

# MINUTES

## TOWN OF MIAMI

### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, FEBRUARY 13, 2017 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 Gonzales (arriving at 6:50 p.m.)  
Councilmember Black (arriving at 6:45), Councilmember Castaneda, Councilmember  
Hanson and Councilmember Medina.

**EXCUSED:** Councilmember Mancha II.

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Smiley, Town Clerk  
Norris, Finance Clerk Lopez, Librarian Hayward, and Interim Police Chief Preston.

Mayor Dalley recognizes Globe Mayor Al Gameros, Councilmember Freddy Rios and Town  
Manager Paul Jepson for being present.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the January 23, 2017  
Regular Council Meeting.
- B. Consideration and possible action to approve the Town Payroll for January 29,  
2017.

Councilmember Castaneda moved to approve the consent agenda. Seconded by  
Councilmember Medina. Mayor Dalley calls for the vote. Vote – 4 in favor, 3 members  
excused (Vice Mayor Gonzales, Councilmember Black 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 21, 2017 to February 3, 2017.

Councilmember Castaneda moved to approve general demands for January 21, 2017 to February 3, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Black and Councilmember Mancha II). MOTION PASSED.

**B. Review and discussion of Accounts Payable Aging Report through January 2017.**

Councilmember Castaneda moved to approve the accounts payable aging report through January 2017. Seconded by Councilmember Medina. Town Attorney Smiley explains that this is not an action item so a motion is not necessary. Councilmember Castaneda and Councilmember Medina withdraw the motion and second. Mayor Dalley comments that it is nice to see a report without all the past due amounts.

**C. Review and discussion of Revenues/Expenditures report for activities of January 2017.**

Mayor Dalley asks if everything is going according to the budget. Town Manager Heatherly gives a brief summary of the report and comments regarding the revenue side of things. Reports that some things still need to be cleaned up on the utility accounts. Revenues are going good and expenses are doing just as well in the other direction.

**D. Review and discussion of the recap of financial activity report for January 2017.**

Town Manager Heatherly explains that this report is a recap of everything that goes on and gives a quick highlight of the cash on hand. Comments that the cash is a bit high due to the fact that we are sitting on some of it and will be spending it in a couple of weeks. It is for the Police Department vehicles. Accounts payable are continuing at around \$43,000 level and that is right where we should be with that. Utility billings are getting consistent as well as the septic receiving and courier billings. Reports that ADOT and Pinal Gila are a bit behind on their payments to the Town.

**6. REPORTS / RECOGNITIONS:**

**A. Department Reports.**

Interim Police Chief Preston, Police Department report on statistics and activity. Interim Police Chief Preston comments on the criminal damage incident and they are waiting on the County Attorney to see what course of action they will take. Comments briefly on the new Police Department vehicles.

Ms. Tashianna Jerrols, Utility Clerk, reports briefly on the utility account billing activities. Reports that the agreement with Valley Collections has gone through and they are beginning collections.

Librarian Delvan Hayward, Library report on statistics and activity. Reports that she and Roy Plascencia attended the Ed Pastor Post Office dedication in Phoenix. Hall of Fame Open

House will be on March 12<sup>th</sup>. Gave thanks to everyone who have been donating items for the White Elephant sale that is coming up.

**Councilmember Black arrives at 6:45 p.m.**

**B. Town Manager Report.**

Town Manager Heatherly reports that Public Works have been busy with cleanup from the rains and also working to find the remaining manholes, they have 8 more to find. Reminds Council that Legislative day is on February 23, if they plan to go they need to RSVP by Wednesday. A draft audit should be completed by the end of this month. Continuing to work with HilgartWilson to finalize the draft contract for Construction Management Services for Phases 3-5. Public Works Administrator Tom Moreno and Pool Manager Hannah Sartain are reviewing and preparing what needs to be done in order to open the pool. Dale Metz and Vera Fisher in the Engineering Department are working on the 11 connections that Kinkaid could not find on Sullivan Street. They have 8 of the 11 home owner approvals to go on to their property to find out where the cleanout goes and get them connected to our line. Reports briefly on working with Kinkaid regarding the sinkholes in various areas. Reports on discussion with APS regarding additional lights for the Veterans Park and another light at 240 Latham; APS indicates these issues should be addressed within a week to 10 days.

**Vice Mayor Gonzales arrives at 6:50 p.m.**

**C. Mayor/Council Reports.**

Councilmember Medina reports that there are 54 more days until Boomtown Spree and that he will be available 24/7 if anyone needs anything regarding the event. There will be a Boomtown meeting this Wednesday at 5:00 pm. Reports on the Aquatic Center Advisory Board meeting he attended; discussion was regarding the next steps that need to be taken on this project.

