

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, September 2, 2010 – 7:00pm
Superior Senior Center
360 W. Main St.
Superior, AZ 85173

M I N U T E S

A. CALL TO ORDER:

Mayor Hing called the meeting to order at 7:02pm.

B. SALUTE TO THE FLAG:

Mayor Hing led the council, staff, and audience in the Pledge of Allegiance.

C. OPENING PRAYER:

Mayor Hing led the council, staff and audience in the Pledge of Allegiance.

D. ROLL CALL:

Council Present: Councilmember Gutierrez, Councilmember Pfohl, Councilmember Heglie, Councilmember Peralta, Councilmember Aguilar, Vice Mayor Lopez & Mayor Hing

Absent:

E. CONSENT AGENDA:

1. **Approval of Minutes for regular meeting: August 5, 2010**
2. **Approval of Intergovernmental Agreement between Pinal County and the Town of Superior to fulfill the need for the records management and maintenance for Spillman Mobile**
3. **Approval of the St. Francis of Assisi Catholic Church street closure for Annual Fiesta “A New Life in the Old” on September 10 to 13, 2010 North of Church Ave as it intersects with Main St. September 11th 10:00am Main St./11Church Ave, September 11 10:00am Main St. from Magma to 11 Church Ave. for a parade.**
4. **Approval of Blanket Permit for Freddie Miramon and Ruben Alvarez for fundraising and outreach**
5. **Approval of Freddie Miramon and Ruben Alvarez street closure for outreach “I Believe Singspiration Concert” on September 25, 2010 Neary St. from Main to North end of Besich Park.**

Discussion: Lt. Campbell explained that the Spillman MOU was an IGA that allows the Town and the county Sheriffs department to share records and assist with records management. Councilmember Gutierrez also reminded the Mayor and Council to please speak into the Microphone when speaking so the audience and council can hear. Councilmember Peralta also commented that the second part to her council comments was not included in the minutes and she requested that they be added to the minutes.

MOTION: Councilmember Heglie made a motion to approve the consent agenda with the additions of Councilmember Peralta's comments. Councilmember Pfohl seconded the motion.

VOTE: *The motion was approved unanimously.*

F. COMMUNICATION:

1. Managers Report

a. Recycling Update

Ms. Oliver and Mayor Hing enthusiastically explained that Allied Waste has agreed to provide curbside recycling in Superior. Mayor Hing commended Ms. Sue Anderson for her hard work and dedication to this project. Mayor Hing went on to explain that Superior is probably the smallest town to have curb side recycling and that this is a huge benefit to the Town. The council reviewed the timeline for the recycling implementation which is expected by the end of the year. The council also noted that the new service will not increase the existing trash rate. Kudos and congratulations were shared by all.

b. Copper Net Update

James Ruiz from Copper Net gave a brief update on the services that Copper Net provides. He explained that about 98% of the town is covered. Discussion followed on the some of the complaints that the council has heard regarding Copper Net. Mr. Ruiz gave some background on those complaints and informed the council that they have hired additional help to assist with customer service. He also announced that they are upgrading their bandwidth and also looking to add telephone service.

G. PUBLIC HEARING

Councilmember Heglie made a motion to enter into the Public Hearing. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

1. Public Hearing: Request approval for text amendments to the Industrial Lot Zoning to allow for Commercial and to hear any appeals, objections or protests:

Ms. Oliver opened the hearing and introduced Mr. Bernoski. Mr. Bernoski explained that the text amendments would allow for some commercial businesses to be allowed in the industrial zoning. He explained that most of the north side of US 60 and even Main St. is zoned primarily industrial which won't allow commercial. He stated that the verbiage of this text amendment would allow commercial but would still put some limits on the types of commercial. For an example he stated Day Cares and Child Care facilities would not be allowed in the industrial park area and the commercial businesses would still need a conditional use permit to open and operate. He further explained that the Planning and Zoning Commission along with the town council would approve the conditional use permits.

Councilmember Peralta asked if this zoning would affect the requirements of the grant that was used to attain the land and build the Industrial Park and if this text amendment would

violate any of the CC&R's. Mr. Bernoski explained that to his knowledge it would not affect it and reminded the council that they will still have final approval on any commercial going into the industrial park/zone. Ms. Oliver stated that a copy of the CC&R's will be given to the council for their review.

Henry Munoz local resident explained that he served on the council when the industrial park was being developed and he reminded the council that there are high levels of arsenic in the industrial park even after loads of top soil were added to the land he encouraged the council to remember that when approving any commercial in the area especially any child care/family facilities.

Curt Williams – stated that the area may have been a superfund site and the industrial park is probably best used for storage. He also commented that as per the research that he has done the CC&R's have not yet been recorded to the Town of Superior and are still under the ownership of BHP. Ms. Oliver reported that staff is working with BHP and the proper recording is in process.

Sonny Samson – expressed his concern that there is already many ample places for commercial business on Main St. and before the town considers adding more commercial areas they should work on filling the existing commercial vacancies.

Councilmember Gutierrez explained that the areas on Main St. were not large enough for bigger commercial operations and some of them need bigger lots for their businesses.

Mr. Bernoski explained that in order for the town to move forward with the amendments they will need to approve the text amendments to they can take effect in the general plan and zoning.

No Further comments were made: Vice Mayor Lopez made a motion to adjourn the public hearing and return to the open session. Councilmember Aguilar seconded the motion. The motion passed unanimously. The public hearing was adjourned at 7:58pm

H. BUSINESS; POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Discuss/Approve/Reject text amendment to the Industrial Lot Zoning to allow for Commercial.

Mr. Bernoski explained that if approved this text amendment will take effect in 30 days after the vote. He stated that there was not an emergency clause on the amendment. Councilmember Peralta asked if this process was being pushed forward for any particular reason and asked if there was any urgency to move on this. Ms. Oliver explained that at this time the Cobre Valley Hospital is planning on breaking ground in 6 months and having this text amendment will allow for them to move forward a little easier, she also presented an idea to have the real estate attorney come and provide a work session to the council to help understand the CC&R's and other zoning concerns. Councilmember Gutierrez explained that

the town is not trying to circumvent anything this amendment will allow for more opportunity and allow the town to have a little more flexibility.

Motion: Councilmember Heglie made a motion to approve text amendment to the industrial zoning to allow for Commercial. Councilmember Heglie seconded the motion.

Action: The motion passed unanimously.

2. Discuss/Approve/Reject the canvassing of the Recall Election Votes

Ms. Oliver reviewed the votes from the recall election. She explained that the council needed to approve the tally's as part of the canvassing of the votes. Mayor Hing read off the results:

Councilmember Peralta: 228

Merlin Gindlesperger: 144

Jonathan Kolton: 123

Write In's: 8

Total Votes: 503

MOTION: Vice Mayor Lopez made a motion to approve the canvassing of the votes. Councilmember Aguilar seconded the motion.

VOTE: *The motion passed unanimously.*

I. CALL TO THE PUBLIC:

Mayor Hing reminded the members of the public that they may make their comments directly to the Mayor. He also stated that recently there has been many rumors regarding the staff and they are not true so should any comments be directed about those rumors the individual could be sued for defamation of character.

1. Barbara Arriola

Ms. Arriola invited everyone to attend Zumba Classes on Monday and Wednesday at the Sr. Center. She reported that there has been a great turn out.

2. Mila Lira

Ms. Lira gave a brief update on the upcoming Legends of Superior Trails work days coming up in September. She also stated that a lot of progress was made over the summer on the trail development.

3. Curt Williams

Mr. Williams explained that he has found where the town was not paying for the social security benefits of at least 6 employees for at least 1 to 2 years. He also stated that there are at least 4 employees where the town did not pay the state taxes on the employee. He also stated that it truly hurts his heart to see the town use Ms. Miramon as a scapegoat in these issues regarding the town. He stated she is truly a great worker.

4. Patsy Gutierrez

Ms. Gutierrez stated that she was speaking on behalf of her sister. She stated that it is not the financial loss that concerns her it is the fact that she has lost her integrity and honesty which is something they can never give back to her. She stated that it is obvious the town is using her as a scapegoat. She stated that no one has had an answer for the rumors and other issues and she questions who is really there to defend the residents and the staff. She stated that several times her sister spoke so highly of Ms. Oliver even after her family warned her to watch herself. She continued to state that her sister was one of the most honest people and these accusations are hurtful. She also stated that the town needs to look at the policies and procedures and look at how hiring is done and how people are hired before posting are done. She thanked the Mayor and council for listening to her concerns.

5. Sue Anderson

Ms. Anderson thanked everyone for their support in getting the curbside recycling and she stated that she is very excited about this opportunity for the community.

Mayor Hing announced that there were items for the executive session and that the council would proceed with council comments prior to the Executive Session.

J. EXECUTIVE SESSION:

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) & (A-7).

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY:

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

1. Review Resolution Copper Company's Amendment to Mutual Benefits Agreement

K. COUNCIL COMMENTS:

1. Councilmember Aguilar

Thanked the residents for coming to speak with him about their concerns. He reminded them that it is important they come with the truth and not the half truths so he can truly get to the bottom of what is going on. He stated that it is important that he have the facts so he can know what is going on and be able to help.

2. Councilmember Peralta

Councilmember Peralta thanked everyone for their support. She stated that she truly stands by the letter that she wrote to the paper. She stated that she does not believe that the town is going in the right direction. She said that she looks forward to the day that someone else will listen to her about what is really going on. She also stated that Mr. Aguilar makes a good point but that the town also has to be honest before judgment is made.

3. Councilmember Gutierrez

Councilmember Gutierrez congratulated Councilmember Peralta on her victory. He thanked the other candidate for running as well. He stated that he was very excited about the new businesses opening on Main St. and also for the recycling program. He also commented that rumors are always three sided both sides and the truth. He also gave a brief update from his attendance at the League Conference and encouraged the rest of the council to read the book

“Protecting the Checkbook”. He also reminded the public that the town staff and council walk a thin line when addressing the public in the meetings due to the open meeting law and that they have to follow these rules in how things are communicated. He stated that public comments are a privilege and not a right. He also complimented the Chamber and all of the other outstanding things going on in Superior.

4. Councilmember Pfohl

Congratulated Ms. Anderson and the town for the curbside recycling program. He thanked her for all of the hard work she has put towards community clean ups and recycling. He also stated that he takes his job as a councilmember very seriously and that he does his best to find answers to the questions that people bring to him and that nothing is ever swept under the table. He stated that a mediation company has been contracted to assist with the cemetery issues. He also stated his excitement about the many good things happening in Superior.

5. Councilmember Heglie

No Comments

6. Vice Mayor Lopez

Vice Mayor Lopez stated that she agreed with the comments of the council members. She encouraged others to come to the council and stated that their concerns are not on deaf ears.

7. Mayor Hing

Mayor Hing stated that it bothers the council that they can not respond to every issue and that they do not take these comments lightly. He comments that Dr. Wilt was recently fined \$18,000 and that the Channel 3 Newscast did not include the actual footage of the interview with the staff and he did state that the cemetery policies have been revised and the policy is in place. He also commented on the letter sent from a former resident making accusations at the outsiders coming in to run the town. He stated that he took this comment of outsiders with great offense as many of them have made great contributions to the community. He congratulated Ms. Peralta on retaining her seat on the council and reminded everyone to attend the meet and greet with Senator John McCain the next day.

ADJOURNMENT:

MOTION: Vice Mayor Lopez made a motion to adjourn the meeting for the executive session. Councilmember Heglie seconded the motion.

VOTE: The motion was approved unanimously and the meeting adjourned at 9:02pm

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Town Council of the Town of Superior held on the 2nd day of September 2010. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Melanie Oliver _____

Melanie Oliver
Town Clerk/Manager

These Minutes were compiled and transcribed by

Mila Lira

Miracle Executive Services

www.miracleexecutiveservices.com

*Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.