

MINUTES

TOWN OF MIAMI

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

1. CALL TO ORDER:

Mayor Dalley calls the meeting to order at 6:31 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, Councilmember Black, Councilmember Castaneda, Councilmember Hanson, Councilmember Mancha II and Councilmember Medina.

STAFF PRESENT: Town Attorney Smiley, Town Manager Heatherly, Town Clerk Karen Norris, Utility Clerk Tonya Johnston, Engineering Department Vera Fisher and Police Chief Preston.

4. CONSENT AGENDA:

Mayor Dalley states that he is requesting items C and D be removed for a separate vote.

A. Consideration and possible action to approve Minutes of the October 9, 2017 Regular Meeting.

B. Consideration and possible action to approve the Town Payroll for October 8, 2017.

Councilmember Castaneda moved to approved consent agenda items A and B. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

C. Consideration and possible action to approve a Veterans Day Celebration on Saturday, November 11, 2017 at the Miami Veterans Memorial Park; a Veterans Day Parade beginning at 10:00 a.m. – Closure of Sullivan Street from Bullion Plaza Museum to Miami Avenue and Ceremony and cookout at the park with the Town providing traffic control and barricades as deemed necessary by the Miami Police Department.

Mayor Dalley reviews his request for the parade line up, route and time. Councilmember Castaneda moved to approve Item C and parade route as explained by Mayor Dalley.

Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote – 7 in favor.
MOTION PASSED.

D. Consideration and possible action to approve Town of Miami Red Ribbon Week Proclamation – October 23 – 31, 2017.

Mayor Dalley reads aloud the Miami Red Ribbon Week Proclamation. Student members of the Miami Anti-Tobacco Club thank Council for supporting the Miami High School Anti-Tobacco Club and this proclamation. Councilmember Castaneda moved to approve the Town of Miami Red Ribbon Week Proclamation – October 23rd – 31st, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

A. Consideration and possible action to approve the General Demands for October 5, 2017 to October 19, 2017.

Councilmember Black and Vice Mayor Gonzales ask several questions regarding the demands. Town Manager Heatherly states he is not real sure on a couple of the questions but will check into them and get back to them with an answer. Councilmember Castaneda moved to approve the general demands for October 5, 2017 through October 19, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Department Reports.

Police Chief Preston, Police Department report on statistics and activity for week of October 16th through October 22nd.

B. Town Manager Report.

Town Manager Heatherly reports Public Works Department is putting together a capital replacement and preventative maintenance program for the wastewater treatment plant; should have that completed in about a week. Public Works Department is also working on filling potholes and issues with some of the streets. Update on the pool and having a structural inspection of the pool. Update on Phase 2 Sewer Project issues and how some of these issues will affect the CDBG Street Project. Will be meeting with the Town Auditor on Thursday to do the final preparations to start the audit. The college has agreed to do some projects in the town, one being hand rail repairs on the stairs behind town hall and the other is to make some holiday decorations for the town; he is working on finalizing the agreement for that. Town Manager Heatherly states that he would like to meet with each Councilmember individually, sometime between now and the next two weeks, to talk about the direction and things like that, when they have time please come in and see him.

C. Mayor/Council Reports.

Councilmember Medina states Boomtown Spree is still a go, also Small Town Christmas is part of the Boomtown Spree. Comments on signing up for Xpress Bill Pay to pay his sewer and trash bill, it was easy to set up and convenient to make his payments. Councilmember Medina reminds everyone that Boomtown Spree is working on teaming up with the Town of Miami for the Centennial Celebration, the next Centennial meeting is on October 26th at 2:00 p.m. at Bullion Plaza Museum.

Mayor Dalley reports briefly on the Copper Corridor Mayor's meeting that took place at the Bullion Plaza Museum. Mayor Dalley announces the Halloween party at the park on October 30th. Mayor Dalley comments that the M has been repainted by the Miami High School freshmen students. Mayor Dalley comments on the Miami School football games and that it is nice to see the Miami Police Department there and supporting the school. Mayor Dalley will be out of town late Wednesday evening or Thursday and will be returning on the 29th.

7. CALL TO THE PUBLIC:

Mrs. Sharon Licano, Miami resident, announces Small Town Christmas on December 16th, 2017 at the Miami Veterans Memorial Park from 10:00 a.m. to Noon.

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve Ordinance No. 355, Amending the Code of Miami, Arizona Title 9 Offenses, Chapter 9.04 Curfew, by repealing Sections 9.04.010 Curfew Imposed and 9.04.020 Violation – Penalty in their entirety and adopting a new Section 9.04.010 Curfew for Minors.

Town Manager Heatherly presents this item to Council. Town Manager Heatherly states he know this won't solve all the issues we have been dealing with but it is a good start. Staff is looking at repairing the curfew horn. Discussion regarding the ordinance wording "with prior permission" on page 2. Town Attorney Smiley explains that primarily this exception is for exercise of free speech. Prior permission can be written, it can be verbal, and as long as the parent or guardian confirms that they have prior permission. Sometime it will be a school event or something like that where it is assumed that the parent gave permission. It is adapted from other cities ordinances so that is part of it to. This is also tied to reasonable and legitimate exercise of first amendment rights. Discussion and comments regarding taking the minor home when the parent/guardian is not home. Councilmember Black comments that he has talked to a couple of officers regarding this ordinance to get their opinion and they are in support of it. Councilmember Black states he is in support of it as well. Councilmember Black moved to approve Ordinance No. 355, Amending the Code of Miami, Arizona Title 9 Offenses, Chapter 9.04 Curfew, by repealing Sections 9.04.010 Curfew Imposed and 9.04.020 Violation – Penalty in their entirety and adopting a new Section 9.04.010 Curfew for Minors. Seconded by Councilmember Hanson. Councilmember Mancha II asks Police Chief Preston his opinion of this proposed ordinance. Police Chief Preston states he feels this is something that has been

needed here for a while. He feels it will reduce the number of underage kids running the streets past 9 o'clock at night. Town Manager Heatherly states if Council approves this he will meet with the County Attorney and Judges to review the ordinance with them and discuss our real intent. Discussion regarding when the ordinance will take effect. Town Attorney states 30 days after it is passed. Discussion regarding doing public service announcements to let the community know that we will be enforcing this new curfew. Council agrees that they would like the Police Department to start enforcing this December 1st. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

B. Information, discussion and possible action: To approve Ordinance No. 356, Amending the Code of Miami, Arizona Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, Sections 13.04.130 Billing; Disputed Charges and 13.04.131 Delinquent Accounts – Termination of Services; Collections; Liens and by renumbering and amending Section 13.04.132 Reestablishment of Service; and by adding new Section 13.04.132 Delinquent Payment Plans.

Ms. Tonya Johnston presents this ordinance to Council. Brief review of the ordinance and the changes it is proposing. Brief discussion regarding liens; can we do liens if the account holder is a renter, not the property owner. Town Attorney Smiley states that by State law we cannot. Councilmember Hanson moved to approve Ordinance No. 356, Amending the Code of Miami, Arizona Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, Sections 13.04.130 Billing; Disputed Charges and 13.04.131 Delinquent Accounts – Termination of Services; Collections; Liens and by renumbering and amending Section 13.04.132 Reestablishment of Service; and by adding new Section 13.04.132 Delinquent Payment Plans. Seconded by Councilmember Medina. Town Manager Heatherly clarifies that this program for the delinquent payment plan starts, for an outstanding balance as of October 1st of this year and runs through December. We are telling everybody for those who have an outstanding balance you have 3 months to come in and get signed up for this. We will extend out the payment period for up to 3 years, they will have to show proof on income to see where they fall within our guidelines of payment plans. Mayor Dalley calls for the vote. Vote – 7 in favor MOTION PASSED.

Town Attorney Smiley request Council to address Item D and then Item C.

Councilmember Black moved to go to Item D and then Item C. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

D. Information, discussion and possible action: To approve Ordinance No. 357, amending the Town Code, Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, by amending Section 13.04.040 Permits, and by adopting new Chapter 13.05 Septage Receiving Regulations, as set forth in the “Septage Receiving Station Code Amendments, dated October 23 2017”, which is declared to be a public record and adopted by reference, all related to adopting permit requirements, procedures, and regulations for disposal of septage into the Miami Wastewater Treatment and Reclamation Facility at the septage receiving station.

Town Manager Heatherly presents this item to Council. Town Manager points out one change in the ordinance. Page 2 Section C – Street and Sanitization Superintendent be changed to Public Works Director. Mr. Paul Hendricks of EUSI is present if Council has any questions of him. Town Manager Heatherly explains how the dump station will be operated and how material will be tested. Explains that material testing can be done right there at the dump station, will not have to send it out to a lab. Mr. Paul Hendricks comments on the equipment that will be used to test the material. Town Manager Heatherly explains what is going to be required by the pump truck driver before they can dump at the station. Councilmember Medina moved to approve Ordinance No. 357, amending the Town Code, Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations, by amending Section 13.04.040 Permits, and by adopting new Chapter 13.05 Septage Receiving Regulations, as set forth in the “Septage Receiving Station Code Amendments, dated October 23 2017”, which is declared to be a public record and adopted by reference, all related to adopting permit requirements, procedures, and regulations for disposal of septage into the Miami Wastewater Treatment and Reclamation Facility at the septage receiving station with noted correction on page 2. Seconded by Councilmember Hanson. Vice Mayor Gonzales asks if there is a sensor to keep the tank from being filled beyond capacity. Town Manager Heatherly states he does not believe that there is a level sensor in the tank. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

