

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
February 20, 2014**

**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 Gordon Hauptman, Crossroads Church.

**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, Cameron Davis - Parks, Recreation and Tourism Director, Emily Linkey - Library Director, and Tanner Henry - Water Division Manager.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk and Hope Cribb - Finance Manager.

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

Mayor Evans stated Bob Salia, Forest Health Specialist, said there was an infestation of the pine needle scale, an insect that can devastate the Pinion Pine trees. This infestation was three months ahead of schedule. Mayor Evans asked home owners to keep an eye on their trees and if they see a cluster of sap take precautions to mitigate damage. This was an infestation, nymphs were already coming out. Mayor Evans encouraged everyone to be careful with fire, the forest was extremely dry.

**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.

Emily Linkey, Library Director, announced the Dr. Seuss program was coming up on March 3, 2014. Next Monday was a history program called *You Wouldn't want to be a Viking* and March 8, 2014 was the Taste of the Rim Fundraiser. Council Member Connell asked what time the Dr. Seuss event started. Ms. Linkey replied at 3:30 p.m. Council Member Blair asked what age group the Dr. Seuss event was for. Ms. Linkey responded three years old and up. Council Member Wilson still had some tickets for sale for the Taste of the Rim.

Vice-Mayor Hughes announced there was currently an opening on the Planning and Zoning Commission and encouraged anyone who wanted to serve their community to turn in an application at Town Hall.

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.

**E. MINUTES**

1. \*Council Meeting Minutes:

02.06.14Regular Meeting Pages 1 - 7  
**\*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. \*Planning and Zoning Commission Minutes:

10.14.13 Regular Meeting Pages 1 - 4  
**\*CONSENT\* INFORMATION ONLY**

3. \*Design Review Board:

09.10.13 Regular Meeting Pages 205 - 206  
**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. There were no items in this section.

**G. RESOLUTIONS AND ORDINANCES**

1. **Replacement Development Impact Fees.**

A. Discussion/possible action concerning **Resolution No. 2754** captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN'S 2014 LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN, PART OF THE TOWN'S CONSIDERATION OF REPLACEMENT DEVELOPMENT IMPACT FEES.

B. **Presentation by Staff** re: the administrative costs associated with collection, tracking, spending, and potentially refunding any assessed Development Impact Fees. Replacement Development Impact Fees 2014 Paper.

C. Discussion/possible action concerning **Resolution No. 2755** captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, PROVIDING NOTICE OF THE TOWN'S INTENT TO ASSESS REPLACEMENT DEVELOPMENT IMPACT FEES.

Note - The Motion approving Resolution 2755 should indicate if one, some, or all of the Replacement Development Impact Fees listed in Section 1 of the Resolution are being noticed for possible adoption.

Tim Wright, Town Attorney, explained the process and that Council could take these items one at a time or together. Mayor Evans believed the Council should handle the items one at a time and opened discussion/possible action concerning Resolution No. 2754. Mr. Wright explained this was one more step in the process, this was the formal adoption of the studies. Later Council

would adopt the notice of intent. Mayor Evans noted this then became the assumption the Town based it's future decisions on. Mr. Wright stated that was true.

**Motion:** to Approve Resolution No. 2754 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN'S 2014 LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN, PART OF THE TOWN'S CONSIDERATION OF REPLACEMENT DEVELOPMENT IMPACT FEES.

Moved by Vice-Mayor Michael Hughes, 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.

Hope Cribb, Finance Manager, gave a Power Point presentation regarding the administrative costs associated with collection, tracking, spending and potentially having to refund any assessed Development Impact Fees. Ms. Cribb gave a brief overview of what the Legislature required if the Town adopted the impact fees. The Finance Department would have to keep up a data base for each person who paid a fee and do monthly input into the data base. Ms. Cribb briefly went over refunds. Vice-Mayor Hughes asked even if after the ten year limit was up 25 years from now someone could request a refund with interest. Tim Wright, Town Attorney, responded yes, but first staff had to have enough records to determine if a refund was owed.

Council Member Carpenter asked if the money was spent on an eligible project then there would be no refund. Mr. Wright replied correct. Council Member Carpenter commented that would make water projects attractive because the Town would be spending huge amounts of money on water projects in the future.

Debra Galbraith, Town Manager, noted that the cost to build a road could be \$750,000 and the Town only accumulated \$200,000 in impact fees, but still cannot come up with the rest of the money that could cause a refund.

Ms. Cribb noted that at the end of ten years any fee not spent for the improvement was subject to refund. Ms. Galbraith explained staff was not sure of what the cost associated with the record keeping would be, the Town may have to hire another person just to do that. Vice-Mayor Hughes noted money had to be taken from the General Fund to pay for burdens. Council Member Carpenter asked if the impact fees can take care of the water fee. Ms. Galbraith replied if push came to shove the Town would have to stay the way it was.

Ms. Cribb went over total fees collected over the past eight years. Ms. Galbraith noted one of the differences was in the past these fees could be used for anything and now the Town had to pick what project to do. Council Member Carpenter noted water was so much more because the Town collected the fee on commercial and residential projects. Mr. Wright replied yes and it had a different calculation.

Ms. Cribb went over project scenarios. Mr. Wright noted the Town had to pay fees to track the fees. Council Member Carpenter asked if the Town could do a blanket refund. Ms. Galbraith responded the Town had to wait until the refund was requested, the Town had to save the money. Council Member Wilson asked if the fee had to be in a separate account and had to be tracked separately. Ms. Galbraith replied yes, but more people would pay fees and the account would grow. Council Member Wilson asked if for a specific project each time did it have to have a separate account. Mr. Wright replied correct.

Council Member Croy asked if the money had to be used for new streets. Ms. Cribb replied yes. Council Member Croy commented so it would have to be an outside street like a bypass. Mayor Evans noted that would only serve one part of the community. Mr. Wright responded basically it was Rumsey Drive, Mud Springs Road phase 2 and Melane Road that would benefit the entire town. Ms. Galbraith stated the main idea was the fee had to be used for future growth. Council Member Croy asked how that applied to the parks. Mr. Wright replied if more people came to the park and the Town built another amenity. Ms. Galbraith explained the Town was looking at increasing the capacity of the park.

Council Member Blair asked if the east side of Manzanita was cut out and the hilly part made into a new street would that count. Mr. Wright replied probably not. LaRon Garrett, Assistant Town Manager, believed a lane had to be added to make it count, it would have to be made into a three lane road. Mr. Wright noted this bill was being pushed by the Home Builders Association. Council Member Blair felt the Home Builders Association was pushing it because it was so cumbersome and would be abandoned. Council Member Wilson believed it was because it cut their costs and it did not affect the selling price.

Council Member Carpenter asked if there would be more amendments to this bill. Mayor Evans replied the Home Builders Association had promised not to bring anything back for five years. Mr. Wright felt they would amend it. Ms. Galbraith agreed. Mayor Evans asked if the project isn't done are people still able to get a refund. Mr. Wright replied yes.

Mayor Evans explained Resolution No. 2755 was a notice of the Town's intent to do something, Council could not go back and undo what was done tonight. Council could consider one, some or all fees to be noticed. Mr. Wright noted Council could go back, but not by August 1, 2014, the Town had to have the fees in place by August 1, 2014. Vice-Mayor Hughes asked

if Council did not have fees in place would staff have to go through the whole process again. Mr. Wright responded yes, if Council approved this tonight the Council would have to make the final decision by May.

Council Member Carpenter recommended that Council consider the water fees only. Council Member Blair asked why it took twelve months to change this. Mayor Evans explained staff was well into the process now. Mr. Wright replied the Town has had hearings since last December. Mayor Evans reiterated this was to provide notice of intent to consider fees at the Council's April and May meeting.

**Motion:** to Approve Resolution No. 2755 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, PROVIDING NOTICE OF THE TOWN'S INTENT TO ASSESS REPLACEMENT DEVELOPMENT IMPACT FEES.

Moved by Council Member Fred Carpenter, seconded by Council Member Ed Blair.

Mr. Wright clarified the Council was recommending Resolution No. 2755 as written to have all the potential development impact fees included in the notice of intent. Mayor Evans replied yes. Council Member Blair asked if it was going to be the same fee or is the Council not saying what the fee was yet. Mayor Evans replied the Council was providing notice of the Town's intent to consider all fees. 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. **\*Resolution No. 2758.** Council approved, on the Consent Agenda, Resolution No. 2758 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT FOR PROCESS SERVING SERVICES BETWEEN THE TOWN OF PAYSON AND GILA COUNTY.  
**\*CONSENT\* APPROVED**
3. **\*Resolution No. 2759.** Council approved, on the Consent Agenda, Resolution No. 2759 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT FOR 801 WEST BRIDLE PATH DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".  
**\*CONSENT\* APPROVED**
- 4.

**\*Resolution No. 2760.** Council approved, on the Consent Agenda, Resolution No. 2760 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT FOR 802 WEST SADDLE DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

**\*CONSENT\* APPROVED**

5. **\*Resolution No. 2761.** Council approved, on the Consent Agenda, Resolution No. 2761 captioned as follows: A RESOLUTION OF THE COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN ASSURANCE AGREEMENT FOR THE REALIGNMENT/CONSTRUCTION OF APPROXIMATELY THE 2200 TO 2400 BLOCK OF DOLL BABY RANCH ROAD, ACCEPTING REAL PROPERTY ASSOCIATED WITH SUCH REALIGNMENT, AND AUTHORIZING THE TOWN MANAGER AND MAYOR TO SIGN RELATED DOCUMENTS. (DOLL BABY RANCH ROAD ASSURANCE AGREEMENT)

**\*CONSENT\* APPROVED**

6. **Resolution No. 2762.** Mayor Evans opened discussion/possible action concerning Resolution No. 2762 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING SENATE BILL 1076 (ALLOWING PROVISIONAL COMMUNITY COLLEGE DISTRICTS TO RECEIVE WORKFORCE DEVELOPMENT FUNDS).

Mayor Evans explained this would allow Gila Community College to collect funds for workforce training. Currently there was a prohibition on this and the Town has been asked to support this as a Town Council. Council Member Connell felt this was critical for the community and it would give people the opportunity to get workforce training.

**Motion:** to Approve Resolution No. 2762 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING SENATE BILL 1076 (ALLOWING PROVISIONAL COMMUNITY COLLEGE DISTRICTS TO RECEIVE WORKFORCE DEVELOPMENT FUNDS).

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.

7. **Ordinance No. 844.** Second Public Hearing concerning Ordinance No. 844 captioned as follows: AN ORDINANCE OF THE MAYOR AND

COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 51 (GARBAGE) OF THE TOWN CODE. (PART 8 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

8. **Ordinance No. 845.** Second Public Hearing concerning Ordinance No. 845 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TITLE VII (TRAFFIC CODE), CHAPTERS 70 (GENERAL PROVISIONS), CHAPTER 71, (TRAFFIC RULES), AND CHAPTER 72, (PARKING REGULATIONS) OF THE TOWN CODE. (PART 9 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

Mayor Evans opened the Public Hearing For Ordinance No. 844 and Ordinance No. 845. There were no public comments. Mayor Evans closed the Public Hearing.

**Motion:** to Approve Ordinance No. 844 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 51 (GARBAGE) OF THE TOWN CODE. (PART 8 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

and

Ordinance No. 845 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TITLE VII (TRAFFIC CODE), CHAPTERS 70 (GENERAL PROVISIONS), CHAPTER 71, (TRAFFIC RULES), AND CHAPTER 72, (PARKING REGULATIONS) OF THE TOWN CODE. (PART 9 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

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

**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** filed by LaRon Garrett, Assistant Town Manager, to approve the use of the public right of way adjacent to 410 West Main Street for a covered walkway.

LaRon Garrett, Assistant Town Manager, explained the owner had submitted a request to put a facade on the building that would be on Town right of way. This would need Council approval. It was reviewed by the Design Review Board and approved 6-0. Council Member Blair asked where the parking would be. Mr. Garrett replied there was enough space to make the improvement and still have parking without being on the sidewalk. Mayor Evans asked where the nearest streetlight was. Mr. Garrett responded just to the east and west, not where cars would be driving in and out. Mayor Evans asked how it would work with replacing the street lights on Main Street. Mr. Garrett explained the street lights would have to steer around it and it would leave the parking area open. There would be lights for the walk way. Mayor Evans believed this was a great step in the right direction and asked staff to work with the owners and help them. Debra Galbraith, Town Manager, noted the owner said he would meet with people on Main Street and talk to them about improving their properties too.

**Motion:** to approve the use of the public right of way adjacent to 410 West Main Street for a covered walkway.

Moved by Council Member Fred Carpenter, seconded by Council Member Su Connell.

Council Member Blair had heard Jerry's Clock Shop was going to be incorporated in under the walkway. Mr. Garrett replied he did not know if that was true. 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.

## **J. CLAIMS**

1. **\*List of checks.** Council approved, on the Consent Agenda, a list of checks paid from January 31, 2014 through January 31, 2014, Check Nos. 025154 through 025231, except check number 025173, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVED**
2. **\*Check No. 025173.** Council approved, on the Consent Agenda, Check No. 025173 and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Blair was considered to have abstained from voting on this item).  
**\*CONSENT\* APPROVED**

## **K. MISCELLANEOUS**

1. **\*Council approved, on the Consent Agenda, the approval of Jeff Loyd as Chair and John Swenson as Vice-Chair** of the Planning and Zoning

Commission.

**\*CONSENT\* APPROVED**

2. \*Council approved, on the Consent Agenda, the approval of **Jim Garner as Chair and Jerry Bancroft 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 6:25 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 20 of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_

Tracie Bailey, Deputy Town Clerk