

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
June 5, 2008**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Pastor Gordon Hauptman, Crossroads Church.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Douglas Hill - Chief Fiscal Officer, Don Engler - Police Chief, Rick Manchester - Parks & Recreation Director, and Cameron Davis - Tourism/Economic Vitality Director.

OTHERS PRESENT: Marcia F. Huffman - Chief Deputy Town Clerk, Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, and Curtis Ward - Assistant Town Engineer.

A. PUBLIC COMMENTS

There were no public comments.

B. CONSENT AGENDA

Items listed on the agenda with an asterisk are considered to be routine in nature and will be enacted by one motion.

Motion: to approve all Items listed on the Consent Agenda.

Moved by Council Member Mike Vogel, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

Debra Galbraith, Town Manager, announced there was a budget meeting scheduled for June 12, 2008. At this meeting the Council would be presented with a balanced

budget and can approve the budget or make adjustments as needed.

The Memorial Wall arrived in Town last night and was set up today. Ms. Galbraith asked everyone to please make plans to stop by and honor the vets who made the ultimate sacrifice.

There will be an Affordable Housing meeting at the Library on June 19, 2008 at 1:00 p.m. to discuss the affordable housing needs of Payson. Citizen input is requested to help determine what those needs are. The Town Clerk's Department is accepting applications for all Boards and Committees.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

Council Member Hughes thanked the citizens for their participation in the Vietnam Wall Memorial ceremony.

Vice-Mayor Connell announced it was national CPR awareness week June 1st through the 7th.

Council Member Vogel announced the Experimental Aircraft Association was sponsoring free airplane orientation flights for kids ages 8 to 17 years on Saturday, June 7, 2008 from 7:00 a.m. to 10:30 a.m.

Council Member Blair announced the Relay for Life was tomorrow night and believed it would be an inspirational evening.

Vice-Mayor Connell reminded the citizens that tomorrow is First Friday on Main Street.

Council Member Wilson asked everyone to come all the way down Main Street to the Presbyterian Church for chocolate treats on the First Friday.

2. **Proclamation.** Mayor Evans read into the record a Proclamation declaring June 6 through 8, 2008 as Days to Reflect, Remember and Honor Our Veterans. Pat Willis was present to accept the proclamation.

Pat Willis stated the project was a year in the making and community volunteers had put it together. Mr. Willis hoped everyone had the opportunity to go see The Wall. It is open 24 hours a day.

E. MINUTES

1. * Council Meeting Minutes:
05-06-08 Special Meeting Pages 1-3
05-15-08 Regular Meeting Pages 1-5
05-27-08 Special Meeting Pages 1-5
05-29-08 Special Meeting Pages 1-2
***CONSENT* APPROVED**

BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission).

2. * Planning and Zoning Commission Minutes:
04-14-08 Regular Meeting Pages 1-5
***CONSENT* FOR INFORMATION**
3. * Design Review Board Minutes:
04-22-08 Regular Meeting Pages 52-53
05-13-08 Regular Meeting Pages 54-55
***CONSENT* FOR INFORMATION**
4. * PECTAC Meeting Minutes:
04-16-08 Regular Meeting Pages 1-2
***CONSENT* FOR INFORMATION**
5. * Housing Advisory Commission Minutes:
03-27-08 Regular Meeting Pages 26-28
04-24-08 Regular Meeting Page 1 (NO QUORUM)
***CONSENT* FOR INFORMATION**
6. * Surface Transportation Advisory Committee:
04-23-08 Regular Meeting Pages 165-167
***CONSENT* FOR INFORMATION**
7. * Parks and Recreation Master Plan Core Group Minutes:
04-01-08 Meeting Pages 1-2
***CONSENT* FOR INFORMATION**
8. * Parks and Recreation Advisory Board Meeting Minutes:
04-09-08 Regular Meeting Pages 1-2
***CONSENT* FOR INFORMATION**

F. HEARINGS AND APPEALS

There were no items in this section.

G. RESOLUTIONS AND ORDINANCES

1. * As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.
***CONSENT* APPROVED**
2. **Public Hearing.** Mayor Evans opened the Public Hearing and discussion/possible action concerning Resolution No. 2383, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF AN INGRESS/EGRESS EASEMENT KNOWN AS "PETE'S ROAD" FROM HIGHWAY 260 TO THE NORTH PROPERTY LINE OF THE BEAR PAW

SUBDIVISION, BUT RETAINING THE PUBLIC UTILITY EASEMENT THEREON.

There were no public comments. Mayor Evans closed the Public Hearing.

Motion: to Approve Resolution No. 2383, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF AN INGRESS/EGRESS EASEMENT KNOWN AS "PETE'S ROAD" FROM HIGHWAY 260 TO THE NORTH PROPERTY LINE OF THE BEAR PAW SUBDIVISION, BUT RETAINING THE PUBLIC UTILITY EASEMENT THEREON.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

H. UNFINISHED BUSINESS

1. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon Garrett, Town Engineer, to approve the subdivision construction of the Falcon Lookout Phase 1 Subdivision, including traffic control devices, subject to the developer's two-year warranty of improvements, and to accept the public subdivision improvements for town maintenance under such warranty.

***CONSENT* APPROVED**

I. NEW BUSINESS

1. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Rick Manchester, Parks and Recreation Director, to reduce the size of the PECTAC committee from 14-11 members and to accept resignations from Roy Bergold, Leon Keddington, and Gary Martinson.

***CONSENT* APPROVED**

2. **Council Decision Request** filed by LaRon Garrett, Town Engineer, to award the contract for repaving Summit Street and Goodfellow Road to State Constructors, Inc., and authorize the Mayor to sign all contract documents.

Motion: to Approve to award the contract for repaving Summit Street and Goodfellow Road to State Constructors, Inc., and authorize the Mayor to sign all contract documents.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

3. **Council Decision Request** filed by Debra A. Galbraith, Town Manager to:
- 1) move to approve extending the Event Center Hotel Lease Milestones with Hospitality Support Group by one year; OR
 - 2) move to cancel the Event Center Hotel Lease with Hospitality Support Group; OR
 - 3) move to cancel the Event Center Hotel Lease with Hospitality Support Group and direct staff to seek other groups to construct a hotel at the Event Center; OR
 - 4) do nothing.

Following some discussion:

Motion to Approve option four. Moved by Council Member Mike Vogel. Council Member Vogel withdrew his motion.

4. **Council Decision Request** filed by LaRon Garrett, Town Engineer, to direct staff to include the 25% down payment of \$540,000 in the 2008-2009 budget and to prepare the necessary documents to enter into an agreement to purchase approximately 13.5 acres adjacent to the airport and to authorize any necessary documents.

Motion: to Approve to direct staff to include the 25% down payment of \$540,000 in the 2008-2009 budget and to prepare the necessary documents to enter into an agreement to purchase approximately 13.5 acres adjacent to the airport and to authorize any necessary documents.

Moved by Council Member Mike Vogel, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

5. **Council Decision Request** filed by LaRon Garrett, Town Engineer, to:
- 1) approve aircraft use of Chennault Parkway at the intersection with Bravo Taxiway contingent on the Buyer installing warning and safety devices as approved by the Town Engineer;
 - 2) approve the partial re-conveyance of the lien to be only on the remaining Door Stop property;
 - 3) approve to direct Town Legal Staff to prepare the necessary paperwork to

accomplish this re-conveyance;

- 4) approve that all costs associated with the re-conveyance will be paid by the Door Stop;
- 5) approve and to authorize the Mayor to sign any necessary documents pertaining to this re-conveyance.

Motion: to Approve 1) aircraft use of Chennault Parkway at the intersection with Bravo Taxiway contingent on the Buyer installing warning and safety devices as approved by the Town Engineer;

2) the partial re-conveyance of the lien to be only on the remaining Door Stop property;

3) to direct Town Legal Staff to prepare the necessary paperwork to accomplish this re-conveyance;

4) that all costs associated with the re-conveyance will be paid by the Door Stop;

5) to authorize the Mayor to sign any necessary documents pertaining to this re-conveyance.

Moved by Council Member John Wilson, seconded by Council Member Mike Vogel.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

6. **Council Decision Request** filed by Donald B. Engler, Police Chief, to authorize the Payson Town Attorney's office to review the proposed changes to the Animal Control Ordinance regarding Definitions, 90.04, Vicious or Dangerous Animals, 90.15, and Control of Dogs, 90.21, and prepare recommendations to return to the Town Council for approval at a later date.

Motion: to Approve to authorize the Payson Town Attorney's office to review the proposed changes to the Animal Control Ordinance regarding Definitions, 90.04, Vicious or Dangerous Animals, 90.15, and Control of Dogs, 90.21, and prepare recommendations to return to the Town Council for approval at a later date.

Moved by Council Member Mike Vogel, seconded by Council Member John Wilson.

Council Member Vogel amended the motion to bring the ordinance back to Council no later than the first meeting in August.

Mayor Evans called for the vote on the amendment.

Vote to Approve to bring the ordinance back to Council no later than the first meeting in August.

Vote: Motion carried 7-0.

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Richard Croy, Council Member Michael Hughes, Council Member Mike Vogel, and Council Member John Wilson.

Mayor Evans called for the vote on the original motion.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 04/29/08 through 05/16/08, Check Nos. 001257 through 001659, except Check Nos. 001456 and 001649, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **Check No. 001456.** Council approved, on the Consent Agenda, check no. 001456 paid 05/07/08 and Check No. 001649 paid 05/16/08, and authorization to file the checks for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Vogel will be considered to have abstained from voting on this item.)
***CONSENT* APPROVED**

K. MISCELLANEOUS

2. Motion to recess to executive session to consider issues in the litigation captioned Hopkins v. Town of Payson, et al; Gila County Cause No. CV 2005-226, for the following reasons:
 - (A) Discussion or consultation for legal advice with the attorneys for the Town of Payson, pursuant to A.R.S. § 38-431.03 (A)(3); and
 - (B) Discussion or consultation with the attorneys for the Town of Payson in order to consider its position and instruct its attorneys regarding the position of the Mayor and Common Council in pending litigation and/or in settlement discussions conducted in order to avoid or resolve litigation, to wit: Hopkins v. Town of Payson, et al, as identified above, pursuant to A.R.S. § 38-431.03 (A)(4).

Motion: to Approve to recess to executive session to consider issues in the litigation captioned Hopkins v. Town of Payson, et al; Gila County Cause No. CV 2005-226. Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair,

Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

Mayor Evans recessed the meeting at approximately 6:23 p.m.

3. **Discussion/possible action.** Mayor Evans opened discussion/possible action re: settlement of the litigation captioned Hopkins v. Town of Payson, et al; Gila County Cause No. CV 2005-226.

Motion: to Approve the settlement of the case of Hopkins V. Town of Payson in the amount of two hundred fifty thousand dollars, to authorize the Town Manager to (1) sign a settlement agreement and any other documents appropriate to implement this settlement, (2) to authorize the Chief of Police to sign and deliver a letter of regret to Mr. Hopkins, and (3) to authorize the finance officer to issue a check in the sum of ten thousand dollars as the Town's contribution to this settlement.
Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion: to approve to adjourn the meeting.
Moved by Council Member Richard Croy, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

Mayor Evans adjourned the meeting at approximately 6:42 p.m.

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Marcia F. Huffman, Chief Deputy Town Clerk

Certification

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 Payson held on this day the 5 of June, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ___ day of _____, 2008.

Tracie Bailey, Deputy Town Clerk