

**TOWN OF KEARNY
REGULAR MEETING MINUTES**

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEARNY,
ARIZONA, AT THE KEARNY TOWN HALL LOCATED AT 912-C TILBURY DRIVE
ON MONDAY, MARCH 21, 2016, AT 7:30 P.M.**

COUNCILMEMBERS PRESENT

Mayor	Sam Hosler
Vice Mayor	Daniel Radcliffe Sr.
Councilmember	Lana Dalton
Councilmember	David Herrera
Councilmember	Nancy Hinojos
Councilmember	Sheila Stephenson

TOWN STAFF PRESENT

Town Manager	Anna Flores
Town Clerk	Cathy Woolery
Town Attorney	Steve Cooper
Interim Chief of Police	Dave Blue

VISITORS PRESENT

Larna Warren	Joe Weller
Gwen Dinwiddie	Mike Dinwiddie
Carol Lewis	David Wade
Mary King	Tino Flores
Alan Urban	Ken Hebert
Louis Bracamonte	Edna Lawrence
Diana Herrick	Tom Aldrich
James Stewart	Roger Stern
Jeremy Garcia	Jean Slater
Ruben Montano	Don Jones
Lieutenant David Shaw	Sergeant Sam Gonzales

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Hosler called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

INVOCATION

Pastor David Wade of the Lighthouse Assembly of God Church delivered the invocation.

ROLL CALL

Mayor Hosler requested Town Clerk, Cathy Woolery, to call the roll. Quorum was present.

APPROVAL OF MINUTES

Motion by Councilmember Stephenson, **second** by Councilmember Dalton to approve minutes from February 15, 2016 Regular Meeting. **Vote** - All members voted in favor. **MOTION PASSED.**

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CALL TO THE PUBLIC

Mayor Hosler announced that in addition to speaking during call to the public the public will now be allowed to provide their name to the Town Clerk and speak on non-agenda items during the meeting. Carol Lewis commented on the Town park appearance and asked if something could be done to make the park more presentable regarding the weeds, playground area, and trash. Also, Carol Lewis wanted to know the status of requesting possible reimbursement from the Wildan Corporation. Town Manager Anna Flores stated public works department is down two employees; however, the inmate program will be starting soon to alleviate some of the park issues. Town Attorney Steve Cooper discussed in regards to Wildan that Council has never taken any formal action with reimbursement. Also, there are time limits for litigation and costs, and with commercial situations you also have one side pointing to the other side. The best way is to usually work something out with the company itself. Mayor Hosler asked if someone can talk with them and ask them to do the right thing. Steve Cooper stated that the Town Manager has had conversations with Wildan regarding doing the right thing. Mike Dinwiddie also expressed the appearance of the park behind the Town also needs attention. Also, he asked about the Pinal County Building proposal and update on what the County and Town are doing with the building. Mayor Hosler expressed the building is not going to be bought from the Town. Town Manager Anna Flores stated the third proposal went to the County, and we have not heard back from them. Mayor Hosler announced a loader/tractor is being received by the Town from the deal that Dave Orzell had been working on for the golf course. Also, the Journey for a Clean Kearny committee painted the library, cleaning up empty lots, in process of cleaning up area across from old Circle K and planting, and cleaning up of Alden Road with planters and clean up.

