

**Superior Town Council
Town Council Meeting**

**Thursday, February 19, 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 7:03 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 Aguilar, Councilmember Heglie, & 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: February 5, 2009
Superior Chamber of Commerce Apache Leap Days Street Closure
VFW Liquor License for event dates 3/13/2009-3/15/2009

Councilmember Heglie commented that the motions for agenda item 3 from the minutes did not list the person making the motions. Mayor Hing requested bringing the minutes back for approval at the next meeting. Councilmember Heglie made a motion to approve items two and three to the consent agenda. Councilmember Cervantes seconded the motion. The motion passed unanimously.

F. Communication

1. Managers Report

Ms. Oliver introduced Chief Lou Digirolamo. Chief Digirolamo gave a brief update to the council regarding a drug bust at 316 Kiser and also updated the council on the upcoming surplus auction.

Before continuing on with her report Ms. Oliver commended the town staff for being a great support to her during these strained times.

Various discussions followed regarding the Manager's written report.

Mayor Hing asked that the Manager to make sure all town committee members were informed about the upcoming board training. Ms. Oliver also explained that she is trying to have the training come to Superior. Discussion followed on the vacancies and procedures to fill the vacancies on the Planning and Zoning commission.

Mayor Hing also stated that he asked the Manager to include the minutes from the December 18, 2008 meeting; he explained that these minutes showed that the Council voted to approve the Diamondbacks grant project. He also explained that at no time were there any secret negotiations, that in order to apply for the grant they had to select a location and the grant was written using the swimming pool property. He also apologized to the rest of the council for the outbursts and behavior at the previous meeting. Councilmember Cervantes and Vice Mayor Valenzuela expressed their concern that communication was not clear or disseminated adequately.

Discussion also followed on the upcoming stimulus money that should be coming from the Federal

Government to the states for infrastructure projects. It was explained by the manager and the Mayor that the US 60 extension to Superior and the Main St. project were both listed as #1 projects in the region.

Ms. Oliver suggested that the next council meeting convene earlier at the library so the council can see many of the wonderful changes. She also stated that they have not yet been able to hire an intern.

Questions and discussion followed regarding the financial reports. Vice Mayor Valenzuela asked what has been done to make the necessary cuts and if personnel had been cut. Councilmember Aguilar asked how much more needed to be cut. Ms. Oliver reported that all of the contractors have been cut back and many staff hours have been reduced to the bare part time and some full time employees are at 32 hours. Discussion followed regarding the working hours of Town Hall. Vice Mayor Valenzuela expressed his concern that he had called the office at 4:45 p.m. and the phone was not answered, and when the answering machine picked up it was not the right message. Ms. Oliver stated that the office is open to the public from 8 a.m. to 5 p.m., Monday through Thursday; however, staff is in the office from 7 a.m. to 6 p.m.

G. Public Hearing

Councilmember Heglie made a motion to move into public hearing. Councilmember Cervantes seconded the motion. The motion passed unanimously. Ms. Oliver introduced Mr. John Flaming. Mr. Flaming explained that the major amendments would need a 2/3 majority vote to approve and the minor amendments only needed a regular majority. Mr. Flaming explained to the public each of the amendments and what the proposed changes are.

Major Amendments:

MAGA 08-01: Downtown Mixed Use Definition

Mr. Flaming explained that this definition would allow for a range of employment, retail, and residential uses.

Mayor asked for Public Comments:

Mr. Gilbert – Explained that he would like to comment on all of the amendments and his feelings about them. Mayor Hing asked him to wait till the end to make his comments.

MAGA 08-02: USFS/Private Property Land Use

Mr. Flaming explained that this amendment was to correct a scribe's error that was made in previous amendments. He explained that the area affected by this is east of highway 177 and currently the map shows a road through that area however that road does not really exist.

Councilmember Heglie asked Mr. Flaming to explain to the public what the difference is between a major and minor amendment. Mr. Flaming explained that the general plan is supposed to be updated every 10 years. He also explained how the general plan supports the planning and zoning of the community. He explained that the difference between major and minor amendments is defined by the community.

Minor Amendments:

MGA 08-01: West Main St.

Mr. Flaming explained that this area would be changed to mixed use and that would make Main St. a mixed use area provided that MAGA 08-01 is approved. He explained that making this change would help to get traffic off of highway 60 and onto the Main St. gateway.

No public comments were made.

MGA 08-02: Smelertown

Mr. Flaming explained that this property belongs to Resolution Copper and they were willing to make these changes to help protect the light industrial area to the north of Main St. but make the land right on Main St. a mixed use commercial area.

No further public comments were made.

MGA 08-03: Minor Text Revisions

Mr. Flaming explained that this minor amendment was only housekeeping and would make text changes to the current document that needs to be made.

No further public comments were made.

Mr. Gilbert explained that his comments were in regards to all of the amendments. He

explained that he and his friends did not see any reason to have 12 different zoning districts in Superior. He stated that Superior will never be Apache Junction or Flagstaff and having so many zoning areas only created more work for the staff. He stressed that the town needs to keep things simple when it comes to the zoning and other ordinances. He also stated that mining areas should stay mining areas.

Mr. Angel Hernandez-explained the town is just tearing down buildings and throwing good businesses out. He stated that we are supporting a plywood city by allowing Dr. Wilt to keep his buildings in ruin.

Mr. Hank Gutierrez – explained that he disagrees with the comments. He stated that the Magma Hotel and Uptown Theatre were torn down because they were safety hazards. Members of the audience began to interrupt these comments. Mayor Hing threatened to close the public hearing.

Mr. Gutierrez continued to say that many of the people complaining today had not attended a P&Z meeting or EDC meetings. He stated that many volunteers have been working hard.

Vice Mayor Valenzuela – asked if the property owners, specifically Resolution Copper, offered any input. He wanted to know if the town approached Resolution with the changes or if Resolution approached the town. Mr. Flaming explained that Resolution approached the town when they saw the proposed amendments to property across the street – Resolution felt it would be a good thing for both parties for both sides of the street to have mixed use zoning.

Councilmember Heglie made a motion to adjourn the public hearing and return to regular session. Councilmember Cervantes seconded the motion. The motion passed unanimously.

Mayor Hing called for a 5 minute recess. The meeting was re called to order at 8:17 p.m.

H. Business

Possible Discussion and/or action on the following facility.

Discuss/Approve/Reject Major_Amendments MAGA 08-01: Downtown Mixed Use definition.

Councilmember Heglie made a motion to approve MAGA 08-01. Vice Mayor Lopez seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject Major_Amendments MAGA 08-02: USFS/Private Property Land use

Councilmember Cervantes made a motion to approve MAGA 08-02. Councilmember Heglie seconded the motion. The motion was approved with five votes in favor and one against.

Discuss/Approve/Reject Minor_Amendments MGA 08-01: West Main St.

Councilmember Heglie made a motion to approve MGA 08-01. Vice Mayor Lopez seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject Minor_Amendments MGA 08-02: Smelter Town

Councilmember Cervantes made a motion to approve MAGA 08-02. Councilmember Heglie seconded the motion. The motion was approved with five votes in favor and one vote against.

Discuss/Approve/Reject Minor_Amendments MGA 08-03: Minor Text Revisions

Councilmember Heglie made a motion to approve the MGA 08-03. Councilmember Cervantes seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject Let's Talk Trash request for a donation of 5 roll offs and \$350.00 to help pay for flyers, food, and drinks for the Community Pride Day on April 4th.

Ms. Anderson gave a brief update on the upcoming Community Pride day. She requested support from the town to include 5 roll offs and \$350.00 for hotdogs and drinks for the potluck afterwards. Councilmember Aguilar asked if the town can afford the \$550 for each roll off. Ms. Oliver stated that times are tight not just for the town but also for many of the town's vendors and businesses. Vice Mayor Lopez made a motion to table the request and look for additional donations. Councilmember Aguilar seconded the motion. The motion was approved unanimously.

H. Call to the Public

Mr. & Mrs. Stoor –they presented a petition concerning the zoning laws with 24 residents signature to the council. They expressed their concern that many property owners are not taking care of their properties. She stated that the group of residents are against Arnold Marquez for decreasing property values and they want a stop to the squatters living in recreational trailers.

Mr. Angel Hernandez-explained that he admires Mr. Gilbert for telling the truth. He said that he called the department of housing and told them about Mr. Casias's situation. He said he would like justification from all the councilmember's that they all supported the demolition. He also said that he heard through the grapevine that the cops are wheeling and dealing drugs.

Mr. Jim Gilbert-explained that he is glad that Mr. Hernandez admires him but he really did not need admiration from Mr. Hernandez. He cautioned Mr. Hernandez not to be making accusations against the police department and he also stated that no court would hear a case based on his accusations. He congratulated the staff for finding a barracuda and stated that times have changed; a year ago he would have supported the lien and foreclosure process on the delinquent sewer bills, however with the current economic climate he suggests that the town make the property owners sign a note and give them 18 month to two years to pay off the delinquent balance. He also stated that he would love to serve on the EDC and P&Z committees, however even though there is a vacancy on the P&Z no one will let him serve. He also stressed the importance of making sure that members of town committees are qualified to serve. He said he is shocked at the lack of qualifications current members have.

Mr. Arnold Marquez –stated that over aggressive people are running the town. He said there has been too many citations and he knows of one person who has been threatened to pay the citations or spend four months in jail. He explained that he was told a temporary permit would cost \$100 with no guarantee of approval so he refused to do it. He said he plans to tell the court that over aggressive people are running the town and the police are just wasting their time.

Ms. Rosie Casillas Young – explained that she has not been to many meetings because she had been sick of politics however she wanted to offer some constructive criticism. She explained that Roberts Rule of Order stated that respect is of utmost importance and she explained that none of the council looked at any of the speakers all at the same time. She stated their body language and actions showed no respect for the speakers. She stated that all speakers should be treated equally and with respect.

Anna M. Natal – explained that their property was taken down on the sixth and she stated that there has to be fraud involved and white collar crimes in the court. She said she wants to take her case to a higher court.

Mr. John Diaz – stated that he has lived here all his life and now people from out of town are telling him where to live. He said that he tried to go to court but Mr. Oliver, Ms. Brothers and Sgt. Strong took him outside. He said that he works everyday no matter how he feels.

Mr. Richard Green-stated that he moved here 20 years ago and they thought it was nice because people left them alone, but now things are falling apart. He said that the town was built by drunken miners and so the town should be trying to rehab things and help people. He also asked if the armed guard and drug dogs were present to try and intimidate people. He stated that if the council had spent the money on rehabbing homes instead of code enforcement the town would be in much better shape. He also stated that the properties with delinquent sewer bills should be turned off and not foreclosed on.

Mr. Hank Gutierrez-explained that the town was not built by drunken miners but was built by hard working people. He stated that the town needed to develop a social service network to help people through the hard times. In regards to the sewer bills he explained that many of these people have not paid even in the good times. He stated that we needed to build our community and our economy and we all need to help each other. He commended Ms. Anderson for her work on the trash committee. He also asked that the council look favorably on Ms. Mila Lira as a contractor. He stated that she is the glue holding the EDC committee and many of the projects together.

Ms. Barbara Arriola – stated that she came when the town was booming in the 60's. She stated that in 1982 when the mine closed things began to crumble and many people left. She stressed that we need to help people because those that have stayed have become like family. She recommended that maybe people can work off their sewer debt. She said we don't need any more homeless people and we can't let these people end up on the street.

Ms. Christy Hayes – Explained that people needed to start loving one another because the world is coming to an end. She said that God loves everyone.

Ms. Patsy Gutierrez – explained that she received a citation for her lot. She said she was very upset because she keeps her yard clean and she happened to let the weeds grow once this winter and she got a citation. She said her neighbor has a yard full of trash and they don't seem to get any citations. She stated that she just wanted her voice to be heard rather than be angry.

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

I. 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:

J. In Public Session:

K. Council Comments

Councilmember Heglie

None

Councilmember Cervantes

None

Councilmember Peralta

Absent

Councilmember Aguilar

Absent

Second Vice Mayor Lopez

None

First Vice Mayor Valenzuela

Vice Mayor Valenzuela explained that he took offense to certain comments made by some individuals. He said this person should have stayed in Superior but left and came back for personal gain. He said we need people who are going to stand up for the community not just for their personal gain.

Mayor Hing

Mayor Hing stated that he did agree with Vice Mayor Valenzuela but reminded the public that there are a lot of positive things going on that they may not be aware of. He said the council does their very best to make the best decisions for the entire community.

L. Adjournment

Councilmember Heglie made a motion to adjourn the meeting. Vice Mayor Lopez seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:20 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 15th day of February 2009. 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
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