

MINUTES

TOWN OF MIAMI

PUBLIC HEARING AND SPECIAL MEETING OF THE MAYOR AND COUNCIL MONDAY, APRIL 27, 2015 AT 6:30 PM

1. CALL TO ORDER:

Mayor Dalley calls the meeting to order at 6:30 pm.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Dalley led the pledge of allegiance, followed by Councilmember Medina leading the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Dalley, Vice Mayor Reiman, Councilmember Black, Councilmember Castaneda, Councilmember Gonzales (arriving at 6:39 p.m.), Councilmember Hanson and Councilmember Medina.

STAFF PRESENT: Town Manager Heatherly, Town Attorney Smiley, Town Clerk Norris, Finance Director Rachelle Sanchez, Librarian Delvan Hayward, Police Chief Gillen and Development Services Department Paul Curzon.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the April 13, 2015 Regular Council Meeting.
- B. Consideration and possible action to approve Letter Carriers' Food Drive Day Proclamation.
- C. Consideration and possible action to approve Dedication of Miami Memorial Library Arizona Room to Mr. Ed Pastor Proclamation
- D. Consideration and possible action to approve the Town Payroll for March 30, 2015 to April 12, 2015.

Councilmember Hanson motioned to approve the consent agenda. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for April 9, 2015 to April 22, 2015.

Brief discussion regarding some of the demands in the report missing descriptions. Councilmember Castaneda requested that the APS bill for the Bullion Plaza Gym be identified on the demands report.

Discussion and explanation of the invoice payment process. Brief discussion regarding outstanding invoices; bottom line is the Town does not have the money to pay them.

Councilmember Gonzales arrives at 6:39 p.m.

Mayor Dalley motioned to approve the general demands for April 9, 2015 to April 22, 2015. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 6 in favor, Councilmember Gonzales did not vote on this item. MOTION PASSED.

- B. Consideration and possible action to review and discuss the Revenues/Expenditures and Deposits report for activities through March 2015.

Staff requested Council to table this item until the next meeting. Councilmember Black motioned to table Item 5B until the next meeting of May 11, 2015. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member absent (Councilmember Gonzales). MOTION PASSED – ITEM TABLED.

6. REPORTS / RECOGNITIONS:

A. Department Reports.

Library, Delvan Hayward thanks Council for approving the dedication of the Miami Memorial Library "Arizona Room" to Mr. Ed Pastor. Announces that the Friends of the Library will be having a small dedication and reception on May 9, 2015. Ms. Hayward thanks Councilmember Hanson for donating a lamp and also thanks John and Mary Stemm for donating fluorescent light bulbs. Reports that Roy Plascencia represented the library at STEM Fest and that she will be attending archives training in Payson on Tuesday. Announces the book sale begins this Saturday.

Police Department, Police Chief Gillen reports on statistics and activities. Chief Gillen reports that Sergeant Padilla has submitted his paperwork for retirement and the department will be conducting interviews to hire another officer. Chief Gillen reports briefly on an incident involving a firearm that took place in town recently.

Development Services, Paul Curzon gives a brief update on the swimming pool and progress of the installation of the regulatory signs.

B. Town Manager Reports.

Town Manager Heatherly reports that staff is continuing to work on the FY 15/16 budget. Gives an update on the pool donations; right on budget. Reports that the Tri-City Fire contract is completed, they approved it. Reports briefly on the ADOT Transit Audit report. Continuing to work with Tri-City Sanitary District to complete the agreement to bring to Council. Reported on the Pre-Bid meeting for Phase 2 of the sewer project and announces there will be a walk through at Mackey's Camp Wednesday morning. Gives a brief update on the sewer billing collections.

C. Mayor/Council Reports. NONE

7. CALL TO THE PUBLIC:

Pursuant to Arizona Revised Statutes §38-431.01 (H), at this time, members of the public may address the Town Council on any issue within the Council's jurisdiction that is not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda. Councilmembers are not permitted to discuss or take legal action on a matter raised during the call to the public.

Mr. John Cornell of KQSS states that the sign kiosks are done and he will get with the Town Manager regarding installing them.

Ms. Terri Greigo with Catholic Daughters of America, thanks Council for allowing them to do the Child Abuse Awareness Walk through the Town.

Mrs. Jennifer Curzon, Globe resident, questions why the Town of Miami's flags are always at half-staff?

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

A. PUBLIC HEARING, DISCUSSION AND ACTION: To hold a public hearing and adopt Ordinance No. 344, amending the Miami Town Code, Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, Section 13.120 Connection Establishment Fees and Section 13.130 Billing; Delinquent Accounts; Termination of Services:



1) Open Public Hearing ~ Mayor Dalley.

Mayor opens public hearing at 6:57 p.m.

2) Open Discussion and Public Comments regarding the adoption of Ordinance No. 344; to establish wastewater fees and service charges.

Mayor Dalley explains what the Council is considering with this item; fees for service charges, connection charges and late fees. Brief discussion regarding the different fees. Town Manager Heatherly clarifies the Connection Fee; it is a one-time tap fee for connecting into the Town's sewer line. Discussion regarding the account establishment fee. Discussion regarding the \$50.00 Establishment Fee; how would this affect non-permanent residents. Open discussion and comments regarding how Arizona Water Company charges their various fees and how the Town is going to charge for the various fees. Clarification of the account deposit fee; it will be a 2 month average cost of usage. Discussion regarding contractors that build new buildings; are there fees providing for that. Town Manager Heatherly explains that will fall under the Commercial section. Discussion regarding if a property has the water turned off, do they have to pay the sewer fee; they do not, as long as they show proof that the water has been shut off.

3) Close Public Hearing ~ Mayor Dalley.

Mayor Dalley closes the public hearing at 7:07 p.m.

4) Council Discussion, Motion and Action.

Councilmember Hanson motioned to approve Ordinance No. 344, amending the Miami Town Code, Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, Section 13.120 Connection Establishment Fees and Section 13.130 Billing; Delinquent Accounts; Termination of Services. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

B. Information and discussion only: Presentation of Miami Genesis Report regarding Management of Bullion Plaza Gym and activities.

Ms. Terri Greigo of Miami Genesis gives the report regarding the activities of the Bullion Plaza Gym. Councilmember Black questions why doesn't Genesis present the Town with a bill. Town Manager Heatherly explains that the Town just received a bill from Genesis but under the new contract it is not necessary to bill the Town. Brief discussion regarding why some of the invoices have not been paid. Discussion regarding invoices being lost or not given to staff to pay. Town Attorney Smiley advises Council that this discussion is regarding billing practices, it is not related to the agenda item, if they wish to discuss the billing it can be brought back before Council or it can be discussed after the meeting.

C. Information, discussion and possible action: To approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$14,715.66 for one month of Design, Program Management and Construction Management Services (\$3,162.53 due from WIFA; \$11,553.13 due from USDA), as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council, it has been reviewed and recommended for approval by the Wastewater Advisory Board. Councilmember Castaneda motioned to approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$14,715.66 for one month of Design, Program Management and Construction Management Services (\$3,162.53 due from WIFA; \$11,553.13 due from USDA), as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

D. Information, discussion and possible action: To approve payment application for Curtis, Goodwin, Sullivan, Udall and Schwab, subject to funding agency concurrence, in the amount of \$6,110.10 for Legal Services (\$3,390.60 due from WIFA; \$2,719.50 due from USDA), as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council, it has been reviewed and recommended for approval by the Wastewater Advisory Board. Councilmember Medina motioned to approve payment application for Curtis, Goodwin, Sullivan, Udall and Schwab, subject to funding agency concurrence, in the amount of \$6,110.10 for Legal Services (\$3,390.60 due from WIFA; \$2,719.50 due from USDA), as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Hanson. Brief discussion regarding the backup information not adding up; after review of the backup information it is shown how the breakdown is laid out and that it adds up properly. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

- E. Information, discussion and possible action:** To approve payment application for Dennis L. Lopez & Associates, subject to funding agency concurrence, in the amount of \$15,000.00 due from WIFA for appraisal services for Phases 3, 4 and 5 easement acquisitions.

Brief discussion regarding no backup information for this item. Town Manager Heatherly explains that this is basically a lump sum payment which the contract was previously approved by Council. Discussion regarding this payment is for 43 easement appraisals. Councilmember Hanson motioned to approve payment application for Dennis L. Lopez & Associates, subject to funding agency concurrence, in the amount of \$15,000.00 due from WIFA for appraisal services for Phases 3, 4 and 5 easement acquisitions. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

- F. Information, discussion and possible action:** AMEC Contract Amendment No. 24; to recommend to Council the approval of AMEC Contract Amendment No. 24 in the amount of \$169,461.00, subject to funding agency concurrence. This Contract Amendment includes funds for the extension of Construction Management services, including Resident Project Representative (RPR) and Residential Engineer (RE) services, for the completion of the Phase 2 construction.

Town Manager Heatherly presents this to Council and explains the modifications in this amendment. Councilmember Medina motioned to approve AMEC Contract Amendment No. 24 in the amount of \$169,461.00, subject to funding agency concurrence. This Contract Amendment includes funds for the extension of Construction Management services, including Resident Project Representative (RPR) and Residential Engineer (RE) services, for the completion of the Phase 2 construction. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

- G. Information, discussion and possible action:** To approve Intergovernmental Agreement (IGA) between the Town of Miami and the Town of Hayden for wastewater courier services.

Town Manager Heatherly presents this item to Council. Mayor Dalley comments regarding having the sample ready by 8:00 a.m.; the courier does not get to Hayden until 9:00 or 9:30 a.m. also, he explains that the labs have changed from Test America to Aquatic Testing Lab. Town Manager Heatherly will have staff verify the lab. Councilmember Castaneda motioned to approve Intergovernmental Agreement (IGA) between the Town of Miami and the Town of Hayden for wastewater courier services with noted possible changes. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- H. Information, discussion and possible action:** To approve Agreement between Town of Miami and Water and Wastewater Management Services for wastewater courier services.

Mayor Dalley reads aloud a letter from Water and Wastewater Management Services regarding their dissatisfaction with the Town's billing and accounting practices for the service. They do not wish to renew their contract with the Town. No action taken on this item.

- I. **Information and discussion only:** To review and make recommendations to staff regarding the draft drilling ordinance amending the Town of Miami Town Code by repealing existing Chapter 5.08 Geophysical Surveys and Drilling Operations and adding new Chapter 5.08 Drilling Permits and Regulations, Sections 5.08.010 Definitions, 5.08.020 Exploratory Drilling; Permit Requirements, 5.08.030 Permit Application Process, 5.08.040 Pre-Drilling Requirements; Plans Required, 5.08.050 Conditions of Permit and Exploratory Drilling Operations, 5.08.060 Post-Drilling Requirements, all related to requiring a permit for and regulating exploratory drilling operations within the Town.

Town Manager Heatherly presents this item to Council. He explains that he put a committee together to review and draft this ordinance and they have been working on it for quite a while. Town Manager Heatherly reviews the ordinance with Council. He explains that he would like Council to take some time to review the ordinance and if they should have any questions, suggestions or concerns to contact him to address those issues. The ordinance will come back before Council for discussion and final approval once Council has had a chance to review it. Councilmember Hanson comments regarding the people who sat on the committee and the time and effort they put into this draft. Town Manager Heatherly explains that this ordinance addresses exploration only not the actual mining. No action taken on this item.

- J. **Information, discussion and possible action:** To approve Intergovernmental Agreement (IGA) between State of Arizona (ADOT) and Town of Miami for bridge inspection – various locations; IGA/JPA 15-0005156-I.

Town Manager Heatherly presents this item to Council. He explains that this has been in place every year except for 2011. This allows ADOT to bring in their structural engineers to inspect the bridges at no cost the town. Councilmember Hanson motioned to approve Intergovernmental Agreement (IGA) between State of Arizona (ADOT) and Town of Miami for bridge inspection – various locations; IGA/JPA 15-0005156-I. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

10. CALL TO THE COUNCIL:

Mayor Dalley comments regarding Mrs. Medina bringing treats to the Council meetings and thanks her for doing that.

Councilmember Hanson announces that Music in the Park is all set up and she will have the calendar out soon. They have scheduled a different band for every other Saturday

Councilmember Medina comments regarding the unrest in Baltimore and it is important for everyone to keep an eye on that as it can be infectious. Also sends prayers to the people of Nepal.

11. **ADJOURNMENT:** Councilmember Castaneda motioned to adjourn the meeting. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED. 8:06 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Hearing and Special meeting of the Town Council of the Town of Miami, AZ held on the 27th day of April, 2015.

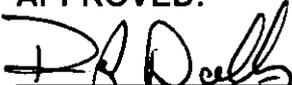
I further certify that the meeting was duly called and that a quorum was present.

DATED this 11th day of May 2015.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor