

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
August 14, 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, and David Staub - Fire Chief.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk, Bobby Davis - Economic Development Specialist and Ray LaHaye - Chief Building Official.

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

Jim Muhr thanked the Council and staff for the stop sign at McLane Road and Payson Parkway. Mr. Muhr had reviewed the speakers from the last Council meeting and found there was a lot of emotion on the Fox Farm annexation. Mr. Muhr supported the annexation and the company who wanted to use the land. Mr. Muhr believed the Council should do this for the business because this company would be able to have more employees. Mr. Muhr has had people tell him they would love it if their kids could stay here and have a business where they could work and make enough money to stay in Payson. Employees for this company would make into the mid to high five figures. Mr. Muhr believed this business could keep our kids here and asked the Council to support the annexation.

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 H.1.

Motion: to approve all items listed on the Consent Agenda.

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

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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.

Silvia Smith, Town Clerk, announced Town Hall was a drop off point for ballots. The ballots would not be counted at Town Hall on election night, but the Clerk's Department would receive reports from the County at 8:30 p.m. and 9:00 p.m. on election night with results. There would be a link on the Town website for election results. Ms. Smith noted Final results were anticipated by Friday night. Mayor Evans asked if results would be Friday night. Ms. Smith replied yes. Mayor Evans noted this was an official polling place with a 75 ft. line and no campaign signs were allowed to be in this limit.

LaRon Garrett, Assistant Town Manager, announced the all way stop sign was in place at Payson Parkway and McLane Road. Mayor Evans asked if a flashing light could be installed before the stop sign to call more attention to it. Mr. Garrett replied he would look at that. Mayor Evans noted people were not seeing the sign in time and slammed on their brakes.

Cameron Davis, Parks, Recreation and Tourism Director, announced the Sun Devils had to come into Payson from Camp Tontozona to practice at Rumsey Park because of the rain. Mayor Evans noted for people who would like to go see it, practice times would be announced on KMOG. Mr. Davis said it would be on the tourism website also. Mr. Davis recommended people get up to Camp Tontozona two hours early because parking was an issue. Mayor Evans had visited with the coach and asked people to car pool out to the camp. Mr. Davis noted The World's Oldest Continuous Rodeo was this weekend. There would not be a Sunday performance.

John Landino, Payson Rodeo Committee, announced tonight there was extra mutton busting and steer riding. You could bring a can of food to get in tonight. Council Member Connell asked if you could bring a can of food to get into all of the performances. Mr. Landino replied that was only for the performance tonight. Council Member Wilson noted you could still bring food to any performance. Council Member Blair asked what time the parade started. Mr. Davis replied at 9:00 a.m. Saturday morning going from Green Valley Park to Sawmill Crossing.

Mayor Evans recommended that everyone go out to Camp Tontozona to watch the football practice, it was really nice out there. Mayor Evans also encouraged everyone to go watch the mutton busting. Council Member Wilson reminded everyone the food drive was ongoing and that the need was still high. Council Member Blair asked what the post office box was for the food drive. Council Member Wilson replied it was P.O. Box 703. Council Member Carpenter noted the realtors were doing a food drive this month also.

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.** Mayor Evans read into the record a proclamation declaring August 2014 as Child Support Awareness Month in Payson. Jeff Dalton, Gila County Attorney, was present to accept the proclamation.

Jeff Dalton thanked the Mayor and Council. Mr. Dalton stated child support was a parents duty and was paramount. Child support enforcement exists to collect the child support for the welfare of children.

3. **Proclamation.** Council Member Croy read into the record a proclamation declaring August 15 - 16, 2014 as Rodeo Days in Payson. John Landino, Payson Rodeo Committee, was present to accept the proclamation.

John Landino thanked the Mayor and Council. Mr. Landino announced before the rodeo started there would be a draft horse exhibition with the horses in their traditional roles. The draft horses would also run barrels and the kids would have a chance to get up close to the horses. The dance floor has been expanded and it would be under a tent. There was no cover charge for the dance and there would be a kids corral. Mr. Landino commended Mayor Evans for wearing his tough enough to wear pink shirt. Mayor Evans noted other Council Members had also worn pink shirts.

4. **Proclamation.** Council Member Blair read into the record a proclamation declaring September 17 - 23, 2014 as Constitution Week in Payson. Jeannette Ranson, Daughters of the American Revolution Chairperson, and other members of the Daughters of the American Revolution were present to accept the proclamation.

Kathy Feralin, regent of the Daughters of the American Revolution, thanked the Mayor and Council and invited everyone to come to the Library on Tuesday August 23, 2014 to sign the constitution.

E. MINUTES

1. 07.31.14 Regular Meeting Minutes Pages 1 - 8
***CONSENT* APPROVED**
2. **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.)

There were no items in this section.

G. RESOLUTIONS AND ORDINANCES

1. ***Resolution 2794.** Council approved, on the Consent Agenda, Resolution No. 2794 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, ACCEPTING A GRANT OFFER FROM THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, PURSUANT TO THE TERMS AND CONDITIONS OF THE DRAFT OFFER FOR PROJECT NUMBER 3-04-0027-020-2014, AUTHORIZING THE MAYOR OF THE TOWN OF PAYSON TO EXECUTE THE GRANT AGREEMENT, AND AUTHORIZING THE TOWN OF PAYSON TO TAKE APPROPRIATE ACTION TO FINALIZE SUCH GRANT AND ACCOMPLISH THE PURPOSES FOR WHICH IT IS OFFERED (ECHO RAMP EXPANSION).
***CONSENT* APPROVED**
2. **Ordinance No. 853.** Second Public Hearing regarding Ordinance No. 853 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ANNEXING CERTAIN LAND GENERALLY TO THE EAST OF THE SOUTHEAST CORNER OF THE TOWN BOUNDARIES (PORTIONS OF SECTIONS 6 AND 7) FROM THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. § 9-471.02.

Mayor Evans moved Item G.2 up on the agenda.

Tris Woliske asked why Star Valley would deannex this land and felt there was a big disconnect here. Ms. Woliske believed industry should stay at the airport. Ms. Woliske had googled DCK and found an overview of the company, they build complex properties and serve airports, corrections, industrial etc. Ms. Woliske felt this company would not come in just for this simple plan and asked what the additional plans were that the citizens were not being told about. Ms. Woliske believed there was a lack of transparency and that the Council was not being good stewards of this pristine area. Ms. Woliske felt this property would be ideal for an equestrian area. Ms. Woliske believed this was being pushed through and asked what the plans were for the 760 acres. Ms. Woliske felt there was more to this than the citizens were being told.

Mayor Evans closed the Public Hearing. Mayor Evans re-opened the Public Hearing to allow more public input. Council Member Carpenter asked Tim Wright, Town Attorney, to clarify the process. Mr. Wright explained what was before the Council

tonight was the potential annexation of Forest Service land. The Star Valley Council had passed the deannexation last week. Payson would take jurisdiction over the land. This would have to go to the Board of Supervisors to formalize. Council Member Carpenter noted the Council was not actually annexing the Fox Farm property tonight. Mr. Wright replied that was correct. Mr. Wright explained if Payson were to annex it, it would be zoned as residential then the Council could rezone the property or run parallel with the annexation. The 760 acres were entirely Forest Service land under the jurisdiction of the Town. The Town could not develop the land unless there was a land exchange. Council Member Carpenter wanted people to understand there was a whole process that had to be gone through and that it would take six months. Council Member Carpenter noted he did not have any more detail than that, but was not against the annexation.

Russell Goddard had served on the Planning and Zoning Commission and was for smart growth. Mr. Goddard felt this was not the right company in the right place and that the Council should know what the liability was before they voted on this. Mr. Goddard was concerned the developer might pull out after the Town got a few steps in and that there were too many questions to answer before moving forward with this.

Mary Goddard was for growth and companies. Ms. Goddard had researched this and found that most of the people who lived in Chaparral Pines and the Rim Club did not know about this project. They were outraged they were not able to be here. Ms. Goddard asked the Council to table this until after the election. Ms. Goddard wanted to see the report of what this would do to the area's ecology and believed the chemicals that would be produced on the property would be caustic. Ms. Goddard was pro-growth, but asked the Council to table this until more information could come to the community. Ms. Goddard thanked the Council.

Howard Levine felt if the citizens were voting on the Town's General Plan on the ballot and the industrial area was at the airport, this was like the plan was getting kicked to the curb. Mr. Levine asked the Council to educate the citizens on what the Town's plan was. Mr. Levine referred to the YMCA that was voted down by citizens and felt the Council was out of step with what the citizens wanted. Mr. Levine believed the Council did not have enough questions answered and should not make the Town legally responsible and wondered if there was a time limit on this. Mr. Levine thanked the Council.

Bill Krieder asked what the plan was.

Donovan Christian believed the Council had a hard job and that there were many steps to this. Mr. Christian was pro HPR and knew people who worked there. Mr. Christian was also pro-nature and had biked and hiked in the area. Mr. Christian noted lack of support for the annexation was not lack of support for HPR. Mr. Christian believed the tension was that citizens wanted the jobs and at what cost does the Town want HPR. Mr. Christian felt nature could also generate an equal amount of revenue and attract families. Mr. Christian asked the Council to consider what the best win win senerio was and what was best for the big picture.

