

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

Tuesday, August 15, 2017, 6:30 P.M.

**COUNCIL REGULAR MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA SUMMARY

1. **Call To Order.** Vice Mayor McBrady called the meeting to order at 6:30 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Councilmember Hamilton.
 - 2.2. **Invocation.** Given by Councilmember Timmons.
3. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt, and Vice Mayor Mark McBrady were present. Mayor Terry Nolan was absent.
4. **Announcements Regarding Current Events, Guests, Appointments, and Proclamations.**
 - 4.1. **Environmental Protection Agency Superfund Activity Update.**

EPA Project Manager, Jeff Dhont, was accompanied by the Community Involvement Coordinator, Yolanda Sanchez. Mr. Dhont noted that they gave their last report in April 2017. He presented his report by PowerPoint presentation and noted that it would include a quick summary of the project but would focus on the residential cleanup, which is the most recently accomplished portion of the overall cleanup project. Mr. Dhont noted that there were actually 580 yards sampled and studied since the inception of the project. Out of the 580 yards, 546 yards did **not** require cleanup. Thirty-one (31) yards were actually worked on during the cleanup. Cleanup included excavation of one-foot depth, some yards required a little deeper excavation. Some homes could have required deeper excavation, however, they laid down a warning marker (snow fence) and completed the backfilling and compaction process, as well as the restoration of features. This warning marker was used in 13 yards, most of those did not have homes. Some borings confirmed there was some contamination at 3 to 5 feet. Mr. Dhont explained the process for future digging in order to prevent further contamination. More detailed instructions on this process would be mailed to the property owners. He will also work with the Town's Building Official, as a method to inform local contractors. They consider the residential area cleanup complete, the threat has been remedied. The County Assessor receives the same information the Town does and the EPA has no control over property values. The titles of the properties that were sampled are not flagged in any manner.

The next steps are the continued work on the feasibility study and looking a variety of options for each area, the mine and smelter site. This is a very detailed process. They will come back to the Town to discuss the options. He estimated that this part of the process could occur by February.

There were questions regarding future owners and transfer of ownership; liability questions; the dam behind the tailings site; and how long would the warning markers hold up. Mr. Dhont referred the legal and liability questions to legal consult; stated that the dam was surprisingly solid at this time; and was unsure as to the life expectation of the warning marker fencing.

Public Comment

Jerry Brady spoke of Arizona State Law and the duty to bring forth immediately any known public health and safety issue. He noted the Town's opportunity to join in a program under the

Department of Defense for funding, but the funding is temporary, and needs to be acted on. He also mentioned that the Indian Tribes have the experience and equipment to help under the DOD.

Brian Beck, TA for the D-H TAG Group, spoke of the work done as being extremely beneficial and the threat has been eliminated. He spoke of site plans being in a repository with the Town. The Town needs to establish guidelines for when future issues of the contamination left behind arises such as impacted soil. He recommended any further digging or excavation materials be taken to the tailing site. He also recommended the Town enrolling in the blue stake program for street and utility digging.

Sandy Guigar inquired of Mr. Dhont if public use roads and road easements were tested. If they weren't tested what is the liability to the Town. Mr. Dhont said that there were easements that were sampled. Places where soil had been turned over, the levels were lows. He is not aware any samplings taken from under the streets. The focus was on the long-term exposure to people's yards. Short exposures such as street work were not the big concern. There was more concern about where people were living. They do not have the resources to accomplish street testing and it is unlikely there would be anything found there.

Councilmember Timmons asked if the park off Prescott Street was sampled. Mr. Dhont was unsure without checking his records, but did recall that most yards on that side of the street were not affected.

Public Comment

Jerry Brady informed that the park was constructed by APS who brought in clean fill direct. He also spoke of a former experiment at Olsen/Young/Mortimer Farms to see if plants could grow in contaminated soil; the War Department has records on this.

Councilmember Hamilton thanked the EPA for their work on achieving the funding for the cleanup project. Mr. Dhont said he did not claim all the credit for this, and was happy there was money to be targeted at the time.

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

Lee Elliott, Interim Town Manager (ITM), thanked the Council for their appointment. He noted best wishes to former Town Manager, Yvonne Kimball, and thanked for her transition efforts. He said this would be short report, as he is only five days on the job. He cited that Staff are working on the codification the Animal Ordinance and will have it back to Council shortly. He noted the importance of the street plan. He has met with some Council Members and would like to complete meeting with the remainder before the end of August. In early September he would like to have a Work Session to formulate what items are to be worked on during this interim period.

