

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

Tuesday, March 5, 2013, 6:30 P.M.

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

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

AGENDA SUMMARY

1. **Call To Order.** The meeting was called to order at 6:30 p.m. Mayor Nolan presided.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Led by Bob Greene.
 - 2.2. **Invocation.** Given by Councilmember Nancy Wright.
3. **Roll Call.** Town Council Members Arlene Alen, David Hiles, Mark McBrady, Denise Rogers, Nancy Wright; Vice Mayor Dennis Repan; and Mayor Terry Nolan were present.
4. **Announcements Regarding 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.

Mayor Nolan thanked everyone for attending Councilmember Roger's memorial service for her mother.

4.1. EPA visit and update regarding the Superfund sites.

Jeff Dhont, EPA Project Manager for Iron King Mine and Humboldt Smelter Superfund Site gave a PowerPoint presentation on the history of the mine and smelter, and the testing and cleanup conducted to-date. There was discussion on remediation, progress and goals. He answered questions asked by Council and the public.

Public comment was taken on this item.

Garry Rogers asked about sampling and voiced his concerns about arsenic contamination.

Jerry Brady spoke on historic studies done at these sites and his recommendation to review those studies.

Sandy Geiger asked about other contaminants besides arsenic and lead; coordinating with University of Arizona on their result; asked if anything EPA needed from Council or the community.

Jeff Dhont responded to question and explained EPA still needs the support of the community for the long-run clean-up and as a conduit for good communication.

Members of the Garden Roots project were in attendance and introduced. Rayna Mayer spoke on their looking into exposure of children to arsenic.

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

None.

6. **Consent Agenda.**

6.1. Minutes. Minutes from the February 12, 2013 Work Session and February 19, 2013 Regular Meeting.

Vice Mayor Repan made a motion to approve the minutes from the February 12, 2013 Work Session and February 19, 2013 Regular meeting as presented, seconded by Mayor Nolan. It was approved unanimously.

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

Bob Greene spoke on Councilmember McBrady, and recommended he resign and stated he would be obtaining a recall petition in the morning.

Jerry Brady spoke on the Law Library in Prescott having much information on this area (mining) and recommended having NAU do a study on this.

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.

None.

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

9.1. Town Prosecutor Contract. Discussion and possible action to approve a contract with Carrie A. Montavon, PLLC for prosecutorial services.

Town Manager, Yvonne Kimball gave an overview, explaining the contract has expired but Ms. Montavon working with the town and maintaining the same rate. Staff recommended accepting the contract.

Town Attorney, Phyllis Smiley spoke on those areas of the contract which were revised, but it being basically the same contract.

Vice Mayor Repan made a motion to approve and accept the contract with Carrie A. Montavon, PLLC for prosecutorial services, as presented, seconded by Councilmember Hiles. It was approved unanimously.

9.2. Letter to ADOT in support of keeping the widening of S.R. 89 from Chino Valley to Deep Well Ranch Rd. in ADOT's 5-year plan. Discussion and possible action to approve sending a letter to ADOT in support of the retention of the widening in ADOT's 5-year plan. [CAARF requested by Mayor Nolan]

Mayor Nolan gave an overview and explanation for support. There was discussion.

Vice Mayor Repan made a motion to approve sending a letter of support for this project, seconded by Councilmember McBrady.

Public comment was taken on this item.

David Nystrom spoke on the town supporting this by having a member of the Council on the CYMPO Executive Board.

Bart Brush spoke against the letter of support and expressed his concerns for overspending.

Jerry Brady spoke on a Supreme Court ruling regarding government officials.

A vote was taken on the motion, which passed by a 4-3 vote in favor, Councilmembers Hiles, Rogers and Wright voting against.

9.3. Town Hall Facilities Options. Discussion only of the Town's options. [CAARF requested by VM Repan]

At 8:08 p.m. Councilmember McBrady recused himself from the discussion and stepped down from the dais.

Vice Mayor Repan spoke on his request to follow-up on obtaining an appraisal for Humboldt Station and concerns why the process had not proceeded. He read his statement regarding Mark McBrady, the Town's landlord, and his business problems, and how it affects the town and citizens' opinion.

Mr. McBrady's agent, Mr. Frederickson, spoke on efforts to restructure McBrady's businesses.

Public comment was taken on this item.

Jack Hamilton asked about timeframe to resolve this issue.

Jerry Brady spoke on the trustee sale and how it relates to an economic and development plan.

9.4. Discussion and possible action or direction to staff related to the Notice of Trustee's Sale for property owned by Humboldt Station, Inc. (Parcel Nos. 402-08-079B and 402-090-024F), including possible purchase or lease. 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.

Vice Mayor Repan made a motion to go into executive session on this item, seconded by Councilmember Alen. It was approved by a 6-0 vote in favor, CM McBrady being recused from the vote. Council went into executive session at 8:18 p.m.

9.4.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding to the Notice of Trustee's Sale for property owned by Humboldt Station, Inc. located at 2735 South Highway 69, Dewey-Humboldt, Arizona, including financing options, and 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 the possible purchase or lease of real property located at 2735 South Highway 69, Dewey-Humboldt, Arizona.

9.4.2. Reconvene Regular Meeting.

Council reconvened into Open Session at 9:41 p.m.

9.5. Discussion and possible action to approve a settlement agreement in the matter of Price v. Town of Dewey-Humboldt. 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 Hiles recused himself from this agenda item. Councilmember McBrady was still recused from this meeting.

Mayor Nolan made a motion to go into executive session on this item, seconded by Councilmember Wright. It was approved by a 5-0 vote in favor, Councilmembers Hiles and McBrady being recused from the vote. Council went into executive session at 9:43 p.m.

9.5.1. Recess into and hold an executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in settlement discussions conducted in order to resolve litigation in the matter of Price v. Town of Dewey-Humboldt.

9.5.2. Reconvene Regular Meeting.

Council reconvened into Open Session at 9:51 p.m.

Vice Mayor Repan made a motion to accept the settlement agreement as presented, seconded by Councilmember Wright. It was approved by a 5-0 vote in favor, Councilmembers Hiles and McBrady being recused from the vote.

10. Public Hearing Agenda. None.

11. Comments from the Public.

Jerry Brady spoke on an event at Arcosanti regarding the Economic Development Plan and realignment process at Cordes Junction. He stated he would make a records request for the settlement agreement.

12. Adjourn.

The meeting was adjourned at 9:54 p.m.