SECOND PUBLIC HEARING REGARDING THE USE OF CDBG FUNDS

Town Manager Anna Flores provided background information. Alan Urban of Central Arizona Governments explained the Town will receive an estimated \$418K for a 3-year cycle. The Town can also apply for State Special Project funds up to \$300K. He mentioned the Town will have to complete another income survey which will have to be completed before going to contract. Mayor Hosler questioned the process of surveys and a more simple method of doing the survey. Alan Urban expressed the survey will not be mailed as it was in the past, and they will walk the streets to do the survey. The survey is weighted to the individual circumstances of the household and can also do an event survey which collects random samples. Also, it is critical to a CDBG program that every community has a program to accept grievances from the public. The grievance policy and procedure would be to contact the Town Manager with questions about the project which will be recorded and tracked. The Council discussed the following topics for a final choice of project: 1) Street Improvements - \$383,010 2) Sewer Improvements - \$325,000 3) Senior Care Center/Rehabilitation Facility - \$1M 4) Town Lake Improvements - \$300,000 5) Fire Prevention and Area Restoration Improvements - \$397,000. Mayor Hosler mentioned the Winkelman Natural Resource Conservation District is in process of applying for grant for \$300,000 for the Gila River fire restoration project. Councilmember Herrera expressed the sewer issues are one thing the Town has not dealt with in a long time and has not had any major overhauls, and from a pre-planning perspective the sewer improvements would be a priority. Vice Mayor Radcliffe also agreed and asked if the entire \$418K could be used for sewer maintenance and repairs. Alan Urban responded yes. Councilmember Stephenson also agreed with the sewer project as a priority. Vice Mayor Radcliffe also asked if applying for the \$300K

State Special Project grant could be used for streets. Alan Urban said yes, but it is a competitive grant. Also, Mayor Hosler commented that Pinal County will have a regional transportation authority to work and develop the whole structure of Pinal County and the Town could possibly receive \$300K per year in lieu of special improvements which would be helpful.

Motion by Councilmember Stephenson, **second** by Councilmember Herrera to close the public hearing. **Vote** – All members voted in favor. **MOTION PASSED.**

Motion by Vice Mayor Radcliffe, **second** by Herrera to use the CDBG grant for sewer improvements and to apply for the State Special Projects for \$300K for the street improvements. **Vote** – All members voted in favor. **MOTION PASSED**

PRESENTATION OF THE INMATE PROGRAM

Town Manager Anna Flores introduced Deputy Warden Ruben Montano to present the inmate program. Deputy Warden Montano summarized that the Arizona Department of Corrections is providing inmates throughout the Copper Corridor who are low custody who can earn a bit of money and learn work ethic, and provide a resource to the communities. They will provide two inmates to the Town of Kearny which will cost \$12 per week for 3 hours Tuesday through Friday. They will work closely with the Town staff and can do work with the parks, golf course, streets, etc. They have a checker check the inmates every 90 minutes. The program is a benefit to the Town and to the Arizona Department of Corrections. The contract is to be finalized within the next two weeks as it was sent to their procurement department. Councilmember Hinojos offered her appreciation to the Department of Corrections for bringing the program to Kearny.

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF AN IGA BETWEEN THE TOWN OF HAYDEN AND THE TOWNS OF KEARNY, WINKELMAN AND MAMMOTH

Town Manager Anna Flores provided background information for this item. Vice Mayor Radcliffe stated that this was discussed during the Council Work Session, and it was decided the salary needed to be written into the final job description and IGA. Town Manager Anna Flores asked Alan Urban to address that with the \$65K being the Interim for the Chief salary. Alan stated he would add that. Mayor Hosler clarified this contract is only for the salary of \$65K and not \$80K. Councilmember Herrera said we are voting on the IGA between the Towns and then the other is the Chief position and salary, and could we not just vote on the agreement that we are going to go with the IGA. Councilmember Stephenson commented that the salary range of \$65K to be included in the job description. Vice Mayor Radcliffe said the job description states “initial salary will be \$65K with the potential to increase to \$80K upon the establishment of the Law Enforcement Coalition”. Alan Urban clarified that there are two IGAs on the agenda – one for the IGA regarding the Interim Chief of Police with Hayden and the other is the IGA for the Law Enforcement Coalition. The Law Enforcement Coalition IGA is not particularly time sensitive but the IGA with Hayden for Interim Chief of Police is preferable to resolve in order to advertise and hire the individual before Sergeant Blue leaves as of April 30, 2016. Vice Mayor Radcliffe asked if the interim salary would be \$65K. Attorney Steve Cooper expressed the job description

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states "initial salary will be \$65K with the potential to increase to \$80K upon the establishment of the Law Enforcement Coalition". He summarized the options tonight are to pass the IGA as is, pass it as with the amendment adding the salary on there, or basically pass it and give instructions to Town staff or Mayor of the Coalition to remind them the approval of the IGA was based on the initial salary of \$65K. Attorney Steve Cooper stated this was approved by Hayden along with the job description at their Council meeting tonight. The job description itself, which is the next agenda item, clearly states the \$65K and concerns can be relayed to the Coalition itself. The IGA also is only good for six months and there is a 60 day out provision.

