



MINUTES
TOWN OF MIAMI
REGULAR MEETING
OF THE MAYOR AND COUNCIL
MONDAY, OCTOBER 12, 2020 AT 6:30 PM

1. CALL TO ORDER:

Mayor Gonzales calls the meeting to order at 6:29 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 Bringhurst, Councilmember Medina, Councilmember Reiman and Councilmember Sosh.

STAFF PRESENT: Town Attorney Goodwin, Engineering Tech Derhammer, Finance Director Steele and Town Clerk Norris.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the September 28, 2020 Regular meeting and September 30, 2020 Special Meeting.
- B. Consideration and possible action to approve the Town Payroll for September 20, 2020.
- C. Consideration and possible action to approve Cities and Towns Week Proclamation.

Mayor Gonzales reads Cities and Towns Week Proclamation aloud. Councilmember Bringhurst 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 Bringhurst – yea, Councilmember Medina – yea, 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 September 18, 2020 to October 1, 2020.

Open discussion and comments regarding various demands paid. Councilmember Sosh request a breakdown of the vehicles serviced at Big O Tires, those bills seem quite high. Councilmember Bringhurst moved to approve the demands for September 18, 2020 to October 1, 2020. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Town Manager Reports.

Town Clerk Norris states that she has included all the department reports for the month of September in the Council packets. Reports that Census 2020 has been extended through the month of October. The Town is currently advertising for 4 open positions. Reports that the Town has received quite a few applications for the Town Manager position and informs Council they can come in anytime to start reviewing them. Reports there was a pretty serious issue with the blower out at the wastewater treatment plant last week and Engineer Tech, Josh Derhammer has resolved that issue.

B. Mayor/Council Reports.

Councilmember Medina comments regarding an interesting sign he had seen in Phoenix regarding the Census; if you want to see better infrastructure, do your Census. Announces that early voting has started.

Councilmember Bringhurst thanks the Library for the book sale over the weekend. It was well attended and it was nice to see everyone. Announces tonight will be her last night sitting at the dais, she will be having a minor surgery on the day of the next meeting. Thanks everyone for letting her sit up there, it has been an honor and a privilege.

Mayor Gonzales comments on the book sale this weekend, it was well attended. Friends of the Library did an excellent job on the event and Librarian Sue Pontel was there doing the Census. Gives thanks to Community Services Director, Christine Duarte for working with City of Globe to get food boxes for many of the citizens of the Town of Miami. Reports that Police Chief Thompson picked up 2 police vehicles, they appear to be in pretty good shape. Comments on the purple lights around town, they are to show support of October as Domestic Violence Awareness Month.

7. CALL TO THE PUBLIC:

Ms. Delvan Hayward, Miami resident, states that the Friends of the Library are present at tonight's meeting, as well as, the Miami Library staff Sue Pontel and Roy Plascencia. Ms. Hayward comments that the book sale over the weekend was well attended because so many people miss going to the library; they had almost 100 people at the book sale. Comments that the library gets calls every day from people wanting to know when the

library is going to reopen. Ms. Hayward urges Council to vote yes to open the library, it is a necessary thing for the Town of Miami.

8. UNFINISHED BUSINESS:

- A. Information, discussion and possible action:** To direct staff to proceed with proposed CDBG 135-20 project; repairs to Adonis Avenue and Rose Road.

Engineer Tech, Josh Derhammer presents this item to Council and explains that at the last Council meeting Council asked that the project be divided up between removing the railroad tracks and making repairs to Adonis Avenue and repairs to Rose Road drainage. They did a walkthrough of Adonis Avenue and to see what kind of repairs should and could be made. Mr. Dale Miller of Rick Engineering reviews the proposed plan for repairs of Adonis Avenue and the proposed plan for work to be done on Rose Road. The proposed fix, he feels, would meet the Council's objectives. The combined proposed work would be approximately \$190,000.00, which is over the grant amount. Mr. Miller states that if Council agrees to not do the sidewalk portion of Adonis Avenue, we will have enough money for the project. Councilmember Sosh asks about the thickness of the concrete on Adonis Avenue. Mr. Miller states that it is a minimum of 9" and a maximum of 12". They are proposing 8" concrete on a 4" base. Mr. Miller states that he thought it would be nice to have a centerline stripe through the S curves. It would be relatively low cost; approximately \$1,500.00. Discussion regarding Rose Road drainage and if we were able to get in there and dig out the drainage. Mr. Derhammer states that no, but from what he is told, the drainage pipe is collapsed. Councilmember Black moved to direct staff to proceed with proposed CDBG 135-20 project, repairs to Adonis Avenue and Rose Road with the exception of the sidewalk, unless we get a low bid and then go ahead and include it. Seconded by Councilmember Sosh. Councilmember Reiman states he thought we were told that we cannot use CDBG funds to repave roads. Mr. Miller states that he did look into that and because the project is expanded and repaving the 2 big areas, bringing the streets up to serviceable condition, as well as patches up the hill on Adonis, in this situation it is acceptable. CAG and ADOH are supportive as it is proposed. Brief discussion regarding the timeline for this project. Just estimating, looking at starting the project mid-January to early February. Councilmember Bringhurst states she was initially opposed to this but now sees it is helping Rose Road get fixed and Adonis as well, which is a well travel street. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve the Order Extending the Declaration of Emergency adopted on June 19, 2020 requiring the wearing of face coverings while in public spaces for the purpose of COVID-19 mitigation efforts.

