



## MINUTES

### TOWN OF MIAMI

#### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, MARCH 25, 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. Moment of silence in honor of recent fallen Phoenix Police Officer and the passing for former Town of Miami Mayor Tim Campos. Councilmember Medina led the invocation.

#### 3. ROLL CALL OF COUNCIL MEMBERS:

**PRESENT:** Mayor Dalley, Vice Mayor Gonzales (arriving at 6:42 p.m.), Councilmember Black, Councilmember Bringhurst, Councilmember Medina, Councilmember Moat, and Councilmember Reiman.

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

Mayor Dalley reminds Council and attendees to adhere to the Councils Rules and Procedures – Conduct and Decorum.

#### 4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the March 11, 2019 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for March 10, 2019.
- C. Consideration and possible action to approve Child Abuse Prevention Month Proclamation.

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

Mayor Dalley reads the Child Abuse Prevention Month Proclamation aloud. Councilmember Black moved to approve consent agenda Item C. Seconded by Councilmember Reiman. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales –excused, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**5. APPRVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:**

- A.** Consideration and possible action to approve the General Demands for March 8, 2019 to March 21, 2019.

Councilmember Bringhurst moved to approve the general demands for March 8, 2019 to March 21, 2019. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales –excused, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**6. REPORTS / RECOGNITIONS:**

- A.** Town Manager Reports.

Town Manager Heatherly reports that he has been meeting with several people over the past couple days and is going to have something prepared for the next Council agenda regarding consideration to do some light remodeling to the Council Chambers. Reports that staff is continuing to work on the budget. Reports on preparations of the pool for the summer season. Reports that staff is diligently working with Freeport on the wastewater treatment plant. Announces that we have hired a new Code Enforcement Officer/Animal Control Officer, Zach Doerksen and that Joshua Derhammer will be taking over the Engineering Tech position. Reports that the audit should be completed in the next week to 10 days.

**Vice Mayor Gonzales arrives at 6:42 p.m.**

- B.** Mayor/Council Reports.

Councilmember Medina comments on being impressed with all the places to go in the area; his favorite place is Roosevelt Lake. They have a very nice picnic area just below the Tonto Ruins. Announces that Boomtown Spree is still in the works. Comments on a current historical book he is reading that mentions this area, we need to tap into that information and use it to attract people to the area.

Councilmember Moat comments on being excited for the warmer weather and getting some road repairs done. Also excited for the school remodel into apartments.

Councilmember Bringhurst comments on the Arizona Highways magazine which features “Where is this?” The current issue has a “Where is this” photo from Town of Miami Veterans

Memorial Park. Comments that the pocket park by El Rey Restaurant is progressing; it has been cleaned up and have had some positive responses.

Mayor Dalley comments on the repairs to the road up on Nash and encourages the public to go take a look at how good the repairs look; very professional work. Comments the construction on lower Nash is going along just excellent. Mill, Kent and Loomis construction is winding down.

**7. CALL TO THE PUBLIC:**

Mr. Glenn Lineberry, Miami Jr./Sr. High School Principal, thanks the Town Police Department for their assistance with a recent incident at the school. They had a very speedy response.

**8. UNFINISHED BUSINESS:**

**9. NEW BUSINESS:**

**A. Information and discussion only:** Resolution Copper project update presentation.

Mr. Bryan Seppala, Community and Social Performance Analyst, Resolution Copper, gives an update report on the Resolution Copper Mining Project.

**B. Information, discussion and possible action:** To approve use of the following Town-owned facilities by the Miami Arts Commission in conjunction with Miami Loco Arts Festival to be held April 12<sup>th</sup> – April 14<sup>th</sup>, 2019:

- a) Veterans Memorial Park, with access to restrooms and snack bar – Friday, April 12<sup>th</sup> 6:00 p.m. through Sunday, April 14<sup>th</sup>, 5:00 p.m.
- b) Street closure on Keystone from Sullivan Street to Gibson from Friday, April 12<sup>th</sup> 11:00 a.m. through Sunday, April 14<sup>th</sup>, 6:00 p.m.
- c) Request street barricades to be set up before and taken down after the event by Town staff.

Mr. Michael 23 of the Miami Arts Commission presents this request to Council and explains that this is the 10<sup>th</sup> annual arts festival. Mr. 23 gives a brief overview of what is planned for the event. Councilmember Medina moved to approve use of the Town-owned facilities by the Miami Arts Commission in conjunction with Miami Loco Arts Festival to be held April 12<sup>th</sup> – April 14<sup>th</sup>, 2019 as requested. 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 – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**C. Information, discussion and possible action:** To approve Intergovernmental Agreement (IGA) with Gila County to establish a Summer Work Program for young people in Gila County.

Town Manager Heatherly presents the IGA to Council and explains this is the second year Gila County is doing this program. Councilmember Medina moved to approve Intergovernmental Agreement (IGA) with Gila County to establish a Summer Work Program for young people in Gila County. Seconded by Councilmember Bringham. Mayor Dalley calls for the vote. Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – yea, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**D. Information and discussion only:** Announcement of and report regarding the Town of Miami Spring Cleanup Project scheduled for Saturday, April 13, 2019.

