

MINUTES

TOWN OF MIAMI SPECIAL MEETING OF THE MAYOR AND COUNCIL WEDNESDAY, MAY 27, 2015 AT 6:30 P.M.

1. CALL TO ORDER:

Mayor Dalley called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Dalley led the pledge and Councilmember Medina led the invocation.

3. ROLL CALL OF COUNCILMEMBERS:

Present: Mayor Dalley, Vice Mayor Reiman, Councilmember Black, Councilmember Castaneda, Councilmember Gonzales, Councilmember Hanson and Councilmember Medina.

Staff Present: Town Manager Heatherly, Town Attorney Smiley, Finance Director Rachelle Sanchez, Librarian Delvan Hayward and Town Clerk Norris.

4. **CONSENT AGENDA:** *All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of a Councilmember for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.*

- A. Consideration and possible action to approve Minutes of the May 11, 2015 Regular Council Meeting.
- B. Consideration and possible action to approve Minutes of the May 19, 2015 Special Council Meeting.
- C. Consideration and possible action to approve the Town Payroll for April 27, 2015 to May 10, 2015.

Councilmember Castaneda motioned to approve the Consent Agenda. Motion seconded by Councilmember Medina. It is noted that there was a correction to the minutes of May 19th; the meeting time was corrected from 6:30 p.m. to 5:00 p.m. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

5. APPROVAL OF DEMANDS:

- A. Consideration and possible action to approve the General Demands for May 7, 2015 to May 21, 2015.

Councilmember Gonzales questioned why only 4 invoices were paid on the demands. Finance Director Sanchez explains that the Town had to make the interest only and monthly payment to USDA which left little money to pay demands but she plans to make the recurring monthly demands

by Friday, after payroll. Brief discussion regarding the sewer utilities having an account of their own and explanation of how fund accounting works. Discussion regarding the need to stop co-mingling funds. Finance Director Sanchez explains that with the new budget some of the funds such as the general fund and enterprise fund will be separated into their own accounts. Mayor Dalley motioned to approve the General Demands for May 7, 2015 to May 21, 2015. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

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

Finance Director Sanchez comments on the April report; her computer is not letting her download data that she needs to complete the report. Finance Director Sanchez asks that Council table the April report. Discussion and explanation of various expenditures in the report. Brief discussion regarding the Senior Center reimbursements. Brief discussion regarding the Library reimbursements and when the monies are received by the Town; May and December. Discussion regarding the HURF funds revenues being less than what was budgeted for. Mayor Dalley motioned to approve the revenues and expenditures and deposits through March 2015 and April 2015 will be tabled. Mayor Dalley withdraws his motion. Mayor Dalley motioned to table this item. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED – ITEM TABLED.

6. REPORTS / RECOGNITIONS:

A. Department Reports:

Delvan Hayward, Library, reports on preparing for the Summer Reading Program, registration forms are ready and the program starts June 18th and lasts 6 weeks.

B. Town Manager Reports:

Town Manager Heatherly reports on Public Works Department working on the wet well and septic receiving area, removing sand and grit. Reports on the installation of pump number 2 and 3. Reports on the opening of the swimming pool and thanks the Mayor for assisting with getting the chemicals needed in order for it to open. Update on the Merritt Ramp Project. Reports on the courier service IGA with Hayden. Reports that the Town received 3 bids for the sale of the buildings. Announces the opening for the Annual League Conference. Gives a brief recap of what happened last week with USDA. Brief comment regarding the Miami High School student body president being sponsored to attend the League Conference again this year.

C. Mayor/Council Reports:

Councilmember Gonzales reports on Wednesday he took the 7th and 8th grade class to the swimming pool and gives kudos to Town Manager Heatherly and staff on their efforts to get the pool ready for them. Comments that the pool looks much different than in the past and is very pleased with it.

Councilmember Black commends Mayor Dalley on the Memorial Day ceremony.

Councilmember Medina agrees with Councilmember Black regarding the Memorial Day ceremony and comments briefly regarding wanting to leave the decorations in the park over the weekend but they had to be taken down because kids were causing damage to them.

Mayor Dalley reports that the City of Tempe has donated 150 gallons of tan paint to the Town. Some of the paint was used to paint in the Town park; Tony and Sharon Licano assisted with painting in the park. Mayor Dalley comments regarding some pictures he shared with Council regarding the grate and wetwell clean out that was done by Public Works and they did a great job.

7. CALL TO THE PUBLIC:

Mr. Ray Webb, Miami resident, comments positively regarding the swimming pool improvements, graffiti in and around the Town. Mr. Webb states that if the Town needs volunteers to help clean up the graffiti he can get volunteers to assist in that. Mr. Webb comments regarding the USDA Project being put on hold and how this project affects all the residents of the Town, it is on the Council's shoulders to make sure this project moves forward.

8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** To approve Ordinance No. 345, 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 ordinance to Council. Town Manager Heatherly states that this has previously come before Council for review, comments and concerns. Town Manager Heatherly reports on the committee that worked on putting this ordinance together for Council review and possible approval. Brief discussion regarding the bottom of the first page, Item C, looks unfinished. Town Attorney Smiley explains that it just gives three possible purposes of the ordinance and that the word "and" at the end of the sentence can be removed. Councilmember Hanson motioned to approve Ordinance No. 345 with the minor correction. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve use of snack bar at Veterans Memorial Park by various local non-profit agencies for fund raising during the concerts held as part of the Music in the Park 2015 Summer Series, June through August.