Mayor Gonzales states that he is bringing this back before Council to see how they feel about continuing the mandate. Two months have passed and the last mandate expired September

28th. Cases are low right now, social distancing and face coverings seem to have been a good thing. He would like to continue it. Councilmember Black states that most merchants have signs of what they want in their establishments, feels we should leave it up to the merchants as to what they want in their establishments. Councilmember Bringhurst states she was originally opposed to this mandate but now would like to keep it enforced, want to protect everyone, especially with flu season coming up. Vice Mayor Moat states he would like to keep it mandatory. Mr. Broeder, Miami resident and business owner states that he would like for the Town to continue the mandate and not put the burden of trying to enforce it on the business owners, the mandate gives them backup. Mayor Gonzales moved to approve the Order Extending the Declaration of Emergency adopted on June 19, 2020 requiring the wearing of face coverings while in public spaces for the purpose of COVID-19 mitigation efforts for an additional 2 months. Seconded by Vice Mayor Moat. Councilmember Reiman states that in the past, he was opposed to this but agrees this is probably not a bad idea to continue this. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

B. Information, discussion and possible action: To approve Letter of Commitment for FY 2021 EPA Brownfields Assessment Coalition Grant as part of the Copper Corridor Blight Buster Coalition Application 2021.

Town Clerk Norris presents this request to Council explaining that the Town had submitted a Letter of Support for the grant last year. Gila County was not awarded the grant last year and is going to submit for it again this year. The Town will appoint two-three members of staff to participate on the Brownfield Advisory Committee and assist with other critical tasks to help guide successful implementation of the proposed project. Councilmember Black moved to approve Letter of Commitment for FY 2021 EPA Brownfields Assessment Coalition Grant as part of the Copper Corridor Blight Buster Coalition Application 2021. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

C. Information, discussion and possible action: To approve proposed schedule for re-opening of the Miami Memorial Library.

Librarian, Sue Pontel states in the Council packets there is a proposal for opening by appointment but over the last two weeks many libraries have been opening up so at this point she is proposing opening Tuesday through Friday, 10:00 a.m. to 6:00 p.m. She reviewed their stats for the last nine months before they closed and they have never had over 4 people come in, which is well within the guidelines. They will require masks be worn and they will make sure everything is cleaned and sanitized. They will wrap the computers and mice with saran wrap for sanitary purposes. They will continue curbside service for those who do not want to come inside the library. Mrs. Pontel explains that according to the State Library District, if you quarantine items for 72 hours they don't have the virus on them anymore. They will quarantine everything for 72 hours before it goes back on the shelf. Mrs. Pontel comments on the

community need for the library to be open. Mayor Gonzales states he supports the library and feels that Mrs. Pontel is following all guidelines. He recommends that the library be open on Saturday as well. Councilmember Black asks if they have a thermometer to get temperatures before people come in the library. Mrs. Pontel states they do not have one. Mayor recommends that staff purchase some thermometers for the library. Councilmember Black moved to approve to open the library as proposed including Saturday. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

D. Information, discussion and possible action: To approve request to hold a “Drive Up” Trick or Treat event at the Miami Veterans Park on Saturday, October 31, 2020 from 5:00 p.m. to 8:00 p.m. and following the CDC safety guidelines.

