

# MINUTES

## TOWN OF MIAMI

### REGULAR MEETING OF THE MAYOR AND COUNCIL MONDAY, APRIL 24, 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, Councilmember Black, Councilmember Castaneda and Councilmember Medina.

**EXCUSED:** Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II.

**STAFF PRESENT:** Town Manager Heatherly, Town Attorney Smiley, Town Clerk Karen Norris, Finance Clerk Maria Lopez and Interim Police Chief Preston.

**4. CONSENT AGENDA:**

- A. Consideration and possible action to approve Minutes of the April 10, 2017 Regular Meeting.
- B. Consideration and possible action to approve the Town Payroll for April 09, 2017.

Councilmember Castaneda moved to approve the consent agenda. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson 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 April 5, 2017 to April 18, 2017.

Councilmember Black questions if the Town is paying MultiTech Security Services for Bullion Plaza Museum. Finance Clerk Maria Lopez states that she will check into that billing and get back with him on that. Councilmember Castaneda moved to approve the general demands for April 5, 2017 to April 18, 2017. Seconded by Councilmember Medina. Mayor Dalley calls for

the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

**6. REPORTS / RECOGNITIONS:**

**A. Department Reports.**

Interim Chief Preston, Police Department report on statistics and activity for the month of March and through April 23, 2017.

**B. Town Manager Report.**

Town Manager Heatherly reports that the pool is filled and the chlorinator will be inspected on Thursday. The Town has hired a pool manager and has started the process of hiring lifeguards. There have been some reports on some issues at the wastewater treatment plant in regards to high flows. It looks like it is fresh water coming in from the Live Oak Canyon area and we are working with the mine to determine that. Report on the sewer hook ups on Sullivan Street by Jonovich Companies. Reports briefly on the financial issues with CAG. The town financial audit is complete and we should have the final audit report tomorrow; most of the findings have been resolved. Reports that we are working to get current on the landfill fees we owe Gila County. Would like to set up a budget workshop for next week.

**C. Mayor/Council Reports.**

Councilmember Medina gives a brief report on the annual Easter egg hunt put on by the Royal Order of Moose. Councilmember Medina gives thanks to everyone who helped with the event and also those who volunteered their time.

Mayor Dalley comments that he will be meeting with the incoming Miami High School student body to discuss some issues such as Vandal Bash and the annual league conference. Reports that he met with Phil McLaughlin – the new manager of transmissions and distribution of the south east division of APS and Richard Morales of APS. Reports that the Miami Loco Art event went well and no major incidents were reported.

Town Manager Heatherly announces there will be a Spring Clean Up day this Saturday at 9:00 a.m. It will take place on Merritt Street and Van Dyke Blvd.

**7. CALL TO THE PUBLIC:** No response.

**8. UNFINISHED BUSINESS:** None.

**9. NEW BUSINESS:**

**A. Information, discussion and possible action:** To approve Ordinance No. 353 – Amending the Miami Town Code, Title 17 Zoning, Chapter 17.12 Board of Adjustment, related to authorizing the Town Council to serve as the Board of Adjustment and to appoint a Zoning Hearing Officer to hear appeals and variances, updating the Board of Adjustment provisions

and procedures related to hearings, notice, requirements for variances and appeals from decisions of the zoning administrator.

Town Manager Heatherly presents this item to Council. Town Manager Heatherly states that he would like to suggest that Council consider appointing Joshua Derhammer as the Zoning Hearing Officer. He is knowledgeable about the Town's issues and codes. Town Attorney Smiley states that Council first needs to consider approving the ordinance. Town Attorney Smiley states that normally she would recommend against anyone who is in the field doing the work as the hearing officer because they are the one gathering the facts, they will be the one who is presenting the Town's side of the case to the hearing officer or to the Board of Adjustment. Councilmember Medina moved to approve Ordinance No. 353, Amending the Miami Town Code, Title 17 Zoning, Chapter 17.12 Board of Adjustment, related to authorizing the Town Council to serve as the Board of Adjustment and to appoint a Zoning Hearing Officer to hear appeals and variances, updating the Board of Adjustment provisions and procedures related to hearings, notice, requirements for variances and appeals from decisions of the zoning administrator. Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

- B. Information, discussion and possible action:** To appoint a Zoning Hearing Officer or to direct staff to initiate an application process and search for a Zoning Hearing Officer.

