TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
December 8, 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

Reverend Charles Proudfoot, Community Presbyterian 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, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, 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)

Marie Fasano was a pilot and used her flying for her business. Ms. Fasano believed the Payson Regional Airport Authority (PRAA) was unique and that throughout the nation there were many airports that contracted with non-profit organizations that work with the Town and County. Ms. Fasano had heard comments that the FAA would not work with the PRAA. She believed the FAA has worked with the PRAA. Ms. Fasano also heard the town yard lease payment would end, but the land was obligated property intended to be an airport and rent had to be paid by the town yard.

Bill Day had looked at this and was an airport user. Mr. Day had served on the first board for PRAA. He was active at the airport with the Young Eagles and the Aerofair.
Mr. Day felt the PRAA was a good thing and had done a remarkable job of making a profit. After looking at this in his opinion it would be in the best interest of the airport for the Town to take it over.

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 Richard Croy.

JAN 05 2012 E.1*

Council Member Blair asked that all of the volunteers being appointed to boards and commissions be recognized. Mayor Evans explained that the Vice-Mayor made the appointments. Vice-Mayor Hughes asked the volunteers in the audience to stand and be recognized.

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.

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)

   Cameron Davis, Parks, Recreation and Tourism Director, reported that he and his staff had a chance to do a lot of planning. Mr. Davis appreciated the Police and Streets Departments for their help with all of the events. The Electric Light Parade was very successful. Mr. Davis had heard people say Payson's parade was better than parades in the Valley.

   Hope Cribb, Finance Manager, stated her department had received a courtesy call from the Arizona Department of Revenue stating they would be sending four compliance officers up to Payson to go to every business and make sure they have a sales tax license.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

   Mayor Evans stated the treasurer of the food drive had advised him that they were now over fifty percent of their goal for food and money. The Mayor thanked everyone for their efforts. Mayor Evans stated the Town was recognized by the Forest Service for the model set that helped the Tonto Natural Bridge stay open. The Forest Service had used the model throughout the State of Arizona to help other parks stay open. The Friends of Tonto Natural Bridge had stepped up to help and local folks have kept the project going. Mayor Evans thanked everyone involved.

E. MINUTES

1. * Council Meeting Minutes:

11.17.11Regular 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. * Design Review Board Minutes:

10.25.11 Regular Meeting Pages 177 - 178

***CONSENT* INFORMATION ONLY**

3 *Payson Area Advisory Youth Council Minutes:

10.13.11 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. 2634**. Council approved, on the Consent Agenda, Resolution No. 2634 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TEMPORARILY AUTHORIZING THE DESIGN REVIEW BOARD TO SIT AS THE HISTORIC PRESERVATION AND CONSERVATION COMMISSION AS MAY BE NEEDED DURING CALENDAR YEAR 2012.
***CONSENT* APPROVED**

3. * **Resolution No. 2647**. Council approved, on the Consent Agenda, Resolution No. 2647 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 SUBORDINATION AGREEMENT WITH JANICE BERGERON (ALLOWING A MORTGAGE REFINANCE FOR A CDBG RECIPIENT).
***CONSENT* APPROVED**

4. First Readings and Public Hearing on Ordinances 816 and 817 (re: transfer of airport operations at the Payson Airport).

   A. **Memo by staff** re: the transfer of airport operations to the Town from Payson Regional Airport Authority and creation of the Payson Airport Commission.

B. **Ordinance No. 816**. First Reading and Public Hearing concerning Ordinance No. 816 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CREATING PAYSON'S AIRPORT COMMISSION BY ADDING SECTIONS 33.25 THROUGH 33.28 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON.

C. **Ordinance No. 817**. First Reading and Public Hearing concerning Ordinance No. 817 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REPEALING THE AMENDMENTS TO CHAPTER 95 (AIRPORT) OF THE CODE OF THE TOWN OF PAYSON
ENACTED BY ORDINANCE 755.

Mayor Evans opened the First Reading and Public Hearing for ordinance No. 816 and Ordinance No. 817.

Tim Wright, Town Attorney, explained the proposal to take the airport back in house. Over the last six to four months staff had met. The Town was in a better position to borrow funds and there have been some issues with the FAA. The FAA treated the Town as the owner of the airport. The Town was responsible for the airport, but does not have control. Overall this simplified some legal issues. The ordinance changes would create a new commission and would revert back the changes made for PRAA. The commission would make amendments to the chapter to bring it up to date.

LaRon Garrett, Assistant Town Manager, stated negotiations had started early enough to be put in this years budget so that this change would be transparent. Council Member Carpenter asked legally what was the difference between a commission and a board. Mr. Wright explained commissions meet monthly and Boards meet as needed. The responsibilities were laid out in the description.

Marie Fasano addressed ordinance 816 and 817. Ms. Fasano stated that January 21, 2011 there was a report to the Council that stated the Town was very encouraged by the Payson Regional Airport Authority (PRAA). June 27, 2011 at a meeting of the PRAA citizens were informed the Town was taking back the airport. Ms. Fasano believed that citizens were concerned because they did not know anything was going on. Ms. Fasano believed the code said a person could only serve on one board at a time and felt this changed the rules so one person could serve on two boards. Ms. Fasano felt the concept of PRAA was well intentioned and the people on it have worked diligently to help the airport. Ms. Fasano thanked the Council.

Mayor Evans called Jon Barber, president of the PRAA, to the podium. Mr. Barber explained one major item was complying with the open meeting law. It would be possible to do, but was not very feasible and hindered doing the day to day operations. There were to many things that created a problem with the open meeting law. Another item was finances. PRAA had done a full blown budget and found that they were in the red right now and in 2019 when the rent from the Town Yard went away they would be in serious trouble. Mr. Barber explained there were not

structures in place to make up that revenue and the Arizona Department of Transportation (ADOT) could not loan money to the PRAA only the sponsor. In next year's budget there would be a line item for building hangers with a loan from ADOT. The Board had spent a lot of time researching this and felt this was the best option. Mr. Barber thanked the Council.

Jim Garner had served on the first PRAA Board and disagreed with Mr. Barber. Mr. Garner stated there were changes made so there was only one person serving on a Town Board at a time and felt that this was made for one person. Mr. Garner asked the Council to remove that section of the ordinance. Mr. Garner was concerned this commission would be made up of the existing PRAA Board members even though other people applied to be on the Commission.

Council Member Blair asked if the PRAA Board members had obeyed the open meeting law when they met with the Town Staff. Mr. Wright replied yes, staff had only talked to three members who did not talk to the other members. Council Member Blair felt Jon Barber should choose between the Building Advisory Board and the Airport Commission.

Council Member Croy stated the agenda was posted for the special meeting and the members who would be appointed were listed on that agenda.

Council Member Connell asked why the section five exception had been made. Mr. Wright explained when staff was negotiating the PRAA had wanted those members to become the first Airport Commission. Staff had agreed at the time to do that. Later staff proposed the people who were being appointed now and to have three of the original members appointed.

Jon Barber stated that he was the reason for the ordinance. Mr. Barber explained Mayor Murphy had re-instated the Airport Board which Mr. Barber served on. Later an ordinance was passed that a person could only serve on one board, because Mr. Barber was appointed to another board he had to resign from the Airport Board.

Vice-Mayor Hughes wanted to make it clear why staff only had three people being appointed from the PRAA Board.

Jim Garner believed he was the first person to suffer from that ordinance because he had to resign from one board to serve on another board.

Council Member Carpenter asked what the requirements were to serve on the Airport Commission. Vice-Mayor Hughes replied the Commission had to include three pilots and people were not required to live in town.

Jim Garner asked if other entities that contract with the Town can serve on the Commission. Mr. Wright responded the Town would have to look at it on a case to case basis. Currently there were four leases.

Mayor Evans closed the First Readings and Public Hearing.

5. First Reading and Public Hearing concerning Ordinance No. 818 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF

THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-07, 15-08, 15-09-008, AND 15-09-010 (ALL RELATING TO THE TOWN'S SUBDIVISION REQUIREMENTS) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON. First Reading and Public Hearing

Mayor Evans opened the First Reading and Public Hearing.

LaRon Garrett, Assistant Town Manager, explained this code was antiquated with the way things were done now. This was brought up to match the current State laws. It had gone to the Planning and Zoning Commission for their review.

Council Member Croy asked if the Planning and Zoning Commission was concerned about the public input. Mr. Garrett replied they could have input at the citizen's participation meeting. For the preliminary plat there was not a posting, but there was a mailing to neighbors. Council Member Croy noted this would save a contractor time and money and asked what kind of complaint might come up. Mr. Garrett responded the neighbors were concerned mostly with streets and staff does take their concerns into account. Council Member Croy asked if there have been participation meetings for less than 10 acres. Mr. Garrett replied yes, basically for access to the area. Council Member Croy noted that was something that could of been addressed at the citizens participation meeting.

Council Member Blair believed the neighbors did like to have a say in things and felt that was very important.

Council Member Carpenter felt the preliminary plat going to Council was a chance for the Council to change things. Tim Wright, Town Attorney, noted if the developer complied with everything Council could not deny the developer a plat. Council could try to work with the developer. Preliminary Plats went to the Planning and Zoning Commssion and were approved or not.

Council Member Blair believed that at the preliminary plat the Council could still say something.

Council Member Wilson felt if the Planning and Zoning Commission was happy with what was being proposed the Council should go with it.

Council Member Connell believed the Council should be able to view it. Mr. Wright replied within six months the developer had to have it done. The developer had to be willing to work with the Town.

Council Member Croy noted there were only four commissioners at that meeting and believed there was no negative impact.

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. There were no items in this section.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from November 10, 2011 through November 23, 2011, Check Nos. 016265 through 016492, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, the **reappointment of Garrett Goldman to the Board of Adjustments**, term to expire December 31, 2014.
The **appointment of Richard Sanders to the Board of Adjustments**, term to expire December 31, 2014.
The **appointment of Lynnie Raiechert to the Board of Adjustments**, term to expire December 31, 2014.
The **Appointment of Anthony Alfano to the Board of Adjustments**, term to expire December 31, 2012.
***CONSENT* APPROVED**

2. * Council approved, on the Consent Agenda, the **reappointment of Robert Myer to the Building Advisory Board**, term to expire December 31, 2014.
The **reappointment of Gary de Szendeffy to the Building Advisory Board**, term to expire December 31, 2013.
The **reappointment of Jon Barber to the Building Advisory Board**, term to expire December 31, 2014.
The **reappointment of Bret Balog to the Building Advisory Board**, term to expire December 31, 2014.
***CONSENT* APPROVED**

3. * Council approved, on the Consent Agenda, the **reappointment of Bill Ensign to the Design Review Board**, term to expire December 31, 2014.
The **appointment of J. Otis Garnand to the Design Review Board**, term to expire December 31, 2014.
***CONSENT* APPROVED**

4. * Council approved, on the Consent Agenda, the **reappointment of Cliff Potts to the Housing Advisory Commission**, term to expire December 31, 2014.
The **appointment of Barbara Shepherd to the Housing Advisory Commission**, term to expire December 31, 2014.
***CONSENT* APPROVED**

5. * Council approved, on the Consent Agenda, the **reappointment of Rory Huff to the Parks and Recreation Commission**, term to expire December 31, 2014.
The **reappointment of Hartland Hintz to the Parks and Recreation Commission**, term to expire December 31, 2014.
The **appointment of Jim Lyon to the Parks and Recreation Commission**, term to expire December 31, 2014.
***CONSENT* APPROVED**

6. * Council approved, on the Consent Agenda, the **reappointment of Mark Waldrop**

to the Planning and Zoning Commission, term to expire December 31, 2014.
The **reappointment of Jeff loyd to the Planning and Zoning Commission**, term to expire December 31, 2014.
***CONSENT* APPROVED**

7. * Council approved, on the Consent Agenda, the **reappointment of Bob Dalby to the Transportation Advisory Board**, term to expire December 31, 2014.
The reappointment of Daniel Kealey to the Transportation Advisory Board, term to expire December 31, 2014.
***CONSENT* APPROVED**

8. * Council approved, on the Consent Agenda, the **reappointment of Dean Faust to the Public Safety Personnel Retirement Board**, term to expire December 31, 2015.
***CONSENT* APPROVED**

9. * Council approved, on the Consent Agenda, the **reappointment of Brandon LaBonte to the Fire Department Alternate Pension and Benefit Plan Board**, term to expire December 31, 2015.
***CONSENT* APPROVED**

10.* Council approved, on the Consent Agenda, the **removal of Gerri Levine from the Parks and Recreation Commission**.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

Council Member Blair asked for more information on the new airport coordinator's pay plan and that staff look at the grade level regardless of the title. Debra Galbraith, Town Manager, stated she would be happy to provide the information at the special meeting.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:43 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 8 of December, 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