

**Superior Town Council  
Town Council Meeting**

**Thursday, April 15, 2010  
Superior Senior Center  
Superior, Arizona**

**M I N U T E S**

**A. Call to Order**

Vice Mayor Lopez called the meeting to order at 7:01 p.m. She explained that Mayor Hing was running a few minutes late and she would run the meeting until he was present.

**B. Salute to the Flag**

Vice Mayor Lopez led the council, staff and audience in the pledge.

**C. Opening Prayer**

Vice Mayor Lopez asked Pastor Vasquez to lead the Town Council, Staff and audience in an opening prayer.

**D. Roll Call**

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

**Members Absent:** Councilmember Peralta

**E. 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 Regular Meeting: April 1, 2010
2. Superior Head Start request to close traffic except for local traffic on Old Phoenix Road April 23, 2010.
3. Blanket Permit for Angie Gomez Fundraising
4. Blanket Permit for Church parade street closure of Main to Stansberry for parade on April 17, 2010

Ms. Oliver explained that the permit for the parade should actually be for from the Highway 177/Sunset Intersection to Belmont and Belmont to the Family Jewels parking lot will be the actual parade route. She also stated that the road will not be closed but police escorts will be aiding in keeping the parade safe. Councilmember Heglie made a motion to approve the consent agenda. Councilmember Pfohl seconded the motion. The motion passed unanimously.

**F. Proclamation:**

1. Pinal County Juvenile Court Foster Care Month May, 2010
2. Department of Housing Fair Housing Month

Vice Mayor Lopez read both proclamations in their entirety. No action was necessary.

## **G. Communication**

### **1. Town Managers Report**

#### **a. Finance Report**

Ms. Oliver reported that the Finance Director will resume his office duties after May 1<sup>st</sup>. She explained that his next duties will be to prepare for both the 2008/2009 Audit that is currently late and begin the preparations for the 2009/2010 Audit. She explained that if he prepares the materials in advance this will save the town time when the auditors do come.

Ms. Oliver also reviewed a DRAFT financial report for the town for the month ending February 2010. She explained that \$2,575,962.00 were received in revenues to the town. She explained that the expenses were \$2,345,073.75. She stated that after the expenses the town kept \$165,654.30 of the revenues from the month of February. She also commended staff for tightening up the spending and she attributed the funds saved on the layoffs and other cost saving measures. She reminded the council that the budget would need to be approved by July 1, 2010.

#### **b. Work session and budget**

Ms. Oliver explained that the 2010/2011 budget cycle will begin. She stated many of the department heads are already preparing their budgets however they will need some budgetary consultation from Finance Director. She stated that staff will be meeting with Finance Director after May 1, 2010 and she requested that the council host their annual budget retreat on May 22, 2010 from 8am to Noon at the Fire Station.

#### **c. Superior Little League continued support**

Ms. Oliver reported that the town will continue to support the Superior Little League with utility expenses during the season. Councilmember Gutierrez asked how much the support to the league cost the town. Ms. Oliver explained that total cost to the town is \$500 for the season and stated that this support is a cost savings to the Little League as they operate off of donations.

#### **d. New CAAG director**

Ms. Oliver announced that former Town of Superior Interim Town Manager Ralph Veles was hired as the new CAAG director. She explained that the employment contract for the director is one year.

### **2. Public Safety Report**

#### **a. Police Update on Staff**

Chief Digirolamo (Deputy Town Manager) explained that Officer Drennon had resigned from the Superior Police Department to take a job as a deputy with the Pinal County Sheriff. He explained that in order to keep up the current level of coverage the current officers would be working 12 hour shifts until a new officer can be hired and trained. He stated that the overtime costs of the 12 hour shifts would be absorbed by the salary of Officer Drennon. He also stated that Lt. Campbell is currently doing the background checks on three potential officer candidates. At the request of Councilmember Heglie, Chief Digirolamo explained that these candidates were applicants who had submitted applications prior to the hiring freeze.

Discussion followed regarding several of the laws being proposed by State Legislature. Ms. Oliver explained that because the subject was not on the agenda it could not be discussed further. Mayor Hing asked the Council to be careful not to bring up items not on the agenda.

## H. Business

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

#### 1. Discuss/Approve/Reject the application for abandonment of Parcel may #105-08.

Ms. Oliver explained that this is not a new issue and that this item had been brought to the council before with a different administration. Mayor Hing stated the reason it was not voted on before is due to the fact that staff at that time did not recommend the Town abandoning any property as property is an asset to the Town and having assets is part of what determines the Town's bond rating.

Ms. Oliver explained the process of abandoning any Town property and stated the property will have to be appraised and if it is over \$1000 the person wishing to acquire the abandonment must pay the town the balance. Ms. Oliver stated that in regards to this particular application the applicants requested several options the town could consider to abandon.

Discussion followed regarding the particular parcel and how currently there is an unofficial trail through the gully and that more than likely the culvert under the applicant's property was placed there in the past and without proper permit. Mayor Hing expressed his concern that the town must consider the drainage issues to make sure the town has access to the culvert if it is the Town's responsibility to maintain the culvert.

Councilmember Gutierrez stated that after actually viewing the property he understands why they have applied for the abandonment application; he went on to say that the Town must be careful not to set precedence in regards to how things are handled with the gullies and arroyos around Superior. He stated he like many of the residents in Superior live here for the views and the Council must consider these things when making decisions. He also stated that the property owners purchased the property knowing there was a culvert under their property therefore they accepted the responsibility of maintaining the culvert.

The applicant Mr. Darr stated that they have amended their request from the original requests. He also stated that at this time they as property owners maintain the culvert but have to walk through Town property to get to the culvert. Discussion followed on the original application requests and the dimensions of the property and area of abandonment. The options were as follows:

- i. 25'x70' – Amended request
- ii. 50'x70'
- iii. 25'x130' – to include the culvert
- iv. 50'X130' – entire easement

Ms. Oliver reminded the council that property owned is an asset as long as it is maintained but once it is not maintained it becomes a liability. Discussion continued on preserving the natural aesthetics of the arroyo and maintenance requirements.

Councilmember Gutierrez made a motion not to accept this proposal. He stated he did not like that ground rules were not in place.

Mayor Hing called for a second. The motion failed for lack of a second.

Ms. Oliver stated a vote tonight would provide direction to staff how to proceed on this application. She stated that before any land would be abandoned there would have to be a fair market value determined and a resolution would need to be passed to approve the abandonment.

Vice Mayor Lopez made a motion to accept the application with request for 25'x70" with no culvert and direct staff to proceed with necessary paperwork and resolutions in addition to the finding the fair market value of the property. Councilmember Aguilar seconded the motion. The motion passed with 4 votes in favor and 1 against.

**2. Discuss/Approve/Reject the offer to purchase the Up Town Theatre Property.**

Chief Digirolamo explained that Dr. Wilt has offered to give the Town the theatre property for \$10 as long as the Town would not pursue him further for the costs of abatement. Chief Digirolamo explained that the Town has three options to consider with this property.

1. Accept current offer of Dr. Wilt
2. Negotiate with Dr. Wilt for him to pay some of the funds so the Town can recoup the costs of the abatement.
3. Proceed with the lien foreclosure process – Chief Digirolamo stated that there could be potential that even if the Town foreclosed on the property if they could not sell it and recoup the costs the property owner would still be responsible for the difference

Ms. Oliver explained that she recommended the Town continue with the foreclosure process because Dr. Wilt subdivided the theatre property in the several lots and she is concerned he has not included all of his lots in his offer. She also explained that even though the Town can sell the property they may not be able to sell the property for the amount that they spent to abate the property. She also reported that the first yearly payment was not paid by Dr. Wilt and he will not be in default on his payment of lien.

Members of the Council all shared ideas on negotiation with Dr. Wilt in regards to this property. Councilmember Heglie stated that the Town needed to act with some urgency on this matter as that area is an eyesore and with several people looking to open businesses in adjacent buildings he recommended the Town consider Dr. Wilt's offer.

Ms. Oliver requested permission to allow Real Estate attorney to negotiate with Dr. Wilt and to proceed with the foreclosure.

Councilmember Pfohl made a motion to reject the offer to purchase the property from Dr. Wilt for \$10.00. Councilmember Gutierrez seconded the motion. The motion passed with four votes in favor and 1 against.

It was the consensus of the council to direct Town Manager Oliver to initiate contact with the Real Estate Attorney to being negotiations and or foreclosure.

**I. Call to the Public**

**Mr. Curt Williams-** suggested to the council that in regards to the situation with Dr. Wilt that they negotiate with him to include the entire theatre property and also some of his other properties that could be sold by the town for a profit. He suggested that they should not stop the foreclosure proceedings while negotiating with Dr. Wilt.

**Mr. Merlin Gindleperger** – Stated that he liked the idea mentioned by Mr. Williams in regards to negotiating with Dr. Wilt. He also shared some good news stating that his hotel has been patronized by many visitors and hikers to both the Arboretum and the Arizona Trail. He also thanked the Town for the Public Safety Explorers program and stated how the program has really made a positive impact on his Grandson who participates in the program.

***Mayor Hing announced that there were no items for 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 Peralta**  
Absent

**Councilmember Aguilar**  
Councilmember Aguilar stated that it was good to hear good news.

**Councilmember Gutierrez**  
Councilmember Gutierrez also stated it was good to hear good news. He also commented that it is important for the Town to protect the natural environment, views, arroyos and natural aesthetics in the community. He stated that in the past these things may have been overlooked when making decisions but it is important for there to be a win-win situation with these proposals.

**Councilmember Pfohl**  
Congratulated Mr. Gindleperger for the achievements of his Grandson in the Explorer program.

**Councilmember Heglie**  
Stated that he spoke with Cindy Tracy and she is almost fully recovered. He explained that he told her the they missed her reporting on the meetings.

**Vice Mayor Lopez**  
Congratulated Mr. Gindelsberger for his grandson. She commended Mr. Williams for the work he has done to complete the Skate Park and Caboose Visitor Center.

**Mayor Hing**  
Mayor Hing reported on an event being held at the Arizona Trail on April 22, 2010 for all of the students at the Superior School District. He invited the council to participate in the event and reminded everyone how the Arizona Trail Association has been very instrumental and helpful in the construction of the Legends of Superior Trail.

**L. Adjournment**

Vice Mayor Lopez made a motion to adjourn the meeting. Councilmember Pfohl seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:30 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 15<sup>th</sup> day of April 2010. I further certify that the meeting was duly called and held and that a quorum was present.

/s/  
Melanie Oliver \_\_\_\_\_  
Melanie Oliver  
Town Manager

These minutes have been transcribed and compiled by  
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