

# MINUTES

## TOWN OF MIAMI

### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, JULY 24, 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, 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, Finance Clerk Maria Lopez, Code Enforcement/Animal Control Officer Joshua Derhammer, Transit Manager Richard Cluster and Interim Police Chief Preston.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the July 10, 2017 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for July 16, 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 July 4, 2017 to July 21, 2017.

Councilmember Castaneda moved to approve the general demands for July 4, 2017 to July 21, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote 5 in favor, 2 members excused (Vice Mayor Gonzales and Councilmember Member Mancha II). MOTION PASSED.

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

Review and discussion regarding the accounts payable aging report through June 2017.

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

Review and discussion regarding the Revenues/Expenditures report for activities of June 2017.

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

Review and discussion of the recap of financial activity report for June 2017.

**6. REPORTS / RECOGNITIONS:**

**A. Department Reports.**

Brief slide show showing some of the storm cleanup that Public Works Department has been working on.

Code Enforcement/Animal Control Officer, Joshua Derhammer reported on statistics and activity.

Interim Police Chief Preston, Police Department report on statistics and activity for week ending July 23, 2017.

Transit Manager, Richard Cluster reported briefly on Transit activity and that they have acquired two used buses from Cottonwood, AZ.

**B. Town Manager Report.**

Town Manager Heatherly reports that the garbage truck is up and running. Brief report on some problems that occurred at the treatment plant today. The storage shed at the pool has been painted. Reports that administration have been working on cleaning up accounts from over the past year and working with the auditor to get the audit started in October. Reports that he met with the local vendors on Saturday again, the two biggest issues raised was the noise coming from the Wild Horses Saloon and the need for a four way stop at the corner of Sullivan Street and Keystone. Public Works Department has started painting the lines on Sullivan Street.

**C. Mayor/Council Reports.**

Councilmember Hanson announces that Habitat for Humanity will be cleaning up the property down the street with the burned out house and starting a new housing project on that lot.

Councilmember Medina announces that Boomtown Spree is continuing to move forward and this Thursday they will be having an important meeting, it is open to the public.

Councilmember Black requests Town Manager Heatherly to put on the next agenda an update on what is happening with Canyon Avenue.

Mayor Dalley gives a brief update on the continuing issues with CAG. Mayor Dalley reminds everyone to watch out for flash floods.

**7. CALL TO THE PUBLIC:**

Mr. Jerry Lopez, Miami resident, comments regarding Arizona Water Company moving out of Miami, it is sad to see them go. Comments on the retention basin on Adonis Avenue being full of sand and who is in charge of cleaning that.

**8. UNFINISHED BUSINESS:** None.

**9. NEW BUSINESS:**

- A. Information, discussion and possible action:** To approve in theory an expansion by Pinal-Gila Headstart of its leased facilities at Bullion Plaza and to direct Staff to work with Headstart to prepare a Lease Amendment for Council approval at a subsequent Council meeting.

Councilmember Castaneda questions if the storage sheds will remain at the location. Ms. Pam Stobach, Site Supervisor, states that yes the storage sheds will remain there. Brief discussion regarding the boundary lines for the Headstart location. Brief discussion regarding the lack of parking. Discussion regarding the back wall, that will be repaired and a walkway put in so people can walk through. Councilmember Hanson moved to approve the expansion. 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.

- B. Information, discussion and possible action:** To approve Resolution No. 1196; levying upon the assessed valuation of property within the Town of Miami a certain sum of money for fiscal year 2017-2018 to be assessed against the valuation of real property for primary tax purposes.

Town Manager Heatherly presents the resolution to Council and explains that it is as presented in the Town's budget. Councilmember Castaneda moved to approve Resolution No. 1196; levying upon the assessed valuation of property within the Town of Miami a certain sum of money for fiscal year 2017-2018 to be assessed against the valuation of real property for primary tax purposes. 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.

- C. Information, discussion and possible action:** To approve Amendment No. 8 to the Town's agreement with the Pinal-Gila Council for Senior Citizens related to congregate meals, home delivered meals and transportation services to extend the Agreement from July 1, 2017 through June 30, 2018, in accordance with the amended contract operating budget and new service levels.

Senior Center Director, Kristy Regalado presents this Contract Amendment No.8 to Council. Brief review of the changes in the proposed contract. Councilmember Hanson moved to approve Amendment No. 8 to the Town's agreement with the Pinal-Gila Council for Senior Citizens. 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 recess the public meeting and convene in executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct 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 The Town of Miami v. Bennu Properties, LLC et al.

Mayor Dalley moved to recess into executive session. 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. Recessed at 7:19 p.m.

Return to session at 7:44 p.m. All members present, Vice Mayor Gonzales and Councilmember Mancha II excused.

- E. Information, discussion and possible action:** To authorize staff and the Town Attorney to take all necessary actions to settle the eminent domain litigation of Town of Miami, Arizona v. Bennu Properties, LLC, CV2016-00148, for the principle sum of \$4,000 plus statutory interest as applicable.

Councilmember Castaneda moved to authorize staff and the Town Attorney to take all necessary actions to settle the eminent domain litigation of Town of Miami, Arizona v. Bennu Properties, LLC, CV2016-00148, for the principle sum of \$4,000 plus statutory interest as applicable. 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 concurrence, payment application for AMEC, in the amount of \$6,312.18 for one month of Design and Construction Management Services.

Town Manager Heatherly explains that the Wastewater Advisory Board was not able to get a quorum to meet and review and make a recommendation on this and the next item. Staff has bypassed the Wastewater Advisory Board and has submitted these to Council for review and possible approval. Town Manager Heatherly suggests tabling this item until the Wastewater

Advisory Board can review and make a recommendation on this item. Councilmember Hanson moved to table 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.

**G. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$118,094.50 for legal, easement evaluation, Phase 3-5 construction management services, and other project related expenses.

Town Manager Heatherly explains that this item contains a lot of items that will require repayment from the Town of Miami, so the Town will need to get the money from USDA quickly to get the vendors paid as soon as possible. This will go back to the Wastewater Water Advisory Board for their information and review and so that they know it has been processed by Council. Councilmember Hanson moved to approve subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$118,094.50 for legal, easement evaluation, Phase 3-5 construction management services, and other project related expenses. 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 and discussion only:** Update on the current status and progress of sewer project Phase 2 and Phases 3-5.

Town Manager Heatherly gives an update on the claim against Kinkaid's surety bond; they have denied the Town's claim. He has been in contact with Peterson Geotechnical to have them review if there is any more work that needs to be done to substantiate, in their mind, whether the work was completed satisfactorily or not throughout the whole project. When we get that we can do something legal with Kinkaid and the surety company. The Town received a new claim from Kinkaid last week for additional work they have done. Basically they are trying to charge the project for them to come up and do the investigation work on three sites. The final drawings have been completed for Phase 3-5 and sent out to USDA and ADEQ. There may be some small adjustments but don't think there will be too many. Update on the easements and have identified that we need to get 11 more easements. Have been working on the drawings to identify potential conflicts that may arise with Southwest Gas and Arizona Water Company. Working on a video of all the streets to show the condition of each street. Town Manager Heatherly comments on trying to get help from USDA to repair the roads that the project disturbs. Brief discussion regarding road repair issues. Brief review of the project timeline.

## 10. CALL TO THE COUNCIL:

Councilmember Medina announced on Wednesday at 10:00 a.m. there will be an Elvis impersonator at the Senior Center.

Mayor Dalley announces Music in the Park this weekend, Amy Schugar will be performing.

**11. ADJOURNMENT:**

Councilmember Black moved to adjourn the meeting. Seconded by Councilmember Castaneda. 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 8:10 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 24<sup>nd</sup> day of July, 2017.

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

DATED this 14<sup>th</sup> day of August 2017.

  
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Karen Norris, Town Clerk

**APPROVED:**

  
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Darryl Dalley, Mayor