

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
August 18, 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

Bob Welker, Patriarch of the Payson LDS Stake, offered an invocation.

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: Tim Wright - Town Attorney, Marti deMasi - Fire Chief, Don Engler - Police Chief, Silvia Smith - Town Clerk, and LaRon Garrett - Public Works Director.

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

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council.

Katryna Wastak spoke in support of placing more plastic recycle bins at the Rim Country Middle School. Mayor Evans said he would bring the subject up the next time he speaks with Casey O'Brien. Mayor Evans also stated that the Town is quietly embarking on a major recycling initiative based on sound commerce that would benefit the community long-term rather than paid for out of government funds.

Mayor Evans shared an article from 1963 that contained his picture at 17 years of age. The title said there was a major breakthrough between the Forest Service and the ranchers agreeing to control fires to thin the forest. He noted we are still focusing on the same subject some 50 years later.

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.

Motion: to approve the CONSENT AGENDA.

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.

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.

LaRon Garrett, Deputy Town Manager, announced he had inspected 3000 pieces of pipe for the C.C. Cragin project while in Phoenix. They are waiting now to get them up here and get working. Mayor Evans noted that Town Manager Galbraith was on vacation.

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 materials for review.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Chief deMasi announced that Battalion Chief Dan Bramble completed requirements for the Executive Fire Officer Program, EFOP, leadership series from the Fire Academy. There are currently three graduates of this program in the Payson Fire Department. Battalion Chief Bramble thanked the Mayor, Council, citizens of Payson and Chief deMasi. He thanked his wife for her support and encouragement through the difficult four years. Battalion Chief Bramble praised the Payson Fire Department saying it is a very high quality program and he is proud to be part of it.

E. MINUTES

1. *Council Meeting Minutes:
08-04-11 Regular Meeting Minutes Pages 1 - 6
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. *Surface Transportation Advisory Board:
05-04-01 Regular Meeting Minutes Pages 254 - 257
07-06-11 Regular Meeting Minutes Pages 258 - 260
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. *Discussion/possible action concerning Resolution No. 2623 captioned as follows:
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA APPROVING THE ASSIGNMENT OF NPG CABLE INC.'S CABLE TELEVISION LICENSE TO NPG CABLE L.L.C., DBA SUDDENLINK.
CONSENT APPROVED
3. Discussion/possible action concerning Resolution No. 2624 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 AMENDED REAL ESTATE PURCHASE AGREEMENT (AUGUST 2011) FOR THE SALE OF THREE WELL SITES TO THE TOWN OF STAR VALLEY.

Motion: to Approve Resolution No. 2624 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 AMENDED REAL ESTATE PURCHASE AGREEMENT (AUGUST 2011) FOR THE SALE OF THREE WELL SITES TO THE TOWN OF STAR VALLEY. Moved by Council Member Su Connell, seconded by Council Member John Wilson.

Council Member Carpenter asked how they arrived at the value of the property. Mayor Evans explained a state law process for selling at "book value", the amount the Town has these wells on their books. Also considered in the price was their "orphan" status being in Star Valley and adjustments because testing and proving would be done by Star Valley and not Payson.

Council Member Connell stated this was a memorable day. She looked forward to great things and is proud to have Star Valley next door. Mayor Rappaport and Council Member Leis worked long and hard with Payson staff and Mayor Evans to come to this agreement.

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.

Star Valley Mayor Rappaport shook hands with Mayor Evans. Mayor Rappaport said this was a long time coming, but we have put things right. This is the first part of a building block. He thanked Mayor Evans and the Payson Council for considering this sale. He explained that Star Valley Council Member Leis started the

process and thanked him and Payson staff for their hard work.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. * Council Decision Request filed by Debra A. Galbraith, Town Manager, to approve the IGA with Gila County for Animal Control funding and authorize the Mayor to sign all documents.
CONSENT APPROVED

2. Discussion/possible action regarding the manner in which Council Agendas are set.

Mayor Evans explained that in a more tumultuous time a more formal process was needed, thus the rotating of Council Members for agenda setting meetings. With the changing interpretations of open meeting laws, this has presented an awkward situation. If three members of the Council (the Mayor and two Council Members) discuss items on the agenda at the agenda setting meeting, they are frozen out of discussing them with anyone else until the next open meeting. It becomes especially cumbersome when an item, like an ordinance with two readings, comes up on the agenda. Anyone who was in the previous agenda meeting can't talk to those Council Members present at the current agenda meeting. Mayor Evans proposed a less structured approach used by other communities where the Council Members notify the Town Manager when they want something on the agenda or call the Mayor and there are no formal, structured agenda meetings.

Council Member Blair asked Attorney Wright to clarify the open meeting law interpretation concerning the difference between discussing an agenda item and stating your voting preference on the item. Attorney Wright explained that any communication becomes a problem. Historically, there was no agenda setting and the Mayor, Manager and Attorney set the agenda.

Council Member Wilson explained he used the information gleaned in an agenda setting meeting to prepare him to be knowledgeable for KMOG interviews. But, if it helped avoid problems with the Attorney General's office, he would touch base with those knowledgeable about the agenda items before his appearances.

Council Member Carpenter said he would like to see the agenda a little less liberal with what was on the Consent Agenda, but agreed this was a good idea.

Council Member Connell noted that this procedure would still allow Council Members to have the agenda in plenty of time to contact staff to ask questions and talk to people in the community. She did not believe the Council would be losing anything. Any points of confusion on a Consent item could be discussed by removing the item from the Consent Agenda at the meeting.

Council Member Wilson noted there was no formal ordinance to handle this. If this doesn't work well, they can return to the old practice or try something else. He approved the Mayor establishing agenda setting practices.

Motion: to Approve allowing the Mayor to create the agenda setting process. 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.

3. Council Decision Request filed by LaRon Garrett, Public Works Director, to direct staff to prepare an ordinance amending the Unified Development Code Section 15-02-006 provisions concerning Industrial Zoning District development standards

LaRon Garrett, Public Works Director, explained that the larger industrial zoned lots near the Airport remain vacant. The smaller lots fit the light industrial that is coming into Payson. A Code revision of the development standards for industrial areas would help property to be more viable.

Motion: to Approve a Council Decision Request filed by LaRon Garrett, Public Works Director, to direct staff to prepare an ordinance amending the Unified Development Code Section 15-02-006 provisions concerning Industrial Zoning District development standards

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

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. Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the Payson Regional Airport Authority awarding the 2011 Runway Crack Seal Project to D & O Contractor's, Inc. with a base bid of \$11,333.28.

Motion: to Approve a Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the Payson Regional Airport Authority awarding the 2011 Runway Crack Seal Project to D & O Contractor's, Inc. with a base bid of \$11,333.28.

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

Council Member Blair expressed his amazement at the low cost per ton in the bid proposal. Mr. Garrett explained he personally checked out this company and there were no complaints registered with the Registrar of Contractors. The company had visited the site. Other bids on other projects have come in low also and Mr. Garrett believed it was because of current economic conditions.

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.

J. CLAIMS

1. * List of checks paid from 07/28/11 through 08/04/11, Check Nos.015042 through 015190, and authorization to file the checks for audit.
CONSENT APPROVED

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

There were no further comments from the Public.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:07 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 18 of August, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2011.

Gaye Stidham, Deputy Town Clerk