079B and 402-09-024F).

**9.3.2. Reconvene Regular Meeting.**

Council reconvened into Open Session at 10:37 p.m.

Mayor Nolan made a motion to obtain a legal description and appraisal of the property. Motion failed for lack of a second.

Mayor Nolan gave direction to staff to talk with Mr. McBrady regarding the lease negotiations.

**10. Public Hearing Agenda.** None.

**11. Comments from the Public.** None.

**12. Adjourn.** The meeting was adjourned at 10:40 p.m.

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Terry Nolan, Mayor

ATTEST:

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Judy Morgan, Town Clerk