



MINUTES
TOWN OF MIAMI
REGULAR MEETING
OF THE MAYOR AND COUNCIL
MONDAY, JANUARY 11, 2021 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, Vice Mayor Moat (telephonically), Councilmember Black, Councilmember Licano, Councilmember Medina, Councilmember Reiman and Councilmember Sosh.

STAFF PRESENT: Town Attorney Estes (via Zoom), Town Manager Gaudet, Finance Director Lopez, Code Enforcement Officer Bost, Engineering Tech Derhammer and Town Clerk Norris.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes December 28, 2020 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for December 27, 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 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 December 18, 2020 to December 31, 2020.

Open discussion and comments regarding various demands paid. Councilmember Black moved to approve the demands for December 18, 2020 to December 31, 2020. Seconded by

Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, 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 Manager Gaudet thanked Council for putting their trust and confidence in him as Town Manager for the Town of Miami; excited to report that his is the youngest town/city manager across the entire state of Arizona. Reports that this past week he has had a chance to meet with most of the Town staff and getting to know the team. It is going to be a long road ahead and lots of policies will be coming to Council. He is still working though the paperwork in his office; only about 10% of the way through it.

B. Mayor/Council Reports.

Councilmember Medina states he would like to make a political comments and asks everyone please do not be quick to judge anyone or any event, and instead stop and look at all the evidence. Listen with an open mind. Read as much material on a subject as possible and keep an open mind. He reminds Council that he has two items of concern, looking into using QuickBooks and the Mackey's Camp issue. Councilmember Medina welcomes new Town Manager Micah Gaudet to the challenging job of Town of Miami, Town Manager.

Mayor Gonzales welcomes Micah Gaudet as the new Town Manager, did not know he was the youngest in the State. COVID-19 vaccinations in Gila County are in Phase 1b of the vaccination process. The chart showing the vaccination schedule is posted on the Town's website.

Vice Mayor Moat commends Engineer Tech, Josh Derhammer on the meeting audio; sounds a lot better. Vice Mayor Moat also welcomes Micah Gaudet as the new Town Manager.

7. UNFINISHED BUSINESS:

8. NEW BUSINESS:

A. Information and discussion only: Presentation and update report from the Bullion Plaza Cultural Center and Museum.

Mr. Tom Foster, Bullion Plaza Museum, Executive Director, gives the presentation on the Bullion Plaza Cultural Center and Museum. Reports on improvements, issues and financial update. Reviews the Center's Mission Statement and list of current Board of Directors. Reports on current museum memberships and visitors. Briefly reports on volunteer hours. Mr. Foster shows some slide pictures of exhibits, displays and the gift shop inside the museum. Reports on building concerns and flooding in the basement when it rains. Reports on donations

received. Reports on building security. Mr. Foster reports on recent outreach and training. Council thanks Mr. Foster for his thorough report.

B. Information, discussion and possible action: Discussion and possible award of CDBG Project 135-20 Adonis/Rose Road Improvement Project to Accelerated Construction and Excavating LLC in the negotiated amount of \$171,050.24.

Mr. Dale Miller of Rick Engineering explains that the bids for this project came in much higher than expected and the proposed changes are in the Council packets and gives a brief highlight of what took place and what is occurring. They did get with the low bidder, Accelerated (Ace) Construction and negotiated a lower bid amount. With the change order, the amount of CDBG funds available for the project is \$171,050.24. The adjustments made were: 1) ACE proposed lower unit prices on 5 bid items, 2) The sidewalk on Adonis Avenue was removed from the project, 3) The proposed subgrade stabilization was revised from a cement treated subgrade to a lime stabilized subgrade and 4) The length of Rose Road improvements was shortened by 12 feet on the west end. Mayor Gonzales states that he is concerned because the bids that came in were quite high compared to the projected cost of the project; was there a mistake on the projected prices that caused the bids to be way off. Mr. Miller explains that a similar thing happened in Winkleman, he does not know the reason, and it is what it is. Mayor Gonzales states that he feels the engineer was way off on the projected pricing. Mr. Alan Urban of CAG explains that there are some different factors that fall into this project. Changes in the market, how busy the contractors are or sometimes there just isn't an explanation on the prices. Mr. Urban comments on some of the changes made to the project to keep it within the budget. Mr. Rick Powers of Rick Engineering, comments that the contractor (Ace) has bent over backwards to work with the Town to get this project done. Mr. Powers recommends that Council move forward with this project. Brief discussion regarding when the funds end; fall of this year, August. Open discussion and comments regarding the proposed changes to the project. Councilmember Medina moved to award CDBG Project 135-20 Adonis/Rose Road Improvement Project to Accelerated Construction and Excavating LLC in the negotiated amount of \$171,050.24. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – nay, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - nay. MOTION PASSED.

