

**TOWN OF KEARNY  
SPECIAL MEETING MINUTES**

**A SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEARNY,  
ARIZONA, AT THE KEARNY TOWN HALL LOCATED AT 912-C TILBURY DRIVE ON  
TUESDAY, FEBRUARY 21, 2017, AT 7:30 P.M.**

**COUNCILMEMBERS PRESENT**

Mayor	Debra Sommers
Vice Mayor	Daniel Radcliffe
Councilmember	Rose Bradford
Councilmember	Nancy Hinojos
Councilmember	Samantha Misita - Telephonically
Councilmember	Sheila Stephenson

**TOWN STAFF PRESENT**

Town Manager	Anna Flores
Town Clerk	Cathy Woolery
Town Attorney	Steve Cooper
Town Public Works Director	Ramon Camacho

**VISITORS PRESENT**

Tino Flores	Jean Slater
Joe Weller	Edna Lawrence
Carol Lewis	Christopher Baker
Mona Benavides	Joe Palmer
Kenneth Piggott	Lora Lee Snow
Rosalind Padilla	Ron Buckley
Kenny Hatfield	Larry Elliott
Larna Warren	Kari Ramsey
Mike Dinwiddie	Gwen Dinwiddie
Duke Wilson	Lloyd Wilson
Barbara Carrell	Roger Stern
Charles Stephens	Sam Hosler
Cassandra Wade	Dan Sattellberg
Joan Pebworth	Susan Middaugh

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Sommers called the meeting to order at 7:30 p.m. followed by the Pledge of Allegiance.

**INVOCATION**

Pastor Joe Palmer of the Fellowship Baptist Church delivered the invocation.

**ROLL CALL**

Mayor Sommers requested Town Clerk, Cathy Woolery, to call the roll. Quorum was present.

**APPROVAL OF MINUTES**

**Motion** by Vice Mayor Radcliffe, **second** by Councilmember Hinojos to approve minutes from the January 17, 2017 Special Meeting. **Vote** - All members voted in favor. **MOTION PASSED.**

**CALL TO THE PUBLIC**

Mayor Sommers announced call to the public. No persons addressed the Council.

**CHAMBER OF COMMERCE REQUEST FOR PIONEER DAYS**

Town Manager Anna Flores presented background information for this item. Copper Basin Chamber of Commerce is requesting the use of Pioneer Park for Pioneer Days Thursday, March 16 – Sunday, March 19, 2017. They are also asking for road closure assistance and grounds/building maintenance from public works.

**Motion** by Councilmember Bradford, **second** by Vice Mayor Radcliffe approving the Chamber of Commerce's request for use of Pioneer Park and roads for the parade for Pioneer Days. **Vote** - All members voted in favor. **MOTION PASSED.**

**REQUEST OF KEARNY LITTLE LEAGUE TO USE PIONEER PARK AND BALL FIELDS**

Town Manager Anna Flores explained the Little League is requesting to use Pioneer Park, ball fields, and concession stand at no fee for the 2017 season. They are also requesting temporary posting of signs regarding dogs not allowed on fields because of dog waste and holes as a safety and sanitary concern. Kari Ramsey is here to answer any questions. Councilmember Bradford asked if the signs would need to be printed. Kari Ramsey stated they already have signs and want to post signs that say 'No Pets' on the field due to digging holes and dog waste. Councilmember Hinojos asked if the gates are open. Kari stated they kept the gates locked last year, and they are locked now partially because of the pets. She has had her phone number posted in the past so fields can be used if someone wants to get in the gates. The outfield gate is completely destroyed with the latch broken as it looks like someone tried to hit it. The gate needs to be fixed. Councilmember Hinojos asked if the fields are supposed to be locked or are they supposed to be available for the public. Town Manager Anna Flores said they are available to the public. Councilmember Hinojos asked where the public can get a key. Kari said they can request a key from her, and she will put up signs again with contact information. Councilmember Bradford asked if she is requesting use for the Pioneer weekend only. Kari said they are requesting usage for the entire season. Councilmember Bradford asked if we normally let them use it for no fee. Town Manager Anna Flores said yes. Mayor Sommers asked Public Works Director Ramon Camacho if the Town could help with fixing the gate. Public Works Director Ramon Camacho said yes it could be fixed by the Town. Vice Mayor Radcliffe asked if there were a couple of options for getting keys if Kari was not available. She said all six board members have keys that can be obtained. Town Hall also has keys. Councilmember Misita asked about the cost of lights for the Town. Kari stated it was \$60 in season and \$30 off season per month. Kari also asked about watering of the fields which will be discussed later.

**Motion** by Vice Mayor Radcliffe, **second** by Councilmember Hinojos to approve the Little League use of Pioneer Park and ball fields and put up temporary signs. **Vote** - All members voted in favor. **MOTION PASSED.**

**DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT FOR SOLID WASTE COLLECTION SERVICES WITH RIGHT AWAY DISPOSAL**

Town Manager Anna Flores explained the solid waste service option with recycling from Right Away Disposal with residents not having an increase in the cost of collection service. The cost will remain at \$22.80 per month with the billing the same from the Town of Kearny. This rate would only be increased a small amount for the next five years. Right Away Disposal will also consider providing

collection services to the County residents. Also, a bulk service pickup will be provided once a month at no extra charge for residents. Bart Powell from Right Away Disposal is here to answer any questions. Vice Mayor Radcliffe asked if the pickup is once a week with one garbage can and one recycle can. Bart stated that is correct – one trash and one recycle container which will have one pickup per week either on Tuesday or Friday according to the Town streets which are split up into two sections. Two trucks will be used for pickup – one for trash and one for recycle. Vice Mayor Radcliffe also asked if two trash containers can be used in lieu of the recycle if someone is not interested in recycling. Bart stated yes they can have two for trash although they like to encourage recycling but it will be an additional \$5 per month for two trash cans. They can also still have the recycle cart but can opt out if they don't want to recycle. Councilmember Bradford asked if the business fees would remain the same because some of the businesses have more than once a week pickup. Councilmember Misita stated the GKI has three pickups per week. Bart explained he has Tuesday and Fridays for the town so businesses would get two times per week and additionally on Wednesdays if he can get enough customers from the County and businesses. The current commercial business rates will remain the same. Councilmember Misita asked if the businesses would have recycling and that is something she is interested in because she has lots of beer bottles. Bart stated that is something he wants to discuss with each business to see if that is something that can be done, and put a plan together that works best for everyone. Mayor Sommers asked the Council to consider starting the service on March 20 instead of March 1 to make sure as a town that we can answer the customer's questions and make it comfortable for them. Bart stated he can start on March 20. Vice Mayor Radcliffe asked if Bart can send a place card explaining what goes into the recycle can and what cannot go in. Bart explained the welcome packet will be attached to each can in a plastic bag with service dates and the dos and don'ts of recycling with a link to the website which explains what happens to recyclables. Also, a field trip for the students is helpful as the kids will educate the parents. Councilmember Stephenson asked also if he was going to have a community meeting. Bart stated he would like to set up a booth at the Pioneer Day weekend to inform the public. Councilmember Stephenson said that would be very helpful. Questions from the public regarding the County service and rates were addressed to Bart. He needs a list of how many County residences to figure out the competitive rate. County residents stated Waste Management said they were leaving but now they received a notice that they are staying to offer services. The residents explained they have several pickups that are close to each other about a mile off the County road. Bart said he will send out a mailer to the county residents because the more people he has then he is more able to provide a lower rate with everyone having the same fee. The county residents would like to meet with Bart after the meeting to discuss service. Vice Mayor Radcliffe explained they have two central locations where they put all the cans together so he would not have to go to each individual residence. Mike Dinwiddie asked about an option of opting out of contract. Town Manager Anna Flores said there is the option. Attorney Steve Cooper asked about guarantees of rate increase. Bart stated he uses the Consumer Price Index for waste industry, and the biggest he has seen is 4% in the past five years. Councilmember Misita asked about businesses having dumpsters. Bart stated that is a whole different truck, but that is something they can look at in the future.

**Motion** by Councilmember Misita, amended motion for contract date of March 20, **second** by Councilmember Stephenson for acceptance of Right Away Disposal contract for solid waste collections services. **Vote** – All members voted in favor. **MOTION PASSED.**

**POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF SPEED HUMP OPTIONS**

Town Manager Anna Flores presented background information for this item with a Town of Kearny speed hump policy with guidelines from Pinal County and speed hump installation options. The Town of Kearny with neighborhood representative and surveys will determine the location of speed humps and installation process. Quotes were also presented for rubber speed humps. The County requires the resident to pay for the speed hump. Vice Mayor Radcliffe asked if the survey would need to be done before decision can be made for speed hump. Town Manager Anna Flores confirmed the neighborhood petition will need to be completed before any decision can be made for installation of a speed hump. Mayor Sommers explained the policy states the Town of Kearny will pay for installation of the speed hump whereas Pinal County asks the resident to pay for the cost. We need to decide if the Town is going to cover the cost or how it is going to be paid for. Councilmember Bradford expressed that before voting the petition needs to be passed around and if there are not enough signatures then speed hump is not needed. Mayor Sommers explained we have had another request for a speed hump in town and need to decide how the speed hump is paid for – by the Town or the resident. Councilmember Hinojos asked if the item can be tabled until the Council revisits the policy and discuss or update. Councilmember Misita asked if we can revisit the policy right now. Mayor Sommers expressed this is the third time the speed hump has come to the meeting so she believes a decision needs to be made on which way to go. Councilmember Stephenson commented about the rubber speed humps being less cost. Mayor Sommers commented about considering what the cost of the town would be if everybody comes in and wants a speed hump. Councilmember Hinojos stated they need to take time to really look at it. Councilmember Misita suggested that all the people in the neighborhood who want the speed hump and complete the survey share the cost of the speed hump. Vice Mayor thinks that more people will want speed humps and cost should be shared by the neighbors also because the Town cannot possibly pay for all the speed hump costs. Mayor Sommers stated the Town just can't afford to do that and asked Town Attorney Steve Cooper if it is okay to do it that way with neighbors sharing the cost. Steve stated that it is the council's prerogative to set the cost and \$1,000 is fairly reasonable for the moveable speed hump. Also, it gives flexibility with once it is installed if there is a storm or something we can see how it is going to work. Also, it can be moveable and adjusted. A policy can be passed if a neighborhood wants to raise part of the cost then they can pay for it. It might be a good idea to buy a couple to just see if they are going to work. Mike Dinwiddie expressed concern about the liability if something happened with a driver would it be the Town or the individual driver, and asked the Council to table the item. Mayor Sommers expressed that this item has come to the Council three times and feels a decision needs to be made. Also, she thinks that due to the area the speed hump is located the speed limit may need to be reduced to 15 mph. Sam Hosler asked if the road is repaired then whose responsibility is it to repair or replace the speed hump. Mayor Sommers stated it would be the Town responsibility once it is installed. Steve explained you would have a warranty. The rubber speed hump is driven into the ground, so it can be pulled up for repair. Gwen Dinwiddie suggests using the rubber speed humps due to possible flooding from asphalt speed humps. Councilmember Misita explained regarding the liability the fee would be collected by the Town for placement of the hump, and the Town would own it and maintain it, so the Town would be responsible for it just like if there are potholes in the streets. . The only cost to the Town would be the installation of it. Vice Mayor Radcliffe commented that the people would be buying the speed hump and the Town would be installing it. Town Attorney Steve Cooper commented the speed hump is in the roadway and it is property of the Town. There is the possibility that the Town could get sued, but there is some immunity with regards to road design that state agencies have and are trying to expand that unless you are grossly negligent. The biggest liability would be from not marking so need to show that the speed hump is there with signage and reflective items on the black speed hump. Mike

Dinwiddie stated that will increase costs. Mayor Sommers explained that signage is necessary and asked Town Manager Anna Flores if that is included in the price. Town Manager Anna Flores confirmed the signage is included in the cost for two speed humps. Councilmember Bradford explained that you need the two speed humps to go in one spot all the way across the road. Also, Councilmember Misita stated they could be adjusted if need be with flooding, whereas if it is made out of pavement you would not be able to. Ramon Camacho commented that the public needs to be okay with the location of the signs and possibly being on resident properties. Mayor Sommers said that can be figured out. Councilmember Stephenson summarized that the petition goes out, the people pay for the speed hump, and the Town installs it. Mayor Sommers confirmed that. Councilmember Misita stated the speed hump is then owned by the Town. Mayor Sommers stated yes and the residents will pay for it. Mike Dinwiddie asked about the Town liability again with drivers losing control. Mayor Sommers stated that is why we are here in the first place because we had someone that lost control and hit another vehicle.

**Motion** by Councilmember Bradford, **second** by Councilmember Stephenson to approve moving forward on the speed hump on Croydon with the rubber speed hump and proceed with passing the petitions in the neighborhood and if approved they would be responsible for the cost of the it . **Vote** – All members voted in favor. **MOTION PASSED.**

**DISCUSSION AND APPROVAL OF EMERGENCY REPAIRS TO THE UV SYSTEM AND THE LIFT STATION AT THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$38,868.62**

Town Manager Anna Flores introduced this agenda item with quotes for repairs of the lift station and UV system at the WWTP. Quote total for 4" piping is \$8,013.75 and quote for UV system is \$30,874.87. These repairs are necessary to get the UV System operating normally. Total cost is \$38,868.62. Councilmember Misita asked if we could go back on the original installer because they were installed improperly. Attorney Steve Cooper stated he would not want to give legal advice because there is no confidentiality with councilmembers as we are in public. We would have to look at the time these improvements were installed and time limits in play with possible claims. Also, the statute of repose which is that after 8 years any design defect is not a matter of law. Also, we have had some issues with various improvements around town, and we have looked at recourse with the engineer. The prevailing party in the contract would end up paying attorney fees, so the Town could be in a situation where the attorney fees exceed the cost of fixing the problem. Councilmember Stephenson asked if we are past the eight years. Ramon Camacho explained it was two years. Councilmember Bradford asked if the paperwork shows how long the warranty is and any guarantee. Ramon stated he could probably find it but it is usually a year. Also, the problem with the UV system is a design issue not a warranty issue the way it was installed in the channel. It was made very clear to the engineering firm that the system was to be installed above the channel because the first system that was installed was in the channel and had problems with that. They knew what was to be done and very clear the system needed to be able to be submerged in water due to pump failure or other conditions. They were supposed to provide a system that could handle those conditions. Councilmember Bradford clarified that Steve is stating that attorney fees would be more than what it is going to cost to fix. Steve stated he is happy to look at the documents, staff can contact the engineering form and raise a concern, and get back to the council but you have an issue before you that you have repairs that need to be addressed. Town Manager Anna Flores stated this is an emergency situation. Ramon stated the lamps are being used at maximum capacity and this is not the way the system needs to operate. The two panels need to be installed so the system operates normally. Vice Mayor Radcliffe commented

that he could not find anything in the paperwork on the system that says it would be completely water tight so that is where we are stuck with that. Ramon said they did know what we needed though. Vice Mayor Radcliffe said the problem is that they did not put it in the paperwork. He also asked about what type of piping they will be using. Ramon said it will be C900 plastic and what was in there was 304 stainless. Vice Mayor Radcliffe said 304 stainless heats up fairly well. Ramon stated that the ventilation needs to be improved because it should be lasting more than seven years. Vice Mayor Radcliffe said the plastic should not heat up like the stainless. Ramon said there is plenty more metal in there like the guide rails and brackets which also need to be improved. Vice Mayor asked if the flow hooks will be stainless steel. Ramon said yes. Councilmember Bradford asked where the money would come from. Town Manager Anna Flores said it is in the contingency fund. Councilmember Misita asked about the handwritten notes on the documents provided. Town Manager Anna Flores stated the notes do not pertain to anything and they are just notes during the conversation with Ramon so she could understand. Councilmember Misita asked if there is an alarm system which would tell us when the UV system fails. Ramon stated they found out the panels were damaged from doing a two year maintenance check, and when the guy came out to do repairs he noticed the panels were completely failing and not able to be repaired. He could not put old parts into the new system and it turned out to be water damage that was not supposed to be there. Councilmember Misita asked if there are any controls in place that tells when the WWTP is not functioning correctly. Ramon says they have daily checks that tell them if something is not working but not an alarm. The alarm has not been there for 9 or 10 years due to not having the money, but technology has changed and there are options to tie this into their phones for notifications of things not operating correctly.

**Motion** by Vice Mayor Radcliffe, **second** by Councilmember Bradford to approve the emergency repairs to the UV System and lift station at the WWTP in the amount of \$38,868.62. **Vote** – All members voted in favor. **MOTION PASSED.**

**DISCUSSION AND APPROVAL OF CASELLE UPGRADE IN THE AMOUNT OF \$9425.29**

Town Manager Anna Flores explained the Caselle accounting system needs a mandatory upgrade in order to continue support of the payroll processing. The quote which includes installation of 4 new workstations, migration of the data from old to new workstations, installing the software, and SQL server installation/configuration is \$9,425.29. Councilmember Stephenson commented that this is a must to stay up to date.

**Motion** by Councilmember Stephenson, **second** by Councilmember Hinojos for approval of the Caselle upgrade in the amount of \$9425.29. **Vote** – All members voted in favor. **MOTION PASSED.**

**DISCUSSION AND APPROVAL OF 2017 HORTON AMBULANCE IN THE AMOUNT OF \$260,000**

Town Manager Anna Flores presented the background information for this item explaining the Town ambulance has been in the shop for numerous repairs and the liability this can cause if the ambulance breaks down with a patient will be extremely costly. The Town has not been able to find grants. The Town has reached out to Hayden/Winkelman, CAG, ASARCO, and spoken with the County Supervisor and the County Manager. This is a necessary purchase. We have a request to Department of Health Services for increase of rates because our rates are slightly below average. The purchase price of the ambulance is \$260K. Councilmember Stephenson asked about how much money has the ambulance put into repairs for the past month. Lora Snow stated the ambulance is back in the shop again with probably another \$3K and we just had \$4K last repair. It is not just mileage but the sitting

time which has a lot of wear and tear on an ambulance. Councilmember Bradford asked if she meant sitting and running. Lora explained it is when loading patient with the lights and equipment running. Mayor Sommers stated about 6-7K for repairs in the past month. Vice Mayor Radcliffe commented that amount of repairs in a month could have made a payment. He also asked if the box can be changed to a new chassis ambulance. Chris Baker stated it can be moved to a different chassis most easily with a Horton which saves about \$90K. The box will be good for about 30 years and then can be changed to a new chassis multiple times. The ambulance has a life of about 7 years to 10 years. Lora stated the box currently on the ambulance is not built like a Horton, so it does not have safety features or anything but the new one will have. Chris explained the new Horton will have a power gurney and power wheel system. This is really important for preventing back injuries for EMS employees. Vice Mayor Radcliffe asked if the blue ambulance will be kept as a backup, and the ancient one will be auctioned. Lora Snow stated yes. Chris stated there are couple of ways to auction the old one including auctions in Mexico and he could help with that. Councilmember Stephenson asked how long it will take to get the ambulance. Chris said it will probably be August with an average build time being 210 days. The ambulance will have a full warranty which is effective upon receipt. Warranty includes 2 year unlimited mileage; 7 year electrical; AC 5 year; engine 10 year/100K, 3 year/36K on chassis. His service team comes out once or twice a year to check out warranty items. He is located in Chandler. Councilmember Misita asked if the quote is still valid even though it is dated September 29th and has misinformation of Superior on the quote. Chris stated yes cost of ambulance is same and he has changed the location of Superior to Kearny. Councilmember Bradford asked about funding of the ambulance. Town Manager Anna Flores stated this will be in the new budget but right now we have contingency funds. Chris explained that the ambulance lease can be set up when the new budget becomes available. Councilmember Stephenson asked if this would come from the ambulance fund. Town Manager Anna Flores confirmed yes. Councilmember Misita asked if we got any competitive bids for the ambulance. Chris stated this is an HGAC bid program which protects municipalities because they are governed and price protected. A citizen asked if there was anything cheaper and Lora said not for what we need in our area. Councilmember Bradford explained that Mayor Sommers and Town Manager Anna Flores are trying to get help with expenses from Hayden, Winkelman, Aravaipa, and parts of the County that our ambulance services.

**Motion** by Councilmember Stephenson, **second** by Councilmember Hinojos to approve the purchase of 2017 Horton ambulance in the amount of \$260K. **MOTION PASSED.**

### INFORMATIONAL ITEMS

Town Manager Anna Flores announced that Kearny was named the second safest city in Arizona.

### REPORTS

Mayor Sommers asked if there was any discussion on the reports. No discussion.

**Motion** by Councilmember Stephenson, **second** by Vice Mayor Radcliffe to accept the reports. **Vote – All members voted in favor. MOTION PASSED.**

### EXECUTIVE SESSION

Mayor Sommers stated the Council will not be going into Executive Session because all information is not available at this time.