

**TOWN OF KEARNY
SPECIAL MEETING MINUTES**

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEARNY, ARIZONA,
AT THE KEARNY TOWN HALL LOCATED AT 912-C TILBURY DRIVE ON
MONDAY, JULY 15, 2019, AT 7:30 P.M.**

COUNCILMEMBERS PRESENT

Mayor	Debra Sommers
Vice Mayor	Daniel Radcliffe
Councilmember	Rose Bradford
Councilmember	Nancy Hinojos (Telephonically)
Councilmember	Rudy Flores
Councilmember	Samantha Misita (Telephonically)
Councilmember	Sheila Stephenson

TOWN STAFF PRESENT

Town Manager	Anna Flores
Town Clerk	Martina Burnam
Town Attorney	Stephen Cooper
Chief of Police	Wallace Kenney
Payable Clerk	Amanda Kenney
Fire Chief/Public Works	Kenney Piggott
EMT/Assistant Fire Chief	Jeff Laiklam

VISITORS PRESENT

Eric Armenta	James Ruiz
Pastor David Wade	Tino Flores
Aaron Casem, AZ Dept. of Forestry and Fire Management	

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Sommers called the meeting to order at 7:32 p.m. followed by the Pledge of Allegiance.

ROLL CALL

Mayor Debra Sommers requested Town Clerk, Martina Burnam, to call the roll. Quorum was present.

APPROVAL OF MINUTES FOR:

Regular Meeting May 20, 2019	Special Meeting June 24, 2019
Special Meeting June 3, 2019	Special Meeting July 1, 2019

Motion by Councilmember Stephenson, **second** by Councilmember Flores to approve the Minutes for Regular Meeting May 20, 2019; Special Meeting June 3, 2019; Special Meeting June 24, 2019; and corrected to reflect \$4000 cost on surge protector updates (not \$5000) for Special Meeting July 1, 2019.

Vote – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion.

MOTION PASSED.

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MOTION PASSED.

PETITIONS, CORRESPONDENCE AND COMMUNICATIONS

A. Call to the Public. -NONE BROUGHT FORTH

PROPERTY TAX LEVY AND ADOPTION OF ORDINANCE NO. 19-209

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted fourteen (14) days following the public hearing and the final adoption of the budget not later than the third Monday in August (8/19/19). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 19-209 follows prescribed form recommended for adoption and establishes a tax levy of an estimated \$125,468 set forth in the 2019-2020 budget. In this ordinance, the Kearny Town Council directs the County of Pinal to levy the amount allowed by law. The total tax rate will be \$2.2929 per \$100 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the Town of Kearny office of the Town Clerk.

It is recommended the Council adopt Ordinance 19-209.

Motion by Councilmember Bradford, **second** by Councilmember Stephenson to adopt the property tax levy Ordinance 19-209. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.**

**POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 19-210
AMENDING ARTICLE 10-1, ADDING 10-1-26 TO THE KEARNY TOWN CODE, RELATING
TO REGULATION OF SMOKING, SETTING PENALTIES FOR THE VIOLATION OF THIS
ORDINANCE AND SETTING EFFECTIVE DATE**

The Ordinance No.19-210 is brought to the council in regards to amending Article 10-1, adding 10-1-26 to the Kearny Town Code relating to regulation of smoking, setting penalties for the violation of this ordinance and setting the effective date.

The purpose of this ordinance is to update Article 10-1 of the Kearny Town Code is amended to add Section 10-1-26 which explains the positive danger to the health and a material annoyance, inconvenience, discomfort and a health hazard to those present in confined spaces, in order to serve the public health, safety and welfare, and the declared purpose of this article is to restrict the smoking of tobacco or any plant within enclosed places, in particular, public places and places of employment.

The purpose is also to include electronic smoking devices, which first entered the United States market in 2007, which are electronic inhalers meant to simulate cigarette smoking. Using electronic smoking devices particularly in places where smoking is prohibited, may interfere with smokers' attempts to quit by making it easier for them to maintain their nicotine addiction. Children and youth who experiment with electronic smoking devices may become addicted to nicotine and ultimately switch to smoking cigarettes.

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It was brought to Town Manager Flores' attention that people 18 years and older are vaping near the swimming pool and the Town Code needs to be updated to include electronic smoking device or electronic cigarettes.

It is recommended the approval of Ordinance No. 19-210 amending Article 10-1, adding 10-1-26 to the Kearny Town Code, relating to regulation of smoking, setting penalties for the violation of this ordinance and setting the effective date.

Councilmember Misita asked if it's a state code why do we need to place it in our code. Attorney Cooper stated that "vaping" is a new phenomenon and this will prevent it from being in public places.

Motion by Councilmember Bradford, **second** by Councilmember Flores to adopt Amended Ordinance No. 19-210, Article 10-1, Adding 10-1-26 to the Kearny Town Code, Relating to Regulation of Smoking, Setting Penalties for the Violation of this Ordinance and Setting Effective Date 7-15-2019. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.**

REQUEST FOR APPROVAL FROM THE GILA RIVER INDIAN COMMUNITY FOR RESOLUTION NO. 19-6 AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT REQUEST TO UPDATE THE POLICE DEPARTMENT'S COMPUTER SYSTEM IN THE AMOUNT OF \$7,033.00

A grant application is brought to council from Gila River Indian Community Grant within Resolution No. 19-6 by the Kearny Police Department requesting approval to submit a grant to update the department's computer system in the amount of \$7,033.00. The proposed project would allow the department to update their current computer system with current technology, so they can provide the residents of Kearny and the Copper Corridor with exceptional emergency services.

The project will also allow the Kearny Police Department to keep and store records for state and federal reporting.

This item is recommended for approval regarding the request from the Kearny Police Department to submit Resolution No. 19-6 for a Gila River Indian Community Grant to update the Police Department's computer system in the amount of \$7,033.00.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Bradford to approve Resolution 19-6 Authorizing the Submission of and Application for a Grant Request to Update the Police Department's Computer System in the Amount of \$7,033.00 **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.**

POSSIBLE DISCUSSION AND POSSIBLE APPROVAL OF SUBLEASE AGREEMENT BETWEEN THE COPPER BASIN CHAMBER OF COMMERCE AND THE TOWN OF KEARNY

A sublease agreement between the Town of Kearny and the Copper Basin Chamber of Commerce.

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Pinal County began invoicing the Town of Kearny because of the lease agreement between the Town of Kearny and Pinal County. The amount is \$1,250 per month.

The agreement would allow the Town to sublease the office space to the Copper Basin Chamber of Commerce where it is currently located in the amount of \$220.00 per month for the first year. The Chamber will carry their own required insurance coverage, (1 million dollars) and name the Town of Kearny as an additional insured.

During the first year of the lease agreement, the Copper Basin Chamber of Commerce shall not be entitled to terminate this lease agreement for any reason. After the first year, the Copper Basin Chamber of Commerce may terminate this lease agreement upon giving the Town of Kearny written notice sixty days before termination.

The Copper Basin Chamber of Commerce board agreed to the terms brought forth and will sign the agreement.

Motion by Councilmember Bradford, **second** by Councilmember Stephenson to approve the Sublease Agreement Between the Copper Basin Chamber of Commerce and the Town of Kearny. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.**

AUTHORIZE APPROVAL OF THREE CANDIDATES TO THE PLANNING AND ZONING COMMISSION

Letters from five candidates for approval to serve on the Town of Kearny Planning and Zoning Commission. There are three open seats available. Copies of the submitted letters of each candidate are given to the council. An invitation was sent to each to attend this meeting in order to answer any questions.

Jean Slater

VOTE: MAYOR SOMMERS-YES, VICE MAYOR RADCLIFFE- YES, COUNCIL MEMBERS FLORES- YES, STEPHENSON- YES, BRADFORD-NO, HINOJOS- YES, MISITA- YES (YES-SIX, NO-ONE, MAJORITY VOTES IN FAVOR)

Bob Goodridge

VOTE: MAYOR SOMMERS- YES, VICE MAYOR RADCLIFFE- YES, COUNCIL MEMBERS FLORES- YES, STEPHENSON- YES, BRADFORD- NO, HINOJOS- YES, MISITA- YES (YES-SIX, NO-ONE, MAJORITY VOTES IN FAVOR)

Zola Hall

VOTE: MAYOR SOMMERS- YES, VICE MAYOR RADCLIFFE- NO, COUNCIL MEMBERS FLORES- YES, STEPHENSON- YES, BRADFORD- NO, HINOJOS- YES, MISITA- NO (YES-FOUR, NO-THREE, MAJORITY VOTES IN FAVOR)

As the voting of the first three are voted in favor to serve on the Planning and Zoning Committee it fulfills the three seats available and there is no need to further vote on the other 2 applicants:

Eric Armenta
James Ruiz

**PRESENTATION FROM ARIZONA DEPARTMENT OF FORESTRY AND FIRE
MANAGEMENT REGARDING THE MITIGATION GRANT**

Aaron Casem, Grants Specialist, from our District, is from the Arizona Department of Forestry and Fire Management and gave the Council a presentation on the Mitigation Grant.

Status of the grant that was earmarked for the town's portion. In 2015 Kearny River Fire, hazmat project deemed there is a lot of funding. There's been environmental studies, cultural studies, and lots of roadblocks for this portion of the grant. The agreement with the NRC never took place. The town needs to come up with \$23250 to match the grant and get reimbursed. The area approved 100 acres south of the ballfield. 2/2020 is the expiration of the grant and due to the migratory bird act on the Gila River. The Town must come up with \$6820 to match in order for the grant to be used. This money can be in-kind and not money directly. For instance, employee salary working on the project or equipment used or rented for the project. October 1st is when they can engage in work. The town should do an agreement with Department of Forestry at the latest in September so we can move forward with the project in October.

**REQUEST FOR SUBMISSION OF AN AK-CHIN INDIAN COMMUNITY GRANT
APPLICATION BY THE KEARNY POLICE DEPARTMENT TO HELP WITH SPEED
ENFORCEMENT ON STATE ROUTE 177 TO PURCHASE SPEED RADAR UNITS IN THE
AMOUNT OF \$6,303.44**

Approval for a grant application from the Ak-Chin Indian Community by the Kearny Police Department to help with speed enforcement on State Route 177 to purchase speed radar units in the amount of \$6,303.44.

The purpose of this grant is to help the Copper Corridor, to include Superior, Kearny, Hayden, Winkelman and Mammoth, in addition to the Ray Jr/Sr High School located on State Route 177, by enforcing speed limits on the mountain grade and curved roadway to slow down traffic and decrease the number of accidents on Highway 177 within the town limits.

It is recommended the approval for the request for submission of an Ak-Chin Indian Community Grant Application by the Kearny Police Department to purchase speed radar units in the amount of \$6,303.44.

Councilmember Bradford asked if there are any radars we currently own now are working? Chief Kenney informed them they have 4 outdated radars and they are currently sharing; he would like to outfit each officer with their own radar.

Motion by Councilmember Bradford, **second** by Vice Mayor Radcliffe to approve Authorizing the Submission of and Application for a Grant Request to the Ak-Chin Indian Community Grant in the amount of \$6303.44 to fund the purchase of Speed Radar Units for the Kearny Police Department.
Vote – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion.
MOTION PASSED.

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INFORMATIONAL ITEMS

4th of July pool celebration was a huge success, games and activities, and 50 lbs. of watermelon was eaten in minutes. They even had to monitor the watermelon. The pool managers and lifeguards have asked to extend the season to August 3rd. So, we allowed them to extend it.

REPORTS


- a. Town Financial Reports
- b. Police Department
- c. Library
- d. Fire Department
- e. Recreation Department
- f. Kearny Airport
- g. Ambulance

NO QUESTIONS ABOUT THE REPORTS AT THIS TIME.

Motion by Councilmember Stephenson, **second** by Vice Mayor Radcliff to Accept the reports given by the town departments. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED**

ADJOURNMENT

Motion by Councilmember Bradford, **second** by Vice Mayor Radcliff to adjourn. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Sheila Stephenson, Rose Bradford, Nancy Hinojos and Samantha Misita all voted in favor of the motion. **MOTION PASSED.** Meeting was adjourned at 8:07 p.m.




Debra Sommers, Mayor



Anna Flores, Town Manager

ATTEST:



Martina Burnam, Town Clerk