

**TOWN OF KEARNY
REGULAR 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, NOVEMBER 16, 2020, AT 7:00 P.M.**

COUNCILMEMBERS PRESENT

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

TOWN STAFF PRESENT

Interim Town Manager/Town Clerk	Martina Burnam
Town Attorney	Stephen Cooper
Police Chief	Wallace Kenney
Public Works Director	Ramon Camacho

VISITORS PRESENT

Susan Middaugh	Gary Stepke
PACE Engineering	Mike Krebs
NCS Engineering	Ram Narasimhan
Central Arizona Governments	Alan Urban (Telephonically)

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Sommers called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

INVOCATION

Bishop Brian Coleman from The Church of Jesus Christ of Latter-Day Saints

ROLL CALL

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

APPROVAL OF MINUTES

Regular Meeting October 19, 2020
Special Meeting October 27, 2020
Special Meeting November 9, 2020

Motion by Councilmember Stephenson, **second** by Councilmember Flores Approve the Regular Meeting October 19, 2020 minutes replacing Mayor Sommers calling to order with Vice Mayor Radcliffe and the Special Meeting October 27, 2020 Special Meeting November 9, 2020 minutes. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED**

CALL TO THE PUBLIC

Susan Middaugh inquired about the ambulance. Mayor Sommers explained to Susan the ambulance is possibly going to end in December, however, the Town of Kearny is in negotiations with another agency and we can't discuss it any further.

NEW BUSINESS

CONSIDERATION AND POSSIBLE APPROVAL OF APPLICANTS JO ORZELL AND WADE HARMON FOR THE TOWN OF KEARNY PLANNING & ZONING COMMISSION.

Jo Orzell and Wade Harmon have submitted letters of interest in serving on the Town Planning & Zoning Commission. Their letters of interest are enclosed.

Two Vacancies currently exist on the Commission, and this action to appoint Jo and Wade fills all vacancies. They are interested in serving the Town by being part of the Planning and Zoning Commission.

Motion by Councilmember Bradford, **second** by Councilmember Hinojos Approve the Appointment Jo Orzell and Wade Harmon for the Town of Kearny Planning and Zoning Commission. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

ANNUAL FINANCIAL AUDIT AND EXPENDITURE LIMITATION REPORT

The Annual Financial Audit and Expenditure Limitation Report for the fiscal year ending June 30, 2020. The Council previously contracted with the independent auditing firm Colby & Powell to complete this work.

The auditing firm found no instances of non-compliance with Government Auditing Standards. The Town of Kearny met with the auditor and will continue work to implement and improve procedures to properly segregate responsibilities related to recording transactions, reconciling accounting records to external documents such as bank statements and custody of cash to the extent possible. The Town remained within the alternative expenditure limitation, approved by the voters.

Motion by Councilmember Bradford, **second** by Councilmember Stephenson Approve the Annual Financial Audit and Expenditure Limitation Report. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF KEARNY AND THE STATE OF ARIZONA FOR ONE ARIZONA OPIOID SETTLEMENT

The Town of Kearny may receive a letter or an email from the Attorney General's Office concerning a proposed agreement among the State of Arizona, the counties, and the cities and towns.

Excerpts from an explanation from the Arizona League of Cities is below:

“Governments across America have been litigating against the manufacturers, distributors, and dispensers of opioids for years now. Most of these cases are in federal court, centralized in the Northern District of Ohio

(Cleveland). Others are in state courts. Thousands of governments have filed suit, but the vast majority of governments have not.

Various defendants in the opioid litigation are now interested in settling, and they wish to settle with as many states and local governments as possible. Moreover, and from your city/town's point of view, this is the important part: *the defendants want to settle even with governments that have not sued them.* They want to end the current litigation against them *and* forestall future lawsuits."

"A major purpose of the MOU is to spell out how any settlement proceeds received by Arizona will be allocated among Arizona governments. More accurately, the MOU allocates settlement proceeds among three types of Arizona governments: 1) the State; 2) the counties; and 3) the cities and towns."

"First, the State receives, as mentioned above, 44% of the proceeds. Second, the balance (56%) is allocated to the 15 counties pursuant to formulas specified in Ex. B of the MOU. Third, each county is then encouraged to work out an allocation with the cities and towns within the county."

It is recommended the approval of a Memorandum of Understanding between the Town of Kearny and the State of Arizona for One Arizona Opioid Settlement.

Town Attorney Cooper stated you must be aware the deadline is December 15th. If we don't approve it before then, we will not be part of the settlement. As stated before, allocation is as follows 56% to local government, Pinal has 8.36%, Kearny .21%. Unfortunately, no amount has been stated for the settlement, then you got the lawyers taking their share. Probably about a year out before we see any money. Asking the Town Council to Authorize the Town Mayor to sign the MOU upon receiving it, that way we can anticipate the December 15th deadline.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Bradford to Approve the Memorandum of Understanding between the Town of Kearny and the State of Arizona for One Arizona Opioid Settlement. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF A POSSIBLE AGREEMENT BETWEEN THE TOWN OF KEARNY AND GARY STEPKE FOR THE EXCHANGE OF TOWN VEHICLES NO LONGER IN SERVICE AT A FAIR AMOUNT FOR FREE MECHANICAL LABOR

The Town of Kearny was approached by Gary Stepke owner of Getsome Motorsports with proposal to exchange the Town of Kearny's out of service vehicles at a fair amount for free mechanical labor from his auto shop. The Town of Kearny does use his auto shop and other local shops for mechanical parts and repairs to our operating vehicles at reasonable prices.

The previous option would be to auction the vehicles at a public silent bid auction. Which in previous years had low winning bids.

Town Attorney Cooper advised to bring this item to Town Council for approval.

Councilmember Bradford asked how Mr. Stepke how he will be figuring the value exchange for our vehicles and his labor? Stepke stated he would evaluate the out of service vehicle and the amount it would cost to fix it against the value of the vehicle. Councilmember Bradford asked Stepke if he would keep a ledger of the different values he finds and estimates. Stepke said he would meet with Public Works Director and Chief of Police to discuss his findings. The council told Mr. Stepke that the labor would not be separated by departments, because labor would be as needed. Mayor Sommers wants to be sure it is understood that all the decals and any Town of Kearny identifying items are removed completely.

Attorney Cooper stated the council should give authority to Interim Town Manager Burnam to make the trade upon reviewing the amounts along with the Public Works Department and Police Department to decide if this is a fair trade, or if this is something we should pass up.

Susan Middaugh asked if this is a permanent thing? Vice Mayor Radcliffe stated this is a one-time deal for now.

Attorney Cooper stated we have to make sure the decals are removed and the items are removed from the Town's Insurance.

Councilmember Hinojos asked if it falls back on the head of departments to select the vehicles to service. Attorney Cooper stated the vehicles we aren't using need to be removed from the Town's insurance.

Councilmember Misita asked who is responsible for removing the Town of Kearny decals? Mayor Sommers explained that the Town of Kearny is. Chief Kenney explained that all equipment is also removed.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to Table this until next meeting in December, when Mr. Stepke will provide a ledger and quote of a fair exchange of his mechanical labor for the Town of Kearny's out of service vehicles. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

DISCUSSION AND POSSIBLE AUTHORIZATION TO APPROVE CHANGE ORDER NUMBER ONE WITH PACE ENGINEERING IN AN AMOUNT OF \$122,815

A change order from PACE ADVANCED ENGINEERING (PACE) for the engineering and project management to get this project on schedule. Alan Urban with Central Arizona Governments instructed PACE to complete engineering for the Phase I and II components. This will allow the Town to go as far as possible in constructing as much upgrade as the current funding will allow.

PACE is requesting additional budget. A labor breakdown of the requested budget is presented.

Once this is approved PACE along with CAG and the Town will begin the bid process.

PACE also provided us with a new Amended Agreement.

Mike Krebs with PACE Advanced Water Engineering explained this is just some housekeeping. At our last work session, PACE was told by CAG they needed to separate their contract between CDBG and USDA.

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USDA did confirm the front of the last PER that was completed can be used. However, PACE will need to update the figures on it. This will allow us to begin the two phases.

This will allow us to maximize the use of CDBG funds. Councilmember Misita asked do we need to approve each and every step.

Attorney Cooper there is usually 30-day turnaround. It comes to the town when approving to pay for it. There are some checks and balances through the town manager. CAG will be assisting us, after signatures are gathered, it will be presented to town for payment.

Councilmember Misita wants to get the bids as they come in. Usually, they are reviewed at the same time, not individually and voted on by town council.

Attorney Cooper noted that the Letter to Council is requesting the approval of Change Order Number One with PACE Engineering and the motion may need to include the E500 USDA contract.

Mike Krebs with PACE Engineering explained it's a standard contract with USDA. Vice Mayor Radcliffe this change order with PACE is for \$22,445.00? Mike Krebs stated it is.

Attorney Cooper stated that it would be best approve Change Order One now and to include in the December meeting the USDA E500 standard contract.

Motion by Vice Mayor Radcliffe, **second** by Councilmember Bradford to Approve the Change Order Number One with Pace Engineering in the amount of \$22,445.00. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

MEETING OF TOWN OF KEARNY MUNICIPAL PROPERTY

1. CALL TO ORDER

Meeting was called to order by President Debra Sommers at 7:38 PM

2. ROLL CALL

President Debra Sommers requested Interim Town Manager/Town Clerk, Martina Burnam, to call the roll. Quorum was present.

DIRECTORS PRESENT

President	Debra Sommers
Director	Daniel Radcliffe
Director	Rose Bradford
Director/Secretary	Nancy Hinojos
Director	Sheila Stephenson
Director	Rudy Flores

Director

Samantha Misita (Telephonically)

3. NEW BUSINESS

CONSIDERATION AND POSSIBLE APPROVAL OF AN AMENDMENT TO OWNER-ENGINEER AGREEMENT WITH NCS ENGINEERS AND THE TOWN OF KEARNY MUNICIPAL PROPERTY CORPORATION FOR ADDITIONAL SERVICES TO BE PERFORMED BY THE ENGINEER AND MODIFICATIONS OF PAYMENT TO THE ENGINEER

An Amended to the Owner-Engineer Agreement with NCS Engineers and the Town of Kearny Municipal Property Corporation for additional services to be performed by the Engineer and Modifications of payment to the Engineer.

This will allow for the repairs for Well #4 and the inclusion of Well #3 from the original agreement.

Agreement Summary:

Original agreement amount:	\$ 342,660
Net change for prior amendments:	\$ 0
This amendment amount:	\$ 150,000
Adjusted Agreement amount:	\$ 492,666
Change in time for services (days or date, as applicable):	180 days

It is recommended the approval of the Amended Owner-Engineer Agreement with NCS Engineers and the Town of Kearny Municipal Property Corporation.

Ram with NCS Engineering explained this is just an Amendment to the Owner-Engineer Agreement with NCS and the Town of Kearny would include Improvements to the storage tanks, booster station, and Well #4 and include Well #3. EJC form is included.

Motion by Councilmember Bradford, **second** by Councilmember Flores to approve An Amendment to the Owner-Engineer Agreement with NCS Engineers and the Town of Kearny Municipal Property Corporation for additional services to be performed by the engineer and modifications of payment to the engineer. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Samantha Misita, Rudy Flores, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED**

Motion by Councilmember Bradford, **second** by Councilmember Flores to return to Regular Session 7:42 pm. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Samantha Misita, Rudy Flores, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED**

Regular Session Returned 7:42 PM
INFORMATIONAL ITEMS

1. The medical rates for the employer insurance will decrease -1.86%!!!!
Your dental and vision rates will continue with a rate pass – no change!!!
Old Rate was \$599.37 per month new rate is \$588.19
Dental is still \$47.30 and Vision is \$7.40
2. Second Site will either be onsite sometime next week or the week after Thanksgiving to complete the 3 – 5/8” installs and to fix the meter at 217 Victoria Cir. They will also be fixing the install at the courthouse that was accidentally cemented in.
3. Ferguson will be onsite next Tuesday 11/17 to evaluate the EZ Valve install at the Catholic Church, and we will be receiving a quote once we evaluate the materials and labor costs for completion. Once we have the final numbers, they will be added to change order #3 which will also include the 3 additional installs, the excessive digging at the 1.5”-2” locations, and the project completion date extension.

Recognition of years of service to Councilmember Sheila Stephenson for 16 years and Mayor Debra Sommers for 20 years. They were presented with awards and certificates.

The certificates stated:

*Our sincere appreciation for the leadership, selfless contributions, guidance
And steadfast dedication you have provided to the Town of Kearny.
You leave behind a legacy and a thriving community.
You have set an example to be followed in the future and
Cherished by those of us fortunate enough to have experienced it ourselves.*

Councilmember Sheila Stephenson stated she really enjoyed working with this council, Mayor Sommers and Anna Flores when she was Town Manager. For everything that has been accomplished. There has been a lot done in the last 16 years and I learned and learned. It was joyful to agree to disagree and still agree in the end. So, thank you very much.

Mayor Sommers stated thank you to everyone especially this town council and Vice Mayor Daniel Radcliffe. As Mayor we accomplished many things and over the last two years, we accomplished over 32 projects and we have had some that are coming up to bid soon. We have rebuilt the police department which I am proud to say we have no second chance officers in our department. We have been working on this Ambulance and hopefully we will get someone to take that over. I want to thank Martina for stepping up because I know it's not been easy. Prior to Martina, I want to thank Mrs. Anna Flores for also working so hard. The council has been really great. Like, Councilmember Stephenson said, our council agrees to disagree and we get the work done. I want to thank Dan Radcliffe, who has been my Vice Mayor most of the time and supported and backed me up when I needed it. Thank you everyone.

4. REPORTS

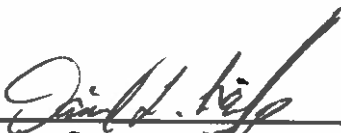
- a. Kearny Library Department

Motion by Councilmember Bradford, **second** by Councilmember Stephenson to approve the reports from the Kearny Library Department. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Samantha Misita, Rudy Flores, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED**

ADJOURNMENT

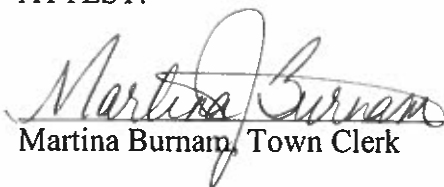
Motion by Vice Mayor Radcliffe **second** by Councilmember Hinojos to adjourn the Regular Meeting. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

Meeting was adjourned at 7:50 p.m.




Debra Sommers, Mayor

ATTEST:



Martina Burnam, Town Clerk



Martina Burnam, Interim Town Manager