

**Superior Town Council
Town Council Meeting**

**Thursday, January 15, 2009
Superior Senior Center
Superior, Arizona**

M_I_N_U_T_E_S

A. Call to Order

Mayor Hing called the meeting to order at 7:06.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 Aguilar, & Vice-Mayor Valenzuela

Members Absent: Councilmember Peralta

A quorum was present and the meeting continued.

E. Consent Agenda

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

Approval of Minutes for Regular Meeting: December 18, 2008
Disbursement for the month of December

Mayor Hing requested that the when the motion be made the motion exclude him from approving check number 20610 because it related to his personal business. Vice Mayor Lopez made a motion to approve the agenda items excluding the Mayor from approving check number 20610 in the disbursements.. Councilmember Heglie seconded the motion. The motion passed unanimously.

F. Communication

1. Managers Report

Ms. Oliver read the press release sent by the Town regarding the final decision on the names on the election ballot. She also explained that in March of 2009 BHP will begin notifying residents of the excavations in the north side of town. She also introduced local resident Tim Vanderveen.

Mr. Vanderveen explained that he was a member of the community and that he wanted to share with the council and the town a few ideas on cleaning up the town but after be begun the process of gathering information he realized that the town had been making a lot of progress on cleaning up the road ways. He commended the staff and community for working to clean the community he also stated that he would plan on talking with Ms. Anderson regarding her Lets Talk Trash Committee.

Ms. Oliver announced that due to the budget retreat held the past weekend additional staff reports would not be given. Ms. Oliver answered questions regarding her written report; one specific question was in regards to the grant for the repairs of the Magma Club. She informed the council that the architect currently has all the plans for the building however he now wants to charge the town \$30,000 instead of \$10,000 to complete the plans. She explained the time is running out on the grant but SHIPO and the town attorney are working with the architect on the situation.

G. Business

Possible Discussion and/or action on the following

**Discuss/Approve/Reject Major Amendments
MAGA 08-01: Downtown Mixed Use Definition
MAGA 08-02 USFS/Private Property Land Use**

Ms. Oliver explained that because this agenda item was not posted properly for approval by the council that the council would need to table these items as well as agenda item two until the February 5, 2009 meeting.

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

Discuss/Approve/Reject Minor Amendments

MGA 08-01

MGA 08-02

MGA 08-03

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

Discuss/Approve/Reject a Temporary Use Permit to BHP Copper to place a mobile office for voluntary remediation program of the Northwest Study Area on 710 Main St.

Mr. Martin from BHP made a brief presentation to the council explaining why BHP needs to place a work trailer temporarily on their land. He explained the trailer would be used as an office space and a place to store equipment. He stated that the trailer would need to be in place for 4 to 6 months. He gave a brief update on the remediation and the current status of the ADEQ application.

Councilmember Heglie made a motion to approve the temporary use permit. Councilmember Cervantes seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject Resolution 494 of the Mayor and Common Council of the Town of Superior, Arizona authorizing the imposition and collection of additional fees for permits and services relating to the Town of Superior

Ms. Oliver read resolution 494 which would allow the town to adopt the Pinal County fee schedule for building inspections and permits. Ms. Oliver stated that they reviewed many of the fees in other communities and adopted the counties fees because the community was already used to paying those fees from when Pinal County was the town building inspector.

Questions and discussion followed regarding the fees and if all of the permits were required. Comments from the public followed with concerns that if the fees were raised to high then it would deter people from fixing their homes.

Councilmember Heglie made a motion to approve resolution 494. Councilmember Cervantes seconded the motion. The motion passed with 5 votes in favor and 1 against.

Discuss/Approve/Reject Public Works and Fire Department items for auction

Mr. Pryor explained that he was requesting to have a silent auction to sell property that is no longer needed or used by the fire department. He explained that Queen Valley has expressed interest in some of the equipment the town would like to auction. Discussion followed regarding directly selling or giving the property away to the Queen Valley Fire Department. Mr. Beers explained that legally the town can not give property away but they could trade equipment for either other equipment or services. Mr. Pryor explained that the engines that were on the auction list were not the older engines from the 1940's

Mayor Hing made a motion to auction the items legally and directed Mr. Beers to research options for Queen Valley to trade some of the equipment. Councilmember Heglie seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject the four day work week for Town Hall, Library and Public Works

Ms. Oliver explained that this agenda item was to ratify by a formal vote to move the Town Hall, Library and Public Works operations to a 4 day work week. She explained that town hall would close on Fridays and that when holidays land during the week then the office will remain open during that holiday and staff will receive 8 hours of vacation time. She also stated that this would be reviewed after 3 months and that the hours would begin on February 1, 2009.

