

# MINUTES

## TOWN OF MIAMI

### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, JANUARY 23, 2017 AT 6:30 PM

**1. CALL TO ORDER:**

Mayor Dalley calls the meeting to order at 6:38 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, Councilmember Black, Councilmember Castaneda, Councilmember Hanson and Councilmember Medina.

**EXCUSED:** Vice Mayor Gonzales and Councilmember Mancha II.

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Smiley, Town Clerk Norris, Utility Clerk Tashiana Jerrols, Code Enforcement/Animal Control Officer Josh Derhammer and Interim Police Chief Preston.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the January 9, 2017 Regular Meeting.
- B. Consideration and possible action to approve Minutes of January 16, 2017 Public Hearing and Special Meeting.
- C. Consideration and possible action to approve the Town Payroll for January 15, 2017.

Councilmember Castaneda moved to approve the consent agenda. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED

**5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:**

- A. Consideration and possible action to approve the General Demands for January 2, 2017 to January 20, 2017.

Councilmember Castaneda moved to approve the general demands for January 2, 2017 to January 20, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote.

Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

**6. REPORTS / RECOGNITIONS:**

**A. Department Reports.**

Interim Chief Preston, Police Department report on statistics and activity.

Mr. Josh Derhammer, Code Enforcement Officer/Animal Control Officer report on statistics and activity.

**B. Town Manager Report.**

Town Manager Heatherly gives a brief report on the Mackey Camp crossing being washed out. Thursday of last week the programmers came up to work on the scada system. Public Works is still working on locating manholes and have been cleaning up the streets due to all the recent rain. Still progressing with the current audit. Reports that in regards to the matter of missing funds, a report will be sent to the insurance company by the end of this week. Reports that USDA will not give the Town a grant but did provide us with information to submit a loan. Reports that the Town received a letter from Gila County notifying us that they are discontinuing the Magistrate services effective July 1. Met with AMEC today regarding where we are with Phases 3, 4 and 5 and cleaning up a lot of the issues with Phase 2.

**C. Mayor/Council Reports.**

Councilmember Medina reported that Boomtown Spree will be on Saturday, April 8<sup>th</sup> and if anyone needs anything regarding the event he is available 24/7, please contact him.

Mayor Dalley gave a brief report on the Mayor's Roundtable meeting he attended in Superior last week. Mayor Dalley thanks Town Manager Heatherly for the use of the Council Chambers for the Martin Luther King Jr. Day ceremony and gives thank for all the volunteers, the event was well attended. Reports that the Police Department will be doing some upgrades in their building

**7. CALL TO THE PUBLIC:** No response.

**8. UNFINISHED BUSINESS:**

**A. Information, discussion and possible action:** To approve IGA between Tri-City Fire District, the City of Globe (through its Fire Department) and the Town of Miami for Fire Protection Services.

Town Attorney Smiley states that in reviewing this IGA she found some discrepancies and has been playing phone tag with Globe Fire Chief trying to work those out and would like Council to table this item. Councilmember Medina moved to table this item. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members

excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED – ITEM TABLED.

**B. Information, discussion and possible action:** Presentation from Service Line Warranties regarding the NLC (National League of Cities) Service Line Warranty Program and possible direction to staff to move forward with the program.

Town Manager Heatherly states that this item was tabled awhile back in order for staff to do a bit more research on it. Town Manager Heatherly states that he did call three other municipalities to see how well the company was received in their towns. For the most part all three of them have been pleased with it. The Town will not be doing the promoting of this service but allowing it to come into the citizens and letting the citizens make their own choice as to whether they want to purchase the service or not. Ms. Ashley Shiwarski, Utility Service Sales Manager comments that they have a few new partners in Arizona since she was here in October; Winslow, Cave Creek, Florence and Coolidge. They have a total of 19 municipalities in Arizona that they partner with. Councilmember Castaneda asks if they are the only company that offers this service. Ms. Shiwarski states they are the only company that would not market the Miami residents without the Town's approval to do so. They are the only one that is endorsed by the National League of Cities as well as the League of Arizona Cities and Towns. Councilmember Castaneda comments as to why she is not comfortable with allowing this company's service. She has a problem with the fact that it is a business and it came through the League of Cities and Town's with quite an endorsement by getting the Town's endorsement which gives the company a step up. Ms. Shiwarski states that their program is only available through a partnership, without the Town's partnership they would not provide their service to Miami's residents. The current agreement is an exclusive agreement, but it can be changed to a non-exclusive agreement, but if the Town extended an agreement with someone else they would just end their agreement with the Town. Other companies can solicit the residents but not as a partner with the Town. Brief discussion regarding the services they provide. They are registered with the State as a warranty, but they protect the home owner's line wherever it is their responsibility. Their service protects the home owner's external water and sewer lines as well as indoor plumbing. Councilmember Medina moved to direct staff to move forward with this program. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 4 in favor, 1 opposed (Councilmember Castaneda) and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

