

MINUTES

TOWN OF MIAMI

REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, APRIL 10, 2017 AT 6:30 PM

1. CALL TO ORDER:

Mayor Dalley calls the meeting to order at 6:30 pm.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Dalley led the pledge of allegiance, followed by Councilmember Medina leading the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Dalley, Vice Mayor Gonzales (arriving at 6:39 pm), Councilmember Black, Councilmember Castaneda, Councilmember Hanson and Councilmember Medina.

EXCUSED: Councilmember Mancha II.

STAFF PRESENT: Town Manager Heatherly, Town Attorney Goodwin, Town Clerk Norris, Librarian Delvan Hayward, Code Enforcement/Animal Control Officer Joshua Derhammer, Senior Center Director Regalado and Utility Coordinator Jerrols.

4. CONSENT AGENDA:

- A. Consideration and possible action to approve Minutes of the March 27, 2017 Joint MPC Meeting and Regular Council Meeting.
- B. Consideration and possible action to approve the Town Payroll for March 26, 2017.

Councilmember Black moved to approve the consent agenda. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor, 2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

5. APPROVAL OF DEMANDS AND PRESENTATION OF BUDGET REPORTS:

- A. Consideration and possible action to approve the General Demands for March 23, 2017 to April 4, 2017.

Councilmember Castaneda moved to approve general demands for March 23, 2017 to April 4, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 5 in favor,

2 members excused (Vice Mayor Gonzales and Councilmember Mancha II). MOTION PASSED.

B. Review and discussion of Accounts Payable Aging Report through March 2017.

Town Manager Heatherly comments that Gila County is still working on the adjustment to the Magistrate fees. Brief review of the aging report through March 2017.

C. Review and discussion of Revenues/Expenditures report for activities of March 2017.

Town Manager Heatherly comments regarding on how the Town has been doing the budget and how we have been charging items to accounts. Brief review of the revenues and expenditures. Brief report on property auditing allocations.

D. Review and discussion of the recap of financial activity report for March 2017.

Town Manager Heatherly briefly reviews the financial activity report for March 2017.

6. REPORTS / RECOGNITIONS:

A. Department Reports.

Code Enforcement/Animal Control Officer Josh Derhammer reports on Code Enforcement and Animal Control activities and statistics. Mr. Derhammer gives a brief update on the community clean up project scheduled for Saturday, April 29.

Vice Mayor Gonzales arrives at 6:39 pm.

Librarian Delvan Hayward, Library report on March statistics and activity.

Senior Center Director Regalado, reports on the Senior Center statistics and activities.

Ms. Tashiana Jerrols, Utility Clerk Coordinator, reports briefly on the utility account billing activities and statistics.

B. Town Manager Report.

Town Manager Heatherly reports that the sludge from the treatment plant has been analyzed and is classified as class B sludge. The Town can now submit to ADEQ for a disposal application. The tile job in the boy's restroom at the Bullion Plaza Gym is nearly complete. The swimming pool is ready to open. Reports that EUSI, Inc. is working with the Town to help evaluate some issues in operating the treatment plant and dump station. Reports on the vandalism on Merritt Ramp. The forensics have been completed for the compaction tests and we should have the formal report the beginning of next week. FMI has brought it to the Town's attention that there are 4 sinkholes on their property on the east side of town. Reports that he has met with the auditors and have reviewed the draft audit that should be completed next

week. Staff members have already begun the planning for the Music in the Park events this summer.

C. Mayor/Council Reports.

Councilmember Medina reports briefly on the small, open to the public, Boomtown Spree meeting this past weekend, thanks those who participated. Planning will continue for the Boomtown Spree event next year.

Mayor Dalley reports on the meeting he and Town Manager Heatherly attended with AMEC and Kinkaid Contractors. Reports on the Health Fair and Child Abuse Prevention Month event he attended at the Cobre Valley Hospital this past weekend. Reports that he will be attending the next CAG meeting, along with Town Manager Heatherly. Town Manager Heatherly is assisting them with their budget.

7. CALL TO THE PUBLIC:

Mrs. Anna Petty, Ms. Colleen Roat and Tim Ralston of Capstone Pinto Valley Mine report that they are in the permitting process to expand the existing mining operations from private lands on to National Forest System lands, and extend the mine life to 2039. The Forest Service is planning to host two public scoping meetings in April that will provide attendees with the opportunity to ask questions, learn more about the proposed project, and provide comments. The meetings will be on April 8th at the Superior High School and on April 20th at the Miami Junior/Senior High School.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

- A. Information, discussion and possible action:** To approve contract with Jonovich Companies Inc. to complete 11 residential sewer hook-ups to the main line on Sullivan Street.

