



MINUTES
TOWN OF MIAMI
REGULAR MEETING
OF THE MAYOR AND COUNCIL
MONDAY, SEPTEMBER 14, 2020 AT 6:30 PM

1. CALL TO ORDER:

Mayor Gonzales calls the meeting to order at 6:34 p.m.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Gonzales led the pledge of allegiance and Vice Mayor Moat led the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Gonzales, Vice Mayor Moat, Councilmember Black, Councilmember Bringhurst, Councilmember Reiman and Councilmember Sosh (telephonically).

EXCUSED: Councilmember Medina.

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

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the August 18, 2020 Special meeting and August 24, 2020 Regular meeting.
- B. Consideration and possible action to approve the Town Payroll for August 23 and September 6, 2020.

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

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for August 14, 2020 to September 03, 2020.

Open discussion and comments regarding various demands paid. Councilmember Black moved to approve the demands for August 14, 2020 to September 3, 2020. Seconded by Councilmember Reiman. Councilmember Black request a copy of a breakdown of the Arizona Bus Sales invoice for vehicle repairs. Town Manager Heatherly states that he will give him a copy of the that invoice. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – excused, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Town Manager Reports.

Town Manager Heatherly reports that we will be delivering sludge to the County this week. They are going to be running a recycling test, mixing it with paper products and such. Update on the ADOH Grant submission for the Housing Rehab Project; we should be notified next week as to whether we have been awarded the grant or not. Will have an agenda item on the next Council agenda regarding the CDBG project, it will be regarding the balance of funding. Reports that he believes everyone has received a notice from Town Attorney Goodwin in that she is retiring by the end of this year. Reports that Pat Walker is going to be helping us with the audit.

B. Mayor/Council Reports.

Mayor Gonzales states that Public Works is doing an excellent job cleaning things up and getting things done; good job Josh. Comments that administration staff is stepping up with the staff shortage, Joe and staff are doing the best they can with the current situation.

7. UNFINISHED BUSINESS:

8. NEW BUSINESS:

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

Town Manager Heatherly states that there is nothing earth shattering to report on this item. Senior Center is still delivering meals and the Transit Department's ridership has not fallen. We will be submitting expense to FEMA fairly soon. Hopes to have a lot of this behind us soon and get back to some normalcy. Briefly reports on the library curbside service.

B. Information and discussion only: Update report on the buildings involved in the Sullivan Street Fire.

Josh Derhammer, Engineer Tech reports that since the last time he has reported to Council they had the contractor walk through of the buildings. There has been a bit of a delay since then. One of the contractors raised some concerns regarding the safety of the site and wants a

structural engineer to check it out. One of the contractors stated that they have a structural engineer on staff. ADEQ stated that would not be covered by grant funds. Wednesday is the deadline for when the contractors have to submit back to the Town what they are looking for as far as a structural engineer. Staff will also be reaching out to another structural engineer as well. Right now we are just waiting on the structural engineer but hope to have the Scope of Work done by this Friday. Mr. Derhammer reviews the estimated timeline of the project. Brief discussion and comments regarding the cleanup project. Town Manager Heatherly explains that we are working with State and Federal agencies so we are at the mercy of their pace. Open discussion regarding the parameters of the grant; the Town has to be the owner of the buildings in order to get the grant. Councilmember Black asks if any of the buildings have basements. Mr. Derhammer states not that he is aware of.

C. Information, discussion and possible action: To enter an executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of discipline of the Town Manager related to compliance with solid waste collection policies.

Mayor Gonzales states that Town Manager Heatherly has requested the executive session be held publicly. Mayor Gonzales states that he received a phone call from a local restaurant owner and he was concerned because the Town told him that they are only going to pick up his trash only 1 day a week but would give him time to find another company to pick up his trash, if he couldn't get by with just a 1 day pick up. Mayor Gonzales states that he had a discussion with Town Manager Heatherly regarding the situation and he said he would check into it. Mayor Gonzales states about a week later he gets another phone call and still the same result. Mayor Gonzales states that he looked in the Town Code and it states that garbage is picked up one day a week except for food service businesses. It also states that food services can choose to have garbage picked up 2 days per week or 3 days per week. This business owner was paying for the 3 day pickup service. Mayor Gonzales states that his concern is that we are not following our policy. So he had another conversation with the Town Manager about this and he said he would look into it and get back to him. That never happened and he received an email from Engineer Tech, Josh Derhammer regarding the issue and he (Mayor Gonzales) responded to Mr. Derhammer's email when it had finally got taken care of. Mayor Gonzales states that the Town has policies in place and it wasn't followed through properly. He is now bringing it before Council for a written disciplinary of the Town Manager. Councilmember Black states that he had talked to this business owner as well and it is true we were charging him for picking up trash 3 days a week and he pays for that service. We need to provide the service to the customer. Mr. Black states that when Council talks to the Town Manager about issues, they should be addressed; the Town Manager is just doing what he wants to do. Councilmember Black agrees with a letter of reprimand. Councilmember Reiman states that he does not see anything in the Ordinance that requires the Town to provide any service (inaudible) so the Town is justified in saying "get your own garbage dumped". Councilmember Reiman states that he does not think Council has the option to tell the Town Manager how to do his job. Councilmember Reiman states that if a service that is being provided costs way more than the revenue that is being generated by that service, we need to have a rate increase or stop doing it. He feels that it is something that needs to be worked out among the parties involved and not make a big deal out of it. Mayor Gonzales states that we have Codes in place, whether they are cost effective or not, if we can't abide by our laws, then why are we here. Councilmember

Reiman asks where in the Code it says we have to provide this service. Town Attorney Goodwin states if the Town is offering trash service and if a customer requests and is paying for it, then yes he is entitled to that until the Town says "we are not going to offer that anymore". Town Manager Heatherly states that he received a voicemail from the Mayor on August 18th, he then called Josh and he called the customer and he was not there. Town Manager Heatherly then called him (the customer) and went through what the situation was and told him that was his fault for not contacting him before. Town Manager Heatherly states that he told him we would continue, so we did not pick up for one day of service. He told him that nothing would be changed until we were able to work out a deal or he went to a third party, which is what all of the other food service people have done, because we cannot economically and efficiently service them and they decided to change. Town Manager Heatherly states that the customer told him he didn't care, that he would pay anything. Town Manager Heatherly states he told the Mayor that we cannot just arbitrarily charge him a higher rate than everybody else. Mayor Gonzales states the principal is that we have a set of rules that Council sets, a Town Manager or a Public Works Director cannot go above or beyond those rules with what they see fit until it comes to Council. They went beyond the set rules because it wasn't beneficial for the Town. If it is not beneficial for the Town then you need to go the right way and come before the Council to pass a rate increase. The issue is going beyond our rules that are set in place.

D. Information, discussion and possible action: Possible action pursuant to executive session discussion regarding Town Manager.

Mayor Gonzales moved to write up Mr. Heatherly for not following our Town Code. Seconded by Councilmember Black. Councilmember Reiman asks if Council has the authority to write up the Town Manager. Town Attorney Goodwin states yes and explains Council's options for discipline. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales– yea, Vice Mayor Moat – nay, Councilmember Black – yea, Councilmember Bringhurst – nay, Councilmember Medina – excused, Councilmember Reiman – nay and Councilmember Sosh – yea. MOTION FAILED.

9. CALL TO THE COUNCIL:

Mayor Gonzales announces that school resumes Monday, you will start seeing school buses and kids again, so be cautious out there. Tonight is Monday night football.

Councilmember Sosh wishes Town Manager Heatherly a Happy Birthday.

10. ADJOURNMENT:

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

Meeting adjourned at 7:23 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 14th day of September, 2020.

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

DATED this 28th day of September, 2020.



Karen Norris, Town Clerk

APPROVED:



Sammy Gonzales, Mayor