

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
March 20, 2014**

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 Jimmy Esther, U-Turn for Christ.

PLEDGE OF ALLEGIANCE

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

ABSENT: Council Member Richard Croy.

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Don Engler - Police Chief, Silvia Smith - Town Clerk, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Kaprice Bachtell - Recreation Coordinator, Kathy Klein - Records Administrator - Celena Ortiz - Records Clerk, Dan Bramble - Battalion Chief, Jerome Lubetz - Fire Captain, Henry Jandayan - Fire Engineer, Tim Rice - Fire Captain, Daniel Giovingo - Fire Engineer, Thorry Smith - Firefighter and Don Tanner - Retired Animal Control Officer.

PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

Nina Grabiell was shocked to learn Payson imposed a tax on food. Ms. Grabiell had moved to Payson from California and there was no tax on food in California. Ms. Grabiell wanted to know why there was a tax on food and had filled out a request for information form, the Town Attorney had called her and had not been able to give her any information. Ms. Grabiell felt the attorney and clerk should answer these questions in full. Ms. Grabiell felt there should not be a tax on food and that it was a moral problem.

Raymond Spatti had found out Payson would be in the national spotlight for climate change. There would be a march from California to Arizona and it would pass through Payson around Monday, April 14, 2014. It was the Great March for Climate Action launched on March 1, 2013, by former Iowa lawmaker Ed Fallon. Mr. Spatti was going to be a coordinator for Payson and felt this was a good cause.

Mr. Spatti asked the Mayor or a representative to be there and for a safe escort through town. Mr. Spatti noted he was looking for a method to provide food and shelter to them while they were here and thanked the Council.

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 6 - 0

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

Absent: Council Member Richard Croy.

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.

Debra Galbraith, Town Manager, announced candidate packets for the fall election would be out March 28, 2014.

Don Engler, Police Chief, recognized Dan Bramble, Battalion Chief, for graduating with his Masters Degree from Grand Canyon University. This was quite an accomplishment and Chief Engler wanted to show his appreciation. Mr. Bramble thanked the Council, Chief Engler and past Chief deMasi.

Cameron Davis, Parks, Recreation and Tourism Director, announced the special event season was approaching. There was a softball tournament tomorrow. The Kids Fishing Festival was March 29th and a giant soccer tournament was coming in with four teams on Memorial Day weekend. Mayor Evans noted he got an e-mail from a group about pickle ball that raised money to fix courts. Mr. Davis replied pickle ball was like tennis and he had started to research it and would see if staff can do that.

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.

Council Member Connell announced the Women's Wellness Fair was Saturday, March 29th at the Payson High School Auditorium from 7:00 a.m. to 1:30 p.m. Mayor Evans noted one could call 472-2588 for more information.

2. **Presentation** regarding Animal Control Officer Don Tanner's Retirement.

Don Engler, Police Chief, recognized Don Tanner's retirement from the Police Department. Mr. Tanner had worked for the Police Department serving as the Animal Control Officer since 2002. Chief Engler recognized Mr. Tanner's service to the community and that he got along well with the public and the animals. There were many letters of appreciation from the community regarding Mr. Tanner. Mr. Tanner had put together many good cases over the years. Mr. Tanner stated he has enjoyed his time working for the Town, for the most part it has been rewarding.

3. **Presentation** of a Public Safety Award to Doug Eckhardt.

Don Engler, Police Chief, awarded Doug Eckhardt a Public Safety Award. Mr. Eckhardt was a Reserve Firefighter for the Payson Fire Department. Mr. Eckhardt was getting this award for helping a student who went into full anaphylactic shock at a hotel restaurant in Japan. The student had an allergy to peanuts and began feeling ill after eating. The situation turned into a full out emergency when the student went into full anaphylactic shock. At that moment Mr. Eckhardt drew from his training experience and grabbed the student's epi pen and injected two doses into the student's thigh. A random bystander was flagged down by Mr. Eckhardt to take the student to the hospital. Mr. Eckhardt's quick actions had helped save the student. Mr. Eckhardt stated he felt when he was working with the Payson Fire Department he was just one of the guys and all of the training helped him do what he had done.

4. **Presentation** by Payson Regional Medical Center re: improvements in the Emergency Department including the trauma level IV designation.

Carl Valenti, RN, Director of Nursing, Emergency Services, gave a presentation on the Payson Regional Medical Center's improvements in the Emergency Department. Mr. Valenti noted rural trauma included more dangerous activities and nearly sixty percent of all trauma deaths occurred in rural areas. The improvements in the Emergency Department greatly increased one's chance of surviving an accident in this rural community.

Mayor Evans felt an interesting note was that ninety percent of kids died before they got to the hospital and that the first hour was very critical. Mr. Valenti replied the ambulance was able to call ahead so staff was ready and waiting for the patient. Mayor Evans felt this was a great hospital and that it was state of the art. Mr. Valenti responded we are not done yet, there was lots to do.

Mayor Evans presented a birthday card to Vice-Mayor Hughes and wished him happy birthday.

E. MINUTES

1. *Council Meeting Minutes:

02.20.14Regular Meeting Minutes Pages 1 - 10

03.04.14Special Meeting Minutes Pages 1 - 7

03.04.14Workstudy Minutes Pages 1 - 4

***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. *Planning and Zoning Commission Minutes:

02.10.14Regular Meeting Minutes Pages 1 - 4

***CONSENT* INFORMATION ONLY**

3. *Public Safety Personnel Retirement System Payson Police Department Local Board Minutes:

11.07.13Regular Meeting Minutes Page 1

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. ***Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Edward Blair agent for Mount Cross Lutheran Church, for a fundraiser to be held at 601 East Highway 260, Payson, Arizona, Friday, May 16, 2014, 5:00 p.m. to 8:00 p.m. (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**

2. ***Application for extension of premises/patio permit.** Council approved, on the Consent Agenda, an application for extension of premises/patio

permit filed by Einar Johnson, Historical Journigan House Fine Food and Spirits Restaurant, 202 West Main Street, Payson, Arizona, on July 12, 2014.

***CONSENT* APPROVED**

G. RESOLUTIONS AND ORDINANCES

1. **Cable system license with NPG Cable, dba Suddenlink:** Discussion/possible action concerning **Resolution No. 2757** captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING A CABLE SYSTEM LICENSE RENEWAL BETWEEN THE TOWN OF PAYSON AND NPG CABLE, L.L.C., dba SUDDENLINK.
Council Decision Request re: the Cable License Fee. The Town may leave the License Fee at 3% or may increase the License Fee up to 5%.

Tim Wright, Town Attorney, noted this needed to be a Public Hearing. Mayor Evans opened the Public Hearing. Mayor Evans clarified this only regarded cable TV although Suddenlink did offer other services.

Council Member Blair asked Mr. Wright to explain the franchise fee. Mr. Wright replied Suddenlink used the Town streets to run their cables, it was an exchange for Suddenlink to use the streets. Mayor Evans closed the Public Hearing on Resolution No. 2757.

Mayor Evans opened discussion on item B, a Council Decision Request regarding the Cable License Fee. Council Member Blair had wondered what the fee was and referred to his bill, the franchise fee on his bill was two dollars.

Council Member Carpenter believed this fee was elastic in nature and when it increased it would increase the price of cable. Council Member Carpenter was not in favor of increasing this fee. Council Member Wilson asked what was the fee increase in the first option. Mr. Wright responded around \$20,000.

Motion: to approve option a to increase the Cable TV license fee from 3% to 4% beginning July 1, 2014

Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Mayor Evans had looked at this and believed that the Town was providing a service that had greater value to them, Suddenlink was generating \$125 a household with all of the various services. Mayor Evans supported the motion.

Council Member Carpenter believed the fee was passed on to cusotomers and opposed the motion. Council Member Connell supported the motion, the

increase would be minimal and would not affect customer bills. Mayor Evans called for the vote.

Vote: Motion carried 5 - 1

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

No: Council Member Fred Carpenter.

Absent: Council Member Richard Croy.

Mr. Wright noted the Council needed to vote on Resolution No. 2757.

Motion: to Approve Resolution No. 2757 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING A CABLE SYSTEM LICENSE RENEWAL BETWEEN THE TOWN OF PAYSON AND NPG CABLE, L.L.C., dba SUDDENLINK.

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

Council Member Carpenter clarified this was to renew the license and had nothing to do with the franchise fee increase which he was opposed to. Mayor Evans replied this was to extend the license and called for the vote.

Vote: Motion carried 6 - 0

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

Absent: Council Member Richard Croy.

2. **Resolution No. 2765.** Mayor Evans opened discussion/possible action concerning Resolution No. 2765 captioned as follows: A RESOLUTION OF THE TOWN OF PAYSON SUPPORTING THE ALL MAIL ELECTION FOR CONSOLIDATED GILA COUNTY ELECTIONS THAT HAVE TOWN OF PAYSON CANDIDATES.

Tim Wright, Town Attorney, explained staff had met with the Gila County Election Department who would make a recommendation to the Board of Supervisors to go with an all mail election for the cities and towns and had asked for a resolution supporting this.

Motion: to Approve Resolution No. 2765 captioned as follows: A RESOLUTION OF THE TOWN OF PAYSON SUPPORTING THE ALL MAIL ELECTION FOR CONSOLIDATED GILA COUNTY ELECTIONS THAT HAVE TOWN OF PAYSON CANDIDATES.

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

Council Member Blair asked if this was the election that would be on the same ballot as the State ballot. Mr. Wright replied yes, the Primary was August 26, 2014 with Home Rule, the General Plan, Mayor and three Council Members. Council Member Blair asked if everything went as proposed what was the cost savings. Mr. Wright replied at the next meeting staff would have a contract for Council that would show the exact numbers, there was a potential for savings. Mayor Evans called for the vote.

Vote: Motion carried 6 - 0

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

Absent: Council Member Richard Croy.

3. **Resolution No. 2768.** Mayor Evans opened discussion/possible action concerning Resolution No. 2768 captioned as follows: A RESOLUTION OF THE TOWN COUNCIL CORRECTING THE 'STALL FEE' AND THE 'DRY CAMP FEE' INCLUDED IN THE TOWN'S FEES AND CHARGES SCHEDULE THAT WERE INCREASED IN JANUARY 2014 TO FUND A FACILITIES IMPROVEMENT FUND.

Cameron Davis, Parks, Recreation and Tourism Director, explained this was for a fee adjustment for an unintended fee. This fee was a one time facility use fee.

Motion: to Approve Resolution No. 2768 captioned as follows: A RESOLUTION OF THE TOWN COUNCIL CORRECTING THE 'STALL FEE' AND THE 'DRY CAMP FEE' INCLUDED IN THE TOWN'S FEES AND CHARGES SCHEDULE THAT WERE INCREASED IN JANUARY 2014 TO FUND A FACILITIES IMPROVEMENT FUND.

Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 6 - 0

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

Absent: Council Member Richard Croy.

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 February 14, 2014 through February 21, 2014, Check Nos. 025239 through 240839, except check number 025416 and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. ***Check No. 025416.** Council approved, on the Consent Agenda, Check No. 025416 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. *Council approved, on the Consent Agenda, the acceptance, with regrets, of the **resignation of Mark Waldrop** from the Planning and Zoning Commission with thanks for a job well done.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

Mayor Evans announced there was a task force to reduce the incident and severity of drug abuse. Don Engler, Police Chief, was working on it and there was a significant amount of seniors on prescription drugs. There was greater exposure to children in a grandparents home. Mayor Evans appreciated those who served on the task force. Council Member Carpenter thanked the Payson Regional Medical Center because he had been there and they had helped him. Mayor Evans and Council Members Blair, Wilson and Connell also thanked the Payson Regional Medical Center.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:37 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 20 of March, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2014.

Tracie Bailey, Deputy Town Clerk