C. Public Hearing, discussion and action: To hold a public hearing and possible adoption of Resolution No. 1199, to establish fees for permitting and use of the Town of Miami septage receiving station as set forth in the Notice of Intention approved by the Town Council on August 14, 2017:

- 1) Open Public Hearing ~ Mayor Dalley. **7:54 p.m.**
- 2) Open Discussion and Public Comments regarding adoption of Resolution 1199, establishing fees for permitting and use of the Town of Miami septage receiving station.

Town Manager Heatherly explains how they came up with the fee schedule setting the proposed rates. The pricing is based on the chemical oxygen demand and set on tier levels. Town Manager Heatherly reviews the pricing tiers. It is pointed out that there is a mistake on the rate schedule. Septage per Gallon Rate per Chemical Oxygen Demand between 901 – 9,000, should have been 901 – 9,999, that correction cannot be done tonight because State law requires publication of the Notice of Intent, we will have to republish that one rate. Council can approve this “as is” for now and make the necessary correction bring that part back to Council at a later date. Town Manager Heatherly asks what would happen if we just left it the way it is? Town Attorney Smiley responds that the Town can leave it as is, but there will be a gap. Her recommendation is to approve this tonight, they will prepare a Notice of Intent and it will come back to Council when it has been published for the required amount of time. Mayor Dalley calls for any public comments. No public response.

- 3) Close Public Hearing ~ Mayor Dalley. **8:00 p.m.**

- 4) Council discussion, motion and possible action to approve Resolution No. 1199, establishing fees for permitting and use of the Town of Miami septage receiving station.

Councilmember Black moved to approve Resolution No. 1199, to establish fees for permitting and use of the Town of Miami septage receiving station as set forth in the Notice of Intention approved by the Town Council on August 14, 2017. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- E. Information, discussion and possible action:** To give direction to Town Manager to appoint a Public Safety Personnel Retirement System (PSPRS) Review Committee to explore and recommend alternatives to provide funding for balance due.

Town Manager Heatherly states we are proposing that the committee be made up of Police Chief Preston, Officer Darlene Woodliff, Payroll Clerk Jennifer Underwood, Town Clerk Karen Norris, Councilmember Mancha and Mayor Dalley. Town Manager Heatherly explains that the PSPRS balance due issue is not, on any part, the Town's fault or mistake. Town Manager Heatherly explains some of the issues that led up to the money problems with PSPRS and its shortcomings and why the municipalities are being required to pay for the shortage. Councilmember Castaneda moved to give direction to Town Manager to appoint a Public Safety Personnel Retirement System (PSPRS) Review Committee to explore and recommend alternatives to provide funding for balance due. Seconded by Councilmember Medina. Vice Mayor Gonzales asks about the interest rate for the 30 year repayment plan. Town Manager Heatherly explains he does not know because it is a variable interest rate, it will change from time to time. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

- F. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$12,624.35 for one month of Design and Phase 2 Construction Management Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this pay application to Council, it was recommended for approval by the Wastewater Advisory Board. This will get AMEC caught up through the month of August. Councilmember Hanson moved to approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$12,624.35 for one month of Design and Phase 2 Construction Management Services, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote – 6 in favor and 1 member opposed (Councilmember Black). 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 \$85,124.41 for legal, geotechnical evaluation, Phase 3-5 construction management services and other project-related expenses, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this pay application to Council, it was recommended for approval by the Wastewater Advisory Board. Councilmember Castaneda moved to approve,

subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$85,124.41 for legal, geotechnical evaluation, Phase 3-5 construction management services and other project-related expenses, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 7 in favor. MOTION PASSED.

10. CALL TO THE COUNCIL:

Mayor Dalley states since he was not present at the meeting when Councilmember Mancha returned, and then Councilmember Mancha was out for the next meeting, he would now like to welcome Councilmember Mancha to the Council.

Councilmember Medina thanks everyone for attending the meeting.

11. ADJOURNMENT:

Councilmember Medina moved to adjourn the meeting. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote - 7 in favor. MOTION PASSED.

Meeting adjourned at 8:26 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 23rd day of October, 2017.

I further certify that the meeting was duly called and that a quorum was present.
DATED this 13th day of November 2017.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor