

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
August 5, 2010**

**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**

An invocation was offered by Bishop Rodney Ross, Mogollon Ward of the church of Jesus Christ of Latter Day Saints.

**PLEDGE OF ALLEGIANCE**

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

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

**(Vice Mayor Hughes was present telephonically)**

**OTHERS PRESENT:** Gaye Stidham - Deputy Town Clerk, Ray Erlandsen - Community Development Director, Buzz Walker - Water Superintendent, Mike Ploughe - Hydrogeologist, Sheila DeSchaaff - Planning Specialist, Toni Balestrere - Paralegal II.

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

Meagan Sawyer said she owned horse property adjacent to the proposed development of the Montezuma Land Exchange, Item G.6. She cautioned that high density housing close to horse property presents safety and environmental concerns. She asked if light industry would be the only allowed zoning for development next to her horse property. Ray Erlandsen, Community Development Director, replied that the zoning was industrial and would travel with the property if it were sold. Any change in that zoning would have to go before the Council.

Johnie Duggan thanked the Planning and Zoning Commission, the Council and the Legal Department for their willingness to listen to concerns.

**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. No separate discussion of these items shall be held unless a Council Member

**so requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda.**

**Motion:** to approve the CONSENT AGENDA.

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

Council Member Carpenter had a question concerning Item G.2 and queried whether he should ask for the item to be pulled from the Consent Agenda. Mayor Evans said he would suspend the rules and allow Council Member Carpenter to ask the question now. Council Member Carpenter asked if the amount on the proposed Chamber of Commerce contract was the same as last year. Tim Wright, Town Attorney, assured him it was. Council Member Carpenter no longer required the item to be pulled.

**Vote:** Motion carried 6 - 0

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

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

Chief Engler reported that Saturday's kick-off of the National Night Out was cancelled because of rain. He thanked the community for their support and donations of items and time. Although there was not the kick-off celebration, National Night Out continued with three neighborhoods participating on Tuesday night. The event at the park will not be rescheduled.

Cameron Davis, Parks, Recreation and Tourism Director, listed upcoming events including the Gracie Lee Haught Ropin this weekend, the August Doins' August 19-22, the Northern Gila County Fair September 10-12, the Demolition Derby September 12, FLW Day September 18 and the FLW Fishing Tournament the following weekend. The weigh in will be at Chapman Auto Center this year.

Council Member Blair announced voting for your favorite state park at [www.livepositively.com](http://www.livepositively.com) sponsored by Coca Cola. The top voted state park in the nation would receive \$100,000. An alternate route would be the discussion on Tuesday, August 10, at the Library. Council Member Blair reminded those present that if there is a persistent problem with animals, be sure to call 474-3288, a direct number to dispatch, for each time there is a problem. This helps with a history for future actions.

Council Member Wilson announced the First Friday activities this Friday on Main Street.

Town Manager Debra Galbraith announced the cancellation of the Payson Citizen's Leadership Academy this year because of a lack of applicants. The plan

for next year is to revamp the Academy to make the classes more interactive.

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) Memo re: Personnel Disciplinary Appeal

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

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

Mayor Evans presented Council Member Fred Carpenter with a card and wished him a happy birthday from the Council.

2. Proclamation declaring August 19th-22nd, 2010 as Rodeo Days. John Landino and members of the Payson Rodeo Committee were present to accept the proclamation.

Mayor Evans read the proclamation in full. John Landino accepted the proclamation on behalf of the Rodeo Committee and reminded all that Payson is the home of the 126th Annual Continuous Rodeo. "Tuff Enough to Wear Pink" will be the theme for Friday night's performance. Saturday night's performance will honor fallen and wounded veterans and soldiers. Rodeo buttons are available for \$3 to wear in case you aren't in western garb. The money raised from the buttons goes for scholarships. Buttons are available at Bashas and Safeway and from any Payson Rodeo Floosey.

**E. MINUTES**

1. \* Council Meeting Minutes:  
07-15-10 Regular Council Meeting Pages 1 -10  
\*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. \* Design Review Board Meeting Minutes:  
06-22-10 Regular Council Meeting Pages 144 -145  
\*CONSENT\*

**F. HEARINGS AND APPEALS**

1. This was a Public Hearing concerning an application for a Special Event Liquor License from Ernie Padilla, agent, Payson Pro Rodeo Committee, for a fund raiser for scholarship funds to be held Friday, August 20, 2010 from

12:01 p.m. to 2:00 a.m. and Saturday, August 21, 2010 from 12:01 p.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

Mayor Evans opened the public hearing. Applicant Ernie Padilla said that 26 yards of concrete was poured where the old swimming pool was for a dance floor at the Oxbow Saloon. Fences will not be necessary this year and crowd control should be easier. There were no further comments from the public and Mayor Evans closed the public hearing.

**Motion:** to Approve an application for a Special Event Liquor License from Ernie Padilla, agent, Payson Pro Rodeo Committee, for a fund raiser for scholarship funds to be held Friday, August 20, 2010 from 12:01 p.m. to 2:00 a.m. and Saturday, August 21, 2010 from 12:01 p.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

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

**Vote:** Motion carried 6 - 0

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

2. This was a Public Hearing concerning an application for a Special Event Liquor License from Debra Mahoney, Payson Rodeo Committee, for a fundraiser for scholarship funds to be held Friday, August 20, 2010 from 12:01 p.m. to 12:00 a.m., Saturday, August 21, 2010 from 12:01 p.m. to 12:00 a.m. and Sunday, August 22, 2010 from 12:01 p.m. to 12:00 a.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 Debra Mahoney, Payson Rodeo Committee, for a fundraiser for scholarship funds to be held Friday, August 20, 2010 from 12:01 p.m. to 12:00 a.m., Saturday, August 21, 2010 from 12:01 p.m. to 12:00 a.m. and Sunday, August 22, 2010 from 12:01 p.m. to 12:00 a.m. at the Payson Event Center, 1400 S. Beeline Highway, Payson, Arizona.

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

**Vote:** Motion carried 6 - 0

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

## 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. 2565, 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 WITH PAYSON CHAMBER OF COMMERCE, INC., FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.  
\*CONSENT\* APPROVED
3. \* Discussion/possible action concerning Resolution No. 2566, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LIBRARY SERVICE AGREEMENT WITH THE GILA COUNTY LIBRARY DISTRICT FOR FISCAL YEAR 2010-2011.  
\*CONSENT\* APPROVED
4. This is a Public Hearing/Discussion/possible action concerning Resolution No. 2570, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN LONG TERM WATER RATES.

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

**Motion:** to Approve Resolution No. 2570, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN LONG TERM WATER RATES.

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

Council Member Carpenter apologized to a citizen he misinformed about the history of water rate raises.

Mayor Evans explained he was concerned about the lack of growth over the past few years in the Payson area. Previous years averaged 250 new homes per year. This year about 30 were expected. Although C.C. Cragin water and the associated grants would help mitigate the water deficit and building of that infrastructure, development fees on new construction have historically paid for the update of the current infrastructure. With only 30 new homes, water development fees would not cover the costs of repair and updating. When the economy turns around, water rates could be reduced.

Attorney Wright explained that the state statute requirements that govern a water rate increase would not apply to a decrease or a delay. Town procedures including normal noticing and Council action would apply.

Buzz Walker, Water Superintendent, and Dan Jackson, Managing Director and Chief Executive of Economists.com provided a presentation concerning the replacement and update needs of our aging water system founded in 1950. Economists.com have been our rate consultants since 2006. The first rate adjustment proposed would not take effect for one year and three months.

Mr. Walker asked Council for specific direction concerning the higher tier of rates that would impact higher water users. He asked if the Council would prefer the same percentage applied to these users even though they had a larger raise in rates than the other tiers of users a year ago.

Council Member Carpenter asked if the planned raise was sufficient revenue to finance all the reservoir water? Mr. Walker explained that there is a reserve in the bank to provide for about four years before other money would need to fund the C.C. Cragin project if the economy doesn't turn around. It would also depend on how debt was structured. If the ASU campus was built in that time, it would provide another six to eight years buffer. However, the request to raise water rates is to pay for upgrading the current system.

Council Member Blair asked who would use 20,000 gallons of water a month. Mr. Walker replied there are some grandfathered lawns in large homes, restaurants that serve three meals a day, large institutions like the hospital and the schools, hotels, etc. Council Member Croy asked how the rate structure would work for places that had more than one meter. Mr. Walker explained that places like apartments that have more than one meter have rate structures that keep the costs evenly distributed. Council Member Carpenter asked if most 20,000 a month water users were commercial. Mr. Walker replied that was correct.

Mayor Evans allowed John Wakelin to speak even though the public hearing portion of the item was closed. Mr. Wakelin questioned the lack of distinction between consumption and conservation. He believed a rate hike of as much as 24% was unfair to those who conserved water.

Mayor Evans explained the two aspects of water costs. The fixed infrastructure costs are to make sure all users have service, even if you only use a small amount of water. The variable cost is the product supply which can be adjusted. Mr. Jackson explained further that much of the cost of a system is making the water available for use whether or not you use it. The amount of debt service is the same.

Mr. Wakelin said that consumption levels had dropped but the cost per gallon for the minimum user was 50% greater than the larger user. Mr. Jackson explained if cost per gallon was imposed, the fixed costs would be on higher volume users there would be a perception of unfairly punishing users. Mayor Evans said that the measure of conservation is whether it works or not. The answer has to be that even under a structure that is less progressive than proposed, people understand the purpose of conserving water. He said we were not putting any less focus on conservation. Mr. Wakelin asked about relaxing standards and allowing other than waterless urinals in commercial buildings. Mayor Evans said that would be addressed shortly with Item G.8.

**Vote:** Motion carried 6 - 0

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

5. \* Discussion/possible action concerning Resolution No. 2571, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ENHANCEMENT GRANT FUNDING FOR PEDESTRIAN IMPROVEMENTS IN GREEN VALLEY PARK, AND PROVIDING FOR 5.7 PERCENT MATCHING FUNDS.  
\*CONSENT\* APPROVED
6. Second Reading and Public Hearing concerning Ordinance No. 784, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA AMENDING ORDINANCE 466, THE ZONING MAP AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED ON EITHER SIDE OF AIRPORT ROAD, EAST OF VISTA ROAD AND WEST OF THE PAYSON AIRPORT, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-39-006A, 30-39-006B, AND 302-39-006C, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1, ATTACHED HERETO, FROM R1-175 TO R3, R1-8, R1-18, C-2, C-3, AND M-3. (MONTEZUMA CASTLE LAND EXCHANGE REZONING)

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

**Motion:** to Approve Ordinance No. 784, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA AMENDING ORDINANCE 466, THE

ZONING MAP AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED ON EITHER SIDE OF AIRPORT ROAD, EAST OF VISTA ROAD AND WEST OF THE PAYSON AIRPORT, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-39-006A, 30-39-006B, AND 302-39-006C, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1, ATTACHED HERETO, FROM R1-175 TO R3, R1-8, R1-18, C-2, C-3, AND M-3. (MONTEZUMA CASTLE LAND EXCHANGE REZONING)

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

Council Member Blair asked about Condition #1 and whether there would be sidewalks before the entire block of development was complete. Mr. Garrett responded that sidewalks are included in the road construction. Benches and other amenities would come later.

**Vote:** Motion carried 6 - 0

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

7. First Reading and Public Hearing concerning Ordinance No. 785, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING AND LIGHTING.

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

Sheila DeSchaaf, Planning Specialist, explained some of the cleanup changes. Included are more tables and pictures and the standards that are found elsewhere in the code are incorporated.

8. First Reading and Public Hearing concerning Ordinance no. 787, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.82(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO WATER CONSERVATION PLUMBING STANDARDS.

Mayor Evans opened the public hearing. Mr. Walker explained that required waterless urinals in higher volume commercial restrooms where the same drain line was used for the urinal and a toilet was causing clogging. Since the intention of requiring waterless urinals was not to cause problems for the user, he suggested allowing a urinal that uses only a small amount of water.

This urinal has a smaller drainway and uses 60 ounces of water per flush instead of the gallon that a regular urinal uses. Only those businesses that have proven plumbing problems with the waterless urinals will be able to change.

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

**H. UNFINISHED BUSINESS**  
**There were no items in this section.**

**I. NEW BUSINESS**

1. \* Council Decision Request filed by Buzz Walker, Water Superintendent, to authorize the expenditure not to exceed \$35,000.00 for the installation of a twelve-inch water main under the proposed roundabout at Airport Road and to allocate the cost to the Water Enterprise Fund.

\*CONSENT\* APPROVED

2. Council Decision Request filed by Michael Ploughe, Water Resources Manager-Hydrogeologist, to approve the contract with HydroSystems Inc. relating to the Aquifer Storage and Recovery Project and authorize the Mayor to sign all necessary contract documents.

Mike Ploughe, Hydrogeologist, explained the Aquifer Storage and Recovery Project.

**Motion:** to Approve a Council Decision Request filed by Michael Ploughe, Water Resources Manager-Hydrogeologist, to approve the contract with HydroSystems Inc. relating to the Aquifer Storage and Recovery Project and authorize the Mayor to sign all necessary contract documents.

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

**Vote:** Motion carried 5 - 0

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

Absent: Council Member Richard Croy.

Council Member Croy was not present for the vote.

3. Council Decision Request filed by Tim Wright, Town Attorney, to seek Council direction concerning the Town's noise regulations.

Attorney Wright explained the need to consolidate references in the Town Code to noise abatement. Mayor Evans said that in the past ordinances were

passed in response to complaints, were hard to find and not consistent in the Town Code.

Council Member Carpenter said that during the time he was Town Manager, he hinted to Council that a more comprehensive approach was needed and he would support undertaking that task now.

Council Member Blair approved of Option #3, Item #C. Attorney Wright explained that Option #B was more subjective but perhaps easier to enforce. Mayor Evans explained that noise that is disturbing can be different for different people and not all disturbing noise is measureable by a meter. Vice Mayor Hughes and Council Member Carpenter agreed. Council Member Croy asked what the difference was between civil and criminal penalties. Attorney Wright said that practically there wasn't a significant difference. The maximum fines go up drastically for criminal judgements and evidence requirements are more strict.

**Motion:** to Approve a Council Decision Request filed by Tim Wright, Town Attorney, to seek Council direction concerning the Town's noise regulations, Option #3, B.

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

Council Member Blair said he still struggled with the subjectiveness and wanted who decides what is too loud in the ordinance. Attorney Wright explained that normally that judgement is left to the judge according to the evidence provided. Mr. Erlandsen interjected that he had to enforce a noise ordinance that measured noise decibels in the past. If a band is playing with low frequency drums, no matter how loud or disturbing, they would not register on a decibel meter even if they rattled windows. Council Member Wilson suggested providing for decibel levels above a certain level as a presumed violation. Attorney Wright said that could be incorporated. He did caution that once decibel levels were part of the measurement, officers would instantly look at numbers and offenders would be pressing to the edge of the limit. Council Member Carpenter suggested making sure that any ordinance addresses issues like the industrial business out at the airport that received complaints.

**Vote:** Motion carried 6 - 0

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

4. Council Decision Request filed by Debra A. Galbraith, Town Manager, to allow the Mayor and Council Members, at their discretion, to direct a portion of their expenditure budget to the cost of the Town employee Holiday Party.

Manager Galbraith received a request from Council Member Wilson to present this on the agenda. Council Member Wilson said that past employee holiday/awards parties were Town funded. The last two years, because of the budget crunch, employees had funded the banquet themselves. He suggested the Council be allowed, if they desired, to apply any remaining monies from their travel/conference budgets toward the party.

**Motion:** to Approve a Council Decision Request filed by Debra A. Galbraith, Town Manager, to allow the Mayor and Council Members, at their discretion, to direct a portion of their expenditure budget to the cost of the Town employee Holiday Party.  
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 John Wilson, Council Member Richard Croy, and Council Member Fred Carpenter.

**J. CLAIMS**

1. \* List of checks paid from 07/02/10 through 07/23/10, Check Nos. 010669 through 010945, and authorization to file the checks for audit.  
\*CONSENT\* APPROVED

**K. MISCELLANEOUS**

**L. PUBLIC COMMENTS**

There were no further comments from the public.

ADJOURNMENT: Mayor Evans adjourned the regular meeting at approximately 7:43 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 5 of August, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Gaye Stidham, City Clerk