6. **Consent Agenda.**

6.1. Minutes. Minutes from the May 9, 2017, Work Session; May 9, 2017, Budget Session; May 16, 2017, Regular Council Meeting; June 6, 2017, Regular Council Meeting; June 13, 2017, Work Session; July 18, 2017 Regular Council Meeting; and July 28, 2017, Special Session.

Councilmember Treadway made a motion to approve Minutes from the May 9, 2017, Work Session; May 9, 2017, Budget Session; May 16, 2017, Regular Council Meeting; June 6, 2017, Regular Council Meeting; June 13, 2017, Work Session; July 18, 2017 Regular Council Meeting; and July 28, 2017, Special Session, seconded by Councilmember Hughes. The motion passed unanimously.

7. **Comments from the Public (on non-agendized items only).**

Roy Mills asked Council who controls waste running over from one property to another. It was explained to Mr. Mills this was his opportunity to share a concern with Council, but Council was unable to respond according to the agenda and Open Meeting Law. The process was explained to Mr. Mills how to get an item agendaized at a future meeting and that he was welcome to share his concern at this time. Mr. Mills described a situation where a resident performed a grading project consisting of cut and fill on their property in an inferior manner. The rains washed the soil down to a lower property. There was no return phone call from the previous Town Manager on this issue and no one from the Town came out to look at it. He noted that it could be a health and safety issue. He cited no communication in this Town. He inquired how the people he represents can get this on the agenda or if they should contact an attorney. He noted that he was the middle guy in this matter.

Leigh Cluff spoke of not meaning to complain, but last week over an hour of time and an approximate \$200 was wasted in attorney fees on an ethics violation. She noted that, twice this night, the person that brought this up, spoke out of turn, and needed to comply as well.

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. Report of the BLM access and communication with adjacent property owners and direction to proceed with land survey and submission of application to BLM.

Community Planner (CP) Steven Brown gave a PowerPoint presentation on this agenda item including maps with proposed routes. He summarized that in regard to the report on the BLM access there needs to be communication with adjacent property owners and a survey of private easements to be part of the overall emergency ingress/egress from the Blue Hills area. Staff has continued working on various aspects of the data gathering and planning for the development of an emergency ingress to serve the Blue Hills area during emergency evacuation scenarios. Staff has completed the Standard “Form 299 Application for Transportation and Utility Systems and Facilities on Federal Land”, which includes the Draft Plan of Development. Staff has held meetings with five of the six private property owners, in an effort to secure their agreement to convert private access/roadway easements that make up Bandit Way and Read Star Mine Road, to allow the public to utilize them during emergency evacuations, and to link them across the BLM right-of-way requested. CP Brown recommends that Council direct Staff to submit the application for the ROW from the BLM, continue discussions with property owners and planning activities working towards the possible emergency ingress/egress to serve the Blue Hills area, and that Staff obtain a quote for the survey work to establish the physical locations of the easements for Bandit Way and Read Star Mine Road, as well as the proposed BLM right-of-way.

Councilmember Timmons inquired as to why BLM does not care for the option proposed by the Town. CP Brown answered that BLM had to look at alternatives; this was the option that appeared to be the best. CM Timmons asked about the landowners’ responses. CP Brown said that the landowners are concerned but are not opposed to the easements when they are assured of the safeguards that will be taken to ensure this will be used for emergency purposes only.

Councilmember Hamilton asked the Town Attorney if you build a public road with public money can you designate it for emergency use only. Attorney Goodwin said that what is being looked at is an easement. CP Brown confirmed this. CM Hamilton reiterated his question that if you could limit the use of the road for emergencies. Attorney Goodwin again noted that these were roadway easements and she believes there is enough public control to spend public monies on it, as it is for public safety issues of fire access and ingress/egress. CM Hamilton spoke of asking emergency management agencies for their preferences on recommend the top two or three roads were that

needed to be addressed for money. He would like to see their recommendations before moving forward. He did not approve of the proposed route, noting that they would require excessive money for improvements. He feels any fire in that area would come down Green Gulch and that is this area and he believes this would lead to disaster in times of emergency egress. He agreed with pursuing the application process but holding off on survey monies until they hear back from the emergency agencies.

