

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
April 16, 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

Rev. Linda Wescott, Community Presbyterian 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: LaRon Garrett - Assistant Town Manager, Don Engler - Police Chief, Silvia Smith - Town Clerk, and Cameron Davis - Parks, Recreation and Tourism Director.

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)

Lori Myers wanted to thank Jeff Loyd, Scott Helmer and John Swenson for their service on the Planning and Zoning Commission. Ms. Myers felt they worked diligently to garner the public's respect. Ms. Myers believed people needed to understand what their government did and become an involved citizen.

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 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 it was Telecommunicators Week and acknowledged the difficult job 911 Dispatchers have and recognized their service. Chief Engler noted it was also volunteer month and volunteers were very active in the community. Volunteers contributed 700 to 900 hours of service to the Town every year. Chief Engler noted the Police Department did a report, from a local perspective, on heroin issues and the Chief would continue to work on the problem. Chief Engler believed he needed to identify the treatment opportunities and services in Payson to help families. There would be a follow up presentation on April 21, 2015 at 7:00 p.m. with several groups there to offer help.

Cameron Davis, Parks, Recreation and Tourism Director, announced the Optimist Kid's Fishing Festival was this weekend. Mr. Davis invited everyone to the Beeline Cruise in Car Show next weekend. Mr. Davis noted the Town would be running Taylor pool this summer and there would be swimming lessons, public swim time and pool rentals.

Council Member Connell announced Saturday was the Business Show Case and Native Air would deliver the Mayor of Payson and the Mayor of Star Valley. The Business Show Case would start at 10:00 a.m. and go to 3:00 p.m. at the new park in Star Valley.

Council Member Carpenter announced the annual Fire Wise day was May 2, 2015 at Rumsey Park.

Council Member Wilson asked if there would be food collection at the Business Show Case on Saturday. Council Member Connell replied 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.

2. **Proclamation.** Vice-Mayor Hughes read into the record a proclamation declaring May 2015 as Motorcycle Safety Awareness Month. Edward Carafa was present to accept the proclamation.

Edward Carafa thanked the Council and believed moving to Payson was the best move he has ever made. Mr. Carafa was honored to live in Payson and invited everyone to come to Safeway Saturday from 10:00 a.m. to 2:00 p.m. to pick up material on safety awareness.

3. **Proclamation.** Council Member Carpenter read into the record a proclamation declaring May 2, 2015 as Wildfire Community Preparedness Day. Jim Tye was present to accept the proclamation.

Jim Tye, on behalf of the fire wise community, thanked the Mayor and Council. Mr. Tye invited everyone to come to Rumsey Park on May 2, 2015 to learn how to protect their house when there was a forest fire.

4. **Proclamation.** Council Member Croy read into the record a proclamation declaring May 7, 2015 as National Day of Prayer. Jann Durst, Gila County National Day of Prayer Coordinator, was present to accept the agenda.

Jann Durst thanked the Mayor and Council. Ms. Durst thanked Pastor Jerry Green for passing the baton to her and gave a brief history on the National Day of Prayer. Ms. Durst noted Thursday May 7, 2015 there would be six different venues for everyone to attend to pray and encouraged people to come out to the venues.

E. MINUTES

1. *Council Meeting Minutes:

03.24.15Special Meeting Pages 1 - 7

04.02.15Regular Meeting Pages 1 - 8

***CONSENT* APPROVAL**

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 Raymond Still agent for Payson Rodeo Committee, Inc., for a fundraiser

to be held at 1400 S. Beeline Highway, Payson, Arizona, Thursday, May 14, 2015, 8:00 a.m. to 2:00 a.m., Friday May 15, 2015, 8:00 a.m. to 2:00 a.m. and Saturday, May 16, 2015, 8:00 a.m. to 2:00 a.m.

***CONSENT* APPROVED**

2. **Public Hearing** concerning an application for a Series 09 Liquor License filed by Elliott Glasser, agent for 1st Stop, 104 E. Highway 260, Payson, Arizona.

Mayor Evans opened the Public Hearing. Mr. Glasser thanked the Council and explained that he was not able to open at the first location because the building had asbestos and he was moving the license that was already permitted to the new building. Mayor Evans closed the Public Hearing.

