

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
January 22, 2009**

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 Darrell Buttram, Rim Valley Church of God.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Ed Blair, Council Member Su Connell, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Don Engler - Police Chief, Silvia Smith - Town Clerk, Collin P. Walker - Assistant Public Works Director, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, Sheila DeSchaaf - Planning Specialist II, and Curtis Ward - Assistant Town Engineer.

A. PUBLIC COMMENTS

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 Su Connell.

Vote: Motion carried 7 - 0

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

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

Debra Galbraith, Town Manager, announced that last Saturday the Payson Pines Home Owner's Association received recognition from the Arizona State Forestry Division and the Payson Fire Department for becoming a recognized Firewise USA

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Community.

Cameron Davis, Parks, Recreation and Tourism Director, announced the Hashknife Pony Express events and that Stihl Chainsaw would anchor the Saw Dust Festival and would sponsor it for the next three years.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Mayor Evans announced he had attended Janet Brewer's inauguration for Governor and felt she recognized that Arizona needed to get its act together.

2. **Proclamation.** Council Member Hughes read into the record a proclamation declaring the week of January 26, 2009, as Hashknife Pony Express week. Chuck Jackman and members of the Hashknife Pony Express were present to accept the proclamation.
3. **Presentation** of the annual audit report by Dennis Osuch of Crontrom Osuch & Company.

The Auditor's representative was not present. Ms. Galbraith would reschedule the presentation for a future Council meeting.

E. MINUTES

1. *** Town Council Minutes:**
01.08.09 Regular Council Meeting Minutes pages 1-10
***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. *** Planning and Zoning Commission:**
11.10.08 Regular Meeting Minutes Pages 1-8
11.17.08 Special Meeting Minutes Pages 1-2
12.08.08 Public Meeting Minutes Pages 1-5
***CONSENT* INFORMATION ONLY**
3. **Green Valley Redevelopment Area Committee:**
12.04.08 Regular Meeting Minutes Pages 618-620
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

There were no items for 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. Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 752 and discussion/possible action concerning Resolution No. 2458.
 - A. **Ordinance No. 752.** Second Reading and Public Hearing concerning Ordinance No. 752, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY LIVING QUARTERS, INCLUDING ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS AND ADOPTING SUCH AMENDMENTS BY REFERENCE (ACCESSORY DWELLING UNITS).
 - B. **Resolution No. 2458.** Discussion/possible action concerning Resolution No. 2458, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

Nancy Edwards stated she had several rentals in town. Ms. Edwards felt Payson did not have enough affordable housing and expressed her support for the accessory dwelling units.

There were no more public comments. Mayor Evans closed the Second Reading and Public Hearing.

Council Member Vogel wanted clarification that there would be no 5th wheels involved.

Motion: to Approve Ordinance No. 752, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY LIVING QUARTERS, INCLUDING ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS AND ADOPTING SUCH AMENDMENTS BY REFERENCE (ACCESSORY DWELLING UNITS).

And

Resolution No. 2458, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

Moved by Council Member John Wilson, seconded by Council Member Michael

Hughes.

Vote: Motion carried 7 - 0

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

3. **Ordinance No. 753.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 753, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 93.40 OF THE CODE OF THE TOWN OF PAYSON, EXPANDING THE AREAS WITHIN THE TOWN PARKS THAT MAY BE RESERVED.

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

Motion: to Approve Ordinance No. 753, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 93.40 OF THE CODE OF THE TOWN OF PAYSON, EXPANDING THE AREAS WITHIN THE TOWN PARKS THAT MAY BE RESERVED.

Moved by Vice-Mayor Ed Blair, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

4. Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 754 and discussion/possible action concerning Resolution No. 2463.
 - A. **Ordinance No. 754.** Second Reading and Public Hearing concerning Ordinance No. 754, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDED SECTION 50.57(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE EQUIVALENT RESIDENTIAL UNIT CALCULATIONS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENTS. (ERU CALCULATIONS).
 - B. **Resolution No. 2463.** Discussion/possible action concerning Resolution No. 2463, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.57(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE EQUIVALENT RESIDENTIAL UNIT CALCULATIONS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

Collin Walker, Assistant Public Works Director, explained the need for these amendments.

Council Member Vogel asked for clarification of the difference from the current system. Collin Walker, Assistant Public Works Director, explained that this was not codified in the Town Code and that this would show how the Town charges the fees. Before a unit was approved for occupancy the Water Department would make a check list for that home and the home would not be allowed to increase in size. Each year the Water Department would do an inventory on the house to make sure it had not increased in size.

Council Member Hughes asked if the fees they were talking about were a one time fee. Mr. Walker replied yes.

Council Member Croy pointed out that these conditions would be purchased with the property in the future and believed this was for water conservation and that the Water Department would not have a reason to go inspect someone's house if their water consumption was within the limits.

Council Member Vogel was concerned that as the house changed owners the new owners would make changes and not be aware that the house was under this rule.

Mayor Evans felt that this was excessive and asked if anyone had complained about how the system was now. Mr. Walker replied the existing rules allow him to talk to individuals about individual developer's projects. Mayor Evans believed that the system was working the way it was and asked if the Town has ever been sued. Mr. Walker responded no.

Vice-Mayor Blair stated he supported this and felt this took away any kind of pressure from one person doing this and another person doing that.

Council Member Croy believed this started because of single family housing.

Council Member Vogel did not believe the reduction in the fee would be passed along by the contractor.

Vice-Mayor Blair was concerned that the Town recieved a fair water development fee and believed this was going to pay for Blue Ridge.

Mayor Evans asked what was taken into consideration when making these fees. Mayor Evans believed future development needed to pay its fair share and felt Council should ask staff to create an administrative policy for this.

Motion: to direct that Ordinance No. 754 and its attendant sections within the current code for the Town of Payson together with Resolution No. 2463 with its concurrent purposes would be directed back to staff and for staff to develop an administrative general guideline.

Moved by Mayor Kenny J. Evans, seconded by Council Member Mike Vogel.

Vice-Mayor Blair stated he preferred the document.

Council Member Connell felt the administrative policy should be a living and breathing document and expressed her support for the Mayor's motion.

Mayor Evans closed the Second Reading and Public Hearing and called for the vote.

Vote: Motion carried 5 - 2

Yes: Mayor Kenny J. Evans, Council Member Su Connell, Council Member Mike Vogel, Council Member John Wilson, and Council Member Michael Hughes.
No: Vice-Mayor Ed Blair, and Council Member Richard Croy.

5. * **Resolution No. 2468.** Council approved, on the Consent Agenda, Resolution No. 2468, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".
***CONSENT* APPROVED**
6. * **Resolution No. 2469.** Council approved, on the Consent Agenda, Resolution No. 2469, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".
***CONSENT* APPROVED**
7. * **Resolution No. 2470.** Council approved, on the Consent Agenda, Resolution No. 2470, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".
***CONSENT* APPROVED**
8. **Resolution No. 2471.** Mayor Evans opened discussion/possible action concerning Resolution No. 2471, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR CHILSON RANCH PHASE ONE SUBDIVISION (CHILSON RANCH).

Mayor Evans explained why this resolution was needed.

Vice-Mayor Blair knew the bridge was important and asked who the Town was acquiring property from.

Tim Wright, Deputy Town Attorney, explained that this was just to do the grading on Town Property.

Curtis Ward, Assistant Town Engineer, explained the grading project.

Motion: to Approve Resolution No. 2471, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON,

ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR CHILSON RANCH PHASE ONE SUBDIVISION (CHILSON RANCH).
Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

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

H. UNFINISHED BUSINESS

There were no items for this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to grant permission to Hulburt Development, Inc. and their contractors to construct the American Gulch Drainage Channel on a portion of the Town of Payson property located at 804 S. McLane Road in accordance with the "Interim-Offsite Channel Improvements for Chilson Ranch" improvement plans prepared by Turner Design Group sealed on 1-21-09.

Motion: to grant permission to Hulburt Development, Inc. and their contractors to construct the American Gulch Drainage Channel on a portion of the Town of Payson property located at 804 S. McLane Road in accordance with the "Interim-Offsite Channel Improvements for Chilson Ranch" improvement plans prepared by Turner Design Group sealed on 1-21-09.

Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Vote: Motion carried 7 - 0

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

J. CLAIMS

1. **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 12/29/08 through 1/5/09, Check Nos. 004359 through 004470, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

There were no items for this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT:

Mayor Evans adjourned the meeting at approximately 6:28 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 22 of January, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2009.

Tracie Bailey, Deputy Town Clerk