



MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, JANUARY 28, 2019 AT 6:30 PM

1. CALL TO ORDER:

Mayor Dalley calls the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Dalley led the pledge of allegiance. Councilmember Reiman led the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Dalley, Vice Mayor Gonzales, Councilmember Black, Councilmember Bringhurst, Councilmember Medina (arriving at 7:56 p.m.), Councilmember Moat, and Councilmember Reiman.

STAFF PRESENT: Town Manager Heatherly, Town Attorney Goodwin, and Town Clerk Norris.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the January 14, 2019 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for January 13, 2019.

Councilmember Black moved to approve the consent agenda. Seconded by Councilmember Bringhurst. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for January 11, 2019 to January 24, 2019.

Councilmember Black moved to approve the general demands for January 11, 2019 to January 24, 2019. Seconded by Councilmember Reiman. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember

Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Town Manager Reports.

Town Manager Heatherly gives a brief report regarding replacing a blower at the wastewater treatment plant and thanks Freeport for helping with that. Reports that the audit is progressing well. Reports on the CDBG Street Improvement Project. Town Manager Heatherly informs Council that he is going to be setting up a work session for the week of the 11th to go through the budget for FY 2019/2020. Reports that Police Chief Thompson is working on putting together 2 Meet and Greet events one with the local business owners and one with the citizens of the town. Comments briefly on the Federal government shut down and how it has affected the Town of Miami.

Mayor Dalley recognizes Globe Councilmember Rios, Globe City Manager Jepson and Globe Code Enforcement Officer Michelle Yerkavich.

B. Mayor/Council Reports.

Councilmember Moat comments on the radio announcements reporting on the project; where they are working and what is going on with it.

Councilmember Reiman states he would like to give a “shout out” to the Police Department regarding officers making stops on Highway 60.

Mayor Dalley comments regarding Town Manager Heatherly working hard to find money to help pay for the sewer project to keep it going during the Federal government shut down.

7. CALL TO THE PUBLIC:

Mrs. Beatrice Cordero, Miami resident, comments on her concern with how to help the children in this town. Comments on many of the programs that the local churches have for kids. Mrs. Cordero comments on the parents setting an example for the kids and that church is important in teaching values and respect.

Mr. Paul Jepson, Globe City Manager, comments regarding the new marijuana dispensary that has opened in Globe and how it will affect the local communities. They have met all the necessary requirements and are licensed with the state. Mr. Jepson explains how the opening of the dispensary affects home cultivation in the area.

Mayor Dalley moved to move address item D after item L so that Councilmember Medina can be here for that item. Seconded by Councilmember Bringhurst. Mayor Dalley calls

for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

A. Information and discussion only: Swearing in of newly hired Chief of Police, Keith Thompson.

Magistrate Baeza performs the swearing in of Police Chief Thompson.

B. Information, discussion and possible action: To approve Resolution No. 1217, reappointing Rebecca Baeza as Miami Town Magistrate for a term of two years and providing for appointment of a Magistrate Pro Tem to serve in the event of an absence by the Town Magistrate.

Councilmember Reiman moved to approve Resolution No. 1217, reappointing Rebecca Baeza as Miami Town Magistrate for a term of two years and providing for appointment of a Magistrate Pro Tem to serve in the event of an absence by the Town Magistrate. Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

C. Information and discussion only: Presentation by the Gila County Film Academy regarding filming in Miami, Globe and San Carlos.

Town Manager Heatherly explains the Mr. Rosier is not here tonight to make the presentation to Council. Town Manager Heatherly states that he has seen the presentation twice. They are putting together a film about an individual that was raised in San Carlos and came to Globe/Miami to work. Town Manager Heatherly comments on who is going to be doing the filming and help with making the film. The students who will be doing the filming will be getting collage credits for this production. The students will be acquiring equipment to do this film and the equipment will stay here in the area. They are looking for facilities in Globe and Miami to house the individuals while they are working on this and they will need to be here for about 6 weeks. The filming will start about the end of March. Town Manager Heatherly states he will see if he can get them to come and do the presentation for Council so they have all the information regarding it.

D. Information, discussion and possible action: Discussion regarding the process for hiring of the Miami Police Chief and possible direction to staff to draft an ordinance to make the Chief of Police an “at will” employee working at the direction of the Council and setting guidelines for this.

Councilmember Bringhurst states she is new to this and wants to try and get her point across. In the future she would like for Council to have a little more input with the hiring of the Police Chief. Councilmember Bringhurst asks if there are any stipulations on how, we as a town, can hire a legal appointee. Town Attorney Goodwin explains that the town is in complete control through ordinances and personnel policies as to how the officers are appointed as well as the Police Chief. Brief discussion regarding how the Police Chief is hired now. Discussion regarding having the Council as a whole being a part of the hiring of the Chief. Town Manager Heatherly explains some of the problems that arise with having the whole Council on the interviewing panel. Town Attorney Goodwin explains that Council could be involved with the interviewing if they do it correctly under the open meeting law and they can do it in executive session. Councilmember Black comments regarding other towns that are our size that the Council hires the Chief and the Chief is an “at will” employee. Town Attorney Goodwin states that currently the Town Code and Personnel Policy are not clear as to who appoints the Chief, but the Town Manager has traditionally hired the Chief. However, the Council can set it up anyway they want, we just need to be sure that the Personnel Policy and Town Code reflect how Council wants to do it. Open discussion and comments regarding the Town Code not being clear on the hiring of the Chief. Mayor Dalley comments that Council has participated in the hiring of the last 3 Chiefs. Vice Mayor Gonzales states that he has done some research on this and found that Globe City Council hires their Chief and then the Chief works under the direction of the Town Manager. Globe City Manager Paul Jepson states that is correct as to their City Code. Councilmember Bringhurst states that she would just like something set up so that Council can participate in the hiring process of the Chief. Councilmember Reiman states that the point was that hiring the Chief could not wait for this Council to resolve its internal issues. Councilmember Reiman comments that he feels that it is a really bad idea to subject the Chief to the ever changing political climate of the Council, but he agrees that the Council should participate in the hiring in some fashion. Vice Mayor Gonzales states he believes this issue came up due to the high turnover ratio in the Police Department. There are reasons why they left; what were the reasons why they left, that is his concern. Vice Mayor Gonzales states he feels that Council should do the hiring of the Chief and the Chief works under the direction of the Town Manager, Council will not be supervising or giving direction that will be the job of the Town Manager. Town Manager Heatherly states that he is not interested. If he is going to be responsible for someone, he wants to hire them. Town Manager Heatherly states that there is no way he will work here and have a bunch of people pick who he is going to supervise. Town Manager Heatherly states that he is not going to try to run this place with Council picking them and 2 years from now four of you change and suddenly he’s out of favor and someone else is in. Councilmember Black states it should not matter who Council hires, the Town Manager will still manage them. Councilmember Black moved to direct town staff to draft an ordinance to make the Chief of Police an at will employee working at the direction of the Council under the guidance of the Town Manager. Seconded by Vice Mayor Gonzales. Open discussion regarding the past 3 Chiefs that were hired. Councilmember Bringhurst comments that she is

not trying to do this to the Chief of Police we have now, just trying thinking of the future if this comes up again. Town Manager Heatherly asks if this Chief would become an at will with this change? Councilmember Black states yes. Councilmember Bringhurst comments that Town Manager Heatherly hired him so he is yours. Councilmember Black states no, with the change in policy that would change. Town Attorney Goodwin states she would have to think about that, because he was hired not as an at will employee and she does not know what kind of property right he has acquired in a week. Councilmember Black amends his motion to include if Council changes it to at will, he falls under that, unless the attorney finds otherwise. Mayor Dalley calls for the vote. Vote – Mayor Dalley – nay, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – nay, Councilmember Moat – abstain, and Councilmember Reiman – nay. MOTION DENIED.

E. Information, discussion and possible action: To review potential candidates and possible appointment of 5 members to the Planning and Zoning Commission.

Town Manager Heatherly explains that he is getting some names together for Council to appoint a Planning and Zoning Commission. He is still waiting for return calls from some of the people to confirm that they are willing to be on the P&Z Commission. Right now it is not imperative to appoint the Commission so he will try to have the list ready for the next Council meeting. Town Manager Heatherly tells Council if they have someone they would like to suggest for the Commission to let him know so that he may put them on the list.

F. Information, discussion and possible action: To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$17,356.66 for sewer project related expenses.

Town Manager Heatherly presents this item to Council and explains that this has not been reviewed by the Wastewater Advisory Board because they did not have enough members available to have the meeting. Vice Mayor Gonzales moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$17,356.66 for sewer project related expenses. Seconded by Councilmember Reiman. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

G. Information, discussion and possible action: To approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$770,386.99 for sewer project work completed.

Town Manager Heatherly presents this item to Council. This will cover expenses through December. Councilmember Reiman moved to approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$770,386.99 for sewer project work completed. Seconded by Councilmember Moat. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember

Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. 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 \$76,890.75 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson.

Town Manager Heatherly presents this item to Council. Councilmember Reiman moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$76,890.75 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson. Seconded by Councilmember Bringhurst. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

I. Information and discussion only: Review and discussion regarding the Miami Wastewater Collection System Improvement Project Phase 2 and Phase 3-5.

Town Manager Heatherly gives a brief update on Phase 2 of the sewer project. There are some depositions scheduled in February and there is a mediation meeting scheduled for March 18th. Other than that there is not much happening with Phase 2. Mr. Jesse Grinsteiner of KE&G gives a progress report for Phases 3 – 5.

J. Information, discussion and possible action: To enter an executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding KE&G contract and work status.

Councilmember Black moved to recess into executive session. Seconded by Councilmember Reiman. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED. 7:34 p.m.

Reconvene at 7:54 p.m. – all members present and Councilmember Medina excused.

K. Information and discussion only: KE&G contract and work status

Nothing to address on this item, Council moves to the next agenda item.

L. Information and discussion only: Regarding monthly operating and financial reports through the month of December 2018.

Town Manager Heatherly reviews the finance revenues and expense report; does not see anything alarming.

Councilmember Medina arrives at 7:56 p.m.

Brief discussion regarding the aging report. Councilmember Black would like to see the aging report put back up with the Demands and Presentation of Budget Reports. Brief discussion regarding the payment for the work done on the pool. Brief discussion regarding the septic revenues. Brief discussion regarding the expenditure report jumping up from November to December. Town Manager Heatherly states he is not sure why there was a jump there but he will look into it and get back to Council.

10. CALL TO THE COUNCIL:

Councilmember Medina apologizes for being late to the meeting, he was on his way back from the valley and there was a bad car accident at the bridge and thanks everyone for sticking it out.

Councilmember Bringhurst comments on promoting Globe, Miami and San Carolos as part of the Canadian Days in the valley.

11. ADJOURNMENT:

Councilmember Black moved to adjourn the meeting. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

Meeting adjourned at 8:37 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 28th day of January, 2019.

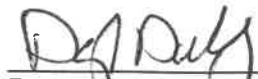
I further certify that the meeting was duly called and that a quorum was present.

DATED this 11th day of February 2019.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor