

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
December 10, 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 Rich Richey, Church of the Nazarene.

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, Hector Figueroa - Town Attorney, 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, and Sherwood Eldredge - Police Lieutenant.

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 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

JAN 07 2016 E.J.*

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.

Emily Linkey, Library Director, reminded everyone the library was decked out for Christmas and listed all of the musical programs that would be presented at the library leading up to Christmas.

Council Member Connell wished everyone a Merry Christmas and Happy New Year.

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 Joe Tyndall and Scott Sumners regarding the Property Master Plan for the University Property.

Joe Tyndall and Scott Sumners, Rider Levett Bucknall Associates, gave a presentation on the Master Plan for the University Property. The Property Master Plan was developed for the Rim Country Educational Alliance Separate Legal Entity (RCEA) and the Rim Country Educational Foundation (RCEF). Adoption of the plan was a requirement of the intergovernmental agreement that initially formed the RCEA in 2011.

It was a 253-acre site that was purchased in November 2015 from the U.S. Forest Service. The site included educational facilities, ancillary facilities, and open space. Mr. Tyndall and Mr. Sumners reviewed site and building design, traffic improvements, utilities, and sustainability.

Council Member Higgins asked how many acres were green area or open space. Mr. Tyndall replied approximately 35 acres. Council Member Carpenter asked if the Council had to vote on this. Mr. Tyndall responded no, he did not believe so. Hector Figueroa, Town Attorney, explained how the Town had created the SLE and that the Council would not interfere with it. The SLE was required to come up with this plan. They wanted to make sure they were in compliance with the statute, but there was no requirement for the Town to approve it. Council Member Carpenter asked who would get

the sales tax. Mr. Figueroa replied the SLE would have to deal with the Department of Revenue (DOR) for taxes. The SLE would be exempt from the property tax. The Town had no authority over taxes. Mayor Evans noted the Town got roughly thirty percent of the sales tax and the taxes came back to the Town not the SLE. Mayor Evans thanked Mr. Tyndall and Mr. Summers.

E. MINUTES

1. ***Council Meeting Minutes:** November 19, 2015, Regular Meeting, Pages 1-5.
***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. *** 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 BPO Elks Lodge No. 2154, for a fundraiser to be held at 1206 North Beeline Highway, Payson, Arizona, Saturday, January 30, 2016, 12:00 Noon to 12:00 Midnight.
***CONSENT* APPROVED**

G. RESOLUTIONS AND ORDINANCES

1. **Resolution No. 2889.** Mayor Evans opened discussion/possible action concerning Resolution No. 2889 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA AUTHORIZING THE APPLICATION FOR FINANCIAL ASSISTANCE FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA ("WIFA") THROUGH THE DRINKING WATER STATE REVOLVING FUND.

LaRon Garrett, Town Manager, explained the process for assistance from the Water Infrastructure Finance Authority of Arizona (WIFA) was started last year and this was for the second 11 million dollar loan.

Motion: to Approve Resolution No. 2889 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA AUTHORIZING THE APPLICATION FOR FINANCIAL ASSISTANCE FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA ("WIFA") THROUGH THE DRINKING WATER STATE REVOLVING FUND.

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

Council Member Croy asked if the interest rate was fixed for the duration of the loan. Mr. Garrett replied yes, it was very low. Council Member Croy asked if the interest rate would stay low for the third 11 million dollar loan if the Town waited to apply for it. Mr. Garrett explained staff did not want to pay on the loan and not use it. 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. 2890.** Mayor Evans opened discussion/possible action concerning Resolution No. 2890 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE ROADWAY AND PUBLIC UTILITY EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

LaRon Garrett, Town Manager, explained this was an easement required for the maintenance of Mud Springs Road and Granite Dells Road. Mayor Evans noted the Town did not pay for the roads. Mr. Garrett replied no, the Town maintained them and has been maintaining them. Mayor Evans noted nothing changed except that this would be deeded to the Town. Mr. Garrett replied yes, it created a legal easement.

Motion: to Approve Resolution No.2890 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE ROADWAY AND PUBLIC UTILITY EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

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.

