

**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, OCTOBER 19, 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

TOWN STAFF PRESENT

Interim Town Manager/Town Clerk	Martina Burnam
Town Clerk	Martina Burnam
Police Chief	Wallace Kenney
Public Works Director	Ramon Camacho
Accounts Payable Clerk	Amanda Kenney
Fire Chief	Kenneth Piggott
Ambulance Supervisor Paramedic	Lora Snow
Magistrate Judge	Dave Orzell
Magistrate Clerk	Holli Lerma

VISITORS PRESENT

Chuck Warren	Joanne Warren
Jamie Ramsey	Susan Middaugh
Jean Slater-Hamilton	David Herrera
Jo Orzell	Jon Ramsey
Ginger Bentley	Ramon Lerma
Virgil Thompson	

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice Mayor Daniel Radcliffe called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

INVOCATION

Pastor David Wade of Lighthouse Assembly of God Church

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 September 21, 2020
Special Meeting October 2, 2020

Regular Meeting

Page 2

October 19, 2020

Motion by Councilmember Stephenson, **second** by Councilmember Flores Approve the Regular Meeting September 21, 2020 minutes removing Councilmember Misita from voting on all items and the Special Meeting October 2, 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 she can meet with Mayor Sommers after

NEW BUSINESS

APPOINTMENT OF TOWN MAGISTRATE

Section 5-2-1 of the Town Code states:

The presiding officer of the municipal court shall be the town magistrate, who shall be appointed by the Council for a term of two years, commencing on July 1 of every even numbered year and ending June 30 of every even numbered year, unless malfeasance or non-feasance of office.

David Orzell was first appointed the Town's Magistrate in June, 2008 following two years as a Deputy Magistrate. Judge Orzell is willing to accept the Council's appointment to serve another two years. Also, the Council should consider the appointment of Dale Collier, Dave Alexander and Cody Weageant as deputy magistrates.

Judge Orzell spoke with Dale Collier, Cody Weageant and Dave Alexander; and they agreed to be appointed as deputy magistrates. Attorney Cooper advised the council to set the salary of Judge Orzell.

Judge Orzell took the oath of office.

Motion by Councilmember Bradford, **second** by Councilmember Misita Approve the Appointment of Town Magistrate Dave Orzell for two years and setting his salary as is and appointing Dale Collier, Cody Weageant and Dave Alexander as deputy magistrates. **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.**

APPOINTMENT OF THE TOWN FIRE CHIEF

Section 4-3-4 of the Town Code states:

The Chief of the Fire Department shall be appointed by the Council with the advice of the Town Manager and shall serve during the pleasure of the Council.

Kenneth Piggott is willing to accept the Council's appointment to serve another two years.

Mayor Sommers stated the Fire Department did have an election and elected Kenneth Piggott.

Kenneth Piggott took the oath of office.

Motion by Councilmember Misita, **second** by Councilmember Stephenson Approve the appointment of Town Fire Chief Kenney Piggott for two years. **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.**

APPROVAL TO PURCHASE AND INSTALL THE EMERGENCY INFLUENT PUMP AT THE WASTE WATER TREATMENT PLANT IN THE AMOUNT OF \$26,000

A quote of the Emergency Influent Pump for the WWTP in the amount of \$26,000.00. The influent lift station has failed many times, which causes raw sewage to overflow through manholes and into the community. An Emergency Influent Pump will automatically turn on when it senses a possible overflow of sewage. Western Environmental already contracted with the Town of Kearny and provided a quote that is low compared with a possible quote in excess of \$25,000.00 from Fann Environmental, LLC.

The Emergency Influent Pump will be installed complete in the amount of \$26,000.00

It is recommended we approve the Purchase and Install the Emergency Influent Pump at the Waste Water Treatment Plant in the amount of \$26,000.

Public Works Director Ray Camacho was present for questions.

Public Works Director Camacho explained it's been touch and go over the last few years. The Influent pump has failed quite a few times. This can cause extreme damage in the community. This will give a chance to minimize any damages. Councilmember Misita asked what are the components in the panel like? Camacho explained it will be hard-wired switch. Councilmember Hinojos asked if this was something that was budgeted for? Camacho explained there is a budget for it. Councilmember Misita said she was surprised at how low the budget is for it. Camacho stated it is nothing fancy and the company Western Environmental has given us a great quote.

Motion by Councilmember Misita, **second** by Councilmember Bradford to Approve Purchas and Install of the Emergency Influent Pump at the Waste Water Treatment Plant in the Amount of \$26,000.00. **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.**

COPPER BASIN CHAMBER OF COMMERCE REQUEST

This item was tabled at the September 21, 2020 Regular Town Council Meeting until more information was gathered from the Chamber.

The Copper Basin Chamber of Commerce is planning for the Great Pumpkin and the Car Show. The date for the Great Pumpkin is scheduled for Saturday, October 31, 2020, from 3:00 p.m. to 10:00 p.m. The Car Show is scheduled for Saturday, November 7, 2020. The Car Show starts at 8:00 a.m. and lasts until 2:00 p.m. The events are planned for the entire tri-community and will require authorization and support from the Town of Kearny.

The Chamber of Commerce is asking for permission to have Alden Road closed from the crosswalk of the old Bank of the West building to the end of the Kearny Health Mart building for the Great Pumpkin/Trunk or

Regular Meeting

Page 4

October 19, 2020

Treat activity. The Chamber will not be blocking the entrance to Norm's. They request the road be closed at noon until 10:00 p.m.

The Chamber of Commerce is asking for permission to have Alden Road closed from Williams Lane to GKI Entrance between 7:00 AM and 3:00 PM for the Fall Car Show. All businesses uptown will be contacted by the Chamber to notify them of the road closures during day time hours.

Ginger Bentley was present to change and clarify the request and for questions. Ginger stated the Chamber voted to change their request for the Great Pumpkin to be placed at the Pinal County Building, there will be only a Virtual Great Pumpkin. The Great Pumpkin Display will be up so that people can take a picture in front of it, then submit their child's pictures to the Chamber's Facebook page. Then the board will vote for the winners at their next meeting. There will be no Trunk or Treat.

The request for the car show date road closures is still a current request. Virgil Thompson was present for questions. Usually only 1 person comes with their car. There are 26 pre-registered currently. Last year we had 105 cars. NAPA will have drawings and there will be awards by sponsors. The crowd is not expected to be large, as there are many car shows going on that day. Councilmember Misita stated that she can see that a better opportunity for social distancing at the Car Show than at the Great Pumpkin.

Motion by Councilmember Bradford, **second** by Councilmember Misita to Approve the Chamber's request to place the Great Pumpkin at the Pinal Building and for the road closures for the Car Show on November 7th. **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.**

**AUTHORIZE APPROVAL OF INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN PINAL COUNTY AND THE TOWN OF KEARNY FOR DETENTION OF
MUNICIPAL-CHARGE INMATES**

An Intergovernmental Agreement by and between the Pinal County and the Town of Kearny for Detention of Municipal-Charge Inmate Services with increased costs to the Town. The agreement is for five years and either party may cancel the agreement at any time, with or without cause, with thirty days written notice to the other party.

Chief Kenney and Judge Orzell were present for questions.

Judge Orzell stated that the Town of Kearny rarely uses the Pinal County Department of Corrections unless we have Felony charged criminals that need to be detained. However, then the charges become County charged and we won't have any more jurisdiction over the inmate. Usually, we transport to Gila County for misdemeanor charges, if necessary.

Motion by Councilmember Misita, **second** by Councilmember Flores to Approve the Intergovernmental Agreement between Pinal County and the Town of Kearny for Detention of Municipal-Charge Inmates. **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.**

**APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH AK-CHIN INDIAN
COMMUNITY GRANT AND THE TOWN OF KEARNY TO ACCEPT AN AWARD FROM**

SECTION 12 OF THE TRIBAL/STATE GAMING COMPACT IN THE AMOUNT OF \$15,190.00 FOR THE PURCHASE OF A MILO DISCRETIONARY FIREARMS TRAINING SYSTEM

An Intergovernmental Agreement from the Ak-Chin Indian Community and the Town of Kearny to accept an award of section 12 of the Tribal/State Gaming Compact in the amount of \$15,190.00 for the purchase of a MILO Discretionary Firearms Training System. This system would allow Kearny Police Department to train in firearms, as well as, other law enforcement agencies throughout the Southeast of Arizona.

It is recommended the approval for the Intergovernmental Agreement with Ak-Chin Indian Community and the Town of Kearny to accept an award of section 12 of the Tribal/State Gaming Compact in the amount of \$15,190.00 for the purchase of a MILO Discretionary Firearms Training System

Chief Kenney was present to answer questions.

Chief Kenney explained prior training involved traveling and being charged to use the equipment. This will allow other agencies to travel to Kearny and pay to use the equipment. Fees can be used to continue to upgrade the system.

Motion by Councilmember Stephenson, **second** by Councilmember Bradford to Approve the Intergovernmental Agreement between the Ak-Chin Indian Community Grant and the Town of Kearny to Accept an Award from Section 12 of the Tribal/State Gaming Compact in the Amount of \$15,190.00 for the Purchase of a MILO Discretionary Firearms Training System. **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.**

APPROVAL TO TRANSFER FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE DEPARTMENTS OUTLINED IN THIS MEMO

Per Arizona Revised Statutes, the final adopted budget by the Town is submitted on Auditor General Forms and sent to the Auditor General each fiscal year for oversight. This form containing the Town's adopted budget becomes the guideline and required appropriation to be spent by fund and departments within each fund. If expenditures are more than budget appropriated for a department within a fund, Council action is required to transfer the appropriation for either a contingency reserve or another department to maintain a balanced budget.

The following appropriation transfers outlined in the attached memo, need approval for FY2019-20 and from the General Fund for a total of \$42,395. There are contingency reserve funds available for these unanticipated expenditures.

It is recommended to approve the transferring of \$42,395 from the general fund contingency reserve to the departments outlined in the attached memo.

Motion by Councilmember Misita, **second** by Councilmember Flores to Approve to Transfer from the General fund Contingency Reserve to the Departments for the total of \$42,395.00. **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.**

APPROVAL OF ORDINANCE NO. 20-216 OF THE TOWN OF KEARNY, ARIZONA RELATING TO THE TRANSACTION PRIVILEGE TAX; ADOPTING “THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF KEARNY” BY REFERENCE; ESTABLISHING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS

The proposed ordinance, which is attached, would adopt “The 2012-2014 Amendments to the Tax Code of the Town of Kearny” by Reference; Establishing Effective Dates; Providing for Severability and Providing Penalties for Violations.

Section 1. That certain document known as “The 2012-2014 Amendments to the Tax Code of the Town of Kearny”, three copies are on file in the Office of the Town Clerk of the Town of Kearny, Arizona, which was made a public record by Resolution No. 20-08 of the Town of Kearny, Arizona, is hereby referred to, adopted and made a part of hereof as if fully set out in this ordinance.

Section 2. Violations and punishment

Section 3. If found invalid of unconstitutional by decision of court.

Section 4. Conforming provisions and effective dates.

It is recommended the approval of adopting Ordinance No. 20-216, of the Town of Kearny, Arizona relating to the Transaction Privilege Tax; adopting “The 2012-2014 Amendments to the Tax Code of the Town of Kearny” by Reference; Establishing Effective Dates; Providing for Severability and Providing Penalties for Violations.

Town Attorney Steve Cooper explained this is for the model tax code. It is not raising any taxes, just getting records in order.

Motion by Councilmember Stephenson, **second** by Councilmember Hinojos to Approve Ordinance 20-216 of the Town of Kearny, Arizona Relating to the Transaction Privilege Tax; Adopting the “The 2012-2014 Amendments to the Tax Code of the Town of Kearny” By Reference; Establishing Effective Dates; Providing for Severability and Providing Penalties for Violations. **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.**

RESOLUTION NO. 20-08 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KEARNY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED “THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF KEARNY”

A Resolution No. 20-08 declaring as a public record that certain document filed with the Town Clerk and entitled “The 2012-2014 Amendments to the Tax Code of the Town of Kearny”.

Three copies are on file in the office of the Town Clerk and is declared a public record and said copies are ordered to remain on file with the Town Clerk.

Regular Meeting

Page 7

October 19, 2020

It is recommended for approval, Resolution No. 20-08 A Resolution of the Mayor and Council of the Town of Kearny, Arizona, Declaring a Public Record that certain document filed with the Town Clerk and entitled "2012-2014 Amendments to the Tax Code of the Town of Kearny."

Motion by Councilmember Misita, **second** by Councilmember Flores to Approve Ordinance 20-216 of the Town of Kearny, Arizona Relating to the Transaction Privilege Tax; Adopting the "The 2012-2014 Amendments to the Tax Code of the Town of Kearny" By Reference; Establishing Effective Dates; Providing for Severability and Providing Penalties for Violations. **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.**

INFORMATIONAL ITEMS

1. Our ambulance general rate increase was approved originally it was at \$1279 for transport ALS and BLS rates, Mileage charge was \$14.51 and standby/wait charge was \$319.75.
 - a. The General Rate Increase set the ALS and BLS transport rates at \$1924.69, Mileage Charge to \$15.92 and Standby/wait charge to \$481.17.

However, because this General Rate increase was well over 6 months when first requested, we were able to request an annual automatic rate increase the new and final amounts for ALS/BLS transport rates are \$1987.24 (\$708 difference from Original), Mileage charge to \$16.44 (\$1.93 difference from original) and the standby/wait charge to \$496.81 (\$177.06 difference from the original).

2. Other news, we received \$17,499.50 of 12D funds from the San Carlos Apache Tribal Gaming Enterprise.
3. Spoke with our Grant writer for the Ambulance. She said there are no grants currently available for just to replenish a budget for an Ambulance. We may have to create a group for improving the Health Care Delivery in our area. There are more awards granted to a "Larger picture".
4. Water meters 37 left to install. They are the ones that were missed, or, big meters (1 GKI, 2 at school, 1 at the ball park). Our Public works have been called out to about 11 meters that were not installed correctly. They are tracking their time and we are getting credit for it. The deadline for completion is October 31st.
5. Ambulance group meetings: Waiting to hear back from Pinal and Gila county to reschedule. Town of Winkelman sent out a newsletter explaining the ambulance's dire need for support.
6. The Town of Kearny, Winkelman and Hayden joined together for placing an ad in the Gateway Copper Corridor quarterly magazine. It's at your station.

REPORTS

- a. Kearny Police Department
- b. Kearny Volunteer Fire Department

Motion by Councilmember Stephenson, **second** by Councilmember Misita to approve the reports from the Kearny Police Department and Kearny Volunteer Fire 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**

EXECUTIVE SESSION

Beginning: 7:47 PM

Motion by Councilmember Bradford, **second** by Councilmember Misita to enter into Executive Session for 30 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.**

DISCUSSION AND SETTING SALARY OF INTERIM TOWN MANAGER/TOWN CLERK EFFECTIVE OCTOBER 2, 2020.

Returned to Regular Session at 8:03 PM

Motion by Councilmember Stephenson, **second** by Mayor Sommers to Set the Interim Town Manager Martina Burnam’s salary at \$55,000.00 per year and review it in 60 days. **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
- 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

- 3. NEW BUSINESS

CONSIDERATION AND POSSIBLE APPROVAL OF A LOAN FOR \$1,600,000.00 WITH RURAL COMMUNITY ASSISTANCE CORPORATION FOR WATER SYSTEM IMPROVEMENTS. APPROVAL INCLUDES APPROVAL OF THE FOLLOWING AGREEMENTS:

A Corporate Resolution to Borrow from Rural Community Assistance Corporation. The Resolution would allow the Town of Kearny Arizona Municipal Property Corporation to enter into a loan \$1,600,000.00 for the Water System Improvements.

The resolution will also allow for Interim Town Manager/Town Clerk Martina Burnam to sign for all necessary documents for the loan and grant.

The project Water System Capital Improvements is a project through Community Development Block Grant, Arizona Department of Housing and Central Arizona Governments.

Town Attorney Cooper explained to the council the reason for this going to the Municipal Property Corporation (MPC) instead of the town. He explained the terms of loans are reasons for going through the MPC. Improving an asset which in this case is a utility. Set the loan with that security. It will cover the costs these improvements and increasing water rates will help service this loan.

Motion by Councilmember Misita, **second** by Councilmember Stephenson to approve Resolution 20-10 of Town of Kearny Municipal Property Corporation to enter into a loan and grant agreements with Rural Community Assistance Corporation and to sign all necessary documents for the loan and grant. **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**

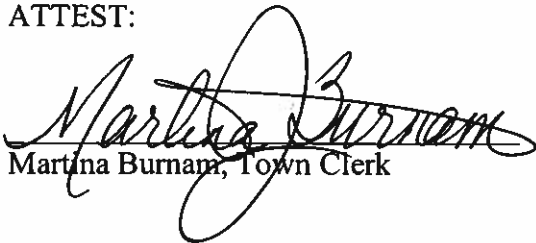
ADJOURNMENT

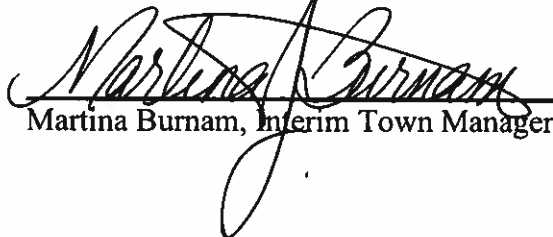
Motion by Councilmember Bradford **second** by Councilmember Misita to adjourn the Regular Meeting. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rose Bradford, Nancy Hinojos, Rudy Flores, Samantha Misita and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

Meeting was adjourned at 8:16 p.m.


Debra Sommers, Mayor

ATTEST:


Martina Burnam, Town Clerk


Martina Burnam, Interim Town Manager