

MINUTES

TOWN OF MIAMI SPECIAL MEETING OF THE MAYOR AND COUNCIL MONDAY, FEBRUARY 22, 2016 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 Gonzales (arriving at 6:51 p.m.), Councilmember Castaneda, Councilmember Hanson (telephonically) and Councilmember Medina.

Staff Present: Town Manager Heatherly, Town Attorney Smiley, Librarian Delvan Hayward and Police Chief Gillen.

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 February 8, 2016 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for January 31, 2016 and February 14, 2016.

Councilmember Castaneda 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:

- A. Consideration and possible action to approve the General Demands for February 4, 2016 to February 18, 2016.

Brief discussion regarding the payment to Curtis, Goodwin, Sullivan, Udall and Schwab; that payment was made from funds obtained from the sale of an asset and paying off several months of past due amounts. The approximate remaining balance due is \$60,000.00. Brief discussion regarding if the Town is caught up with the County for the landfill fees; no not yet, still owe approximately \$16,000.00. Vice Mayor Reiman motioned to approve the general demands for February 4, 2016 to February 18, 2016. Motion seconded by Councilmember Medina. Mayor Dalley

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

6. REPORTS / RECOGNITIONS:

A. Department Reports:

Police Department, Police Chief Gillen reports on department statistics and activities. Comments briefly on the damage to the Town vehicles at the public works yard. Finalized the Gila County Emergency Management Protocol and Sexual Assault Protocol.

Library, Librarian Hayward reports on library statistics and activities. Reports that the Friends of the Library purchased new books and new headphones for the computers. Phone lines at the library have been replaced, now with CenturyLink. Announces the library will be closed this Friday as she and Roy will be attending a library meeting in Payson. March 4th and 5th is the White Elephant Sale the Friends of the Library is hosting.

B. Town Manager Reports:

Town Manager Heatherly reports briefly on street repairs, filling of potholes around town. Gives a brief update on the Mackey's Camp proposed crossing project. Reports on the Merritt Ramp project, should have engineering bid packets ready by the end of this month. Reports that the Christmas decorations were taken down last week. Reports on account collections for past due sewer accounts. Letters have gone out and now the Town will start shutting off sewer service if the accounts are not taken care of.

C. Mayor/Council Reports:

Councilmember Medina reports briefly on Boomtown Spree event. Comments regarding reminding independents who wish to vote for President in the Primary, there is a website they can go to register to do that; they have to do it today though. Comments briefly regarding the media reports of the last Council meeting, was not pleased with the radio stations comments, felt they were making fun of the Town.

Mayor Dalley thanks Tri-City responders and the Town Manager and various others who responded to the fire at the public works yard.

7. CALL TO THE PUBLIC:

Mr. Tom Foster, Miami resident and Executive Director of Bullion Plaza Museum, comments regarding skateboarders using the rails and museums steps for skateboarding. Have talked to the Miami PD and they will increase the patrolling there, but there is no signage prohibiting this action. Bullion Plaza has started writing a grant for the Freeport MacMoRan grant cycle that will be for basement abatement. Will be having discussion with the Town regarding that project.

Joanna (?) of Miami Art Works, would like to request a future agenda item for the Miami Art Walk on April 22nd through the 24th.

8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** Update and status for replacement cameras or new cameras for Veterans Memorial Park; status and update on signage for rules of Veterans Memorial Park.

Mayor Dalley comments regarding that last year they used 30 gallons of paint in the park and now recently a second camera has been stolen from the park. Brief discussion regarding signage in the park needs to be a priority. Brief discussion regarding the skateboarding issue around town. Town Manager Heatherly states that he will look into signage for the park and pool and into cameras for the park and public works yard, will also get with Tom Foster from the Museum to see what all can be done. Councilmember Medina comments regarding wireless cameras that can be attached to the APS poles. They are up high enough that they cannot be reached. No action taken on this item.

9. NEW BUSINESS:

- A. Information and discussion only:** Update, information and discussion regarding Town of Miami Phase 2 Sewer Project.

