

**Notice of Public Meetings**  
**Town of Superior**  
**Regular Council Meeting**  
**Thursday-February 4, 2010-7:00 P.M.**  
**Superior Senior Center**  
**360 W. Main Street, Superior, AZ 85173**

**A: CALL TO ORDER:**

Mayor Hing called the meeting to order at 7:06 p.m.

**B: SALUTE TO THE FLAG:**

Mayor Hing led the Town Council, staff and audience in the pledge to the flag.

**C: OPENING PRAYER:**

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

**D: ROLL CALL:**

**Members Present:** Mayor Hing, Vice Mayor Lopez, Councilmember Heglie, Councilmember Gutierrez, Councilmember Aguilar, and Councilmember Pfohl

**Members Absent:** Councilmember Kiki Peralta

**Town Staff Present:** Town Manager Oliver, Public Safety Director Digirolamo, Lieutenant Campbell and Town Attorney Beers.

**E: CONSENT AGENDA:**

Approval of Minutes for Regular Meeting: Council Member Heglie made a motion to approve Special Meeting Minutes for January 28, 2010 and to table minutes for January 7, 2010, January 21, 2010 for corrections. Second by Vice Mayor Lopez. Motion passes unanimously.

**F: COMMUNICATION:**

Manager's report –Town Manager Melanie Oliver  
Secretary of Agriculture visit report-Mayor Hing and Council Member Gutierrez  
Councilmember Gutierrez started this out by talking about Copper Community Alliance meeting with Secretary Vilsack at the Arboretum. Involved many local leaders from the

surrounding communities including Pete Rios and Mary Kim Titla Councilmember Gutierrez stated that the meeting was very productive. Mentioned that the Secretary then went to St. Marys to meet with community members talked about his growing up in Iowa. The Secretary mentioned the lack of jobs in America and the necessity to create jobs. Councilmember Gutierrez was encouraged.

Mayor Hing added that Congresswoman Ann Kirkpatrick and Secretary Vilsack were doing some fact finding. He said the meetings were very positive.

2. Public Safety report-Public Safety Director

a. Police Pursuit and officer involved shooting update.

Chief Digirolamo gave the council an update on Superior Police and Fire Departments involvement with the recent pursuit of the suspects involved in the death of Gilbert Police Lieutenant Eric Shuhandler. The K9 officer deployed stop sticks in attempt to disable the suspect vehicle as it entered town. The K9 officer was at the scene of the officer involved shooting near the Top of the World. Fire department members treated the suspects and transported one to the hospital. Superior officers secured the scene on the west end of town. The Senior Center was opened to give the officers from the agencies involved a warm place to meet with their attorneys and investigators. Discussion ensued between Council Members and Chief about interagency communications, emergency response plans, firearms and safety equipment for the officers.

Advised the Council of the shooting that occurred south of town on 177 involving undocumented workers who were chased by unknown suspects. During the chase shots were fired and one worker was shot in the arm. Police searched with assistance from PCSO and our K9 unit but were unable to locate a victim. One worker was turned over to ICE.

A search warrant for narcotics was served at 504 Heiner drugs were found and one suspect was booked into PCSO jail for sale of drugs. K9 unit was used to search for drugs in the house.

b. Town of Superior Debt Service Relief Program

Chief Digirolamo gave the Council information on relieving some of bond debt. This included an explanation of the type of bonds, current bond obligations interest rates, payments and options to payment. Discussion and questions ensued. Discussion ensued.

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

1. Discuss/Approve/Reject Sale of Real Property, Chief Lou Digirolamo

187 Copper aka 87 Copper

Councilmember Heglie made a motion to accept offer #1 with customary closing costs being split. Vice Mayor Lopez seconded the motion. Motion passed unanimously.

36 South Magma (Old Fire Station)  
230 West Main Street aka Chamber of Commerce

Councilmember Heglie and Chief Digirolamo excused themselves because of conflicts. Motion by Vice Mayor Lopez to take offer and split the usual and customary closing costs. Seconded by Councilmember Pfohl. Motion passed unanimously.

Industrial Lot #3 (No Bids Received)  
405 Terrace (No Bids Received)  
Parcel 105-03-010 aka Old Swimming Pool (No Bids Received)

2. Discuss/Approve/Reject the proposed settlement from the Bank of the West, coverage from Southwest Risk. Chief Lou Digirolamo.

Chief Digirolamo explained to the council that the \$20,000 offer was still on the table from Bank of the West. Bank of the West was still maintaining their position that they were not at fault in this incident. He advised the council that Southwest Risk had changed their mind and sent the town a check for \$10,000 which was the limit of coverage for the town's policy. That left a loss of \$9,000. Town Attorney Beers advised the council that litigation costs might reach \$30,000 to recover the \$9,000. He agreed with the Chief to accept the settlement.

Motion by Councilmember Pfohl to approve excepting the \$20,000 settlement even though it was short \$9,000. Seconded by Vice Mayor Lopez. Mayor Hing commented that Southwest Risk has a board to appeal the claim to. Passed unanimously.

3. Discuss/Approve/Reject continuation of the month to month contract with Town Attorney Michael Beers.

Mayor Hing states that the Town Attorney will continue as the Town Attorney with review in the future.

Reviewed issues with Town Attorney Beers on performance and contract during executive session. Councilmember Aguilar had to excuse himself from remainder of meeting.

**H: CALL TO THE PUBLIC:**

Richard Greene-Personnel Policy updated 07/17/2009 with no ordinance or input from the community. Still hasn't been given copies of bank statements, quarterly report, Town

has to follow law and have not done a report. Prisoners fixing our streets when we have funds and are laying off people.

**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-7)

Motion by Councilmember Heglie to go in to executive session at 8:07 p.m. seconded by Vice Mayor Lopez. Motion passes unanimously.

Motion by Councilmember Pfohl to return to a regular session at 9:44 p.m., seconded by Vice Mayor Lopez, Motion passes unanimously.

A-1 – PERSONNEL: A-3 – LEGAL ADVICE WITH ATTORNEY:

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY:

Contract Performance- Michael Beers, Town Attorney

Legal Advice on Sale of Real Property

187 Copper aka 87 Copper

36 South Magma

230 West Main

Industrial Lot #3

405 Terrace

Parcel 105-03-010

**K: COUNCIL COMMENTS:**

Councilmember Gutierrez commented about the recent death of Gila County Supervisor Steve Besich stating that he will be missed and that these are big shoes to fill.

Vice Mayor Lopez commented that Mr. Besich will be missed. Thanked Chief and his staff for doing a great job.

Mayor Hing agreed with other council members comments and said that the Town currently employs 28 full time employees and 10 part time employees. The Fire Department has 29 reserve fire personnel.

Council members Heglie and Pfohl had no comment.

**L: ADJOURNMENT:**

Motion by Councilmember Heglie to adjourn the meeting, seconded by Vice Mayor Lopez. Motion passed unanimously. Meeting adjourned at 10:13 p.m.