Brief discussion regarding Town of Miami Code Enforcement Officer Joshua Derhammer filling the position as Zoning Hearing Officer. Town Attorney Smiley explains why it is not a good idea to hire a Town employee to fill this position. The hearing process involves the applicant and the Town. The Hearing Officer sits like a Judge to decide between what the applicant presents and what the Town presents. Josh would be in the position of gathering all the facts and presenting the Town's case and then acting as the Judge; this just doesn't work. Town Manager Heatherly asks if Dale Metz in the Engineering Department would be acceptable. Town Attorney Smiley states yes, that would be fine. Councilmember Black moved to appoint Mr. Dale Metz as Zoning Hearing Officer. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

- C. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Kinkaid Civil Construction, LLC, in the amount of \$68,723.13 for retainage associated with Phase 2 Construction services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council and reviews some of the unresolved issues with work done by Kinkaid. This payment amount is what is owed to Kinkaid for the work that has been satisfactorily completed and/or repaired. The Wastewater Advisory Board feels that paying for the work that is completed and not disputed is the right thing to do. Councilmember Black moved to approve, subject to funding agency concurrence, payment application for Kinkaid Civil Construction, LLC, in the amount of \$68,723.13 for retainage associated with Phase 2 Construction services, as recommended by the Wastewater Advisory

Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote –4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

- D. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$27,242.74 for one month of Design and Construction Management Services, as recommended by the Wastewater Advisory Board.

Town Manager Heatherly presents this item to Council stating that this is for work completed in March by AMEC and most of it is for work done by ProPipe; cleaning and videoing lines. Councilmember Black moved to approve, subject to funding agency concurrence, payment application for AMEC, in the amount of \$27,242.74 for one month of Design and Construction Management Services, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Medina. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

- E. Information, discussion and possible action:** To approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$24,022.68 for legal and other project related expenses, as recommended by the Wastewater Advisory Board.

Councilmember Medina moved to approve, subject to funding agency concurrence, payment application for Town of Miami, in the amount of \$24,022.68 for legal and other project related expenses, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Black. Mayor Dalley calls for the vote. Vote – 4 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

- F. Information, discussion and possible action:** To approve, subject to funding agency concurrence, AMEC Contract Amendment No. 33, in the amount of \$138,474.00 this includes funds for additional construction phase services related to Phase 2 of the project and investigative and design services for phases 3-5, as recommended by the Wastewater Advisory Board

Town Manager Heatherly presents this item to Council pointing out a correction in the amount. The correct amount should be \$128,474.00. This item has been broken up into 5 different tasks and it is a package deal. AMEC did reduce the price of the first task by \$10,000.00 over the original amount that was submitted. Town Manager Heatherly comments regarding each of the Tasks and charges for those Tasks as billed. Task 1 (extension of the construction phase services due to the contractor extending the construction period) and Task 3 (for construction phase services over and above the assumed effort per Amendment 24) are the issue. These are not something that AMEC would negotiate with, so all five must be approved or they will do nothing with the other three, we can't pick and choose. Councilmember Black asks if Council don't approve this, AMEC won't complete the job. Town Manager Heatherly states yes, that is correct. Discussion regarding the job taking so long and there is fault on both sides. Brief discussion regarding how much longer until they complete the job; 3 to 4 weeks.

Councilmember Medina moved to approve, subject to funding agency concurrence, AMEC Contract Amendment No. 33, in the amount of \$128,474.00 this includes funds for additional construction phase services related to Phase 2 of the project and investigative and design services for phases 3-5, as recommended by the Wastewater Advisory Board. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote 3 in favor, 1 member opposed (Councilmember Black) and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

**G. Information and discussion only: Current status of sewer project Phase 2 and Phases 3-5.**

Town Manager Heatherly reports on the substantial completion of Phase 2 of the sewer project. Discussion regarding minor repairs that were needed and were completed by Kinkaid. Brief discussion regarding the quality of work they did. Discussion regarding the final forensic report and when that will come back to the Town. Brief discussion regarding what will happen when the Town gets the final forensic report. Town Manager Heatherly comments regarding reviewing all the sewer line videos and now the main goal is to get the design work completed for phases 3-5. Discussion regarding that most of the work can be done CIPP and discussion regarding the cost of CIPP work and if it is within the Town's budget. Town Manager Heatherly comments on the importance of working with the utility companies, Arizona Water Company and Southwest Gas. Discussion regarding trying to be ready to go out for bid by the end of June. Brief discussion regarding the compaction problems with work done in Phase 2.

**10. CALL TO THE COUNCIL:**

Councilmember Medina thanks everyone for attending the Town Council meetings.

**11. ADJOURNMENT:**

Councilmember Black moved to adjourn the meeting. Seconded by Councilmember Castaneda. Mayor Dalley calls for the vote. Vote - 3 in favor and 3 members excused (Vice Mayor Gonzales, Councilmember Hanson and Councilmember Mancha II). MOTION PASSED.

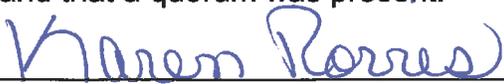
Meeting adjourned at 7:37 p.m.

**CERTIFICATION:**

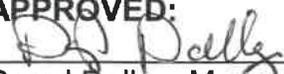
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular meeting of the Town Council of the Town of Miami, AZ held on the 24<sup>th</sup> day of April, 2017.

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

DATED this 8<sup>th</sup> day of May 2017.

  
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Karen Norris, Town Clerk

**APPROVED:**

  
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Darryl Dalley, Mayor