

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, April 7, 2011 – 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 7:03pm.

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 Prayer.

D. ROLL CALL:

Council Present: Councilmember Gutierrez, Councilmember Tomerlin, Councilmember Heglie, Councilmember Peralta (Arrived 7:18pm), Councilmember Aguilar , Vice Mayor Lopez & Mayor Hing

Absent:

E. CONSENT AGENDA:

1. Approval of Minutes Regular Meeting March 17, 2011

Mayor Hing presented the items on the Consent agenda he asked for any questions or comments. Councilmember Heglie stated that the minutes listed him as both present and absent and he was present for the meeting.

MOTION: Councilmember Heglie made a motion to approve the consent agenda. Councilmember Tomerlin seconded the motion.

VOTE: *The motion was approve unanimously.*

F. PROCLAMATION

1. Fair Housing Month

Mayor Hing read the full proclamation declaring the Fair Housing Month.

G. COMMUNICATION:

1. Managers Report

a. Caboose and Legends of Superior Trail (LOST) update

Ms. Lira gave a brief verbal report in addition to her written report that she provided to the Mayor and Council. She reported that the Caboose was open officially from March 11-31 and there were 356 visitors. She complimented Ms. Myrna Guzman who is the volunteer coordinator for the Chamber. She stated that Ms. Guzman is really working hard to keep the Caboose open. Ms. Lira also gave a brief update on the LOST and invited everyone to the work day on the 9th. She stated that if the weather was rainy the work day would be cancelled. Ms. Lira also reminded the council of the “Clampers” dedication of the History Trail at the US 60 park on Saturday the 9th.

b. Resolution Copper Urgent Needs Funding Update

Chief Digirolamo explained that the funds from RCC have been given to the town and that the funds have been allocated to the projects they voted on.

c. Magma Club Update

The Project Manager for the Magma Club project provided an update to the Council. He explained that the project is moving forward and they are meeting their timelines. He stated that a community painting day will be needed to do the painting of the Magma Club. He stated that the crews all understand the tight timeframes and stated that there is no wiggle room for them to meet their deadline.

Councilmember Gutierrez stated that he visited the Magma Club and complimented the work that has been done. He asked the project team to come up with a list of items that are going to be needed to beautify the exterior and make it safe as well. He stated that at least the council will have an idea of what still needs to be done and what the associated costs will be.

d. Curbside Recycling & Community Cleanup Update

Ms. Anderson gave a brief update on the Community Clean up and the recycling program. She thanked all the sponsors of the Community Clean up and stated that they collected 8 roll offs full of trash weighing 122, 000 lbs. She also reported that the town is doing well recycling and that the first rebate check on the recycling to the town was \$604.00 She suggested that these rebate checks be earmarked for hiring a part time code enforcement officer.

e. Roosevelt School Purchase Update

Chief Digirolamo stated that the Superior School Board approved the towns offer to purchase the Roosevelt School. He stated that Ms. Oliver and Mr. Guzman will begin working on logistics and that the town will be doing inspections during the due diligence period prior to the final purchase.

f. BHP Cleanup

Chief Digirolamo read a letter to the town from BHP in regards to the Northwest Clean Up area. The letter identified the timelines for the upcoming remediation and the process that BHP has had to go through to get their permits from ADEQ.

g. Apache Leap Update

Councilmember Gutierrez stated that he requested this item to be put on the agenda to discuss the working relationship with the Chamber in regards to these special events and to discuss the permitting. He requested that this item be brought back to a future agenda when Ms. Oliver is in attendance.

h. Finance Training Report

Chief Digirolamo requested that this item be brought back to a future meeting when Ms. Oliver is present.

i. Policy and Procedures for Special Events

Chief Digirolamo requested that this item be brought back to a future meeting when Ms. Oliver is present.

j. Census Update

Chief Digirolamo explained that the census numbers taken for the Town showed that Superior has lost population by about 400 people. He explained that this will cause a loss of about \$200,000 in state shared revenues and other funds. He explained that there is an appeals process that the town could apply for but the recount will need to be paid for by the Town. He also stated that staff has been working with CAAG on doing a population and income survey and that will cost close to \$7,100.00. He said that the income study is needed to assist with being able to qualify for additional grants from the USDA. Discussion followed on other ways to count the population and why the population decreased.

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

Chief Digirolamo explained that there was the numbering on the business section of the agenda was numbered wrong. He stated that there is two number two and the second should be a three then follow numerically.

1. Presentation by the Arizona Water Companies new Superior Office operating hours by District Manager Ted Millspasgh

Mr. Millspasgh made a presentation to the Council about the hours of the Arizona Water Office in Superior. He explained that due to the fact that the previous customer service representative has resigned to take a job a with Resolution Copper. He stated that there is no intention to close the Superior office but that there would be reduced hours during the interim. Members of the audience as well as the Mayor and Council gave suggestions to opening the office and other billing methods and also expressed their concern about the reduced hours.

2. Discuss/Approve/Reject Temporary Use Permit to place three (3) modular units as project offices for the term of 9-12 months by BHP Copper, Inc.

Ms. Brothers explained that BHP is requesting a temporary use permit to place 3 modular units on their property on Main St. She explained that they need these units in place to use office spaces during the clean up of the Pinal Ave. area. She explained that they would need to be there for 9-12 months however because a temporary use permit can only be permitted for 6 months they would need to reapply for a permit prior to the 6 months passing. Discussion from the Council and the audience followed on the permitting fees, the length of time the units would be needed there and the hook up into the sewer system.

ACTION: Councilmember Gutierrez made a motion to approve the temporary use permit for 6 months for BHP. Councilmember Tomerlin seconded the motion.

VOTE: *The motion passed unanimously.*

3. Discuss/Approve/Reject Liquor License Application for Express Stop

Chief Digirolamo explained that the new owners of the Express Stop were applying a for a liquor license. He stated that all required posting were made and there were no negative complaints. He stated that that the license was a class 10 which allowed for package alcohol sales which is what is currently in place.

ACTION: Councilmember Heglie made a motion to approve the Liquor License Application for the Express Stop. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed unanimously.*

4. Discuss/Approve/Reject Automatic Mutual Aid Agreement between Superior Fire Department and Queen Valley Fire District to provide rural emergency and fire protection services to each other

Mr. Pryor explained that this is a standard agreement used between fire departments to share resources when needed for fires and other emergencies. He stated that there is already an existing partnership/agreement with the Queen Valley Fire Department (QVFD) and both agencies already assist each other when there are fires and emergencies. He explained that both agencies have been working together for over 24 years without an official agreement. He stated that the Queen Valley Fire District Board already approved the agreement. He said that having this official agreement in place could help with insurance ratings for both communities. Volunteer Fire Fighter Michael Alonzo publically thanked the QVFD for assisting the SFD, he explained that they really aid the department especially if there is a structure fire because they often need the other crews so firefighters can get a little break. Mr. Pryor also thanked the QVFD and stated that this agreement would only finalize an already existing agreement and would be perpetual if it were to be cancelled either party would need to give a 30 day notice.

ACTION: Councilmember Gutierrez made a motion to approve the mutual aid agreement. Councilmember Aguilar seconded the motion.

VOTE: *The motion passed unanimously.*

5. Discuss/Approve/Reject TMCI request and lease of land owned by the Town of Superior located on Mary Dr.

Councilmember Gutierrez explained that he was presenting the steps and suggestions for the TMCI group to go through so they can start their process. He stated that first the town needed to approve an easement so the company can place their equipment near the fire station on Town Property. He said the next thing that will need to be approved is a lease agreement for renting the property for the town. He stated that he suggest the easement be approved at the cost of \$1200 for a year and then the property lease be set at a 5 year agreement with the cost to be determined. Discussion followed Councilmember Gutierrez presentation regarding potential conflict of interest, the need for broadband internet for continued economic development, development of additional internet service providers and how to generate revenues from licensing agreements. Following these discussions Councilmember Gutierrez stated that he will recuse himself from voting on this agenda item because in the future he may consider doing business with this company. The Mayor and Council briefly recapped the needs/steps for this agreement to move forward.

1. Easement Agreement needs to be approved amount suggested is \$1200 per year.
2. Lease agreement for physical use of the town property with a 5 year renewal and lease to be determined.
3. A license agreement would be drafted when an internet service provider accesses that property to provide services – This agreement may require an RFP.

Mayor Hing requested that a motion be made to direct staff to move forward on these three agreements with the suggested terms and associated fees and bring them back to council for final approval.

ACTION: Councilmember Aguilar made a motion to direct staff to move forward on creating these agreements with the terms as presented and bringing them back to the council for approval. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed with 6 ayes in favor there were no nay votes. Councilmember Gutierrez recused himself from voting on this agenda item.*

6. Discuss/Approve/Reject lease of facilities and or land at the Superior Fire Department with the intent of providing air ambulance services

Chief Pryor made a presentation to the Council on the proposal for the an air ambulance service to lease space from the town for a helicopter pad and temporary rental of the living quarters in the fire station. He explained that there is some concern that with the use of the fire station to assist with overflow for the town hall there would have to have to be some adjustments while the company was using the additional offices as living quarters because they will be on 24 hour shifts and it will need to be quiet so they can sleep as needed between flights. He also stated the currently the closest air ambulance is in Pinto Valley and can be accessed as needed within 7 minutes. Representatives from Survival Flight gave a presentation and stated that they really want to have a base of operations in Superior. They addressed many of the benefits to having their services available. Discussion followed regarding air ambulance service/business saturation, cost to the consumer of the air ambulance, and air ambulance insurance programs.

ACTION: Councilmember Gutierrez made a motion directing staff to work Survival flight to develop the necessary agreements, setting time limits on use of the living quarters, accepting the price offsets and directing the legal staff to make sure all legal requirements are met. Councilmember Tomerlin seconded the motion.

VOTE: *The motion passed unanimously.*

7. Discuss/Approve/Reject Bids for Superior Ambulance billing services

Chief Pryor explained that the Fire Department did a request for proposals (RFP) for ambulance billing services. He explained that they received 2 proposals back one was from Omni which is a multi state company and the other was the current service provider who opened a new firm Absolute Medical Billing once her original employer the town's former billing agency (Life Flight) went bankrupt. He stated that staff recommended accepting the proposal from Absolute Medical Claims because they will implement the same billing structure and payment structure that the staff is accustomed to. Discussion followed on the former billing company, and what types of licensing and bonding is needed for the company to operate.

ACTION: Councilmember Gutierrez made a accept the proposal from Absolute Medical Claims as long as they meet all the licensing, insurance and HIPPA requirements. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed unanimously.*

8. Discuss/Approve/Reject the listing of 271 West Main St. property for sale and/or adding proposals for use/time frames for completion

Chief Digirolamo explained that staff has been working with Ms. Rabago from Dalton Realty on the listing of the Belmont Hotel former Town Hall building. Ms. Rabago gave a brief presentation on her assessment of the building and the amount it could be sold for. Discussion followed on how the town acquired the Belmont Hotel and if there were grant funds used to remodel it etc. Ms. Rabago explained that staff could begin researching how the town acquired the building from the county recorder office. She stated that she felt they could sell the building for \$149,000-\$233,000. Discussion followed on the mold in the building, she said that there are those things that would have to be disclosed if it was not remediated. Discussion followed on how the mold got in the building and the remodeling. Councilmember Gutierrez suggested that there be a minimum bid of \$250,000 for the sale of the building because it is not a “fire sale” that they need to just give the building away. He also suggested that staff should do what is necessary to make sure the building stays safe and systems are functioning as needed.

ACTION: Councilmember Gutierrez made a motion to open a bid process for the sale of the Belmont Hotel for a minimum bid of \$250,000, setting a 3 month time frame for listing to be renewed ongoing and for the council to review if the minimum bid needs to come down in three months. Councilmember Heglie seconded the motion.

VOTE: *The motion passed with 6 aye’s and 1 nay. Councilmember Peralta was the nay vote.*

I. CALL TO THE PUBLIC:

Mayor Hing reminded the members of the public that they may make their comments directly to the Mayor.

1. Sonny Sansom

Expressed his concerns that he see’s a lot of construction around town but does not see very many permits posted for their construction. He also addressed his concern regarding the Chief working as the Assistant Town Manager and the Manger being on industrial leave. He suggested that the Chief return to being the police chief and expressed concern that there is a lot of crime in the alley behind his business. He also commented that he is working with our Dist. 23 representatives and ADOT to work on better highway signage for the community.

2. Pam Rabago

Ms. Rabago informed the council on an article she read about Qwest going to the corporation commission and the new company they are working with are required to invest \$70million into internet in Arizona.

3. Manuel Ortega

Explained that while he does not agree with the Mayor on the Land Exchange he does not agree with the pending recall election. He stated that if the Mayor was going to be recalled the entire council should be recalled and that everyone should work together. He said he was glad the town and the school are working together on the Roosevelt and the football field lights. He said that the recall was going to cost \$5,000 and that he didn't think that was necessary.

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

There was no executive session

K. COUNCIL COMMENTS:

1. Councilmember Aguilar

No Comments

2. Councilmember Peralta

No comments.

3. Councilmember Gutierrez

Stated that he read in a report in the local paper that Mayor should not be controlling the entire council as the report from the recall committee read. He stated that there is often times more disagreements that the public does not see and that the Mayor does not have any control on the individual councilmember's. He also commented on transportation issues he suggested that staff look into the cost of doing slurry seals on the streets to prevent further damage because of the lack of funds from transportation for the roads. He encouraged everyone to get involved with the ADOT Long Range Transportation plan meeting.

Mr. Gutierrez also asked staff to please bring a proposal to the council for consideration to cut the health benefits for the Council and part timers. He stated that these cuts could free up funds that will be needed in other areas.

He also commented on the creating a plan for APS/Qwest to abandoned unused utility poles, the Magma Club completion, encouraged attendance at the Pinal County Town Hall on April 28-29.

4. Councilmember Tomerlin

No Comments

5. Councilmember Heglie

Complimented the community on their recycling efforts.

6. Vice Mayor Lopez

Vice Mayor Lopez stated that she agreed with Councilmember Gutierrez that they needed to look at trying to repair some of the streets and prevent further damage. She reminded everyone about the General Election for the Council in May and suggested that there be a reminder put in the sewer bills about the upcoming election. She also complimented the progress at the Magma Club and encouraged staff to try and find a place at the Roosevelt that they can move into.

7. Mayor Hing

Mayor Hing commented that budget meetings would begin soon and they would need to discuss these projects ideas like the health insurance, Magma Club and road maintenance. He stated that based on the preliminary numbers from the League the money would be tight. He complimented all the positive things that had happened in Superior from the Caboose Grand Opening, the new business on Main St. and the Clinic Ground breaking. He also reflected on his recent experience when delivering meals to home bound residents. He stated that he wanted to think of ways to recognize those who paid the price so we could be here today.

ADJOURNMENT:

MOTION: Vice Mayor Lopez made a motion to adjourn the regular meeting. Councilmember Tomerlin seconded the motion.

VOTE: The motion was approved unanimously and the meeting adjourned at 10:03 pm

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 7th day of April 2011. 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

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