

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
April 3, 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 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 Richard Croy, and Council Member John Wilson.

**ABSENT:** Council Member Su Connell.

**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, and Tanner Henry - Water Division Manager.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk and Ray LaHaye - Chief Building Official.

Mayor Evans asked everyone to keep Council Member Connell in their thoughts and prayers.

**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 Ed Blair.

**Vote:** Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed

Blair, Council Member Fred Carpenter, Council Member Richard Croy, and Council Member John Wilson.  
Absent: Council Member Su Connell.

**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, announced the Arizona High School Rodeo Finals were coming back to Payson. The Southwest Indian Rodeo Finals and National Barrel Horse Finals were also coming to Payson. The Band of Brothers was coming to Town May 24th -26th in support of Veterans to prevent suicide among Veterans. There would be ten bands playing at the event center that weekend, around 5,000 people were expected to attend the event. On the same weekend there was also a big soccer tournament. The Sprint Triathlon was May 24th. The Mountain High Games were the first weekend in June and would include a Monster Truck Show. All of the bands have been booked for the summer concert series.

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. **Presentation of the 2014 Water Status Report.**

Tanner Henry, Water Division Manager, gave a presentation on Payson's 2014 Water Status Report. Mr. Henry went over completed Water Resource Projects, Water Conservation Programs, precipitation and resource status. One hundred and seventy nine 4th grade students had attended the 7th Annual Project Wet Water Festival and learned to conserve water.

Precipitation was below normal at 19.69 inches from April 2013 to March 2014. Water use was only fifty eight percent of the aquifer "Safe Yield" of 2,681 acre-feet per year. Targeted average consumption for each person was 89 gallons and actual consumption for each person in 2013 was 74 gallons. Mr. Henry recommended the Town stay at conservation level 1 for the 2014-2015 water year.

Mayor Evans noted the President of the Northern Arizona Municipal Water Users Association (NAMWUA) had requested what Payson's status was on water. Some other communities were facing severe water shortages. Mayor Evans thanked Mr. Henry and the Water Department staff.

3. **Proclamation.** Council Member Blair read into the record a proclamation declaring April 14, 2014 as a Day of Welcome to the March for Action. Ray Spatti and other members of the committee were present to accept the proclamation.

Ray Spatti thanked the Mayor and Council and introduced the members of his committee. Mr. Spatti's committee has been asked to lead the events that are happening on April 14th for the Town. Mr. Spatti felt strongly about the issues of climate change and that water conservation was a great achievement for Payson as well as the university. Mr. Spatti believed the problem of climate change was a threat to humanity and that people needed to find ways to protect future generations. Council Member Blair asked when and where could people meet the walkers. Mr. Spatti replied the walkers would end up in Washington D.C. They would be in Payson on the afternoon of April 14, 2014, and come down from Casino at 3:00 p.m. to the Post Office then to the Payson Christian School. The next morning they would take off going down SR 260.

## E. MINUTES

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

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**\*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. There were no items in this section.

## F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for an Acquisition of Control of a Liquor License filed by Douglas Frank Koch, agent for Denny's Restaurant, 312 S. Beeline Hwy, Payson, Arizona.

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

**Motion:** to Approve an application for an Acquisition of Control of a Liquor License filed by Douglas Frank Koch, agent for Denny's Restaurant, 312 S. Beeline Hwy, Payson, Arizona.

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

**Vote:** Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Richard Croy, and Council Member John Wilson.

Absent: Council Member Su Connell.

2. **\*Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Sarah Hock agent for Humane Society of Central Arizona, for a fundraiser to be held at 1105 N. Falcon Crest Dr., Payson, Arizona, Friday, May 9, 2014, 5:00 p.m. to 7:30 p.m.  
**\*CONSENT\* APPROVED**
3. **\*Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Lolly Hathhorn agent for Gila County Republican Committee, for a fundraiser to be held at 514 W. Main St., Payson, Arizona, Saturday, April 26, 2014, 11:00 a.m. to 2:00 p.m.  
**\*CONSENT\* APPROVED**
4. **Public Hearing.** Mayor Evans opened the Public Hearing Pursuant to A.R.S. 9-463.05(C) on the Town's proposed replacement Development Impact Fees. On February 20, 2014, the Council adopted a Notice of Intent to Assess Replacement Development Impact Fees. At least 30 days have elapsed since such adoption. The Council was scheduled to consider adoption of replacement Development Impact Fee(s) at its May 1, 2014, Regular Council Meeting and make a final decision on the adoption of replacement Development Impact Fee(s) at its May 15, 2014, Regular Council Meeting.

