

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
December 18, 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**

Reverend Charles Proudfoot, Community Presbyterian 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, Emily Linkey - Library Director, and David Staub - Fire Chief.

**OTHERS PRESENT:** Tracie Bailey - Chief Deputy Town Clerk, Sheila DeSchaaf - Planning and Development Director, Ray LaHaye - Chief Building Official and Elaine Votruba - Assistant Library Manager.

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

Mayor Evans welcomed new Council Member Chris Higgins to the Town Council.

Outgoing Council Member Ed Blair noted he had been on the Council for eight years and was grateful for the citizens who had elected him and reelected him. Mr. Blair has enjoyed taking the concerns of citizens to the appropriate staff member and thanked the paid staff of the Town for all of their help. Mr. Blair thanked fellow Council members for their hard work and acknowledged the support of his wife Carol.

**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 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.

Don Engler, Police Chief, addressed the communication outage that had happened on Tuesday. There was still 911 service in the Community during that time. The ability to dial 911 on a cell phone was still enabled and worked. Chief Engler had made law enforcement very visible as it got dark and police officers were adequately out in the neighborhoods.

Council Member Croy gave an update on the Canal Senior apartments. The first floor had moved in today. The second floor would move in tomorrow and the third floor would move back in on the following day.

Emily Linkey, Library Director, announced all of the holiday programs at the library and all of the story times. Ms. Linkey recognized Elaine Votruba, Assistant Library Manager, for organizing all of the programs.

Council Member Connell noted that during the outage everything went very well at the hospital and they were prepared. Council Member Connell wished everyone a very special and Merry Christmas.

Council Member Wilson noted the Payson area Food Drive was limping along. You could drop food off at the Fire Department. Demand for help was still there and about one third of the money had already been spent. Council Member Wilson reminded everyone they could also send a check to P.O. Box 703 Payson, AZ 85547. Mayor Evans asked how much money has been collected. Council Member Wilson replied about \$21,000.

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.

Mayor Evans presented Tim Wright, Town Attorney, with a clock for working for the Town. Mr. Wright had been elected Superior Court Judge and would be leaving the Town at the end of the year. Mayor Evans noted it has been his pleasure to work with Mr. Wright and he has found Mr. Wright to be responsive and knowledgeable. Mr. Wright thanked the Mayor and noted this was his last Council meeting for the Town, but he would be at work through the end of the month. Mr. Wright had worked for the Town for twelve years and has seen the Town go through good times and bad times. Mr. Wright has strived to do his best everyday and thanked Sam Streichman, the previous Town Attorney, who had hired him. Mr. Wright thanked Diane Stoyer, Legal Department Office Manager, who helped him development as an attorney. Mr. Wright thanked the Council that had hired him four years ago to be the Town Attorney. Mr. Wright stated he would miss all of his co-workers and he appreciated all of the nice things people have said to him. Mr. Wright asked citizens to take a moment to compliment the people who work for the Town and noted it has been an honor to work with all of the citizens and staff.

2. **Proclamation.** Council Member Croy read into the record a proclamation declaring 2015 as a Year of Reading and endorsing "Read on North Gila County." Emily Linkey, Library Director, and Hazel Chandler, Regional Director for the Gila Regional Partnership Council, were present to accept the proclamation.

Hazel Chandler thanked all of the Council for supporting Read On. Ms. Chandler noted everyone in the community had gotten behind this effort tremendously. This was the most important gift you could give to children. Mayor Evans recognized Ms. Chandler for her efforts and noted she has been a real leader. Mayor Evans wished Ms. Chandler well in her retirement.

## **E. MINUTES**

1. \*Council Meeting Minutes:

11.18.14Special Meeting Minutes Pages 1 - 5

11.20.14Special Meeting Minutes Pages 1 - 3

11.20.14Regular Meeting Minutes Pages 1 - 14

12.02.14Special Meeting Minutes Pages 1 - 2

**\*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. \*Planning and Zoning Commission Minutes:  
10.13.14 Regular Meeting Minutes Pages 1 - 5  
11.10.14 Regular Meeting Minutes Pages 1 - 4  
**\*CONSENT\* INFORMATION ONLY**
3. \*Design Review Board Minutes:  
10.14.14 Regular Meeting Minutes Pages 217 - 218  
11.18.14 Regular Meeting Minutes Pages 219 - 220  
**\*CONSENT\* INFORMATION ONLY**

## **F. HEARINGS AND APPEALS**

1. **Public Hearing** concerning an application for a Series 9 Liquor License filed by Randy Nations, agent, for Team CB Petroleum Properties LLC dba Chevron., 706 East Highway 260, Payson, Arizona.

Mayor Evans opened the Public Hearing. There were no public comments. Council Member Carpenter asked what the plans were for the new facility. Shawn Dugan, Manager, was excited to have a business in Payson and explained the Chevron Station was being reopened and spruced up. It would be a high end convenience store. Council Member Croy asked when it would open. Mr. Dugan replied January 10th or 12th if everything went right. Mayor Evans closed the Public Hearing.

**Motion:** to Approve an application for a Series 9 Liquor License filed by Randy Nations, agent, for Team CB Petroleum Properties LLC dba Chevron., 706 East Highway 260, 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.

2. **\*Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Leland Schwein agent for the BPO Elks Lodge #2154, for a fundraiser to be held at 1206 North Beeline Highway, Payson, Arizona, Saturday, March 7, 2015, 12:00 Noon to 12:00 Midnight.  
**\*CONSENT\* APPROVED**
- 3.

**\*Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Leland Schwein agent for the BPO Elks Lodge #2154, for a fundraiser to be held at 1206 North Beeline Highway, Payson, Arizona, Friday, April 24, 2015, 12:00 Noon to 12:00 Midnight.

**\*CONSENT\* APPROVED**

## **G. RESOLUTIONS AND ORDINANCES**

1. **\*Resolution No. 2823.** Council approved, on the Consent Agenda, Resolution No. 2823 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, ACCEPTING A GRANT FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION, MULTIMODAL PLANNING DIVISION, AERONAUTICS GROUP, PURSUANT TO THE TERMS AND CONDITIONS OF GRANT NUMBER E5F2E, AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT, AND AUTHORIZING THE TOWN TO TAKE APPROPRIATE ACTION TO FINALIZE SUCH GRANT AND ACCOMPLISH THE PURPOSES FOR WITH IT IS OFFERED. (ADOT GRANT - ECHO RAMP EXPANSION)

**\*CONSENT\* APPROVED**

2. **\*Resolution No. 2824.** Council approved, on the Consent Agenda, Resolution No. 2824 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, CLARIFYING THAT THE COUNCIL INTENDED TO ADOPT ORDINANCE 859A AND RESOLUTION 2408A CONTAINING THE ADDITIONAL AMENDMENT TO SECTION 130.03 (C) OF THE TOWN CODE RELATED TO SERVICE OF LIBRARY COMPLAINTS.

**\*CONSENT\* APPROVED**

3. **\*Resolution No. 2825.** Council approved, on the Consent Agenda, Resolution No. 2825 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT IN APPROXIMATELY THE AREA OF SR 87 AND RANCHO RD. FROM ANTON PLAZA II, LLC PERTAINING TO THE C.C. CRAGIN IN-TOWN WATER LINE CONSTRUCTIONS PROJECT.

**\*CONSENT\* APPROVED**

4. **\*Resolution No. 2826.** Council approved, on the Consent Agenda, Resolution No. 2826 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT IN APPROXIMATELY THE AREA OF SR 87 AND RANCHO RD. FROM ANTON PLAZA II, LLC PERTAINING TO THE C.C. CRAGIN IN-TOWN WATER LINE CONSTRUCTION PROJECT.