Councilmember Dalton asked if the \$65K includes benefits. Attorney Steve Cooper stated approximately another 30% would be for benefits. Also, Councilmember Dalton asked why the IGA is being split three ways and why is Hayden not paying more since they are doing police services for Winkelman. Attorney Steve Cooper stated he was not in the meetings, and also expressed the caveat that he does represent all three towns. H does not know how they arrived at the number. Louis Bracamonte, Mayor of Winkelman, expressed that they are currently in the IGA with Hayden due to affordability and wanting 24 hour coverage. He will step back from the coalition and will not have a vote, but would make comments if he has a concern. Vice Mayor Radcliffe said his understanding is that Winkelman will not have a vote regarding the coalition. Mayor Hosler expressed that Winkelman has a contractual relationship with Hayden. Attorney Steve Cooper also recommended the services we receive from the Chief will be proportionate to the amount paying for the Chief, and request accounting for that. Mayor Hosler expressed the level of service may not show up as the amount of time the Chief is seen. Vice Mayor Radcliffe stated they still need accountability for the time spent. Mayor Don Jones expressed it was presented to their Council that they are losing Chief Blue so they need to have a Chief, and would be approximately \$35K which is more affordable. Mayor Hosler looks at it with each place, Kearny, Mammoth, Hayden/Winkelman having a Sergeant and a certain number of officers with the Sergeant serving as management and Chief working with the Sergeants. Chief Blue stated this would be under the coalition, but currently the Towns are not sustainable as it is right now. Councilmember Hinojos asked what the salary would be that the Council would feel comfortable with. Attorney Steve Cooper expressed the \$65K is written in the job description and it is also clear with the other Mayors from Winkelman and Mammoth being here at the meeting.

Motion by Councilmember Herrera, **second** by Vice Mayor Radcliffe to approve the IGA between the Towns of Hayden, Kearny, Winkelman, and Mammoth in accordance with council letter no. 1433. **Vote** – All members voted in favor. **MOTION PASSED.**

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF THE CHIEF OF POLICE JOB DESCRIPTION

Town Manager Anna Flores provided background information for this item. Councilmember Stephenson expressed this is well written. Councilmember Herrera asked if the public had any comments. No comments from the public.

Motion by Councilmember Herrera, **second** by Councilmember Hinojos to accept the Chief of Police job description as stated in council letter no. 1434. **Vote** – All members voted in favor. **MOTION PASSED.**

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF THE IGA REGARDING THE COPPER CORRIDOR JOINT ACTION AGENCY FOR LAW ENFORCEMENT, INC. WITH THE TOWNS OF KEARNY, HAYDEN, WINKELMAN AND MAMMOTH

Town Manager Anna Flores requested Alan Urban of Central Arizona Governments provide an update on the status of the Police Coalition. Alan explained the meeting for the task force is scheduled for Tuesday, March 31, 2016, tomorrow night. Mayor Hosler explained they have not finished the work of the coalition and only have recommendations. They have more things that need to be voted on and things which need to be brought in. Councilmember Herrera asked if the coalition has the comments from the Council Work Session. Alan stated he does not have those yet. Councilmember Stephenson suggested postponing this item for a later time.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to table the IGA council letter no. 1435. **Vote** – All members voted in favor. **MOTION PASSED.**

SWIMMING POOL FEES

Town Manager Anna Flores provided background information for this item. Councilmember Stephenson stated the increase is reasonable because chemicals have gone up over the years. Councilmember Herrera also stated he thinks it is reasonable. Mayor Hosler said he hates to see rate increases, but it is the responsible thing to do. Town Manager Anna Flores explained if they buy pool passes the savings is significant, and most residents do buy the pool passes.