Tim Wright, Town Attorney, explained this was the next step in the process, no action was needed it was a Public Hearing. There were no public comments. Council Member Blair asked if all five fees would be adopted and if Mr. Wright would bring a recommendation of what fees to adopt. Mr. Wright responded staff would bring a maximum amount for fees not a recommendation on what fees to adopt. How many fees got imposed was up to the Council. Mayor Evans asked when would Council adopt the fees. Mr. Wright replied May 15, 2014 and the fees would become effective August 1, 2014. Mayor Evans closed the Public Hearing.

## **G. RESOLUTIONS AND ORDINANCES**

1. **\*2014 Town Election Cycle**

\*A. The Town would hold its 2014 Primary Election (including any ballot measures) on August 26, 2014, and its 2014 General Election, if necessary, on November 4, 2014. Both elections would be on a consolidated ballot with all other State, County, and local candidates and ballot measures. Because the Primary Election was partisan, voters registered as independents would need to select a party ballot in order to vote on the Town's ballot measures and Mayor/Council candidates.

\*B. **Resolution No. 2766.** Council approved, on the Consent Agenda, Resolution No. 2766 captioned as follows: A RESOLUTION OF THE MAYOR AND THE PAYSON TOWN COUNCIL, AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH GILA COUNTY FOR ELECTION SERVICES AND AUTHORIZING THE CLERK TO SELECT SERVICES TO BE PROVIDED UNDER THE AGREEMENT PRIOR TO EACH TOWN ELECTION.

**\*CONSENT\* APPROVED**

2. **First Public Hearing.** Mayor Evans opened the First Public Hearing re: amendments to Chapter 50: Water of the Payson Town Code (Action on Resolution 2767 and Ordinance 846 was scheduled for April 17, 2014).

A. **Resolution 2767** - A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 50: WATER OF PAYSON TOWN CODE AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

B. **Ordinance 846** - AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 50: WATER OF THE PAYSON TOWN CODE AND ADOPTING SUCH AMENDMENTS BY REFERENCE

Tim Wright, Town Attorney, explained the policy change proposed. This was mostly cleanup. Mr. Wright went over the exhibits that would be cleaned up. Mayor Evans noted this was an exciting time to be able to do this as opposed to other cities. The Mayor complimented those who worked so diligently on this and thanked Mr. Wright and Mr. Henry.

## **H. UNFINISHED BUSINESS**

1. There were no items in this section.

## **I. NEW BUSINESS**

1. **2012 International Building Code.** Mayor Evans opened discussion/possible action regarding the 2012 International Building Code. Note - It was not anticipated that the Council would take final action on the 2012 International Building Code. It was anticipated that following the

review of all of the construction codes, the Council would consider an Ordinance adopting and/or updating each of the Town's construction codes.

Ray LaHaye, Chief Building Official, explained the Building Advisory Board had reviewed these codes and recommended them for adoption. The International Building Code was for enforcement of commercial building.

Council Member Carpenter asked if the Board made any changes to apply specifically to Payson. Mr. LaHaye replied there were six changes to the Code. Council Member Carpenter asked Mr. LaHaye to give the Council a version of what the amendments meant. Mr. LaHaye explained the amendments were throughout the Code and dealt with sustainability. Council Member Carpenter asked if it would cost more. Mr. LaHaye replied it would be a cost benefit.

Council Member Blair asked if the residential code was different. Mr. LaHaye responded yes, it would be considered later. Debra Galbraith, Town Manager, noted it would be considered in September. Mr. LaHaye noted the Board had approved all of the codes except the Wildland Urban Interface (WUI) Code. Mayor Evans asked if the codes were approved with amendments. Mr. LaHaye replied yes. Mayor Evans asked if mandatory sprinklers would run afoul of what the Legislature had done. Mr. LaHaye replied it does not deal with that particular element. There was a requirement for sprinklers, but it was the Board's intent not to adopt a Commercial Sprinkler Code. Mayor Evans was concerned that referencing it in the document would go against what the State had done. Mr. LaHaye explained with the amendments the Board made the requirement for sprinklers was eliminated. Mayor Evans asked about the emergency responder radios. Mr. LaHaye responded that was for high rise buildings only. Mayor Evans asked if high rise was 75 feet or taller. Mr. LaHaye replied that was correct. Mayor Evans asked if it was limited to the number of floors. Mr. Wright responded the Town's limit was 45 feet, but one could go to Council to get a higher building approved. Mayor Evans asked about hazardous materials. Mr. LaHaye replied basically it was setting the level for each chemical specifically, it told you more specifically what quantities you could have. Mr. LaHaye noted he would look at that more extensively. Mayor Evans was concerned about children's play structures where there were solar panels. Mr. LaHaye explained that was not considered an interior use. Mayor Evans asked why there needed to be four inch high address numbers. Mr. LaHaye replied businesses had even wanted the numbers larger so they could be seen. Mayor Evans was concerned that existing businesses would have to remark their addresses. Mr. LaHaye responded no the Town does not have the Staff to make that a requirement. Staff would tell them, if they called and asked, that the address numbers had to be four inches high. Mayor Evans believed this was passing another ordinance the Town knew people would not comply with. Mayor Evans asked Mr. LaHaye to take this back to the Board and get an answer. The Mayor was concerned about differential treatment. Mayor Evans asked about storm shelters. Mr. LaHaye explained Payson was not in an area of high wind so that does not

apply. Council Member Blair asked if it could be taken out if it does not apply. Mr. LaHaye explained it does not need to be taken out, it does not apply. Vice-Mayor Hughes asked if that would be made a policy. Mr. LaHaye replied staff does not look at it because it does not apply. Council Member Wilson asked why it was there if it does not apply. Mr. LaHaye explained this was an International Code and in other areas it may apply. It was just there, Staff did not use that section. Council Member Carpenter noted it was like earthquake zones which were in other areas. Council Member Croy suggested staff create a list of things in the Code that do not apply. Council Member Wilson agreed with the suggestion. Mr. LaHaye responded it would be a huge list because Payson's local conditions were not as extreme as other areas. Mayor Evans noted if the criteria does not apply to Payson staff does not look at it. Council Member Wilson noted it was easier to leave in then take out. Council Member Carpenter noted there was a map that showed what applied to each area. Mr. Wright noted this asked Council to adopt the book with amendments. Mayor Evans noted it was fine as long as the zone did not change. Mr. LaHaye believed the only change that might occur would be a minor earthquake that would adjust Payson's zone. Mayor Evans asked if Payson's region would not include the tornadoes in the East Valley. Mr. LaHaye believed that was an anomaly that would not make a change. Mayor Evans asked if the granny flats would alter what Payson had done with granny flats. Mr. LaHaye replied no, there were parameters for separation.

Council Member Blair asked if staff could put NA in front of the storm shelters and the other codes that did not apply. Mayor Evans noted Council was making suggestions for the document that would be voted on in December. Council Member Blair believed address identification had something to do with tourism. Council Member Blair asked if the swimming pool portion applied to Taylor Pool retroactively. Mr. LaHaye replied any code Council adopted was a construction code and only affected construction. If the pool was reconstructed it could apply. Council Member Blair asked if attic ventilation would apply to houses already constructed or would it only apply if there was a lot of remodeling. Mr. LaHaye explained this was the commercial code and a house was residential. The Residential Code would be before the Council later. Council Member Croy asked if apartments were under the Residential Code. Mr. LaHaye replied they were under the Commercial Code. Vice-Mayor Hughes noted building codes have traditionally been a minimum standard for safety and asked Mr. LaHaye if that philosophy has changed. Mr. LaHaye replied no. Vice-Mayor Hughes felt it was getting away from the standard and that most all homes built in the last 20 to 25 years would be safe to live in. Mr. LaHaye noted Council could have that discussion when they went over the Residential Code. Council Member Blair would like more time to go over these codes.

## **J. CLAIMS**

- 1.

**\*List of checks.** Council approved, on the Consent Agenda, a list of checks paid from March 14, 2014 through March 25, 2014, Check Nos. 025500 through 025670, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

**K. MISCELLANEOUS**

1. There were no items in this section.

**L. PUBLIC COMMENTS**

1. There were no public comments.

**ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 6:28 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 3 of April, 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