

**Superior Town Council
Town Council Meeting**

**Thursday, September 4, 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 7:11 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, Councilmember Aguilar

Members Absent: First Vice-Mayor Valenzuela

A quorum was present and the meeting continued.

E. Communication:

1. Managers Report

Ms. Oliver gave brief updates from her written report on request from the council.

Uptown Theatre: Ms. Oliver reported that the town would be the contractor in the removal of the debris. She explained that the town should not assume the deed to the property until after the lawsuit between Mr. Holmquest and Dr. Wilt is settled.

Main St: Ms. Oliver reported that all of the HURF funds have been frozen and so the town is unable to acquire the additional funds to finish the Main St. paving and curbing. She stated that she is going to work with the company who did the project to give the town an estimate on a slurry seal and stripping for Main St. She estimated the cost for the slurry seal to be \$5,000.

Leasing Office Space: Ms. Oliver stated that there are two attorneys interested in renting office space at either town hall or the police department. She also explained that they are finalizing the leasing agreement at the industrial park and that staff recommends removal of soil to increase the size of useable land, basically to make two 4 acres parcels available for lease.

In addition to these reports she also gave brief updates on the status of the following projects: Magma Club renovations, Swimming Pool Improvements, Queen Creek Trail and the General Plan Amendments.

2. Public Safety Report

Chief Digirolamo and Fire Marshall Pryor both answered questions from the council regarding their written reports. Chief Digirolamo reported on the new police dog and Fire Marshall Pryor gave an update on the code enforcement proceedings. They both also updated the council on the events from the weekend when a diesel tanker exploded on Highway 60 on the eastern boundary of Superior.

3. Finance Report

Ms. DeZeeuw explained that she continues to work with staff on tightening internal controls. She stated that she would explain more during the audit report.

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 the Regular Meeting: August 7, 2008**
- 2. Approval of Lease Agreement with Robin Pfohl**
- 3. Blanket permit – Superior Chamber of Commerce**
- 4. Blanket permit – Superior Optimist Club**
- 5. Blanket permit – Superior Animal Rescue**
- 6. Superior Optimist Club hosting Superior Fall Athletes Parade September 5, 2008 and closure of Main St. for parade.**

Mayor Hing directed Ms. Oliver to review the security guidelines for the lease for Ms. Pfohl. He also explained that the blanket permits were annual permits local groups needed to apply for to permit their fundraising.

After review of the consent agenda items Councilmember Heglie made a motion to approve the consent agenda items as presented. Councilmember Cervantes 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.

David Pfohl – handed the council and staff a letter he wrote regarding his concerns that it was mentioned that a possible violation of the open meeting law took place in regards to the appointment of Councilmember Aguilar. He stated that he was not arguing the appointment of Mr. Aguilar but only was questioning the process that took place.

Jim Gilbert – Stood at the podium for his three minutes fumbling through papers. He explained that it was the most productive 3 minutes in his time in Superior.

Jim Green – Proposed to the council that they offer additional employee benefits including the use of the mechanic shop for low cost/free vehicle diagnostics for town employees and use of the area to repair personal vehicles after hours. He also stated the need to protect town vehicles from the outdoor elements. In his proposal he suggested that the mechanics shop be moved to the Magma Ave. fire station and use the existing public works garage for vehicle storage.

Arnold Marquez – Explained that he had received a letter from the town to clean up his property. He explained that he is beginning the work on the project but would need additional time. Mayor Hing explained that he will have a moment to discuss this in the business agenda item.

Gilbert Aguilar – stated that the members of the council are his friends and he is not going to stop talking to them and they can keep their personal and town business conversations separate. He explained that he will learn more about the open meeting law but he is not going to stop being friends with other members of the council.

A. Business

Possible Discussion and/or action on the following

1. Oath of Office for Newly Selected Councilmember Aguilar

Judge Bravo administered the oath of office for newly selected councilmember Aguilar. The oath was witnessed by the current members of the council. He then took his seat as councilmember on the dais.

1. Presentation/Update on progress made on developing a new Comprehensive Plan for Pinal County

Representatives from Pinal County were not in attendance. Mayor Hing called for a motion to table the meeting. Vice Mayor Lopez made a motion to table the item. Councilmember Peralta seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject FY 2006/2007 Audit

Ms. DeZeeuw along with Scott Powell from Colby and Powell PLC presented the audit for the FY 2006/2007 to the council. Mr. Powell reviewed several financial sheets from the audit with the council and recommended many ways the town can strengthen their internal and external controls. He explained that due to the high turnover that is why the 2006/2007 was so late in being presented to the council. He also explained that the town operated with its budgeted expenditure limitations. He recommended that the council participate in a one hour work session that his firm can put together to explain the audit process more in depth.

Ms. DeZeeuw explained that staff is in the process of developing an accounting procedures manual and that they are beginning to implement many of the suggestions made by the accounting firm.

Councilmember Peralta made a motion to accept the 2006/2007 audit. Councilmember Heglie seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject Fire Station Change Order

Ms. Oliver explained that the engineer and architect made a costly mistake in the plans for the fire station. She explained that they designed the building for 3 phase electrical when only a single phase was truly needed and that is what was budgeted for. She stated that by requesting the change order it would keep the contractor onsite and on target for completion without extending grant time lines. She stated that she has also begun contacting both Willdan and Mr. Gomez the architect regarding this mistake and is requesting they be responsible for the cost of the change order. She stated this oversight has added \$40,000 to the cost of the project. She stated that they anticipate the project to be complete by October 21, 2008.

Councilmember Peralta made a motion to approve the change order for the fire station. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject proceed with abatement projects

Mr. Pryor explained that he was recommending to the council to proceed with the abatement process. He stated that separate motions needed to be made for each property and these motions would address the position of the town to the board of appeals. He explained that each of the properties have begun to do some work to remedy the problems. He also provided some photographs of the properties.

Discussion followed regarding each property and the progress that has been made. Staff and Council also expressed that the safety of local residents and neighborhoods is the main concern.

Councilmember Heglie made a motion to continue the abatement process for 341 Terrace Ave. Councilmember Peralta seconded the motion. The motion passed unanimously.

Councilmember Peralta made a motion to continue the abatement process for 615 Santa Rita. Councilmember Heglie seconded the motion. The motion passed unanimously.

Vice Mayor Lopez made a motion to continue the abatement process for 951 Stone Ave. Councilmember Peralta seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject rent of vacant office space month to month to the Salvation Army

Ms. Oliver explained that the local Salvation Army director has requested to rent the space where Rose's Roses was once located. She stated that they are willing to rent the facility as is and they will make any necessary improvements to the building. She explained they would like to use it for an office space and small thrift store that would specialize in children's merchandise. Mr. Gilbert also gave an brief back ground and intention of the group to hopefully hire a few part time workers to staff the store and office. He also explained that they would like to be in the building by October 1 or sooner. Mayor Hing suggested that the town could possibly purchase the items that need to be repaired and allow the tenant to make the repairs. Councilmember Peralta made a motion approve a month to month lease for \$400 to the Salvation Army. Councilmember Heglie seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject IGA with the Department of Revenue regarding taxpayer joint audits and the uniform method of administration, collection, audit and licensing of transaction privilege tax, use tax, severance tax, jet fuel excise, and use tax and rental occupancy taxes imposed

Councilmember Heglie made a motion to approve the IGA with the Department of Revenue. Vice Mayor Lopez seconded the motion. There was no discussion or questions regarding this agenda item. The motion passed unanimously.

1. Discuss/Approve/Reject a variance request application for a lot split on a non-conforming lot size located at 598 W. Valentine St. and 999 S. Center Ave.

Mayor Hing explained that during the last meeting council held a public hearing on the lot split and variance request. He thanked Red Door Holdings for rehabilitating these homes and wished them continued success. He asked for a motion to approve the request.

Vice Mayor Lopez made a motion to accept the variance request and application for a lot split. Councilmember Heglie seconded the motion. The motion passed unanimously.

A. Council Comments

Councilmember Heglie
No Comments

Councilmember Cervantes
No Comments

Councilmember Peralta
None

Councilmember Aguilar
None

Second Vice Mayor Lopez
Encouraged everyone to attend the Fall Athletes parade and support our local athletes.

First Vice Mayor Valenzuela
Absent

Mayor Hing
Congratulated Councilmember Aguilar on his selection and also encouraged everyone to support local athletes. He also commented on the Vice Presidential nomination of Sarah Palin and how her political roots were started as a Mayor of a small town.

Mayor Hing stated there were no items for an executive session.

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:

L. In Public Session

M. Adjournment

Councilmember Peralta made a motion to adjourn the meeting. Councilmember Heglie seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:17 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 4th Day of September 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
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