Mayor Dalley comments regarding being on bedrest for 10-12 days and thanks Town Manager Heatherly for keeping him informed on town issues. Comments briefly regarding Public Works replacing a collapsed sewer line in the creek. Comments that Sullivan Street looks a lot better with the curbs painted. Reports that Councilmember Medina will be representing the Town by attending the Globe City Council meeting on Wednesday at Call to the Public. Reports that he attended the Copper Corridors monthly Mayor's meeting. Mayor Dalley congratulates Vice Mayor Gonzales for his junior high basketball team's undefeated season

Vice Mayor Gonzales comments that the 7<sup>th</sup> grade went undefeated and took the league championship. Hopefully that team will continue on and bring a championship at the high school level.

**E. CALL TO THE PUBLIC:**

Mr. Jerry Barnes and Ms. Jeannie Sequoia, representing Habitat for Humanity, announce a new home dedication and open house. Extends an invitation to the Council and the public to the open house on Saturday, February 18<sup>th</sup> at 10:30 a.m. The home is located at 5973 E Kinnemur

Ave in Claypool. Mr. Barnes gives a brief report on this project and the home built. Announces that the Cobre Valley Transit will be providing shuttle service up to the house because parking in the area is very limited.

Mr. Paul Jepson, Globe City Manager, comments on the Cobre Valley Regional Aquatic Center Committee efforts. Reports that they need some legislation fixed right away so the County can participate along with Globe and Miami. It is a complex bill and there was meeting on Friday and he will be making a presentation to the Globe City Council and will give the presentation to the Miami Council if they would like to hear it. Mr. Jepson states they would like to keep this a regional project and in order to get the substantial funds they need to have the County be able to participate, need to fix a bill in order for the County to be able to participate. The first committee hearing of the senate is Wednesday morning at 8:00 a.m.

**8. UNFINISHED BUSINESS:** None.

**9. NEW BUSINESS:**

**A. Information, discussion and possible action:** To provide direction to staff regarding topics that Miami Town Council Members would like to address at a joint meeting with Globe City Council.

Mayor Dalley states the he feels it is time for the Globe Council and Miami Council to come together and have a joint meeting. He is looking for suggestions of topics that Council may want to discuss with Globe City Council. Councilmember Medina states he would like to have discussion regarding supporting community events such as Boomtown Spree, Cinco de Mayo, and Fiesta etc. Councilmember Medina also states that he would like some discussion regarding the regional airport. Mayor Dalley states that he would like to discuss RAD garbage services; how has this been working out for Globe. Vice Mayor Gonzales states that he agrees with Mayor Dalley on the discussion topic of RAD services. He would like to know about Globe's experience since they have starting using their services. Mayor Dalley states a couple other topics he would like to talk about are the swimming pool and the transit service.

**B. Information, discussion and possible action:** To appoint a temporary Councilmember, pursuant to A.R.S. 38-300, until Councilmember Ruben Mancha II returns from active military duty.

Town Manager Heatherly states that the question came up regarding should the Town fill this seat temporarily. We believe that Councilmember Mancha will be returning around November or December, but between now and then there will be a lot of things that are important and having a Council of six members could become dicey. Since this was brought up Town Manager Heatherly wanted to bring it to Council to see if they concur with temporarily filling the seat. Councilmember Black states that he does not think we need to fill the seat. The Council usually goes pretty much the same way. Councilmember Black states he just don't think the seat needs to be filled unless they were having problems with tie votes and such. Mayor Dalley brings up the scenario if that Council appoints someone to fill the seat and then Councilmember Mancha calls in for a meeting, what kind of problem would that cause. Councilmember

Hanson comments that Councilmember Mancha was adamant that he wanted to keep his seat, but feels that if Council wants to do this they should contact Councilmember Mancha and let him know about it and see how he feels about it; it is worth asking him first. Open discussion and comments regarding getting in contact with Councilmember Mancha regarding this issue and getting his thoughts on it. Vice Mayor Gonzales states that he feels that there are a lot of issues here to be resolved but he agrees with Councilmember Hanson regarding contacting Councilmember Mancha prior to doing anything. Vice Mayor Gonzales moved to table this item. Seconded by Councilmember Black. Vice Mayor Gonzales amends his motion to include having staff make contact with Councilmember Mancha. Amendment seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). MOTION PASSED.

- C. Information, discussion and possible action:** To direct staff to prepare an amendment to Ordinance No. 350 regarding the Miami Town Code, Title 9 Offenses, Chapter 9.06 Use of Permissible Consumer Fireworks and Ban on Open Fires, by amending Section 9.06.02 Ban on Open Fires.

Town Manager Heatherly states that this was passed about a month ago, but since that time he has been asked to take a look at it and try to put a little bit more control into it. Asking Council to consider amending the ordinance by saying for any open wood fires that they would have to be outside of 15 feet from any structure and/or if the smoke that was coming off of that was a nuisance they could be asked to put it out. Councilmember Hanson asks who determines if the smoke is a nuisance. Brief discussion regarding the smoke being a nuisance and that the police or code enforcement would have to make that determination. Councilmember Black moved to accept the amendment. Seconded by Councilmember Medina. Councilmember Hanson moved to amend the motion to not change the footage that is already in the ordinance and add the smoke nuisance verbiage. Motion seconded by Councilmember Castaneda. Town Attorney Smiley explains that in order to amend this ordinance they will need another ordinance, so whatever they decide another ordinance will be brought back for Council's approval. Vice Mayor Gonzales states that he feels that 10 feet is not enough space for a lot of the properties and also comments on burn barrels and open containment fires. Brief discussion regarding the containment size as described in the recently passed ordinance. Councilmember Black states that his concern is with the embers and the danger they pose if too close to a structure. Mayor Dalley calls for the vote on the amendment. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). AMENDED MOTION PASSED. Mayor Dalley calls for the vote on the original motion. Vote – 6 opposed and 1 member excused (Councilmember Mancha II). MOTION FAILED.

