# TOWN OF PAYSON
# TOWN COUNCIL MEETING
# MINUTES OF THE REGULAR MEETING
# February 5, 2009

## CALL TO ORDER

Mayor Kenny Evans called the meeting to order at approximately 5:30 p.m. in the Town Council Chambers.

## INVOCATION

Naomi Mallinson, Coordinator, Rim Country Minyan, led those present in an invocation.

## PLEDGE OF ALLEGIANCE

**PRESENT:** Mayor Kenny J. Evans, Vice-Mayor Ed Blair, Council Member Su Connell, 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, LaRon Garrett-Public Works Director, Don Engler - Police Chief, Ray Erlandsen - Acting Community Development Director, and Cameron Davis - Parks & Recreation, Tourism Director.

**OTHERS PRESENT:** Tim Wright - Deputy Town Attorney, Gaye Stidham - Deputy Town Clerk, Tracie Bailey - Deputy Town Clerk.

## A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

Jim Garner voiced his concern regarding sprinkler mandates proposed in an upcoming House bill. He asked the Council to send a letter to Rep. Crump saying that Payson had voted against these mandates. Mayor Evans said he had already spoken to Rep. Crump. concerning the proposed bill. Mr. Garner also expressed his concerns regarding trash along Airport Road. He asked that the laws concerning covering loads in trucks be more strictly enforced.

## B. CONSENT AGENDA Items listed on the agenda with an asterisk which are considered to be routine in nature and which will be enacted by one motion. No separate discussion of these items shall be held unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda.

**Motion:** to approve the Consent Agenda.
Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

**Vote:** Motion carried 7 - 0

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

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Council Member Michael Hughes.

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

1. Brief summary oral presentation of current events by Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law Reform Act specifies the Town Council may not take action on any matter mentioned during this presentation unless the specific matter is properly noticed for legal action.

Cameron Davis, Parks & Recreation/Tourism Director, reported that registration for the Saw Dust Festival is now open. Payson Night with the Arizona Diamondbacks at Chase Field will be May 8, 2009. The program allows for the sale of $15 tickets by Payson. $5 of this ticket price would be donated to the Payson Parks & Recreation program. Mayor Evans would be invited to go onto the field sometime during this game with the Washington Nationals to promote Payson. There will be a Civil War re-enactment in Payson April 4, 2009. Mayor Evans asked Mr. Davis to show Phoenix Magazine's coverage of Payson in the latest, *52 Weekend Getaways* portion. Mr. Davis said that Payson was sited 4 times as a destination, 2 of those in the top 10. He said there were 115 events scheduled for Payson so far this year.

Deputy Town Attorney Tim Wright reported a training for new board, committee and commission members. The training will focus on the open meeting law and conflict of interest rules.

Clmn. Blair reported that members were needed for the STAC, HPCC and GVRD.

Mayor Evans presented Clmn. Connell with a card and wished her a happy birthday.

Clmn. Connell announced that the Kiwanis would be selling bratwurst at the First Friday event on Main Street tomorrow night.

Clmn. Wilson suggested those attending the First Friday event begin at the Presbyterian Church fund raiser soup supper from 5:00 pm to 7:00 pm. Funds are being raised for the Learning Center at the Presbyterian Chucrch.

## D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

   Mayor Evans commended Manager Galbraith and her Finance Department staff for their timely financial report. He said her comprehensive financial report was complete 2 days after the end of the month. He complimented her work on the report.

2. Presentation of the annual audit report by Dennis Osuch of Crontrom Osuch & Company.

   Mr. Osuch was introduced by Manager Galbraith. Mr. Osuch prsented the report and said that the Town of Payson was in compliance with H.U.R.F. fund

requirements and Annual Expenditure Limitation requirements. The audit gave an unqualified opinion with no significant deficiencies. Mr. Osuch predicted the Town of Payson would again receive the GFOA award.

