

# MINUTES

## TOWN OF MIAMI

### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, AUGUST 14, 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 6:37 p.m.), Councilmember Black, Councilmember Castaneda, Councilmember Hanson and Councilmember Medina.

**EXCUSED:** Councilmember Mancha II.

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Smiley, Town Clerk Norris, Police Chief Preston, Finance Clerk Lopez, Librarian Delvan Hayward, Library Assistant Roy Plascencia, Engineering Department Vera Fisher and Utility Clerk Tonya Johnston.

#### 4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the July 24, 2017 Regular Council Meeting.
- B. Consideration and possible action to approve the Town Payroll for July 30, 2017.

Councilmember Black 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 22, 2017 to August 9, 2017.

Councilmember Hanson moved to approve general demands for July 22, 2017 to August 9, 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.

**Vice Mayor Gonzales arrives at 6:37 p.m.**

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

Brief discussion regarding the very old outstanding invoices that are in the report. Town Manager Heatherly explains that this report should be cleaned up by the end of August. Right now we do not know what some of those invoices are for so they are working with the auditors to clear those up.

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

No discussion on this report. Councilmember Medina suggests adding a second page to the report because the last column gets cut off.

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

Town Manager Heatherly briefly reviews the recap of financial activity report for July 2017.

**6. REPORTS / RECOGNITIONS:**

**A. Department Reports.**

Librarian Delvan Hayward and Library Assistant Roy Plascencia gives the Library report on statistics and activity for July. Reports on the Great American Solar Eclipse events and program to be held at the Bullion Plaza Museum on August 21, 2017. They will be handing out solar eclipse glasses to the public for the safe viewing of the eclipse.

Police Chief Preston gives the Police Department report on activity and statistics for July 2017.

Tonya Johnston, Utility Clerk, reports briefly on the utility account billing activities and monthly statistics for July 2017.

**B. Town Manager Report.**

Town Manager Heatherly reports on the road repair work on Milton, that should be done by the middle of this week. Reports briefly on Canyon Avenue. Peterson Geotechnical is taking more investigational samples to see what the compaction is like in several areas. Last weekend was the end of the swimming pool season. Will be going to Phoenix tomorrow to meet with the auditors in regards to the 16/17 fiscal year audit. Update on the septic receiving station repairs and training. Working on the contract for Bullion Plaza Gym lease agreement, regarding rental deposits and that should be coming before Council at the next meeting.

### C. Mayor/Council Reports.

Councilmember Medina announces that Boomtown Spree is still on track. The target tentative date for the event is April 19<sup>th</sup> and 20<sup>th</sup>, 2018.

Mayor Dalley gives a brief CAG update and also their office will remain in Apache Junction. Briefly reports on Vandal Bash, feels it was a success. Reports that Concert in the Park was not very well attended and the Town also needs to do something with the cooling in the concession stand, it was very hot in there for the people working. Announces that the last Concert in the Park will be in two weeks.

#### 7. CALL TO THE PUBLIC:

Mrs. Beatrice Cordero, Miami resident, expresses her concern for the children in this area. Mrs. Cordero offers ideas for solutions that the Town can implement that will show them we care about them. Mrs. Cordero suggests that local businesses implement a mentoring program that may get the youth interested in a career goal. Also comments on some of the programs that are provided by the local churches. Comments on the importance of making a difference in the lives of the young people.

Mrs. Christie Cothrun, Miami business owner, announces that on August 31<sup>st</sup> the Chamber of Commerce is having an event "Alive After Five Chamber Mixer", it will be held in Miami for the very first time. Mrs. Cothrun comments that she has been talking to some of the Miami merchants to see if they will keep their business open for the event. They are looking for help and information for the event. Mrs. Cothrun asks how she can help with the Miami Fiesta event and also she would like some posters to hang up at her business to advertise that event.

8. **UNFINISHED BUSINESS:** None.

#### 9. NEW BUSINESS:

**A. Information and discussion only:** Presentation and discussion regarding donation from the Gila Community College to the Town of Miami of a storage shed located at the Miami swimming pool.

Mr. Mike Pastor, Gila Community College Workforce Training Director, at the Claypool campus, presents this item to Council. Mr. Pastor comments on how this particular project came to be. The construction academy program is funded by ADOT to teach basic carpentry skills to young adults. Mr. Pastor comments how the students built the storage shed and RAM Specialists delivered the storage shed to the swimming pool location. Mr. Pastor comments on upcoming projects they are looking at doing in the Miami area. The Keystone Stairs repair project and a handrail project for the museum and for the library as well. The Town will be working on an IGA for the upcoming projects.

