

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE SPECIAL MEETING
March 4, 2014**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 5:48 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

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, Council Member John Wilson, and Silvia Smith - Town Clerk.

STAFF PRESENT: Debra Galbraith - Town Manager, LaRon Garrett - Assistant Town Manager, Tim Wright - Town Attorney, and Don Engler - Police Chief.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Dan Bramble - Battalion Chief, Jim Rasmussen - Battalion Chief, and Ray LaHaye - Chief Building Official.

WORK STUDY:

1. **Mayor Evans opened discussion/Possible Action re: the 2012 Wildland-Urban Interface (WUI) Code. Note - The Council did not take substantive or final action on the 2012 Wildland-Urban Interface Code, but the Council may direct staff to research additional information, prepare additional materials, and/or investigate other options.**

Mayor Evans explained the purpose of the Workstudy. Mayor Evans had handed a document out to Council that discussed the approach Prescott took with this code. Mayor Evans believed the Town would still have to worry about the growth issue. Vice-Mayor Hughes noted everything he had read about this code primarily dealt with new construction or remodels. Dan Bramble, Battalion Chief, replied that is correct. Vice-Mayor Hughes questioned whether this code gave the Town any real benefit to protect the existing community as far as protection from wildland fire. Battalion Chief Bramble explained it was for protecting existing infrastructure as new structures were built to higher standards. Vice-Mayor Hughes believed it did not do anything for existing structures. Mayor Evans noted it did talk about protecting structures that are built in the forest. Mayor Evans had not heard of any fire started in a municipality that spread to the forest. Battalion Chief Jim Rasmussen noted if a house started on fire in town it could easily start the surrounding forest on fire. Mayor Evans could not find any example of that, but could see the potential. Mayor Evans noted the Fire Department has kept fires in homes from spreading to the forest. Battalion Chief Rasmussen concurred that was what the Fire Department did and most codes were preventative codes.

Council Member Blair asked the Battalion Chiefs if they wanted this approved word for word. Battalion Chief Bramble noted there was a list of proposed amendments. Council Member Blair asked if a decision regarding fire sprinklers had been made. Ray LaHaye, Chief Building Official replied yes, but not for this because it has not currently been adopted. Battalion Chief Rasmussen noted there were two and a half pages of amendments.

Council Member Carpenter asked if these amendments were proposed by the committee. Mr. LaHaye replied yes, the issue was brought to the Building Advisory Board which did the amendments by general consensus. The Board would not adopt the code word for word. Council Member Blair was concerned that it appeared there was a lot of power given to one person, the fire code official. Council Member Blair asked if the part where that one person had all of the power was amended. Mr. LaHaye responded it was the Fire Chief or his designee. Battalion Chief Rasmussen noted that power was to enforce the code as adopted by the Council and gave that individual some leniency. Council Member Blair asked if it would be up to the Fire Chief to see how detailed they go with the code. Battalion Chief Rasmussen noted it was like that with all codes.

Council Member Connell had looked at other areas looking at this and noted they had created a task force that looked at areas and felt the Town could put together a task force to look at this.

Council Member Croy believed the fire risk could only be resolved if half the trees were cut down and felt a better way to do it was to work with the involved agencies and help people make their own home more firewise. Council Member Croy felt public education by the Building Department could help people make the right decisions and believed this was big government telling the little guy what to do. Battalion Chief Bramble responded Prescott had adopted this code. Mayor Evans asked what code did Prescott adopt. Mr. LaHaye replied Prescott adopted the WUI Code with local amendments using the conditions that existed in Prescott. Mayor Evans asked if Prescott made the code based on that. Mr. LaHaye stated initially Prescott declined to adopt it then there was a fire that resulted in a number of losses and they adopted it.

Council Member Carpenter noted there was privately owned vacant land that needed to be cleaned up and asked if staff was doing anything with that. Battalion Chief Rasmussen replied staff had been working with the Building Department on those situations, but there was no document that he could refer to to tell the people how their place should look. Don Engler, Police Chief, noted currently those complaints were complaint driven and that was how they were addressed. Staff worked with the property owners and tried to overcome those concerns with voluntary compliance. Battalion Chief Rasmussen felt the Town needed a guideline. Mr. LaHaye noted the WUI Code would not address this, there was a fuel reduction plan triggered by the hazard severity form done for the building. Mayor Evans felt that would not help the open lots that have no building on them, the Town still could not do anything. Mayor Evans noted in the WUI Code it said the Code Enforcement Officer can close Forest Service roads and require that homeowners water native trees which was a violation of another Town Code. The

code would also require the removal of some very large trees. The Mayor felt this was a good effort and that the Town needed to do something, but needed to take a breath and come up with something that would make people's lives better. Fire Department Staff safety had to be a high priority. The code had to be reasonable or there would be public backlash. Mayor Evans believed staff needed to make people aware and that they were the answer to this problem and needed to be firewise. Mayor Evans asked if all of the firewise areas have been voluntary. Battalion Chief Bramble responded yes.

Vice-Mayor Hughes agreed with the firewise program and felt it did make people react. Vice-Mayor Hughes noted if this code was implemented he would have to cut down some of his big trees and fix his home to comply. Prescott reacted to this after they lost structures when it probably would not have applied to those structures because they were existing.

Council Member Blair asked if all of the amendments were with this chapter. Council Member Carpenter felt it would be easier to follow if there were strikeouts. Mayor Evans believed if the intent was to provide a firewise education instead it would not be a good use of staff time to go through this.

Council Member Blair felt the forest needed to be thinned. Council Member Carpenter believed the Town needed to address the areas that needed to be thinned with a code.

Council Member Wilson felt this administrative provision was creating a new agency with draconian provisions and he would not want to have all of his trees cut down or thinned out.

Vice-Mayor Hughes asked if the Fire Department was still promoting the Firewise Program. Battalion Chief Bramble replied yes. Vice-Mayor Hughes asked if interest in the program from the communities had died out. Battalion Chief Bramble believed the need was still there, but the program was grant funded in the past and the grants were no longer there. Chief Engler had attended a Firewise program in Chaparral Pines and it went well, there was a strong interest from that community. Battalion Chief Rasmussen personally agreed with the Council and suggested instead of adopting this code adopt an ordinance for firewise communities. Vice-Mayor Hughes agreed with that and felt that would help keep the Firewise Program going. Council Member Carpenter noted the entire community should be firewise.

Mayor Evans asked staff to put together a task force from people from each firewise community and come back to Council with a recommendation of steps for the Town to take. Mayor Evans asked Mr. LaHaye to pull up the code from Prescott and find out from colleagues if anyone has come up with a voluntary certification for buildings such as a WUI star for people who do follow these codes. Mr. LaHaye stated he would look at other programs operated by other municipalities and see what he could bring back to Council. Mayor Evans noted there could be a place for people to take brush they clean up to offer an incentive to those communities.

Battalion Chief Bramble noted the Town had sponsored the brush pits that were staffed by volunteers and it was his understanding that they were working towards reopening the brush pits. Mayor Evans asked Debra Galbraith, Town Manager, to find a way to support them moving forward.

Council Member Blair asked if there would be another incentive if insurance rates could be lower if you were part of a firewise community. Battalion Chief Rasmussen had talked to an insurance agency and found out the insurance company looked at your house with google map and can deny insurance. Mayor Evans believed that was another good reason to have a WUI certified house. Council Member Carpenter asked if the task force could bring forward recommendations. Mayor Evans felt it would have to go to the Planning and Zoning Commission first. Tim Wright, Town Attorney, suggested keeping it at the staff level and then the staff group could make recommendations to the Council.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:49 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 special meeting of the Town Council of the Town of Payson held on this day the 4 of March, 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