

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD APRIL 21, 2011 AT 7:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 7:03 p.m. Roll call was taken as follows:

<u>ROLL CALL:</u>	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
Mayor Luke Smith	<u>X</u>	_____	Stephanie Irwin	<u>X</u>	_____
Vice Mayor Rich Crockett	<u>X</u>	_____	Kim Webb	<u>X</u>	_____
Norris Dodd	<u>X</u>	_____	Leslee Wessel	<u>X</u>	_____
Dennis Hughes	<u>X</u>	_____			

STAFF PRESENT:

Kelly Udall, Town Manager; Kent Foree, Town Attorney; Lu Anne Frost, Town Clerk; and Woody Eldredge, Chief of Police.

ITEM NO. 2, PLEDGE OF ALLEGIANCE AND INVOCATION:

The Pledge of Allegiance was said, followed with an invocation by Vice Mayor Crockett.

ITEM NO. 3, CEREMONIAL SWEARING IN FOR THE NEWLY APPOINTED COUNCIL MEMBER, DENNIS HUGHES:

Judge David Widmaier gave the Oath of Office to Councilmember Hughes.

ITEM NO. 4, CALL TO THE PUBLIC:

Mayor Smith explained the rules for Call to the Public.

Councilmember Hughes stated at the last meeting he was fortunate to be appointed to fill the vacancy on the Town Council. He stated, on April 8 there was an article in the *White Mountain Independent* that indicated he graduated from seven different institutions of higher education. He said the fact is he attended them all, but said he did not graduate from seven different colleges in the span of five or six years. He said while he appreciates those honorary degrees, he said he wanted to set the record straight and assure the Council he did not misrepresent his background.

ITEM NO. 5, CONSENT AGENDA:

The consent agenda consisted of the Minutes of the Work Session and Regular Meeting of April 7, 2011, the Check Register for March 2011, an invoice from TEC Inc. for Woodland Lake Park Environmental Assessment, Review for Tract Acquisition, the final invoice(s) from Jack Barker, for Interim Town Attorney duties, an invoice from Counts Planning, LLC for Phase 3 of the General Plan Update, the final invoice from Sellers & Sons, Inc. for the Woodland Lake Park Light Fixtures, a Liquor License Application for Bobbi Jo’s Restaurant, Resolution No. 11-1175 Adopting the First Addendum to the Agreement between the Town of Pinetop-Lakeside and the

Yellow Jacket Youth Center, Inc. for a Community Garden, Resolution No. 11-1176 Designating the National Incident Management System (NIMS) as the basis for all incident management in the Town of Pinetop-Lakeside, a Council Decision Request for authorization to expend HURF Funds in the approximate amount of \$42,980.40 for road maintenance projects on McCoy Lane, Niels Hansen Lane, and Pineview Lane, and a Council Decision Request for replacement of the Dispatch Audio Recorder, using Prop 202 funding, in the amount of \$19,958.41.

VICE MAYOR CROCKETT MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILMEMBER DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 6, RECOGNITION OF THE STATE CHAMPIONSHIP *ODYSSEY OF THE MIND* TEAM:

Leslie Campbell presented the Blue Ridge Intermediate School State Champions in the *Odyssey of the Mind* competition for Extreme Mousemobiles. She said they received first place in the Regional competition held in Flagstaff, and first place at the State competition held in Tucson. She stated she is very proud of these students. The students introduced themselves and described the cars. Ms. Campbell stated the cars must be 100% mousetrap powered. She stated they had to design and build the cars themselves, and said the cars had to do six tasks. She stated the tasks were to pop a balloon, trigger a mousetrap, raise a flag, deliver something, and to drive through a tunnel. The students demonstrated their cars. She stated they were also judged on teamwork and style, and said they chose a Yellow Jacket theme. She stated the team practiced after school to create the cars to perform the different elements. She stated they are excited to go to the next level, which she said would be the World Competition in Baltimore, Maryland in May. She stated the team has put together a letter of what they have done, and said they are asking for contributions. She stated teams from across the world would be there. Mayor Smith presented the students and coaches with Certificates of Appreciation, and stated the Town Council is proud of these students.

ITEM NO. 7, RECOGNITION OF STATE CHAMPIONSHIP BLUE RIDGE HIGH SCHOOL CHEER SQUAD:

Krissy Carlson stated the Blue Ridge Cheer Squad competed against 21 teams and took first place at the AIA Competition. She stated they took first place at the State Competition in March. She stated the Junior Varsity squad also took first place, as well as the Mascot, for the first time in 8 years. She stated they are very dedicated and practice very hard. Mayor Smith presented the Blue Ridge Cheer Squad and coaches with Certificates of Appreciation, and said the Town Council is proud of their achievements.

ITEM NO. 8, SPOTLIGHT ON BUSINESS - THE CHALET RESTAURANT AND BAR:

Mayor Smith presented Dennis Bluhm, owner of The Chalet Restaurant and Bar, with a plaque recognizing their 30 years in business. He stated everyone appreciates the fine dining offered by The Chalet.

ITEM NO. 9, MAYOR'S PROCLAMATION OF APRIL 29, 2011 AS ARBOR DAY IN THE TOWN OF PINETOP-LAKESIDE:

Mayor Smith proclaimed April 29, 2011 as Arbor Day in the Town of Pinetop-Lakeside, and urged all citizens to support efforts to care for the trees and woodlands, and to support the Town's community forestry program.

ITEM NO. 10, MAYOR'S PROCLAMATION OF MAY 1-7, 2011 AS MUNICIPAL CLERK'S WEEK:

Mayor Smith recognized the week of May 1 through 7, 2011 as Municipal Clerks Week, and further extended appreciation to the Municipal Clerk, Lu Anne Frost, and Deputy Clerk, Susan Stein, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Councilmember Wessel recognized Ms. Frost for obtaining her Master Municipal Clerk status, and said it comes at the end of many years of continuing education.

ITEM NO. 11, RESOLUTION NO. 11-1177 INFORMING THE ARIZONA STATE LEGISLATURE THAT THE TOWN OF PINETOP-LAKESIDE DOES NOT SUPPORT SENATE BILL 1525 IN THE 50TH SESSION OF THE ARIZONA STATE LEGISLATURE REGARDING IMPACT FEES:

Mayor Smith stated the League of Arizona Cities and Towns is still in discussions with the Homebuilders of Central Arizona who opposed impact fees, and said rather than sending the wrong message, he suggested they wait until they have a further understanding of the compromise. Councilmember Dodd stated the Legislature has adjourned, and said the bill is on the governor's desk. Kent Foree stated they have reviewed many of the changes, but said some of the last minute changes were not reviewed. He stated the bill was finalized on April 19. He said there were some floor amendments that occurred, and said it was transmitted to the governor. He said the League has been working on this same issue with the same opposing lobbyists for six years. He said the Homebuilders have actually promised they would not pursue again in following years, but said they have come back to the legislature year after year. He said the League lobbyists are frustrated. He said he recommends the Council not send something to the League that would indicate their efforts were in vain. He said they should send their support to the League, as they have done the best they can for many years. Councilmember Wessel asked if the bill on the governor's desk would hurt the Town. Mr. Foree stated each year they chip away as far as what could be covered by impact fees, and add reporting requirements. He said they make it more onerous for the Town to comply. He said every time there is an agreement; they come back to the trough again. He said he could not say what the Homebuilders propose is totally without merit, and said there are some things the communities imposing impact fees should be doing anyway. Vice Mayor Crockett asked if there is any provision that allows them to come back and sweep the funds that have already been collected. Mr. Foree stated there were not. He said there have been provisions added over time that may require the Town to refund monies that have been collected if they have not been spent for the intended purposes.

ITEM NO. 12, COUNCIL DECISION REQUEST FOR CALL OF ELECTION FOR REFERENDA ON ORDINANCES NO. 11-349 AND 11-350:

Mr. Udall stated the Council passed these ordinances pertaining to two taxes, the .04% increase in sales tax that would go toward the purchase of the Park, and the extension of the restaurant and bar tax. He said referendum petitions were pulled on both ordinances. He said it is now the duty of the Council to place these items on a ballot. He stated the staff report contains options for election dates. Councilmember Dodd stated he is heartened the committee wants to see a speedy resolution. He said, having worked with the Woodland Lake Park Task Force, they would also like to see it resolved quickly. He said he has concerns about the lingering impact, if they do not resolve this in the near future, and what it could do to the NEPA process. He said there is misinformation being spread in the community, and said getting a special election set as soon as possible is very important. Councilmember Wessel confirmed the election would be held by mail ballot. She asked, based on the election cycle, if timing would have an effect on voter turnout. Ms. Frost stated she thought they would see the same rate of return on a special election as they have seen for the recent primary election. Councilmember Wessel asked about the cost of a special election. Ms. Frost stated they have estimated approximately \$7,500. Vice Mayor Crockett asked if there is enough time to schedule an August special election. Ms. Frost confirmed. Councilmember Wessel asked if there is a preference of August over November, and asked if there is a regular election for anyone else this year. Ms. Frost stated she checked with the County to see if there were any other elections they could consolidate with, and said they do not have anything scheduled in the August/November cycle. Councilmember Dodd stated the sooner they know the outcome of the restaurant and bar tax the better, as it provides funds to operate the Parks and Recreation Department. He said if it were not extended the Council would have to look at revenue streams. Councilmember Wessel asked if the voters voted the restaurant and bar tax down, could the Council come back, and adopt a different type of ordinance to extend it only for a certain period to pay off the bonds. Mr. Foree stated he would have to look into that, and said it would definitely have to be separate and apart from the subject of the current referendum. Councilmember Hughes asked if any election called prior to March/May 2013 would be a special election. Ms. Frost confirmed. Vice Mayor Crockett asked if there is money for a special election. Mr. Udall stated it has been included in next year's budget, and said the budget discussions would begin on May 9.

COUNCILMEMBER WESSEL MOVED FOR THE TOWN CLERK TO PUBLISH A CALL OF ELECTION FOR REFERENDA ON ORDINANCES NO. 11-349 AND 11-350 TO BE HELD DURING THE AUGUST 2011 ELECTION CYCLE. COUNCILMEMBER DODD SECONDED THE MOTION. Vice Mayor Crockett asked if it would make a difference in voter turnout since November is typically when elections are held. Mayor Smith stated it might be more effective when the presidential election is held. Ms. Frost stated if they waited until November, some of the seasonal residents might be gone. She stated they ran into that with the March election, where some had changed their addresses and had their mail forwarded to their winter address. She stated election mail is not forwardable, and said those ballots were returned undelivered. She stated if they held the election in August, most of the voters would still be here and would receive their ballots. Councilmember Wessel stated, with this type of issue, there might be many people who would register to vote. **MAYOR SMITH CALLED FOR THE VOTE AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 13, CURRENT EVENTS BY TOWN MANAGER:

Mr. Udall stated the Town is switching back to an Outlook e-mail server tomorrow, and said they might experience a delay in their e-mail. He said they would be saving money by switching, and said it is a superior product. He said the Parks crews are coming in on weekends due to activities; and said the lights are on at night for ball games using the new energy efficient bulbs. He said the wetland project is nearing completion, and said it is impressive. He said the Easter Egg Hunt is on Saturday at 10:30 a.m. He said the Arbor Day activities would be held on April 29, and said they would be planting seven trees at the Mid School. He said they mailed the General Plan brochures to all households of registered voters, with copies to the Council. He said the *Town Citizen* is out; and said it contains information about collaborating with businesses in various ways. Councilmember Hughes asked for a brief description of the lighting project, and suggested they monitor the electric billing. He said the Arizona Corporation Commission is launching an energy efficiency requirement for all utilities. He said it is not finalized or implemented yet, but said they should be prepared when it happens. He said there may be some refunds or rebates involved. He said he would be happy to assist in any way.

ITEM NO. 14, PERSONNEL ISSUE. (a) ANNUAL PERFORMANCE EVALUATION OF L. KELLY UDALL, TOWN MANAGER. PURSUANT TO A.R.S. § 38-431.03(A)(1)(3) AND (4) THE COUNCIL WILL ENTER INTO EXECUTIVE SESSION TO DISCUSS THIS ITEM. (b) LEGAL ACTION, IF NECESSARY, TO APPROVE ANY CONTRACT CHANGES OR OTHER MODIFICATIONS OR ACTIONS AS TO MANAGER'S EMPLOYMENT:

VICE MAYOR CROCKETT MOVED TO ENTER INTO EXECUTIVE SESSION AT 7:56 P.M. COUNCILMEMBER HUGHES SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

Mayor Smith reconvened the Regular Meeting at 9:13 p.m.

VICE MAYOR CROCKETT MOVED TO APPROVE THE CONTRACT CHANGES AND OTHER MODIFICATIONS THE TOWN ATTORNEY HAS RECOMMENDED IN REGARD TO TOWN MANAGER UDALL'S EMPLOYMENT CONTRACT. COUNCILMEMBER WEBB SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

The Regular meeting adjourned at 9:15 p.m.

Dated this 27th day of April 2011.

PINETOP-LAKESIDE TOWN COUNCIL

/s/ Lu Anne Frost, 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 Pinetop-Lakeside, Arizona, held on the 21st day of April 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of April 2011.

/s/ Lu Anne Frost, Town Clerk