Councilmember Wendt inquired of CP Brown if he had heard back from the emergency agencies that were contacted. As Firewise Chairman, she would like to have a copy of the letter, for her records, that went to the emergency agencies. CP Brown explained that the Public Works Director Hanks was tasked with this project. CM Wendt spoke of the General Plan recommendations and the liability that could be incurred by not pursuing an emergency access route. She encouraged hearing from Town members present at the meeting about their opinions on this matter.

Councilmember Hamilton did not recall the General Plan saying much about circulation roads but the Transportation Plan does. This is the second part addressed. The reason the Town did not pursue the completion of the Transportation Plan was that the cost was about \$40 million dollars. He spoke of needing a property tax to support something like this and that would need to be put to ballot. The citizens would have to decide whether they are willing to pay for this. He spoke of the HURF fund and the future issues that could be faced after the 2020 census with possible deficient growth in D-H compared to the State.

Public Comment

Leigh Cluff spoke of having been evacuated during the Goodwin Fire and what actually caused the delay in evacuation and that it was not a stoplight.

Councilmember Wendt spoke of taking \$8,000 from the Old Black Canyon Highway and moving it to egress funding and the urgency of accomplishing an emergency route in the Blue Hills area.

Councilmember Treadway spoke of using logic and exploring all options. He also noted of being fortunate to have people in the community willing to step up. Will Orr of Earth Resources Corporation offered to CM Treadway that he would donate his time and some of his equipment to help in this proposed emergency route.

Public Comment

Robert Baker spoke of a second egress not meaning you have to build a road to go back to the same point. It means it is separate from your first egress route. He spoke of doing what was mentioned at the July 18, 2017, Council Meeting, to get with the emergency agencies and let them come up with the best route. The priority is to protect people. Mr. Baker spoke of the excellent job that Community Planner is doing on this issue. Mr. Baker spoke of the Town having enough money to fix up an old building on Main Street or build a new Town Hall but there is not enough money to make a road. He spoke of what is best for the citizens of the Town, not just the Blue Hills.

Jerry Brady spoke of giving the Town Staff a map from the Department of Defense that included access and emergency roads. He described a state program called the Public Assistance Funds that will go away on October 1st, due to a lack of applications from local governments. He noted that there were meetings that Town Staff did not attend in Prescott that would have provided the certification training necessary to apply for this Public Assistance funding. He recommended a Town liaison attend this training.

Councilmember Timmons thanked CP Brown for the information provided on this agenda item. She also thanked Councilmember Wendt for her volunteer efforts.

Councilmember Wendt asked Mr. Brady to provide information about the training he mentioned to the Interim Town Manager. Mr. Brady confirmed he would give a manual to the Interim Town Manager.

Public Comment

Robert Baker spoke of having forgotten to mention that Community Planner Brown is awesome and thanked him for advocating for community safety.

Frank Davidson spoke of their property backing up to the BLM property and having a conversation with Robert Baker, initially, wherein they offered access across their property to the BLM land. He spoke of another better option, but recommended that the route meet with Shirley Lane.

Councilmember Wendt made a motion to direct Staff to submit an application for the right-of-way from the BLM; to continue discussions with property owners and planning activities working toward the possible emergency ingress/egress to serve the Blue Hills area and possibly for Staff to get a quote for the survey work to establish the physical locations for the easements for Bandit Way, Read Star Mine Road, as well as the proposed BLM right-of-way, seconded by Councilmember Hughes.

CP Brown noted that Staff already has a survey quote of \$1,800 for mapping that whole route.

Councilmember Wendt amended her motion to have Staff start and begin that survey and commission them to do such.

Councilmember Hughes asked about the previous request for three access routes from emergency service agencies. Would this be a waste of money until that information is received? He believes that this needs to be pursued expediently with the BLM, but does not want to jump the gun. CP Brown replied that even if other alternatives are looked at as a result of that priority, funds will still need to be expended to analyze those routes as well.

Councilmember Timmons asked if Councilmember Wendt would consider restating her motion to include waiting to have the survey until CP Brown meets with the emergency agencies and that task is completed.

Councilmember Wendt restated her motion, to direct Staff, particularly Mr. Brown, to discuss what we are doing here in the survey to be completed but we need to talk first to the emergency agencies that we have previously directed a request of, in indicating what emergency roads they are.

CP Brown noted that Councilmember Wendt previously mentioned in her motion to apply to BLM.