Mr. Jameson Owens of Kinkaid Civil Construction gives a Phase 2 Sewer Project update. Crews are currently working on Gordon Street installing new sewer and services, heading west towards US 60 and downtown. Finishing up some jack and boring under the railroad tracks at Latham and that will be done tomorrow. Reports on the upcoming project plans. Working with Arizona Water and APS to get the public works yard issues figured out. Brief discussion regarding where the sewer line runs on Gordon Street and finding out who is connected to the Town's line. Discussion regarding the line on Sykes Alley and the issue of grease in the line. Discussion regarding the Southwest Gas line that has been an issue. Southwest Gas is currently working with the Town to resolve that issue. Brief discussion regarding the line tie in at Canyon Avenue and Mackey's Camp. Discussion regarding if the project is on schedule, currently it will not meet the June deadline.

- B. Information, discussion and possible action:** To approve Twelfth Amended Interim Emergency Fire IGA (Intergovernmental Agreement) between Town of Miami and City of Globe providing emergency and administrative fire protection services for the Town of Miami.

Town Manager Heatherly presents this item to Council explaining that this is a continuation of the IGA the Town has had in the past. Town Manager Heatherly questions since the Town now has an agreement with Tri-City Fire, do we need an agreement with Globe Fire Department? Town Manager Heatherly comments that the majority of the work with Globe Fire Department was to assist with Miami's Volunteer Fire Department and that has not gone well. Town Manager Heatherly states that he has met with Mr. Al Gameros and he feels it is Council's choice if they want to have an agreement with both agencies. Brief discussion regarding if there was an incident that Tri-City Fire could not handle they would call for assistance and back up from Globe Fire Department. Discussion regarding the current charges of Tri-City Fire agreement. Town Manager Heatherly states the charges are spelled out in that agreement, he does not have that with him at the moment. Brief discussion regarding building up a reserve account in the event that the Town needed to have Globe Fire Department called out on as back up, we would have the funds to pay for that. Councilmember Black

motioned to not continue the IGA with Globe. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- C. Information, discussion and possible action:** To approve Change Order #6: \$6,388.25 increase in Kinkaid Civil Construction's contract price to cover costs incurred for the Arizona Eastern Railway right-of-entry permits.

Town Manager Heatherly presents this item to Council and explains that it is a bit higher than would be expected because it had to be expedited. It is explained that in order to do any work along the railroad, a right-of-entry permit had to be obtained, this is not an easement. Councilmember Black motioned to approve Change Order #6: \$6,388.25 increase in Kinkaid Civil Construction's contract price to cover costs incurred for the Arizona Eastern Railway right-of-entry permits. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- D. Information, discussion and possible action:** To approve Change Order #7: \$15,112.80 increase in Kinkaid Civil Construction's contract price to cover costs incurred for concrete removal completed in the Town of Miami Public Works Yard that was above the 90 CY included in the bid items.

Town Manager Heatherly presents this item to Council, it has been recommended for approval by the Wastewater Advisory Board. It is explained that the debris was found during the excavation of the dirt in that area, anything that was uncovered during excavations had to be removed to a depth of 10 feet. Councilmember Black motioned to approve Change Order #7: \$15,112.80 increase in Kinkaid Civil Construction's contract price to cover costs incurred for concrete removal completed in the Town of Miami Public Works Yard that was above the 90 CY included in the bid items. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- E. Information, discussion and possible action:** To approve Change Order #8: \$18,763.72 increase in Kinkaid Civil Construction's contract price to cover costs incurred for the jack and bore of an additional 50-ft of steel casing to avoid conflicts with gas, water mains, and power poles.

Town Manager Heatherly presents this item to Council, noting that the amount has changed to \$15,363.74. Town Manager Heatherly states that just North of Latham, just past the public works yard, there is a railroad track crossing there. Due to the location of the power poles they had to extend the 50 foot casing and jack and bore under the existing railroad tracks. Councilmember Medina motioned to approve Change Order #8: \$15,363.74 increase in Kinkaid Civil Construction's contract price to cover costs incurred for the jack and bore of an additional 50-ft of steel casing to avoid conflicts with gas, water mains, and power poles. Motion seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- F. Information, discussion and possible action:** To approve payment application for Kinkaid Civil Construction, subject to funding agency concurrence, in the amount of \$970,717.54 for Phase 2 Construction Services (\$0.00 due from WIFA; \$970,717.54 due from USDA), as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council, this will roughly get us up to 29.8% of the overall budget with Kinkaid. Councilmember Castaneda motioned to approve payment application for Kinkaid Civil Construction, subject to funding agency concurrence, in the amount of \$970,717.54 for Phase 2 Construction Services (\$0.00 due from WIFA; \$970,717.54 due from USDA), as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

G. 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 \$1,898.76 for Legal Services (\$1,898.76 due from WIFA; \$0.00 due from USDA), as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council, it is recommended for approval by the Wastewater Advisory Board. Town Manager Heatherly explains that this payment application is for payment from WIFA, no work was USDA related. Brief discussion regarding how many more easements the Town needs to obtain. Town Manager Heatherly states he thinks we need about 14 more and most of those will likely go through condemnation. Councilmember Castaneda motioned to approve payment application for Curtis, Goodwin, Sullivan, Udall and Schwab, subject to funding agency concurrence, in the amount of \$1,898.76 for Legal Services (\$1,898.76 due from WIFA; \$0.00 due from USDA), as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

H. Information, discussion and possible action: To approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$138,083.37 for five months of Design, Program Management, and Construction Management Services (\$14,264.07 due from WIFA, of which \$1,995.07 has already been included in WIFA Req.44; \$123,819.30 due from USDA), as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council. It is the last of the pay applications for services that will presumably go up through the end of January. Town Manager Heatherly comments that AMEC runs several months behind and they were put on notice last week that that is no longer acceptable. This gets us through the end of November with AMEC and the next one we will be caught up. Town Manager Heatherly comments that activity has improved dramatically with the new project manager and Kinkaid agrees as well. Councilmember Black questions if Phase 3 engineering design work complete. Town Manager Heatherly states no, it's about 90%, maybe 95% complete. Brief discussion regarding the completion of the design work for the phases of the project. Councilmember Medina motioned to approve payment application for AMEC, subject to funding agency concurrence, in the amount of \$138,083.37 for five months of Design, Program Management, and Construction Management Services (\$14,264.07 due from WIFA, of which \$1,995.07 has already been included in WIFA Req.44; \$123,819.30 due from USDA), as recommended by the Wastewater Advisory Board. Motion seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). MOTION PASSED.

I. Information, discussion and possible action: Regarding Vice Mayor Reiman's behavior at the Council Meeting of February 8, 2016 and his violation of Rule 3.8 (A)(6) of the Town Council Rules and Procedures.

Councilmember Black states that about two years ago, the same thing happened when he stated Council was holding an illegal meeting by not having the proper paperwork submitted for it, they tried to vote to do it anyways. He made a statement and was told he was out of order, he agreed and dismissed himself from the Council Chamber because he didn't want to be a part of it. The following meeting he was asked to be kicked off the Council and fined hundreds of dollars. At which time the Town Attorney said the worst that can happen is you can be fined \$25 and be excused from one meeting, correct? Town Attorney Smiley states that she does not recall saying that. Councilmember Black states that she did and that is why he is asking the same thing for Vice Mayor Reiman. At the last meeting Vice Mayor Reiman made a comment towards the Council and left the meeting. He should have excused himself. Vice Mayor Reiman states yes he left the meeting, he felt it was the best thing for all concerned because listening to the things being presented and the character of testimony that was given by some of the people in the audience. It was disturbing to him and given other complicating factors such as just returning from a weekend business trip and having to get up early to go out of town in the morning. Vice Mayor Reiman offers no apologies. Councilmember Black comments that when people get up and speak to Council it is their job to listen to them. Councilmember Black motioned to fine Vice Mayor Reiman and suspend him from a Council meeting. Motioned seconded by Councilmember Gonzales. Councilmember Gonzales comments that as elected officials, we represent the citizens and can't act like a fool because we disagree with something. Councilmember Gonzales states that he disagrees with Councilmember Black requesting a fine on this, just thinks that Council needs to be more respectful up there conducting Town business, conduct ourselves in a professional manner. Mayor Dalley calls for the vote. Vote - 2 in favor and 5 opposed (Vice Mayor Reiman, Councilmember Castaneda, Councilmember Gonzales, Councilmember Hanson and Councilmember Medina). MOTION FAILED.

10. CALL TO THE COUNCIL:

Mayor Dalley announces the Grand Opening of a new business in town, Bam's Leather and Pipes on February 27th from 10:00 a.m. to 2:00 p.m.

11. ADJOURNMENT: Councilmember Medina motioned to adjourn the meeting. Motion seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote - 7 in favor. MOTION PASSED.

Adjourned 8:09 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 22nd day of February 2016.

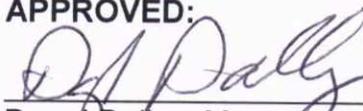
I further certify that the meeting was duly called and that a quorum was present.

DATED this 14th day of March 2016.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor