

**TOWN OF SUPERIOR
COUNCIL MEETING MINUTES
MARCH 6, 2014**

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR,
ARIZONA, AT THE SUPERIOR TOWN HALL AUDITORIUM LOCATED AT
199 N. LOBB AVENUE ON THURSDAY MARCH 6, 2014 AT 7:00 P.M.**

CALL TO ORDER: Mayor Valenzuela called meeting to order at 7:00 pm.

ROLL CALL:

Mayor	Jayme Valenzuela
Vice Mayor	Olga Lopez
Councilmember	Mila Besich-Lira
Councilmember	Steve Estatico
Councilmember	John Tameron
Councilmember	Gilbert Aguilar (arrived at 7:35)
Councilmember	Alonzo -Absent

PLEDGE OF ALLEGIANCE: Mayor Valenzuela led the audience and staff in the Pledge of Allegiance.

INVOCATION: Elder Michaelis, Church of Latter Day Saints Missionary was not in attendance. Dolly Chavez did the invocation.

TOWN STAFF PRESENT

Town Manager	Margaret Gaston
Town Attorney	Steve Cooper
Police Dept.	Chief McNeill
Public Works	Anthony Huerta
Administration	Ruby Cervantes
Fire Department	Todd Pryor
Town Staff	Nora Miramon

VISITOR PRESENT

Lori Ketron	Merry Darr
Carlos Martinez	Doc Darr
Gloria Martinez	Bruce Armitage
Sonnie Sansom	Tweedy Armitage
Tom Springen	Keri Richards
Dolly Cruz	Josh Dezeeuw
Velva Fale	Sandra Doyle
Dora Solis	Hank Gutierrez
Larry Bravo	Tina Gutierrez
Nancy Vogler	Della Guzman
	Freddie Miramon

SPECIAL PRESENTATIONS:

- A. Certificates of Recognition were going to be presented to former Planning and Zoning Commissioners; Karen Afdahl, Pamela Dalton-Rabago and Judah Nelson but they did not attend the meeting. Phone calls were made to notify the 3 former Commissioners of the presentations.

- B,C. Presentation of Award of Excellence to the Town of Superior from Arizona Municipal Risk Retention Pool for Risk Management and Control of Losses. Anthony Huerta, Public Works Supervisor was asked to elaborate on the awards. He said that a lot of the items were things that were never done, they were safety issues. So they have corrected a lot of those issues. Also this was due to the Town of Superior not having had any accidents, incidents or claims against the Town workers compensation.

CONSENT AGENDA:

Mayor Valenzuela asked if any member of the Council wanted to remove anything from the consent agenda or had any questions on any of the items on the consent agenda. No one on Council had any changes or questions. Motion to approve the Consent Agenda made by Vice Mayor Lopez, second by Councilmember Estatico, motion carries

NEW BUSINESS:

- D,E Discussion and Appointment of Police Chief Mark Nipp pending approval of passing the Background, Polygraph and Medical Exam and Setting Salary. This was contingent upon his passing the background investigation, and polygraph, and medical exam. Town Manager stated that as of this morning she had received all of Mr. Nipp's paperwork back. Mr. Nipp did accept the offer of employment at the salary stated in the ad. Police Officers are on probation for a full year, so Mark could start work on Friday March 7th. The Council can go into Executive Session to discuss the contract with the Town Attorney, Mark Nipp and Town Manager. Mayor Valenzuela asked if any Councilmember's wanted to make a motion to go into executive session to discuss or they could vote to appoint. Mayor asked Mr. Nipp if he had anything he wanted to say before council moves forward. Mr. Nipp took the podium and stated he wanted to thank the Council and Margaret for all of the work in order to get a Chief in place so that the Police Dept. could start getting back to where it needs to be. Also to the residents he gives his commitment and it is an honor to work for your Police Department. Mayor asked for any comments from the Council, and a motion to go into Executive Session or to appoint. Motion by Councilmember Estatico to approve Mark Nipp as Police Chief at the salary of \$60,000 for the Town of Superior, Arizona, a second by Vice Mayor Lopez. Councilmember Tameron did ask a question before the vote, he wanted to know how did the Town come up with that figure for his salary. Mayor told him that is the amount that was advertised. They did a revote with the motions already taken, motion carries. Oath of office was moved to later in the agenda; Mr. Nipp wanted to wait for his family to arrive they were stuck in traffic.

- A. Discussion /Approval of Arizona Department of Liquor Licenses and Control Application for a New Liquor License for DeMarcos Pizza, Subs & More. Manager, Margaret Gaston informed the Council that the question regarding a fence around the patio is not a requirement from the Liquor Board, but the owner is going to put a 4 ft. railing around his patio where they will be serving wine & beer on the patio. No further discussion was done and a motion to approve the application for a New Liquor License for DeMarcos Pizza, Subs & More was made by Councilmember Besich-Lira, second by Councilmember Tameron, motion carries.

- B. Discussion/Approval of Consent Agreement from The Arizona Attorney General's Office Regarding the Open Meeting Law. Town Attorney, Stephen Cooper read the original letter then he read the Proposed Resolution to the complaint letter. The proposed resolution does state that all the Council and staff will receive training from the League of Arizona Cities and Towns. Council has until April 25, 2014 to agree to the Proposed Resolutions conditions. Attorney, Steve Cooper, answered a couple of questions from Council such as when do we start, from Councilmember Tameron. Mr. Cooper stated we would have to schedule for someone to come out from the league or do a tele-conference training session. Mr. Cooper said that we would open up the training to outside individuals that would like to attend also. Motion to approve the Consent Agreement from the Arizona Attorney General's Office and make it effective April 25, 2014 made by Councilmember Tameron, second by Councilmember Aguilar, motion carries.

- C. Discussion/Approval of Arizona Department of Environmental Quality Consent Order Regarding the Solid Waste Transfer Station. Margaret Gaston, Steve Cooper and Casey McKeon met with ADEQ on February 5th in Phoenix to discuss the Solid Waste Transfer Station. Considering all of the requirements, Margaret declined to sign the Consent Order, so they had to have a meeting because ADEQ needed something signed. The original date of inspection was in March 1, 2012. A baseline cost of cleanup is approximately \$683,000. Also, there could have been a fine of \$1000 a day up to \$15,000 per violation. We need to submit a status report every 90 calendar days. The Town is looking to acquire a partner to possibly help with the cleanup of the site. Councilmember Estatico asked if Republic Services has first choice at taking over the transfer station. Margaret answered yes to his question. ADEQ is also checking into any grants that the Town might be able to qualify for that will help with the cleanup. Councilmember Besich-Lira asked, who on our staff will be responsible to see that we make sure we meet the requirements. Margaret said it would be Public Works and herself to work on that. Ms. Lira also wanted to know if this was going to be put into our budget. Margaret stated that yes, this is something she needs to look into, but is also trying to get some outside help. Question by Councilmember Tameron, he wanted to know if the work that was done in the past, did that help us any? Margaret stated that they cleaned up 20 loads and that cost us around \$50,000 and it put a small dent in the clean up. So it did help that they saw something had been done out there. Motion to approve the Consent Order from ADEQ, also to direct the Town Manager, Margaret Gaston to sign the Order, motion made by Councilmember Aguilar, second by Councilmember Besich-Lira, motion carries.

- F. Oath of Office administered to the Chief of Police Mark Nipp. Oath was administered by Judge Bravo. Mr. Nipp came forth along with his wife who stood by him as he took his Oath and she put his badge on his uniform. Oath was administered and our new Chief took this time to introduce to us his parents, wife, daughter and his good friends that attended to see him take his oath.

CALL TO PUBLIC:

Lori Ketron- Wanted to let the Council know how much effort and expense she had done and time spent to apply for the Chief's position. She took the time to come to all of the Council meetings; she also is very active with the Chamber and the activities around the Town. She was very unhappy at the way the hiring process was handled. She put a lot of time and effort into preparing and she spent \$450.00 on a tailored made suit for the interviews. At this point she was not going to ask the Town to reimburse her for that, although she did think about it. She also said that if you do not feel that you are capable of the duties of the position you hold please resign. Just like some of the other people in this room she is concerned.

Gloria Martinez- Just wanted to let you know that those photos that are sitting in front of them are being donated to the Town after the Mountain Festival. She has more to donate once she gets those framed.

Nancy Volger- She started coming to the meeting because she was encouraged to do so if she was a true member of this town so after a while I began to attend the meetings. So after a year and a half nothing seems to be getting done. We no longer have the recycling program, police dept. was allowed to go down, fire dept. moral is down, bathrooms at the park are still not kept clean, and the last thing was the acting Town Manager making a mistake on the Police Chief application. On a good note we are getting the tourism going, the Arizona Trail has been designated the mountain bike destination for the Picket Post area. We are getting a lot of interest and bringing lots of tourist. She would like for the Town to meet with Resolution Copper and not demand or extort money from them. We are going to have money from taxes and this will all be income for the Town so she wants the Town to meet with Resolution and and come up with a plan.

Keri Richards-She just wanted to thank the Council for listening. The park was cleaned and it looks great. Just wanted to thank the Council for keeping their word because the park is very important to our visitors.

Sue Anderson- Reminded everyone of the Mountain Festival this weekend. A lot of activities and entertainment, should be a great time for all to have. Also wanted to ask Council for a financial report. It seems it has been a while and would like to know where exactly the Town is financially.

Hank Gutierrez- Good to see so many people here he thinks that it is due to the appointment of the new Chief. Also lots of things going on new businesses, the Magma Hotel is coming along and it is good to see the progress. We have the ADOT construction going forward and things are moving ahead quickly. After what he has heard today regarding the violations that were addressed he thinks that the Town needs to go back and reinstate the Mutual Benefits Agreement renegotiate it. He still wants to know who paid for the two Councilmember's to go to Washington. He also suggested that the Councilmember that went on that trip consider resigning.

Curt Williams- He thinks it would be a good idea for the Open Meeting Law training to be extended to all of the other committees in town since this law will benefit all organized committees. He believes that this would help committees to follow Open Meeting Law guidelines.

Roy Chavez-I am here to say thank you to the Council for the action they took tonight. There has been a lot of talk about what took place a year ago, reference to the comments that were made prior to my comments tonight. It might take a while for all of the facts to come out and the fact that the Town is trying to meet with Resolution Copper that is one thing that has to happen. There are a lot of things that need to happen in order for all of this to come together and move forward, hiring a Chief is a good start. Let's not forget that the fact that a council member violated open meeting law by having a conflict of interest is what started the whole violation of meeting law inquires. He just wants to make sure that everyone is aware of that fact. Good luck to all of the Council in moving forward and make sure financial disclosures are done by council for the new fiscal year and the cleanup cost needs to be budgeted for this coming fiscal year.

SUMMARY OF CURRENT EVENTS

- A. Councilmember Besich-Lira; Wanted to say thank you to Interim Chief McNeill for all of the work and things he got accomplished and wish him well. Welcome to new Chief Nipp, she is looking forward to working together and getting the Police Department back to where it should be. She stated she believes that everyone is trying to work together and everyone needs to get on the same page. Also all Councilmember's should know what is going on , we need to have a plan and start with work sessions and discuss what it is that we are going to do to move forward. We cannot negotiate with Resolution Copper or any other company unless we know what we want and what we need in our community. Reality is we have a great huge debt and lots of problems that we need to address.
Town Attorney reminded the Council that they cannot address anything that is not on the agenda or that was brought up in call to the public after moving to the next item.

Councilmember Aguilar- Apache Leap/Mountain Festival is here and hopes to see everyone enjoying themselves. As for the trip to Washington last year, I did not know who made it possible for him to go to on the trip at the time. He does now, but at that time he did not. He went to bring back information back to the community and learn how the process works. The money for the trip came from the San Carlos Tribe. And just to let you know, no! He will not resign and no one will make him resign. The only one that can make him feel that it is time for him to leave is God. That is the one who will make him feel his time is up, God. My loyalty is to the Town of Superior, not to individuals or any companies. I have never turned anyone away that wanted to talk to me, just come and talk to me if you have any questions. I don't want to see division anymore, I think we are all working together and we need to continue. That is why I keep asking to meet and negotiate we need to meet with Andrew Caplin.

Town Attorney again, commented that Council needs to address items only on the agenda and cannot comment on items from call to the public when the Council has moved to another item on the agenda.

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Councilmember Estatico-Welcomed the new Chief to the Town of Superior. Also Little League has a new score board and hopes the community supports the kids and attend some of the games and see what a great job has been done on the field. It was with the help of Resolution Copper that the score board was possible.

Councilmember Tameron- No comment

Vice Mayor Lopez- Looking forward to the festival everyone has worked really hard chamber and the volunteers have worked hard and we will have great weather.

Mayor- He had a letter he wanted to read, but after talking with the Attorney he will just forward it to the Superior Sun. He had said he would be writing a news letter every month. Good things are happening; we will be having great weather for this weekend. Thanks to Chief McNeill for all of his efforts. Getting the evidence room in order and inventoried and everything he accomplished during his time here. Welcome to the new Chief and his family, look forward to working with him and looking towards the future.

Town Manager-She wanted to thank Chief McNeill for all of the work he has done for the Town of Superior, she really appreciates him.

SCHEDULING OF MEETING AND EVENTS

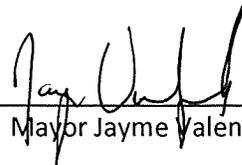
Apache Leap Mining Festival March 7, 8 and 9

Regular Council Meeting March 20, 2014

Planning and Zoning Commission March 13, 2014

ADJOURNMENT

Motion to adjourn meeting made by Vice Mayor Lopez, second by Councilmember Tameron, motion carries. Meeting adjourned at 8:30 pm.



Mayor Jayme Valenzuela

Attest:



Town Manager-Margaret Gaston