**\*CONSENT\* APPROVED**

5. **\*Resolution No. 2827.** Council approved, on the Consent Agenda, Resolution No. 2827 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE COMPLETION, EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE TOWN OF PAYSON, ARIZONA, AND THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA EVIDENCING A LOAN, IN ONE OR MORE SERIES, FROM THE SAID AUTHORITY TO THE TOWN IN AN AMOUNT NOT TO EXCEED \$11,000,000.00 TO IMPROVE THE TOWN'S WATER SYSTEM AND TO PAY RELATED EXPENSES; PLEDGING THE NET REVENUES OF THE TOWN'S WATER SYSTEM TO THE PAYMENT OF THE LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO SUCH LOAN; AND DECLARING AN EMERGENCY.  
**\*CONSENT\* APPROVED**
  
6. **\*Resolution No. 2828.** Council approved, on the Consent Agenda, Resolution No. 2828 captioned as follows: A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL APPROVING REVISED HOUSING REHABILITATION GUIDELINES (2014 SECOND REVISIONS).  
**\*CONSENT\* APPROVED**
  
7. **Second Public Hearing re: Construction Codes update.**
  - A. **Resolution 2818** - A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL AMENDING CHAPTER 150: BUILDING REGULATIONS AND CONFORMING CHANGES TO SECTION 154-07-002(D)(3) OF THE PAYSON TOWN CODE AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (2014 CONSTRUCTION CODE AMENDMENTS.)
  
  - B. **Ordinance 864** - AN ORDINANCE OF THE MAYOR AND PAYSON TOWN COUNCIL ADOPTING AMENDMENTS TO TOWN CODE CHAPTER 150: BUILDING REGULATIONS AND CONFORMING CHANGES TO TOWN CODE SECTION 154-07-002(D)(3). (2014 CONSTRUCTION CODE AMENDMENTS.)

Mayor Evans opened the Public Hearing. There were no public comments. Sheila DeSchaaf, Planning and Development Director, had provided the Council with a memo of citizen input. One provision that modified the Code was to remove the restriction of 20 lots in the Unified Development Code (UDC) and amend the UDC language to conform to the International Fire Code Standards of 30 lots. Council Member Croy asked if this land was zoned for mobile homes. Ms. DeSchaaf replied it had the potential for some lots on Heather Circle. Council Member Croy noted the surrounding area had seven or eight large lots and felt the Town could not deny someone their rights. Ms. DeSchaaf noted the changes were for one particular area. Council

Member Croy noted there were some concerned citizens who lived in the area.

Council Member Carpenter asked what lot was being considered for development. Tim Wright, Town Attorney, responded this was agendized for a Code amendment not to discuss specific lots. Council could say how would this apply to a neighborhood. Council Member Carpenter asked how would this affect the neighborhoods and how would it affect people. Ms. DeSchaaf replied this would apply to the entire town. Mayor Evans noted this would be town wide and there was much open space. Council Member Wilson noted if there was a request to subdivide a lot it would have to go to Community Development for discussion of the impact at that time. Ms. DeSchaaf added with any land zoned for development it would have to go to the Planning and Zoning Commission after a citizen participation meeting and if it met the requirements it would be approved. Mr. Wright noted this was policy for the Town. Mayor Evans closed the Public Hearing. Council Member Wilson moved approval of Resolution 2818 and Ordinance 864. Mr. Wright noted there were three options to choose from under the Energy Code. Council Member Wilson amended the motion to use option B under the Energy Code.

**Motion:** to Approve Resolution 2818 captioned as follows: A RESOLUTION OF THE MAYOR AND PAYSON TOWN COUNCIL AMENDING CHAPTER 150: BUILDING REGULATIONS AND CONFORMING CHANGES TO SECTION 154-07-002(D)(3) OF THE PAYSON TOWN CODE AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (2014 CONSTRUCTION CODE AMENDMENTS.) Using Option B under the Energy Code.

and

Ordinance 864 captioned as follows: AN ORDINANCE OF THE MAYOR AND PAYSON TOWN COUNCIL ADOPTING AMENDMENTS TO TOWN CODE CHAPTER 150: BUILDING REGULATIONS AND CONFORMING CHANGES TO TOWN CODE SECTION 154-07-002(D) (3). (2014 CONSTRUCTION CODE AMENDMENTS.)