Len Little welcomed the ammunition factory. Mr. Little noted the Mayor had said if the Council doesn't act quickly the Town would lose this company to Texas. Mr. Little referred to his junk yard that had been right next to the Beeline Highway and the Town had wanted him to move his yard. Mr. Little had gone through one property after another and was denied to move his junk yard to those properties. Mr. Little noted he did not say to the Town if you don't give us our way then we are out of here. Mr. Little had looked at the other areas in Texas and he did not want to give credence if the company did not want to stay here if the Council did not do this quickly.

Mike Wicks was pro HPR and his issue with the annexation had nothing to do with HPR. Mr. Wicks believed the Town could not afford to maintain what it already had. Mr. Wicks felt the Council was talking about annexing a property to develop that the Town could not afford and that DCK wanted to develop more than this. Mr. Wicks believed the cost of Fox Farm was less than a property at the airport. Mr. Wicks noted the Town would be responsible for the roads and the fire departments would have to go there and it would be the longest response time. The Police Department would have to patrol the area that was off the beaten path. Mr. Wicks asked the Council to have a hearing on whether or not the Town could afford it once it was annexed.

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

Council Member Blair asked the owner of HPR to come to the podium and explain the difference between DCK and ATAC. Jim Antich was the founder and managing member of Advanced Tactical Armament Concepts L.L.C. dba HPR and explained his company was hitting the max capacity of what it could do. Mr. Antich noted he had family here and felt Payson was a great place, but the economy was lacking. Mr. Antich presented a zoning map of Payson and explained he had looked for land for what they needed. The Mayor had introduced Mr. Antich to DCK. Mr. Antich had hired DCK as a consultant to help him find out if what he wanted to do was reasonable and believed his plan would work. Mr. Antich had been introduced to Mike Vogel, Mayor Evans and Debra Galbraith to see how his company could do this and stay in Payson and had worked on it for months. There were numerous towns in Texas that wanted the company, but Mr. Antich did not want to leave Payson. His employees wanted the company to be here. Mr. Antich had looked at Rye and all the surrounding areas and there was not any land that worked. Mr. Antich believed it was his decision where he wanted to go and that he had a good plan. Council Member Blair asked if HPR would own the land. Mr. Antich replied no, he would lease the land from DCK. Mr. Antich clarified that his employee had not lost a hand, but had lost a portion of a finger. Mr. Antich explained his company had hired DCK as a contractor and the facility would be built for his company and he would lease it from DCK. Council Member Blair asked what an ammunition campus was. Mr. Antich replied it was small arms ammunition and was 50 caliber and less. Right now HPR did not manufacture anything, it put together four components. Mr. Antich believed the campus would look like intel and Microsoft. It would be a clean, modern facility. Mr. Antich noted his employees wanted to better themselves. Council Member Blair asked if the company would affect the beautiful surroundings. Mr. Antich explained his vision was that the campus would fit into the

landscape and he could not do anything the Forest Service would not let them do. Mr. Antich would work with the Forest Service to put in trailheads and did not plan on blocking anything or changing anything. Mr. Antich noted this was private land and his company entered into an agreement with the private party. Mr. Antich stated his company would be a good steward of the land and noted everyone was welcome to see what his plans were.

Mayor Evans explained this had not been rushed into, they had worked with multiple realtors on this. Mayor Evans did not want to lose the 45 high paying jobs and had driven all around Northern Gila County to look for a property, but was unable to find a place. The issue before the Council today was the 760 acres of Forest Service land. Mayor Evans believed the land was being torn up by off road vehicles right now. The Town did have some tools to mitigate the damage out there. This was step one in the process of protecting the 760 acres, it would not be developed. Mayor Evans noted they had been working on it for the past eighteen months.

Council Member Wilson felt the Council had a long road to go and there were going to be many meetings. This was only dealing with annexing the Forest Service land and most of the arguments presented tonight were more appropriate for the zoning hearings that would take place towards the end of the process. The zoning would say what the Fox Farm property would be used for. Council Member Wilson believed the Council should approve this ordinance and follow the other steps going forward and annex the Fox Farm and then the Council would have control over what the zoning would be for that property. Council Member Wilson noted the Council at that time would decide what the zoning would be.

Motion: to Approve Ordinance No. 853 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ANNEXING CERTAIN LAND GENERALLY TO THE EAST OF THE SOUTHEAST CORNER OF THE TOWN BOUNDARIES (PORTIONS OF SECTIONS 6 AND 7) FROM THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. § 9-471.02.

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.

F. HEARINGS AND APPEALS

1. * **Application for a Wine Festival License.** Council approved, on the Consent Agenda, an application for a Wine Festival License filed by Marie Petroff agent for Pleasant Valley Winery, for a wine tasting to be held at 202 East Highway 260, Payson, Arizona, Saturday, September 27, 2014, 12:00 Noon to 4:00 p.m.

***CONSENT* APPROVED**

2. This was a Public Hearing concerning an **application for a Series 9 Liquor License** filed by Lauren Merrett, agent for Maverik, Inc., 715 North Beeline Highway, Payson, Arizona.

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

Motion: to Approve an application for a Series 9 Liquor License filed by Lauren Merrett, agent for Maverik, Inc., 715 North Beeline Highway, Payson, Arizona. 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.

3. **Second Public Hearing** re: amendments to Chapter 90: Animals of the Payson Town Code. Memo to Council.

A. **Resolution No. 2793** - A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 90: ANIMALS OF PAYSON TOWN CODE AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

B. **Ordinance No. 854** - AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 90: ANIMALS OF THE PAYSON TOWN CODE AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDMENTS TO CHAPTER 90: ANIMALS).

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

Tim Wright, Town Attorney, explained the amendments and that this would define leashes and add electronic leashes.

Motion: to Approve Resolution No. 2793 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 90: ANIMALS OF PAYSON TOWN CODE AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

and

Ordinance No. 854 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 90: ANIMALS OF THE PAYSON TOWN CODE AND

ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDMENTS TO CHAPTER 90: ANIMALS).

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

Council Member Blair had questioned what an electronic leash was and had researched it and found it was like an electronic collar. Council Member Blair believed a shock collar did not qualify as an electronic leash and that this was not a good way to control a dog. Mr. Wright explained this was brought up because at large meant not controlled with a leash. Mayor Evans asked if this could be done administratively. Mr. Wright replied it would still be in the Code as an electronic leash. Mayor Evans believed Council Member Blair's concern was that it would be animal cruelty. Mr. Wright believed if it was a commercial device it would not be cruel, if it was a home made device it would be animal cruelty. Council Member Blair felt it was animal cruelty either way. Council Member Carpenter asked Council Member Blair if this resolved his concern. Council Member Blair replied no it did not and he believed this was significant. Council Member Carpenter asked if there was any way the Council could resolve this tonight. Mayor Evans stated the Council may not want to resolve this tonight. Mr. Wright noted this added another means of restraint which included electronic devices. Council Member Blair believed potentially dangerous animals should be contained by a secure fence. Mr. Wright noted that part of the code was not being changed tonight. Council Member Blair asked if the Council could have another shot at this at another time. Mr. Wright noted there was a motion on the table. Mayor Evans noted the Code could come back to be changed and called for the vote.

Vote: Motion carried 5 - 2

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

No: Council Member Ed Blair, and Council Member Fred Carpenter.

H. UNFINISHED BUSINESS

1. ***Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request, filed by LaRon Garrett, Assistant Town Manager, to approve the East Malibu Drive Map of Dedication substantially in the form attached and to accept the road rights of way depicted on said Map of Dedication, authorize the Mayor to sign said Map of Dedication, and authorize staff to record said Map of Dedication.

***CONSENT* APPROVED**

I. NEW BUSINESS

1. Discussion/possible action re: **2012 International Residential Code.**

Note - it was not anticipated that the Council would take final action at this meeting on this 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, went over significant changes to the Residential Code. The Building Advisory Board had approved all of the changes unanimously. Mr. LaHaye recognized Jim Meyer, Southwest Energy Efficiency Projects, who was a guest from Colorado who had helped with the changes. Mayor Evans asked if the blower door test would measure the amount of leakage in the home. Mr. LaHaye replied that was correct. Council Member Blair asked if the blower door test was expensive. Mr. LayHaye responded yes, but it was not required. The recommendation was for the contractor to take care of air sealing via inspection techniques that were allowed for in the 2009 version of the Code. Mayor Evans asked Mr. LaHaye to describe the deck fitting. Mr. LaHaye explained how the deck ledger connections went together. Mayor Evans asked how the application of the new rules related to a major reconstruction. Mr. LaHaye replied retroaction would still not be required. Mayor Evans asked if it would be retroactive for a load bearing wall. Mr. LaHaye responded yes, if it was changed it would have to be upgraded to the current code. Mayor Evans asked if you upgraded your airconditioner would you have to upgrade your ducts. Mr. LaHaye replied no, that would be maintenance. It would only have to be upgraded if the types of units were changed. Council Member Croy asked for an average house what would it cost for this construction. Mr. LaHaye believed it would be around eight percent. Jim Meyers responded on average \$887 for a home 2400 square feet. Mayor Evans noted that was about thirty three cents per square foot. Mayor Evans thanked Mr. LaHaye for the presentation.

J. CLAIMS

1. ***List of checks.** Council approved, on the Consent Agenda, a list of checks paid from July 25, 2014 through August 4, 2014, Check Nos. 026944 through 027057, and authorization to file the checks for audit.

***CONSENT* APPROVED**

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 8:02 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 14 of August, 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, Chief Deputy Town Clerk