



## MINUTES

### TOWN OF MIAMI

#### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, FEBRUARY 10, 2020 AT 6:30 PM

**1. CALL TO ORDER:**

Mayor Dalley calls the meeting to order at 6:32 p.m.

**2. PLEDGE OF ALLEGIANCE/INVOCATION:**

Mayor Dalley led the pledge of allegiance and Councilmember Medina led the invocation.

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

**PRESENT:** Mayor Dalley, Vice Mayor Gonzales, Councilmember Black, Councilmember Bringhurst, Councilmember Medina, Councilmember Moat, and Councilmember Reiman.

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

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the January 27, 2020 Regular meeting.
- B. Consideration and possible action to approve the Town Payroll for January 26, 2020.

Vice Mayor Gonzales arrives 6:35 p.m.

Councilmember Black moved to approve the consent agenda. 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 – yea, 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 23, 2020 to February 6, 2020.

Councilmember Black moved to approve the general demands for January 23, 2020 to February 6, 2020. 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 – yea, Councilmember Moat – yea, and Councilmember Reiman – yea. MOTION PASSED.

**6. REPORTS / RECOGNITIONS:**

**A. Town Manager Reports.**

Town Manager Heatherly reports that staff has kicked off the budget process and will have a draft for Council's review in about 2 months. Reports briefly on the audit; should have a draft of that for Council by the end of this week. Reports on the progress of the APS Project at the Public Works Yard. Update on the CDBG Project; it is currently out for bid. Reports on Phase 2 Sewer Project repairs. Brief report on the medical insurance meeting he and Town Clerk Norris attended last week; looking at a 12 percent increase in rates.

**B. Mayor/Council Reports.**

Councilmember Medina reports that the Boomtown Spree Board is now meeting; meetings are every Wednesday at 4:00 p.m.

Councilmember Moat comments that it is good to see the Boy Scouts here to observe the meeting.

Councilmember Black announces that he will be excused from the next Council meeting, he is having surgery.

Mayor Dalley gives a brief update on CAG happenings and things that they are currently working on. Reports on the Tri City Sanitary District meeting that he and Josh Derhammer attended. Reports that he received a call from Arizona Speaker of the House Rusty Bowers; he wants to meet with Miami and City of Globe to get updated on things that are going on up here and what he can do to help. States that Sullivan Street looks great and the parks look better than ever. Announces that the Miami High School boys basketball team will be participating in the state basketball tournament.

**7. CALL TO THE PUBLIC:**

Mr. Ray Webb, Miami resident, (verbatim) Good evening Mr. Mayor and Council. Ray Webb, 137 South Miami Avenue. Oh boy, my story starts on Thursday morning January 30<sup>th</sup>. I'm in the shop programming when someone comes in to tell me about the truck outside with hay. Said I need to move my truck and drop it off. So I proceed outside to be accosted by a formidable woman from the Town of Miami telling me they are shutting off the sewer. There was no talking about it, they are shutting off the sewer and that is it. She demanded that I move my inoperative truck that was parked over the shut off right back in the mud hole. I tried (inaudible) earlier but it just stopped there, you know, its problems. I was then told by her that even if they can't move the truck, then physically shut off the sewer, I would still be charged for shut off and reconnect fees and a lock. Then I hear that she was informed that we made the statement that we were not going to pay the deposit, which was not said at all. Was this a lack of communication or bold ass lie? She would not hear anything, just shut off the sewer. I don't

understand the need for handling this this way, I just don't. The deception of the delivery to get me to move the truck, c'mon and want me to push the truck back in the mud caused by Town's inferior planning and action. Deception is a word for lies and I see this as a problem. The facts are we received a letter from the water company about the shut off, not the Town. Karen, my wife, called the Town to see what was going on because we already paid online and brought our account up to current. She finds out then that the Town's now requiring a deposit. We could not make the deposit payment at that time. Karen discussed with someone over the phone, at town hall, that we would take care of it as soon as we can. And the response was "ok, just get back to me". Not a word about pay by Wednesday or get cut off anyways. I let you know I never received notice before hand telling us of these required deposits with amount until 2 days later when letters arrived. Typical Miami MO, lack of communication. My problem with this whole fiasco, the Town is encouraging everyone to pay online using a broken (inaudible) pay port. A payment place that just takes your money, but there's no indication or notification at the time of payment of additional required fees. Nor is there notification of denial of transaction requiring a personal visit to town hall to talk about it. Is this a nice little loophole created to make some extra cash for the Town? You guys will pay for the sewer pipe anyway you can. This is wrong. Yes you have the legal ability to shut off a sewer account, in our case, (inaudible) only the deposits were in question. And the Town failed to communicate. Who knows, maybe with my outspoken displeasure with this town, maybe I'm a perfectly good one to make an example of. I am so sorry that I'm having financial problems after my serious health issue. (Inaudible) some things up a bit and change the market that has dropped our sales to about zilch. I'm sorry, maybe I should just do (inaudible) like putting our life savings into a business for over a year to keep it going and pay my employees. But I'm trying to do right. So we pay our bills, these days, mostly late, we juggle around the out coming with the incoming monies. It is what it is. We all know the Town of Miami would never face the same balancing act, right. Oh, no wait a minute, the Town has a very long terrible history of paying late, at times it's hard to find contractors who will work with the Town just because they will not get paid in less than a year. My personal experience, remember in desperation to keep the sewer project going the Town sold buildings to raise money, You know the money now required by the sewers funding agency. I bought one of those town buildings in order to do right for the Town and community. I negotiated with the Town to continue using the parking lot that I now own, for the transit van parking. The deal was for a \$1 for the first year, one dollar. Need I go into detail of the 3 consecutive late annual payments from the Town (inaudible). Those payments to me, three years in a row I had to come into town hall to ask to be paid. The hypocrisy is just amazing and the lack of communication is just sad. You know, my family and I have given many countless hours of our time in this town and when things were good we donated thousands of dollars also. We have promoted the Town while it suffered the shortfalls for years and years. This last drama of the Town has enlightened us. The Town does not care about people, the Town does not care about businesses, the Town only cares about paying for a sewer pipe at all costs. Must I remind you, we the electors of the Town, elect you Council to direct the Town through Town management, then if this is the way you like it things are not going to get better but only worse. Miami SOS – Stuck On Stupid. Thank you.

**8. UNFINISHED BUSINESS:**

**9. NEW BUSINESS:**

**A. Information and discussion only:** Presentation to Council regarding BHP Miami Avenue Tailings Reclamation Project.

Mr. Kevin Ramsay, BHP Manager Arizona introduces himself and his associates, Sarah Daniel, Community Relations and Zachary Larsen, Business Improvement. Mr. Larsen gives the BHP Miami Avenue Tailing Reclamation Project presentation. Mr. Larsen explains what tailings are and tailings dams are. Mr. Larsen points out the BHP operated tailing dams with very high or extreme classifications. Explains the approach to dam risk management at the BHP operations. Gives a brief report on upcoming tailing projects for the Miami unit and Old Dominion. Reports on the Miami Avenue Tailings Project community considerations. Brief discussion regarding what participated this tailing project. Mr. Larsen explains that they would like feedback from Council on how they can impact the community as minimally as possible. Discussion regarding what the horizon will look like when the Miami Avenue tailings are removed.

**B. Information, discussion and possible action:** To approve Easter Egg Hunt in the Miami Veterans Memorial Park, with use of the concession stand and parade route from Keystone to Inspiration Street. Event to be held Saturday, April 11, 2020 beginning at 10:00 a.m. to 2:00 p.m. with the Town to provide traffic control and barricades as deemed necessary by the Miami Police Department.

