



MINUTES
TOWN OF MIAMI
REGULAR MEETING
OF THE MAYOR AND COUNCIL
MONDAY, APRIL 12, 2021 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 Licano, Councilmember Medina, Councilmember Reiman and Councilmember Sosh.

EXCUSED: Councilmember Black.

STAFF PRESENT: Town Attorney Estes, Town Manager Gaudet, Finance Director Lopez, Town Clerk Norris, Police Chief Thompson and Public Works Director Derhammer.

4. CONSENT AGENDA:

- A.** Consideration and possible action to approve Minutes March 22, 2021 Regular Meeting.
- B.** Consideration and possible action to approve the Town Payroll for March 21, 2021 and April 4, 2021.

Councilmember Sosh moved to approve the consent agenda. Seconded by Vice Mayor Moat. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, 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 March 12, 2021 to April 1, 2021.

Open discussion and comments regarding various demands paid. Councilmember Reiman moved to approve the demands for March 12, 2021 to April 1, 2021. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, 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 states that April 14th marks his 100th day as Town Manager and reflects on some major accomplishments and goals the Town has achieved in those 100 days.

B. Mayor/Council Reports.

Councilmember Sosh reports that he attended the Regional Aquatic Center meeting and right now they are hitting a snag with finding land for the project.

Councilmember Medina explains the flags were half-staff on Friday, April 2nd through Monday, April 6th to honor United States Capitol Police Officer, William F. Evans, who was killed in the line of duty defending the U.S. Capitol from an attack on Friday. Announces that a new State of Arizona flag was donated and hung up at the Miami Town Hall by Mr. Tom Foster. Comments on a website that celebrates the days of the month; comments on some of the celebrated topics for today. Comments on the re-opening of Rose Road on Friday, April 9th. Reads a quote by Francis of Assisi – “Start by doing what’s necessary; then do what’s possible; and suddenly you are doing the impossible.”

Vice Mayor Moat welcomes the new neighbors to his neighborhood; Aaron and Kristy Martin.

Mayor Gonzales gives thanks to Town Manager Gaudet and Councilmember Reiman for attending the Cathy Canez Memorial Library Station dedication. Comments on the re-opening of Rose Road and thanks Town Manager Gaudet, Public Works Director, Josh Derhammer and Councilmember Sosh for attending that ceremony. Informs Council that if they are planning on attending the 2021 Annual League Conference this year, let the Town Clerk know so that when they open up the reservations she can get everyone scheduled to attend the event.

7. UNFINISHED BUSINESS:

8. NEW BUSINESS:

A. Information and discussion only: Presentation of donation to Town of Miami from Source One Meds.

Mr. Ross Miljenovich, VP of Development and Bryan Lovett, President, of Source One Meds present the Mayor and Council a donation check, per the Town’s agreement with Source One

Meds. The donation is equal to 3% of their gross sales. The quarterly donation amount is \$25,505.00. Mayor Gonzales, on behalf of the Council and Town of Miami, thanks Ross and Bryan for their donation and continued involvement in the community; it is appreciated.

B. Information, discussion and possible action: Approval of Intergovernmental Agreement (IGA) with Gila County for the Summer Work Program.

Town Clerk Norris presents the IGA to Council for possible approval. The agreement is for 4 youth workers from June 7th, 2021 through July 16, 2021 and not to exceed \$14,000.00. Mayor Gonzales moved to approve Intergovernmental Agreement (IGA) with Gila County for the Summer Work Program. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

C. Information, discussion and possible action: Approval of amended Mayor's Proclamation and Emergency Declaration regarding COVID mandates.

Town Manager Guadet presents the amended Mayor's Proclamation and Emergency Declaration to Council for consideration. This is to get the Town in compliance with the Governors most recent Executive Order. Town Attorney Estes states that this proclamation allows for future amendments the Governor may make and the Town does not need to bring it back for updates of the proclamation. Mayor Gonzales asks if this includes possibly opening meetings up to public attendance. Town Attorney Estes explains that is up to the Council but advises still providing the live streaming of meetings and maintaining the required social distancing, as set by the CDC, in public; must be agendized properly. Brief discussion regarding only allowing citizens who wish to address the Council at Call to the Public, Public Hearings and agenda items to attend meetings in person. Councilmember Reiman moved to approve amended Mayor's Proclamation and Emergency Declaration regarding COVID mandates. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh – yea. MOTION PASSED.

D. Information, discussion and possible action: Approval of Request for Proposals (RFP) for Grant Writing Services.

Town Manager Gaudet presents this request to Council. He is requesting to go out to bid for grant writing services because this will likely go over the procurement limit. The bids will come in and Council can decide which company they would like to go with. Councilmember Medina moved to approve to request proposals for grant writing services. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

E. Information, discussion and possible action: Approval of Ordinance No. 379 amending the Code of Miami, Title 10 Vehicles and Traffic, by amending Chapter 10.12, Parking.

Town Manager Gaudet presents this item to Council stating that Councilmember Licano requested staff review the outdated Parking Ordinance. The proposed updates will provide for a more streamlined approach as to how we do things. It is internally broad so as not to be too restrictive. The Police Department and Public Works Department was instrumental in the update of the Code. Councilmember Reiman points out quite a few inconsistencies with the proposed ordinance. Councilmember Reiman explains that there is not a Town jail anymore, that phrase will need to be changed. Discussion regarding the proposed penalties. Town Attorney Estes explains that when penalties are written into code they are stated at the maximum penalty. Discussion regarding the definition of commercial vehicles. Discussion regarding the length of vehicles and parking spaces. Discussion regarding parking on and around the bridges. There is still some references to parking meters in the code that need to be corrected since the Town no longer has parking meters. Discussion regarding towing services for the Town. Mayor Gonzales suggests tabling this item for further review. Mayor Gonzales moved to table this item. Seconded by Councilmember Medina. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

F. Information, discussion and possible action: Approval of Easement Exchange with Bennu Properties, LLC in which Bennu Properties, LLC will deed parcel 206-23-021 for the road incursion into parcel 206-21-166 with this exchange Bennu Properties LLC will sign the easement for the Mackey's Camp access road.

Town Manager Gaudet presents this item to Council explaining that Mr. Fritz is a property owner at Mackey's Camp and is requesting a deed parcel swap in exchange for a property easement on the Mackey's Camp access road. Brief discussion regarding the parcel on Sullivan Street and that it appears to be a drainage canal. Discussion regarding the possibility of the Town being liable if there is a flood. Town Attorney Estes explains there would only be a liability if the Town alters or changes the flow of water, if not, it is the historical flow of water and there would not be any liability concerns. Advises that if the Town does the exchange, the Town will need to keep the property properly maintained. Town Attorney Estes states that as long as the properties have close market value to each other there will be no legal issues with the exchange of the property. Open discussion and comments regarding the road incursion into the exchanged parcel. Discussion and identification of the property with the road incursion on Franz Street. Councilmember Medina moved to approve Easement Exchange with Bennu Properties, LLC in which Bennu Properties, LLC will deed parcel 206-23-021 for the road incursion into parcel 206-21-166 with this exchange Bennu Properties LLC will sign the easement for the Mackey's Camp access road. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – abstain and Councilmember Sosh - yea. MOTION PASSED.

G. Information, discussion and possible action: To approve the one-time expenditure of \$65,193.21 to acquire AZ TraCs and PASSKEYS for individual officers to access ACJIS information in Speilman. This expenditure will be reimbursed under the GOHS Highway Safety Contract between the State of Arizona and the Town of Miami.

Police Chief Thompson presents this request to Council. Chief Thompson explains that in January he came before Council to request to submit a grant application under Prop 207. He backed away from that grant due to the Governor's Office of Highway Safety ended up converting that grant into a 405C grant and a reallocation grant under the Federal FY 2020/2021. They allotted the Miami PD \$65,193.21 to upgrade the PD database system. The upgrade will interlink the Miami PD with Gila County and City of Globe data bases. This will be reimbursed 100 percent. Mayor Gonzales reads a public comment from Miami resident, Darryl Dalley, in regards to this item. Mr. Dalley feels that the before the Town Council approves this item the Miami PD needs to get its Policy and Procedures of its operations current. They are using policies and procedures from 1988. Town Manager Guadet clarifies that the Police Department, the Town Attorneys and himself are currently working to update the Police Department Policies and Procedures. Councilmember Medina moved to approve approve the one-time expenditure of \$65,193.21 to acquire AZ TraCs and PASSKEYS for individual officers to access ACJIS information in Speilman. This expenditure will be reimbursed under the GOHS Highway Safety Contract between the State of Arizona and the Town of Miami. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

H. PUBLIC HEARING, DISCUSSION AND ACTION: To hold a public hearing to consider a proposed change to the Town of Miami Tax Code, pursuant to A.R.S. § 42-6054. The proposed change will adopt a Use Tax in the amount of 2.5% to complement the Town's current Retail Sales Tax, which Use Tax would be applicable to the purchase of the use or consumption of tangible personal property, and will be effective on and after June 1, 2021.

a) Open Public Hearing ~ Mayor Gonzales. 7:55 p.m.

b) Open Discussion and Public Comments regarding the proposed change to the Town of Miami Tax Code, pursuant to A.R.S. § 42-6054 – Use Tax.

Mayor Gonzales asks Town Manager Guadet and Town Clerk Norris if they have received any public comments to be read into the record for this item. Both respond "no".

c) Close Public Hearing ~ Mayor Gonzales. 7:56 p.m.

I. Information, discussion and possible action: Approval of Resolution No. 1251, declaring as a public record that certain document filed with the Town Clerk and entitled "The 2021 Use Tax Amendment to the Tax Code of the Town of Miami".

Town Manager Guadet presents the resolution to Council. Open discussion and comments regarding what a Use Tax is. Discussion regarding how the Use Tax is collected and what accounting fund it goes into. Councilmember Medina moved to approve Resolution No. 1251, declaring as a public record that certain document filed with the Town Clerk and entitled "The 2021 Use Tax Amendment to the Tax Code of the Town of Miami". Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – nay and Councilmember Sosh - yea. MOTION PASSED.

J. Information, discussion and possible action: Approval of Ordinance No. 376 amending the Town Tax Code to adopt a local use tax by deselecting Model Option #15 and adopting Local Option #JJ.

Councilmember Sosh moved to approve Ordinance No. 376 amending the Town Tax Code to adopt a local use tax by deselecting Model Option #15 and adopting Local Option #JJ. Seconded by Councilmember Medina. Mayor Gonzales calls for the "roll call" vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

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

A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding Settlement Agreement and Release of Claims between Town of Miami, Alpha Geotechnical and Materials, Inc., Kinkaid Civil Construction, L.L.C. and The Guarantee Company of North America USA.

Councilmember Medina moved to enter into executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding Settlement Agreement and Release of Claims between Town of Miami, Alpha Geotechnical and Materials, Inc., Kinkaid Civil Construction, L.L.C. and The Guarantee Company of North America USA. Seconded by Councilmember Reiman. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED. 8:14 p.m.

Council reconvenes from executive session at 8:32 p.m. All members present: Councilmember Black excused.

L. Information, discussion and possible action: To approve Settlement Agreement and Release of Claim between Town of Miami, Alpha Geotechnical and Materials, Inc., Kinkaid Civil Construction, L.L.C. and The Guarantee Company of North America USA.

Councilmember Medina moved to approve Settlement Agreement and Release of Claim between Town of Miami, Alpha Geotechnical and Materials, Inc., Kinkaid Civil Construction, L.L.C. and The Guarantee Company of North America USA. Seconded by Councilmember Sosh. Mayor Gonzales calls for the vote. Vote – Mayor Gonzales – yea, Vice Mayor Moat – yea, Councilmember Black – excused, Councilmember Licano – yea, Councilmember Medina – yea, Councilmember Reiman – yea and Councilmember Sosh - yea. MOTION PASSED.

9. CALL TO THE COUNCIL:

Councilmember Medina comments regarding Town Attorney Estes being very qualified and thanks him for his service.

Mayor Gonzales announces the Catholic Church will be doing a novena for Child Abuse Awareness; he does not remember the exact date.

10. ADJOURNMENT:

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

Meeting adjourned at 8:35 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 April, 2021.

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

DATED this 26th day of April, 2021.



Karen Norris, Town Clerk

APPROVED:


Sammy Gonzales, Mayor