Community Services Director, Christine Duarte presents this request to Council. Mrs. Duarte states that they would like to organize a drive up Halloween event for the kids in the community. Mrs. Duarte explains how they will keep in compliance with COVID safety guidelines. Mayor Gonzales states that he has always been in favor of the kids and Mrs. Duarte did an excellent job with the drive up graduation event/parade and keeping that safe; he will support this. Councilmember Medina states that his wife, Louisa, is interested in helping with the event. Mrs. Duarte explains how they plan to accommodate the kids who are not able to drive up for the event so that they are not left out. Councilmember Black states that he is in support of the event and donated \$100.00 towards the event. Councilmember Bringhurst states that she has some concerns regarding this and asks if they have volunteers to help with the event. Mrs. Duarte state they do have plenty of volunteers. Mrs. Duarte also states they are planning a virtual Halloween costume contest and that the Arizona Republic would like to come up and do a story on the event if it is approved. Brief discussion and comments regarding Globe not doing anything for the kids in their community and concerns of how they plan to handle the influx of cars/kids coming to Miami. Councilmember Medina moved to approve request to hold a “Drive Up” Trick or Treat event at the Miami Veterans Park on Saturday, October 31, 2020 from 5:00 p.m. to 8:00 p.m. and following the CDC safety guidelines. Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales– yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – nay, Councilmember Medina – yea, Councilmember Reiman – was out of the room at the time of the vote and Councilmember Sosh – yea. MOTION PASSED.

E. Information, discussion and possible action: To reappoint the following members to the Municipal Property Corporation (MPC) Board of Directors:

- a) Julie Reiman – term to expire March 2023;
- b) Joe Rocha – term to expire March 2023 and
- c) Tom Foster – term to expire May 2023.

Councilmember Black moved to reappoint Julie Reiman – term to expire March 2023; Joe Rocha – term to expire March 2023 and Tom Foster – term to expire May 2023. Seconded by

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

F. Information, discussion and possible action: To approve donation of Town of Miami property slated for discard to the Bullion Plaza Museum to be used to enhance and create an informative display/exhibits at the Museum.

Engineer Tech, Josh Derhammer explains that since they had the new storage buildings built at the Public Works yard they have been sorting through Town property and there was a lot of material the Town could not use. It was suggested to contact Tom Foster at Bullion Plaza Museum to see if they could use any of it. Mr. Foster was interested in taking some of the items to use for display in the museum. Mr. Tom Foster, Bullion Plaza Museum Executive Director explains how the items will be displayed at the museum. Mayor Gonzales feels this is a great idea and appreciates Mr. Foster for being able to put the items to use at the local museum. Councilmember Black moved to approve donation of Town of Miami property slated for discard to the Bullion Plaza Museum to be used to enhance and create an informative display/exhibits at the Museum. Seconded by Councilmember Medina. Councilmember Reiman asks the Town Attorney if it is legal for the Town to give property away. Town Attorney Goodwin states that it is ok, the items have no salvage value and can be donated to the Towns museum for a public purpose. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

G. Information, discussion and possible action: Possible direction to staff regarding an amendment to the Zoning Code regarding regulation of recreational marijuana.

Town Attorney Goodwin explains that Proposition 207 is on the election ballot and is expected to pass. There are some concerns about getting an ordinance in place early. The model ordinance has several options and there is a reason for those options. This model ordinance is to address land use issues and provide options for the Town to adopt an ordinance to prohibit or permit marijuana establishment or testing facilities and to allow the uses, and focus on regulations. The Attorneys want to talk to Council about a course of action to minimize any possible liability. Town Attorney, Trish Stuhan (via zoom), briefs Council about what may happen if the proposition passes. Attorney Stuhan comments on zoning powers and the power to limit the number of establishments in the Town. Review of the Town's power to prohibit and limit establishments. Discussion regarding dual licensing which is an entity that operates a non-profit medical marijuana dispensary and a marijuana establishment at shared locations. Attorney Stuhan comments on zoning options. Brief discussion regarding the grow facility currently in the town. Town Attorney Stuhan asks if Council wants to prohibit establishments altogether or allow them with restrictions. Town Attorney Stuhan reviews options that Council may want to consider for the Town of Miami. Option 1 - prohibit altogether recreational establishments and recreational facilities. Option 2 – prohibit the stand alone shops but accept dual licensing only. Option 3 – approving recreational facilities and setting regulations. Brief

discussion regarding the current grow facility in town moving towards opening as a retail shop. Open discussion and comments regarding the excise tax and retail tax on the sale of recreational marijuana. It is explained that the Town may not levy any additional retail taxes on marijuana. Councilmember Medina states that he is not in favor of allowing it right now. Brief discussion regarding the State limiting the number of licenses being issued for the establishments. Councilmember Medina moved to go with Option 1 and prohibit recreational establishments and facilities and look at it later as this rolls out. Councilmember Bringhurst asks if Council needs to decide on this tonight. Town Attorney Goodwin states no, Council can wait but explains why some city and town attorneys feel it is important to work on this now before the law takes effect. Motion seconded by Councilmember Black. Councilmember Sosh states his concern is that if Miami doesn't adopt something, Globe is going to and we will lose out on a revenue source. He feels we should go with Option 2. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – nay, Vice Mayor Moat – nay, Councilmember Black – nay, Councilmember Bringhurst – nay, Councilmember Medina – yea, Councilmember Reiman – nay and Councilmember Sosh - nay. DENIED. Councilmember Reiman moved to adopt Option 2. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – nay, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

H. Information, discussion and possible action: To increase the compensation of the Town Clerk for the period of time she serves as Interim Town Manager.

Councilmember Sosh presents this request to Council explaining that they are asking the Town Clerk to do two jobs right now, not sure when the Town will hire a permanent Town Manager but he feels she should be compensated somehow until Council hires a permanent Town Manager. Mayor Gonzales recues himself from this item and Vice Mayor Moat takes the gavel. Councilmember Sosh thinks Council needs to do this and decide on a percentage for an increase. Vice Mayor Moat comments that the Town Clerk was given a 10% increase for a 5 year period for the job she has now. Councilmember Black comments on a time in the past when Council compensated an Interim Manager \$5,000.00 for a four month period, that was 12 years ago and times have changed. Councilmember Black move to give Town Clerk Norris a 10% stipend for the time she serves at Interim Town Manager effective the date of her appointment. Seconded by Councilmember Medina. Councilmember Reiman states that when she was appointed it was stated that she would be answering questions and if something comes up she would take care of it, also she has no qualifications in finance. Also, according to the minutes it was stated that there would be no changes made. Councilmember Reiman comments on her current salary and he would be opposed to giving her a raise since it is for such a short period of time. Councilmember Bringhurst states that the Town Clerk has taken on more than she normally does and we have the financial portion of the job taken care of with Samantha and Pat, so she isn't concerned with the financials, feels 10% increase is fair, just until we hire a permanent manager. Councilmember Medina states that it was reported that we have received quite a few applications already, so it won't be for too long. Councilmember Medina comments that when he worked at the mine and they took on additional duties, but had the same job, he was held responsible if something went wrong, it's the additional responsibilities. Vice Mayor Moat calls for the vote. Vote – Mayor Gonzales – recues from this

item, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – nay and Councilmember Sosh - yea. MOTION PASSED.

- I. **Information, discussion and possible action:** To approve Engineering Services Contract Amendment No. 1 - Rick Engineering Company for cost estimates, additional design and prepare a plan sheet for the proposed improvements to Adonis Avenue.

Engineer Tech, Josh Derhammer presents this item to Council and explains that this amendment is for cost estimates, additional design work and preparing a plan sheet for the proposed improvements to Adonis Avenue. Mayor Gonzales comments on how fast they got this done, and gives kudos to Rick Engineering for that. Councilmember Black moved to approve Engineering Services Contract Amendment No. 1 - Rick Engineering Company for cost estimates, additional design and prepare a plan sheet for the proposed improvements to Adonis Avenue. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – abstain and Councilmember Sosh - yea. MOTION PASSED.

- J. **Information, discussion and possible action:** To enter in an 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 regarding (i) a contract with the USDA that is the subject of negotiations, and (ii) a contract for consulting services to provide assistance with pending litigation in the matter of *Town of Miami v. Kinkaid Civil Constructors, Inc. et al.*

Councilmember Black moved to convene into executive session. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Bringhurst – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED. 8:40 p.m.

Council reconvenes at 9:35 p.m. All members present.

10. **CALL TO THE COUNCIL:** None.

11. **ADJOURNMENT:**

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

Meeting adjourned at 9:35 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 12th day of October, 2020.

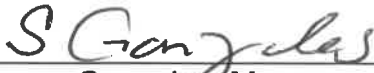
I further certify that the meeting was duly called and that a quorum was present.

DATED this 26th day of October, 2020.



Karen Norris, Town Clerk

APPROVED:



Sammy Gonzales, Mayor