

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
October 16, 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 Jimmy Esther, U-turn for 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, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk and Bobby Davis - Economic Development Specialist.

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 Ed Blair, 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.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

NOV 06 2014 E. I*

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.

Don Engler, Police Chief, noted there was a new scam in the Payson area. People were calling residents and saying they were with the IRS and asked for money. They threaten to go to local law enforcement to go after them if they would not give any money. Chief Engler wanted to make citizens aware that local law enforcement would not go after someone for the IRS.

Cameron Davis, Parks, Recreation and Tourism Director, announced Main Street would be closed from 4:00 p.m. to 10:00 p.m. for Trunk or Treat and The House of Magical Characters on October 31, 2014 . Mr. Davis invited everyone to sign up now for the Turkey Trot 5K Fun Run. Applications for the 14th Annual Electric Light Parade were due by December 6, 2014. Mr. Davis noted the Town would be in the Fiesta Bowl Parade again and this float was better than the float last time.

LaRon Garrett, Assistant Town Manager, gave an update on construction at the intersection of Highway 260 and Highway 87. Tuesday morning both lanes would be closed from 1:00 p.m. to 2:00 p.m. for paving.

Council Member Connell announced the 16th Annual Community Health and Care Fair was November 1, 2014 from 8:00 a.m. to Noon at the Julia Randall Elementary School Gym.

Vice-Mayor Hughes encouraged everyone to go to the Payson High School football game Friday night.

Council Member Blair announced a woman who was born in Brazil and tortured in Brazil would be at the Methodist Church in the education wing to tell her story on Monday night at 6:30 p.m.

Council Member Carpenter thanked everyone who had participated and helped with Fire Wise Day.

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.** Vice-Mayor Hughes read into the record a proclamation declaring November 7 through November 9, 2014 as Buddy Poppy Days. Cheyenne Riley, Commander, VFW Post #9829, was present to accept the proclamation.

The Commander apologized for not bringing poppies and thanked the Council.

3. **Proclamation.** Council Member Carpenter read into the record a proclamation declaring November 2014 as Veterans Recognition and American Patriotism Awareness Month. Patrick Cooper, Commandant of Rim Country Detachment was present to accept the proclamation.

Commandant Cooper was humbled to receive this on behalf of all veterans and invited everyone to attend the United States Marine Corp (USMC) Birthday Celebration on November 8, 2014. The Commandant thanked the Mayor, Chief Engler and the Fire Department for their assistance promoting patriotic events.

4. **Proclamation.** Council Member Connell read into the record a proclamation declaring October 2014 as Payson Manufacturers Month. Bobby Davis, Economic Development Specialist for the Town of Payson, was present to accept the proclamation.

Mr. Davis was honored to accept this proclamation and noted there were 24 manufacturing businesses located in the Rim Country. Mr. Davis gave a brief background on the manufacturing business and thanked the Mayor and Council.

E. MINUTES

1. *Council Meeting Minutes:10.02.14 Regular Meeting Minutes Pages 1 - 9
***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. * Parks, Recreation, and Tourism Commission Minutes:05.14.14 Regular Meeting Minutes Pages 1 - 4
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing** to discuss the potential annexation of 80 acres of real property at the east end of Granite Dells Road, known as the Rim Ranch and/or Fox Farm. This Public Hearing was being held, pursuant to A.R.S.

9-471(A)(3), in the last 10 days of the 30 day waiting period following the filing of a blank annexation petition with the County Recorder's Office.

Mayor Evans opened the public hearing. Tim Wright, Town Attorney, gave a brief overview of the process. The Council would not take any action tonight; this was for public input. If the Council chose to annex the property after the process it would be up to the Council to review the potential rezoning.

Council Member Blair asked how the Planning and Zoning Commission fit into the time table. Mr. Wright responded the Commission had no role in the annexation process. The Commission only had a role in the rezoning process. What was on the agenda tonight was the annexation. Council Member Carpenter noted the Planning and Zoning Commission had announced the owner would do the rezoning through the County and asked if that made a difference. Mr. Wright replied at the end of the process the Council would be made aware of what the zoning would come in at. Council Member Carpenter asked if it went through development review could the Town do their own development review and change it. Mr. Wright explained the zoning was based on what it came in as. Mayor Evans noted it was not agenzized to talk about the zoning tonight. Mr. Wright agreed discussion should stick to the annexation tonight. Zoning would be agenzized when it came to that.

Lew Levinson felt there was a lot going on and that people would pick on one aspect that was dear to their heart without seeing what the big picture was. Mr. Levinson believed a lot of people were suspicious of this and what was going to happen. Mr. Levinson was concerned about the process and what Payson would do with the land.