Don Engler, Police Chief, noted he had been contacted by the Liquor Board regarding this license with some concerns. The license was originally issued in 2008 for 100 East Highway 260. The license was never operated at that location. The investigation revealed the lease was current to August 2015 for the Arizona State Credit Union at the new location 104 East Highway 260. If the license was not used it was no longer effective for that location. Chief Engler believed Mr. Glasser had already passed many of the time limits listed in the State Statute and must re-qualify for the license. If the license was not in use for two years the location must re-qualify for the license. Mayor Evans asked if Mr. Glasser had to re-qualify at that location for the license to be valid to transfer. Chief Engler replied yes and the agent from the Liquor Board indicated he planned to contest the license at the Liquor Board Hearing. Council Member Carpenter asked what the plan for the location was. Mr. Glasser explained it would be a liquor store like a trading post and as far as the State went, Mr. Glasser believed he had been approved by the State again and he had paid for the fee and was qualified for it as far as the State was concerned. There were no problems with the building. Mayor Evans believed accepting a check was not the same as approving a liquor license or a transfer. Hector Figueroa, Town Attorney, responded no, what that did was when the applicant filed for the transfer it went to the director not the Liquor Commission. When you pay that they give you a temporary license until you go through the whole process. The individual agent from the Liquor Board was identifying this was generally taken care of by the director, but because of the circumstances in this case it would probably go to the Board. There had to be a satisfactory showing by the applicant and the license had to be used in the sale of liquor or it could not be a transfer. This license has not been used. If the license has not been used for a specific amount of time it reverts back to the Liquor Board. Mr. Figueroa explained there were issues that did not concern the Council. The Council's only issue was the recommendation tonight whether the Council wanted to send a favorable recommendation or not.

Motion: to issue a negative recommendation concerning an application for a Series 09 Liquor License filed by Elliott Glasser, agent for 1st Stop, 104 E. Highway 260, Payson, Arizona.

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.

G. RESOLUTIONS AND ORDINANCES

1. ***Resolution No. 2842.** Council approved, on the Consent Agenda, Resolution No. 2842 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY, OFFICE OF MANUFACTURED HOUSING, RELATIVE TO THE ENFORCEMENT OF INSTALLATION STANDARDS FOR MANUFACTURED HOMES AND FACTORY-BUILT BUILDINGS.
***CONSENT* APPROVED**
2. **Resolution No. 2843.** Mayor Evans opened discussion/possible action concerning Resolution No. 2843 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF AN EMERGENCY INGRESS-EGRESS EASEMENT, DRAINAGE EASEMENT, AND A PORTION OF PUBLIC UTILITY EASEMENT ON LOTS 21 AND 33 OF THE MOGOLLON VILLAGE SUBDIVISION.

LaRon Garrett, Assistant Town Manager, explained these easements were no longer needed.

Motion: to Approve Resolution No. 2843 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ABANDONMENT OF AN EMERGENCY INGRESS-EGRESS EASEMENT, DRAINAGE EASEMENT, AND A PORTION OF PUBLIC UTILITY EASEMENT ON LOTS 21 AND 33 OF THE MOGOLLON VILLAGE SUBDIVISION.

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.

3.

Resolution No. 2844. Mayor Evans opened discussion/possible action concerning Resolution No. 2844 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. TWO TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON RELATING TO THE EAST BONITA STREET PHASE II PROJECT.

LaRon Garrett, Assistant Town Manager, explained this street has been in need of updating and repair. This addendum was needed to keep the project. Construction would start around 2017.

Motion: to Approve Resolution No. 2844 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. TWO TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON RELATING TO THE EAST BONITA STREET PHASE II PROJECT.

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

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.

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Hector M. Figueroa, Town Attorney, to terminate the Town's December 19, 2014 Agreement for Town Attorney Services with the law firm of Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Hector Figueroa, Town Attorney, explained he was appointed on March 23, 2015. At the time Curtis, Goodwin, Sullivan, Udall & Schwab were still working on some small items for the Town. The Firm was finished with those items and have submitted their final bill.

Motion: to terminate the Town's December 19, 2014 Agreement for Town Attorney Services with the law firm of Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

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.

2. **Council Decision Request** filed by Sheila DeSchaaf, Planning and Development Director, to direct staff to waive the building permit portion of the fees for Habitat for Humanity's installation of a manufactured home at 609 South Oak Street in the amount of approximately \$479.00.

Sheila DeSchaaf, Planning and Development Director, explained this was a request by Habitat for Humanity too waive the building permit portion of the fees for a manufactured home at 609 South Oak Street in the amount of \$479.00.

Motion: to direct staff to waive the building permit portion of the fees for Habitat for Humanity's installation of a manufactured home at 609 South Oak Street in the amount of approximately \$479.00.

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

Mayor Evans noted this was just a portion of the fees. Ms. DeSchaaf replied yes, it was the building permit fee only. Council Member Connell noted Habitat for Humanity built from the ground up on most occasions. Cindy Kofile, Executive Director for Payson Area Habitat for Humanity, responded yes. Council Member Connell asked if Ms. Kofile was given a manufactured home. Ms. Kofile replied yes. Council Member Connell asked what the people would do for sweat equity. Ms. Kofile responded the trailer could be damaged in the move and would have to be repaired on the inside and there was some refurbishing work to be done and new carpeting as well as a stem wall. Council Member Carpenter noted he did not normally support waiving fees, but felt this was a worthy thing to waive fees for. Ms. Kofile appreciated all the help from staff. Mayor Evans called for the vote.

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 March 27, 2015 through April 3, 2015, Check Nos. 029357 through 029496, except Check No. 029417, and authorization to file the

checks for audit.

***CONSENT* APPROVED**

2. ***Check No. 029417.** Council approved, on the Consent Agenda, Check No. 029417 and authorization to file the check for audit. (Note: due to a perceived and/or possible conflict of interest, Council Member Croy was considered to have abstained from voting on this item).

***CONSENT* APPROVED**

K. MISCELLANEOUS

John Wakelin noted in no way did his remarks disparage any of the nominees on the agenda. Mr. Wakelin felt the Council was making a grave mistake by not reappointing John Swenson and Jeff Loyd to the Planning and Zoning Commission. Mr. Wakelin believed Scott Helmar should have a chance since he was appointed last year to fill a vacancy. It was Mr. Wakelin's understanding that all of the members expressed an interest to continue to serve on the Commission. Mr. Wakelin believed these were the kinds of people the Town wanted on its boards.

Mary Little was very concerned about the appointment of new members to the Planning and Zoning Commission and wondered why they had not been considered for reappointment. Ms. Little felt the current members were unbiased and did what was in the best interest of the community. Ms. Little believed the Council had a responsibility to serve the citizens and requested those members of the commission that desired to be reappointed be reappointed. Ms. Little asked the Council to reconsider the reappointments and felt the members have done a wonderful job as commissioners.

Vice-Mayor Hughes noted the reason that this was being considered at this time was because the Design Review Board was being reconsidered. Vice-Mayor Hughes had asked the current members to serve until this was considered and thanked them for serving. Vice-Mayor Hughes noted the changes were made for the Design Review Board and all the members were asked if they wanted to be transferred over to the Planning and Zoning Commission. Barbara Underwood was the only Design Review Board Member interested. Vice-Mayor Hughes noted he has had a difficult time getting people to serve and wanted to give an opportunity for new people to serve. The Council Members could vote to do what they wished. Mayor Evans noted the appointments were agendaized one at a time and asked what the options were. Hector Figueroa, Town Attorney, responded the Council should vote on each one. If one was voted in and the others were not then the Council could not vote to appoint someone else at this meeting. The Council could make a motion to postpone and put an appointment on another agenda. It could only be tabled if there was something more urgent.

Council Member Carpenter believed there was a requirement that people have certain qualifications that served on the Design Review Board. Vice-Mayor Hughes responded some of the members have to have the qualifications and there were some qualified people. Council Member Wilson noted four people had to

have those qualifications. Council Member Carpenter asked if the people not being reappointed did not have the qualifications. Council Member Connell responded not necessarily. Council Member Croy asked if the people up for appointment would like to speak. Vice-Mayor Hughes noted all three people up for appointment were at the meeting.

Barbara Underwood thanked the Mayor and Council and noted she had served on the Planning and Zoning Commission previously and was not reappointed then had served on the Design Review Board. Ms. Underwood was sad that some of the Design Review Board Members who had great qualifications had not applied. Ms. Underwood noted she has had businesses and done commercial building and residential building.

Eric Martindale, Operations Manager for Pinnacle Propane, noted he had applied to serve on the Planning and Zoning Commission back in the winter and had applied to help the Town. Mr. Martindale wanted to volunteer and be a part of the community as it grew. Mr. Martindale had been in the military and had leadership experience.

Jennifer Smith noted she had served in many capacities around town and was on the Christian School Board for five years. Ms. Smith had small children and was interested to see the Town reach the potential it could have. Ms. Smith had ran a Manufacturing business. Mayor Evans asked if anyone else on the Commission represented manufacturing businesses. Vice-Mayor Hughes did not believe so.

Council Member Higgins stated based on the comments by the individuals and individuals he spoke to over the past week and the Planning and Zoning meetings he had attended he would ***move to postpone the appointments to Planning and Zoning to the next Council meeting and add to that agenda the possible reappointments of the three individuals whose terms have expired.*** Mayor Evans asked if there was a second to that motion. Council Member Carpenter seconded the motion for discussion. Mayor Evans noted this was a privileged motion so there could be no discussion. Council Member Carpenter withdrew his second. **Motion died due to the lack of a second.** Council Member Connell felt this was being painted like a funeral with the demise of Jeff and John and Scott. Council Member Connell believed the Town was going to bust wide open and that the Town needed people who understood the processes of government and the Town would need their skills in other places. Council Member Connell felt they have done a marvelous job on the Commission and thanked them for their service.

1. **Appointment of Barbara Underwood** to the Planning and Zoning Commission, term to expire December 31, 2017.

Motion: to appoint Barbara Underwood to the Planning and Zoning Commission, term to expire December 31, 2017.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Council Member Carpenter believed Ms. Underwood was going to be good on the Commission and even though he was reluctant not to reappoint the current members he would support the motion. Council Member Carpenter felt that it was time for other people to get involved and did not want people to have negative opinions toward the Council for their decision. Mayor Evans call for the vote.

Vote: Motion carried 6 - 1

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

No: Council Member Chris Higgins.

2. **Appointment of Eric Martindale** to the Planning and Zoning Commission, term to expire December 31, 2017.

Motion: to appoint Eric Martindale to the Planning and Zoning Commission, term to expire December 31, 2017.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Council Member Carpenter noted he had the same comment regarding this appointment as his previous comment regarding Ms. Underwood's appointment. Mayor Evans felt Mr. Martindale was a reluctant recruit and asked Mr. Martindale if he was willing to serve. Mr. Martindale replied yes. Mayor Evans noted he had some level of anxiety about losing the leadership at the top of the Planning and Zoning Commission currently and appreciated the difficult task Vice-Mayor Hughes had. Mayor Evans was concerned that there were three slots and thirteen very qualified candidates. Mayor Evans thanked Vice-Mayor Hughes and called for the vote.

Vote: Motion carried 4 - 3

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

No: Mayor Kenny J. Evans, Council Member Fred Carpenter, and Council Member Chris Higgins.

3. **Appointment of Jennifer Smith** to the Planning and Zoning Commission, term to expire December 31, 2017.

Motion: to appoint Jennifer Smith to the Planning and Zoning Commission, term to expire December 31, 2017.

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 Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, Council Member Chris Higgins, and Council Member John Wilson.

L. PUBLIC COMMENTS

Lew Levinson felt the Council had ignored the way the Town tried to recruit people. Mr. Levinson believed this issue demonstrated how things came to this Council without getting public input and the citizens were not aware. Mr. Levinson felt to merger the two boards was a good thing and that the people on boards were volunteers that served out of the goodness of their heart. Mr. Levinson believed the Council wanted to hurry up and get this done and that the people did not have enough awareness of this community to serve effectively.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:47 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 April, 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