

**Superior Town Council  
Town Council Meeting**

**Thursday, February 5, 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 7:08 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, & Vice-Mayor Valenzuela

**Members Absent:** Councilmember Peralta, Councilmember Aguilar

*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: January 15, 2009

Approval of Minutes for Special Meeting: January 26, 2009

Vice Mayor Lopez made a motion to approve the consent agenda. Councilmember Cervantes seconded the motion. The motion passed unanimously.

**F. Communication**

**1. Managers Report**

Ms. Oliver introduced Mr. Salisbury from Resolution Copper; she explained that he would be giving an update on the Resolution Copper Project.

Mr. Salisbury gave a brief update on the Resolution Copper Project. He explained that they would soon be advertising the support of the Land Exchange in the same methods that the Obama campaign used in the Presidential election. He explained that they were unable to get on the Omnibus Land Bill in late 2008 and that unfortunately because the project does not create immediate jobs they were unable to get the bill on the current economic stimulus bills, he did say that they anticipate sending the bill to committee in late February. Mr. Salisbury explained that they are doing everything they can to keep crews and contractors working but they are strategically cutting budget costs during this time of economic uncertainty.

Ms. Oliver introduced Ms. Anderson from the Superior Chamber of Commerce; she explained that she would be giving an update on the home tour.

Ms. Anderson gave an update on the success of the home tour hosted by the Superior Chamber of Commerce. She stated that based on the ticket sales and attendance at the Art and Antique show they estimate 700-1000 people participated in this event. She also thanked town staff and Mayor Hing for hosting the visitors at Town Hall.

In addition to her written report Ms. Oliver explained that Old World filming company would be in Superior filming a horror picture.

Councilmember Cervantes also requested additional information and clarification on items in her written report. He requested information and updates on the following

**Township Act** – Ms. Oliver explained that because the town would have to pay fair market value on the land at this time the budget does not allow for the town to continue the project. She also explained that they would need to have some planning dollars available to plan the land and the person she was working with on this project also was laid off by his planning firm.

**Magma Club**-Ms. Oliver explained that due to state budget cuts the funds for the grant for the Magma Club have been frozen. She explained the town was unable to make any real progress on the grant because they could not move forward without the architects plans and he raised the price he initially quoted and that delayed moving the project along. She did state that the town still had CDBG monies for the Magma Club and would be using those.

**Diamondbacks grant** – Ms. Oliver explained that she and the Mayor met with representatives from the Diamondbacks. She stated that the town is in the running for receiving the grant and they would know for sure by mid March who received the grant.

During this discussion point Councilmember Cervantes expressed his concern that there are many meetings that the council is not aware of that only staff and the mayor attend. He stated that he would like to see all the councilmember's notified to be able to attend. He also asked who else from the council had been involved with the grant and if anything had changed with the proposal to Dr. Wilt to exchange land/properties. He referred to Vice Mayor Valenzuela and asked if had been aware of the meeting and the updates regarding the grant. Vice Mayor Valenzuela explained that for the past six years he had been responsible for submitting the grant and he also wished that there would have been more communication regarding the grant project so they could have gotten more in-kind. Ms. Oliver explained that having a quorum at a meeting that is not posted for a quorum is a violation of the open meeting law and that. Heated discussion followed regarding the concerns that all council members should be notified of all meetings the town manager and the mayor.

Mayor Hing also gave a brief update on the downsizing of the Omya plant due to the poor economic conditions they would decrease their product varieties and only focus on making the food and pharmaceutical grade product.

Mr. Beers also gave a brief update on the findings from the Attorney General regarding the violations of the Open Meeting Law by the Planning and Zoning commission. He stated that they did find there were some weak points in the investigation where they could not prove that the agendas had been posted. He reviewed the recommendations from the AG's office and also stated that they are requiring him to monitor the actions of the Planning and Zoning commission going forward.

### **Public Safety Report**

Chief Digirolamo elaborated on his written report he explained that the Explorer Post has started and they are now enrolling local youth. He also stated that this is done entirely by volunteers and at none of the officers/fire fighters would be receiving over time/extra pay for the duties due to the current budget situation. He reviewed the crime statistics and explained that they have provided Mr. Gilbert with dog cages so he can trap the loose dogs in his neighborhood.

Mr. Pryor gave an update on the fire department and code enforcement projects. Mr. Pryor answered questions from the council and also reported that he has created a procedure and system for keeping up on the code enforcement and also updated the council on how the court proceedings work should a resident be taken all the way to court for code enforcement. He also stated that he is pleased to see the enforcement of the codes has really encouraged everyone to clean up their homes.

### **3. Public Works Foreman Report**

Mr. Lant reported on the repairs at the rest stop bathroom. He explained that the rest rooms had been vandalized but they were now in working order, he also reported that the highlands fence is 60% complete. Councilmember Cervantes thanked Mr. Lant for

getting the lights hooked up at the veterans memorials at the cemetery.

#### **G. Public Hearing**

Councilmember Heglie made a motion to move into public hearing. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

##### **1. PROPOSED FY 2008 CDBG Project, Cindy Schofield**

Ms. Schofield explained that when these projects were advertised she failed to advertise and host a public hearing for Spanish speaking individuals. She explained that the town is using Miami's 08 allocation and will not receive a 2009 CDBG allocation. She also explained that the council had already voted to use the funds for Magma Club and park improvements.

Mayor Hing called for public comments.

**Richard Green, 68 Sunset Dr.** – He explained that he lived in Superior for 20 years and has always been an advocate for the low and moderate income residents. He explained that when he was on the council they used CDBG funds for housing rehab and he encouraged the town to use the funds for this especially since they are tearing people's houses down.

No Further Comments

##### **2. Regarding the costs associated with the abatement of the Uptown Theatre and to hear any appeals, objections or protests and pass a decision on charging the property or its owner with the stated expenses.**

Ms. Oliver explained that this public hearing was regarding the costs associated with the abatement of the Uptown Theatre. She stated that at this time the council could hear any appeals, objections, or protests and pass a decision on charging the property or its owner with the stated expense of \$49,916.00. Ms. Oliver explained that all the bills and costs associated have been collected and no appeal was filed by the property owner. Mayor Hing called for any comments from the council or public.

Susan Anderson, 78 Sunset Dr. – She asked if the town had considered taking Dr. Wilt up on his offer to give the town the property. Ms. Oliver stated they were not able to do that due to litigation involving the property owner the neighbor and the town regarding the damage to the neighboring building. Ms. Oliver advised the council that as long as no further comments were made they could make a motion to approve the expenses in regards to the abatement.

Councilmember Heglie made a motion to confirm the charges of \$49,916.00 and to place the lien on the property for that amount as per the 1997 code of abatement. Councilmember Cervantes seconded the motion. The motion passed unanimously.

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

#### **H. Business**

##### **Possible Discussion and/or action on the following**

##### **Presentation of appreciation of Roslyn Boxer's assistance, creativity and expertise provided as we created our Economic Development Committee**

Mayor Hing presented a plaque to Roslyn Boxer for assistance in helping the town create the economic development committee. He thanked her for her dedication and reviewed a brief timeline of the projects and ideas she helped to bring to Superior.

##### **Presentation of locating 2 Assisted Living Homes and 1 Group Home to operated at Roosevelt School – Samson Unthank**

Mr. Unthank gave a lengthy presentation regarding his potential plan to remodel the Roosevelt School into a group and assisted living home. Many questions and comments were discussed in regards to the logistics and time frames to create this project. He presented maps and also talked about his qualifications to build this facility.

**Discuss/Approve/Reject Resolution 496 of the Mayor and Council of the Town of Superior, Arizona,**

**signifying the Towns fullest support for the Cobre Valley Hospital.**

Ms. Oliver read the resolution heading by title. Councilmember Cervantes made a motion to approve the temporary use permit. Councilmember Heglie seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject letter of support for Cobre Valley Hospital**

Councilmember Cervantes explained that he wrote this letter in the packet and he wanted it for the entire council to sign and for it to be cc:d to Resolution Copper showing the support for the project. He also asked if the letter was available for signature with all the councilmember's names on it.

Ms. Oliver explained that the letter would be prepared after vote was taken since technically only the members who voted and were in attendance at the meeting would sign. She explained that staff would make sure the letter is placed on letter head and signed by the appropriate councilmember's.

Councilmember Heglie made a motion to approve the letter of support. Councilmember Cervantes seconded the motion.

**Discuss/Approve/Reject Resolution 497 of the Mayor and Council of the Town of Superior, Arizona, concerning the Arizona State Land Department Trail Permit Fee being raised from \$50.00 to \$1,500.**

Ms. Oliver explained that this resolution was being pushed by the city of Wickenburg. She read the resolution title.

Councilmember Heglie made a motion to approve the resolution. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

**Discuss/Approve/Reject the Depository Pledge Agreement with the Bank of the West**

Ms. Oliver explained that Wells Fargo was the collateral agent of the deposits. Mr. Beers explained that it is standard agreement and he did not see any problems with it.

Vice Mayor Lopez made a motion to approve the agreement. Councilmember Heglie seconded the motion. The motion passed unanimously.

**H. Call to the Public**

**Mr. Gutierrez** – he stated that he understood the council wanting to be notified of the meetings going on but he encouraged the councilmember's to participate in many of the regional meetings like NEPEP, Copper Corridor, CAAG, and other meetings where there are lots of ideas and activities that go on that really can/could affect Superior.

Mayor Hing asked staff to begin preparing the monthly meeting calendar for the council again so they can try to attend some of the meetings if they wish.

**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 Advice 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**  
None

**Mayor Hing**  
Mayor Hing stated the town will not tolerate aggressive behavior or back lash from the public regarding the code enforcement. He congratulated the Chamber of Commerce for hosting a fantastic event.

**L. Adjournment**

Vice Mayor Lopez made a motion to adjourn the meeting. Councilmember Heglie seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:04 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 5<sup>th</sup> 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  
Mila Lira  
Miracle Executive Services  
[www.miracleexecutiveservices.com](http://www.miracleexecutiveservices.com)