Councilmember Wendt made a motion to have Staff apply to the BLM the application for the right-of-way across that property and, in the meantime, have Mr. Brown speak with the emergency agencies, that we directed a letter to, prior to having the survey done, but once we have approval and they say yes that's it, that's a good route, then going ahead and have Council commission the survey to be done.

CP Brown clarified that this would be brought back to Council when it was done.

The motion was seconded by Councilmember Hughes. The motion passed unanimously.

Councilmember Wendt clarified that she withdrew any previous motions, other than the final motion that was approved.

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

9.1. Discuss and Consider Raising Staff Salary Range [CAARF submitted by CM Hamilton].

Councilmember Hamilton gave an overview of his CAARF explaining that he wants to raise the salary ranges up a bit. He noted the practice of staff being hired in at mid-range on the scale, so they can go higher in time. He noted this is a way to get good staff.

There was Council discussion regarding the COLA increase recently approved, that not all Staff leave because of money, that they must naturally change jobs; revisit that at a later date.

ITM Elliott spoke of this issue needing more study as this is a service-based organization and the recruiting and maintaining of your employees is important.

There was further Council discussion about the ranges being adjusted, not necessarily the current salaries; the range not having been adjusted since 2011 and the need to revisit this.

Public Comment

Leigh Cluff spoke of being confused by a comment regarding raising the cap, but offering a much lower salary. She does not feel people move on because of money, this was not why former Town Manager Yvonne Kimball moved on. She spoke of sitting here saying they have no money, but now they want to budget out for something else.

There was further Council discussion about salary caps; the impact on the Town budget; and the need for more research and comparison studies.

ITM Elliott spoke of seeing if the Town has some established comparable that he can research and share with Council.

Public Comment

Lisa Baker inquired if anyone could tell her if, when the document (salary range) was penned in 2011, did it have any basis or any relevance to the budget or was it brought forth regardless of revenue streams at that time. She spoke of her experience with budgets, and if there is no increase in the revenue stream, are you putting the cart before the horse or will you be making changes where those funds are allocated.

There was further Council comment and discussion and Vice Mayor McBrady recommended moving on.

9.2. Council Ratification of the Volunteer of the Year 2016 Nominees.

Community Planner Brown gave an overview of the VOTY process and how the selections are made.

The committee chose three recipients for the 2017 Volunteer of the Year award.

The Firewise Board was chosen for their sacrifice of time in the pursuit of abatement participation; efforts to provide a secondary emergency access in the Blue Hills area; and door to door missions to raise awareness.

Bart Brush, local Gardener and former Teacher, has selflessly donated countless hours to projects such as Humboldt's Elementary School's Garden, Native Habitat and Nature Trail; Highlands Center for Natural History School Yard Partnership, U of A Project Harvest and Slow Food; community playground development; and Pioneer Day in collaboration with DHHS.

The committee also recognizes Carl Marsee, posthumously, in recognition of his service to the Dewey-Humboldt Historical Society. Carl's community spirit went above and beyond.

There will be a banquet to honor the VOTY recipients.

Councilmember Treadway made a motion to ratify the Volunteer of the Year 2016 Nominees, seconded by Councilmember Hamilton. The motion passed unanimously.

9.3. Dewey-Humboldt Historical Society's request to use Town property located at 12938 E. Main Street (Agua Fria Festival).

Community Planner Brown offered to speak on this request explaining that he recently processed the application of the DHHS to use the town-owned lot on Main Street during the festival.

Councilmember Hamilton made a motion to approve the Dewey-Humboldt Historical Society's request to use the Town property located at 12938 E. Main Street (Agua Fria Festival), seconded by Councilmember Timmons. The motion passed unanimously.

9.4. Discussion and possible action to accept the letter of waiver of conflict of interest by the Town Attorney for the purpose of facilitating an exchange of real property with the Humboldt Unified School District.

Town Attorney Goodwin noted that the letter in the meeting packet was self-explanatory. Her firm has at times represented the Humboldt School District in legal matters. This matter will involve both the Town and the School District. Her firm will not be representing the school in this issue, they will represent D-H.

Councilmember Hamilton made a motion to accept the letter of waiver of conflict of interest, seconded by Councilmember Wendt. The motion passed unanimously.

10. Public Hearing Agenda. None.

11. Adjourn. The meeting was adjourned at 9:12 a.m.