**C. Information, discussion and possible action:** To approve Ordinance No. 350; amending Town of Miami Town Code Title 19 - Offenses, by amending Chapter 9.06 Use of Permissible Consumer Fireworks Prohibited to change the chapter name to Use of Permissible Consumer Fireworks and Ban on Open Fires and to renumber Section 9.06.01 and correct a grammatical error and to add new Section 9.06.02 Ban on Open Fires in the Town.

Mr. Josh Derhammer, Code Enforcement Officer presents this ordinance to Council for consideration. Mr. Derhammer comments regarding the addition of Section B which provides for a provision of a distance of 10 feet from a combustible building or structure. Mr. Derhammer comments regarding the majority of the lot sizes in the Town of Miami and that is one reason why they set it at a 10 foot limit. Mr. Derhammer states that several other towns in

the State of Arizona have a 10 foot limit from a structure as well. Several insurance companies recommend a 10 foot limit as well. Councilmember Black states that he does not feel that 10 feet is far enough away considering what most of the homes in this town are made of; this is a mining community and the lumber is all over 100 years old. Another reason he wanted this addressed is because he has a neighbor who makes a fire within 5 feet of a brand new building he has put up. Councilmember Black states he feels it should be at least 20 or 30 feet. Councilmember Black states that he has a wall and when the smoke from the campfire hits the top of the wall it is like a chimney and it drafts right down into his yard. Open discussion regarding issues with the smoke being bothersome or a nuisance. Councilmember Black states that he wants something in the ordinance to help people who have to tolerate the smoke. Councilmember Hanson moved to approve Item C as written. Seconded by Councilmember Medina. Mayor Dalley comments regarding Councilmember Black's concerns and the size of the lots, some lots would be too small and not allow for a fire if the limit was set at 20 or 30 feet. Mayor Dalley calls for the vote. Councilmember Black asks if he was to make a motion to table this until Council can come to a better arrangement would that stop their vote right now. Town Attorney states the Mayor has already called for the question, she thinks that if the motion was made before the call for the question, he could make a motion, but since the Mayor has called for the question they are ready to vote. Mayor Dalley calls for the vote. Vote – 3 in favor and 2 members opposed (Mayor Dalley and Councilmember Black) and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

## **9. NEW BUSINESS:**

- A. Information and discussion only:** Regarding restructuring of internal procedures and controls involving setup, identification, billing and collections for sewer and garbage services.

Ms. Tashiana Jerrols, Utility Coordinator presents this item to Council. Ms. Jerrols reviews several actions staff will be taking to collect on unpaid sewer accounts. They will be checking business license renewals to make sure business owners have their accounts up to date. In order to renew their business license they will have to have their utility account current, if it is not they will not be allow to renew their business license. If the business continues without obtaining a license, the business owner will be fined. Brief review of total account status, current customers, customers with a balance, final bill customers and customers with a credit balance. Review of accounts that have water but no sewer account, staff is currently researching those and working to make necessary corrections. Discussion regarding current final billed accounts. Brief discussion regarding updating account contact information and updating classification of accounts. Brief discussion regarding collection services and property liens. Brief discussion regarding holding the property owners accountable for services not paid for; can this be done. Councilmember Hanson comments on how she has her renters' accounts set up and that she, as the owner, came in and signed to have those accounts set up. Brief discussion regarding searching property records to find property owners and checking property tax records to find current contact information.

**B. Information and discussion only:** Review and discussion regarding the 2017 Town of Miami Employee Safety Training classes and schedule.

Town Clerk Karen Norris explains that this was brought to the town through Southwest Risk Services. Staff started the Safety Training program last year but it was sparse getting started. It was difficult to schedule training sessions and to get the employees in to the training with everyone having different work schedules. To help with that issue a safety training schedule for the year 2017 was made. The schedule will be given to department heads and they can plan ahead for the training sessions. Town Clerk Norris explains that Southwest Risk can monitor the Town's training by coming into the program and checking to see what training our employees have completed and where we are with our training sessions. We have had positive feedback from Southwest Risk regarding the training that has taken place so far. It is explained that the training is through a web based program called Safe Personnel Training. The Town has its own portal, login and training session schedule designed for our size and needs. Brief discussion and comments regarding the training and website.

