

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
May 2, 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 Jimmy Ester, U-Turn for Christ.

**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, Don Engler - Police Chief, Silvia Smith - Town Clerk, and Cameron Davis - Parks, Recreation and Tourism Director.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk, Detective Michael Varga and Detective Mike McAnerny.

**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 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.

Cameron Davis, Parks, Recreation and Tourism Director, thanked everyone for their help with the Harlem Ambassadors. Mr. Davis announced the Geek Race was this weekend and the Wildlife Fair was next weekend. The weekend after that was the Gary Hardt Memorial Rodeo. The Mountain High Games May 31st - June 2nd already had fifty signups with a month to go. May 31st at 4:00 p.m. the Home Town Heroes, Police Officers and Fire Fighters, would go one on one against each other in the Mogollon Mudder 5K Race to support the local food banks. Mr. Davis thanked Kaprice Bachtell, Recreation Specialist, for bringing the Rim Rock Classic Team Roping Championships to the Event Center in July. There would be 750 to 1000 teams in this event.

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)

There were no documents for Council review.

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

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation.** Vice-Mayor Hughes read into the record a proclamation declaring May 16 - 18, 2013 as Payson Western Wear Days. John Landino and members of the Payson Rodeo Committee were present to accept the proclamation.

John Landino thanked the Council and noted Friday night was tough enough to wear pink night. Saturday was the Patriotic performance. Mr. Landino announced starting times for the evening performances had changed to 6:00 p.m. and the Saturday performance would start at 2:00 p.m. There was a new event called Bulls, Broncs and Bling that was an open riding contest. Mr. Landino stated he would pay Mayor Evans entry fee if he would enter the contest. Mayor Evans asked Mr. Landino to donate the entry fee to charity.

3. **Proclamation.** Council Member Wilson read into the record a proclamation declaring May 12 - 18, 2013 as Police Week and May 15, 2013 as Peace Officers' Memorial Day. Payson Police Chief Don Engler and officers with the Gila County Sheriff's Department, Department of Public Safety, Arizona Game and Fish and the Tonto Apache Tribe were present to accept the proclamation.

Don Engler, Police Chief, thanked the Council and noted all departments in the region work together as a team to make law enforcement successful. Chief Engler thanked the community and all of the other departments.

Mayor Evans recognized the Payson Community Garden for all of their hard work and community spirit. Mayor Evans stated they did a marvelous job with the volunteers and did great things for the community.

#### **E. MINUTES**

1. \* **Council Meeting Minutes:**

04.18.13 Regular Meeting Minutes Pages 1 - 8

**\*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:**

03.11.13 Regular Meeting Minutes Pages 1 - 3

**\*CONSENT\* INFORMATION ONLY**

3. \* **Building Advisory Board Minutes:**

02.04.13 Regular Meeting Minutes Pages 455 - 454

**\*CONSENT\* INFORMATION ONLY**

4. \* **Design Review Board Minutes:**

07.09.12 Regular Meeting Minutes Page 197

07.24.12 Regular Meeting Minutes Pages 198 - 199

08.13.12 Regular Meeting Minutes Page 200

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. \* **Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by John Wilson, agent for Friends of Payson Parks & Recreation, Inc., for a fundraiser to be held at 1400 South Beeline Highway, Payson, Arizona, Friday, May 31, 2013, 3:00 p.m. to 8:00 p.m. and Saturday, June 1, 2013, 8:00 a.m. to 8:00 p.m.

**\*CONSENT\* APPROVED**

**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. Public Hearing on Resolution No. 2707 and Ordinance No. 830 RE: Mobile Storage Units:

A. At the April 18, 2013 Council Meeting, Resolution 2707 and Ordinance 830 were 'Tabled' to the May 2, 2013 Regular Council Meeting. Because this item was tabled to a 'date certain,' the Motion to Table shall be treated as a Motion to Postpone to Date Certain and does not require any further action to continue the Public Hearing and possible action on these items.

- B. Resolution No. 2707 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT', AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.
  
- C. Second Reading and Public Hearing concerning Ordinance No. 830, Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT'.

Mayor Evans opened the Public Hearing.

Tim Wright, Town Attorney, explained the draft integrated all of the Council's changes and added a new section for waivers similar to a conditional use permit process.

Bill Tonstad of Rim Liquor owned the property next to Car Quest. Mr. Tonstad did not believe it would be a hardship on Car Quest to remove one storage unit and showed the Council pictures of the storage units. Mr. Tonstad believed the vacant building on the property could be used for storage instead and did not like the old batteries that were piled up. Mr. Tonstad felt these units were not necessary and thanked the Council.

Mike Harper, Attorney for Car Quest, felt the changes were a step in the right direction, but still had some concerns. Mr. Harper believed the impact of the ordinance was going to be felt beyond Car Quest and was concerned that the Council had not considered the full impact this ordinance would have on the Town. Mr. Harper felt the waiver provision was a good move and asked what the real problem was with these units. Mr. Harper recommended that there be some kind of guideline for these units and was concerned that there was no appeal process. Mr. Harper requested that the Council look again at the need for this strict restriction and what the impact would be.

Council Member Blair asked Mr. Harper if Car Quest had finalized how many square feet they were using. Mr. Harper replied there was 640 square feet and if this was adopted Car Quest would be affected. Council Member Blair asked if Car Quest would apply for a waiver for square footage. Mr. Harper responded yes, but then there was not an appeal process if he was not granted a waiver. Council Member Blair asked if the footage at Payson Feed had been figured. Mr. Harper replied they have four forty foot units. Council Member Blair asked how much land they had. Mr. Harper believed it was in the ball park of an acre. Council Member Blair asked if they would ask for a waiver also. Mr. Harper replied yes. Council Member Blair was concerned about the ascetics and felt there should be a group on Planning and Zoning that could look at that. Mr. Wright noted he had put in the same provision as signs and it would be reviewed in thirty months. Council Member Blair noted if there were a lot of complaints staff could really look at this and if it is not

working out it would go back to Council.

Council Member Carpenter asked if staff had a lot of complaints. LaRon Garrett, Assistant Town Manager, replied staff had some complaints, but not a big amount of complaints. Official complaints were less than half a dozen. Council Member Carpenter asked Mr. Harper on the list you gave Council how many would be in violation. Mr. Harper replied eight or nine. Council Member Carpenter asked Mr. Harper if he did a comprehensive survey. Mr. Harper responded no.

Council Member Wilson noted this was set up for a thirty month study so staff could see what happens and learn by experience then adjustments could be made. Mr. Harper felt that was a good approach, but at that point was concerned that the Council would not have any involvement. Council Member Wilson felt the thirty month period would help staff gain experience and then make adjustments. Mr. Harper was concerned that this could not be enforced and that the Council would not be involved. Mayor Evans noted the Council does have the power to adjust this and can come back and change this.

Council Member Croy asked of the complaints how many of the people that complained came into the Town and reviewed the regulations. Mr. Garrett replied he did not believe any of them came in. Mayor Evans noted the permitting process was a key part of this so staff would know who had containers and where they were at. Council Member Croy asked if that permitting process had been in place for a long time. Mr. Garrett replied in this type of area they were very limited. Council Member Croy asked if there were regulations. Mr. Garrett replied yes. Council Member Croy noted if someone did not follow regulations it made it difficult for the Council to set regulations as a body. Council Member Carpenter asked if Mr. Tonstad would be here if the gas line were not an issue. Mayor Evans believed the gas line was not an issue concerning this ordinance. Mayor Evans noted he and Mr. Wright had gone over the types of materials that can be stored in these units. Mr. Wright responded that was in Section B.

Mayor Evans closed the Public Hearing.

**Motion:** to approve Resolution No. 2707 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT', AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

And

Ordinance No. 830, Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT'.

Moved by Council Member John Wilson, seconded by Vice-Mayor Michael Hughes.

Council Member Carpenter asked if the Council was concerned about the appeal process. Council Member Blair acknowledged he had considered it, but felt staff could rely on the

study and that Council was the final decision.

Vice-Mayor Hughes noted the current regulations made all of the units illegal and they would all have to be removed. Vice-Mayor Hughes believed this was a step in the right direction.

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.

#### **H. UNFINISHED BUSINESS**

1. There were no items in this section.

#### **I. NEW BUSINESS**

1. \* **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Cameron Davis, Parks, Recreation and Tourism Director, to approve the fireworks display contract and addendum in the amount of \$20,000 with Fireworks Productions of Arizona for the annual fireworks display at Green Valley Park and authorize the Town Manager to sign such contract and addendum.

**\*CONSENT\* APPROVED**

2. \* **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Cameron Davis, Parks, Recreation and Tourism Director, to approve the contract for operation of Taylor Pool between the Town of Payson and EVO Swim School and authorize the Town Manager to sign the contract.

**\*CONSENT\* APPROVED**

#### **J. CLAIMS**

1. \* **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from April 4, 2013 through April 17, 2013, Check Nos. 021675 through 021933 and Check No. 921335, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

#### **K. MISCELLANEOUS**

1. \* Council approved, on the Consent Agenda, the approval of **Jim Garner as Chair and Barbara Underwood as Vice-Chair** of the Design Review Board.

**\*CONSENT\* APPROVED**

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

1. There were no public comments.

#### **ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 6:24 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 2 of May, 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