## E. MINUTES

1. * Council Meeting Minutes:
   01.22.09 Regular Meeting Pages 1 -8
   *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. * Parks and Recreation Advisory Board Minutes:
   12-17-08 Regular Meeting Pages 1 -3
   *CONSENT* INFORMATION ONLY

3. * Public Safety Personnel Retirement System Boards Minutes:
   01.15.09 Fire Department Local Board Page 1
   01.15.09 Police Department Local Board Page 1
   *CONSENT* INFORMATION ONLY

4. * Design Review Board Minutes:
   11.18.08 Regular Meeting Pages 80 -81
   12.16.08 Regular Meeting Pages 82 -83
   *CONSENT* INFORMATION ONLY

## F. HEARINGS AND APPEALS

1. This was a Public Hearing concerning an application for a Special Event Liquor license filed by John R. Wilson, agent, Library Friends of Payson, for a fundraising event to be held at the Payson Library, 328 N. McLane Road, Payson, Arizona on Saturday, March 7, 2009 from 3:00 p.m. to 8:00 p.m.

   Mayor Evans opened the public hearing concerning this application. Deputy Town Attorney Wright clarified that although Clmn. Wilson was the agent for this special event liquor license application, he was an unpaid member of a non-profit organization and would not have to exclude himself from the discussion or vote on this item. There were no comments from the public and Mayor Evans closed the public hearing.

   **Motion:** to Approve an application for a Special Event Liquor license filed by John R. Wilson, agent, Library Friends of Payson, for a fundraising event to be held at the Payson Library, 328 N. McLane Road, Payson, Arizona on Saturday, March 7, 2009 from 3:00 p.m. to 8:00 p.m.
   Moved by Council Member Mike Vogel, seconded by Council Member Michael Hughes.

   **Vote:** Motion carried 7 - 0

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

## 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. First Reading and Public Hearing concerning Ordinance No. 755, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 95 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (AIRPORT).

   Mayor Evans opened the public hearing. Dick Mumma said the Payson Regional Airport Authority was in favor of changes. He said they had some concerns, however, and would like the Council to meet with the PRAA to coordinate changes. He requested the Ordinance not be brought back for a second reading until after such a meeting. Mayor Evans asked Clmn. Hughes to meet with the PRAA and hear their concerns.

3. First Reading and Public Hearing concerning Ordinance No. 757, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 33 BY PROVIDING DEFINITIONS FOR THE TERMS BOARD, COMMITTEE, AND COMMISSION, RENAMING CERTAIN BOARDS AND COMMITTEES AND CHANGING THE FREQUENCY OF MEETINGS OF CERTAIN BOARDS AND COMMISSIONS IN CONFORMANCE THEREWITH.

   Mayor Evans opened the public hearing. There were no comments from the public and Mayor Evans closed the public hearing.

   Clmn. Wilson asked if the Parks & Recreation Advisory Board's name and duties would change since Cameron Davis is now both Parks & Recreation Director and Tourism Director. Manager Galbraith stated it was not staff's intention for the Advisory Board to take on tourism. Mayor Evans asked for clarification from the Legal Department with the second reading.

## H. UNFINISHED BUSINESS

1. Council Decision Request filed by LaRon G. Garrett, Public Works Director, to grant a 6 month approval for the Final Subdivision Plat for Aspen Cove Condominium Subdivision and authorize the Mayor to sign said document and authorize staff to record said document. If this final subdivision plat is not recorded with the Gila County Recorders Office within 6 months, this approval is null and void. *CONSENT* APPROVED

## I. NEW BUSINESS

1. Council Decision Request filed by LaRon G. Garrett, Public Works Director, to award the contract for repaving the damaged portion of West Main Street to Empire Excavation, Inc. and authorize the Mayor to sign all necessary contract documents.

   LaRon Garrett, Public Works Director, explained the Streets Department would do the base work. This bid was for asphalt and the cost would be paid through the Water Department funds. Work would begin on Monday with asphalt being laid on Thursday.

   **Motion:** to Approve a Council Decision Request filed by LaRon G. Garrett, Public Works Director, to award the contract for repaving the damaged portion of West Main Street to Empire Excavation, Inc. and authorize the Mayor to sign all necessary contract documents.
   Moved by Council Member John Wilson, seconded by Council Member Su Connell.

   **Vote:** Motion carried 7 - 0

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

2. Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to conduct the appropriate research regarding the possibility of allowing portable storage containers in commercial zoning districts, prepare the necessary documents and submit to the Planning & Zoning Commission for their review and recommendation to the Town Council. OR
   Take no action.

Ray Erlandsen, acting Community Development Director, explained there was interest in having container storage in areas other than industrial. Currently they are only allowed in industrial areas.

Jim Garner expressed concern that the Town spent $300,000 to clean up these same types of containers on the corner of Main Street and McLane recently and should beware of the pitfalls of allowing container storage in areas other than industrial. He asked that any changes be brought before the Design Review Board before it came back to Council for a second reading. Mayor Evans assured Mr. Garner that Design Review was in the approval process.

Clmn. Vogel said he met with a gentleman who said there were 7 storage containers on Aero Drive. Clmn. Vogel said he was okay with temporary containers as long as the containers did not have advertising on them. He believed that current enforcement was difficult and he would like some restrictions on their use.

Vice-Mayor Blair said he had driven Aero Street and felt the containers were fairly appropriate. He asked staff to look into including a grandfather clause for those who currently have storage containers.

Mr. Erlandsen commented that these containers are acncillary to current buildings and could not be on property alone.

Clmn. Connell said the term 'temprorary' should be defined in terms of days and containers should be prohibited from advertising or displaying signs. Everyone should have permits and pay appropriate fees.

Mayor Evans commented that he would rather see feed stored outside in a container then left to the weather.

Clmn. Croy suggested looking into requiring some color coordination with the existing structure.

Bruce Van Camp believed that these containers were very useful and he would not want to remove his in six months. He believed that the Council would have difficulty prohibiting them. Clmn. Vogel reminded him that this was an attempt to allow them with limitations where they are currently prohibited. Mr. Van Camp was not opposed to some stipulations on the placement of container storage on commercial property.

Clmn. Wilson believed regulation should include the length of a permit and not prohibit permanent containers if it is appropriate.

**Motion:** to approve a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to conduct the appropriate research regarding the possibility of allowing portable storage containers in commercial zoning districts, prepare the necessary documents and submit to the Planning & Zoning Commission for their review and recommendation to the Town Council.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

**Vote:** Motion carried 7 - 0

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

## J. CLAIMS

1. * List of checks paid from 01/12/09 through 01/16/09, Check Nos. 004472 through 004534 and authorization to file the checks for audit.
   *CONSENT* APPROVED

## K. MISCELLANEOUS

1. * Acceptance, with regrets, of the resignation of Jason L. Phillimore from the Board of Adjustments and thanks for a job well done.
   *CONSENT* APPROVED

2. * Appointment of Garrett Goldman to fill the unexpired term of Jason L. Phillimore on the Board of Adjustments. Term to expire 12/31/2011.
   *CONSENT* APPROVED

3*. Appointment of Gary Cordell to the Green Valley Redevelopment Area Committee. Term to expire 12/31/2011.
*CONSENT* APPROVED

4. * Acceptance, with regrets, of the resignation of Guy Austin from the Public Safety Personnel Retirement System Fire Department Board, and thanks for a job well done. *CONSENT* APPROVED

5. * Approval of the appointment of Gary Vohs to the Public Safety Personnel Retirement System Fire Department Board. Term to expire 12/31/09. *CONSENT* APPROVED

## L. PUBLIC COMMENTS

Jim Garner, addressing Cameron Davis, said he would donate $150 toward the purchase of Arizona Diamondbacks Payson Days game tickets for those who would like to go to the game but were unable to afford the cost.

## ADJOURNMENT

The regular Council meeting adjourned at approximately 6:21 p.m.

APPROVED:

_____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 5 of February, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2009.

_____

Gaye Stidham, Deputy Town Clerk