- D. 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 comments regarding some confusion with first IGA that was presented to Council. She has been in contact with the Globe Fire Chief and they worked out all the issues with the IGA and it is now ready for approval. The fee schedule is the same that was presented with the original IGA. Town Attorney Smiley reads the fee schedule aloud since it was not presented in the Council packet with the IGA. Councilmember Hanson moved to

approve the IGA between Tri-City Fire District, the City of Globe (through its Fire Department) and the Town of Miami for Fire Protection Services. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). MOTION PASSED.

**E. Information and discussion only:** Regarding Town of Miami 2017/2018 changes to employee insurance benefits and the effects of the changes on the Town's budget.

Town Clerk Karen Norris presents this item to Council. Town Clerk Norris explains that the Town of Miami employee benefit package is a EPO type benefit, which is an Exclusive Provider Organization and employees are not covered for out of network services and not covered for out of state coverage. RAGHT (Rural Arizona Group Health Trust) voted to add Aetna Network for out of state coverage only. They also voted to implement the SmartBen Portal for benefit management services. Also added to the coverage services offered, RAGHT voted to add Teladoc services. This is a service where employee can call a doctor instead of going to a doctor office or to the ER. This is an unlimited services and is paid 100% by the plan. Town Clerk Norris also explains that the benefit plan is on a calendar year and the municipalities are on a fiscal year so they voted to for a short plan year in order to bring the benefit plan in line with the fiscal year. The benefit deductibles have increased slightly and there have been some slight changes to the prescription plan as well. Town Clerk Norris states that she believes that the insurance rates will increase this year 4.3% as presented. Brief discussion regarding the average yearly increase for employee benefits.

**F. Information and discussion only:** Regarding status of Town of Miami sewer replacement project.

Town Manager Heatherly states that the actual construction is completed now we are trying to finish up everything and release the retention that we are holding. Town Manager Heatherly explains that over the last month and a half little things keep cropping up and now they are not so little. He has sent an email to AMEC to address this and asked if they can get this resolved this week so we can discuss it at the Wastewater Advisory Board meeting. Currently we are working on getting AMEC to sign off on Phase 2 and looking at Phases 3, 4 and 5, Public Works is looking at some of the streets and have also located most of the manholes. Town Manager Heatherly reports on some of the issues they have run into with a couple of the manholes. Town Manager Heatherly states we are looking at the draft contract with HilgartWilson and hoping to get a meeting with Mike Luecker with USDA to go over any issues he may have with it and get that resolved. After that, the contract will be brought to Council for consideration. Town Manager Heatherly states he understands that time is money and they are pushing to get things done, but wants to get things done carefully and thoughtfully to make sure things are done correctly. Town Manager Heatherly explains that as soon as the Town gets these things done they will get with Arizona Water Company to start doing some potholing.

**G. 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 and (A)(4) for discussion or consultation with the Town Attorney regarding the Town's position in pending litigation or in settlement

discussions conducted in order to resolve litigation in the matter of Kinkaid Civil Construction L.L.C.

**And**

Pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, salary, promotion, demotion or discipline of Town Clerk, Karen Norris.

Councilmember Medina moved to recess into executive session. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). 7:55 p.m.

Council reconvenes at 8:50 p.m.

All members present, Councilmember Mancha II excused

**H. Information, discussion and possible action:** To approve renewal of employment contract for Town Clerk, Karen Norris.

Mayor Dalley moved to approve employment contract as requested. Seconded by Councilmember Black. Vice Mayor Gonzales abstains from this item due to a conflict of interest. Mayor Dalley calls for the vote. Vote – 5 in favor, 1 abstention (Vice Mayor Gonzales) and 1 member excused (Councilmember Mancha II). MOTION PASSED.

**10. CALL TO THE COUNCIL:**

Mayor Dalley announces that on Thursday the 16<sup>th</sup> at 10:00 a.m. the Senior Center will be having a 100<sup>th</sup> birthday party for Mrs. Myrtle Harmon

**11. ADJOURNMENT:**


Councilmember Black moved to adjourn the meeting. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). MOTION PASSED.

Meeting adjourned at 8:54 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 13<sup>th</sup> day of February, 2017. I further certify that the meeting was duly called and that a quorum was present.

DATED this 27<sup>th</sup> day of February 2017.

  
\_\_\_\_\_  
Karen Norris, Town Clerk

**APPROVED:**

  
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Darryl Dalley, Mayor