

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
March 19, 2015**

**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 Jim Harper, Mountain Bible Church.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, and Council Member John Wilson.

**STAFF PRESENT:** Debra Galbraith - Town Manager, LaRon Garrett - Assistant Town Manager, Don Engler - Police Chief, Silvia Smith - Town Clerk, Cameron Davis - Parks, Recreation and Tourism Director, Emily Linkey - Library Director, and David Staub - Fire Chief.

**OTHERS PRESENT:** Tracie Bailey - Chief Deputy Town Clerk, Sheila DeSchaaf - Planning and Development Director and Bobby Davis, Economic Development.

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

Hallie Overman-Jackman was told she had to purchase water credits to move forward with the Chilson Project and was never told there was a time limit. Ms. Overman-Jackman had a written paper that she had purchased 40 erus of water credits. Ms. Overman-Jackman believed Bison Homes had asked to have their water credits extended for a contribution of a road. Ms. Overman-Jackman noted Chilson Ranch would bring five acres to the Town and help with a drainage problem. Ms. Overman-Jackman felt she was more than generous to the Town and asked the Council to not let her water credits expire. Mayor Evans asked Ms. Overman-Jackman if she was proposing to give five acres to the Town along the cooridor. Ms. Overman-Jackman replied it was for public use. Susan Goodwin, Attorney, noted that was not on the agenda for discussion. Mayor Evans believed he had the right to ask for clarification. Ms. Goodwin responded the Mayor could ask for clarification. Mayor Evans believed if this was a proportional contribution it could work. Ms. Overman-Jackman asked how to go forward with this. Mayor Evans asked Ms. Overman-Jackman to make the proposal to LaRon Garrett, Assistant Town Manager.

APR 02 2015 E.I.\*

**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.

**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 Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, 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, announced the Heroine Presentation the Police Department did on March 11, 2015, focused on local heroine issues and over 70 people had attended. It was also on the Government Channel 4. Chief Engler explained it was a moving experience to listen to the families affected by heroine. Chief Engler would follow up with a representative from the Arizona State University (ASU) Walter Cronkite School of Journalism who would be in Payson tomorrow to interview Chief Engler, Mayor Evans and Council Member Connell for information on Payson's heroine issue. Chief Engler would Schedule another educational meeting prior to April 15th and would have a final date shortly. Chief Engler thanked the morning Rotary Club for the banquet that recognized public safety personnel.

David Staub, Fire Chief, also thanked the morning Rotary Club for the banquet.

Cameron Davis, Parks Recreation and Tourism Director, announced he was approached by Channel 10 News to do a showcase on Payson on May 15, 2015. The showcase would feature many events and would be filmed at Green Valley Park from 4:30 a.m. to 9:30 a.m. Mr. Davis noted the Recreation and Tourism Department website had received an award from the Office of Tourism for the best website for 2015 for design and functionality. Mr. Davis announced Get Set USA and The Mud Run Guide.com were both

sending four man teams to do a video documentary on The Mogollon Monster Mudder race this year and would promote the race after the race on Face Book, on their website and on YouTube. If it went well the Mud Run Guide would officially sanction the event next year. The Parks and Recreation Department was approached by the Arizona Softball Association to host the State Qualifier and there would be 40 to 50 teams. This weekend was The Gracie Lee Haught Softball Tournament. The Easter Egg Eggstravaganza was on April 4, 2015, at Rumsey Park. Mayor Evans believed Channel 15 Access Arizona was coming to Payson in the middle of April to do a thirty minute segment. Mr. Davis responded yes.

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.

**E. MINUTES**

1. \*Council Meeting Minutes:

02.10.15Special Meeting Minutes Pages 1-2

03.03.15Special Meeting Minutes Pages 1-6

03.05.15Regular Meeting Minutes Pages 1-10

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

**G. RESOLUTIONS AND ORDINANCES**

1. **Resolution No. 2833.** Mayor Evans opened discussion/possible action concerning Resolution No. 2833 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON,

ARIZONA, AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDS FOR A SUMMER HOLIDAY OVERTIME DUI TASK FORCE, A GPS ACCIDENT MEASUREMENT SYSTEM, TWO RADAR TRAFFIC ENFORCEMENT DEVICES, AND PORTABLE BREATH TEST DEVICES.

Council Member Carpenter asked for a brief explanation. Don Engler, Police Chief, explained this was the grant proposal process in which the Police Department requested a resolution to allow the Police Department to apply for a set of grants. The benefit was that there were no required matching funds from the Town.

**Motion:** to Approve Resolution No. 2833 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDS FOR A SUMMER HOLIDAY OVERTIME DUI TASK FORCE, A GPS ACCIDENT MEASUREMENT SYSTEM, TWO RADAR TRAFFIC ENFORCEMENT DEVICES, AND PORTABLE BREATH TEST DEVICES.

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

**Vote:** Motion carried 7 - 0

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

2. \* **Resolution No. 2836.** Council approved, on the Consent Agenda, Resolution No. 2836 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC UTILITY EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

**\*CONSENT\* APPROVED**

3. **Resolution No. 2840.** Mayor Evans opened discussion/possible action concerning Resolution No. 2840 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A ROADWAY EASEMENT ALONG THE EASTERLY SIDE OF 1101, 1105, 1111, 1205, 1209, AND 1215 N. HEATHER CIRCLE.

LaRon Garrett, Assistant Town Manager, explained these easements were needed to ensure there was access to all the properties years ago and the easements were no longer needed.

**Motion:** to Approve Resolution No. 2840 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF A ROADWAY EASEMENT ALONG THE EASTERLY SIDE OF 1101, 1105, 1111, 1205, 1209, AND 1215 N. HEATHER CIRCLE. 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 Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, and Council Member John Wilson.

4. **Ordinance No. 865.** First Public Hearing regarding Ordinance No. 865 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TOWN CODE SECTIONS 33.56 AND 33.58 CONCERNING THE DESIGN REVIEW BOARD AND SECTION 154-02-014 PART III OF THE UNIFIED DEVELOPMENT CODE TO CONSOLIDATE THE PLANNING AND ZONING COMMISSION WITH THE DESIGN REVIEW BOARD, CLARIFY THE ROLES OF THE TOWN STAFF AND THE DESIGN REVIEW BOARD, AND AMEND THE RESPONSIBILITIES OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE, AND THE PROCESS TO APPEAL DESIGN REVIEW DECISIONS.

Mayor Evans opened the Public Hearing. Barbara Underwood had been on the Design Review Board since its inception and had served on the Planning and Zoning Commission. Ms. Underwood supported this resolution to combine the Boards and felt the Design Review Board had accomplished 99% of its goals. Ms. Underwood felt the Design Review Board had done a great job and believed the Town wanted to be business friendly so that people coming forward could get their project done. Ms. Underwood liked the idea of streamlining this and believed combining the Boards was good.

Council Member Carpenter asked for a presentation by staff. Sheila DeSchaaf, Planning and Development Director, explained the Design Review Board was created in 2007 and tasked with reviewing all design review applications that came through. The Board established guidelines and delegated minor reviews to staff. This would expand the role of staff so all new applications would be reviewed by staff and applicants could appeal to the Planning and Zoning Commission. Ms. DeSchaaf recommended Council consider the qualifications of the Design Review Board members and Planning and Zoning Commission members when considering appointments for the combined Board. Mayor Evans felt this was part of the effort to streamline the process.

Council Member Connell noted there had been discussion regarding having a check list for items. Ms. DeSchaaf responded there was a checklist and a rank sheet was discussed. One concern was when would the exception be granted. Council Member Carpenter noted the original guidelines would not be dropped they would be used by staff. Ms. DeSchaaf replied yes. Council Member Connell asked if there was an issue of great concern would there be an appeal process incorporated. Ms. DeSchaaf replied yes, applications would be reviewed by staff and applicants could appeal to the Planning and Zoning Commission. There were no more public comments. Mayor Evans closed the Public Hearing.

5. **Ordinance No. 866.** First Public Hearing regarding Ordinance No. 866 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-14-009 OF THE UNIFIED DEVELOPMENT CODE RELATING TO RELIEF FROM THE PROHIBITIONS ON HOME OCCUPATIONS.

Mayor Evans opened the Public Hearing. Sheila DeSchaaf, Planning and Development Director, explained this was regarding home based businesses and in 2010 changes were made to home based businesses to facilitate economic growth and development. Inadvertently there were certain instances where the changes imposed greater restrictions on the home owner. 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** filed by LaRon Garrett, Assistant Town Manager, to direct staff to remove the existing stop signs on Mud Springs Road at the intersection of Cedar Lane and the all-way plates on all three legs of the intersection.

LaRon Garrett, Assistant Town Manager, explained staff had received a request to remove the stop signs. Six of the seven policy criteria showed that this all way stop was not needed. One of the criteria said seventy five percent of residents needed to be in favor of the removal. Of the number of residents who responded there were sixty five percent in favor of removing the stop signs and thirty four percent of residents were against removing the stop signs. Based on that staff recommended removing the two stop signs on Mud Springs Road at that intersection and leave the stop sign on Cedar Lane as it tees in there.

**Motion:** to direct staff to remove the two stop signs on Mud Springs Road at the intersection of Cedar Lane and the all-way plates on all three legs of the

intersection and leave the stop sign on Cedar Lane as it tees in there.  
Moved by Council Member John Wilson, seconded by Council Member  
Chris Higgins.

**Vote:** Motion carried 7 - 0

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

## **J. CLAIMS**

1. \* **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from February 20, 2015 through March 6, 2015, Check Nos. 029085 through 029200, except Check No. 029131, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVED**
2. \* **Check No. 029131.** Council approved, on the Consent Agenda, Check No. 029131 and authorization to file the check for audit. (Note: due to a perceived and/or potential 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 approval of **Jeff Loyd as Chairman and John Swenson as Vice-Chairman** of the Planning and Zoning Commission.  
**\*CONSENT\* APPROVED**
2. **Appointment** of Su Connell to the Rim Country Educational Alliance, term to expire December 31, 2019.

Council Member Connell recused herself and left the dais.

**Motion:** Appoint Su Connell to the Rim Country Educational Alliance, term to expire December 31, 2019.

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

Council Member Higgins asked for clarification on who Ms. Connell was replacing. Mayor Evans explained of the resignations that came in Mary Kastner was the first to resign. Ms. Kastner's term had expired December 2014. Council Member Higgins asked if the Town had received a letter of resignation from Ms. Kastner. Mayor Evans replied the letter was sent to the Treasurer and noted Ms. Kastner's term had expired December 31, 2014. Council Member Higgins asked if Dean Martin's position was still open. Mayor Evans responded Mr. Martin's position was still open as well as Jim

Scheidt's position. Mr. Scheidt was an appointee of Star Valley and Mr. Martin was an appointee of Payson. Council Member Higgins did not realize Ms. Kastner had sent in a letter of resignation. Vice-Mayor Hughes clarified Ms. Kastner's position was expired at the end of December so that was the one position open at the time this was put on the agenda and posted. Council Member Higgins was concerned that only two existing members remained and there were new members. Council Member Higgins felt Ms. Kastner had a lot of experience that was of value and amended the motion to appoint Ms. Connell in Deans Martin's position. Council Member Higgins asked if Mr. Martin had resigned. Mayor Evans noted Mr. Martin's term expired on a different date. Mr. Martin had sent in a letter of resignation, but the term did not expire on December 31, 2019 as indicated on the agenda. Council Member Croy agreed that was not the item on the agenda. Council Member Carpenter seconded the amendment for discussion. Mayor Evans called for the vote on the amendment.

**Motion:** to Amend the appointment of Su Connell to Dean Martin's position. Moved by Council Member Chris Higgins, seconded by Council Member Fred Carpenter.

Vote: Motion failed 1 - 5

Yes: Council Member Chris Higgins.

No: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Fred Carpenter, Council Member Richard Croy, and Council Member John Wilson.

Council Member Carpenter noted Mr. Martin's position would come to the Council eventually. Mayor Evans called for the vote on the main Motion.

**Vote:** Motion carried 5 - 1

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

No: Council Member Chris Higgins.

Council Member Connell returned to the dais at approximately 6:12 p.m.

## **L. PUBLIC COMMENTS**

There were no public comments.

## **ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 6:13 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 19 of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_

Tracie Bailey, Chief Deputy Town Clerk