C. Information, discussion and possible action: To approve Letter of Support for the continued efforts of the Cobre Valley Watershed Partnership (CVWP).

Mayor Gonzales presents this item to Council stating a copy of the letter is in the Council packets. This is an ongoing issue in our community and Statewide. The letter basically states that we are concerned with the watershed issue and are in support of CVWP and what they can do to help with water issues now and in the future throughout the State. Councilmember Sosh moved to approve the Letter of Support for the continued efforts of the Cobre Valley Watershed Partnership (CVWP). Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

D. Information, discussion and possible action: Review and possible direction to staff regarding appeal of Notice of Town Code Violation Weeds/Vegetation 8.16.080 and Abandoned Vehicles 8.16.160 for property located at 729 Sullivan Street.

Town Clerk Norris presents this item to Council explaining that the property owner was given a 30-day notice regarding the violations. The property owner then submitted the appeal, requesting a hearing before Council. Code Enforcement Officer, Iris Bost is present via Zoom. Mayor Gonzales asks if the citation was presented to the property owner on the first of November. Code Enforcement Officer Bost states it is not a citation, but a 30-day notice. Mayor Gonzales asks if Ms. Bost has had contact with the property owner. Ms. Bost states only via email. Mayor Gonzales asks if this is an appeal hearing. Town Attorney Estes explains that Council has the ability to hear the property owner and move on her appeal to the Council. There are only 3 grounds for an appeal: notice to abate, the claim that the property subject to the notice is not in violation of the ordinance, improper interpretation or claim that statement of cost of correcting or abating is excessive. Mayor Gonzales asks if the appeal falls under one of those. Town Attorney Estes states he thinks she is trying to fall under "not in violation of the ordinance". Town Attorney comments on the claim of the auto's being classics, but this would fall under the description of what the Town considers an abandoned vehicle. Discussion regarding the 30 day time limit to abate and is it specially 30 days in our code? Town Attorney Estes states yes. Mayor Gonzales asks the Town Attorney for his suggestion on this request. Town Attorney Estes explains that the appeal process is to address any specific factual allegations based on one of the three grounds for appeal. Open discussion and comments regarding the property zoning, commercial or residential. Brief discussion regarding this being an ongoing blight issue. Councilmember Sosh moved to deny the appeal and move to the next step of what we need to do to clean it up. Seconded by Councilmember Medina. Town Attorney Estes states the procedure for the appeal is that the Town Clerk sets the date for a hearing on the appeal within 40 days of the receipt. Then the Town Council will hear testimony from all parties. He is concerned that the agenda item is not agenzized as a hearing. Does not want there to be any technical argument, that this was not noticed as a hearing. Town Attorney suggests reissuing the notice of violation, allow the property owner to refile her appeal. Give her copy of the grounds for appeal and have her state all her specific grounds for appeal and then provide her with the procedure for appeal so there can be no grounds from her that the Town did not follow proper procedure. Based on the Town Attorney's recommendations, Councilmember Sosh and Medina rescind the motion and second. Councilmember Sosh moves to give the property owner a notice for a hearing and give her the required number of days and bring it up again. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED. Town Attorney Estes clarifies that the Town will reissue the notice of violation which starts her 15-day time period to file her appeal which will start the 40 day time period for it to come back to Council. He will get with the Town Manager and Ms. Bost to make sure that the notice is reissued and the property owner is given additional information and citation to the specific code with the grounds for appeal and procedure.

E. Information, discussion and possible action: Update and possible direction to staff regarding the Sullivan Street Fire.