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

Council Member Carpenter noted this did not include adoption of the Wildland Urban Interface (WUI) Code. Ray LaHaye, Chief Building Official, replied that would be taken up at a later date. Council Member Carpenter asked if this included all of the discussion over the past year. Mr. LaHaye replied yes, it included every Building Code discussed. Mr. LaHaye thanked the Building Advisory Board for their time and commitment. Council Member Carpenter asked if the Board made a recommendation on the Energy Code option. Mr. LaHaye responded the Board did not pick an option. Mayor Evans called for the vote.

**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. **Council Decision Request** filed by Town Staff re: whether any action should be taken on Resolution 2819 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, AUTHORIZING THE RIM COUNTRY EDUCATIONAL FOUNDATION TO BE THE TOWN'S DESIGNEE FOR THE PURPOSE OF PURCHASING THE UNITED STATES FOREST SERVICE SITE LOCATED IN APPROXIMATELY THE 1000 TO 1600 BLOCK OF EAST HIGHWAY 260.

Mayor Evans felt this should be deferred to a future date. Council Member Carpenter asked if there was a date certain. Mayor Evans replied no.

**Motion:** to defer to a future date Resolution 2819 captioned as follows: A RESOLUTION OF THE PAYSON TOWN COUNCIL, AUTHORIZING THE RIM COUNTRY EDUCATIONAL FOUNDATION TO BE THE TOWN'S DESIGNEE FOR THE PURPOSE OF PURCHASING THE UNITED STATES FOREST SERVICE SITE LOCATED IN APPROXIMATELY THE 1000 TO 1600 BLOCK OF EAST HIGHWAY 260.

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.

## 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 approve the roadway construction of Malibu Drive between Easy Street and Manzanita Drive, the intersection of Malibu Drive-Manzanita Drive-Park Drive, and the turnaround on Evergreen Street, including all traffic control devices, subject to the developer's two year warranty of public improvements and to accept the public roadway improvements for town maintenance under such warranty.  
**\*CONSENT\* APPROVED**
2. **\*Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon Garrett, Assistant Town Manager, to approve the subdivision construction of the Forest Ridge Unit Two Subdivision, including the traffic control devices, subject to the developer's

two year warranty of public improvements and to accept the public subdivision improvements for town maintenance under such warranty contingent on the developer providing the final project close-out paperwork to the Town.

**\*CONSENT\* APPROVED**

#### **J. CLAIMS**

1. **\*List of checks.** Council approved, on the Consent Agenda, a list of checks paid from October 30, 2014 through December 5, 2014, Check No.s 02800 through 028347, **except Check No.s 028010, 028018, and 028296**, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

2. **\*Check No. 028010.** Council approved, on the Consent Agenda, Check No. 028010 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**

3. **\*Check No.s 028018 and 028296.** Council approved, on the Consent Agenda, Check No.s 028018 and 028296 and authorization to file the checks for audit. (Note: due to a perceived and/or conflict of interest, Council Member Croy was considered to have abstained from voting on this item).

**\*CONSENT\* APPROVED**

#### **K. MISCELLANEOUS**

1. **\* Council approved, on the Consent Agenda, the acceptance, with regrets, of the resignation of Dick Garmon from the Airport Commission with thanks for a job well done.**

**\*CONSENT\* APPROVED**

2. **\*Council approved, on the Consent Agenda, the reappointment of Otis Garnand to the Design Review Board, term to expire December 31, 2017.**

**\*CONSENT\* APPROVED**

#### **L. PUBLIC COMMENTS**

Stan Garner congratulated the new Council. Mr. Garner announced there was a Charity Tree for people to bring donations and vote for a favorite tree at the Swiss Village. The address was 806A. Mayor Evans noted they have had the ability through Wal-Mart to give away Christmas trees to families in need at the Almost New Shop.

#### **ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 6:10 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 18 of December, 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