

MINUTES

TOWN OF MIAMI

PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, JULY 14, 2014 AT 6:30 PM

1. CALL TO ORDER:

Mayor Castaneda calls meeting to order at 6:30 pm.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Castaneda led the pledge of allegiance, followed by Councilmember Baeza leading the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Castaneda, Vice Mayor Hanson (arriving at 6:33 p.m.), Councilmember Baeza, Councilmember Black, Councilmember Dalley (arriving at 6:35 p.m.), and Councilmember Reiman.

ABSENT: Councilmember Gonzales

STAFF PRESENT: Town Attorney Smiley, Town Clerk Norris, Librarian Delvan Hayward, Senior Center Director Rashelle Highbaugh, Engineering Department Paul Curzon and Police Chief Gillen.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of June 23, 2014 Special Council Meeting.
- B. Consideration and possible action to approve Minutes of July 9, 2014 Special Council Meeting.
- C. Consideration and possible action to approve the Town Payroll for June 19, 2014 to July 9, 2014.

Mayor Castaneda points out one minor correction to the minutes of June 23, 2014.

Vice Mayor Hanson arrives at 6:33 p.m.

Councilmember Baeza motioned to approve the consent agenda. Motion seconded by Councilmember Reiman. Mayor Castaneda calls for the vote. Vote – 5 in favor and 2 members absent (Councilmember Dalley and Councilmember Gonzales.) MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A.** Consideration and possible action to approve General Demands for June 19, 2014 to July 9, 2014.

Vice Mayor Hanson motioned to approve the General Demands for June 19, 2014 to July 9, 2014. Motion seconded by Councilmember Baeza.

Councilmember Dalley arrives at 6:35 p.m.

Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED.

- B.** Consideration and possible action to approve Revenues, Deposits and Bank Balances for General Fund and Payroll Accounts for May 22, 2014 to July 9, 2014.

Mayor Castaneda comments regarding no back up information being provided for this item and requests that it be tabled. Councilmember Baeza motioned to table this item. Motion seconded by Vice Mayor Hanson. Brief discussion as to when Council can expect this information. Mayor Castaneda introduces new Finance Director Rachele Sanchez. Mrs. Sanchez comments to Council that she did not provide this information because she cannot be sure the information will be correct. She is working on the bank statements and wants to start with an accurate account of the Town's finances before she presents this information to Council. She hopes to be able to have this information for Council by the first meeting in August. Mrs. Sanchez comments regarding the Caselle program and the reporting format that it will be able to produce for Council. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED – ITEM TABLED.

6. REPORTS / RECOGNITIONS:

- A.** Department Reports.

Senior Center Director Rashelle Highbaugh gives the Senior Center report – Reports regarding statistics and activities. Reports regarding lunches for the children and that they are still collecting items for the upcoming rummage sale.

Police Chief, S.G. Gillen gives the Police Department activity and statistic reports. Reports on the Police Department's server going down. A new one has been installed and information has been restored. Some is be reentered because it could not be retrieved from the old server.

Paul Curzon, Engineering Department gives the Code Enforcement and Engineering report. Mr. Curzon reports that Mrs. Jayme Richens, the Animal Control Officer, has been brought on part-time to assist with the Code Enforcement. Mr. Curzon reports that there has been no reports of vandalism in the park since the cameras have been installed.

Librarian Delvan Hayward reports on library statistics. Mrs. Hayward reports this is the last week of the Summer Reading Program. Mrs. Hayward thanks Roy Placencia, Library Assistant, for all his

hard work and help with the Program. Mrs. Hayward introduces the summer volunteers who helped with the Summer Reading Program and presents them with a Certificate of Appreciation.

B. Town Manager Report.

C. Mayor/Council Reports.

Mayor Castaneda reports on the Town Manager recruiting process. They received approximately 35 resumes. Most of Council have reviewed the resumes and sent 18 of them to the League for recommendations to interview. The League recommended 5 of the 18 for the interview process. Mayor Castaneda requests Council to get with her regarding setting up a date to do the interviews.

7. CALL TO THE PUBLIC:

Mr. Alvin Fant, Miami Resident, facilitator for Tri-City EMP Planning Alliance. Mr. Fant comments that they currently have 3 plans in place to address an electromagnetic pulse threat, which if it were ever to happen it would disable electric power for an indefinite amount of time. Mr. Fant comments regarding having a plan in place in case of a catastrophic power failure on a long term basis happens.

Mr. Pat Quinn, Director of the Residential Utility Consumer Office, a State Agency. Mr. Quinn explains that they represent the rate payers in front of the Corporation Commission anytime there is a rate case where there is going to be a rate increase for the residential customers. Mr. Quinn comments regarding the Arizona Water Company and the Commission approved 2 different ways that the company can actually recover costs for the same thing. Mr. Quinn comments regarding water rate increases and potential for customers to be paying twice for infrastructure replacement.

Mr. Bill Garfield, President of the Arizona Water Company, responds to Mr. Quinn's comments. Mr. Garfield states the Mr. Quinn's comments are incorrect and a distortion of the facts and he is not telling the whole story. Mr. Garfield states customers will not be paying twice for any project and that no rate increases are proposed for Town of Miami. Mr. Garfield states that he will be happy to come back before Council and give them a complete briefing.

Councilmember Black states that he would like this to be put on as an agenda item because he has questions regarding this issue.

8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** To approve Settlement and Release Agreement with Desert Fox Van Dyke Co. related to removal of the drilling mud from the Town's sewer system and wastewater treatment plant and cleaning of the lines and plant.
- a) The Miami Town Council may vote to recess the public meeting and hold an Executive Session pursuant to A.R.S. 38-431.03(A)(3) and (4) for discussion or consultation for legal advice with the Town Attorney and in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a Settlement and Release Agreement with Desert Fox Van Dyke Co.

Vice Mayor Hanson motioned to recess into executive session. Motion seconded by Councilmember Dalley. Mayor Castaneda calls for the vote. Vote – 5 in favor, 1 member absent (Councilmember Gonzales) and Councilmember Black states he will not be attending the executive session. MOTION PASSED. 7:10 p.m.

Council returns from executive session. 7:22 p.m. All members present, Councilmember Gonzales is absent.

Councilmember Dalley motioned to approve Settlement and Release Agreement with Desert Fox Van Dyke Co. related to removal of the drilling mud from the Town's sewer system and wastewater treatment plant and cleaning of the lines and plant. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Councilmember Black recues himself. Vote – 5 in favor, 1 abstention (Councilmember Black) and 1 member absent (Councilmember Gonzales). MOTION PASSED.

9. NEW BUSINESS:

A. PUBLIC HEARING, DISCUSSION AND ACTION: To hold a public hearing and adopt Resolution No. 1147, approving and accepting as the final budget for the Town of Miami for fiscal year 2014/2015, the tentative budget for the Town for fiscal year 2014/2015, as approved by the Miami Town Council on June 23, 2014 and approving an alternative expenditure limitation in an amount equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget:

- 1) Open Public Hearing ~ Mayor Castaneda. 7:24 p.m.
- 2) Open Discussion and Public Comments regarding adoption of the tentative budget as the final budget for Fiscal Year 2014/2015.

Mr. Joe Heatherly comments briefly on finishing up corrections and minor changes to the budget. There have been no changes to the bottom dollar amount. Brief discussion regarding the budget totals, account detail totals, department totals and special funds.

There were no comments from the public.

- 3) Close Public Hearing ~ Mayor Castaneda. 7:32 p.m.
- 4) Council Discussion, Motion and Action:

Vice Mayor Hanson motioned to approve Resolution No. 1147, approving and accepting as the final budget for the Town of Miami for fiscal year 2014/2015, the tentative budget for the Town for fiscal year 2014/2015, as approved by the Miami Town Council on June 23, 2014 and approving an alternative expenditure limitation in an amount equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget. Motion seconded by Councilmember Reiman. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED.

B. Information, discussion and possible action: To appoint Mr. Rick Powers to complete the term of Mr. Vonn Jones on the Wastewater Advisory Board.

Mayor Castaneda presents this item to Council. Mayor Castaneda thanks Mr. Vonn Jones for his service on the Wastewater Advisory Board. Vice Mayor Hanson motioned to appoint Mr. Rick Powers to complete the term of Mr. Vonn Jones on the Wastewater Advisory Board. Motion seconded by Councilmember Reiman. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED.

C. Information, discussion and possible action: To approve Intergovernmental Agreement (IGA) with Gila County Sheriff's Office for Dispatching Services.

Police Chief Gillen states that he is still gathering information on this item and is requesting Council to table it. Brief discussion regarding what it would cost the Town "per call" for this service from the County. Discussion regarding what exactly the Town will be charged for; types of calls and such. Discussion regarding needing to have more information to decide if it would be worth it for the Town to take this action. Councilmember Reiman states that he feels someone needs to do some numbers and dollar amounts on this so that Council can make an informed decision on this item. Councilmember Reiman motioned to table this item. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED – ITEM TABLED.

D. Information, discussion and possible action: To approve Ordinance No. 341; amending the Miami Town Code to add Title 11 Parks and Recreation related to providing rules and regulations for the use of Town parks.

Town Attorney Smiley presents this item to Council. Town Attorney Smiley states that this is a draft ordinance for Council to work with, to make rules and regulations designed specifically for Town of Miami parks. She took comments and suggestions from previous meetings that were regarding this subject and started with that. Brief discussion regarding the "no smoking" rule for the Miami Veterans Memorial Park. Brief discussion regarding penalties and enforceability of the rules and regulations. Discussion regarding the use of alcohol in the park. Councilmember Black motioned to table this item until the next Council meeting. Motion seconded by Councilmember Dalley. Brief discussion regarding adding the pool and the basketball court in the ordinance. Discussion regarding park hours. Discussion regarding the use of motorized vehicles; what about motorized wheelchairs? Open discussion and comments regarding provision to recover damages for vandalism in the park. Brief discussion regarding public urination in the park; needs to be addressed. Mayor Castaneda calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED – ITEM TABLED.

E. Information, discussion and possible action: To recess the public meeting and hold an executive session as follows:

- a) The Miami Town Council may vote to recess the public meeting and hold an Executive Session pursuant to A.R.S. 38-431.03 (A)(4) for discussion or

consultation with the Town Attorney and in order to consider its position and instruct the Town Attorney regarding the Town's position in contemplated litigation or in settlement discussions conducted in order to avoid litigation in the matter of the acquisition of easements for sewer purposes on properties owned by Bennu Properties, LLC. and Sho Me Copper, 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 negotiations for the purchase of easements over Gila County Assessors Parcels 204-14-012D, 204-14-013A and 204-16-031 in Miami.

Mr. Albert Fritz of Bennu Properties L.L.C. comments that they are willing to give the Town the easements as an offer in trade of the current settlement judgment related to the Town of Miami Public Works Yard; willing to negotiate.

Vice Mayor Hanson motioned to recess into executive session. Motion seconded by Councilmember Baeza. Mayor Castaneda calls for the vote. Vote - 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED. 8:08 p.m.

Reconvene from executive session at 8:30 p.m.

All Councilmembers present, Councilmember Gonzales is absent. Town Attorney Smiley and Town Clerk Norris present.

10. CALL TO THE COUNCIL:

Councilmember Dalley comments that ReSeed was the sponsor of Music in the Park that was held last Saturday. Councilmember Dalley thanks them for their sponsorship and comments on the Girls softball Little League team working the concession stand to raise money for their upcoming State Championship Tournament.

Mayor Castaneda reminds Council to get with her regarding availability of dates for Town Manager interviews.

11. ADJOURNMENT:

Councilmember Black motioned to adjourn the meeting. Motion seconded by Vice Mayor Hanson. Mayor Castaneda calls for the vote. Vote - 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED.

Meeting adjourned at 8:32 p.m.

CERTIFICATION:

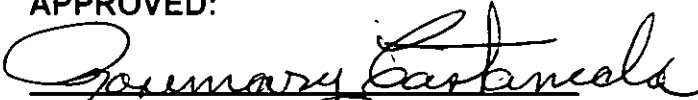
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Hearing and Regular meeting of the Town Council of the Town of Miami, AZ held on the 14th day of July 2014.

I further certify that the meeting was duly called and that a quorum was present.

DATED this 28th day of July 2014.


Karen Norris, Town Clerk

APPROVED:


Rosemary Castaneda, Mayor