

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
June 16, 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 Javier Olivares, Payson United Methodist Church.

**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, Don Engler - Police Chief, and Cameron Davis - Parks, Recreation and Tourism Director.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk, Gaye Stidham - Deputy Town Clerk and Hope Cribb - Finance Manager.

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

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 John Wilson, seconded by Council Member Ed Blair.

**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.

**JUL 07 2011** E.1

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 Council review.

Debra Galbraith, Town Manager, announced the hot shot crew from Payson was home from the Wallow fire.

Cameron Davis, Parks, Recreation and Tourism Director, announced the Arizona Junior Finals Rodeo came back to Payson. The 4th of July event would be held on Monday the 4th. Shuttle busses from the high school on the McLane Road side would take people to Green Valey Park for the 4th of July event. Call the Parks and Recreation Office for more information. The Girls Softball Tournament on July 8th and 9th would have 42 teams.

Council Member Connell let folks know the Tonto National Forest would be closed tomorrow morning at 8:00 a.m. and asked everyone to check with the Forest Service to see what areas would be open.

Mayor Evans stated he had been working with the Forest Service to identify areas of greatest risk. There are areas that are at high risk and are completely closed.

#### **D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

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

Mayor Evans read into the record a proclamation designating June 19 - 26, 2011 as Amateur Radio Week in Payson, Arizona.

#### **E. MINUTES**

##### **\*Council Meeting Minutes:**

1. 05-19-11 Regular Meeting Minutes Pages 1-8
- 06-02-11 Special Meeting Minutes Pages 1-4
- 06-02-11 Regular Meeting Minutes Pages 1-7

##### **\*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 (PAYC):  
05-11-11 Regular Meeting Minutes Pages 1-2  
**\*CONSENT\* INFORMATION ONLY**

#### **F. HEARINGS AND APPEALS**

1. **Public Hearing.** Mayor Evans opened the public hearing concerning an application for a new liquor license, Type 10, filed by Khalid Kamal, agent, Indus L.L.C

(Payson Chevron), 706 East Highway 260, Payson, Arizona.

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

**Motion:** to Approve an application for a new liquor license, Type 10, filed by Khalid Kamal, agent, Indus L.L.C (Payson Chevron), 706 East Highway 260, Payson, Arizona.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

**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.

## 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. 2602.** Council approved, on the Consent Agenda, Resolution No. 2602 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LIBRARY SERVICE AGREEMENT WITH THE GILA COUNTY LIBRARY DISTRICT FOR FISCAL YEAR 2011-2012.

**\*CONSENT\* APPROVED**

3. \* **Resolution No. 2604.** Council approved, on the Consent Agenda, Resolution No. 2604 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONSENT TO MEMORANDUM OF MODIFICATION BETWEEN CANAL SENIOR APARTMENTS, L.P., AND NATIONAL BANK OF ARIZONA, N.A. (Note: due to a perceived and/or conflict of interest, Council Member Croy was considered to have abstained from voting on this item)

**\*CONSENT\* APPROVED**

4. **Ordinance No. 804.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 804 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 50.59(C) AND (D) OF THE CODE OF THE TOWN OF PAYSON, ADDRESSING THE MANNER OF DETERMINING THE RATE OF INTEREST TO BE CHARGED ON DEFERRED WATER DEVELOPMENT FEES.

Mayor Evans explained the purpose of Ordinance No. 804.

There were no public comments. Mayor Evans closed the Second Reading and

Public Hearing.

**Motion:** to Approve Ordinance No. 804 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 50.59(C) AND (D) OF THE CODE OF THE TOWN OF PAYSON, ADDRESSING THE MANNER OF DETERMINING THE RATE OF INTEREST TO BE CHARGED ON DEFERRED WATER DEVELOPMENT FEES.

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.

5. **Ordinance No. 805.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 805 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.18 OF THE CODE OF THE TOWN OF PAYSON, RELATING TO DISCHARGE OF AIR, GAS OPERATED, ELECTRIC AND SPRING OPERATED GUNS. (BB, PELLET, AIRSOFT, AND PAINTBALL GUN REGULATION)

Mayor Evans explained the purpose of Ordinance No. 805.

Lori Meyers supported Ordinance No. 805 and felt this was badly needed. Ms. Meyers thanked the Council.

Mayor Evans stated he had seen pellet guns penetrate as much as a 22 caliber bullet.

Don Engler, Police Chief, thanked Mr. Wright, Town Attorney, for his hard work on this ordinance and felt this would be very beneficial to have in place.