Mrs. Lisa Zaragoza presents this request to Council. Mrs. Zaragoza explains that the parade is going to be very small, nothing extravagant. Mayor Dalley moved to approve Easter Egg Hunt in the Miami Veterans Memorial Park, with use of the concession stand and parade route from Keystone to Inspiration Street. Event to be held Saturday, April 11, 2020 beginning at 10:00 a.m. to 2:00 p.m. with the Town to provide traffic control and barricades as deemed necessary by the Miami Police Department. 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 Ordinance No. 367, amending the Town Code Title 17 - Zoning, Chapter 17.60 Building Permits by repealing Section 17.60.010 When Required and adopting new Section 17.60.010 When Required, related to exemptions to the requirements to obtain a building permit.

Joshua Derhammer, Engineering Tech, presents this Ordinance to Council. Mr. Derhammer explains that this was recently before Council to hear their concerns and comments. They have looked into Council's concerns and made some adjustments to the proposed changes. Councilmember Black moved to approve Ordinance No. 367, amending the Town Code Title 17 - Zoning, Chapter 17.60 Building Permits by repealing Section 17.60.010 When Required and adopting new Section 17.60.010 When Required, related to exemptions to the requirements to obtain a building permit. Seconded by Councilmember Medina. Councilmember Reiman comments that he is opposed to this Ordinance. 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 – nay. MOTION PASSED.

**D. Information, discussion and possible action:** To approve Resolution No. 1230, supporting pending legislation regarding absentee landlords of vacant and abandoned buildings and authorizing execution by the Mayor of supporting documents.

Town Manager Heatherly presents this resolution to Council explaining that it was initiated by the Copper Corridor communities. They have been getting together as a group to discuss blight and economic development issues and what can we do about this stuff. They needed to get some “teeth” into this and got with the League of Cities and Towns to get them behind this as well. Several individuals in the House have taken this on and are looking to pass a House Bill. Looking for Council approval of this Resolution that they are supporting House Bill 2705. Brief discussion regarding this covering commercial and personal properties. Councilmember Medina moved to approve Resolution No. 1230, supporting pending legislation regarding absentee landlords of vacant and abandoned buildings and authorizing execution by the Mayor of supporting documents. Seconded by Councilmember Bringhurst. Councilmember Reiman comments that someone buys a building cheap because no one else buys it and everyone wants to complain because nothing is done with it and there is no economic support for anything to be done to it; that is his dilemma with this. Everything the Town does to regulate that increases the cost of doing anything with the building and decreases the likelihood that anything will even happen with it. 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 – nay. MOTION PASSED.

**E. Information, discussion and possible action:** To approve a Settlement Agreement with Wood Environmental & Infrastructure Solutions (formerly known as AMEC) in the matter of *Town of Miami v. Kinkaid Civil Construction LLC*.

Town Attorney Susan Goodwin explains that this settlement agreement is with AMEC now known as Wood Environmental & Infrastructure Solutions. This is a settlement that is one of the parties in the litigation. They were the construction management company on the project. Town Manager Heatherly explains this meets all of the terms that was discussed. Mayor Dalley moved to approve settlement agreement with Wood Environmental & Infrastructure Solutions (formerly known as AMEC) in the matter of *Town of Miami v. Kinkaid Civil Construction LLC*. Seconded by Councilmember Medina. Vice Mayor Gonzales asks about the terms of the settlement agreement, Council did not receive a copy of the agreement. Town Attorney Goodwin states the settlement agreement is for \$250,000.00. 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.

**10. CALL TO THE COUNCIL:**

Mayor Dalley comments regarding Town of Hayden seeking help from the State. They are struggling financially and are in very dire straits.

**11. ADJOURNMENT:**

Councilmember Medina moved to adjourn the meeting. 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.

Meeting adjourned at 7:48 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 10th day of February, 2020.


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

DATED this 24th day of February 2020.



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Karen Norris, Town Clerk

**APPROVED:**

  
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Darryl Dalley, Mayor