**C. Information, discussion and possible action:** To approve, subject to funding agency approval, Change Order #36: \$27,048.75, decrease in Kinkaid Civil Construction's contract price for the removal of the asphalt replacement work on Canyon Avenue and Cuprite Avenue that will not be replaced as part of this project, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council and explains why it is a decrease. Councilmember Castaneda moved to approve, subject to funding agency approval, Change Order #36: \$27,048.75, decrease in Kinkaid Civil Construction's contract price for the removal of the asphalt replacement work on Canyon Avenue and Cuprite Avenue that will not be replaced as part of this project, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

**D. Information, discussion and possible action:** To approve, subject to funding agency approval, Change Order #37: \$84,374.00, decrease in Kinkaid Civil Construction's contract price for the removal of the CIPP rehabilitation work that will be added to a future phase of the project, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council and briefly discusses why it was moved into a future phase of the project. Councilmember Black moved to approve this item. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

- E. Information, discussion and possible action:** To approve, subject to funding agency approval, Change Order #38: \$14,257.28, increase in Kinkaid Civil Construction's contract price to reconcile all asphalt removal and replacement amounts for the Phase 2 project, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council. Councilmember Castaneda moved to approve, subject to funding agency approval, Change Order #38: \$14,257.28, increase in Kinkaid Civil Construction's contract price to reconcile all asphalt removal and replacement amounts for the Phase 2 project, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

- F. Information, discussion and possible action:** To approve, subject to funding agency approval, Change Order #39: \$110,857.57, increase in Kinkaid Civil Construction's contract price to reconcile all the Portland Cement Concrete Pavement (PCCP) removal and replacement amounts for the project, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council. Councilmember Black moved to approve this item as presented. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

- G. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Kinkaid Civil Construction, in the amount of \$51,850.22 for Phase 2 Construction Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council. Councilmember Black moved to approve this item as presented. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote - 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

- H. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$8,865.91 for easements and other project related expenses, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council. Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$8,865.91 for easements and other project related expenses, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote - 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

- I. Information and discussion only:** To review the requirements, procedure and application process for working in Town rights-of-way.

Mr. Josh Derhammer, Code Enforcement Officer presents this item to Council. This is a process to hold the utility companies accountable for what they are digging up. The Town approved Ordinance 305 in 2008 and Ordinance 340 in 2014, these provide for the permitting process for utility companies to cut pavement and repair standards of pavement they cut. This being presented tonight is a permit application as a way of tracking the work being done and make sure the utility companies understand the regulations. Mr. Derhammer gives a brief overview of the permitting process. Brief discussion regarding provisions providing for emergencies and what the utility companies need to do in those situations. Brief discussion regarding the permit fees; fees are set by Resolution 1054. Brief discussion regarding putting the permit fees on the application; Council would like the fees to be on the permit application. Brief discussion regarding the penalties for cutting in non-emergency cases and/or without a permit. Council would like to have the penalties noted on the application as well. Discussion regarding notifying the utility companies of the permitting process and procedures. Mr. Josh Derhammer states that this process will be reviewed with the utility companies. It is stated that on the first Wednesday of the month the Town of Miami, City of Globe, Gila County and all the utility companies meet to discuss current projects and this will be given to them next week and then every month it will be discussed with them so they do not forget they need to get a permit in order to cut in the Town of Miami right of way.

**10. CALL TO THE COUNCIL:**

Mayor Dalley thanks staff and Council for the outstanding meeting we had regarding the sewer rate increase. Mayor Dalley reminds Councilmembers that their Financial Disclosure statements are due January 31<sup>st</sup>.

**11. ADJOURNMENT:**

Councilmember Castaneda moved to adjourn the meeting. Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote - 5 in favor and 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

Meeting adjourned at 7:56 p.m.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular meeting of the Town Council of the Town of Miami, AZ held on the 23<sup>rd</sup> day of January, 2017.

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

DATED this 13<sup>th</sup> day of February 2017.

  
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Karen Norris, Town Clerk

**APPROVED:**

  
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Darryl Dalley, Mayor