

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
June 19, 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

Joe Hittle, Senior Pastor Calvary Chapel of Payson.

PLEDGE OF ALLEGIANCE

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

ABSENT: Council Member Ed Blair.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, LaRon Garrett - Town Engineer, Douglas Hill - Chief Fiscal Officer, Don Engler - Police Chief, Jerry Owen - Community Development Director, Rick Manchester - Parks & Recreation Director, Cameron Davis - Tourism/Economic Vitality Director, Colin P. Walker - Water Superintendent, Silvia Smith - Town Clerk, and Terry Morris - Library Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, Diane Stoyer - Legal Department Office Manager, Ray Erlandsen - Zoning Administrator, Robert Lockhart - Fire Marshal, Ray LaHaye - Chief Building Official, Tom Barker - Battalion Chief, Hope Crib - Accountant I, and Toni Balestrere - Paralegal.

A. PUBLIC COMMENTS

Ken and Brenda Mooney have had a meeting with Angela Dye and Jerry Owen, Community Development Director, regarding parking. Mr. and Mrs. Mooney support this project and would like to see it go forward.

Ken Volz spoke in support of the Main Street Vision Streetscape Plan. Mr. Volz was the Green Valley Redevelopment Area Committee Chairman and read the motion passed by that committee regarding the plan to the Council.

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 John Wilson, seconded by Vice-Mayor Su Connell.

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Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

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

Debra Galbraith, Town Manager, turned this time over to Jerry Owen, Community Development Director, who announced his retirement and thanked the Council and staff and citizens he has worked with for a great experience over the last three years.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Council Member Vogel apologized for his poor phone reception at the last Council meeting.

Council Member Connell announced that this weekend the Bureau of Land Management was bringing some animals to the Event Center. Junction 87 would be the band playing at Green Valley Park this weekend and on the Fourth of July there would be fun and events at Green Valley Park.

Mayor Evans announced the Tonto Apache Tribe had held an election and Jeri DeCola was elected the new Tribal Chair and Farrell Hoosava was elected Vice-Chair.

2. **Proclamation.** Council Member Wilson read into the record a Proclamation declaring the month of July as Recreation and Parks Month. Bruce Wilson, Chairman of the Parks and Recreation Advisory Board, was present to accept the proclamation.

E. MINUTES

1. * Council Meeting Minutes:
. 06-05-08 Regular Meeting Pages 1-9
. 06-11-08 Community Event 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:
05-12-08 Regular Meeting Pages 1-5
***CONSENT* INFORMATION ONLY**
3. * Parks and Recreation Plan Core Group Minutes:
05-14-08 Regular Meeting Pages 1-2
***CONSENT* INFORMATION ONLY**

4. * Green Valley Redevelopment Area Committee Minutes:
05-01-08 Regular Meeting Pages 595-597
***CONSENT* INFORMATION ONLY**
5. * Parks and Recreation Advisory Board Minutes:
05-14-08 Regular Meeting Pages 1-2
***CONSENT* INFORMATION ONLY**

Mayor Evans Moved Item I.1 up on the agenda.

Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Main Street Vision and Streetscape Plan, together with the Historic Resources Report and direct Town staff (Planning, Engineering, Tourism and Economic Vitality, and Grants) to proceed with the submittal of the Project Assessment to ADOT and to implement additional steps to construct Phase 1 of the Main Street enhancement project and to seek additional grant funds to continue future phases of the project.

Angela Dye, A. Dye Design, gave Council a presentation on the plan. Ms. Dye answered questions from the Council.

Motion: to approve the Main Street Vision and Streetscape Plan, together with the Historic Resources Report and direct Town staff (Planning, Engineering, Tourism and Economic Vitality, and Grants) to proceed with the submittal of the Project Assessment to ADOT and to implement additional steps to construct Phase 1 of the Main Street enhancement project and to seek additional grant funds to continue future phases of the project including the architectural plan and to work cases out on a case by case bases. Moved by Vice-Mayor Su Connell, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

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. * **Resolution No. 2385.** Council approved, on the Consent Agenda, Resolution No. 2385, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF APACHE JUNCTION TO ESTABLISH A PARTNERING ARRANGEMENT FOR

APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND
AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

***CONSENT* APPROVED**

3. **Resolution No. 2387.** Mayor Evans opened discussion/possible action concerning Resolution No. 2387, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO SEEK A WAIVER OF DEED RESTRICTIONS FROM THE UNITED STATES FOREST SERVICE ON THE TAYLOR POOL SITE.

Motion: to Approve Resolution No. 2387, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO SEEK A WAIVER OF DEED RESTRICTIONS FROM THE UNITED STATES FOREST SERVICE ON THE TAYLOR POOL SITE.

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

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

4. **Ordinance No. 739.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 739, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 33.05 AND AMENDING SECTIONS 33.17, 33.38, 33.50(c), 33.58, 33.68, 33.78, 33.88, AND 33.02(D) OF THE CODE OF THE TOWN OF PAYSON AND AMENDING 15-08-006(J) OF THE UNIFIED DEVELOPMENT CODE, AMENDING THE MANNER IN WHICH STAFF ADVISORS ARE APPOINTED TO BOARDS, COMMITTEES, AND COMMISSIONS AND AMENDING THE MANNER IN WHICH THE CHAIRPERSON AND VICE-CHAIRPERSON OF EACH BOARD, COMMITTEE, AND COMMISSION IS SELECTED. (Staff Advisor Appointments).

Kathy Baas expressed her concerns regarding section five of the ordinance. Ms. Baas felt there would be ramifications from board members who would feel there was no trust from the Council. Ms. Baas encouraged the Council to leave the Town Code as it was.

Jim Garner shared his concerns regarding section five of the ordinance. Mr. Garner stated that he was on the Building Advisory Board and felt it would be detrimental to change this code.

There were no more public comments and Mayor Evans closed the First Reading and Public Hearing.

5. **Ordinance No. 740.** Mayor Evans opened the First Reading and Public Hearing

concerning Ordinance No. 740, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 93.47 OF THE CODE OF THE TOWN OF PAYSON, ALLOWING THE PARKS AND RECREATION DIRECTOR TO WAIVE OR REDUCE PARK FACILITIES FEES.

Jim Garner asked that the Council add verbage stating that this only goes towards non-profits.

There were no more public comments and Mayor Evans closed the First Reading and Public Hearing.

6. * **Resolution No. 2388.** Council approved, on the Consent Agenda, Resolution No. 2388, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A PORTION OF A PUBLIC UTILITY EASEMENT ON THE EAST SIDE OF PROPERTY KNOWN AS 140 WEST PHOENIX STREET.
***CONSENT* APPROVED**
7. * **Resolution No. 2389.** Council approved, on the Consent Agenda, Resolution No. 2389, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING STAFF TO APPLY FOR THE ARIZONA DEPARTMENT OF TRANSPORTATION'S PLANNING ASSISTANCE FOR RURAL AREAS PROGRAM GRANT.
***CONSENT* APPROVED**
8. **Resolution No. 2390.** Mayor Evans opened discussion/possible action concerning Resolution No. 2390, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO EXECUTE A FIREWORKS DISPLAY CONTRACT WITH FIREWORKS PRODUCTIONS OF ARIZONA, LTD.

Motion: to Approve Resolution No. 2390, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE PARKS AND RECREATION DIRECTOR TO EXECUTE A FIREWORKS DISPLAY CONTRACT WITH FIREWORKS PRODUCTIONS OF ARIZONA, LTD.
Moved by Council Member Richard Croy, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

9. **Resolution No. 2392.** Mayor Evans opened discussion/possible action concerning Resolution No. 2392, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA,

APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR SUBDIVISION GRADING IMPROVEMENTS WITH HALLIE OVERMAN (CHILSON RANCH SUBDIVISION).

Motion: to Approve Resolution No. 2392, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR SUBDIVISION GRADING IMPROVEMENTS WITH HALLIE OVERMAN (CHILSON RANCH SUBDIVISION).

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

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

H. UNFINISHED BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Town Engineer, to approve the contract with Tetra Tech, Inc., to prepare the FEMA Letter of Map Revision for the affected area in the Woodland Meadows and Trailwood subdivisions and authorize the Mayor to sign all necessary contract documents.

Jim Garner, member of the Board for Trailwood West, stated residents have already incurred flood insurance costs this year. Mr. Garner felt the people did do their due diligence when they bought their properties and believed the Town was accountable for this.

Motion: to Approve the contract with Tetra Tech, Inc., to prepare the FEMA Letter of Map Revision for the affected area in the Woodland Meadows and Trailwood subdivisions and authorize the Mayor to sign all necessary contract documents.
Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Following some discussion Mayor Evans called for the vote.

Vote: Motion carried 5 - 1

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

No: Council Member Richard Croy.

Absent: Council Member Ed Blair.

2. **Council Decision Request** filed by Doug Hill, Chief Fiscal Officer, to adopt the Tentative Budget for Fiscal Year 2008-2009 for \$35,663,721.

Douglas Hill, Chief Fiscal Officer, gave the Council a presentation on the budget

and answered questions from the Council.

Motion: to Approve to adopt the Tentative Budget for Fiscal Year 2008-2009 for \$35,663,721 and to add the paramedic incentive pay in the amount of \$8,600.00 for the fire fighters.

Moved by Council Member Mike Vogel, seconded by Council Member Michael Hughes.

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

1. **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve the Main Street Vision and Streetscape Plan, together with the Historic Resources Report and direct Town staff (Planning, Engineering, Tourism and Economic Vitality, and Grants) to proceed with the submittal of the Project Assessment to ADOT and to implement additional steps to construct Phase 1 of the Main Street enhancement project and to seek additional grant funds to continue future phases of the project.

I. NEW BUSINESS

This item was moved up on the agenda.

J. CLAIMS

1. * **List of Checks.** Council approved, on the Consent Agenda, a list of checks paid from 5/14/08 through 6/13/08, Check Nos. 001472 through 001898, except Check No. 001649, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **Check No. 001649.** Council approved, on the Consent Agenda, Check No. 001649 paid 5/16/08, and authorization to file the check 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

1. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.
2. Motion to recess to executive session to consider:
 1. A Lease Agreement with Valley of the Sun YMCA and its terms, for the following reasons:

- A. Discussion or consultation for legal advice with the attorneys for the Town of Payson regarding terms of and negotiations for a Lease Agreement with Valley of the Sun YMCA, 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 regarding contracts that are the subject of negotiations, to wit: a Lease Agreement with the Valley of the Sun YMCA, pursuant to A.R.S. §38-431.03(A)(4).
 - C. Discussions or consultations by the Mayor and Common Council with the Town Manager, Parks and Recreation Director and Legal Department in order to consider its position and instruct its representatives regarding negotiations with Valley of the Sun YMCA for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(7).
2. The September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, the administration and operation of the Payson Municipal Airport, issues related to use of the airport by Mr. Russ Hustead and concerns of the Federal Aviation Administration in regard thereto, for the following reasons:
 - A. Discussion or consultation for legal advice with the attorneys for the Town of Payson regarding the September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, the administration and operation of the Payson Municipal Airport, concerns of the Federal Aviation Administration in regard thereto and the Town's position relative to grant assurances made by the Town and the potential effect upon them of actions of the Payson Regional Airport Authority, pursuant to A.R.S. §38431.03(A)(3).
 - 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 regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, all relating to Payson Municipal Airport and/or the September 1, 2007, Airport Lease Agreement with the Payson Regional Airport Authority, pursuant to A.R.S. §38-431.03(A)(4).
 - C. Discussions or consultations by the Mayor and Common Council with the Town Manager and Legal Department in order to consider its position and instruct its representatives regarding the lease of Payson Municipal Airport pursuant to the September 1, 2007, Airport Lease Agreement, pursuant to A.R.S. §38-431.03(A)(7).
 3. Discussion/possible action re: Lease Agreement with Valley of the Sun YMCA and its terms.
 4. Discussion/possible action re: Operation of Payson Municipal Airport and concerns of the Federal Aviation Administration in regard thereto.

5. Discussion/possible action re: Operation of Payson Municipal Airport under the September 1, 2007, Airport Lease Agreement with Payson Regional Airport Authority.

Motion: to Approve to recess to executive session.
Moved by Council Member John Wilson, seconded by Council Member Mike Vogel.

Vote: Motion carried 6 - 0

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

Mayor Evans recessed the meeting at approximately 7:17 p.m.

Mayor Evans reconvened the meeting at approximately 8:36 p.m.

Motion: to Approve the Town's Negotiating Committee continue negotiating with Valley of the Sun YMCA and include all legal ramifications.
Moved by Council Member Mike Vogel, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

Motion: to Approve to authorize the Mayor, Town Manager, Legal Department, and Town Engineer to meet with Payson Regional Airport Authority to craft a formal communications process for addressing airport issues.
Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 6 - 0

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

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 8:40 p.m.

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, 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 19 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