Motion by Councilmember Stephenson, **second** by Councilmember Herrera to accept the proposed swimming pool fees. **Vote** – All members voted in favor. **MOTION PASSED.**

APPROVAL OF SCOPE OF WORK FOR PAT WALKER CONSULTING, LLC

Town Manager Anna Flores presented the background information. Vice Mayor Radcliffe asked how much the contract costs last year. Town Manager Anna Flores stated it was the same amount of \$9,500. Councilmember David Herrera said Pat Walker has done an excellent job with the process. Mayor Hosler commented that he would like quarterly reports charting the progress of the budget from Pat which she has not supplied in the past. Town Manager Anna Flores said she would let Pat know about that.

Motion by Councilmember Herrera, **second** by Councilmember Dalton to approve the scope of work for Pat Walker Consulting, LLC under council letter no. 1437. **Vote** – All members voted in favor. **MOTION PASSED.**

CONSIDERATION OF LETTER OF SUPPORT FOR ASARCO PROPOSED RAY MINE TAILINGS STORAGE FACILITY

Town Manager Anna Flores presented this item and introduced Tom Aldrich to present the Asarco proposed tailings facility project. Tom Aldrich explained they are here to seek public support for the Ray Mine Tailing Storage Facility in which the 404 permit was submitted over two years ago to the Army Corp of Engineers for approval. The Army Corp of Engineers released a draft EIS on January 29, 2016, with a public comment meeting held in Kearny on February 24, 2016. The EIS analyzes potential direct, indirect, and cumulative effects associated with construction and operations of the tailings facility, and will evaluate three alternatives; Hackberry wash, Ripsey, and no alternative. ASARCO prefers Ripsey alternative but the Army

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Corps of Engineers will make the decision for the best location. Tailings will be piped across the highway into the Ripsey wash area. Potential areas from Hayden and around the mine have been evaluated, but Ripsey wash is the best location which is on State land and will be purchased by ASARCO through an option process. Drilling and archaeological studies have been approved by the State department. The area of land is 7500 acres. This location will take care of 50 to 70 years of operation with 750 million tons of tailings. Current location of Elder Gulch only has about 10 years of storage left, so a new location is necessary to the mining operation. The new facility in Ripsey wash will require realigning and paving of approximately 6 miles of Florence highway and realignment of part of Arizona Trail. This would happen about 10 years from now. The San Carlos irrigation project line would also be relocated which ASARCO. Also, 134 acres of water for the US will be impacted, and they will implement mitigation and restoration activity. ASARCO has received letters of approval from Hayden and Winkelman. They are also seeking letters of support from Superior, Gila County, Pinal County, Senator Barbara McGuire, Representatives TJ Shopp and Frank Pratt. An air permit from Pinal County and reclamation bond from the state mine inspector for the facility will also be required. Reclamation will be state of the art with new advancements. ASARCO cannot expand Ray Mine until a tailings facility is available. Vice Mayor Radcliffe asked if the facility is going to be directly in the wash. Tom replied yes. Councilmember Herrera expressed his unhappiness in the fact that Ripsey wash drains into the Gila River with the Arizona Trail close by. He stated he feels they can find other accommodations for the facility, and Hackberry is not an option because it is closer to Kearny. Ripsey is used by the whole state of Arizona for recreation and hunting. He feels there is a better option and mitigation for the junk that is close to home, and does not think it is the best plan. Mayor Hosler stated he had attended previous sessions regarding this, but feels Hackberry might be a greater danger to the water than Ripsey. Councilmember Herrera stated Hackberry has a higher gradient. Ripsey wash has lower gradient and more sand that could filter out the tailings water and is concerned the tailings water will affect the ground water at Ripsey. He also expressed the tailings affecting the public as he grew up in Superior and played in the tailings, and has seen some of his friends die from whatever is in the tailings. He is concerned about reprocessing of the tailings. Tom explained that modern day processing does not leave enough value in the tailings to reprocess them. Also, he explains ASARCO has done a lot of geological studies and the ground water will not be affected. The water will be recycled back to the mine. Tom also understands what Councilmember Herrera is saying; however, says they have looked at nine locations, and this makes the most sense from an environmental, geological, hydro-geological, and economical point of view. Mayor Hosler also expressed the recreational value of Ripsey and has taken relatives there who enjoy the area as many residents in the area also use it for family. He understands the tailings have to go somewhere. Councilmember Herrera expressed that Florence and Casa Grande are options, but ASARCO would not have the audacity to ask them and ask us instead because we are small and can be pushed around. Tom explained the distance is just not feasible, the matter is proximity, being competitive and staying in business, not pushing anyone around. Vice Mayor Radcliffe asked if Elder Gulch had been looked at for expansion. Tom stated it has already been expanded in height and no other place to go. Edna Lawrence asked Tom Aldrich if part of the plan is to re-damn and divert the water flow. Tom Aldrich expressed that they do not have the authority to do that and absolutely not the case. Jean Slater asked Tom if the Army Corps of Engineers has approved this. Tom explained this is in the process of being approved by them with taking public support now. She

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expressed this was in the paper several weeks ago for public support, and some of her neighbors are opposed to this. She agrees with Councilmember Herrera regarding contamination, and Hayden has really been affected by it. She is concerned that in the future it may affect people, but we would not know that now. Tom Aldrich clarified that the contamination is not from groundwater but is from the smelters in the past. From 1970s on the smelters have been operating with environmental devices with 99% capture of contamination. Also, studies around smelters do not indicate any higher rates of cancers so cannot really say if it does or does not cause cancer due to too small group of test subjects. Councilmember Herrera stated he did social work and saw a large amount of children with birth defects in the surrounding areas, and you could not really track it; however, we are just expected to take your word that does not have an impact. He does not believe that they operate in an exact science where it may not affect people. Also, he asked if there is any limestone in that area. James Stewart answered there is no limestone. Tom summarized that they think it is the best facility, but the Council needs to be in if they are for or against. Councilmember Stephenson asked is the mine going to continue to operate and continuing cutbacks. Tom Aldrich explained the layoffs are due to the price of copper and have to constantly fight the price for over 100 years. Mayor Hosler expressed he has mixed feelings and mining has improved, but we do not hear good things about Grupo elsewhere in the world, and what do they have in mind for this mine. Tom Aldrich explained they signed agreement with EPA for \$150M and \$190M into Ripsey. Mayor Hosler expressed he knows they have been working on the Ripsey project for years, and if Ripsey is not the location then what is the backup plan. Tom expressed that will be Hackberry. Councilmember Herrera discussed the amount of jobs that are generated from these projects are very miniscule for the Town and concern is leaving the trash behind. Tom stated ASARCO does not feel they are leaving trash behind. Jean Slater stated the cleanup in Hayden for soil contamination was done by ASARCO because the state forced them to do the cleanup, and they sometimes aren't being good neighbors. She was part of a state study with children being affected by contamination which forced ASARCO to clean up. Tom explained the contamination was very small in the Hayden area with no environmental controls in place the first 50 years. The agreement was to clean up the yards and that was done with the EPA overseeing the project, and everything was done that was supposed to get done. Mike Dinwiddie explained that he was neutral on this issue, but if there is not a location for the tailings then he is concerned that they will do strictly leaching with shutting down the concentrator and this will have a big impact on Kearny, Hayden, and Winkelman. Vice Mayor Radcliffe stated he does not like the effects on the Ripsey wash but feels leaching would have a greater impact as he worked there for years. Tom explained the new leaching facility is done with lime in Silver Bell but not lime in this area, and the cone of depression makes all the water head toward the pit. Vice Mayor Radcliffe asked about the ranchers in the area, and A Diamond. Tom replied they have had discussions with A Diamond as they are the only one in the area, and they are fine with the project. Mayor Hosler expressed he is sitting on the fence. Councilmember Herrera stated that he is not sitting on the fence and is looking at the future for the children and the value of life in the area. Tom stated the environmental regulations have provided for great improvement since 50 years ago. Mayor Hosler asked if they could explain more about what keeps anything from leaking from the tailings into Ripsey. James Stewart explained that seepage control channels will be collected in the seepage collection channels, and water coming down Ripsey wash will be diverted around into the Gila River by earthen dams and concrete ponds. Vice Mayor Radcliffe asked about the water coming into the head of Ripsey. James explained that the water coming into the head of

Ripsey will be diverted with a damn being built onto the head end and a starter damn at the lower end which will be about 150 feet high with there on up a centerline cyclone tailings storage facility which will be in the first 25 years of the facility. Councilmember Herrera asked what the distance is of the facility from the river itself. James explained the distance will be about 2000 feet up the wash to the South of the Kelvin highway. Vice Mayor asked if it will be about a quarter of the mile south of the existing Kelvin highway, where would the highway be diverted, and will the A Diamond Ranch be affected. James explained a seepage pond and channel will be between there and the existing Kelvin highway staying on the north side of the mountain following the Gila River around with the A Diamond Ranch staying where it is now. Vice Mayor Radcliffe requested ASARCO come back next month with a map to be able to look at it ahead of time by giving it to Town Manager Anna Flores. Mayor Hosler asked if there is time to do this. James stated yes. Councilmember Stephenson commented that some of the public may want to see the maps also. Tom Aldrich stated also everything is also online at the Army Corps of Engineers. James stated there is some great information on the website. Also, Tom stated James could also provide actual site tours at the site itself. James expressed that April 18, 2016 is when public comment closes for this tailings project. Jean Slater asked if the Army Corps of Engineers denies Ripsey wash then what would happen. Tom Aldrich stated they have two options of Ripsey and Hackberry. James Stewart explained the Army Corps of Engineers would determine which location is least environmentally damaging. Councilmember Stephenson suggested having a special meeting after receiving the maps. Gwen Dinwiddie requested the Council consider when they get more information to be mindful of how many people in the community depend on the mine for economic needs.

Motion by Councilmember Herrera to reject the proposal entirely and vote on it. Motion died due to lack of second. **Motion** by Vice Mayor Radcliff **second** by Councilmember Dalton, to table the item until more information is supplied to us and at that time schedule the meeting. **Vote** – All members voted in favor. **MOTION PASSED.**

INFORMATIONAL ITEMS

Town Manager Anna Flores announced the Town float for Pioneer Days will be at Mayor Hosler's house Friday, March 25th at 4 p.m. All are welcome to come help. Council will also meet at 9:30 a.m. on Saturday at the Mayor's house to ride on the float with the Easter Bunny as the parade begins at 10:00 am. The Easter Egg Hunt will be before the parade on Saturday starting at 8:30 a.m. Volunteers are welcome at 7:30 a.m. On Friday, April 1, 2016, from 2 – 4 p.m. the Church of the Good Shepherd, Ray Hall, will have the second design workshop with ASU students for the Kearny restoration fire. Please attend and provide input for the project. The filtration plant will be started for filtering manually Tuesday, March 22, for 8 hours and by the end of the week should be automatically filtering. They will also be doing a chlorination procedure test.

REPORTS

Mayor Hosler asked if there was any discussion on the reports. Interim Chief Blue stated he was not able to provide a written report due to the fatality incident in Hayden. VIPS meeting will be on Wednesday morning at 10 am. He stated he will have coverage for Pioneer Day and Easter with DPS and some undercover coverage also with enough manpower and resources for traffic.

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control. Officer Landon will be on his own first part of April. Next month he will have a quarterly report to present.

Motion by Councilmember Stephenson, **second** by Vice Mayor Radcliffe to accept the reports.
Vote – All members voted in favor. **MOTION PASSED.**

ADJOURNMENT

Motion by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to adjourn. **Vote** – All members voted in favor. **MOTION PASSED.** Meeting was adjourned at 9:53 p.m.



Sam/Hosler, Mayor



Anna Flores, Town Manager

ATTEST:



Cathy Woolery, Town Clerk