

**REGULAR MEETING MINUTES  
DUNCAN COMMON COUNCIL  
THURSDAY, SEPTEMBER 7, 2017, 5:00 PM  
DUNCAN TOWN HALL; 506 SE OLD WEST HIGHWAY**

**CALL TO ORDER:** MAYOR WATERS CALLED THE MEETING TO ORDER AT 5:03 PM.

**ROLL CALL:** COUNCILMEMBER DEBORAH MENDELSON, COUNCILMEMBER ANNE THURMAN, VICE-MAYOR DENISE ICE, MAYOR BILLY WATERS, AND TOWN MANAGER JOHN BASTEEN JR. ARE PRESENT. COUNCILMEMBER DOUG BARLOW AND TOWN ATTORNEY DAVID WARD ARE ABSENT. QUORUM PRESENT.

**PLEDGE OF ALLEGIANCE:** LED BY MAYOR WATERS.

**OPENING PRAYER:** LED BY VICE-MAYOR ICE.

1. **CONSENT AGENDA:** COUNCILMEMBER ANNE THURMAN MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER DEBORAH MENDELSON SECONDED. ALL FAVORED. MOTION CARRIED.

2. **CALL TO THE PUBLIC:** ATTORNEY GRANT WALKER ADDRESSED THE COUNCIL FOR BILL CULL. HE SAID MR. CULL HAS AN ACCESS AND BOUNDARY ISSUE WITH THE TOWN OF DUNCAN ON HIS PROPERTY AT 305 HIGH STREET. HE PASSED OUT MAPS TO THE COUNCIL FOR THE PROPERTY IN QUESTION. COUNCILMEMBER MENDELSON WANTED TO KNOW IF THE DWELLING IS ON MR. CULL'S PROPERTY. HE SAID IT IS LOCATED ON DUNCAN TOWNSHIP SUBDIVISION AND MR. CULL OWNS LOT B, LOT C, LOT 6 AND LOT 3. HE SAID WHEN MR. CULL BOUGHT THIS PROPERTY, HE WAS UNDER THE UNDERSTANDING THAT HE WAS BUYING THOSE LOTS PLUS THE FRONT LAWN AND THE FLAT AREA ALL THE WAY TO PARKS CANYON ROAD. HE SAID THAT WAS THE WAY IT WAS SOLD TO HIM AND THE WAY IT WAS DESCRIBED TO HIM AND THAT IS WHAT HE THOUGHT HE WAS BUYING. THEY DID SOME HISTORICAL RESEARCH AND DISCOVERED THE TOTAL UNIT WAS BUILT AROUND 1935, BY A FORMER MAYOR OF THE TOWN OF DUNCAN AND HE ACQUIRED THE TITLE ALL THE WAY TO THE CORNER, BUT PASSED AWAY BEFORE HE RECORDED ANY OF THE PAPERWORK. HE SAID THE OWNER OF LOT 29 STARTED GRADING HIS PROPERTY AND PUSHING MATERIAL ONTO THE FLAT AREA BELONGING TO THE TOWN. HE SAID THAT IS WHEN MR. CULL PAID TO HAVE THE LAND SURVEYED AND DISCOVERED THAT THE TITLE TO THE PORCH AND LAWN AND THE 35' FLAT AREA TO THE CORNER OF PARKS CANYON BELONGS TO THE TOWN OF DUNCAN.

HE SAID THEY ARE PROPOSING A WIN/WIN SOLUTION FOR MR. CULL AND ALSO FOR THE TOWN OF DUNCAN. HE SAID MR. CULL WOULD LIKE TO PURCHASE PART OF THE CORNER, ORIGINALLY HE WANTED TO PURCHASE THE ENTIRE CORNER AND HE UNDERSTANDS THAT WAS NOT ACCEPTABLE TO THE COUNCIL, SO HE WOULD LIKE TO BUY PART OF IT, HE SAID THE PROPERTY IS OF NO USE TO THE TOWN, BECAUSE IT IS SO MUCH HIGHER THAN THE REST OF THE FLAT AREA AND IT IS THE FRONT DOOR TO THE HOUSE.

HE SAID THEY SPOKE WITH TOWN ATTORNEY WARD AND HE SUGGESTED GETTING ACCESS FROM HIGH STREET RIGHT UP TO THE PROPERTY. HE SAID ONCE YOU GO LOOK AT THE PROPERTY YOU SEE THE STONE WALL IS 5' HIGH AND THE PROPERTY SLOPES UP FROM THERE AND IF THE PROPERTY IS CUT THERE, YOU HAVE SOMEONE COMING OFF OF HIGH STREET INTO A REAL STEEP DRIVEWAY AND YOU HAVE A DRAINAGE PROBLEM AND WATER AND SILT AND GRAVEL COMING OFF OF THE HIGHER PROPERTY DOWN ONTO THE ROAD. HE WOULD NOT HAVE AN ADEQUATE TURN AROUND SPACE AND BACKING DOWN THE DRIVEWAY WOULD CERTAINLY BE EXTREMELY DANGEROUS WITH THE TRAFFIC ON HIGH STREET.

HE SAID ON THE FLAT AREA TRAFFIC SOMETIMES CUTS THE CORNER AND COMING DOWN FROM PARKS CANYON ROAD YOU CAN CUT THE CORNER THE OTHER WAY AND AVOID THE STOP SIGN AND THAT MAY ALSO BE HAPPENING. HE SAID THE TOWN WOULD STILL HAVE AN AREA OF ABOUT 35' X 125' AND THAT WOULD ALLOW VEHICLE ACCESS ONTO MR. CULL'S PROPERTY AND A TURN AROUND AREA. MAYOR WATERS SAID THEY CANNOT MAKE ANY DECISIONS DURING CALL TO THE PUBLIC, BUT THEY WILL DECIDE IF IT NEEDS TO BE ON THE AGENDA. ATTORNEY WALKER SAID MR. CULL IS WILLING TO PAY TWICE THE APPRAISED VALUE ON A SQUARE FOOTAGE BASIS, IT WOULDN'T BE A GIFT AND IT WOULDN'T BE AN ADVERSE POSSESSION, IT IS MONEY IN THE TOWN'S COFFER FOR PROPERTY MUCH OF WHICH YOU CAN'T USE AND THEY ARE TRYING TO MAKE IT SAFE AND RIGHT NOW THERE IS NO LEGAL VEHICLE ACCESS ONTO MR. CULL'S PROPERTY. HE SAID THEY WANT TO DO THIS AS AMICABLY AS POSSIBLE ON A WIN/WIN BASIS.

BECKY BELL AND DUNCAN HIGH STUDENTS REPORTED THAT A GROUP OF EIGHT STUDENTS WERE ABLE TO GO TO FLORIDA TO THE INTERNATIONAL SPACE SETTLEMENT DEVELOPMENT DESIGN COMPETITION AT THE END OF JULY. SHE SAID SHE ASKED THEM IF THEY WOULD TELL THEIR FAVORITE PART OF THE TRIP AND THEY WERE ON THE FRONT PAGE OF THE COPPER ERA THIS WEEK. TWO STUDENTS REPORTED ON WHAT THEY LIKED THE MOST.

MS. BELL SAID THAT OF THE EIGHT STUDENTS, THREE OF THEM HAD NEVER FLOWN BEFORE AND NONE OF THEM HAD EVER BEEN TO THE ATLANTIC OCEAN BEFORE. SHE SAID THEIR TEAM OF EIGHT JOINED FIVE OTHER TEAMS TO MAKE A COMPANY. THE OTHER TEAMS WERE FROM THE UNITED KINGDOM, TWO FROM AUSTRALIA, INDIA, CALIFORNIA AND URUGUAY. THEY WERE THE RUNNER UP COMPANY. SHE SAID IN TWO DAYS, THE 60 KIDS CAME UP WITH A 30 MINUTE PRESENTATION OF A 50 PAGE PROPOSAL TO BUILD A SETTLEMENT ON THE SURFACE OF VENUS. SHE SAID IF THE PEOPLE WHO DID THE PRESENTATION WOULD HAVE DONE JUST A LITTLE BIT BETTER THEY WOULD HAVE WON. SHE SAID THEIR PROPOSAL WAS AMAZING, BUT THE PRESENTATION WAS A LITTLE LACKING.

SHE SAID JILL WEARNE WAS THE OTHER TEACHER WHO WENT, BECAUSE THEY HAD TO HAVE 2 CAR DRIVERS. THEY WOULD NOT LET THEM IN FOR FEAR THEY WOULD HELP THE KIDS OUT, SO SHE AND JILL HAD WAY MUCH MORE FUN THAN THE KIDS DID. SHE THANKED THE COUNCIL SO MUCH FOR THEIR DONATION.

- 3. TOWN MANAGER'S REPORT:** MANAGER BASTEEN SAID THERE WAS A BIT OF HOLD UP ON THE PLANE. HE SAID FINDING THE PAINT WAS TOUGH, SO THEY HOPE TO GET THAT DONE IN THE NEXT TWO WEEKS. MAYOR WATERS SAID MONDAY OR TUESDAY THEY CAN MAKE A TRIP TO PICK IT UP.

HE ALSO REPORTED THAT THEY ARE PLANNING TO PATCH THE HOLES AT HUNTER ESTATES. HE SAID HE MIGHT BE WORKING WITH THE COMPANY WHO IS WORKING ON THE HIGHWAY AND HOPEFULLY GET THEM TO REDO SOME ROADS.

HE SAID HE SUBMITTED THE FMI GRANT AND THE WIFA GRANT. HE WILL SUBMIT 2- UNITED WAY GRANTS THIS WEEK.

YESTERDAY HE WAS IN CONTACT WITH THE MAYOR OF THE VILLAGE OF VIRDEN AND SHE HAS CONCERNS THAT THERE WILL BE A NEW AIRFORCE TRAINING IN THE AREA. THE FLY ZONE HITS THE BOTTOM OF GREENLEE COUNTY. COUNTY SUPERVISOR LUNT SAID THEY HAVEN'T ADDRESSED THE FLY ZONE IN OVER 30 YEARS, SO WHAT THEY ARE DOING IS REDOING THE EIS. HE SAID YOU ATTEND THOSE MEETINGS, BUT YOU ARE NOT ALLOWED TO COMMENT. HE SAID IT IS REALLY A DONE DEAL. MANAGER BASTEEN SAID THAT THE MAYOR OF THE VILLAGE OF VIRDEN WAS CONCERNED SO HE WANTED THE COUNCIL TO LOOK AT IT.

LAST MONDAY HE AND THE MAYOR MET WITH THE GOVERNOR. HE SAID THEY BOTH JUST GOT TWO MINUTES EACH. HE SAID HE BROUGHT UP ABOUT WHAT WAS GOING TO HAPPEN WITH THE CDBG, THEY REALIZED IT WAS A FEDERALLY FUNDED PROGRAM, BUT IF THEY COULD CONTINUE TO FIGHT FOR IT, THAT WOULD BE GREAT. HE ASKED HIM ABOUT ALL THE FUNDS THAT THE TOWN RECEIVES MONEY FROM. THE GOVERNOR SAID THEY ARE GETTING BACK TO THE BLACK, SO THAT IS POSITIVE. THEY ALSO TALKED ABOUT WATER RIGHTS. THEY ASKED ABOUT THE STATE OWNED LOTS AT BABBITT HEIGHTS. THE GOVERNOR SAID THEY ARE NOT INTERESTED IN OWNING ANY RESIDENTIAL LOTS IN GREENLEE COUNTY, BUT IT IS THE SAME PROCESS. YOU HAVE TO APPLY, PAY FOR A SURVEYOR, GET AN APPRAISAL AND THEN IT WILL GO OUT TO BID. THEY CAN GET SOME OF THEIR MONEY BACK, BUT IT WILL STILL GO OUT TO BID. WHOEVER COMES IN HAS TO BUY ALL THE LOTS, THEY WILL NOT SELL ANY INDIVIDUAL LOTS.

HE ALSO MET WITH TOM O'HALLERAN AND TALKED TO HIM ABOUT CDBG FUNDS AND HE SAID HE DOESN'T SEE IT BEING CUT, BUT NOW WITH HURRICANES HARVEY AND IRMA THEY ARE CONCERNED ABOUT FEDERAL MONEY. HE ALSO MENTIONED THE LOTS AT BABBITT HEIGHTS AND HE WAS GOING TO LOOK AT THEM, BUT THEY WERE DOWN HERE HANDING OUT BOOKS TO THE DUNCAN LIBRARY AND THEY MET WITH DVEC.

MANAGER BASTEEN SAID THEY WERE BOTH PRETTY GOOD MEETINGS, IT WAS NICE TO SEE SOME PEOPLE FINALLY COME DOWN TO DUNCAN. THE MAYOR SAID THE GOVERNOR ON THE NEXT VISIT WOULD LIKE TO COME TO DUNCAN AND VISIT HERE.

4. **GREENLEE COUNTY BOARD OF SUPERVISORS:** SUPERVISOR RICHARD LUNT REPORTED THAT THE MAYOR AND MANAGER DID AN OUTSTANDING JOB. HE SAID FMI HAS SOMEONE SETTING ON THE TASK FORCE FOR WATER RIGHTS AND THEY WANT TO METER THEIR WATER, BUT IT IS ALREADY METERED. HE SAID THE COUNTIES ARE REPRESENTED BY CRAIG SULLIVAN AND EVERYTIME THEY MEET HE CALLS HIM AND TELLS HIM WHAT HAPPENED. HE BELIEVES THAT IF THEY ARE GOING TO TAKE THE WATER, LET'S MAKE IT PROFITABLE FOR US AND FUTURE GENERATIONS.

HE SAID THEY DID CALL JUAN BUSTAMONTE AND THEY ARE REALLY PUSHING ON THAT, THEY ARE GOING TO TRY TO HOLD THE GOVERNOR'S FEET TO THE FIRE AND SAY HEY. HE SAID THEY SHOULD BE SOLD INDIVIDUALLY AND NOT ALL TOGETHER.

THIS MONDAY, SEPTEMBER 11<sup>TH</sup>, ANDY TOBIN, ACC COMMISSIONER, THE COUNCIL IS INVITED TO THE DINNER FROM 7:00 PM TO 9:00 PM AT THE COURTHOUSE. TUESDAY, SEPTEMBER 12<sup>TH</sup>, HE

IS HAVING AN OPEN ACC HEARING AT THE BOARD OF SUPERVISORS MEETING ROOM. HE WILL BE IN DUNCAN AT 1:00 PM AT THE RAILROAD CROSSING. HE WILL TOUR DVEC FACILITIES UNTIL ABOUT 4:00 PM. THE GREENLEE COUNTY FAIR WILL RUN FROM SEPTEMBER 14<sup>TH</sup> THROUGH THE 17<sup>TH</sup>. SEPTEMBER 22<sup>ND</sup> AT EAC, LEE LITTLE THEATRE IS A GILA WATERSHED PARTNERSHIP PRESENTATION FROM 8 AM TO 3:30 PM.

5. **GREENLEE COUNTY SHERIFF'S DEPARTMENT:** SHERIFF TIM SUMNER REPORTED THAT THEY HAVE HAD A FEW SERIOUS CASES THIS MONTH. THEY FOUND AN INDOOR MARIJUANA FARM IN THE DUNCAN AREA AND ON MULE CREEK HIGHWAY 78 THEY HAD A BIG COCAINE BUST OF ABOUT \$2.3 MILLION WORTH. HE HAS BEEN BUSY WITH COURT HEARINGS. THEY'VE BEEN MAKING SOME PROGRESS WITH OTHER ACTIVITY. THERE WAS A JUNIOR HIGH BOY WHO HAD HIS BACK HURT PLAYING FOOTBALL. THEY JUST RECENTLY HIRED 3 DEPUTIES WHO WILL BE STARTING IN THE POLICE ACADEMY IN OCTOBER. THEY WERE AWARDED A GRANT FROM UNITED WAY TO FUND A DRUG DOG. HE SAID OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH AND THEY WILL HAVE INFO AT THE TRAIN DEPOT IN CLIFTON ON SEPTEMBER 29<sup>TH</sup>. CRIME WATCH IS DOING WELL, CLIFTON HAS HAD A GOOD TURN OUT AT THE SENIOR CENTER. MORENCI HAS HAD NOTHING BUT NO SHOWS, SO THEY CANCELLED THOSE MEETINGS. THIS NEXT MONTH THEY ARE PUSHING SURVEILLANCE SECURITY SYSTEMS. HILDA'S HAS HAD NO PROBLEMS SINCE THEY INSTALLED A CAMERA. HE SAID HE RECOMMENDS THAT A MOTEL CLOSE TO A BAR GET ONE INSTALLED. HE ASKED IF ANY CONCERNS ABOUT THEM CLOSING I-10 CAME UP. THE MAYOR SAID NO. THE SHERIFF SAID IF THEY GET A CHANCE TO TALK TO SOME OF THEM AGAIN PERHAPS THEY CAN MENTION THAT OR MAYBE INVITE THEM OVER WHEN THAT PEAK SEASON OF BLOWING DUST IS HERE.
  
6. **UPDATE ON FIVE YEAR PLAN:** MANAGER BASTEEN SAID HE SPOKE WITH MR. PUPO AND HE WANTS TO GET SOME DATES AS TO WHEN HE SHOULD COME DOWN AND SPEAK WITH THE COUNCIL. HE SAID DECEMBER WILL BE BUSY, SEPTEMBER IS BUSY, OCTOBER AND NOVEMBER IS NOT OUT OF THE PICTURE AND HE IS EVEN LEANING TOWARD JANUARY. HE WANTS TO KNOW WHAT THE COUNCIL WANTS AND HE WANTS TO TAKE HIS TIME AND BE HERE. HE SAID EVEN JUST INDIVIDUALLY IF HE NEEDS TO, BASICALLY WHEN CAN THEY START? WHAT DO WE WANT TO SEE IN THAT FIVE YEAR PLAN AND HOW DO THEY WANT TO GO ABOUT IT. VICE-MAYOR ICE SAID SHE THOUGHT THAT IS WHAT HE WAS GOING TO DO IS SPEAK TO THEM INDIVIDUALLY. COUNCILMEMBER MENDELSON SAID THEY WILL PUT HIM UP ANY TIME HE COMES. THE MANAGER ASKED THE COUNCIL TO SEND HIM AN E-MAIL. COUNCILMEMBER THURMAN WANTED TO KNOW IF HE TALKS TO THEM INDIVIDUALLY WILL IT BE DURING THE WEEK. MAYOR WATERS SAID IT WOULD HAVE TO BE ON SATURDAY FOR HER BENEFIT. MANAGER BASTEEN SAID IT WILL PROBABLY BE MEETING TOGETHER AND THEN INDIVIDUALLY. THE MANAGER SAID HE CAN FIND OUT TIMES AND DATES WHEN HE IS AVAILABLE AND THEN THE COUNCIL CAN SAY IF EACH DATE WILL WORK OR NOT. HE SAID IN THE FIRST MEETING HE THINKS HE HAS THE SCHOOL DOWN AS A PARTICIPANT. HE SAID THEY WANT TO MEET WITH HIM, BUT HE IS NOT SURE IF THEY ARE ON BOARD WITH THE BUDGET. COUNCILMEMBER MENDELSON ASKED IF THE MANAGER CAN TALK TO HIM AND FIND OUT WHICH DATES ARE AVAILABLE. MANAGER BASTEEN SAID HE CAN, THEY ARE SUPPOSE TO TALK AGAIN TOMORROW. MAYOR WATERS WANTED TO KNOW WHERE HE LIVES. MANAGER BASTEEN SAID PHOENIX. MAYOR WATERS SAID MAYBE HE CAN

COME UP WITH A QUESTIONNAIRE FOR EACH COUNCILMEMBER TO FIND OUT WHAT THEY WANT. COUNCILMEMBER THURMAN AGREED AND SAID SOME KIND OF DIRECTION. COUNCILMEMBER MENDELSON SAID HE WANTS TO TALK TO OTHER PEOPLE, LIKE OUR SUPERVISOR AND OUR SHERIFF AND EDUCATORS.

7. **CONSIDERATION OF APPROVAL OF TOWN CLERK OVERNIGHT TRAVEL TO TUCSON FOR ELECTION TRAINING SEPTEMBER 28<sup>TH</sup> – 29<sup>TH</sup>:** THE CLERK SAID SHE NEEDS THIS TRAINING AND THE LAST TRAINING SHE TOOK IN JULY AND THEN SHE WILL BE RE-CERTIFIED FOR 4 YEARS. **COUNCILMEMBER DEBORAH MENDELSON MADE A MOTION TO APPROVE THE TOWN CLERK OVERNIGHT TRAVEL TO TUCSON FOR ELECTION TRAINING SEPTEMBER 28<sup>TH</sup> AND 29<sup>TH</sup>. COUNCILMEMBER ANNE THURMAN SECONDED. ALL FAVORED. MOTION CARRIED.**
  
8. **CONSIDERATION OF DATE AND TIME OF THE NEXT MEETING:** THE NEXT REGULAR MEETING IS SCHEDULED FOR OCTOBER 12<sup>TH</sup>, AT 5:00 PM.
  
9. **CONSIDERATION OF AGENDA ITEMS FOR THE NEXT MEETING:** SEE IF MR. PUPO IS AVAILABLE ON OCTOBER 12<sup>TH</sup> TO DO A WORK SESSION AFTER 3:30 PM. FISH & WILDLIFE GRANT PROGRAM FOR NATURE PARKS IN TOWNS & CITIES, DEBORAH WILL CHECK INTO THIS FIRST AND THEN GET WITH THE MANAGER. VICE-MAYOR ICE ASKED THE MANAGER TO TALK TO THE TOWN ATTORNEY ABOUT THE LAND FOR MR. CULL AND POSSIBLY PUT IT ON THE AGENDA.
  
10. **EXECUTIVE SESSION:**  
**AMENDMENT TO ZONING ON PROPERTY LOCATED AT 160 OCOTILLO: AT 6:00 PM, COUNCILMEMBER DEBORAH MENDELSON MADE A MOTION TO GO INTO EXECUTIVE SESSION. COUNCILMEMBER ANNE THURMAN SECONDED. ALL FAVORED. MOTION CARRIED.**  
  
**AT 6:20 PM, MAYOR BILLY WATERS MADE A MOTION TO RETURN TO REGULAR SESSION. COUNCILMEMBER DEBORAH MENDELSON SECONDED. ALL FAVORED. MOTION CARRIED.**  
  
**COUNCILMEMBER ANNE THURMAN MADE A MOTION TO TABLE THIS ITEM UNTIL THE MANAGER GETS MORE INFORMATION. COUNCILMEMBER DEBORAH MENDELSON SECONDED. ALL FAVORED. MOTION CARRIED.**
  
11. **ADJOURNMENT: AT 6:22 PM, COUNCILMEMBER DEBORAH MENDELSON MADE A MOTION TO ADJOURN. COUNCILMEMBER ANNE THURMAN SECONDED. ALL FAVORED. MOTION CARRIED.**

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE REGULAR MEETING MINUTES OF THE DUNCAN TOWN COUNCIL HELD ON THE 7<sup>TH</sup> DAY OF

**SEPTEMBER, 2017. I FURTHER CERTIFY THAT THE MEETING WAS DULY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.**

**DATED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2017.**

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**CYNTHIA NICHOLS, TOWN CLERK**