

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
May 21, 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. Charles Proudfoot 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:** Debra Galbraith - Town Manager, LaRon Garrett - Assistant Town Manager, 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, Lieutenant Sherwood Eldredge, and Bobby Davis - Economic Development.

**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 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.

**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.

Cameron Davis, Parks, Recreation and Tourism Director, announced staff has been putting the Mogollon Monster Mudder race track together. There were 436 people registered and there could be 500 registered by tomorrow. Mr. Davis expected a very large turn out. Mr. Davis thanked everyone who had shown up for the Channel 10 Zip Trip and reminded everyone that every Saturday night was the concert series during the summer. Memorial Day Taylor Pool would open. Swim lessons started on June 1, 2015. Council Member Croy asked how many of the people registered for the Mogollon Monster Mudder were from out of town. Mr. Davis replied sixty percent of the registered runners were from out of town.

Emily Linkey, Library Director, announced summer reading started on June 1, 2015 and listed the many other programs. Ms. Linkey thanked the Police Department and Fire Department for representing local heroes.

Council Member Wilson announced more food was needed for the food bank because it was empty and the bank account was empty. Council Member Wilson asked everyone to donate some food or money to the food bank.

Council Member Croy asked Mayor Evans for an update on the college land. Mayor Evans replied there was a signing ceremony this morning for the check. When the quit claim deed was done the check would be turned over to the Forest Service. Mayor Evans noted construction on the buildings could start next fall.

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.** Council Member Higgins read into the record a proclamation declaring Sunday, May 24th and Monday, May 25th, 2015 as "Memorial Days: Never Forget, Ever Honor." Council Member Connell accepted the proclamation.

Council Member Connell thanked the Council for the proclamation and noted this was the 25th annual celebration from the Flag Committee. Council Member Connell wished everyone a safe weekend and invited everyone to come to all of the patriotic events. The first events were at the Pioneer Cemetery and Mountain Meadows Cemetery on Sunday. On Monday, Memorial Day, at 8:00 a.m. was the flag raising at Mazatzal Casino then at 10:00 a.m. at Green Valley Park was the Memorial Day Patriotic Program. Council Member Connell invited everyone to take the time for a moment of silence to observe the soldiers and never forget at 3:00 p.m. on Memorial Day.

## **E. MINUTES**

### 1. \*Council Meeting Minutes:

05.05.15 Special Meeting Pages 1 - 5

05.07.15 Regular Meeting Pages 1 - 7

**\*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:

04.06.15 Regular Meeting Pages 1 - 6

**\*CONSENT\* INFORMATION ONLY**

### 3. \*Airport Commission Minutes:

01.12.15 Regular Meeting Page 1

02.09.15 Regular Meeting Pages 1 - 5

**\*CONSENT\* INFORMATION ONLY**

### 4. \*Parks and Recreation Commission Minutes:

01.14.15 Regular Meeting Pages 1 - 3

**\*CONSENT\* INFORMATION ONLY**

## **F. HEARINGS AND APPEALS**

### 1. **Public Hearing** concerning an application for a Series 10 Liquor License filed by Roger Burton, agent for Western Refining Retail, LLC (Giant), 910 South Beeline Highway, Payson, Arizona.

Mayor Evans asked Hector Figueroa, Town Attorney, if he could open the Public Hearing for both liquor licenses. Mr. Figueroa replied the Public

Hearings had to be opened one at a time. Mayor Evans opened the Public Hearing for the liquor license application for the Giant Store at 910 South Beeline Highway. There were no public comments. Mayor Evans closed the Public Hearing.

2. **Public Hearing** concerning an application for a Series 10 Liquor License filed by Roger Burton, agent for Western Refining Retail, LLC (Giant), 2010 North Beeline Highway, Payson, Arizona.

Mayor Evans opened the Public Hearing for the liquor license application for the Giant Store at 2010 North Beeline Highway. Mr. Figueroa explained the only reason there had to be separate Public Hearings was because of the different locations. There were no public comments. Mayor Evans closed the Public Hearing.

**Motion:** to Approve an application for a Series 10 Liquor License filed by Roger Burton, agent for Western Refining Retail, LLC (Giant), 910 South Beeline Highway, Payson, Arizona.

and

an application for a Series 10 Liquor License filed by Roger Burton, agent for Western Refining Retail, LLC (Giant), 2010 North Beeline Highway, Payson, Arizona.

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.

## G. RESOLUTIONS AND ORDINANCES

1. **Resolution No. 2845.** Mayor Evans opened the Public Hearing and discussion/possible action concerning Resolution No. 2845 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE REVERSIONARY CLAUSE OF ORDINANCE NUMBER 784, SECTION 3.FF, RELATING TO REAL PROPERTY GENERALLY LOCATED ON EITHER SIDE OF AIRPORT ROAD, EAST OF VISTA ROAD AND WEST OF THE PAYSON AIRPORT, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-39-006A, AND 302-39-006B, AND 302-39-006C, TO EXTEND THE TIME FOR RECEIVING AN APPROVED FINAL PLAT UNTIL SEPTEMBER 11, 2030. (MONTEZUMA CASTLE LAND EXCHANGE REZONING)

LaRon Garrett, Assistant Town Manager, explained they were requesting the extension because of the slow economy. Mayor Evans asked what staff's recommendation was. Mr. Garrett replied staff recommended approval.

**Motion:** to Approve Resolution No. 2845 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE REVERSIONARY CLAUSE OF ORDINANCE NUMBER 784, SECTION 3.FF, RELATING TO REAL PROPERTY GENERALLY LOCATED ON EITHER SIDE OF AIRPORT ROAD, EAST OF VISTA ROAD AND WEST OF THE PAYSON AIRPORT, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-39-006A, AND 302-39-006B, AND 302-39-006C, TO EXTEND THE TIME FOR RECEIVING AN APPROVED FINAL PLAT UNTIL SEPTEMBER 11, 2030. (MONTEZUMA CASTLE LAND EXCHANGE REZONING)

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.

**Resolution No. 2848.** Mayor Evans opened discussion/possible action concerning Resolution No. 2848 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE COUNTY OF YAVAPAI, YAVAPAI COUNTY SHERIFF'S OFFICE ("COUNTY"), AND THE TOWN OF PAYSON, THE PAYSON POLICE DEPARTMENT ("USER AGENCY"), RELATING TO THE USE OF THE COUNTY DRIVING TRACK FACILITY.

Lieutenant Sherwood Eldredge explained this was to use the Yavapai County driving track. The Payson Police Department used it about once a year. Council Member Carpenter asked where the track was located. Lieutenant Eldredge replied it was at the County yard by the Sheriff's Office. Council Member Carpenter asked if that was by Prescott. Lieutenant Eldredge replied yes, it was about two hours away.

**Motion:** to Approve Resolution No. 2848 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE COUNTY OF YAVAPAI, YAVAPAI COUNTY SHERIFF'S OFFICE ("COUNTY"), AND THE TOWN OF PAYSON, THE PAYSON POLICE DEPARTMENT ("USER AGENCY"), RELATING TO THE USE OF THE COUNTY DRIVING TRACK FACILITY.

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

Hector Figueroa, Town Attorney, noted there was an amendment to the agreement. The previous agreement had a renewable period every 25 years and Police Chief Don Engler had wanted the initial period to be 5 years and for it to be renewable every 5 years. Mayor Evans asked for a motion as amended.

**Motion:** to Approve Resolution No. 2848 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT ("IGA") BETWEEN THE COUNTY OF YAVAPAI, YAVAPAI COUNTY SHERIFF'S OFFICE ("COUNTY"), AND THE TOWN OF PAYSON, THE PAYSON POLICE DEPARTMENT ("USER AGENCY"), RELATING TO THE USE OF THE COUNTY DRIVING TRACK FACILITY and that the initial period for the agreement be 5 years and the agreement be renewable every 5 years.

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. **Ordinance No. 867.** Second Public Hearing regarding Ordinance No. 867 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 154-02-003A(6)(c) OF THE UNIFIED DEVELOPMENT CODE TO ALLOW CONSTRUCTION OF ACCESSORY STRUCTURES OF UP TO 200 SQUARE FEET WITHOUT ISSUANCE OF A BUILDING PERMIT.

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

4. **Ordinance No. 868.** First Public Hearing regarding Ordinance No. 868 captioned as follows: AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING ORDINANCE 466, THE ZONING MAP, AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1009 EAST HIGHWAY 260, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A, FROM R1-175 (SINGLE FAMILY RESIDENTIAL) AND OS (OPEN SPACE) TO EF (EDUCATIONAL FACILITIES).

Mayor Evans opened the Public Hearing. 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 Cameron Davis, Parks, Recreation and Tourism Director, to approve the fireworks display, at Green Valley Park, contract in the amount of \$20,000 and authorize the Town Manager to sign such Contract and Addendum.

**\*CONSENT\* APPROVED**

2. **Council Decision Request** filed by LaRon Garrett, Assistant Town Manager, to award the construction contract for the C. C. Cragin Line A to JNL Contracting, Inc. for a bid price of \$1,589,408.18 with the final project cost being based on actual field measured quantities and authorize the Town Manager to sign all necessary contract documents.

LaRon Garrett, Assistant Town Manager, explained this was to award the contract for Line "A". Staff had received 7 bids and of those bids JNL Contracting Inc. was the low bid and was the only local contractor to bid on the project. Staff recommended that the contract be awarded to JNL Contracting Inc.

**Motion:** to award the construction contract for the C. C. Cragin Line A to JNL Contracting, Inc. for a bid price of \$1,589,408.18 with the final project cost being based on actual field measured quantities and authorize the Town Manager to sign all necessary contract documents.

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. **Council Decision Request** filed by LaRon Garrett, Assistant Town Manager, to approve the hourly rate contract with Tetra Tech, Inc. for Construction Oversight Services for C. C. Cragin Treated Water Line A on a Time and Material basis with an estimated fee of \$158,450 and authorize the Town Manager to sign all necessary contract documents.

LaRon Garrett, Assistant Town Manager, explained this pertained to the same project and Tetra Tech was well qualified and had done work for the Town in the past.

**Motion:** to approve the hourly rate contract with Tetra Tech, Inc. for Construction Oversight Services for C. C. Cragin Treated Water Line A on a Time and Material basis with an estimated fee of \$158,450 and authorize the Town Manager to sign all necessary contract documents.  
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. **Council Decision Request** filed by Sheila DeSchaaf, Planning and Development Director, to direct staff to work through the Planning and Zoning Commission to: A) draft updates to the Unified Development Code that would create development standards specific to Community Garden uses upon property within the Town of Payson; and B) provide an exception to the current standards governing Commercial districts for the use of the property at 300 E. Tyler Parkway, Payson Community Garden, in advance of Council's consideration of the Unified Development Code amendments to allow the addition of a metal Carport shade structure.

LaRon Garrett, Assistant Town Manager, explained there was a community garden, but there were no guidelines for a community garden. This was to allow the Payson Community Garden to go ahead and build a shade structure.

**Motion:** to direct staff to work through the Planning and Zoning Commission to: A) draft updates to the Unified Development Code that would create development standards specific to Community Garden uses upon property within the Town of Payson; and B) provide an exception to the current standards governing Commercial districts for the use of the property at 300 E. Tyler Parkway, Payson Community Garden, in advance of Council's consideration of the Unified Development Code amendments to allow the addition of a metal Carport shade structure.  
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.

## J. CLAIMS

1. **\*List of checks.** Council approved, on the Consent Agenda, a List of checks paid from May 1, 2015 through May 8, 2015, Check Nos. 029775 through

029868, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

**K. MISCELLANEOUS**

- 1. \*Approval of **Clark Jones as Chair and Jim Scheidt as Vice-Chair** of the Planning and Zoning Commission.

**\*CONSENT\* APPROVED**

**L. PUBLIC COMMENTS**

Mayor Evans recognized the Boy Scouts who were at the meeting.

**ADJOURNMENT**

Mayor Evans adjourned the meeting at approximately 5:58 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 21 of May, 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