

**Superior Town Council  
Town Council Meeting**

**Thursday, July 17, 2008  
Superior Senior Center  
Superior, Arizona**

**M I N U T E S**

**A. Call to Order**

Mayor Hing called the meeting to order at 7:14 p.m.

**B. Salute to the Flag**

Mayor Hing led the council, staff and audience in the pledge.

**C. Opening Prayer**

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

**D. Roll Call**

**Members Present:** Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Heglie, Councilmember Peralta

**Members Absent:** First Vice-Mayor Valenzuela

*A quorum was present and the meeting continued.*

**E. Communication:**

**1. Managers Report**

Ms. Oliver answered questions from her written report from the council. She explained that the WiFi infrastructure has met to establish the timeline on finalizing the back haul portion of the system construction she also answered questions in regards to code enforcements and abatements on a property on Terrace Dr. She also explained that there has been no change on the status of inmate labor and reminded the council and the public about the upcoming town hall open house.

**2. Public Safety Report**

Chief Digirolamo answered questions from his written report. He stated that the town would be receiving a drug dog. He also updated the council on the situation which occurred at 957 Stone Ave. Discussion followed on the legality of banishment of problem residents. Mr. Pryor also assisted with question on Code Enforcement and explained that over 100 notices have been given out and many residents/property owners are complying with the notices however there is a problem with the residents dumping their debris on the curb. Brief discussion followed on how to have the residents effectively use the curb side trash pickup.

**3. Finance Report**

Ms. DeZeeuw explained that she is has still been trying to reach Mr. Martin in regards to why the town has not received their sales tax allocation. She also reported that some of the funds the town receives had come in at a higher rate than expected however it was explained to her that this would change as the year progressed and the funds were balanced. She answered questions in regards to a vendor payment to Scottsdale Gun Club for \$2,110.10. Chief Digirolamo explained that that was a transaction for 3 forty caliber rifles and one glock.

## **F. Consent Agenda**

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

- 1. Approval of Minutes for June 19, 2008**
- 2. Approval of Minutes for the Special Meeting on June 23, 2008**
- 3. Blanket permit – St. Francis of Assisi Church Fundraising activities**
- 4. Liquor License – St. Francis of Assisi Church September 13-14, 2008**

After review of the consent agenda items Councilmember Heglie made a motion to approve the consent agenda items as presented. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

## **G.Call to the Public**

Mayor Hing announced the call to the public. He explained that anyone wishing to speak now could only speak directly to the Council and only for items not on the current agenda.

**Mr. Billy Holmquist** – Updated the council on his ongoing attempts to contact the County Assessor Mr. Larkin about the in equalities on the property taxes. He encouraged the council to continue to enforce the codes on Dr. Wilts properties. He also commended the staff for doing a great job.

**Mr. Gilbert** – Explained that he was glad to be back from Vacation and explained that he is still having his attorneys exploring the validity of the 3 minute public speaking rules. He also complimented the Mayor, Council and Staff on doing a wonderful job. He said he heard many positive comments about the Fourth of July events and other community projects. He reported that while on vacation in Washington DC he met with Senator Kyle regarding the land exchange legislation. He publically praised Senator Kyle's efforts to support the exchange.

Mayor Hing thanked Mr. Gilbert for his kind words.

**Ms. Sue Anderson** – Ms. Anderson gave an updated on the proposed hours for the new recycle center. She also elaborated on the plans of the Lets Talk Trash Committee to educate the residents on recycling.

## **A. Public Hearing**

Councilmember Peralta made a motion to move into Public Hearing. Vice Mayor Lopez seconded the motion. The motion passed unanimously. The Mayor and Council entered into public hearing at 7:54 p.m.

Mayor Hing presided over the public hearing. He explained the members of public could comment on the budget. During this time he thanked the Ms. Oliver and Town Staff for working with the 20% budget cuts. He also explained that there were contingencies in the budget should other funds become available.

Mayor Hing also explained that staff was working on many improvement projects for the town. He asked for any additional public comments. No further comments were made.

