

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
January 6, 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**

Pastor Todd Poer, God is Good Ministries.

**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, Marti deMasi - Fire Chief, Don Engler - Police Chief, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, and Cameron Davis - Parks, Recreation and Tourism Director.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk, Colin Walker - Water Superintendent, and Hope Cribb - Finance Manager.

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

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 Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

**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.

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)

Mayor Evans wished everyone a Happy New Year.

Police Chief Don Engler addressed the activity from Thursday through Sunday during the snow storm. There were 13 accidents and 30 assists to get stuck vehicles out. The Payson Police Department also assisted other law enforcement departments. Sergeant Heflin had the shelter open and it had housed 39 people.

LaRon Garrett, Public Works Director, stated his department had plowed up until midnight the first night. Thursday night the temperature dropped and it froze so hard the plows could not do much. The next morning crews tried to take care of ice and in the afternoon pushed snow back. Mr. Garrett's department had also gone out on the State highway to sand.

Colin Walker, Water Superintendent, felt this storm was unusual. The on call water person had responded to 47 no water calls. Staff noticed that the water production was almost equal to what it was in July because of all of the broken water lines. There were 75 houses with breaks. When Water Department staff went out after hours there was a \$50 charge. For this storm all after hours call fees would be waived. Mr. Walker had written a policy that the water bill could be reduced and the excess written off for occupied homes. There were no water system malfunctions. Mayor Evans asked how staff got the word out about reduced water bills. Mr. Walker replied staff would make an outreach effort through the local paper and they had been making calls all day to people with leaks. Council Member Connell asked Mr. Garrett and Chief Engler to take their information to the paper also. Mr. Garrett explained that some roads were plowed and others were not because staff had to follow the priority list. Debra Galbraith, Town Manager, explained the water policy was a one page document that was just created.

Council Member Croy asked how the Town responded to broken pipes. Mr. Walker explained staff does not work on broken pipes they only identify the problem then the home owner had to call a plumber. Mayor Evans thanked the staff for the long hours they had worked.

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

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

Mayor Evans asked long time volunteer, Doc Holiday, to come forward. The Mayor thanked Mr. Holiday for all he has done for the Town and for being the moderator for TOP Talk. Mr. Holiday thanked the Council and stated he loved moderating TOP Talk.

2. **Proclamation.** Mayor Evans read into the record a proclamation declaring January 2011 as National Mentoring Month. Robert Henley and other members of Big Brothers Big Sisters were present to accept the proclamation.

Robert Henley introduced the Board Members then asked the high school peer counseling class to come forward. April Quinlan explained some of the activities the peer counsel was involved in. Mr. Henley stated four years ago there were only 15 matches now there were 120 and thanked the Mayor and Council.

Mayor Evans presented a birthday card to Council Member John Wilson. Council Member Wilson thanked the Mayor and announced this was his 79th birthday.

## **E. MINUTES**

1. \* Council Meeting Minutes:  
12-09-10 Special Meeting Minutes Pages 1-3  
12-09-10 Regular Meeting Minutes Pages 1 -7  
**\*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 Minutes:  
09-13-10 Regular Meeting Minutes Pages 1 -6  
**\*CONSENT\* INFORMATION ONLY**
3. \* Transportation Advisory Board:  
11-03-10 Regular Meeting Minutes Pages 231 -233  
**\*CONSENT\* INFORMATION ONLY**
4. \* Fire Department Alternative Pension Plan Committee:  
12-22-10 Regular Meeting Minutes Pages 1 -2  
**\*CONSENT\* INFORMATION ONLY**

## **F. HEARINGS AND APPEALS**

1. **Public hearing** regarding an application for a Liquor License Person Transfer from Philip Green, Sr., agent, OB Sports Golf Management, L.L.C. (dba Chaparral Pines Golf Club), 504 Club Drive, Payson, Arizona.

Mayor Evans opened the Public Hearing. There were no public comments. Mayor Evans closed the Public Hearing.

**Motion:** to Approve an application for a Liquor License Person Transfer from Philip Green, Sr., agent, OB Sports Golf Management, L.L.C. (dba Chaparral Pines Golf Club), 504 Club Drive, Payson, Arizona.

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.

2. **Public hearing** concerning a Council Decision Request filed by LaRon G. Garrett, Public Works Director, regarding a request to abandon the S. Lakeview Drive right-of-way within the Green Valley Estates Subdivision. (Approximately the South 1000 Block).

Mayor Evans opened the Public Hearing.

Hallie Jackman thanked the Council for the time they had spent talking to her about this project. Ms. Jackman was acting as the Home Owner Association President. Ms. Jackman explained there were issues with cars speeding up and down the street. Ms. Jackman had talked to the Fire Marshal regarding a turn-around. Martin deMasi, Fire Chief, noted most gates required an opticom to open them and that would need to be installed on this gate. Chief deMasi stated the turn-around would be installed if the gate was installed and would be on the public side. Ms. Jackman would also put up a dead end sign so people would not go down the street. Ms. Jackman believed everyone who had property there wanted the gate.

Council Member Carpenter noted that if the Town abandoned a right-of-way the Town had to be compensated. Tim Wright, Town Attorney, responded yes that was correct, the general rule was that the Town must receive compensation. Council Member Carpenter asked if this was the price the Town had charged to other people. LaRon Garrett, Public Works Director, replied yes. Ms. Jackman believed there was land abandoned by Chaparral Pines that had not paid any money and felt the Council did not need to put a price on the land because it would be going to the Home Owner's Association so it would be taken care of. Council Member Carpenter believed it did not matter how the Town acquired property the Town had to follow this rule. Mr. Wright agreed. Ms. Jackman asked the Council to look at the statute she had given them.

Council Member Croy noted there were two other parcels west of the subdivision and asked where access was for them. Ms. Jackman responded their access was off of Golden Nugget and the ingress and egress was designed only for the property owner not the public. Council Member Croy noted there was another 20 to 30 acres involved that could be planned for a future subdivision. Council Member Croy was concerned how those property owners would feel about this and believed the easement would restrict people from getting to their property. Council Member Croy asked if there was any input from those property owners. Mr. Garrett replied he had received written requests from those property owners asking that this not go in. Council Member Carpenter asked if they had applied for this to be a gated community. Ms. Jackman responded yes through the State of Arizona. Mr. Garrett noted there were public and private roads in the area. Ms. Jackman believed there were two private roads up there right now.

Mayor Evans thanked Ms. Jackman for providing copies of the statute. The Mayor believed there had to be something in the association by laws for this. Ms. Jackman responded yes there was and the home owners had asked for this.

Council Member Blair asked Don Engler, Police Chief, how the police calls to that area compared to other areas. Chief Engler had conducted a search within a hundred yards of the area. There were thirty four requests for service in the entire year.

Moving in tighter there were 10 calls to the area in the year.

Council Member Hughes asked if the gate was approved, by statute would a turn-around have to be constructed. Mr. Garrett replied yes, it would be a substreet over 150 feet long so it would have to have a turn-around and that would be the applicants' responsibility. Council Member Hughes asked if you came up a steep hill was there a guideline where it became unsafe without a turn-around. Mr. Garrett replied not that he was aware of.

Mayor Evans felt the concern seemed to be about vandalism. Mayor Evans asked if there was a way to limit access so that a vehicle could not get up there. Mr. Garrett responded yes, there could be an offset put there to stop vehicles. Mayor Evans asked Ms. Jackman how much of a problem foot traffic was. Ms. Jackman replied it was open to foot traffic if someone wanted to walk around, but it was predominately vehicle traffic. Ms. Jackman believed there was enough room for vehicles to turn around.

Council Member Blair stated when he was campaigning he had run into people on other streets who complained about speeding cars and asked Chief Engler to comment on the speeding cars. Chief Engler replied the Police Department did get occasional calls reporting people speeding over hills. The Chief would be happy to get some officers into the area.

Ernie Shaw felt this road was a race track and he had seen cars come down the hill at 50 miles per hour. Mr. Shaw had called the police and it helped.

Mayor Evans closed the Public Hearing.

Council Member Blair felt the Town was indebted to Ms. Jackman for all she has done to help the Town, but could not support this.

**Motion:** to deny the request to abandon the South Lakeview Drive right-of-way within the Green Valley Estates Subdivision.  
Moved by Council Member Ed Blair, seconded by Council Member Richard Croy.

Mayor Evans asked Mr. Garrett if there was a way to restrict it being used as a parking lot. Mr. Garrett believed that could be done. Council Member Carpenter asked if this motion could be amended to require that. Mr. Wright believed the safest action was to ask that Mr. Garrett place the barriers and then come back to Council. Council Member Carpenter noted that if this were to pass he would like to direct staff to put up the barriers. Council Member Blair asked if this motion was in align with the Planning and Zoning Commission recommendation. Mr. Wright responded yes.

Council Member Connell asked if Council moved to deny this could there be a gate created on the cul-de-sac. Mr. Garrett replied yes and the permit had been issued. Council Member Connell asked staff to come back with a recommendation to place barriers.

Mayor Evans called for the vote.

**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.

Ms. Galbraith asked for clarification of the motion. Mayor Evans responded the motion was to deny the request and direction for return was not heard yet because it was not agendaized.

## **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. **Ordinance No. 795.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 795, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ENACTING REASONABLE ZONING REGULATIONS LIMITING THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES BY AMENDING PORTIONS OF THE SECTIONS 15-11 AND 15-12 AND ADDING SECTION 15-15 OF THE UNIFIED DEVELOPMENT CODE. (MEDICAL MARIJUANA DISPENSARIES REGULATIONS) First Reading and Public Hearing. (Background Information Memo)

Stephan Sherfey stated he was looking at a building out by the airport where this zoning option would be allowed and had been meeting with people to build a cultivation facility there. Mr. Sherfey felt this was a perfect area for his facility. This would be a non-profit business and he would like to keep the money in Payson.

Council Member Carpenter asked Mr. Wright to give a brief overview of what was being proposed. Mr. Wright replied basically this ordinance would allow dispensaries in industrial, C3 and certain C2 locations. The Town was trying to be proactive with this. There were quite a few separation requirements and most towns and law enforcement agencies wanted one or two dispensaries rather than everyone growing marijuana in their house. Mayor Evans noted if there was not a dispensary within 25 miles, people could get approval to grow it in their house. Council Member Carpenter recognized the Star Valley Mayor and Council Members at the meeting and noted that if Payson established a dispensary then Star Valley would not be able to have a dispensary. Mr. Wright briefly explained how it was determined how many plants a person could grow in their home and noted each county would be allowed at least one dispensary.

Council Member Wilson asked if the twenty five miles was measured from the site of the person using it. Mr. Wright replied it was twenty five miles from the home as the crow flies.

Council Member Connell asked if the dispensary would have to have a business license. Mr. Wright believed if they incorporated as a non-profit they would not need one. There was not a 100% consensus whether it would be taxable or not. The

legislature would take that up. Council Member Connell asked if there would be delivery. Mr. Wright responded no. Council Member Connell asked if it could be used in cakes, cookies, bars or candy. Mr. Wright replied it could be sold in an infused form or raw form. If they sold it infused, they had to be cleared by the Health Department. It would be difficult to show it was a safe food product. Council Member Connell asked if the list of separations included bars and liquor stores. Mr. Wright replied the statute has separation from schools and the Town could zone it how the Town wants.

Mayor Evans closed the First Reading and Public Hearing.

3. **Resolution No. 2588.** Mayor Evans opened Discussion/possible action concerning Resolution No. 2588, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT'S CONVERSION INTO A COMMUNITY COLLEGE DISTRICT.

Council Member Connell stated there have been many ups and downs with the community college and she had asked for this resolution.

**Motion:** to Approve Resolution No. 2588, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING GILA COUNTY PROVISIONAL COMMUNITY COLLEGE DISTRICT'S CONVERSION INTO A COMMUNITY COLLEGE DISTRICT.

Moved by Council Member Su Connell, seconded by Council Member Ed Blair.

**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 were no items in this section.

## **I. NEW BUSINESS**

1. **Council Decision Request** filed by Debra A. Galbraith, Town Manager, concerning moving budgeted funds between departments. (Moving approximately \$42,000.00 from the Elections Division to the Fire Department for repairs to the ladder truck).

Debra Galbraith, Town Manager, explained the money had been budgeted for an election and there was no call for an election so there was money there to pay for the fire truck repair. The money could be moved within departments, but Ms. Galbraith needed approval from the Council to move the money from the Clerk's budget to the Fire Department budget.

Martin deMasi, Fire Chief, explained the ladder truck motor had cracked heads. The repair was an estimate and could come in lower than this because some parts would

have a core value, but he would not know until they actually got into it.

**Motion:** move \$42,000.00 of the budget in the Elections Division to the Fire Department budget for repair of the ladder truck.

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.

2. \* **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon Garrett, Pubic Works Director, concerning a 1-year extension to the on-call engineering and construction management contract for the Payson Airport with Armstrong Consultants, Inc.  
**\*CONSENT\* APPROVED**

## **J. CLAIMS**

1. \* **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 12/01/10 through 12/29/10 , Check Nos. 012377 through 012686, except Check No. 012403, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVED**
2. \* **Check No. 012403.** Council approved, on the Consent Agenda, Check No. 012403 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Hughes will be considered to have abstained from voting on this item).  
**\*CONSENT\* APPROVED**

## **K. MISCELLANEOUS**

1. \* Council approved, on the Consent Agenda, the **appointment of Nancy Gartner** to the Parks and Recreation Advisory Board, term to expire December 31, 2013.  
**\*CONSENT\* APPROVED**
2. \*Council approved, on the Consent Agenda, the **appointment of Peter Zonakis** to the Transportation Advisory Board, term to expire December 31, 2013.  
**\*CONSENT\* APPROVED**
3. \*Council approved, on the Consent Agenda, the **appointment of Howard Layson** to the Housing Advisory Committee, term to expire December 31, 2013.  
**\*CONSENT\* APPROVED**
4. \*Council approved, on the Consent Agenda, the **appointment of James Muhr** to the Housing Advisory Committee, term to expire December 31, 2013.  
**\*CONSENT\* APPROVED**
5. \*Council approved, on the Consent Agenda, the acceptance, with regrets, of the

**resignation of Steele Owens** from the Fire Department Alternative Pension Plan Committee, with thanks for a job well done.  
**\*CONSENT\* APPROVED**

**L. PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 7:06 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 6 of January, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Tracie Bailey, Deputy Town Clerk