Councilmember Heglie made a motion to approve the four day work week. Councilmember Aguilar seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject the placing of delinquent sewer billings in the Superior Sun

Ms. Oliver explained that she was requesting approval to publish the names of the property owners who have delinquent sewer bills. She explained that the current amount due is \$139,

914.00. She gave a brief report on the status of the top 13 delinquent accounts, she reported that the 13 highest delinquent accounts were now at the real estate attorney's office and they would begin the lien and or foreclosure process on these properties. She stated that they did the top 13 because that is what they could afford to pursue. Ms. Oliver also explained that this is a slow process and it will take time to collect on all the accounts due.

Councilmember Cervantes made a motion to publish the delinquent accounts in the newspaper. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject Resolution 495 of the Mayor and Council modifying the personnel code

Ms. Oliver explained that this resolution would allow for changes to the personal policy and would ratify by vote the discussions held at the budget retreat.

Councilmember Heglie made a motion to approve resolution 495. Vice Mayor Lopez seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject a temporary use permit to Mary Helen Velasques to place a mobile home for use a temporary residence on 35 Pisano

Ms. Oliver explained that Ms. Velasques paid the required \$100 fee to file a temporary use permit. She went on to explain that Ms. Velasques is not the property owner but is the owner of the trailer on the property. Ms. Oliver explained that according to the town code the property owner is the person legally responsible for filing the temporary use permit and that the property owner because they are renting the land to Ms. Velasques should have a business license with the town to rent her property. Ms. Oliver presented photographs of the trailer and explained that there are many serious safety/code violations in regards to this situation she explained that she recommended to the council to allow her to stay on the property for 5 days to get her affairs in order and move the trailer and if it was not moved within the 5 days then she would be assessed the \$35.00 per day fine. She explained that she has been working with Ms. Velasques regarding this situation and also trying to work with the land owner and explained that Ms. Velasques could have legal recourse against the property owner for the fines she has incurred.

Discussion followed from both residents and the council on if these codes are being followed and enforced on all residents and not just select individuals. Vice Mayor Valenzuela expressed his concerns that Ms. Olive had made fun of Ms. Velasques financial situation he explained that in the packet Ms. Oliver originally recommended 30 days to get this situation taken care of and now she is recommending 5 days.

Ms. Oliver explained that at no time has she made fun of the financial situation of Ms. Velasques and stated that she has a much compassion for her and this situation however it is not right to have illegally tapped into the sewer and it is a safety hazard the way that the electricity is bring brought on to the property. She also stated that when she was preparing the packet she had not yet visited the property and had only met with Ms. Velasques at town hall. She also stated that the property owner is responsible for the sewer and for the safety of the property.

Vice Mayor Lopez made a motion to reject the temporary use permit and directed the town manager to work with the property owner regarding this issue. Councilmember Heglie seconded the motion. The motion passed unanimously.

H. Call to the Public

Ms. Anderson gave a brief update on the Chamber of Commerce upcoming Home and Building Tour with the Art and Antique Show. She encouraged the council and audience to attend. She also stated that the Chamber is receiving a lot of news coverage regarding this event.

Mr. Gilbert stated that he wished he could say he had missed the council meetings. He reported that his doctors have sent him home to enjoy the last few days of his life. He expressed his concern regarding the loose dogs in the neighborhood he stated that he had been knocked down by three dogs. He asked if the town could just provide the him and his neighbors the dog cage he would be happy to catch the dogs for Fred.

Mr. Gilbert also went on to express his concern regarding another home where there is an extension cord from the main home bringing power into a trailer home that currently has a family with two small children living in it he said he does not want to see a family die on his watch and he has reported this to the police and fire department on several occasions.

Mr. Gilbert commented on the recent election ballot error and requested that Councilmember Cervantes and Councilmember Aguilar step down until his investigation through the Attorney Generals office is cleared. He continued to comment that he is researching his legal right to speak