Mayor Evans asked Mr. Wright to mention the process for the 760 acres. Mr. Wright explained that tonight the Council was talking about the 80 acres. The 760 acres were already a part of the Town. Mayor Evans noted the 760 acres was all Forest Service land that was undevelopable. Mr. Wright responded staff was working through the zoning for it. Council Member Carpenter noted there was a lot of National Forest Service land in town that unless it was exchangable nothing would happen. Mr. Wright replied that was correct.

Barbara Buntin was in favor of the annexation. Ms. Buntin wanted there to be better jobs here than fast food and would like to see the developer reach out to the community and show them a rendering. Ms. Buntin was happy that the Mayor had the contacts to bring this together. Ms. Buntin believed the beautiful view was no reason to shut the door on this project and asked everyone to let the process move forward.

Leon Keddington supported the annexation, but was concerned about the zoning going to the County. Mr. Keddington wanted it to be a beautiful residential area and wondered what this would look like at the end of the

day. Mr. Keddington was concerned that the roads would not be capable of handling big trucks and industrial waste. Mr. Keddington thanked the Council.

Carol McCauley asked the Council to do strictly the annexation and not the zoning. Ms. McCauley was concerned the developer was still connected to Winters Development L.L.C. Mayor Evans responded no they were not. There was a presumption that the owner would go to the County and that was a miss communication. Mayor Evans explained the owner went to talk to the County about the process. It was not an attempt to go to the County to do the zoning. The owner would come to the Town for the zoning. Ms. McCauley asked if the annexation process could actually take ten months to a year. Mayor Evans replied the owners have 365 days to ask for things to be done not the developer. Mr. Wright responded that was correct and at the end of the thirty day period the owner could sign the application or wait until next October. Mayor Evans noted the Town had slowed this down because staff and the Council have not seen the schematics and reiterated the current owner had to apply for the annexation. Ms. McCauley asked if the citizens would be notified if the owner did want to go to the County. Mayor Evans replied yes. Ms. McCauley asked if the Council would let the citizens know. Mayor Evans believed this was a hot topic and that it would be on KMOG Radio and in The Payson Roundup newspaper. Ms. McCauley thanked the Council.

Russell Goddard was concerned that the developer has not been here to share with the community what their intentions were. Mr. Goddard believed the Mayor knew a lot and that he was not sharing what he knew. Mr. Goddard was concerned that the ammo company was only a renter there and he felt that they were really not a player. Mr. Goddard felt if they gave a vision of what they would do to the property that would help. Mr. Goddard believed the end game was for DCK to get this property and get it commercially zoned and the community doesn't know what they want to do with it. Mr. Goddard believed it was outside the guiding principals for the Town and did not believe this project fit with the General Plan.

Mary Goddard asked Mr. Wright to explain what a blank annexation application was. Mr. Wright replied it was defined by State Statute and it has the legal description and the map. The specific owners were not listed. Ms. Goddard noted at the Planning and Zoning Commission meeting this was the first time the Town of Payson had represented the developer and the developer was not involved. Ms. Goddard asked why the Town of Payson was being the representative. Mayor Evans explained it was the owner of the property the Town works with and this information was from the owner's lawyer. Ms. Goddard asked why the lawyer was not there and felt it would be beneficial for the owner to know that there might be a backup offer for the property. Ms. Goddard noted there was a riparian area to the east and asked if it was a part of the 80 acres and if it was a waterway for the Salt River Project (SRP). Mayor Evans responded that was correct. Ms. Goddard wanted to know where the road would go and was concerned that

the Planning and Zoning Commission did not have any plans to look at. Ms. Goddard supported the annexation and wanted to see the best done with the property. She also supported HPR.

Bruce Van Camp noted a certain business had wanted to come to Payson and the Town said no. Mr. Van Camp believed this was something the Town needed and that it would be a chance for kids to have a good job. Mr. Van Camp wanted to see the plan, but supported this.

Steve Vincent lived in Star Valley and noted there have been three entities that have owned this property that have gone broke. The owners have a right to do what they want to with the property. Mr. Vincent felt Payson was the best town to annex the property. Mr. Vincent asked everyone to trust the Town of Payson to do the best with the property and try to make the best out of it; no one had the right to control the property owner.

Mr. Wright noted when the Public Hearing was done there was no action by the Council. The next step was for the owner to sign the annexation application then it would go to an ordinance. Mayor Evans closed public hearing.

Council Member Blair asked why the Planning and Zoning Commission said the owners were going to the County for zoning. Mayor Evans explained that the current owner was the one the Town responded to and somewhere in the process a communication was made to slow the process down the owner wanted to talk to the County. Mayor Evans had a written document that said the purchase agreement identified what would be done during the due diligence process. The owner indicated they would go to the Town for rezoning, but staff had looked at supporting either direction. Council Member Blair asked if it was public information who had the purchase agreement. Mayor Evans responded until it was filed with the title company he could not disclose who it was. Council Member Blair asked if someone could tell the Town. Mayor Evans replied clarity would come as the Town worked with the owner.