**B. Information, discussion and possible action:** To approve Resolution No. 1197, adopting a residential antidisplacement and relocation assistance plan for FY 2017/2018.

Councilmember Hanson moved to approve Resolution No. 1197, adopting a residential antidisplacement and relocation assistance plan for FY 2017/2018. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor, 1 member excused (Councilmember Mancha II). MOTION PASSED.

**C. Information and discussion only:** Presentation of Bullion Plaza Gym rental report for August through December 2016 and January through June 2017.

Mrs. Rosemary Castaneda presented the Bullion Plaza Gym rental report for August through December 2016 and January through June 2017. Brief discussion regarding the report. Councilmember Black asks if Miami Genesis can add a column to the report showing the dollar amount of the deposit that is refunded to the renter. Mrs. Castaneda states that yes they will add that to their next report.

**D. Information, discussion and possible action:** To direct staff to publish a Notice of Intention that the Town of Miami intends to establish rates and fees related to Wastewater Services for receiving sewage at its septic receiving station and setting a public hearing on the proposed rates and fees for October 23, 2017.

Ms. Vera Fisher from the Engineering department present this item to Council. Ms. Fisher explains the proposed tiered rate structure for the receiving station and how they came up with proposed rate schedule. Open discussion regarding how the Town will determine which rate to charge. Discussion regarding samples will be taken from loads to test the pH level and possibly sent to a lab for a more specific determination. Discussion regarding inspecting the load manifest as well to help determine the contents of the load. Mr. Chris Hendricks with EUSI has helped with the development of this plan. Town Manager Heatherly briefly reviews the proposed process for dumping at the septic station. Brief discussion regarding the cost of sending load samples to a lab and if it would be economically beneficial if the Town did that, or would the costs outweigh the benefit. Brief discussion regarding who would pay for the testing. Town Attorney Smiley reviews the required process for approving the rate structure. Councilmember Castaneda moved to direct staff to publish a Notice of Intention that the Town of Miami intends to establish rates and fees related to Wastewater Services for receiving sewage at its septic receiving station and setting a public hearing on the proposed rates and fees for October 23, 2017. 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:** Update on the current status and progress of sewer project Phase 3-5.

Town Manager Heatherly gives a quick update on the progress of sewer project Phase 3-5. The Wastewater Advisory Board had a worksession on Friday the 11th and went through exactly where we stand with phase 3-5. The drawings are 99.5% complete and the only work left on them is waiting on any comments back from ADEQ and/or USDA. The plans were given to ADEQ and USDA approximately 3 weeks ago for their review. We do not anticipate any changes to them. Town Manager Heatherly comments on working with Arizona Water

Company and SW Gas to locate and resolve any possible conflicts that may come up. Arizona Water has already started potholing and has brought back information for review. Update on the acquisition of the easements and property entry right of ways. Town Manager Heatherly briefly reviews the current project schedule assuming there are no major problems. We are hoping that the Notice to Proceed with go out in November, around Thanksgiving.

- F. 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 or contemplated litigation in the matter of Town of Miami v. Kinkaid Civil Construction, LLC.

Councilmember Black moved to recess the public meeting for a 5 minute break and then convene into 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 or contemplated litigation in the matter of Town of Miami v. Kinkaid Civil Construction, LLC. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). MOTION PASSED.

Recessed at 8:00 p.m.

Return from executive session and all members present. 8:32 p.m.

- G. Information, discussion and possible action:** To authorize the Town Attorney and Town Manager to take all actions necessary and related to pursuing legal action against Kinkaid Civil Construction, LLC and any additional parties as may be implicated related to defects in the construction of Phase 2 of the Miami sewer project.

Councilmember Black moved to authorize the Town Attorney and Town Manager to take all actions necessary and related to pursuing legal action against Kinkaid Civil Construction, LLC and any additional parties as may be implicated related to defects in the construction of Phase 2 of the Miami sewer project. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member excused (Councilmember Mancha II). MOTION PASSED.

#### **10. CALL TO THE COUNCIL:**

Mayor Dalley announces the Arizona League of Cities and Town's Annual Conference is next week.

#### **11. ADJOURNMENT:**

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

Meeting adjourned at 8:35 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 14<sup>th</sup> day of August, 2017.

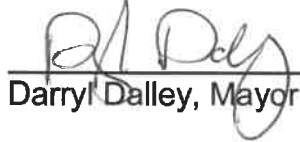
I further certify that the meeting was duly called and that a quorum was present.

DATED this 28<sup>th</sup> day of August 2017.



Karen Norris, Town Clerk

**APPROVED:**



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Darryl Dalley, Mayor