



## MINUTES

### TOWN OF MIAMI

#### PUBLIC HEARING & REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, JUNE 8, 2020 AT 6:30 PM

**1. CALL TO ORDER:**

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

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

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

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

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

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Goodwin (telephonically), Engineering Tech Derhammer, Finance Director Steele, and Town Clerk Norris.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the May 26, 2020 Regular meeting.
- B. Consideration and possible action to approve the Town Payroll for May 31, 2020.

Councilmember Black moved to approve the consent agenda. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringham – yea, Councilmember Medina – 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 May 22, 2020 to June 4, 2020.

Open discussion and comments regarding various demands paid. Mayor Gonzales asks about the check sequencing missing a check; he has the voided check but it does not show voided in the report. Finance Director Steele states that check was not attached to an invoice in our system so it will not show up in the report. Mayor Gonzales states that in the past all voided

checks would show in the report; asks Finance Director Steele to check into that and get back with him. Councilmember Reiman moved to approve the general demands for May 22, 2020 to June 4, 2020. Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea and Councilmember Reiman – yea. MOTION PASSED.

## **6. REPORTS / RECOGNITIONS:**

### **A. Town Manager Reports.**

Town Manager Heatherly informs Council of a workplace injury last week. The employee is alright, just a little bruised up. Reports on the Summer Youth Work Program; it kicked off today and the Town received 4 workers instead of just 2. Brief update on the Department of Correction (DOC) workers, no plans or anticipated time of when they will be back out to work. Town Manager Heatherly announces he will be out of town Wednesday through Sunday but can be reached by phone if anyone needs anything.

### **B. Mayor/Council Reports.**

Vice Mayor Moat comments on the graduation parade that took place on Saturday. His granddaughter was in it and she was very happy with it. Vice Mayor Moat states he felt it was very well organized for such a short planning period and suggests that if the Town does this again, they should put out porta johns for the public.

Councilmember Bringhurst comments on the graduation parade that took place on Saturday and thanks Mrs. Christine Duarte, she did a great job. Announces the children's book mural painted by Isaac Cureso is finished. He is doing a children's book and all the murals will be featured in different towns throughout the state. There is a misspelling but he will be back to fix it. Councilmember Bringhurst comments that Mr. Cureso stayed at the local B&B, he really enjoyed it and said it was really nice, but had made a complaint about the neighbors. There was a lot of noise at night and there was litter all over the place.

Councilmember Medina states he hopes we have not forgotten the heroic event 76 years ago that started the beginning of the end of WWII in Normandy. D-Day June 6, 1944. Comments on the increase of recreational traffic traversing our community and the way drivers are operating their vehicles recklessly and at times a little road rage. Reminds everyone of important election dates coming up. Comments on Census 2020 and the importance of everyone participating in it. Comments that Mayor Gonzales did a great job in the graduation parade.

Councilmember Reiman comments regarding the article about the Town of Miami in the Arizona Republic, has not read it yet but hears it was quite favorable.

Mayor Gonzales comments on the article about the Town of Miami in the Arizona Republic and liked that it had mentioned the graduation parade. Mayor Gonzales comments on the short period of time Mrs. Duarte had to organize the parade and she did a great job. Mayor Gonzales

gives thanks to Tri City Fire, Globe Police Department, Gila County Sheriff's Office and Robert Licano for the drone coverage. Mayor Gonzales states that he was very pleased with the number of Town of Miami staff members that volunteered and attended the graduation parade. Mayor Gonzales also comments on Census 2020 and its importance to the Town of Miami. They will be going door to door and they will have ID on them, asks that everyone get it done.

**7. UNFINISHED BUSINESS:**

**8. NEW BUSINESS:**

- A. Information, discussion and possible action:** Administration of Oath of Office to newly appointed Council Member Michael Sosh.

Magistrate Rebecca Baeza administers the Oath of Office to newly appointed Councilmember Michael Sosh. Councilmember Sosh takes his Council seat.

**B. Information, discussion and possible action:**

- (1) To conduct a Public Hearing to take public comment regarding the 2012-2014 amendments to the Tax Code of the Town of Miami:

Town Attorney Goodwin states that the League of Arizona Cities and Towns put the tax amendments together and there is a Summary of Changes in the Council packets. There will be more amendments coming in order to bring the Tax Code up to date through 2019. These amendments only cover 2012 – 2014. Town Attorney Goodwin states she is told by the League that the amendments will go into or already are, in effect and it is a formality for the Council to approve it because the legislature and Model City Tax Commission have already adopted these. The ordinance in the packet adopts the amendments by reference. The League emphasis, the Council don't really have a choice but to adopt the amendments. Mayor Gonzales asks how the amendments affect the town. Town Attorney Goodwin states that many of them are already in effect. She checked to make sure if any of the exemptions will cause the town to have to give any refunds. She was told no, if there were any potential refunds they were already handled by ADOR.

- a) Open Public Hearing – Mayor Gonzales

Mayor Gonzales opens the public hearing at 7:02 p.m.

- b) Receive Public Comments and open discussion regarding 2012 – 2014 amendments to the Tax Code of the Town of Miami.

No public comments regarding the tax code amendments were received.

- c) Close Public Hearing – Mayor Gonzales

Mayor Gonzales closes the public hearing at 7:03 p.m.

- (2) To approve Ordinance No. 369; relating to the Transaction Privilege Tax; adopting "The 2012-2014 Amendments to the Tax Code of the Town of Miami" by reference; establishing effective dates; providing for severability and providing penalties for violations.

Councilmember Medina moved to approve Ordinance No. 369; relating to the Transaction Privilege Tax; adopting "The 2012-2014 Amendments to the Tax Code of the Town of Miami" by reference; establishing effective dates; providing for severability and providing penalties for violations. Seconded by Mayor Gonzales. Councilmember Bringhurst states that she has had too many people tell her that they cannot get a hold of Council at these meetings, even the regular meetings. She just feels, that this being a public open meeting that that it's not getting through. She feels they should not vote on this until they can take comments from the public. Councilmember Bringhurst comments regarding not having enough time to review this item. Town Clerk Norris states that in the future she will give Council copies of the information at the time she publishes the notices so that Council has more time to review the items before the public hearing or meeting. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales– yea, Vice Mayor Moat – yea, Councilmember Black – nay, Councilmember Bringhurst – nay, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

- C. Information, discussion and possible action:** To appoint new primary check signers Donald Reiman, Sammy Gonzales and Joseph Heatherly and secondary check signers Joshua Derhammer, Kathleen Dwoznik and Christine Duarte.

Finance Director Steele presents this item to Council explaining that this came before Council a few months ago and was not approved. We are now down to just 2 check signers. She would like to add Mayor Gonzales to the list as the third primary signer. Councilmember Bringhurst moved to appoint new primary check signers Donald Reiman, Sammy Gonzales and Joseph Heatherly and secondary check signers Joshua Derhammer, Kathleen Dwoznik and Christine Duarte. Seconded by Councilmember Medina. Brief discussion regarding the primary signers and the number of signatures required. Discussion regarding Councilmembers and employees signing checks. Councilmember Reiman thinks this is a good idea and not an unusual procedure. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales– yea, Vice Mayor Moat – yea, Councilmember Black – nay, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh – yea. MOTION PASSED.

- D. Information, discussion and possible action:** To approve Ordinance No. 371, amending the Code of Miami, Arizona, Title 8 Health & Safety, Chapter 8.08 Garbage & Trash Collection & Disposal by amending Sections 8.08.020 Collection Agency, 8.08.030 Collection Schedule, 8.08.040 Rates for Garbage & Bulk Trash Collection, 8.08.050 Preparation of Refuse for Collection by the Town, and 8.08.080 Use of Lids, Covers and Containers: Unlawful Acts to establish requirements and schedule for property owners regarding the placement of garbage and trash for collection; providing for repeal of conflicting ordinances.

Josh Derhammer, Engineer Tech presents this Ordinance to Council explaining that in this ordinance is some the changes discussed at the last meeting. Discussion regarding the

monthly \$5 bulk trash fee and what are the citizens really getting for that \$5 fee. Mr. Derhammer explains that they tried to clarify the \$5 fee by changing it to a surcharge. Discussing regarding branches, trees and shrubs and it still falls under bulk trash. Mr. Derhammer states it is still trash but it must be bagged. Councilmember Black asks what if someone has stuff in boxes, will it get picked up. Mr. Derhammer states that no it will not. Open discussion and comments as to if this ordinance is increasing the rates and if so has to follow the procedures for the increase. Councilmember Reiman states that if changing the rules about what will be picked up, how it will be picked up, how often it will be picked up and the fact that the surcharge is for nothing more than an added tax, that is a rate increase. Town Attorney Goodwin explains that the statute only applies to the money, it does not apply to the other terms and conditions. Discussion regarding the \$5 bulk trash charge and what exactly it is. Brief discussion regarding how to get a waiver from the \$5 bulk trash fee. Open discussion and comments regarding whether or not this ordinance is proposing a rate increase. Brief discussion regarding the brush landfill by Mackey's Camp; do we still have access to that area for use of trimmings. Mr. Derhammer states we cannot use that area up there anymore. Discussion regarding calling the town for a bulk trash pickup and the fee charged for that service. Discussion and comments regarding the commercial business accounts, fees and pickup schedule. Councilmember Medina moved to approve Ordinance No. 371, amending the Code of Miami, Arizona, Title 8 Health & Safety, Chapter 8.08 Garbage & Trash Collection & Disposal by amending Sections 8.08.020 Collection Agency, 8.08.030 Collection Schedule, 8.08.040 Rates for Garbage & Bulk Trash Collection, 8.08.050 Preparation of Refuse for Collection by the Town, and 8.08.080 Use of Lids, Covers and Containers: Unlawful Acts to establish requirements and schedule for property owners regarding the placement of garbage and trash for collection; providing for repeal of conflicting ordinances. Vice Mayor Moat states he thinks we should remove the part of the ordinance that requires lids on the trash cans. Councilmember Black states he agrees with Vice Mayor Moat. Councilmember Reiman states that he agrees that we need change to the trash ordinance but he would prefer if the Town Manager and staff come up with a full revision of the ordinance instead of trying to piecemeal it together like this. He will be opposed to approving this ordinance as presented. Councilmember Black states he agrees with Councilmember Reiman. Motion seconded by Councilmember Bringham. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales– nay, Vice Mayor Moat – nay, Councilmember Black – nay, Councilmember Bringham – nay, Councilmember Medina – yea, Councilmember Reiman – nay and Councilmember Sosh - nay. MOTION DENIED.

**E. Information and discussion only: Regarding Bullion Plaza Museum Lease.**

Finance Director Steele presents this item to Council explaining that she has been reviewing the Town's contracts and leases. While doing this she found that the Bullion Plaza Museum had not made the lease payment, per the lease agreement, to the Town. She contacted Mr. Tom Foster at the Bullion Plaza Museum and he checked his records and discovered the same thing. Mr. Foster did find that they had paid for 2003 through 2018. That payment did overlap with the lease and lease renewal but after reviewing everything they got it figured out and Mr. Foster paid the Bullion Plaza Lease Agreement payment for the full 50 year lease. This item is only to inform Council of what happened with the Bullion Plaza Lease Agreement payment and that it has now been caught up and paid in full.

**F. Information, discussion and possible action:** Information and possible direction to staff regarding Pinal Gila Community Child Services, Inc. (PGCCS – Headstart) Lease.

Finance Director Steele presents this item to Council explaining this is basically the same situation as with the previous item except the lease is with Pinal Gila Community Child Services, Inc. Their lease states they are to pay \$1 per year. Ms. Steele states that she reached out to Pinal Gila Community Child Services regarding the lease payment and they said because it is only \$1 a year, other municipalities waive the \$1 fee. Ms. Steele states that because the lease states \$1 a year she is obligated to collect that fee. The lease goes back to 1999 and they have never made a lease payment to the Town. Ms. Steele is bringing this before Council because they asked if the Town would waive the fee as well. Mayor Gonzales asks the Town Attorney if the Town can legally waive that fee. Town Attorney Goodwin states donation of public property for free, the Town cannot do. The rule is that you cannot give public property, including donation of space and things like that, to private entities unless there is a public purpose or you get some payment for it. The cases don't emphasize the payment so long as there is a public purpose. She thinks that in order for this to be a valid contract they need to pay the \$1 per year. Mayor Gonzales asks what happens if we tell them we need to collect that \$1 per year and they refuse pay it. The Town Attorney states that is up to Council. They can amend the contract where the \$1 per year goes away and it is an equal exchange or the Town can terminate the lease. Ms. Steele states that if Council wants to collect the fee do they want her to go back to just the last contract amendment in 2015 and collect from then to current. Councilmember Black moved to direct staff to work with the Head Start for them to pay the \$1 per year. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - 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 \$307,838.14 for sewer project related expenses.

Town Manager Heatherly presents this pay application to Council and states that this should be the final payment KE&G bill. There might be an issue with something that has come up on Sullivan Street but it will not be a whole lot. Councilmember Black moved to approve, subject to funding agency concurrence, payment application for KE&G, in the amount of \$307,838.14 for sewer project related expenses. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringham – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

**H. Information and discussion only:** Update on the Coronavirus-19, including discussion regarding the impact on the Town.

Town Manager Heatherly explains that he wants to keep this item on the agenda to keep everyone up to date as much as possible with this issue. Town Manager Heatherly states that so far the Town has not seen a reduction in revenues. Comments on positive cases going up since the State's reopening. Does not know if that is from the State opening up or increase in

testing. Fortunately, Miami has not had any positive cases reported. Transit is continuing to operate and the Senior Center is continuing to make the delivered meals and lunches for the kids. The Senior Center will likely not open until late August. Finance Director Steele is tracking expenditures for reimbursement through FEMA and DEMA. Brief update on AZ Cares funding. Town Manager Heatherly states that the library will be doing curbside service on Wednesday, Thursday and Fridays, starting this week.

**9. CALL TO THE COUNCIL:**

Councilmember Black congratulates Mr. Michael Sosh for his appointment to Council.

Mayor Gonzales congratulates Mr. Michael Sosh for his appointment to Council. Mayor Gonzales comments on calling Town Clerk Norris to ask her to do all the changes needed due to the appointment of Councilmember Sosh and she let him know that she has already done it. Just wanted to comment that she is on top of things and he sometimes feel the Town Clerk is under appreciated for her hard work. Just wanted to say "thank you" to her for that.

**10. ADJOURNMENT:**

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

Meeting adjourned at 8:12 p.m.

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Hearing and Regular meeting of the Town Council of the Town of Miami, AZ held on the 8th day of June, 2020.

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

DATED this 22<sup>nd</sup> day of June 2020.

  
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Karen Norris, Town Clerk

**APPROVED:**

  
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Sammy Gonzales, Mayor