Ms. Susan Hanson of Miami Genesis presents this request to Council. This is something that is done every year by the non-profit organizations to raise money. Councilmember Medina motioned to

approve the use of snack bar at Veterans Memorial Park by various local non-profit agencies for fund raising during the concerts held as part of the Music in the Park 2015 Summer Series, June through August. Motion seconded by Mayor Dalley. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- B. Information, discussion and possible action:** To recess the regular meeting 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 authorizing Mayor Dalley or other Town Council Representative to sign and send a proposed letter from the Town of Miami Town Council to USDA regarding representations made by individual councilmembers to the USDA related to the Town of Miami sewer project.

Vice Mayor Reiman motioned to recess into Executive Session to discuss items B and D on the agenda. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

Recessed at 7:29 p.m.

- C. Information, discussion and possible action:** To approve and authorize Mayor Dalley or other representative of the Council to sign and send a letter from the Town of Miami Town Council to USDA Phoenix Office regarding representations made by individual councilmembers to the USDA related to the Town of Miami sewer project.

Mayor Dalley calls the meeting back to order at 7:56 p.m. All members present.

Councilmember Castaneda reads aloud a letter to Mr. Jeff Hooper of USDA which needs to be signed by a majority of the Council. The letter is regarding a meeting that Councilmember Black set up and attended with Mr. Hooper, concerning the wastewater project, without the knowledge of the Council and staff. The letter is requesting that Mr. Hooper view Councilmember Black's comments as his own opinions and not that of the Town Council. Councilmember Castaneda comments that she had heard that Ms. Susan K. was putting out communications that the Miami Town Council was going to have a meeting with USDA and that the wastewater project was going to be stopped, and the people would find out that this Council was not accountable. Councilmember Castaneda states that she read the information that Ms. Susan K. put out. Councilmember Castaneda expresses her concerns regarding this kind of media attention that is out there, it is detrimental to this project. Councilmember Castaneda comments that she was told that Councilmember Black had the meeting with Mr. Hooper; and asks Councilmember Black if he attended the meeting with Mr. Hooper. Councilmember Black states "no he did not attend a meeting with Mr. Hooper". Councilmember Castaneda states that if what she has heard is in error she will apologize to Councilmember Black. Open discussion and comments regarding Councilmember Black meeting with Mr. Hooper. Councilmember Black comments that he did go to Phoenix but did not meet with Mr. Hooper. Councilmember Black reads aloud a written statement from a concerned Town of Miami resident (Mr. Richie Canizales) regarding the issues of this project. Councilmember Black comments regarding Mr. Canizales obtaining public information from the Town to find out how much money has been set aside and regarding compliance issues. Councilmember Black states that he arranged, and attended the meeting of Mr. Canizales and Nance Veres of USDA, which is when the concerns were made to USDA. Councilmember Black

states that he did not have any discussions in that meeting. Mayor Dalley comments regarding receiving a phone call from Ms. Veres of USDA informing him that it was very important for the Town to call a meeting with USDA to discuss the issues of the Town not being in compliance with them. Mayor Dalley states that Ms. Veres informed him of the missed payment and also told him that there would be no closing of the project on the 22nd. She stated that the Town needs to get back on track with more than the issue of the missed payment. Open discussion regarding the Council following procedures, rules and Chain of Command. Discussion regarding it being an embarrassment how this came out and it is alarming to have this happen as it is the biggest grant project in the country. Open discussion and comments regarding embarrassment of the Town also, for not making the interest payment or the monthly payment, not meeting its obligations to this project. Councilmember Gonzales states he was not informed that the Town was late with the payments and meeting obligations and feels he was not kept informed by the Town Manager, he is glad that this came out and now the Town needs to get back on track. Councilmember Castaneda agrees with Councilmember Gonzales, she was not informed either, Councilmember Black was the only one who knew and wonders how come he is the only one who knew the payment was not made. Mayor Dalley reminds everyone that now all USDA correspondence will be sent to all Councilmembers as well as the Town Manager. Mayor Dalley states that he will not sign this letter and encourages the other Councilmembers not to sign the letter; it does not send a good message to USDA. Vice Mayor Reiman agrees with Mayor Dalley at this point, the more that Council communicates with USDA as a disjointed body it sends a message to USDA that the Town does not have its act together. He feels the Town should get done with it needs to get done. Councilmember Black states that he found out that the Town was behind in its obligations through an email from Ms. Veres. Open discussion and comments regarding this issue being out in the open and that the Town needs to get back on track, no reason to let political unrest add to the issue. Comments regarding the citizens of Miami are depending on this Council to make this project move forward. Town Manager Heatherly comments regarding receiving the letter that the payment was due in April and that he did do something with it, it will never happen again and that he will make no more comments on it. Councilmember Medina states that he would like to see a report and a couple of names included in the letter and Richie being one of them, would like it to be a general letter that could be used in the future. Councilmember Medina states that he would like to see some changes to the letter and brought back before the Council. Councilmember Medina motioned to table the letter until it comes back for review. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Mayor Dalley). MOTION PASSED - ITEM TABLED

- D. Information, discussion and possible action:** To recess the regular meeting 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 obligations, responsibilities and restrictions on Councilmembers' actions in accordance with Town Council Rules and Procedures and Town Codes, including possible sanctions or other penalties for violations.
- E. Information, discussion and possible action:** To take action or impose sanctions or other penalties on Town Council members acting in violation of Town Council Rules and Procedures or the Town Code.

Vice Mayor Reiman motioned to table this item in view of legal advice given in executive session. Motion seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED – ITEM TABLED.

10. **CALL TO THE COUNCIL:** No response.

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.

Adjourned 8:33 p.m.

CERTIFICATION:

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

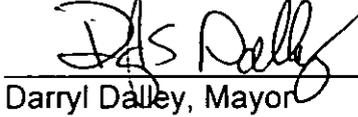
I further certify that the meeting was duly called and that a quorum was present.

DATED this 8th day of June 2015.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor