

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 7, 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

Rev. Jerry Green, Ponderosa Bible Church, 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: 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.

Council Member Blair was present telephonically.

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.

Peter Morgan said he represented the Gila County Committee of Correspondence and Safety. He distributed a memo to the Council which is attached to these minutes. He asked that all restrictions on reverse osmosis pure water dispensers be lifted for the Town of Payson. Mr. Morgan asked that Council act on lifting these restrictions as soon as possible and place them on a regular agenda in the near future.

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 Su Connell.

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.

Camreon Davis, Parks, Recreation and Tourism Director, said the 4th of July celebrations were a great success. He estimated over 12,000 people were present. Mr. Davis thanked the Police and Fire Departments for their help with the production. Next weekend the Arizona Softball Association Women's Fastpitch competition will be in Payson. They expect about 800 participants. All park fields will be in use along with the high school ballfield. This is one of the largest tournaments in Arizona.

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 documents for review.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Proclamation declaring Tuesday, August 2nd, 2011 as National Night Out. Kim Becker, Executive Assistant Payson Police Department, and Officer Lorenzo Ortiz Payson Police Department will be present to accept the proclamation.

Vice-Mayor Hughes read the proclamation in full. Officer Lorenzo Ortiz and Executive Assistant Kim Becker were present to accept the proclamation.

E. MINUTES

1. * Council Meeting Minutes:

06.16.11 Regular Meeting Pages 1 - 7
CONSENT APPROVED

06.21.11 Special Meeting 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.)

06.15.11 Special Meeting Pages 1 - 2
CONSENT APPROVED

2. * Planning and Zoning Commission Minutes:

05.16.11 Regular Meeting Pages 1 - 3

CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

1. This was a Public Hearing concerning an application for a Special Event Liquor License from Charles H. Jett, Payson Rodeo Committee, for a fundraiser for scholarship funds to be held Friday, August 19, 2011 from 5:00 p.m. to 1:30 a.m., Saturday, August 20, 2011 from 11:00 a.m. to 1:30 a.m. and Sunday, August 21, 2011 from 11:00 a.m. to 4:00 p.m. at the Payson Event Center, 1400 S. Beeline Highway, Payson, Arizona.

Mayor Evans opened the public hearing. There were no comments from the public and he closed the public hearing.

Motion: to Approve an application for a Special Event Liquor License from Charles H. Jett, Payson Rodeo Committee, for a fundraiser for scholarship funds to be held Friday, August 19, 2011 from 5:00 p.m. to 1:30 a.m., Saturday, August 20, 2011 from 11:00 a.m. to 1:30 a.m. and Sunday, August 21, 2011 from 11:00 a.m. to 4:00 p.m. at the Payson Event Center, 1400 S. Beeline Highway, 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. * Discussion/possible action concerning Resolution No. 2605 captioned as follows:
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT FROM MESSINGER PAYSON FUNERAL, INC. PERTAINING TO UTILITY CONSTRUCTION FOR THE NEW MESSINGER PAYSON FUNERAL HOME.
CONSENT APPROVED
3. Discussion/possible action concerning Resolution No. 2617 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT CREATING A HIGHER EDUCATION SEPARATE LEGAL ENTITY, AUTHORIZING THE MAYOR TO SIGN SUCH INTERGOVERNMENTAL AGREEMENT, AND APPOINTING DIRECTORS TO SUCH HIGHER EDUCATION SEPARATE LEGAL ENTITY, AND DECLARING AN EMERGENCY. (APPROVING HIGHER EDUCATION SEPARATE LEGAL ENTITY).

Motion: to Approve Resolution 2617 follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT CREATING A HIGHER EDUCATION SEPARATE LEGAL ENTITY, AUTHORIZING THE MAYOR TO SIGN SUCH INTERGOVERNMENTAL AGREEMENT, AND APPOINTING DIRECTORS TO SUCH HIGHER EDUCATION SEPARATE LEGAL ENTITY, AND DECLARING AN EMERGENCY. (APPROVING HIGHER EDUCATION SEPARATE LEGAL ENTITY).

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Attorney Wright asked if the Mayor would like the Payson appointees for director filled into the Resolution. Mayor Evans recommended Mary Kastner, 1007 N. Indian Paint Brush Circle, and Mike Vogel for those positions. Attorney Wright asked which terms the Payson appointees would fill. Mayor Evans suggested that Mary Kastner be recommended for the term expiring in 2014 and Mike Vogel's term to expire in 2015. The remaining member would be appointed within 30 days. Council Member Wilson, maker of the motion agreed as did Council Member Connell, the second on the motion, to amend the motion.

Motion: to Amend the motion to approve Resolution No. 2617 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT CREATING A HIGHER EDUCATION SEPARATE LEGAL ENTITY, AUTHORIZING THE MAYOR TO SIGN SUCH INTERGOVERNMENTAL AGREEMENT, AND APPOINTING DIRECTORS TO SUCH HIGHER EDUCATION SEPARATE LEGAL ENTITY, AND DECLARING AN EMERGENCY. (APPROVING HIGHER EDUCATION SEPARATE LEGAL ENTITY) and adding Mary Kastner to fill the term commencing upon creation of the Rim Country Educational Alliance Separate Legal Entity and expiring on December 31, 2014 and Mike Vogel for a term commencing upon creation of the Rim Country Educational Alliance Separate Legal Entity and expiring on December 31, 2015.

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.

4. Second 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 opened the public hearing. There were no comments from the public and he closed the public hearing. Council Member Carpenter asked if the Police Department had received comments concerning this Ordinance. Police Chief Engler said they only heard one comment and that was from the person who spoke at the

last meeting.

Motion: to Approve 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) .

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.

H. UNFINISHED BUSINESS
There are no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by Colin Walker, Water Superintendent, to approve the Water Department Water Conservation Assistance Program for Fiscal Year 2011/2012 in the amount of \$20,000 and to allocate the cost to the Water Enterprise Fund.

Michael Ploughe, Hydrogeologist, was present to answer questions. Council Member Carpenter asked if water efficient washing machines will be included in the program this year. Mr. Ploughe said they would not be included, but commercial upgrades for toilets and urinals, residential assistance for toilets as well as assistance to non-profit entities to upgrade their facilities were part of the program this year.

Motion: to Approve a Council Decision Request filed by Colin Walker, Water Superintendent, to approve the Water Department Water Conservation Assistance Program for Fiscal Year 2011/2012 in the amount of \$20,000 and to allocate the cost to the Water Enterprise Fund.

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

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.

2. Council Decision Request filed by Debra Galbraith, Town Manager, to approve the revised Financial Policy 101, describing the Governmental Accounting Standards Board required fund balance classifications and designating the Finance Manager, in consultation with the the Town Manager, the ability to assign fund balance as required.

Manager Galbraith explained this would add section 1.5, Fund Balance, to the financial policy. This will include the definition of fund balances and who can assign them. A fund balance is constrained by the government's intent for a special purpose and to track the money coming in and going out. There are no third party restrictions. Restricted Funds include a third party that requires a fund reserve. A good example of this is a bond that contains covenants like those in the Water Enterprise Fund.

Motion: to Approve a Council Decision Request filed by Debra Galbraith, Town Manager, to approve the revised Financial Policy 101, describing the Governmental Accounting Standards Board required fund balance classifications and designating the Finance Manager, in consultation with the the Town Manager, the ability to assign fund balance as required.

Moved by Council Member John Wilson, seconded by Mayor Kenny J. Evans.

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 Colin Walker, Water Superintendent, to authorize the Mayor to sign all documents necessary to enter into an amended governmental agreement for the operation of the Aero Drive Groundwater Remediation Treatment Plant and to allocate all costs to the Water Enterprise Fund.

Mayor Evans explained this was an ongoing project to re-mediate contamination of an "orphan site". The State mandated the clean up and State funds were used for an outside contractor. The State no longer funded the remediation but required the use of the outside contractor until recently. The Town has in-house personnel qualified to continue this project. Using in-house personnel will save the Town approximately \$30,000

Motion: to Approve a Council Decision Request filed by Colin Walker, Water Superintendent, to authorize the Mayor to sign all documents necessary to enter into an amended governmental agreement for the operation of the Aero Drive Groundwater Remediation Treatment Plant and to allocate all costs to the Water Enterprise Fund.

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 Martin deMasi, Fire Chief, to authorize the purchase of a 2009 Crimson Fire Apparatus Custom Pumper from Crimson Fire Apparatus, L.L.C. through the Houston-Galveston Area Council and the purchase of

equipment necessary to equip apparatus.

Fire Captain Dan Bramble explained this apparatus normally is acquired by providing the research and requirements to a company that would take from 10 months to a year to provide the apparatus to specifications. With only two minor specification shortfalls, an apparatus to fit the need has been located, already built. This would allow delivery of the apparatus by August 1, 2011 saving time and money. Council Member Carpenter asked LaRon Garrett, Public Works Director, to explain the process of procuring equipment without the traditional public bidding process. Mr. Garrett explained that a purchase through a joint purchase agreement outlined in our administrative policy allowed for the bidding to be done through them. This is the same process used for the last purchase of a fire truck in 2008. Council Member Blair asked how essential were the two criteria not met by this particular apparatus. Captain Bramble said there were fewer compartments and a different foam dispenser than their specifications. The storage can be redistributed to accommodate less compartments and the foam dispenser is a good system that will work as well.

Motion: to Approve a Council Decision Request filed by Martin deMasi, Fire Chief, to authorize the expenditure of:(1) \$439,853.00 (including 6.6% Arizona State tax and \$2,500.00 HGAC fee) for the purchase of a 2009 Crimson Fire Apparatus Custom Pumper from Crimson Fire Apparatus, L.L.C. through the Houston-Galveston Area Council (HGAC), (2) authorize the expenditure of up to \$60,000 of the fund for the purchase of equipment necessary to equip apparatus, and (3) authorize the Mayor or the Town Manager to sign all necessary documents to make this purchase through the HGAC.

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.

5. * Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the extension of the McLane Park Preliminary Plat for twelve (12) months through July 15, 2012.
CONSENT APPROVED
6. * Council Decision Request filed by LaRon Garrett, Public Works Director, to award the 2010 Airport Improvement Project to construct blast pads and upgrade the signage to AJP Electric, Inc.
CONSENT APPROVED

J. CLAIMS

1. * List of checks paid from May 27, 2011 through June 24, 2011, Check Nos. 014280 through 014630, and authorization to file the checks for audit.
CONSENT APPROVED

K. MISCELLANEOUS

- 1. Discussion/possible action concerning renewal of Turf Paradise Off-track Pari-mutuel Wagering permit for Tiny's Family Restaurant and Lounge, located at 600 East State Highway 260, Payson, Arizona.

Mayor Evans asked if there were any questions from the Council. Council Member Carpenter asked the Police Chief if there were previous problems with off-track betting in Payson. Chief Engler said there had been no problems.

Motion: to Approve the renewal of Turf Paradise Off-track Pari-mutuel Wagering permit for Tiny's Family Restaurant and Lounge, located at 600 East State 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.

L. PUBLIC COMMENTS

- 1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council.

There were no further comments from the public.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:08 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 7 of July, 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