

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
March 7, 2013**

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 Joe Hittle, Calvary Chapel.

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, LaRon Garrett - Assistant Town Manager, Tim Wright - Town Attorney, Marti deMasi - Fire Chief, Don Engler - Police Chief, and Silvia Smith - Town Clerk.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk.

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

1. 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 Su Connell, 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.

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.

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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)

Debra Galbraith, Town Manager, announced for the fourteenth year in a row the Town had received a budget award. Tammy Enlow, Budget Analyst, had received an individual award.

Don Engler, Police Chief, recognized Tom Brown, a Police Department volunteer, who had reached a mile stone. Mr. Brown has volunteered since May 4, 2001 and has donated over 10,000 hours of service to the Police Department and the Town. Chief Engler said Mr. Brown checked in every day and asked what there was for him to do that day. Mr. Brown's duties included driving the special response vehicle when police officers served search warrants. Mr. Brown also outfitted the special response team van. Chief Engler believed the total program was at 131,000 hours of volunteer service. Chief Engler thanked the Council and appreciated Mr. Brown's service.

Tim Wright, Town Attorney, announced last weekend the mock trail team from Payson came in second place in Flagstaff and would go on to the State competition. Mr. Wright read each member's name and congratulated the team.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Mayor Evans announced Arizona State University would be at Camp Tontozona the week of August 12th through the 20th. This would be a great economic benefit to the Town. Mayor Evans thanked everyone who helped make that happen.

E. MINUTES

1. * Council Meeting Minutes:

02.07.13 Regular Meeting Minutes Pages 1 - 6

***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. * Building Advisory Board Minutes:

01.10.13 Regular Meeting Minutes Pages 453 - 454

***CONSENT* INFORMATION ONLY**

3. * Public Safety Personnel Retirement System Payson Police Department Local Board Minutes:

12.11.12 Regular Meeting Minutes Pages 1 - 2

***CONSENT* INFORMATION ONLY**

4. * Parks and Recreation Commission Minutes:

10.10.12 Regular Meeting Minutes Pages 1 - 3

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. 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. **Ordinance No. 827.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 827 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SUBSECTION (G) TO SECTION 33.03 OF THE CODE OF THE TOWN OF PAYSON, CREATING A PROVISION TO DESIGNATE A TOWN BOARD, COMMITTEE, OR COMMISSION INACTIVE.

Tim Wright, Town Attorney, explained the Town Boards are governed by the Town Council and this ordinance would modify the Town Code so the Council could designate a Board as inactive. This had a provision if a Board does not have a quorum for a time they become inactive.

Council Member Blair asked if the Board had to be designated inactive up front for how long it would be inactive or just let them know when they were active again. Mr. Wright replied the time could be indefinite or let them know when to come back.

Council Member Carpenter asked how would the Council act on this with a resolution or Council Decision Request. Mr. Wright responded it could be with a Council Decision Request.

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

3. **Ordinance No. 828.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 828 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 34 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (MAGISTRATE COURT).

Tim Wright, Town Attorney, explained the court was recently involved in an audit on the procedural side. The court was not following the Code to the letter. It had to be in accordance with State law and would help the judge determine if people were

indignant.

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

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** to direct Staff to work with the Planning and Zoning Commission re: Town Codes relating to the parking of trailers and recreational vehicles in the Town right-of-way.

LaRon Garrett, Assistant Town Manager, explained the current Town Code allowed cars or trucks to park in the right of way, but prohibited recreational vehicles. Some people have built little areas to park that are not a problem, but are still in violation of the code. Mr. Garrett believed there may not be a problem with most of these and they were not a safety issue.

Mayor Evans asked Tim Wright, Town Attorney, to explain how a Council Decision Request worked. Mr. Wright explained the Council Decision Request asked staff to get the ball rolling and then this would be an ordinance change. It would be a longer process.

Mayor Evans noted the Council could choose to pass an ordinance and act on it directly and in some cases the Council could use a Council Decision Request to ask staff to give Council a recommendation at a future date. It was to say this was the issue and the Council wanted more information.

Council Member Blair believed the most valuable input from the citizens would be at the Planning and Zoning meeting and felt most of these were just fine motor homes. Council Member Blair asked that the undesirable appearance of some of the vehicles be addressed.

Council Member Carpenter asked if this would have an impact on home owners associations. Mr. Garrett believed if the home owners association had a more vigorous rule then they would go by that. In this area there was no home owners association. Debra Galbraith, Town Manager, noted this was a policy for the whole Town.

Motion: to direct Staff to work with the Planning and Zoning Commission regarding Town Codes relating to the parking of trailers and recreational vehicles in the Town right-of-way.

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

Tom Gossard had moved to Payson about fifteen years ago and had been parking there the whole time. Mr. Gossard's motor home stayed covered and out of sight and he did not want to pay to park somewhere else. Mr. Gossard thanked the Council.

Tom Russell loved Payson and felt it was a relaxed place to live. Mr. Russell could not back his motorcycle trailer up his hill and had carved out a place next to the street to get it out of the way. Mr. Russell felt when the home owner takes the time and expense to make a place it should be allowed.

Ivan Kornoff did volunteer work and had looked at housing in the area. Mr. Kornoff had parked his RV in the right of way area so it was easy to load and unload, but understood the Town needed to have access to the right of way. Mr. Kornoff would like to still utilize the area when they were here because he used his RV to do volunteer projects. Mr. Kornoff asked the Council to consider that these spaces could be used so it would be a win win situation. Council Member Blair suggested Mr. Kornoff check to see if it was the home owners association or the Town asking him to move his trailer. Mr. Kornoff was not sure if there was a home owners association.

Council Member Croy asked if this was the right of way and not personal property. Mr. Garrett replied yes it was right of way and the Town owned around three feet behind the curve. Council Member Croy asked if everybody parked in the right of way in Town. Mr. Garrett responded there were cars and trucks currently parking in the right of way and it was not illegal.

Greg Ginter found this was a Town wide problem. Mr. Ginter had received a violation notice and found that other neighbors were violating this. Mr. Ginter had written a letter of protest in response and felt this was a Town wide problem that went back forty years. Mr. Ginter asked the Council to work on a common problem and find a solution. Mr. Ginter thanked Mr. Garrett for his help on this.

Donn Morris had contacted the Town in 1999 to put a concrete pad on his right of way. The Town said it was fine, but if they had to get to it they would go right through the concrete. Mr. Morris believed there was no consistency to how far the right of ways around Town go back.

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.

2. **Council Decision Request** to approve the contract for bidding services for C. C. Cragin Treated Water Line G and H and the Untreated HDPE line with Tetra Tech, Inc. for a maximum of \$31,470.

LaRon Garrett, Assistant Town Manager, explained how these lines would be run. Design was almost one hundred percent complete and ready to bid out by the end of March or the first part of April.

Motion: to Approve the contract for bidding services for C. C. Cragin Treated Water Line G and H and the Untreated HDPE line with Tetra Tech, Inc. for a maximum of \$31,470.

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.

Mayor Evans asked Mr. Garrett if this would be around a four million dollar job. Mr. Garrett replied around two million.

3. **Council Decision Request** regarding traffic control at the intersection of N. Easy Street and N. Bradley Dr., including consideration of making the intersection an "All Way" stop.

LaRon Garrett, Assistant Town Manager, explained staff was asked by residents to study speeding in the area. The report showed that speeding was not over excessive. Mr. Garrett had taken into account the Bradley and Easy intersection was the only access for 230 lots in the area. The report showed the traffic counts made it a candidate for an all way stop.

Roger Williams thanked the Mayor and Council and felt this was pretty self explanatory and warrants the all way stop. The neighbors all agree. Mr. Williams explained there was a blind spot that made it hard to get out of there. Also alot of people came to the postal box and cars came around the corner when people crossed the street. Mr. Williams believed people were still speeding, but the point was there were a lot of people that wanted to see this all way stop go in.

Council Member Carpenter asked if staff had received these requests before and had ever recommended approval of them. Mr. Garrett replied this was the first one he had ever recommended approval of based on the study. Council Member Carpenter asked if anyone was opposed to it. Mr. Garrett responded yes he had received one e-mail opposed and one letter in support. Mr. Carpenter noted he had received a small petition that was in favor of the all way stop.

Council Member Connell noted she traveled this road once a day and felt it was not a necessity, but she could support it if the residents wanted it.

Motion: to make the intersection of N. Easy Street and N. Bradley Dr. an "All Way" stop.

Moved by Council Member Ed Blair, 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.

4. * **Council Decision Request.** Council approved, on the Consent Agenda, to award the bid for the purchase of a new breathing air compressor and related equipment

including the option for carbon monoxide/moisture monitoring to the W.W. Williams Company, authorize the expenditure of \$33,910.04 for such bid, and authorize the Mayor or the Town Manager to sign all necessary documents to make the purchase.

***CONSENT* APPROVED**

5. **Council Decision Request** to support the use of civilian Unmanned Aerial Vehicles (UAV's) at the Payson Airport and to direct the Airport Commission to research the use of UAV's at the Payson Airport and to recommend any updates/amendments to the Town's Rules and Regulations, Policies, and/or Chapter 95 of the Town Code that may be necessary to accommodate UAV's and ensure continued Airport safety.

LaRon Garrett, Assistant Town Manager, explained this Council Decision Request regarding civilian Unmanned Aerial Vehicles was before the Council because a business with these wanted to come to Payson.

Council Member Carpenter asked if it was similar to a military drone. Mr. Garrett believed it could be.

Mayor Evans noted there was an incident where an Unmanned Aerial Vehicle came close to a commercial airliner and caused a problem. Mayor Evans believed there needed to be some rules and regulations in place for this before it became a problem and noted there were some commercial advantages brought about by this. One option was a cutting edge technology that photographs the forest and determines the health of the forest so Forest Service staff did not have to go into the forest to do it.

Mayor Evans noted the Forest Service could use this for fire control and three of the five companies moving this forward were in Arizona.

Motion: to support the use of civilian Unmanned Aerial Vehicles (UAV's) at the Payson Airport and to direct the Airport Commission to research the use of UAV's at the Payson Airport and to recommend any updates/amendments to the Town's Rules and Regulations, Policies, and/or Chapter 95 of the Town Code that may be necessary to accommodate UAV's and ensure continued Airport safety.

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.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from January 29, 2013 through February 22, 2013, Check Nos. 020964 through 021243, and authorization to file the checks for audit.

***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, the approval of **Rob Ingram as Chair and Jim Lyon as Vice-Chair** of the Parks and Recreation Commission.
***CONSENT* APPROVED**

2. * Council approved, on the Consent Agenda, to accept the **reappointment of Matt Van Camp** to the Arizona Public Safety Personnel Retirement System Local Board, term to expire December 31, 2016 (election held by active members of the system and employed by the Payson Police Department).
***CONSENT* APPROVED**

3. * Council approved, on the Consent Agenda, the **Appointment of Dean Faust** to the Arizona Public Safety Personnel Retirement System Local Board to fill an unfilled vacancy, term to expire December 31, 2016 (civilian position).
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

1. There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:27 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 7 of March, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2013.

Tracie Bailey, Deputy Town Clerk