Engineering Tech, Josh Derhammer gives the presentation to Council. Mr. Derhammer reviews the details for the project and the areas to be cleaned. The crew will meet at the Miami Library at 7:45 a.m. on Saturday, April 13<sup>th</sup>. Mr. Derhammer states that the dumpsters, (placing, picking up and dumping) have been donated by Copperstate Sanitation.

**E. PUBLIC HEARING, DISCUSSION AND ACTION:** To hold a public hearing and adopt Ordinance No. 364, approving the development plan for the Inspiration School Planned Area Development and amending the Official Zoning Map of the Town of Miami by changing the Zoning Classification of property located at 912 West Rose Road from Town of Miami R-M to Multiple-Family Residential District Zoning District to Planned Area Development Overlay Zoning District with the underlying zoning of R-M Multiple-Family Residential District:

- 1) Open Public Hearing ~ Mayor Dalley. 7:33 p.m.
- 2) Open Discussion and Public Comments regarding the adoption of Ordinance No. 364.

Town Manager Heatherly states that based on the complexity of this issue he does not have a recommendation at this time and asks for a continuation on this until the next meeting. Reed Butler, owner of Butler Housing Company, gives background information on the proposal to renovate the Inspiration School. Mr. Butler gives a brief bio of his company and some of the restoration jobs they have completed. This proposal is for 40 apartment units and they will be applying for project financing on Monday and in order to apply for the financing they need to have the zoning approved tonight. Mr. Butler explains that if Council approves the recommended continuance it will postpone the project for at least 6 months to a year. If the zoning ordinance is approved, financing decisions are made in the summer. If they get financing, construction will begin the first quarter of 2020. Once construction starts it takes about 15 months to build.

Councilmember Black asks what will happen to the building in the back of the school. Mr. Butler states that is a more modern building and it will come down and they will put in a 3 story building there. Councilmember Bringhurst asks who will be managing the apartments. Mr. Butler states that they develop and own the apartments but bring in a management company to manage the apartments. Mr. Butler explains the specialized financing is for workers, that could mean teachers, first responders, artist, government employees, service employees, etc. They are generally for people who make \$20, \$30, \$40 thousand dollars per year. Mr. Butler explains that this is family housing. Open discussion and comments regarding the funding and funding process for this project. Open discussion and comments regarding the parking situation for the apartment buildings. Town Attorney Goodwin explains exactly what Council will be approving tonight. Town Attorney Goodwin points out that there is nothing prohibiting them from tearing the school building down, if that is important, we need to know that. Mr. Butler states that they would be very open to a requirement or stipulation that the school remains, but the ultimate decision is up to the school, as the seller of the property. Mr. Lineberry of Miami Jr./Sr. High School states they would be willing to add the stipulation that the school remain. Discussion regarding the building permit. Town Attorney Goodwin explains that the Town has to issue a building permit if the plans are consistent with the zoning; the permit can be denied if it is not perfectly consistent with the development. Vice Mayor Gonzales ask Town Manager Heatherly what is it that he needs or why is it that he can't make a recommendation at this time. Town Manager Heatherly explains there are several issues that are still out there that warrant further investigation. Town Attorney Goodwin explains that there was a possible concern raised about this use being for low income housing. She advised the Town Manager a decision cannot be based on the fact that it is low income housing. There was a concern that perhaps that might be an issue. If it is an issue, she thinks we would like to digest that and think about what the Town's legal obligations are. This decision has to be made on land use and not whether or not it is low income housing. Open discussion and comments regarding this issue. Councilmember Black states we already have one low income housing place in town, what is one more. Mr. Michael 23, Miami resident, comments on this housing project and that he has seen some projects in Phoenix and this project has potential to bring the school back in a way that celebrates its history. Ms. Bunny Kessler, Miami resident, comments about living in the area and the impact it may have on her. Comments on how the Town needs to approve the infrastructure problem. How are they going to park, how are they going to get up the streets, but they at least have to try and make it better. She understands it will make revenue for the Town, but may suck for the rest of them in that area.

3) Close Public Hearing ~ Mayor Dalley. 8:03 p.m.

4) Council Discussion, Motion and Action

Brief discussion regarding whether to take action tonight or hold a special meeting. Councilmember Black moved to adopt Ordinance No. 364, approving the development plan for the Inspiration School Planned Area Development and amending the Official Zoning Map of the Town of Miami by changing the Zoning Classification of property located at 912 West Rose Road from Town of Miami R-M to Multiple-Family Residential District Zoning District to Planned Area Development Overlay Zoning District with the underlying zoning of R-M Multiple-Family

Residential District. Motion seconded by Councilmember Medina. Brief discussion regarding what happens if the project financing is not approved. It is stated that the development company has an agreement with the school to apply again in 2020, so they would apply again and also consider other financing options. Brief discussion regarding using local contractors and labor. It is stated that they do use local contractors, trades and labor. Mayor Dalley calls for the vote. 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.

**Councilmember Black excuses himself from the meeting.**

**F. Information and discussion only:** Public Hearing regarding the use of FY 2019 CDBG (Community Development Block Grant) Funds.

- a) Open Public Hearing – Mayor Dalley. 8:16 p.m.
- b) Public comments and open discussion regarding the use of FY 2019 CDBG Funds from the Arizona Department of Housing Regional Account (RA).

Mr. Alan Urban from CAG presents this item to Council. Mr. Urban explains that he facilitates the Town's CDBG programs and we are at the point of what will be considered for the Town's next project. The foundation of the CDBG Program is this very venue, public participation of possibilities of potential projects. Mr. Urban explains the Town is expected to get just under \$500,000.00. Mr. Urban explains the criteria and basic qualifications for the for the CDBG Grant. Tonight we are entertaining public comments and suggestions for projects and creating a list for the second public hearing for project consideration. Councilmember Medina states he would like to suggest a street sweeper. Mr. Urban states that would not qualify because it is considered maintenance. Street enhancement/improvements is suggested. Building rehab is suggested. Repairs to the stair cases is suggested. Enhancements to the library – electrical/heating/cooling is suggested. An amphitheater at the Bullion Plaza is suggested. Renovating the YMCA building for a youth center is suggested. Slum/blight cleanup is suggested. Repairing sidewalks is suggested. Mr. Urban explains Council will want to consider a project that will use all the money, it is all or nothing, if all the money isn't used the remainder goes back to the state. Councilmember Moat states he is in favor of doing something with the roads. Vice Mayor Gonzales states that he would agree with Councilmember Moat. Mr. Urban clarifies to Council that suggested projects cannot be added to this list after this hearing. At the next hearing the projects will be listed and Council will have to vote on one.

- c) Close Public Hearing – Mayor Dalley 8:48 p.m.

**G. 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 in pending litigation in the matter of the Town of Miami v. Kinkaid.

Councilmember Medina moved to recess to executive session. Seconded by Vice Mayor Gonzales. Mayor Dalley calls for the vote. Vote - Vote – Mayor Dalley – yea, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED. 8:54 p.m.

Reconvene from executive session. All Councilmembers present, Mayor Dalley and Councilmember Black excused. 9:55 p.m.

**H. Information, discussion and possible action:** To give directions to Town Attorney on options to resolve Wastewater Collection System Improvement Project Phase 2 existing issues.

No action needed on this item.

**I. Information and discussion only:** New study to evaluate the wastewater treatment plant design and capacity in the local Globe Miami area.

Town Manager Heatherly explains that Gila County has decided to become a player in the regional sanitary sewer issue. They have hired Kimley Horn to perform a Regional Sanitary Sewer Evaluation and Assessment. The data from this assessment will help determine what is in the best interest of the community and how to move forward. The information in the Council packet is just to update Council on what is going on with this issue. Town Manager Heatherly states that all entities involved will participate in the study and provide as much information as possible to Kimley Horn for the study.

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

Town Manager Heatherly states that as of now there is nothing new to report on Phase 2 of the project. Town Manager Heatherly gives a brief update on Phases 3-5. They are progressing pretty well. They are having a couple of issues but they will be dealing with them tomorrow. Overall they are doing a good job and just a couple days behind schedule.

**K. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$20,846.25 for sewer project related expenses.

Town Manager Heatherly presents this item to Council. It has been reviewed by the Wastewater Advisory Board and recommendation for approval by Council. Councilmember moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$20,846.25 for sewer project related expenses. Seconded by Councilmember Medina. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember

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

- L. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$293,584.79 for sewer project work completed.

Town Manager Heatherly presents this item to Council. It has been reviewed by the Wastewater Advisory Board and recommendation for approval by Council. Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$293,584.79 for sewer project work completed. Seconded by Councilmember Reiman. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

- M. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Hilgart Wilson, in the amount of \$48,949.50 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson.

Town Manager Heatherly presents this item to Council. It has been reviewed by the Wastewater Advisory Board and recommendation for approval by Council. Town Manager Heatherly explains that the payment will come to the Town and the Town will make payment to Hilgart Wilson. Councilmember Reiman moved to approve, subject to funding agency concurrence, payment application for Hilgart Wilson, in the amount of \$48,949.50 for sewer project related expenses Phases 3-5 expenditures for HilgartWilson. Seconded by Councilmember Medina. Vice Mayor Gonzales calls for the vote. Vote – Mayor Dalley – excused, Vice Mayor Gonzales – yea, Councilmember Black – excused, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

- N. Information and discussion only:** Review and discussion regarding the Operating and Financial report for the month of February 2019.

Town Manager Heatherly briefly reviews the operating and financial reports for the month of February 2019. Brief review of the departmental statistics through February 2019.

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

Councilmember Medina thanks everyone for sticking it out tonight.



**11. ADJOURNMENT:**

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

Meeting adjourned at 10:25 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 **25th** day of **March**, 2019.


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

DATED this **8th** day of **April** 2019.



Karen Norris, Town Clerk

**APPROVED:**

  
Sammy Gonzales, Vice Mayor