

**TOWN OF KEARNY
SPECIAL 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 WEDNESDAY, MARCH 30, 2016, AT 6:00 P.M.**

COUNCILMEMBERS PRESENT

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

TOWN STAFF PRESENT

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

VISITORS PRESENT

Larna Warren	Joe Weller
Debra Sommers	Carol Hosler
Gwen Dinwiddie	Mike Dinwiddie
Carol Lewis	James Hosea
Jonathan Strickland	Tino Flores
Tom Aldrich	CB Mapes
Mike Kotraba	James Stewart
Jim Tress	

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

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

Town Manager Anna Flores presented information and introduced ASARCO representatives: James Stewart - Technical Services Manager, Tom Aldrich – Vice President of Environmental Services, Jim Tress – Westland, and Mike Kotraba – General Manager Ray Mine. James Stewart presented a brief outline of the mine operation which has the following locations – Ray Complex, Silver Bell Mine, Mission Complex, Hayden Smelter, and Amarillo Copper Refinery. ASARCO submitted the Section 404 permit application for a new tailings storage facility in 2013. Ray Mine employs approximately 800 employees, and the mine has a concentrator, leaching, SX plant, electrowinning facility, cathode, and Elder Gulch tailings storage facility. Elder Gulch tailings facility has a remaining capacity of 90M tons. A new tailings storage facility is required due to the limited additional capacity of Elder Gulch with a need to support continued future operations of the mine. The total future requirement is 750M tons. Some of the

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main permits required for the facility are AZ Aquifer Protection permit, AZ 401 Certification, AZ AZPDES Storm Water permit, ACOE Clean Water Act 404 permit (submitted in March 2013), 404(b)(1) alternative analysis (July 2015). Jim Tress explained the permit Clean Water Act 404 Permit is required for discharge of build material into the waters of the United States. Army Corps of Engineers and the EPA are the oversight agencies for the permit. The purposes of the 404 Permit/EIS is to find the best location which has the least impact on the waters of the United States, is practical, and is capable of being done. Six different sites were identified – Devils Canyon, Granite Mountain, West Dam, Hackberry Gulch - 2 configurations, Ripsey Wash - 3 different configurations, and E Dam. The most practical alternatives with much less impact are Ripsey Wash and Hackberry Gulch. The Army Corp of Engineers has taken these alternatives and published the draft EIS which the public has been asked to comment on. Councilmember Herrera asked for clarification on the location of Hackberry and is it actually Hackberry Gulch and not Hackberry Wash which is closer to Kearny. Jim confirmed it is Hackberry Gulch by the mine. Ripsey Wash location is the proposed action and preferred alternative for the tailings storage facility. Jim explained the proposed State land acquisition, drainage, diversion channels and dams, pump station, run-off channels, stormwater and seepage ponds, Florence highway alignment and paving, new power line location, and pipelines. Mayor Hosler asked who is paying for the relocation of the power lines. Jim stated it is paid by ASARCO as are all the studies and third party contractor costs. Hackberry in comparison to Ripsey Wash would be much more visible to the surrounding community. In comparison of the two locations the Army Corps of Engineers will be considering less visual impact, less risk of seepage, nature of construction regarding stability and topographic consideration, centerline construction period and length of reclamation program, presence of wetlands, location to the Gila River and state highway. Councilmember Herrera asked if Jim could discuss permeability safety factors of Ripsey Wash. The initial design and construction of the seepage facility is important with Ripsey having two ponds with cut off walls for managing that. James Stewart summarized that Ripsey Wash is the preferred alternative, and the two seepage ponds are a big components of how they manage the tailings. Also, the facility will be at the lower end of the wash leaving a lot of the wash available for recreational area. He also explained the factors of a new Gila River Bridge, movement/pavement of the highway, burying of pipeline, and moving of electrical lines. The distance of the starting embankment is just above three quarters of mile from the Gila River and moving forward to the centerline; on up to the final embankment will be about 3000 feet from the Gila River. The seepage collection trench will establish a positive drainage collection to ensure nothing gets pumped past that. Reclamation will be done right away with each phase, and final reclamation will be done to reclaim all of it to facilitate any water on top of the dam, dust, and erosion. The schedule will be another year of work of engineering after receiving permit and then another three years after receiving permit to start the work. Councilmember Herrera asked about the small pond close to the Gila River and would water from that drain into the Gila River. James explained that is the lowest point in the tailings, and is used to manage safety issues as a valve to use for maintenance any time the pump may go down. The drain-down pump will hold excess capacity that is in the line. It will be built with excavating the land with dual liners which meets current design criteria. Mayor Hosler asked about other processes involved such as what will be done with the flora and fauna. James stated ASARCO will be doing selective harvesting and works with other contractors who take the cactus. Mayor Hosler commented that there will be a loss to the community for hunting, fishing, and he wishes the government had a process for the people to be compensated with something else such as a land