Town Manager Heatherly explains that this is to finish up the 11 residential sewer connections at the west end of Sullivan to the new sewer main. These lines could not be located by the contractor, Kinkaid Contractors, so Jonovich Companies came in and located the lines and they now need to be connected. This will be funded by USDA. This will cost a bit more than anticipated because there are some obstacles that make the connections a bit more difficult to do. It is important to get these lines off of the old sewer line. Councilmember Hanson moved to approve the contract with Jonovich Companies Inc. to complete 11 residential sewer hook-ups to the main line on Sullivan Street. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote – 6 in favor, 1 member excused (Councilmember Mancha II). MOTION PASSED.

B. Information, discussion and possible action: To initiate a Town Code Amendment to Title 17 Zoning regarding the Board of Adjustment and variance applications, procedure, and requirements.

Town Attorney Goodwin explains that Council is being asked to initiate an amendment to the Zoning Code. The code provides for a Board of Adjustment but Council has not appointed a Board. The Town has a variance application and a decision needs to be made as to what to do with it. There are a couple of ways Council can handle this issue. Council can appoint the Council as the Board of Adjustment. This is not something she usually recommends. Another is they can initiate an ordinance to provide for a Zoning Hearing Officer and any appeals would go to the Board of Adjustment. So they need a Board of Adjustment, whether it be the Council or an appointed board. Variances are provided for by State law so Council needs to make provisions for that. Variances are very limited to permitting a person who uses property in the same manner as other people in that same zoning district, but is prohibited by some kind of condition on the property. Whatever Council decides to do with this, it will require an amendment to the Zoning Code. Open discussion and comments regarding appointing a Board of Adjustment and eliminate the need for a Hearing Officer. Vice Mayor Gonzales asks if the Board members can be employees of the Town or do they need to be citizens not employed by the Town. Town Attorney Goodwin explains that the Board is a quasi-judicial board and should be independent from Town operations. Councilmember Black comments that variances happen so seldom that Council should be able to serve as the Board of Adjustment. Discussion regarding how difficult it is to get people to volunteer to serve on boards. Discussion regarding finding someone who is qualified to appoint as the Hearing Officer. Town Attorney Goodwin states that the Town Code states the Board of Adjustment is made up of 3 members but she believes that State statute states the Board has to be not less than 5 and no more than 7 members. Councilmember Hanson moves to appoint a Zoning Hearing Officer by the next meeting and do an ordinance appointing the Town Council as the Board of Adjustment to hear appeals. Seconded by Councilmember Medina. Town Attorney Goodwin clarifies that the ordinance they bring back before Council will be to establish the office for Zoning Hearing Officer and provides for appeals to the Board of Adjustment who will be the Council. Then also on the agenda will be another item to appoint the Zoning Hearing Officer. Brief discussion regarding appointing someone who is knowledgeable of variances. Town Attorney Goodwin briefly reviews the qualifications of the Hearing Officer. Town Attorney Goodwin states that they can write the ordinance stating something like "Council may appoint a Hearing Officer and if the Council appoints a Hearing Officer en his duties will be..." This will allow for the Council to be the Board of Adjustment and the Town will have the option to have a Hearing Officer. Mayor Dalley calls for the vote. Vote – 6 in favor, 1 member excused (Councilmember Mancha II). MOTION PASSED.

C. Information, discussion and possible action: To approve Construction Management contract with HilgartWilson for sewer project phases 3 - 5.

Town Manager Heatherly states this issue has been going on for a while and that Council has approved the draft form of this contract a few months ago. This is the final draft for approval. Brief discussion regarding the amount of the contract; \$932,492.00. Councilmember Castaneda moved to approve Construction Management contract with HilgartWilson for sewer project phases 3 -5. Seconded by Councilmember Hanson. Councilmember Black questions if

someone will be up here monitoring the construction process and watching over the project at all times. Town Manager Heatherly states "yes". Mayor Dalley calls for the vote. Vote – 6 in favor, 1 member excused (Councilmember Mancha II). MOTION PASSED.

10. CALL TO THE COUNCIL: No response.

11. ADJOURNMENT:

Councilmember Castaneda moved to adjourn the meeting. Seconded by Councilmember Hanson. Mayor Dalley calls for the vote. Vote – 6 in favor, 1 member excused (Councilmember Mancha II). MOTION PASSED.

Meeting adjourned at 7:52 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 10th day of April, 2017.

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

DATED this 24th day of April 2017.



Karen Norris, Town Clerk

APPROVED:



Darryl Dalley, Mayor