



MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, NOVEMBER 23, 2020 AT 6:30 PM

1. CALL TO ORDER:

Mayor Gonzales calls the meeting to order at 6:31 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, Councilmember Black, Councilmember Licano, Councilmember Medina, Councilmember Reiman and Councilmember Sosh.

ABSENT: Vice Mayor Moat.

STAFF PRESENT: Town Attorney Goodwin (via Zoom), Attorney Estes (via Zoom), Engineering Tech Derhammer and Town Clerk Norris.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the November 9, 2020 Regular meeting.
- B. Consideration and possible action to approve the Town Payroll for November 15, 2020 and October 18, 2020.

Town Clerk Norris points out a correction to this item, Council will only be approving the Town Payroll for November 15, 2020; October 18, 2020 was from a past meeting. 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 – absent, Councilmember Black – yea, Councilmember Licano – 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 October 30, 2020 to November 12, 2020.

Open discussion and comments regarding various demands paid. Councilmember Black moved to approve the demands for October 30, 2020 to November 12, 2020. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

6. REPORTS / RECOGNITIONS:

A. Town Manager Reports.

Town Clerk Norris announces that the Town will be closing down the Council meetings for public attendance due to the rise in COVID cases. The Town will continue to stream the meetings live on Facebook live. Reports that the ADEQ Voluntary Remediation Program has preliminary approved the Miami MGP (manufacture gas plant) Closure Report along with the APS request for no further action for the Miami MGP Site (public works yard).

B. Mayor/Council Reports.

Councilmember Medina states that from CBS All Access News there is a nationwide push to relax drug laws and took a significant step forward Tuesday as voters made Oregon the first state to decriminalize the possession of small amounts of street drugs such as cocaine, heroin and methamphetamine. Meanwhile, five more states have legalized marijuana for adults. Announces that while talking with some friends in Claypool, they have dry good food items to share with the public. Wishes everyone a Happy Thanksgiving.

Mayor Gonzales reports that the Public Works department has started putting up the Christmas decorations on Sullivan Street; had some issues with the lift but will get it completed soon. Comments on the closing of the Council meetings for public attendance due to the rising COVID cases; it is very concerning. Reports on attending the Regional Aquatic Center meeting. They recently learned that BHP is not going to donate the land for the proposed site so they are basically back to square one. Reports that he and Chief Thompson met with the Consul General of Mexico regarding the Mexican id's, they will be back to give training to the Police Offices and to give a presentation to Council regarding other assistance/resources they would like to give to the community.

Councilmember Black announces that he and his wife have purchased a full Thanksgiving meal to donate to a local family. If anyone knows of a family in need, please get in touch with him.

7. CALL TO THE PUBLIC:

Mr. Jim Osbourne, 145 Adonis Avenue, states that he does not know if his property is hooked up to the sewer system or not. He had been in contact with Engineer Tech, Josh Derhammer and they tried to run the camera though the line but found that it was completely plugged up. They did talk about having Jonovich Company come out to look at it to see if they could figure

out what was going on but lost communication with Mr. Derhammer. Would like the Town to get back on this and find a solution to this issue.

8. UNFINISHED BUSINESS:

9. NEW BUSINESS:

- A. Information, discussion and possible action:** Report on progress of Sullivan Street Fire cleanup and possible direction to staff on how to proceed.

Engineer Tech, Josh Derhammer presents this item to Council. The Town received 3 bids for the fire cleanup project. The bids came in lower than expected. At this point we are waiting to see if we get the funding grant for the project. Mr. Derhammer explains that right now he would like to know if the Town would like to move forward with obtaining ownership of the properties, which is a requirement, contingent upon the Town getting the funding. Mr. Derhammer also states that there is an alternate bid for the building on Keystone. It is structurally safe, but does Council want the shell of the building to remain or full tear down. Mayor Gonzales comments that before we acquire the buildings we have to be sure we will have the funding, what is the status of the funding? Mr. Derhammer states that he does not have a concrete answer but it is looking good. Mayor Gonzales states that he like to have the funding before negotiating with the property owners. Mayor Gonzales states, in regards to the building on Keystone, he feels it would be best to take it down completely. Brief discussion regarding there being asbestos in the buildings. Mayor Gonzales asks if there is a time limit on this. Mr. Derhammer explains the bids are good for 60 days but could ask for an extension if need be. Discussion regarding contacting the building owners to see if they are going to donate or give the buildings to the Town. Discussion regarding if the owners do not sale or donate the buildings to the Town then they will be responsible for the cost of the cleanup of the buildings. Councilmember Black moved to direct Mr. Derhammer to continue working on the Brownsfield grant and contact the property owners, informing them of their options of donating the property to the Town or pay the cost of cleaning up the property themselves. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

- B. Information, discussion and possible action:** Discussion regarding Arizona Opioid Litigation and approval of One Arizona Opioid Settlement Memorandum of Understanding.

Town Attorney Goodwin presents this item to Council. Town Attorney Goodwin explains that State and local governments across the country have been litigating against the opioid industry alleging that the industry utilized unethical and illegal practices with respect to promoting the use of opioids. Arizona has an opportunity to settle with some of the manufacturers and distributors and secure financial resources to address the impacts of opioids. The State of Arizona and all fifteen counties have agreed to the One Arizona Opioid Settlement Memorandum of Understanding (MOU). A copy of the MOU is attached, along with a letter dated November 3, 2020, from the Arizona Attorney General's Office, which explains the

settlement. All Arizona cities and towns are being requested to sign the MOU by December 15, 2020, in order that Arizona can gain the maximum settlement monies being offered. The MOU is nonbinding. The industry participants want confirmation that the State of Arizona is united in settling the opioid litigation. The parties negotiated the MOU to accomplish this goal. Any final settlement agreement to be approved by cities and towns later. Miami is not a party to the opioid litigation and likely does not have large enough damages or claims to manage the litigation. In the final settlement, the Town will release its rights to sue industry members who participate. They believe the settlement is beneficial. The litigating entities and non-litigating entities are treated the same. 56% of the settlement money will flow directly to participating local governments. 44% to the State. Each entity's specific percentage of its county's allocation is set forth in Exhibit C of the MOU, although this may change. The percentages reflect the severity of the crisis within each area. Use of the settlement funds is restricted to local opioid abatement purposes. Importantly, the distribution to each entity is higher if there is 100% participation. With that in mind, the State is encouraging all cities and towns to approve the MOU. Town Attorney Goodwin recommends that the Town approve the MOU and authorize the Mayor to execute it. It is anticipated that Miami will receive 2.71% of Gila County's share of the total settlement funds to be received, although this could change in the final settlement. The actual amount of money is unknown. Miami will not be required to expend any money to participate. Town Attorney Goodwin comments on this being a non-binding agreement. The Town may have received a letter from the Risk Pool explaining the Town may be waiving its right to object to the allocation. Town Attorney Goodwin thinks the Town's allocation is a pretty good one don't see any reason why to object to the allocation. Mayor Gonzales asks if there are stipulations as to how the money is to be used. Town Attorney Goodwin states yes, it is outlined in an exhibit of how the funds can be used and the reporting requirements. Brief discussion regarding how they came up with the allocation percentages. Councilmember Black moved to approve the One Arizona Opioid Settlement Memorandum of Understanding. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

C. Information, discussion and possible action: To approve Letter of Support for Source One Meds to open a Dispensary in the Town of Miami if they should obtain proper state and local licensing.

Town Clerk Norris explains that the Town received a letter from Source One Meds requesting a Letter of Support from the Town to open a Dispensary in the Town of Miami if they should obtain proper state and local licensing. Mr. Ross Miljenovich of Source One Meds is present to comment on his request. Mr. Miljenovich comments on their current grow facility in the Town, they have had their first harvest and explains the testing process. The Town's first contribution is on timeline for March. The great thing is that it will be more than what was actually discussed. Mr. Miljenovich state that due to the passage of Prop 207 the pricing has gone up and explains why. Mr. Miljenovich comments on their business and how it can and will benefit the Town if they are able to obtain the state licensing for a dispensary. Mr. Miljenovich explains the state licensing process and that he believes they are only going to award one, maybe 2, licenses in Gila County. Those licenses have to stay in the town in which they are issued. Mr.