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swap. Tom Aldrich expressed they are working with Arizona Game and Fish to become the land manager on 1000 acres by the San Pedro which will eventually be opened to the public. Mayor Hosler asked if they could get public access to the White Canyon Wilderness. Tom Aldrich said it used to be open until the vandalism, but he will talk that over and see what they can do. Mayor Hosler asked for public comment. James Hosea expressed his concerns over ASARCO currently taking away hunting and access to use of the river. He said ASARCO posts signs with no trespassing in the White Canyon area and blocks access with fences along the Gila River. They are creating a danger with the tubers in going down the Gila River because access is blocked when they are trying to get off of the river. ASARCO also runs buses in and out of the community for employees, hire people who don't live here, and have empty houses which devalues the property. Citizens are very concerned about the housing and the tax base dropping. He states there are wild burros in Ripsey that he doesn't know what they are doing with that. He suggests keep looking at Elder Gulch as an option to keep the tailings there. The only land traded was to the Audubon Society. Mayor Hosler asked for response from ASARCO. Tom Aldrich expressed it is what it is. Edna Lawrence asked if it is true this mine will eventually be automated; so down the road if it is automated ASARCO is going to get what they want anyway. She expressed they lead the people to believe there is going to be a lot of jobs, but there really isn't. Tom Aldrich expressed he cannot answer that, but the mine has been automated a lot over the past years. He said you cannot automate everything, and there will be new jobs.

Councilmember Herrera commented we would like ASARCO to promote tourism because he feels we are not offering anything more with losing Ripsey wash, and hopes ASARCO would consider making things better. Tom Aldrich said he would carry the message back.

Councilmember Stephenson stated we need to keep the jobs we have and concerned for the citizens who need the jobs at the mine. Mayor Hosler stated we need more jobs. Also, there is an error in the presentation as it states the income level is at the moderate level for the Town and it is not. Mayor Hosler said the income level is 60% low to moderate income based on the special survey conducted. Tom Aldrich confirmed he had heard that at the last Council meeting and would note that. Councilmember Herrera expressed appreciation for ASARCO providing more information at this meeting especially with the geology. Carol Hosler expressed that she is having a flashback with the Bank of the West situation when they were leaving the Town, and the corporations saying they hear us. She wishes to have a concrete plan or proposal to assist the Town with economic development and is tired of corporations just saying we hear you. John Strickland stated he is a resident, works for the mine as a supervisor, owns a home here, and is scared of what happens if the mine shuts down in 10 years. Councilmember Herrera commented he grew up in Superior, the mines will do what the mines will do, and does not want to be moved by that, and we are at the beck and call of ASARCO. Mayor Hosler stated he wishes we had more jobs also other than ASARCO to move us from the cyclical economy that happens to the community, because what happens to the mine happens to the price of houses as the price of copper fluctuates. We need other businesses to help us with employment, residence, building the tax base, and build a stronger school, and be good citizens to each other. Tom Aldrich reiterated he would take the messages back from tonight to corporate headquarters to do what they can and more to make Kearny a better place. He has seen things change over the last 30 years with population dropping. Kearny holds a special place for him as he was a resident and raised his family here.