Russell Goddard noted staff was just saying what could happen not that they were going to the County. Mr. Goddard wanted to clarify that on behalf of the staff.

G. RESOLUTIONS AND ORDINANCES

1. * **Resolution No. 2805.** Council approved, on the Consent Agenda, Resolution No. 2805 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN GUTIERREZ-PALMENBERG (CANYON BROADBAND'S SUCCESSOR IN INTEREST) AND THE TOWN OF PAYSON FOR WIRELESS INTERNET SERVICES FACILITIES AND EQUIPMENT PLACED ON THE TOWN'S WATER TANKS.

***CONSENT* APPROVED**

2.* Resolution No. 2806. Council approved, on the Consent Agenda, Resolution No. 2806 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL AMENDING THE TOWN'S FEE'S AND CHARGES SCHEDULE TO CREATE A SEPARATE CATEGORY OF FEES RELATED TO PUBLIC RECORDS REQUESTS.

***CONSENT* APPROVED**

3. *** Resolution No. 2807.** Council approved, on the Consent Agenda, Resolution No. 2807 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA APPROVING A SUBLEASE OF THE AIRPORT COMMERCIAL GROUND LEASE BETWEEN THE TOWN AND ACD AVIATION.

***CONSENT* APPROVED**

4. *** Resolution No. 2812.** Council approved, on the Consent Agenda, Resolution No. 2812 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF STAR VALLEY TO ESTABLISH A PARTNERING ARRANGEMENT FOR APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME.

***CONSENT* APPROVED**

5. **First Public Hearing** re: amendments to Chapter 96: Fair Housing Standards of the Payson Town Code.

A. **Resolution No. 2803** - A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON'S TOWN CODE CHAPTER 96: FAIR HOUSING STANDARDS AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

B. **Ordinance No. 858** - AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON'S TOWN CODE, CHAPTER 96: FAIR HOUSING STANDARDS AND ADOPTING SUCH AMENDMENTS BY REFERENCE.

Tim Wright, Town Attorney, explained this removed a committee that had never existed. This was adopted, but the committee was never filled out and the Town has never utilized this part of the Code. Mayor Evans opened the Public Hearing. There were no public comments. The Mayor closed the Public Hearing.

6. **First Public Hearing** re: amendments to Chapter 130:General Offenses of the Payson Town Code.

- A. **Resolution No. 2804** - A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON'S TOWN CODE CHAPTER 130: GENERAL OFFENSES AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
- B. **Ordinance No. 859** - AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON'S TOWN CODE.

Mayor Evans opened the Public Hearing. Tim Wright, Town Attorney, listed the items for removal. The Town had not used these provisions and they were charged under State Law. Council Member Carpenter asked where it authorized one time events to bring toilets in. Mr. Wright replied they could bring them in if they needed to, it was a 21 day limit. Council Member Blair noted a truck had dropped gravel on the road and an airplane propeller had blown the gravel into a house and damaged it and asked if Section 13 covered that. Mr. Wright responded Subsection E stated loads had to be covered by tarps if they were on existing roadways. Council Member Blair asked if there were any teeth in that section. Mr. Wright replied yes, people could contact the Police Department. There were no public comments. Mayor Evans closed the Public Hearing.

H. UNFINISHED BUSINESS

- 1. There were no items in this section.

I. NEW BUSINESS

- 1. ***Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon Garrett, Assistant Town Manager, to designate Ash Street from Bonita Street to approximately 500 feet north of Bonita Street a "No Parking" zone and direct staff to post the "No Parking" signs.
***CONSENT* APPROVED**
- 2. Council Decision Request filed by LaRon Garrett, Assistant Town Manager, to approve the contract with HydroSystems, Inc. to prepare an Operational Strategy Plan for the Town's Aquifer Storage and Recovery Wells for the amount of \$53,200 and authorize the Town Manager to sign all necessary documents.

LaRon Garrett, Assistant Town Manager, explained C. C. Cragin Water would be pumped into existing wells and stored for future use. Mayor Evans asked what the timeline was. Mr. Garrett replied 180 days. Mayor Evans was concerned about the timeline because of the Environmental Protection Agency's (EPA) new definition.

Motion: to approve the contract with HydroSystems, Inc. to prepare an Operational Strategy Plan for the Town's Aquifer Storage and Recovery Wells for the amount of \$53,200 and authorize the Town Manager to sign all necessary documents.

Moved by Council Member Ed Blair, 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.

J. CLAIMS

1. ***List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 9/25/2014 through 10/03/2014 , Check Nos. 027534 through 027676 , and authorization to file the checks for audit.

***CONSENT* APPROVED**

2. ***Check No. 027588.** Council approved, on the Consent Agenda, Check No. 027588 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. There were no items in this section.

L. PUBLIC COMMENTS

1. There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:53 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 16 of October, 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