

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
April 17, 2014**

**CALL TO ORDER**

Vice-Mayor Hughes called the meeting to order at approximately 5:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION**

Minister Ken Davidson Jr., Church of 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, Cameron Davis - Parks, Recreation and Tourism Director, and Emily Linkey - Library Director.

Mayor Kenny J. Evans was present telephonically.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk, Sheila DeSchaaf - Zoning Administrator, Officer Michael Hansen and Officer Nathaniel Mullins.

**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.**

Council Member Croy stated he would abstain from voting on Item G.1.

**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, listed the children's programs at the library next week.

Cameron Davis, Parks, Recreation and Tourism Director, reminded everyone the Forest Service was under Fire Restrictions now and asked everyone to please remind our visitors that were coming up. There were great events coming up, the eggstravaganza was this weedend and the Beline Cruise Inn Car Show was on April 26th. Memorial Day weekend was the Band of Brothers event with bands and activities for three days. Parks and Recreation was signing people up now for the Mogollon Monster Mudda, there were only 500 spots.

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.

Don Engler, Police Chief, reminded everyone no burn permits were being issued and no open camp fires were allowed in town. Chief Engler introduced Officer Hansen and Officer Mullins. Officer Mullins had been on patrol when a car tried to evade him. Officer Mullins followed the car and observed the vehicle. The vehicle pulled over, but no one got out of the vehicle. After awhile the vehicle drove off. The Officer stopped the vehicle for traffic violations and began questioning the occupants of the vehicle. There was drug paraphernalia and a gun in the vehicle. The weapon was stolen from another vehicle. These were the burglars in twelve cases which tied into the heroin problem. Officer Hansen also had a burglary that he solved. Officer Hansen had found a marker that the person wrote on the dash and headliner of the car. Officer Hansen determined who it was by the writing. Officer Hansen interviewed the juvenile while he was in custody

and the juvenile admitted to the burglary. An adult was also arrested. Chief Engler wanted to share this information and was very proud of the officers.

2. **Proclamation.** Council Member Connell read into the record a proclamation declaring May 1, 2014, as a National Day of Prayer. Minister Ken Davidson was present to accept the proclamation.

Minister Davidson felt blessed to live in a community where the Council meeting opened in prayer and was thankful to accept the proclamation. Minister Davidson encouraged citizens to pray everyday and thanked the Council

## **E. MINUTES**

1. \*Council Meeting Minutes:

03.27.14Special Council Meeting Minutes Pages 1 - 4

04.03.14Special Council Meeting Minutes Pages 1 - 2

04.03.14Regular Council Meeting Minutes Pages 1 - 8

**\*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. **\*Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Daniel Wile agent for the Payson Rodeo Committee, Inc., for a fundraiser to be held at 1400 South Beeline Highway, Payson, Arizona, Friday, May 16, 2014, 8:00 a.m. to 2:00 a.m. and Saturday, May 17, 2014, 8:00 a.m. to 2:00 a.m. (Application is on file in the Town Clerk's office.)  
**\*CONSENT\* APPROVED**

2. **\*Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Cloyce Kelly agent for the Band of Brothers Festival L.L.C., for a fundraiser to be held at 1400 South Beeline Highway, Payson, Arizona, Friday, May 23, 2014, 12:00 Noon to 12:00 Midnight, Saturday, May 24, 2014, 12:00 Noon to 12:00 Midnight and Sunday, May 25, 2014, 12:00 Noon to 12:00 Midnight.  
**\*CONSENT\* APPROVED**

## **G. RESOLUTIONS AND ORDINANCES**

1. **\*Resolution No. 2764.** Council approved, on the Consent Agenda, Resolution No. 2764 captioned as follows: A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT FOR EXTENSION OF TIME TO UTILIZE TOWER WELL ERU CREDITS AND FOR THE CONSTRUCTION OF EVERGREEN AND MANZANITA STREETS. (AMENDMENT TO AGREEMENT WITH SEVEN MILE MAX, SUCCESSOR IN INTEREST TO BISON COVE, L.L.C.).  
**\*CONSENT\* APPROVED**
  
2. **\*Resolution No. 2770.** Council approved, on the Consent Agenda, Resolution No. 2770 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT WILL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.  
**\*CONSENT\* APPROVED**
  
3. **Resolution No. 2771.** Vice-Mayor Hughes opened discussion/possible action concerning Resolution No. 2771 captioned as follows: A RESOLUTION OF THE MAYOR AND THE PAYSON TOWN COUNCIL, APPROVING A LEASE WITH GOVNET FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT, AUTHORIZING THE MAYOR TO SIGN SUCH LEASE, AND ESTABLISHING ZONING RESTRICTIONS, PURSUANT TO UNIFIED DEVELOPMENT CODE SECTION 15-13-001(C), ON THE TELECOMMUNICATION EQUIPMENT AUTHORIZED UNDER THE LEASE.

Kent Flake, Clear Blue Services for Gov Net, gave a presentation on the benefits of Gov Net and what it would do for Payson. Gov Net proposed to build a 75 foot monopole in Payson on the water tank at the airport and add dishes to existing towers on Vanderlink Drive.

Council Member Blair asked what the difference was between internet capabilities now and this beam. Karen McCoy, Gov Net, explained there was a maximum capacity that can flow through copper in the ground and this beam had a higher maximum capacity. Council Member Blair asked if it would go to the Police Department. Tim Wright, Town Attorney, replied the Town would not be on the system initially, the Town could buy services in the future. This was primarily for the Sheriff's Office.

Council Member Connell was concerned with the deterioration of the skyline because of the height of the pole. Ms. McCoy responded the monopole would be next to the existing 75 foot tower. It would only be lit if the airport required it and the other location was only adding microwave dishes. Tim

Wright, Town Attorney, noted they were required to have a citizens participation meeting and no one attended that meeting.

Council Member Carpenter asked if there would be a monthly fee. Ms. McCoy replied this was a collaborative project where Gov Net would help the Town with services. Mr. Flake explained when another carrier came in they used existing infrastructure. Gov Net was increasing the broadband capability for the Town. Council Member Carpenter asked if it would cost the customer more. Mr. Flake replied this was an additional provider bringing it in at a lower cost.

Council Member Blair asked how much it would cost to get the service at the Police Department for the 911 service. Ms. McCoy replied she would love to have a conversation on the services Gov Net could offer. Council Member Blair asked what would it cost. Ms. McCoy would find out what the bandwidth was and follow up. Vice-Mayor Hughes noted the equipment would be provided for free.

Mayor Evans felt this would benefit the community as a whole and the hospital was interested as well as the school. Council Member Blair thanked the Mayor for his explanation. Council Member Blair asked how much bigger the broadband was. Mayor Evans believed the challenge was if something happened to the cable it would be a major challenge to get it fixed. Mr. Flake replied this would triple the capacity the Town had now.

Council Member Blair asked Ms. McCoy to tell the Council how this would benefit individual people. Ms. McCoy replied currently on the residential side there were other providers that could use Gov Net's line. It would filter down into the residential side. Mayor Evans noted a business like suddenlink would provide the last link into your home or business. Ms. McCoy replied that was correct. Vice-Mayor Hughes felt this was a great benefit. Ms. McCoy explained Payson was the first municipal showcase and Gov Net wanted to use Payson to show how this worked.

**Motion:** to Approve Resolution No. 2771 captioned as follows: A RESOLUTION OF THE MAYOR AND THE PAYSON TOWN COUNCIL, APPROVING A LEASE WITH GOVNET FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT, AUTHORIZING THE MAYOR TO SIGN SUCH LEASE, AND ESTABLISHING ZONING RESTRICTIONS, PURSUANT TO UNIFIED DEVELOPMENT CODE SECTION 15-13-001(C), ON THE TELECOMMUNICATION EQUIPMENT AUTHORIZED UNDER THE LEASE.

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

Jim Garner had sent the Council a letter regarding this and believed the height of the tower at Falcon Crest could be done with a tower of less height. Mr. Garner felt the Federal Aviation Administration (FAA) regulations

would require this to have a red light on it and that every house in town would be able to see that light. In the day time it would be a tower sticking up and would have to be painted an orange and white color. Mr. Garner explained the Unified Development Code (UDC) dealt with the airport zone and this tower was going to intrude up into those zones and would not be allowed according to the UDC. Mr. Garner felt the solution was to make a monopole as tall as the existing towers and that there was no reason for this high of tower. Mr. Garner thanked the Council.

Ms. McCoy did not believe it had to be painted orange and white and the declared FAA limit was 75 feet. Ms. McCoy would have to have further talks with engineers about height. Council Member Carpenter asked if it had to go to the Planning and Zoning Commission first. Mr. Wright explained the Council set the restrictions for Town owned property, the Planning and Zoning Commission sets it for residential property. This could be constructed as set forth in the Resolution. Council Member Carpenter asked if this has been checked with the FAA. Mr. Wright responded no. LaRon Garrett, Assistant Town Manager, explained typically whoever built the tower had to submit plans to the FAA and staff would not know what requirements there would be until it was submitted. Mr. Flake noted the proposed tower was the same height as the existing tower, the idea was to be consistent with what was there. Council Member Carpenter had no issue if it was not higher. Council Member Blair noted the radio station had a solid red light. Mr. Flake explained the FAA would decide what lighting was required. Mr. Wright noted the radio station location was a different location. Council Member Blair asked if this would come back to the Council if it needed to be adjusted. Mr. Wright replied normally no, it would come back if the FAA made substantial changes.

Council Member Connell noted Mr. Garner suggested the towers be 65 feet and asked if it would work with that. Ms. McCoy replied that would be an engineering determination. Vice-Mayor Hughes believed the engineer would not add height on that was not needed.

**Motion:** amend the motion that the new tower be no higher than the existing towers.

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

Mayor Evans was concerned that this was a line of sight and it would take away the signal to some places in town and would make buildings have to have towers for the signal to reach them. Council Member Carpenter noted Gov Net said it was not higher then existing towers. Vice-Mayor Hughes called for the vote on the amendment.

Vote: Motion failed 2 - 5

Yes: Council Member Ed Blair, and Council Member Fred Carpenter.

No: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member

Su Connell, Council Member Richard Croy, and Council Member John Wilson.

Council Member Connell asked if the FAA requirements would come to the Council. Mr. Wright replied if it was substantially different. Council Member Croy asked if the Council was voting on this as it was Mr. Wright responded yes.

Mayor Evans noted the motion was on the floor and Vice-Mayor Hughes would have to suspend the rules for Mr. Garner to speak. Vice-Mayor Hughes suspended the rules at that point. Mr. Garner believed the flashing red light would kill business at the airport and that the airport could lose the GPS approach. Mr. Garner asked the Council to consider this.

Council Member Carpenter asked if the GPS approach would be a substantial change. Mr. Wright believed it would not be a substantial change. Mr. Garrett noted the FAA may withdraw the GPS approach. Mr. Garner replied or change it's parameters. Vice-Mayor Hughes called for the vote.

**Vote:** Motion carried 6 - 1

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

No: Council Member Fred Carpenter.

4. **\*Resolution No. 2772.** Council approved, on the Consent Agenda, Resolution No. 2772 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDS FOR TRAFFIC ENFORCEMENT DETAILS AND RADAR UNITS.  
**\*CONSENT\* APPROVED**
5. **\*Resolution No. 2773.** Council approved, on the Consent Agenda, Resolution No. 2773 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON APPROVING THE FINAL PLAT AND THE AGREEMENT TO CONSTRUCT IMPROVEMENTS FOR FOREST RIDGE PHASE II (LOCATED IN THE 500 BLOCK OF SOUTH MUDSPRINGS ROAD); AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT TO CONSTRUCT IMPROVEMENTS. (FOREST RIDGE PHASE II FINAL PLAT)  
**\*CONSENT\* APPROVED**
6. **Second Public Hearing** re: amendments to Chapter 50: Water of the Payson Town Code. Memo to Council.

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 this relaxed a few of the water conservation rules, some not until C. C. Cragin was finished. Vice-Mayor Hughes opened the Public Hearing. There were no public comments. Vice-Mayor Hughes closed the Public Hearing. Council Member Carpenter asked if the Council would revisit relaxing the water conservation rules when the C. C. Cragin water kicked in. Mr. Wright replied the Water Manager had to write a letter to the Council when the rules were relaxed, then it could go to Council.

**Motion:** to Approve Resolution No. 2767 captioned as follows: 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.

and

Ordinance No. 846 captioned as follows: 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.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

**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 Sheila DeSchaaf, Zoning Administrator, to incorporate the full text of the Unified Development Code into the Town of Payson Code of Ordinances.

Sheila DeSchaaf, Zoning Administrator, explained this was currently done in house. The quote from American Legal was a one time cost of \$5,000 and \$10,000 was budgeted. Council Member Blair thought this was done in sections. Vice-Mayor Hughes explained this was asking for Council direction. Ms. DeSchaaf replied this was maintained as a separate document. Vice-Mayor Hughes noted this would be a more efficient way of handling this. Ms. DeSchaaf responded that was correct. Council Member Blair asked if this had anything to do with the Wildland Urban Interface Code. Ms. DeSchaaf replied no. Mayor Evans appreciated that this would be more user friendly.

**Motion:** incorporate the full text of the Unified Development Code into the Town of Payson Code of Ordinances.  
Moved by Mayor Kenny J. Evans, seconded by Council Member Fred Carpenter.

**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 March 28, 2014 through April 1, 2014, Check Nos. 025671 through 025786, 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.

Vice-Mayor Hughes presented a get well card to Council Member Connell and wished her a speedy recovery.

## **ADJOURNMENT**

Vice-Mayor Hughes adjourned the meeting at approximately 6:39 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 17 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