

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 23, 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

Minister Ken Davidson Jr., Church of Christ.

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/Acting Town Manager, Cameron Davis - Parks, Recreation and Tourism Director, Don Engler - Police Chief, Emily Linkey - Library Director, and David Staub - Fire Chief.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk, Toby Waugh - Captain Payson Fire Department, Bobby Davis - Economic Development Specialist, and Doni Wilbanks - Planning Specialist.

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

1. There were no public comments.

Mayor Evans turned the gavel over to Vice-Mayor Hughes and explained tonight the Council was not considering a Code change, but were considering a Council Decision Request (CDR) to direct staff to bring back a recommendation to Council regarding keeping a limited number of hens on less than an acre. The Mayor did not want people to think the Council was considering a Code change tonight.

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.

David Staub, Fire Chief, Announced John Cline, Engineer, was retiring at the end of the month. Firefighter Brandon LaBonte would be the new Engineer. Battalion Chief Tom Fife had retired earlier last year and after a lengthy process Captain Jerome Lubetz was selected as the new Battalion Chief. The Sons of the American Revolution selected Firefighter Wyatt Bramble as their firefighter of the year.

Don Engler, Police Chief, announced Police Sergeant Les Barr was retiring and wished him the best. Mayor Evans appreciated their service.

Council Member Connell reminded everyone the Book Festival was Saturday at Gila Community College from 9:00 a.m. to 4:00 p.m. There would be 60 authors and activities and food. Council Member Connell invited everyone to come to the Book Festival.

Council Member Carpenter noted Captain Jerome Lubetz had started out as a paid on call firefighter. Mayor Evans announced the transition of the hospital from CHS to Banner would occur a week from Saturday. There would be an event and a formal christening. Mayor Evans invited everyone to come and participate at 9:00 a.m. on August 1, 2015.

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.

Presentation by Payson Fire Department regarding the green tag red tag program.

David Staub, Fire Chief, introduced Captain Toby Waugh who gave a presentation on the Fire Department's Red and Green Firewise Program. Captain Waugh noted this was an educational program for the public. Chief Staub reiterated the program was educational it was not enforcement. Payson Fire personal would canvas the areas that would be in contact with an outside wildfire. The plan was to educate Payson residents and help them plan for wildfire and to have their homes survive a wildfire. The Fire Department would evaluate 1800 homes from the street and determine if they were defensible from a wildland fire event.

3. **Economic Development Status Report** by Bobby Davis, Economic Development Specialist.

Bobby Davis, Economic Development Specialist, gave a presentation on economic development in Payson. Mr. Davis listed what new businesses have come to Payson and what businesses were coming to Payson. Hector Figueroa, Town Attorney, asked if the Bashas Star Bucks was moving. Mr. Davis replied no, there would be a new Star Bucks Store. Mr. Davis noted NerdWallet ranked Payson as the 8th best place in Arizona to start a business out of 65 cities and towns. Payson's Economic Development Strategic Five Year Plan would begin in August and be completed by December this year and be presented to the Council for approval. Mr. Davis noted the management of this project would be led by Judie Scalise, Principal, ESI Corp. Ms. Scalise had 24 years of experience. The over all cost would be \$39,283. Payson would pay \$8,000 of that and the Town has partnered with Arizona Public Service (APS) who would pay the remaining \$31,283.

E. MINUTES

1* Council Meeting Minutes:

July 2, 2015, Special Meeting, Pages 1 - 2

July 2, 2015, Regular Meeting, Pages 1 - 8

***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:

June 1, 2015, Regular Meeting, Pages 1 - 5

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

There were no items in this section.

G. RESOLUTIONS AND ORDINANCES

1. **Resolution No. 2864.** Mayor Evans opened discussion/possible action concerning Resolution No. 2864 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 MANAGEMENT SERVICES AGREEMENT ("AGREEMENT") BETWEEN THE HOUSTON MESA FIRE DISTRICT ("HMFD DISTRICT") AND THE TOWN OF PAYSON, THE PAYSON FIRE DEPARTMENT, ("TOWN PFD") TO PROVIDE MANAGEMENT AND OVERSIGHT SERVICES.

Hector Figueroa, Town Attorney, explained this was to work with the Houston Mesa Fire District because they had lost their Fire Chief. The District had asked for the Town's assistance. Mr. Figueroa noted this was a draft, the District had not brought final results back to Mr. Figueroa yet. The options were to decide to vote on it or make recommendations and move to make changes or send it back to the drawing board and meet with the District and bring it back to Council. David Staub, Fire Chief, noted the District took no action this afternoon and was waiting for the Council to take action. Mayor Evans asked if the Council approved the agreement in substantially the form would that be appropriate. Mr. Figueroa replied yes, and this was meant to be a stop gap measure for one year to allow the District to go out and make other arrangements. It was not intended for the Town to take this agreement in perpetuity, but allow staff to work with the district. Mr. Figueroa wanted to protect the interest of the Town and the citizens.

Motion: to Approve Resolution No. 2864 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 MANAGEMENT SERVICES AGREEMENT ("AGREEMENT") BETWEEN THE HOUSTON MESA FIRE DISTRICT ("HMFD DISTRICT") AND THE TOWN OF PAYSON, THE PAYSON FIRE DEPARTMENT, ("TOWN PFD") TO PROVIDE MANAGEMENT AND OVERSIGHT SERVICES, substantially as presented to the Council leaving an opportunity for the Chief and the Town Attorney to work out any of the details.

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

Vice-Mayor Hughes wanted language in the agreement stating it was not automatically renewable and asked if the Town would be able to break even financially. Vice-Mayor Hughes asked if the Fire Department had the man power to do this and noted before this was renewed a longer agreement needed to come to Council. Mayor Evans noted there was a 120 day option. Mr. Figueroa noted it could be 60 days if the 120 days was before the budget.

Council Member Wilson noted the wording in section three needed to be fixed because it was calling on monthly payments quarterly. Mr. Figueroa explained the District was a separate taxing district so that would need to be revisited. Mr. Figueroa would make that amendment.

Council Member Connell felt this was a good start and noted more and more rural communities were banding together to help each other. Council Member Carpenter asked if the district had any concerns about how this was written. Mr. Figueroa replied their attorney had some recommendations including the payment schedule, audit which was different, some statutes, and that the agreement said the Town was providing management services to the District and that they would continue to be a District. 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.

2. **Resolution No. 2865.** Mayor Evans opened discussion/possible action concerning Resolution No. 2865 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 ARIZONA STATE FORESTRY DIVISION COOPERATIVE INTERGOVERNMENTAL AGREEMENT ("ASFD IGA") BETWEEN THE STATE FORESTER ("FORESTER") AND THE TOWN OF PAYSON, THE PAYSON FIRE DEPARTMENT, ("COOPERATOR") FOR THE PROTECTION OF ITS FORESTS AND WILDLANDS.

Hector Figueroa, Town Attorney, explained on State Agency agreements the agencies wanted to revisit their Intergovernmental Agreements (IGAs) with the towns and were inserting language that was an attempt to shift liability over to the city or town. The League of Arizona Cities and Towns had called the State out and said you cannot put the liability on the town. Both entities should not be liable. Mr. Figueroa noted the State Forester had put in another indemnity and the risk pool has asked that the Council not sign this agreement until this is stopped and not take any action until the Town gets a green light from the risk pool. Mayor Evans noted there was no motion regarding this.

3. **Resolution No. 2866.** Mayor Evans opened discussion/possible action concerning Resolution No. 2866 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 LIBRARY SERVICE AGREEMENT ("AGREEMENT") BETWEEN THE GILA COUNTY LIBRARY DISTRICT ("DISTRICT")

AND THE TOWN OF PAYSON, THE PAYSON LIBRARY, ("TOWN") TO OPERATE AND MAINTAIN A LIBRARY.

Motion: to Approve Resolution No. 2866 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 LIBRARY SERVICE AGREEMENT ("AGREEMENT") BETWEEN THE GILA COUNTY LIBRARY DISTRICT ("DISTRICT") AND THE TOWN OF PAYSON, THE PAYSON LIBRARY, ("TOWN") TO OPERATE AND MAINTAIN A LIBRARY.

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

Council Member Connell asked if the payment stayed the same. Emily Linkey, Library Director, replied the payment went up. 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.

4. **Resolution No. 2867.** Mayor Evans opened discussion/possible action concerning Resolution No. 2867 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE PURCHASE OF RIGHT OF WAY FOR THE MUD SPRINGS ROAD AND GRANITE DELLS ROAD INTERSECTION, ALL DESCRIBED ON EXHIBIT 1 ATTACHED HERETO, FROM MICHAEL J. AMON AND TRINA AMON.

LaRon Garrett, Assistant Town Manager, explained it was determined how much property was needed and the Town was ready to make the land purchase.

Motion: to Approve Resolution No. 2867 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE PURCHASE OF RIGHT OF WAY FOR THE MUD SPRINGS ROAD AND GRANITE DELLS ROAD INTERSECTION, ALL DESCRIBED ON EXHIBIT 1 ATTACHED HERETO, FROM MICHAEL J. AMON AND TRINA AMON.

Moved by Council Member Su Connell, 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.

5. **Ordinance No. 870.** Mayor Evans opened the Second Public Hearing regarding Ordinance No. 870 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 154-02-005D(2) AND 154-02-006D OF THE UNIFIED DEVELOPMENT CODE TO ALLOW REDUCED FRONT AND/OR STREET-SIDE SETBACK REQUIREMENTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

There were no public comments. The Mayor closed the Public Hearing.

Motion: to Approve Ordinance No. 870 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 154-02-005D(2) AND 154-02-006D OF THE UNIFIED DEVELOPMENT CODE TO ALLOW REDUCED FRONT AND/OR STREET-SIDE SETBACK REQUIREMENTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. 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.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Sheila DeSchaaf, Planning and Development Director, to direct staff to bring back to the Council an amendment to the Unified Development Code §154-02-004B.3, to allow for the keeping of a limited number of hens on properties less than one acre in size.

Mayor Evans explained this was to keep a limited number of hens on less than an acre.

Dr. Sandra Snyder was in favor of keeping chickens.

Council Member Carpenter noted if the Council adopted this it would not apply to people in Home Owner Associations (HOAs) or Covenants, Conditions and Restrictions (CCRs). Mayor Evans believed that issue should not be the topic.

Motion: to direct staff to bring back to the Council an amendment to the Unified Development Code §154-02-004B.3, to allow for the keeping of a limited number of hens on properties less than one acre in size.
Moved by Council Member Su Connell, 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. **Council Decision Request** filed by Sheila DeSchaaf, Planning and Development Director, to direct staff to waive the Conditional Use Permit fee at 425 North Beeline Highway as requested by the Habitat for Humanity.

Mayor Evans explained this was a request from Habitat for Humanity to waive the conditional use fee at 425 North Beeline Highway.

Motion: to direct staff to waive the Conditional Use Permit fee at 425 North Beeline Highway as requested by the Habitat for Humanity.
Moved by Council Member Fred Carpenter, 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 June 26, 2015, through July 10, 2015, Check Nos. 030350 through 046267, except Check No. 030416, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. ***Check No. 030416.** Council approved, on the Consent Agenda, Check No. 030416 and authorization to file the check for audit. (Note: due to a perceived and/or possible conflict of interest, Council Member Higgins was considered to have abstained from voting on this item).
***CONSENT* APPROVED**

K. MISCELLANEOUS

There were no items in this section.

L. PUBLIC COMMENTS

Cameron Davis, Parks, Recreation and Tourism Director, apologized for being late and explained he was on the phone with Sparky the Arizona State University (ASU) mascot. August 14, 2015, Sparky would be flown in on a helicopter. People would be allowed to park on Highway 260 near Camp Tontozona the weekend the team is there. National Barrel Horse Finals would be the first weekend of August then the ASU Pep Rally was on August 14th and the August Doins Rodeo was August 20th through the 22nd.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:30 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 23 of July, 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