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

6. **Resolution No. 2606.** Mayor Evans opened discussion/possible action concerning Resolution No. 2606 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DESIRING TO CO-SPONSOR AND SUPPORT THE ATTACHED ARIZONA LEAGUE OF CITIES AND TOWN'S RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE U.S. CONGRESS TO ENACT EFFECTIVE AND LARGE-SCALE FOREST RESTORATION EFFORTS FOR ARIZONA AND OTHER WESTERN FORESTS TO IMPROVE FOREST HEALTH AND REDUCE THE RISKS FROM CATASTROPHIC WILDFIRES.

Mayor Evans explained this ordinance was critical for Arizona's forest health. Arizona has had the largest fires in history within the last decade and things could get worse if this was not addressed.

Council Member Blair had heard that trees that had already burned could be harvested. Mayor Evans explained he had worked with the senators in the western states to harvest burned wood and was able to get a bill passed through legislature, but the Forest Service used the money to hire new PIO Officers instead of harvesting the wood now the wood is too weakened to harvest. Mayor Evans felt this was a good idea, but that it would not go any where at a local level. Council Member Carpenter noted there were also environmental objections because of habitats for animals.

**Motion:** to Approve Resolution No. 2606 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DESIRING TO CO-SPONSOR AND SUPPORT THE ATTACHED ARIZONA LEAGUE OF CITIES AND TOWN'S RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE U.S. CONGRESS TO ENACT EFFECTIVE AND LARGE-SCALE FOREST RESTORATION EFFORTS FOR ARIZONA AND OTHER WESTERN FORESTS TO IMPROVE FOREST HEALTH AND REDUCE THE RISKS FROM CATASTROPHIC WILDFIRES.

Moved by Council Member John Wilson, seconded by Vice-Mayor Michael Hughes.

**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.

7. **Resolution No. 2607.** Mayor Evans opened discussion/possible action concerning Resolution No. 2607 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING THE ATTACHED ARIZONA LEAGUE OF CITIES AND TOWN'S RESOLUTION REQUESTING THAT THE ARIZONA STATE LEGISLATURE FREEZE FURTHER SWEEPS OF HIGHWAY USER REVENUE FUNDS (HURF) ALLOCATED TO ARIZONA CITIES AND TOWNS AND TO RESTORE HURF FUNDING TO FY 2008 LEVEL.

Mayor Evans explained this resolution was regarding a freeze on Highway User Revenue Funds.

**Motion:** to Approve Resolution No. 2607 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING THE ATTACHED ARIZONA LEAGUE OF CITIES AND TOWN'S RESOLUTION REQUESTING THAT THE ARIZONA STATE LEGISLATURE FREEZE FURTHER SWEEPS OF HIGHWAY USER REVENUE FUNDS (HURF) ALLOCATED TO ARIZONA CITIES AND TOWNS AND TO RESTORE HURF FUNDING TO FY 2008 LEVEL.

Moved by Council Member Fred Carpenter, seconded by Council Member Su Connell.

Mayor Evans believed the Town had lost between \$190,000 and around \$400,000. Debra Galbraith, Town Manager, stated it was more than that. Ms. Galbraith had

received e-mails from other towns supporting this. Council Member Carpenter asked if the lottery funds could be returned. Ms. Galbraith explained the lottery law had changed and the Town would not get that fund back.

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.

#### **H. UNFINISHED BUSINESS**

There were no items in this section.

#### **I. NEW BUSINESS**

There were no items in this section.

#### **J. CLAIMS**

There were no items in this section.

#### **K. MISCELLANEOUS**

1. \* Council approved, on the Consent Agenda, the **appointment of Kayla Percell** to a new term beginning July 1, 2011 as an alternate member on the Payson Advisory Youth Council. (Term to expire 6/30/14)  
**\*CONSENT\* APPROVED**
2. \* Council approved, on the Consent Agenda, the **appointment of Michael Scott** to a new term July 1, 2011 as an alternate member on the Payson Advisory Youth Council. (Term to expire 6/30/14)  
**\*CONSENT\* APPROVED**
3. \* Council approved, on the Consent Agenda, the **appointment of Tesia Smith** to a new term beginning July 1, 2011 as an alternate member on the Payson Advisory Youth Council. (Term to expire 6/30/14).  
**\*CONSENT\* APPROVED**

#### **L. PUBLIC COMMENTS**

There were no public comments.

#### **ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 5:58 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 16 of June, 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