Councilmember Heglie made a motion to adjourn the public hearing and return to the regular meeting. Councilmember Peralta seconded the motion. The motion passed unanimously. The public hearing adjourned at 8:05 p.m.

## A. Business

### Possible Discussion and/or action on the following

**1. Discuss/Approve/Reject resolution 481 abandoning the drainage easement over Lot 1 of the Final Plat of Superior Industrial Park as requested by Superior Marble.**

Mr. Godinez explained that this resolution would abandon the drainage easement over Lot 1 at the industrial park. Mr. Godinez read the resolution heading. Councilmember Heglie made the motion to approve the resolution to abandon the drainage easement over lot one of the industrial park. Councilmember Peralta seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject Superior School Board's utilizing the school owned property located within the 106 boundary impacted by LWCF grant.**

Ms. Oliver recommended that the council table this item until after further discussion and research is done on this agenda item.

Councilmember Peralta made a motion to table this item. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject Resolution 483 A resolution of the Mayor and Common Council of the Town of Superior, Pinal County, Arizona finding and declaring that said Mayor and common council deem the granting of the renewal of that certain water franchise to Arizona Water company beneficial for the Town of Superior; Ordering an election.**

Ms. Oliver explained that this resolution would allow for an election for the town to enter into the franchise agreement with Arizona Water Company. Ms. Oliver recommended that the council table this item so the additional negotiating on the rate could occur between staff and Arizona Water Company. Representative from the water company explained that any increase in the franchise fee would be absorbed in the payments made by local customers. They stated that the average rate across the state is 2% with the exception of Sedona who has a 3% rate.

Mayor Hing asked questions in regards to the arsenic fee on the bill. Representatives from the company explained this fee was put in place to cover the cost of the additional water treatment that was needed because of the arsenic in the water.

Ms. Oliver explained that council could either pass the resolution to have an election or vote to table this item. Councilmember Peralta stated that with rising costs of everything else she did not want to see increased fees passed on to the residents and requested that no further discussion be held. Ms. Oliver read the resolution.

Councilmember Heglie made a motion to call for the election by approval of resolution 483. Councilmember Peralta seconded the motion. The motion passed with 4 votes in favor and 1 against. The motion carried.

**1. Discuss/Approve/Reject Ordinance 100 an ordinance granting to the Arizona Water Company an Arizona Corporation, it's successors and assigns, the renewal of the right privilege and franchise to construct maintain and operate upon over along, across, and under the public streets, avenues, alleys, highways, bridges, and other public places in the Town of Superior**

Ms. Oliver explained that this ordinance would allow the Arizona Water Company to relocate the main water line off of Resolution property and under Main St. Discussion followed on why the line needed to be relocated and also should the line be relocated can they be done in conjunction with the Main St. improvements and if that cant happen will the road be repaired to its original condition or better. Representatives from the water company explained that Resolution was requesting that the line be removed from their property and stated that should they need to do the work after the improvements to Main St. are made they will fix the road to its original condition or better. Ms. Oliver gave the first reading of the Ordinance.

Councilmember Peralta made a motion to approve Ordinance 100. Vice Mayor Lopez seconded the motion. The motion was approved unanimously.

**1. Discuss/Approve/Reject Ordinance 101 an ordinance of the Mayor and Council for the Town of Superior, Pinal County, Arizona amending article 2-4 of Chapter 2 of the Town Code by amending section 2-4-6 therein entitled "Order of Business" to amend the order of the Petitions provisions to be taken up for consideration and disposition after Business.**

Ms. Oliver explained that this resolution would move the call to the public agenda item to after the business items are discussed. Mayor Hing explained this will encourage residents to hear the entire meeting and the business of the town before making a public comment. Ms. Oliver gave the first reading of the ordinance.

Vice Mayor Lopez made a motion to approve the ordinance. Councilmember Heglie seconded the motion. The motion passed unanimously. Ms. Oliver explained that this item would be effective 30 days after the second reading of the ordinance.