Engineering Tech, Josh Derhammer presents this item to Council explaining that the last direction from Council on this item was for him to explore the funding capabilities from ADEQ, as well as, contacting the owners to find out if transfer of ownership of the buildings was possible. He did hear back from ADEQ and the funding range was \$20,000.00 to \$80,000.00. Their projects are booked for the year but due to the instability of our issue here we can be bumped ahead of some of the others. They did inform him that the amount over \$100,000.00 would be available in 2022. Mr. Derhammer states we can opt to do just 2 buildings and try to keep it within the \$20,000.00 to \$80,000.00 range or proceed with holding the owners responsible. Mr. Derhammer states that one of the building owners does have insurance. Mayor Gonzales asks if there is any backup documentation for this agenda item. Mr. Derhammer states that he did not submit back up documentation for this item but can provide his email communications with USDA. Mayor Gonzales states that he would like back up documentation for all agenda items so that there is a record of what Council is discussing and voting on. Councilmember Black asks if we can move forward with the \$20,000.00 to \$80,000.00 grant and take care of a couple of the buildings and then in 2022 apply for funds to do the remainder of the buildings. Mr. Derhammer states "yes". Discussion regarding the estimated cost of tearing down the buildings with leaving the shells and with complete tear down. Brief discussion regarding that if the Town is going to move forward with the Brownsfield grant, we will need to own the buildings. Mr. Derhammer explains that two of the building owners are willing to turn ownership over to the Town but there was no discussion regarding at what cost. Councilmember Black states that he feels we should move forward on that. Councilmember Reiman questions what would the Town even do with the property if we got it and cleaned it up; feels we should have some idea of what might be done with the property. Mr. Derhammer states that under the previous Town Manager there had been conversations with developers from Globe and the valley as well. Clarification of "transfer of ownership" of the buildings. Does that mean the Town purchase the buildings or be given the buildings. Mr. Derhammer states that the Town should be given the buildings since the Town will be taking on the liability to clean up the property. Discussion regarding what happens if the owners do not want to give the buildings to the Town; they will be responsible for cleaning them up. Discussion regarding the probability of the Town actually getting the grant funding. Town Manager Gaudet comments that he would like to have a plan as to what the Council would like to do with the property so that staff will know how to proceed with funding and building acquisition. Mr. Derhammer states it sounds like, per the Town Manager, staff needs to develop a secondary plan to make sure if we do acquire the buildings we know what we are going to do with them.

F. Information, discussion and possible action: Discussion and possible direction to staff regarding Town Code Chapter 10.12 Parking.

Councilmember Licano presents this item to Council explaining that a current copy of the Parking Code is in the Council packets. It is very out dated and he would like for the Town Manager and staff to review it and come up with a better parking code for the downtown district. Mayor Gonzales agrees, there are a lot of areas in the town code that are outdated and this

would be a good start. Mayor Gonzales states he feels the Town Manager, along with the Police Department and Code Enforcement need to update this. Town Manager Gaudet asks if this portion of the code is for downtown only or for the whole town. Councilmember Black suggests getting the new Town Manager up to date on the parking situation for the whole town. Mayor Gonzales suggests getting with staff to know the parking issues and come up with a draft ordinance for Councils consideration.

G. Information, discussion and possible action: To enter into executive session pursuant to:

(1) A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Town's assignment of litigation proceeds to the USDA – Rural Development in the matter of Town of Miami v. Kinkaid Civil Construction et al, Gila County Superior Court Case No. CV201700206, related to construction defects in the Town of Miami wastewater collection system;

(2) 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 settlement discussions conducted in order to resolve the Town of Miami v. Kinkaid Civil Construction litigation; and

(3) 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 a contract with USDA – Rural Development, related to the Town of Miami wastewater system that is the subject of negotiations.

Councilmember Black moved to recess 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 Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED. 8:28 p.m.

Council reconvenes at 9:52 p.m. All members present. Town Attorney Trish Stuhan is present.

H. Information, discussion and possible action: Discussion regarding the Town of Miami v. Kinkaid Civil Construction litigation and possible authorization to accept a settlement offer from mediation and/or authorize to make a settlement offer to resolve the litigation and close out the project with USDA – Rural Development.

Councilmember Reiman moved to authorize the attorneys to accept the settlement offer from mediation and/or authorize to make a settlement offer to resolve the litigation and close out the project with USDA – Rural Development. Seconded by Councilmember Black. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – yea, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

9. CALL TO THE COUNCIL:

Councilmember Reiman gives a shout out to the Town for getting the Christmas decorations down before Easter.

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

Meeting adjourned at 9:53 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 11th day of January, 2021.

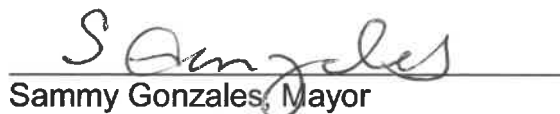
I further certify that the meeting was duly called and that a quorum was present.

DATED this 25h day of January, 2021.



Karen Norris, Town Clerk

APPROVED:



Sammy Gonzales, Mayor