

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, August 5, 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 7:00pm.

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: July 1, 2010 & July 15, 2010**
2. **Blanket Permit for Nikki Fernandez to raise funds for Michael Fernandez Jr. Memorial**
3. **Blanket Permit for Set Free Fellowship for fundraising**
4. **St. Francis of Assisi Church Liquor Licenses for Special Event on September 11 & 12, 2010. "Superior Fiesta"**

MOTION: Councilmember Gutierrez made a motion to approve the consent agenda. Councilmember Pfohl seconded the motion.

VOTE: *The motion was approved unanimously.*

F. COMMUNICATION:

1. Managers Report

a. Update on August 24, 2010 Recall Election

Ms. Oliver gave reminded everyone that the recall election date has been set for August 24, 2010. She reminded everyone to vote in the election and reported that all paperwork was submitted appropriately.

b.Update on Magma Hotel

Chief Digirolamo gave a reported that the sale of the Magma Hotel was going through as earlier reported and stated that the transaction is expected to close escrow on August 10, 2010. He reported that in the legal proceedings the town was awarded foreclosure status and the town will receive the \$150,000.00 from the sale to cover the abatement/cleanup costs when a portion of the property had to be demolished.

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

1. Discuss/Approve/Reject the proposed lease of land for helicopter tours

Mr. Robert Wilson with Signal Mount Helicopters introduced himself and the Co-Owner of Signal Mount Gary Wilson. Mr. Wilson gave a brief overview of the project and answered questions of the council. He stated he understood that they would not have full control of the airport and gave a brief overview of the infrastructure and permitting required to have helicopter tours. He stated they will use septic systems and generators for utilities' and would use a portable trailer for offices.

Motion: Councilmember Heglie made a motion to approve the lease agreement and attachment with the attorney making the necessary changes/corrections. Vice Mayor Lopez seconded the motion.

Action: The motion passed unanimously.

2. Discuss/Approve/Reject the partnership with Superior School District in applying for funding through the San Carlos Tribe supporting the lighting of the Superior School Football Field

Ms. Oliver explained that the School District would like to apply for funding from the San Carlos Tribe to assist with the lighting of the football field. She stated that the school needed a municipal agent to apply for the funds. She stated the grant comes from monies that the tribes are required to give under their gaming compacts.

MOTION: Councilmember Pfohl made a motion to partner with the school to apply for funding for lighting of the football field. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed unanimously.*

3. Discuss/Approve/Reject 2010-2011 property tax levy

Ms. Welty explained that staff recommends approval of the 2010-2011 property tax levy in the amount of \$559,254.00. She explained that this is the amount that was included in the budget and the passage of the tax levy is part of the budget process.

MOTION: Vice Mayor Lopez made a motion to approve the 2010-2011 property tax levy. Councilmember Pfohl seconded the motion.

VOTE: *The motion passed unanimously.*

H. CALL TO THE PUBLIC:

1. Erin Jackson-Gomez

Ms. Gomez gave a detailed report of her experiences in working with the town staff in regards to her father's ashes being exhumed from his place of rest in the family plot. She stated that she was very unhappy with the actions of the staff and gave a timeline of the situation. She stated that the family is currently considering a law suit and has a lawyer reviewing their case.

2. LaLa Peralta

Ms. Peralta stated that she was concerned over what she has been hearing about issues at the cemetery. She explained that for many years she worked for Mr. Smith who was the cemetery manager and she stated how people were treated with kindness and understanding during those difficult times. She asked the he concerns be put on the council agenda so they can be discussed more in-depth.

3. Dave Smith

Mr. Smith expressed his concerns that he was cut off during the last meeting he presented his project too. He also expressed concerns that the town is in direct violation of the CC&R's of the property by selling lot 3. He suggested that the town not be so stringent on the building requirements timeline due to the economy. He stated that he had been working well with the staff and then when Councilmember Gutierrez objected he has not received the email questions or heard anything from the staff since July 2, 2010.

4. Richard Green

Mr. Green questioned the council as to what ever happened with the FBI investigation of the town financial issues and requested an update on that. He stated he was concerned that the statue of limitations could run out if the town was not acting on the situation. He also expressed his concern that the industrial park was not being used to create jobs as it was intended to do.

I. 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

Mayor Hing announced that there were no agenda items for the executive session.

J. COUNCIL COMMENTS:

1. Councilmember Aguilar

No comments.

2. Councilmember Peralta

Councilmember Peralta apologized to the Jackson family for what they have gone through. She stated that she will fight until an investigation is done on these matters and make sure that things are not swept under the rug.

3. Councilmember Gutierrez

Councilmember Gutierrez apologized to the Jackson family for what they have gone through and stated that this was the first time he had heard of it. He stated that the manager is doing her best to develop processes and procedures. Mr. Gutierrez responded to the public comments of Mr. Smith, Mr. Green and Ms. Peralta explaining that issues with lot 3 are due to with the current code and needing modification. He explained to Ms. Peralta that the community has always been compassionate but things sometimes have to change due to policy and procedures. He stated that he sees economic prosperity for the town and these policies are needed even if it is hard to adjust to. He responded to Mr. Green's comments and said that an agreement was made with the bank and there was a report made by the FBI. He confirmed that at no time was anything swept under the rug.

4. Councilmember Pfohl

No Comments

5. Councilmember Heglie

No Comments

6. Vice Mayor Lopez

Vice Mayor Lopez apologized to the Jackson family and stated that she hopes this is resolved. She also stated she was glad the town is partnering with the school on the lights and reminded everyone to vote on August 24, 2010.

7. Mayor Hing

Mayor Hing apologized to the Jackson family. He stated that he takes offense to the comment that things are swept under the rug. He stated these are issues that the staff handles and nothing is swept under the rug at any time. He reminded everyone to drive safely and watch for the kids as they are all back in school. He also reminded everyone that the next meeting will be in September to allow for council to attend the League Conference and enjoy some vacation time.

ADJOURNMENT:

MOTION: Councilmember Gutierrez made a motion to adjourn the meeting. Councilmember Peralta seconded the motion.

VOTE: The motion was approved unanimously and the meeting adjourned at 7:52pm

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 5th day of August 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

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