**1. Discuss/Approve/Reject Southwest Gas Corporation Franchise Agreement**

Councilmember Cervantes made a motion to approve the franchise agreement with Southwest Gas. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject Resolution No. 484 A Resolution of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona pertaining to the National Forest Townsite Act to set aside and designate 640 acres of National Forest Lands adjacent to the Town of Superior for purchase**

Ms. Oliver explained that passing this resolution would begin the process of purchasing additional forest service lands. Ms. Oliver read the resolution.

Councilmember Cervantes made a motion to table this item. Councilmember Heglie seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject Resolution No. 485 A Resolution of the Mayor and Council of the Town of Superior, Arizona signifying the Town's fullest support for Southeast Arizona Land Exchange and Conservation Act introduced in the Senate and House of Representatives of the United States Congress and to Resolution Copper for its investments and efforts towards enhancement of our regional, state and national economy**

Ms. Oliver explained that this resolution would be a resolution of support of the Land Exchange and the Resolution Copper project. Mr. Salisbury with Resolution Copper gave an update on the current legislation and how it is progressing through the US Senate and House of Representatives.

Ms. Oliver read the resolution heading. Councilmember Peralta made a motion to pass the resolution. Councilmember Cervantes seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject the final approval of budgets tentative estimates of the amounts required for public expense for the Town of Superior for fiscal year 2008-2009, confirming adoption of the tentative budget; setting forth the receipts and expenditures**

Ms. Oliver announced that this would be the final adoption/approval of the budget for the 2008/2009 fiscal year. Vice Mayor Lopez made a motion to approve the 2008/2009 budget. Councilmember Heglie seconded the motion. The motion passed unanimously.

**1. Discuss/Approve/Reject to initiate a letter to ratify by resolution to establish a future campground site adjacent to the Town of Superior**

Mayor Hing explained that this was a motion to have staff initiate a letter to the forest service to have a campground established near or within the boundaries of the Town of Superior. Councilmember Heglie made a motion to initiate a letter to establish a future campground adjacent to the Town of Superior. Vice-Mayor Lopez seconded the motion. The motion passed unanimously.

Mayor Hing announced that the items for executive session would be discussed in the public forum because they did not require any sensitive information to be discussed.

**A. Council Comments**

**Councilmember Heglie**

Reminded everyone to attend the open house.

**Councilmember Cervantes**

No Comments

**Councilmember Peralta**

No Comments

**Second Vice Mayor Lopez**

Thanked the staff for doing a good job on the budget.

**First Vice Mayor Valenzuela**

Absent

**Mayor Hing**

Thanked staff for working with a tight budget.

**K. Executive Session**

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3) & (A-7)

(A-1) – Personnel

(A-3) – Legal Advise with Attorney

(A-7) – Legal Advice on Sale, Lease, or Purchase of Real Property:

**1. To Review and consider applications, resumes and/or nomination documents for the one vacant position on the Town of Superior Council to have the opportunity to appear and address the council and answer questions in the open public session: Gilbert Aguilar, David Pfohl and Merlin Gindlesperger**

Item was removed from executive session and discussed only in public session

**L. In Public Session**

**1. To Review and consider applications, resumes and/or nomination documents for the one vacant position on the Town of Superior Council to have the opportunity to appear and address the council and answer questions in the open public session: Gilbert Aguilar, David Pfohl and Merlin Gindlesperger**

Councilmember Peralta made a motion to select all three candidates for a question and answer session. Councilmember Heglie seconded the motion.

**M. Adjournment**

Vice Mayor Lopez made a motion to adjourn the meeting. Councilmember Cervantes seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:52 p.m.

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 Superior held on the 17<sup>th</sup> Day of July 2008. I further certify that the meeting was duly called and held and that a quorum was present.

/s/  
Melanie Oliver \_\_\_\_\_  
Melanie Oliver  
Interim Town Manager

These minutes have been transcribed and compiled by  
Mila Lira  
Miracle Executive Services

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