

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
September 24, 2009**

**CALL TO ORDER:** Mayor Evans called the regular meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION:** Minister Simone Lake, Pine's Church on Randall Place, led the meeting in an invocation.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Su Connell, Council Member Ed Blair, 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, Marti deMasi - Fire Chief, LaRon Garrett - Public Works Director, Ray Erlandsen - Acting Community Development Director, Cameron Davis - Parks, Recreation and Tourism Director, and Cindy Smith - Chief Fiscal Officer.

**OTHERS PRESENT:** Tim Wright -Deputy Town Attorney, Gaye Stidham - Deputy Town Clerk, Cathy Boone - Project Manager, Tomi Huddlestun - Human Resources Manager, Battalion Chief Rasmussen.

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

There were no comments from the public.

**B. CONSENT AGENDA**

Vice-Mayor Vogel asked that Item I.4 be pulled from the Consent Agenda.

**Motion:** to approve the Consent Agenda except Item I.4.

Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Su Connell, Council Member Ed Blair, 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**

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Town Manager Galbraith introduced Cindy Smith the new Chief Fiscal Officer. Ms. Smith said she is relocating from McKinney, Texas, a rapidly growing community just north of Dallas. She is looking forward to the challenges and opportunities in Payson.

Cameron Davis, Parks, Recreation and Tourism Director, announced the Heritage Festival on September 26 and 27 at Green Valley Park. The Old Time Fiddler's competition will also be this weekend with antique tractors hooked up hayride-style, used as trams from one festival to the other. The Heritage Festival features professional gunfighters, Hopi hoop dancers, music and lots of fun. Mayor Evans reminded him of the Scout-o-Rama and pancake breakfast. The Historical Society will be having a social hour at 5:00 p.m. with a presentation to Marguerite Noble at the Casino this Saturday also.

Council Member Connell reminded those present of the upcoming First Friday on Main Street. Council Member Wilson said there will also be a dinner that evening at the Presbyterian Church on Main Street.

Manager Galbraith explained that a ballast had blown shortly before the meeting and a light was out over the dais.

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff. There were no further comments from the Mayor and Council.
2. Proclamation declaring October 2009 as Domestic Violence Awareness Month. Gerry Bailey, Executive Director for Time Out Inc., was present to accept the proclamation. Council Member Connell read the proclamation. Gerry Bailey announced that October 25th would be Time Out Shelter's 16th anniversary of operation. She thanked the Mayor and Vice-Mayor and Council members recognizing their support for the Shelter. She also thanked the Shelter board, staff and the many volunteers as well as the community for their generosity. Ms. Bailey announced the candlelight walk to be held October 8 beginning at the Town Hall parking lot at 6:00 p.m. There will be a banquet fund raiser at the Rim Club for Time Out Shelter on October 24.
3. Proclamation declaring October 2 through 9, 2009 as a "Week of 24 x 7 Prayer". David Reisdorf was present to accept the proclamation read by Council Member Blair. Mr. Reisdorf said a community prayer room will be available at The Meeting Place and the community will be praying for the police, fire department and the Town Council.
4. Proclamation declaring October 4 - 10, 2009 as Fire Prevention Week. Vice-Mayor Vogel read the proclamation and Fire Chief deMasi and Battalion

Cheif Rasmussen were present to accept.

5. Presentation by Steve Hale, Small Business Administration.

Senior Area Manager for the Small Business Administration Steve Hale discussed economic development efforts. A procurement conference and loan program are being planned. Those who are seeking loans will be matched with bankers and Federal agencies at this conference.

6. Presentation by Lisa Henderson, Arizona Main Street Program, of the finalist awards to Individual of the Year and Best Economic Restructuring.

Kristen Keener Busby with the Arizona Department of Commerce, Rural Development Department, presented the Best Economic Restructuring Project award from the Governor's Rural Development Conference to the Town of Payson/Intermountain West (Cathy Boone accepted), Payson Physical Therapy in their development of a business with upstairs living quarters and parking on Main Street (Scott Nossek accepted) and Hinshaw Associates. Ms. Busby commended Rev. Proudfoot for his outstanding work with Main Street projects.

7. Presentation of a plaque from the Payson Rodeo Preservation Alliance to the Town of Payson by Chuck Jackman.

Chuck Jackman recognized those instrumental in a successful August rodeo, Terry Schill the Rodeo Ambassador, John Stanton from the Chamber of Commerce, the Payson Rodeo Committee, and others. Steve Drury with the Rodeo Preservation Alliance had given Mr. Jackman a plaque in recognition of this year's rodeo. He said that Town Hall was the proper home for such a memorial and presented the plaque to Mayor Evans. Photocopies of the plaque were given to the other groups who worked so diligently toward the Rodeo's success.

8. Presentation by Ray Erlandsen, Acting Community Development Director, regarding temporary signs within the Town of Payson; including what is allowed and the Town's enforcement procedures.

Ray Erlandsen, Acting Community Development Director, explained the different types of temporary signs. Temporary signs include "coming soon", sale, lease, rent, temporary portable, temporary directional, and election signs. Addressed banners painted or displayed on cloth or material on private property need a permit and are considered temporary signs. Portable signs placed in an unimproved portion of the Town's right-of-way or on private property also need a permit. Temporary directional signs directing a person to a specific location need to be within one mile of the address, one sign per change in direction, for only 60 days per year. The permit is \$25 if posted on private property or in an unimproved portion of Town's right-of-way. Mr. Erlandsen explained that a flag is a sign if it has advertising on it.

Sign code enforcement begins with a verbal warning then a written notice of violation and a request for compliance. A civil citation to be mitigated in Magistrate Court is the final step. Criminal enforcement is only initiated by the Town prosecutor under special circumstances. The Town can remove signs if placed in rights of way or on Town property. They are kept for 15 days and, if not claimed, they are disposed of. Mayor Evans noted citizen concern because not all rights of way are consistent in places around Town.

#### **E. MINUTES**

1. Council Meeting Minutes:  
09.10.09 Regular Meeting Minutes Pages 1 - 11  
\*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. \* Historic Preservation and Conservation Commission:  
07.13.09 Regular Meeting Minutes Pages 192 - 193  
08.18.09 Regular Meeting Minutes Page 194  
\*CONSENT\* INFORMATION ONLY
3. \* Parks and Recreation Commission  
08.19.09 Regular Meeting Minutes Pages 1 - 3  
\*CONSENT\* INFORMATION ONLY
4. \* Design Review Board  
07.14.09 Regular Meeting Minutes Pages 110 - 111  
07.28.09 Regular Meeting Minutes Pages 112 - 113  
08.11.09 Regular Meeting Minutes Pages 114 - 115  
08.25.09 Regular Meeting Minutes Page 116  
08.25.09 Special Meeting Minutes Page 117  
\*CONSENT\* INFORMATION ONLY

#### **F. HEARINGS AND APPEALS**

**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. Discussion/possible action concerning Resolution No. 2512, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF

PAYSON PERSONNEL MANUAL.

**Motion:** to Approve to **table** the discussion/possible action concerning Resolution No. 2512, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF PAYSON PERSONNEL MANUAL.

Moved by Vice-Mayor Mike Vogel, seconded by Council Member Michael Hughes.

**Vote:** Motion carried 7 - 0

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

3. \* Discussion/possible action concerning Resolution No. 2517, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING DEBRA A. GALBRAITH, TOWN MANAGER OF THE TOWN OF PAYSON, AND CINDY SMITH, CHIEF FISCAL OFFICER OF THE TOWN OF PAYSON, TO EXECUTE A CERTIFICATION OF BANKING RESOLUTIONS, AUTHORIZING BANKING SERVICES WITH JPMORGAN CHASE BANK, N.A., AND BANK SUBSIDIARIES THEREOF, AND DESIGNATING SIGNATORIES RELATING TO THE VARIOUS ACCOUNTS TO BE MAINTAINED AT JPMORGAN CHASE BANK, AND DECLARING AN EMERGENCY. \*CONSENT\* APPROVED
4. Discussion/possible action concerning Resolution No. 2518, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ORDERING THE SALE OF \$1,525,000 PRINCIPAL AMOUNT OF TOWN OF PAYSON, ARIZONA, GENERAL OBLIGATION BONDS (PROJECT OF 2003), SERIES 2000. **Re-scheduled to October 8, 2009. Amended on 9-17-09 at 5:00 p.m.**
5. Second Reading and Public Hearing concerning Ordinance No. 772, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1014 EAST CANYON DRIVE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-015R, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-90 TO R135. (1014 E. CANYON DRIVE REZONING). Second Reading and Public Hearing.

Mayor Evans opened the Public Hearing. Fred Hollabough, owner, thanked the staff and the Planning & Zoning Commission for their help with this process. He thanked the Council for the time and attention they had given. Mr. Hollabaugh said there were two or three neighbors that voiced concerns that this rezoning would set a precedent. He did not believe that was the case.

Mayor Evans closed the Public Hearing. Council Member Blair disagreed with the applicant about this being a precedent setting decision. He asked the Legal Department to comment. Deputy Town Attorney Wright said that regardless of the decision made on this rezoning, the Council was required to look at each zoning request on its merits only, independent of any requests in the past.

**Motion:** to Approve Ordinance No. 772, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1014 EAST CANYON DRIVE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-015R, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-90 TO R135. (1014 E. CANYON DRIVE REZONING).

Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

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

## **H. UNFINISHED BUSINESS**

1. There were no items in this section.

## **I. NEW BUSINESS**

1. Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code to increase the maximum allowable height of buildings in Multi-Family and Commercial Zoning Districts.

Acting Community Development Director Ray Erlandsen explained the possibilities of increasing height limitations on commercial and multi-family buildings.

Council Member Blair read excerpts from a letter from a citizen opposing raising height limits. Mayor Evans said he had worked with four people who had come to Town where height limits stopped the projects. He supported asking staff to look at this.

Council Member Wilson agreed with Mayor Evans. He cited other requests for height increases that had been denied because it would block the neighbor's view of the Rim. He felt this would also be an aspect of the study.

Council Member Connell also supported the study of height requirements.

Deputy Attorney Wright said the Community Development Department would look at many options. This just begins the process and much study would be forthcoming. Mr. Erlandsen said they would be looking at minimum lot sizes, view scapes, set backs, etc. Residential or single family lots were not subject to this request. Vice-Mayor Vogel believed this was the only way for Payson to build work force housing. Council Member Croy affirmed Vice-Mayor Vogel's comments and said that it didn't mean it will happen, but staff will bring their study back to Council. Mayor Evans added that there would be a savings in the cost of providing infrastructure and services to a limited amount of land.

**Motion:** to Approve a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code to increase the maximum allowable height of buildings in Multi-Family and Commercial Zoning Districts.

Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

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

2. Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code related to home-based businesses and neighborhood retail/office uses within multi-family districts.

Mr. Erlandsen explained that the UDC provision for home based businesses and business licensing applied to all zoning at the present time. He believed there were some inequities in applying the same rules to residential neighborhoods and to multi-family and commercially zoned areas. Again, staff will be looking at the provisions and bringing their study back to Council.

**Motion:** to Approve a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendments to the Unified Development Code related to home-based businesses and neighborhood retail/office uses within multi-family districts. Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

**Vote:** Motion carried 7 - 0

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

3. Council Decision Request filed by LaRon Garrett, Public Works Director, to award the contract for the Green Valley Park Bank Stabilization and Storm Water Study to Mountain Standard Inc. of Payson Arizona and authorize the Mayor to sign all necessary contract documents.

Public Works Director LaRon Garrett explained the Town had been awarded a WIFA grant to investigate the shore erosion on Green Valley Lake. Mountain Standard Inc. of Payson was recommended to work as a consultant to study the need and how to correct the problems. The total grant was \$52,000 with a 1/3 match from the Town.

**Motion:** to Approve a Council Decision Request filed by LaRon Garrett, Public Works Director, to award the contract for the Green Valley Park Bank Stabilization and Storm Water Study to Mountain Standard Inc. of Payson Arizona and authorize the Mayor to sign all necessary contract documents. Moved by Council Member Ed Blair, seconded by Council Member Su Connell.

4. Council Decision Request filed by Silvia Smith, Town Clerk, to approve the schedule change of the Special Town Council Meeting for the Corporate Strategic Planning Meeting of October 13, 2009 to December 15, 2009.

This item was pulled from the Consent Agenda. Vice-Mayor Vogel asked Town Manager Galbraith to explain the Corporate Strategic Plan process. Ms. Galbraith said that the original CDR adopted in April was for the CSP of FY 2009-2011. The CSP now is different from past years; from both the Payson Goal Plan and earlier Corporate Strategic Plans. Where the PGP had many capital requests, the current plan has directional statements that ask for something to be done. This CSP has more detailed statements and charts each priority with goals for each year. She said there were different ways to handle the scheduling of CSP meetings, but since this adopted CSP was for two years, having meetings closer to budget time bringing an update to the Council explaining where we are and what has been done might be more profitable. Or, we could not have a meeting at all or include the meeting in

the budget process. Mayor Evans said that the purpose of the CSP was a tool to help ensure department managers are moving in the direction the Town wants them to move. He believed it would be better linked to the budget process making sure their wish list of budget items is consistent with the CSP. Ms. Galbraith agreed that this helps staff to know what to focus on.

**Motion:** to Approve a Council Decision Request filed by Silvia Smith, Town Clerk, to approve the schedule change of the Special Town Council Meeting for the Corporate Strategic Planning Meeting of October 13, 2009 to December 15, 2009.

Moved by Vice-Mayor Mike Vogel, seconded by Council Member John Wilson.

Council Member Connell was concerned that from July to springtime Council would not be tracking the progress of CSP items. Ms. Galbraith assured her that an update and/or written report or presentation would be given within six months rather than waiting until the end of the year. She noted that the CSP has ten priorities, seven directional statements, and eight goals.

**Vote:** Motion carried 7 - 0

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

#### **J. CLAIMS**

1. \* List of checks paid from 09/03/09 through 09/14/09, Check Nos. 007158 through 007241, except Check No. 007165, and authorization to file the checks for audit. \*CONSENT\* APPROVED
2. \* Check No. 007165 and authorization to file check for audit. (Note: due to perceived and/or conflict of interest, Vice-Mayor Vogel will be considered to have abstained from voting on this item). \*CONSENT\* APPROVED

#### **K. MISCELLANEOUS**

1. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.

#### **L. PUBLIC COMMENTS**

There were no further comments from the public.

**ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 6:55 p.m.

APPROVED:

\_\_\_\_\_ Date: \_\_\_\_\_

Kenny J. Evans, Mayor

ATTEST:

\_\_\_\_\_

**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 24 of September, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_

Gaye Stidham, City Clerk