Motion by Councilmember Stephenson, **second** by Councilmember Hinojos to submit a letter of support to ASARCO with their plan that will keep our people working that are working and hopefully more people according to Council letter no. 1439. **Vote** – Vice Mayor Radcliffe, Councilmember Hinojos, and Councilmember Stephenson voted in favor. Councilmember Herrera voted Nay. **MOTION PASSED.**

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

Town Manager Anna Flores provided background information for this item. Mayor Hosler explained the revision was designed to bring in a Chief who might help with an initial salary of \$65K with a potential to increase to \$80K after a 90 day probation period. It was discussed and decided that the hiring process will involve all of the towns. This is on the agenda for the intention of being able to address this for posting and receiving applications and to get a Chief as soon as possible. The range is to attract more candidates and get their attention. Councilmember Stephenson asked if Hayden hires them they will start at \$65K, and if the increase to \$80K is when the coalition is formed. Mayor Hosler explained that when the coalition is formed the town police departments will not be operating any longer. The regional program would have one Chief, three Sergeants, police officers, dispatchers, and equipment. If the coalition tries and fails then that person could go back and ask the Hayden police department for their position and pay. Vice Mayor Radcliffe clarified that this salary is just for the IGA with Hayden for the Chief of Police and not for the coalition. He expressed that if the coalition is not formed by the 90 day period then this IGA should be revisited with Hayden. Town Manager Anna Flores confirmed that Vice Mayor Radcliffe is correct. Councilmember Hinojos asked how much Kearny has paid in the past for the Chief of Police. Town Manager Anna Flores said \$68K. Councilmember Hinojos stated that even if we pay the Chief \$80K it is still a lot less than what we have paid in the past. Town Manager Anna Flores said the \$38K is based on the \$80K plus benefits. Vice Mayor Radcliffe confirmed that the \$38K is the maximum amount we would have to pay based on the \$80K plus benefits. Mike Dinwiddie asked if the Chief automatically gets the \$80K at the end of 90 days, should be progressive with performance, and that is a big jump for 90 days. Vice Mayor Radcliffe explained it states with the potential to increase to \$80K. Mayor Hosler said that is implied by the range. Vice Mayor Radcliffe suggested it should be reviewed by all the towns after 90 days. Councilmember Stephenson said she would like a job with a pay increase like that. Mayor Hosler explained that it has to be feasible in order to get started and \$80K is more attractive to candidates for the towns. Councilmember Stephenson clarified that this is not for the coalition. Vice Mayor Radcliffe reiterated that all the towns should be involved after the 90 day probation period giving their input on the performance of the Chief and should be in the IGA. Councilmember Stephenson agreed. Town Manager Anna Flores explained the IGA does state “upon agreement with the towns” so they still have a voice to be able to express what they need to for the performance.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Herrera to approve Council Letter No. 1440. **Vote** – All members voted in favor. **MOTION PASSED.**

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

Town Manager Anna Flores provided background information for this item. Mayor Hosler asked Town Manager Anna Flores if this is the same IGA that was previously approved. Town Manager Anna Flores explained that this had to be brought back to Council because it is connected to the revised job description, but it is the same IGA.

Motion by Councilmember Stephenson, **second** by Councilmember Herrera to approve the IGA again. **Vote** – All members voted in favor. **MOTION PASSED.**

ADJOURNMENT

Motion by Vice Mayor Radcliffe, **second** by Councilmember Herrera adjourn. **Vote** – All members voted in favor. **MOTION PASSED.** Meeting was adjourned at 7:23 p.m.



Sam Hosler, Mayor



Anna Flores, Town Manager

ATTEST:


Cathy Woolery, Town Clerk