Miljenovich comments that if they are awarded a license they would like to put their business on Live Oak Street (Hwy 60), so they have more exposure to the through traffic. Councilmember Medina comments that he does not agree with the culture but it is here and we are known for the go to place for illegal purchases, at least this way it will be legal. Mr. Miljenovich comments on the mandatory testing of the product and how they grow their product. Mayor Gonzales states when this first came up he supported this business and everything Ross and Brian have said they would do, they have done. They have hired within the community and supported the community, this tells him what kind of people they are; they are community driven. Mayor Gonzales states that he has not heard anything negative so far. Mayor Gonzales moved to approve the letter of support for Source One Meds to open a Dispensary in the Town of Miami if they should obtain proper state and local licensing. Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

D. Information, discussion and possible action: To appoint a Town of Miami citizen to the Planning and Zoning Commission to complete the term of Robert Licano.

Town Clerk Norris presents this item to Council explaining that there will be some Planning and Zoning Commission meetings coming up and we would like to fill the seat of Robert Licano. Brief discussion regarding considering Brian from Source One Meds. Brief discussion regarding whether the appointee has to live within the Town. Council will consider residents first and if they have on one interested in being on the Commission they can appoint someone from the surrounding area. Councilmember Licano also states Ms. Nora Green may be interested in sitting on the commission. Councilmember Black moved to table this item until the next meeting. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED – ITEM TABLED.

E. Information, discussion and possible action: Discussion and possible direction to staff as to how to proceed with the hiring of Finance Director.

Town Clerk Norris presents this item to Council explaining that filling the position of Finance Director normally involves the Town Manager. Right now Town Clerk Norris is filling in as Interim Town Manager but feels since the Town is in the process of hiring a Town Manager we should wait until the time we have the Town Manager position filled. The job ad has gone out and so far we have received 3 applications. Discussion regarding what the Town is currently doing to keep the Finance Department operating. Consultant Pat Walker, who is helping with current audit, is helping with the day to day operations. Also, outgoing Finance Director Samantha Steele has agreed to help with day to day operations on a part time basis until we have a Finance Director in place. It is the consensus of the Council to continue accepting applications and to wait until they have hired a Town Manager. This will help determine the level of education/experience the Town will need to look for in a candidate for Finance Director.

- F. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for HilgartWilson, in the amount of \$102,642.37 for sewer project related expenses.

Town Clerk Norris presents this pay application to Council explaining that there has been a correction to the pay application amount. The correction has lowered the pay application amount to \$94,218.17. Councilmember Black moved to approve, subject to funding agency concurrence, payment application for HilgartWilson, in the amount of \$94,218.17 for sewer project related expenses. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – 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 Town of Miami, in the amount of \$95,479.48 for sewer project related expenses.

Councilmember Black moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$95,479.48 for sewer project related expenses. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

- H. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application no. Final 022 for KE&G, in the amount of \$7,890.79 for sewer project work completed.

Councilmember Black moved to approve, subject to funding agency concurrence, payment application no. Final 022 for KE&G, in the amount of \$7,890.79 for sewer project work completed. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

- I. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application no. Final 023 for KE&G, in the amount of \$6,260.00 for sewer project work completed.

Councilmember Sosh moved to approve, subject to funding agency concurrence, payment application no. Final 023 for KE&G, in the amount of \$6,260.00 for sewer project work completed. Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

10. CALL TO THE COUNCIL:

Councilmember Medina wishes everyone a safe and happy Thanksgiving.

11. 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 – absent, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

Meeting adjourned at 7:47 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 **23th** day of **November**, 2020.

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

DATED this **14th** day of **December**, 2020.



Karen Norris, Town Clerk

APPROVED:


Sammy Gonzales, Mayor