TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
February 3, 2011

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 Joe Hittle, Calvary Chapel.

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Marti deMasi - Fire Chief, Don Engler - Police Chief, and Silvia Smith - Town Clerk.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Ray Erlandsen - Community Development Director, and Deb Rose - Recreation Coordinator (Joni Varga - Police Sergeant arrived and approximately 5:45 p.m. and left at approximately 5:48 p.m.).

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

Shakey Walls thanked the Council for the opportunity to present to the Council a montage of Payson. Mr. Walls was a local artist and images of the community had found their way into his montage of Payson.

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 Council Member Su Connell.

Vote: Motion carried 7 - 0

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

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

1. Brief presentation of current events by the Town Manager, Mayor, and/or Council

Members. The Arizona Open Meeting Law specifies that the Town Council may not discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.

2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

There were no documents for review.

Don Engler, Police Chief, announced the Payson Police Department was recognized by the County Attorney at the last County Supervisor's meeting. Joni Varga, Police Sergeant, was named Police Officer of the quarter. Ms. Varga had put a recent case together very successfully, she was mentioned for her investigative work and testimony at trail.

Council Member Connell reminded everyone it was the last week of the Payson Area Food Drive. The Food Bank was about 8,000 pounds short of its goal. There were boxes throughout town. Council Member Wilson announced the churches were putting on Souper Sunday for the Super Bowl and people could bring food to the church to donate.

Mayor Evans appreciated everyone who had helped reach this goal and believed with an extra push they could reach the goal.

Mayor Evans presented a birthday card to Council Member Connell and wished her happy birthday.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

2. **Proclamation.** Council Member Hughes read into the record a proclamation declaring February 7th - 12th, 2011 as Hashknife Pony Express week. Chuck Jackman and other members of the Hashknife Pony Express were present to accept the proclamation.

Chuck Jackman thanked the Council and explained the Hashknife Pony Express was part of a search and rescue team. Mr. Jackman asked everyone to come to the Payson Post Office on February 9th at 4:30 p.m. to meet the riders. All of the elementary children there would get an inaugural bandana. Mr. Jackman thanked all of the supporters.

Council Member Wilson asked if this was the only Pony Express in the country. Mr. Jackman explained the Hashknife Pony Express was the only outfit authorized to carry their only mail; however there were other pony express outfits around the U.S. and Canada.

E. MINUTES

1. Council Meeting Minutes:

01-20-11 Regular Meeting Pages 1 - 8
***CONSENT* APPROVAL**

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. *Payson Advisory Youth Council:
11.10.10 Regular Meeting Pages 1 - 3
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. 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. 2589**. Council approved, on the Consent Agenda, Resolution No. 2589, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH HELLSGATE FIRE DISTRICT FOR FIRE/EMS DISPATCH SERVICES.
***CONSENT* APPROVED**

3. **Ordinance No. 796**. Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 796, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04 AND 90.17 AMENDING THE DEFINITION OF AND CARE PROVIDED TO EXOTIC ANIMALS.(EXOTIC ANIMALS).

   Shannon Long stated he held a petition signed by approximately 160 of his customers. Mr. Long believed that the issue of public safety was not a problem when it came to large constrictors and felt these were unnecessary regulations. Mr. Long believed reptiles were not spreading diseases and that there was no good reason for this ordinance.

   Mayor Evans asked Mr. Long if he believed there were herpetologists that would disagree with him. Mr. Long stated no. Mayor Evans asked Mr. Long if he knew Russ Johnson who owned many large snakes. Mr. Long stated no, but there were many associations for large snakes.

   John Roberts stated he had owned reptiles for the last five years. Mr. Roberts had a four year old son and a seven year old daughter. He had gone to a friends house where the cat had attacked his son. Mr. Roberts believed people were not getting hurt by reptiles.

Council Member Blair asked if a constrictor was poisonous. Mr. Long stated they were not poisonous. Council Member Blair asked if Mr. Long sold poisonous snakes. Mr. Long stated no. Council Member Blair noted dog owners did not have to get permission from the Police Chief, but they do have to get permission from the Town. Mr. Long noted they did not have to get permission before purchasing the dog. Council Member Blair asked Mr. Long if he wanted to change any wording in the ordinance. Mr. Long stated he was against the whole thing and felt there was no case for this.

Mayor Evans closed the Public Hearing.

Chief Engler felt it was important for the Council to have all the information on this issue and had provied them with a packet. This was a more clear definition of the animals falling into the exotic animal category.

Council Member Hughes noted that as it stood you still had to get permission to get an exotic animal. Chief Engler replied yes.

Motion: to Approve Ordinance 796, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04 AND 90.17 AMENDING THE DEFINITION OF AND CARE PROVIDED TO EXOTIC ANIMALS,(EXOTIC ANIMALS).
Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Mayor Evans noted that very experienced herpetologists had the expertise of what it took to care for these animals. Council Member Blair felt he could support this. Council Member Connell felt this added clarity to the health and safety of residents and was also for the safety of the animals themselves. Chief Engler responded yes and that it recommended that a person who chose to own one of these animals should educate themselves on the proper care of the animal. Council Member Blair noted the pet shop owner would do that training and that most applications would be granted. Chief Engler stated this was to ensure public safety and safety to the animal.

Council Member Carpenter asked Mr. Long what he felt the impact of this ordinance would be on his business. Mr. Long believed the fees would double the cost of some of his snakes. Mr. Long was concerned about his costs and the cost to the owner and believed even a small fee could double a person's cost. He would not have a problem with restricting the bigger snakes, but most commonly he sold the smaller snakes. Mayor Evans noted indigenous snakes were not covered by this ordinance. Council Member Carpenter asked what the fee was. Chief Engler explained he had wanted to make sure this passed before assigning a fee to it, but believed it could be the same fee as the dog license fee. Council Member Carpenter asked if this would be a one time fee. Chief Engler replied yes. Council Member Blair noted this would be a small fee.

Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

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

4. **Ordinance 797**. Mayor Evans opened the First Reading and Public Hearing concerning Ordinance 797, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 33.97 AND 33.98 OF THE CODE OF THE TOWN OF PAYSON, MAKING VARIOUS AMENDMENTS TO THE PAYSON ADVISORY YOUTH COUNCIL, (PAYC AMENDMENTS).

   Tim Wright, Town Attorney, explained the terms would be increased to three years and there was a provision to allow college students to participate. The Town Manager would appoint the staff liaison.

   Council Member Carpenter made a motion that section 1.J should say no older than 22 years old and to bring that change back to Council. It was Council consensus to make that change. Mr. Wright agreed with the change and would bring it back to Council.

   Mayor Evans closed the Public Hearing.

5. **Ordinance 798**. Mayor Evans opened the First Reading and Public Hearing concerning Ordinance 798, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF SECTION 50.59 OF THE CODE OF THE TOWN OF PAYSON AND AMENDING SECTION 3 OF ORDINANCE 487, ALLOWING FOR THE LIMITED DEFERRAL OF RESIDENTIAL DEVELOPMENT IMPACT FEES.

   Mayor Evans reviewed how the Council went through this process. It was a different process than in the past. This process would help the staff know what direction the Council wanted to take.

   Tim Wright, Town Attorney, explained this was a follow up from the Council Decision Request at the last Council meeting. Mr. Wright stated staff had met to discuss the changes and went over the changes made. Mr. Wright noted there was also some code cleanup to do.

   Council Member Blair complimented Mr. Wright on the information he gave the Council and suggested including, as an appendix, the development agreement. Mr. Wright responded that when it appeared on the next agenda there would be a link to it. Council Member Wilson noted it should be there to be viewed, but not be a part of the ordinance.

   Mayor Evans closed the Public Hearing.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request**, filed by Ray Erlandsen, Community Development Director, to waive the temporary business license requirement for 20-25 vendors for the 18th Annual Beeline Cruise-In Auto Show at Green Valley Park on April 29-30, 2011, including associated fees estimated in the amount of $500.00 to $625.00.

   Ray Erlandsen, Community Development Director, explained he had recieved a request to waive fees for temporary business licenses for the vendors at the Annual Beeline Cruise-In Auto Show.

   Mayor Evans noted the fee had already been reduced from $90 to $25. Council Member Wilson stated the purpose of the license was to prove they had taken care of the sales tax for Payson. Council Member Wilson moved to deny the request. Council Member Croy asked if this was for the out of town businesses not for local business. Mr. Erlandsen replied yes and noted non-profits were not required to have a license. Council Meber Blair asked if they were selling something would it be subject to sales tax. Mr. Erlandsen responded anyone selling a product was subject to sales tax. Council Member Blair felt it was important to know what they did with the profits.

   Ken Gunderson, representing the Rim Club Classic Auto Club, stated all the money raised went to charities. He was asking for a one-day waiver and had met with Parks and Recreation. The Car Club paid the fees for everyone. Mr. Gunderson believed the local population looked forward to this event and asked for the Council's consideration of this.

   Council Member Connell felt this was a great event, but the Town had reduced the fees already. Council Membr Connell felt the Town had been fair and equitable dealing with organizations. Council Member Connell asked if the vendors would be paying the fee. Mr. Gunderson stated no, his charity paid the fees. Council Member Carpenter asked if the vendors would make a profit. Mr. Gunderson stated next year the club would incorporate the business license fee into the vendor fees. Debra Galbraith, Town Manager, noted this was not a new fee and they should have paid it in the past, but in the past the Town had not gone booth to booth to see if they had a business license. Ms. Galbraith believed since they had never got business licenses in the past it appeared to be a new fee to them. Mayor Evans recalled having had this discussion when they were trying to reduce the fee. Mr. Gunderson stated the Car Club charged the vendors $90 for a booth. Mayor Evans believed they were aware of the fee.

   Motion: to direct staff to waive only the 2011 business licnese fee.
   Moved by Council Member Ed Blair, seconded by Council Member Fred Carpenter.

   Mayor Evans called for the vote.

   Vote: Motion failed 1 - 6

   Yes: Council Member Ed Blair.
   No: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Fred

Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

Motion: to waive half the fee this year and not in the future for this event only. Moved by Council Member Fred Carpenter, seconded by Council Member Ed Blair.

Tim Wright, Town Attorney asked if they would be required to complete all of the paper work. Council Member Carpenter replied yes. Mayor Evans called for the vote.

Vote: Motion failed 2 - 5

Yes: Council Member Ed Blair, and Council Member Fred Carpenter.
No: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

Motion: to deny the request to waive the fees.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 5 - 2

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.
No: Council Member Ed Blair, and Council Member Fred Carpenter.

Mayor Evans asked for a roll call vote. Those in favor: Mayor Evans, Council Member Croy, Council Member Wilson, Council Member Hughes and Council Member Connell. Opposed: Council Member Carpenter and Council Member Blair.

J. CLAIMS

1. ***List of checks.** Council approved, on the Consent Agenda, a list of checks paid from January 13, 2011 through January 27, 2011, Check Nos. 012706 through 012971, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. *Council approved, on the Consent Agenda, the **appointment of Tyler Aguirre** to full member to fill the unexpired term of Payton Pettet on the Payson Advisory Youth Council, term to expire December 31, 2011.
***CONSENT* APPROVED**

2. *Council approved, on the Consent agenda, the approval of **Robert Ingram as Chair and Rory Huff as Vice-Chair** of the Parks and Recreation Commission.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:45 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 3 of February, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2011.

_____

Tracie Bailey, Deputy Town Clerk