

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
October 3, 2013**

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

Senior Pastor Mark Henning, Payson Living Word Bible Church.

PLEDGE OF ALLEGIANCE

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

ABSENT: Council Member Su Connell.

STAFF PRESENT: Debra Galbraith - Town Manager, LaRon Garrett - Assistant Town Manager, Tim Wright - Town Attorney, Don Engler - Police Chief, and Silvia Smith - Town Clerk.

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

1. 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 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

OCT 17 2013 E. /

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.

Mayor Evans announced the Fire Ball Run group had enjoyed their stop in Payson and the Suzy Bogguss concert was great. The Mayor thanked Debra Galbraith, Town Manager, and her staff for their hard work.

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.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

There were no ceremonial presentations.

E. MINUTES

1. * Council Meeting Minutes:

09.19.13Regular Meeting Minutes Pages 1 - 7

***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. * There were no items in this section.

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. **Public Hearing on Resolution No. 2740** re: General Plan Update.

Discussion/possible action concerning Resolution No. 2740 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, ADOPTING THE 2014-2024 GENERAL PLAN AND DIRECTING THAT THE 2014-2024 GENERAL PLAN BE SUBMITTED TO THE ELECTORS OF THE TOWN OF PAYSON FOR RATIFICATION. (2014-2024 GENERAL PLAN ADOPTION).

Mayor Evans opened the public hearing. Darren Coffey, Consultant with Berkley Group retained by TischlerBise, went over the public outreach effort that was part of this process. Mr. Coffey believed the plan was a tighter plan and that there were a lot of exciting changes in Payson over the last ten years.

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

Council Member Blair asked why the density decisions that were mentioned in the plan were made. Mr. Coffey explained it was to simplify it and that low density aligned more accurately with the zoning throughout the Town. Council Member Blair noted it was twenty percent more dense and felt this was a really big change. Mr. Coffey explained future land use designations were not zoning and the low density zoning category was what was standard. Council Member Blair believed when people saw something in the General Plan they thought that was the way it would be.

Council Member Carpenter noted just because there was a land zoning there was not a vested right and the owner would have to go through rezoning. Tim Wright, Town Attorney, added this was a vision of what it could be. Council Member Carpenter believed that if someone wanted to do a subdivision they would currently be entitled to one house for the four acres.

Council Member Blair believed the General Plan was the big focus. Mr. Coffey explained it was a general guide it was not law and Council could still reject a zoning application. Mayor Evans noted even if it was consistent with the General Plan and was in conformance the Council could reject it. Mr. Coffey agreed, it could not be true to the nature of that area and Council could deny it under their discretion. Mr. Wright stated Council could turn it down for any reason. Mr. Coffey reiterated the purpose of this plan was to set a guide for the Town and if the Town grew this was how citizens said they wanted to do it. Mayor Evans noted any rezoning had to be passed by the Council.

Council Member Blair felt the General Plan had a really big effect and as long as something fit the General Plan people would pass it and that the low density was just a reason to go up to five houses per acre which would lower adjacent house's values. Mr. Coffey explained the designation had not changed and believed there was a focus on the number five, there could be less than five dwellings. Council Member Blair believed that when property was up against the low density area it would lower the property

value.

Council Member Wilson noted the General Plan was the overall goal and zoning was specific. This gave the Council a way to manage and plan to grow the Town.

Council Member Carpenter noted as a Council Member he would not approve a zoning change for that many houses. Council Member Wilson stated focus on the words up to. Vice-Mayor Hughes explained this gave the Council a general direction and was designed to make the overall layout flow. Council Member Croy noted there were some lots in town that could be broken down, but zoning still had to be met.

Motion: to amend the designation of low density from one up to five to move it back to one up to 2.5.

Moved by Council Member Ed Blair, seconded by Council Member Fred Carpenter.

Mayor Evans explained this was the General Plan not zoning and that it took six votes to change the zoning. Council Member Carpenter noted he intended to vote against the motion. Mayor Evans called for the vote.

Vote: Motion failed 1 - 5

Yes: Council Member Ed Blair.

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

Absent: Council Member Su Connell.

Motion: to Approve Resolution No. 2740 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, ADOPTING THE 2014-2024 GENERAL PLAN AND DIRECTING THAT THE 2014-2024 GENERAL PLAN BE SUBMITTED TO THE ELECTORS OF THE TOWN OF PAYSON FOR RATIFICATION. (2014-2024 GENERAL PLAN ADOPTION).

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

Vote: Motion carried 5 - 1

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

No: Council Member Ed Blair.

Absent: Council Member Su Connell.

Mr. Wright noted after Council approved the resolution it would go to the voters on August 26, 2014.

3. **Resolution No. 2743.** Mayor Evans opened discussion/possible action concerning Resolution No. 2743 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 1.2.7 (IMPROPER POLITICAL ACTIVITY) OF THE TOWN'S PERSONNEL POLICY MANUAL.

Tim Wright, Town Attorney, explained the Legislature had changed the statute on employees and political activity. Mayor Evans noted this was mainly if someone wanted to run for another office and was an employee of the Town.

Motion: to Approve Resolution No. 2743 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 1.2.7 (IMPROPER POLITICAL ACTIVITY) OF THE TOWN'S PERSONNEL POLICY MANUAL.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

4. **Ordinance No. 839.** First Reading and Public Hearing concerning Ordinance No. 839 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 30.35 THROUGH 30.55 (COUNCIL PROCEDURE) AND 30.65 THROUGH 30.68 (INITIATIVE AND REFERENDUM) OF THE TOWN CODE. (PART 3 OF THE SYSTEMATIC CODE REVIEW AND UPDATE).
5. **Ordinance No. 840.** First Reading and Public Hearing concerning Ordinance No. 840 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 31.01 THROUGH 31.27 (TOWN OFFICIALS) OF THE TOWN CODE. (PART 4 OF THE SYSTEMATIC CODE REVIEW AND UPDATE).

Mayor Evans opened the First Reading and Public Hearing for Ordinance No. 839 and 840. There were no public comments. Mayor Evans closed the First Reading and Public Hearing.

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Assistant Town Manager, to direct staff to negotiate a lease with David and Margie Oldenkamp for aircraft refueling services at the Payson Airport based on the proposal received August 23, 2013, and authorize the Town Manager to sign such lease.

LaRon Garrett, Assistant Town Manager, explained two responses were received, but one was not responsive. The Airport Commission had voted for the proposal submitted by the Oldenkamps. This proposal would install self fueling units so pilots could fuel their own aircrafts.

Council Member Carpenter asked for a review of the plan. Margie Oldenkamp showed the Council her plan and how it would be turned over to self serve fueling. Planes would taxi to the fuel pumps and the pumps would be open 24/7. Ms. Oldenkamp explained this was the start with this system and believed they could service one hundred percent of aircraft. Ms. Oldenkamp stated this was the first phase they would like to do and they are reducing the fuel cost to be equal to St. Johns to increase fuel sales. They could add fuel trucks later if it was deemed necessary. The improvements would convert to the Town at the end of the lease.

Council Member Blair asked how long the lease was. Ms. Oldenkamp replied she had not negotiated that yet. Council Member Blair noted Bob Oswald had said fuel sales would go down. Ms. Oldenkamp disagreed and believed only twenty percent of transient planes fueled up here. Payson's fuel was forty cents higher than Sedona and thirty cents higher than Winslow. Ms. Oldenkamp planned to have a lower fuel cost than all of the other towns and believed people would stop for fuel at the cheapest place. There would be a number to call if someone wanted someone else to fuel their plane and with the call out cost would still be cheaper for fuel. Council Member Blair asked how much Ms. Oldenkamp would invest in it. Ms. Oldenkamp responded close to \$200,000 and part of that was for the first load of fuel which cost \$65,000. About \$130,000 was for capital improvements.

Council Member Carpenter asked what the impact would be if the Council rejected this. Mr. Garrett explained the Town would have to go out with another request for proposal and would not know who would propose on it before the lease ran out. If the lease ran out the Town may not have fuel at the airport. Council Member Carpenter asked if the Town could do it. Mr. Garrett explained the Town did not have the trucks or training for employees.

Jon Barber, Airport Commission Member, noted this was a revenue operation and was not eligible for State or Federal funding so the Town would have to put up the money. Ms. Oldenkamp felt this was something the community needed.

Council Member Croy asked when the lease expired. Mr. Garrett replied November 30, 2013. Council Member Croy asked if the Oldenkamps would be able to operate by then. Ms. Oldenkamp explained if they could start on November 1, 2013, they could be done by December 15, 2013. In the interim they could rent fuel trucks or ask Mr. Oswald if he would continue service until they were able to operate. Council Member Croy asked if that could be put in writing that there would be fuel by December 15, 2013. Mr. Garrett replied yes, they could negotiate that. Ms. Oldenkamp noted if they were not up and running it would be on AirNav that they were temporarily out of fuel.

Debra Galbraith, Town Manager, asked Council to keep in mind that by December 1, 2013, the airport would not have fuel. Council Member Carpenter asked why the Town did not get any other bidder. Mr. Garrett replied three entities picked up packets and two were returned. Mayor Evans believed the only way someone could do this was for a love of aviation or Payson because you cannot make a living at it. Ms. Oldenkamp thought this was something the Town needed. Mayor Evans noted the differences in fuel prices around the area. Council Member Carpenter had not heard anything on this and wondered if any citizens wanted to address the Council.

Marty Lamb, pilot and business owner in the Air Park, believed the airport was very important and noted his only business came from people who flew in. Mr. Lamb did not see any down side to this and felt it would be good because pilots would want to save money and it would benefit the restaurant and businesses at the airport.

Ron Ward lived in the Air Park and felt this was needed. Mr. Ward believed people wanted to save money and checked all the prices on their routes for good cheap fuel.

Robert Henley was not in favor of self serve only fuel at the airport. Mr. Henley asked the Council to look at what kind of service was provided at the airport and had researched this and found self service fuel was a small part. Mr. Henley believed Corporate and Military pilots do not want to pump their own fuel. Mr. Henley Suggested Council consider full service as an option. Mr. Henley also felt there should be a public bathroom at that end of the airport.

Ken Milletts was in favor of self serve fuel and asked Council to move on this.

Vice-Mayor Hughes asked if Council went forward with self fueling and

they did not want to provide jet fuel, but later saw a need for it could the Town get someone else to come in and do that. Mr. Garrett replied yes, the Town can do that.

John Barber believed the restroom was adequate and useable, but had to be made ADA compliant. Mr. Garrett believed it was a vault system that had been there more than five years and had never been pumped.

Council Member Carpenter asked Mr. Barber to address being available on call. Mr. Barber explained there would be someone available to come and fuel up the plane. Whoever was on call would be on contract and that was what their pay would be. Fuel trucks could be provided if they were needed in the future and there was a demand. The current system would still be in place.

Council Member Blair asked if Mr. Oswald was losing money how would the Oldenkamps have enough money to make back their investment. Ms. Oldenkamp explained she had someone punch in the numbers for her and she also anticipated the fuel flow to increase. Council Member Blair asked Ms. Oldenkamp is she got a twenty year lease and the economy tanked was there a guarantee there would be fuel. Ms. Oldenkamp responded she would negotiate that in the lease.

Mayor Evans thanked Mr. Oswald for his service to this community and believed continuing this way was not an option.

Motion: to direct staff to negotiate a lease with David and Margie Oldenkamp for aircraft refueling services at the Payson Airport based on the proposal received August 23, 2013, and authorize the Town Manager to sign such lease.

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

Council Member Blair stated he would vote against this because he was sold on the idea of full service and asked if anyone was at the airport to greet people. Ray Law, Airport Manager, responded he was there to greet people. Council Member Blair asked Mr. Law if he was there on Saturdays. Mr. Law replied yes. Council Member Carpenter noted he had great respect for Mr. Henley and Mr. Barber, but he would support Mr. Barber this time.

Vote: Motion carried 5 - 1

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

No: Council Member Ed Blair.

Absent: Council Member Su Connell.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from August 30, 2013 through September 20, 2013, Check Nos. 023362 through 023537, except check numbers 023444, 023452, 023454, 023522 and 023438, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **Check No. 023444.** Council approved, on the Consent Agenda, Check No. 023444 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Carpenter was considered to have abstained from voting on this item).
***CONSENT* APPROVED**
3. * **Check No. 023452.** Council approved, on the Consent Agenda, Check No. 023452 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Connell was considered to have abstained from voting on this item).
***CONSENT* APPROVED**
4. * **Check No. 023454.** Council approved, on the Consent Agenda, Check No. 023454 and authorization to file the check for audit. (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**
5. * **Check No. 023522.** Council approved, on the Consent Agenda, Check No. 023522 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Wilson was considered to have abstained from voting on this item).
***CONSENT* APPROVED**
6. * **Check No. 023438.** Council approved, on the Consent Agenda, Check No. 023438 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Blair was considered to have abstained from voting on this item).
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

1. There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:48 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 October, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2013.

Tracie Bailey, Deputy Town Clerk