3. **Resolution No. 2891.** Mayor Evans opened discussion/possible action concerning Resolution No. 2891 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE QUIT CLAIM DEED ATTACHED HERETO AS

EXHIBIT '1', PERTAINING TO PORTIONS OF SOUTH MUD SPRINGS ROAD AND EAST GRANITE DELLS ROAD.

LaRon Garrett, Town Manager, explained this was similar to the previous resolution. Mayor Evans noted this was a process that the Town initiated. Mr. Garrett responded yes and the Town would be maintaining the roads. Council Member Carpenter asked if the Town already owned part of the Mud Springs Road right of way. Mr. Garrett replied no, not until now.

Motion: to Approve Resolution No. 2891 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE QUIT CLAIM DEED ATTACHED HERETO AS EXHIBIT '1', PERTAINING TO PORTIONS OF SOUTH MUD SPRINGS ROAD AND EAST GRANITE DELLS ROAD.

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.

4. **Second Public Hearing re:** adding Payson Town Code Section 154-02-004 (B)(11) to the Unified Development Code relating to the use of Recreational Vehicles.
 - A. **Resolution No. 2880** - A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTION 154-02-004(B)(11) TO THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE, AND DECLARING SUCH ADDITIONS TO BE A PUBLIC RECORD.
 - B. **Ordinance No. 875** - AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTION 154-02-004(B)(11), (12) AND (13) OF THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE.

Sheila DeSchaaf, Planning and Development Director, explained as originally drafted, the proposed code amendments would have allowed for fourteen day stays as of right, ninety day stays with an administrative permit from Community Development, and up to one year stays if medically necessary for caregivers. The proposed amendments were not recommended for approval by the Planning and Zoning Commission and no action was taken following the Council's second reading of Ordinance 875 and Resolution 2880. Staff has amended the original proposal to allow only the shortest term use of recreational vehicles (RVs) as living quarters for visitation purposes on residential properties. Generators were prohibited and waste water had to be completely self contained. Recreational vehicles would not be allowed in the front yard unless the vehicle was located completely on a paved driveway and utility connections would be quick-connect/disconnect services only. The Planning and Zoning Commission had returned a 6-0 recommendation for Council to approve this.

Andrew Bowles was opposed to RV camping because the citizens would have to complain if there were any violations. Mr. Bowles believed backflow preventers would have to be installed if a hose was hooked up to a RV and the power connection should be a ground fault. Mr. Bowles felt the city was handing this over to the people to control. Mr. Bowles felt he was being told to move to a Home Owner's Association (HOA) where there were provisions to stop this. Mr. Bowles asked the Council to use the old laws and to vote no on this.

Council Member Carpenter asked if there was a sunset clause. Ms. DeSchaaf replied yes. Mayor Evans asked LaRon Garrett, Town Manager, if there were backflow preventers now. Mr. Garrett replied yes. Council Member Croy noted if the hose was disconnected there would not be a backflow and asked if it was discriminating against a person who did not have a paved driveway if they could only live in the RV if it was sitting on pavement. Ms. DeSchaaf noted the Planning and Zoning Commission had added that condition. Council Member Croy felt it was not fair for people to park in the front if there was only pavement. Council Member Carpenter asked if anyone has complained about this. Ms. DeSchaaf responded staff had sent notices to all HOAs and some were in favor and some were against for various reasons. Council Member Higgins asked if the words "if present" could be added to the paved driveway. Ms. DeSchaaf replied yes, it could be changed. Council Member Croy asked what the Council felt. Mr. Garrett suggested it could say if it was in the front set back it had to be on a paved driveway.

Motion: to Approve recreational vehicles used for visitation purposes shall not be allowed within the front building set back of a lot unless the vehicle is located completely upon a paved driveway.
Moved by Council Member Richard Croy, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 1

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

No: Council Member Fred Carpenter.

Motion: to Approve as amended Resolution No. 2880 captioned as follows: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTION 154-02-004(B)(11) TO THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE, AND DECLARING SUCH ADDITIONS TO BE A PUBLIC RECORD.

and

Ordinance No. 875 captioned as follows: AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTION 154-02-004(B) (11), (12) AND (13) OF THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE.

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 Trever Fleetham, Planning and Development Department, to accept Staff's General Plan annual progress report for 2015 as presented.

Sheila DeSchaaf, Planning and Development Director, explained the exhibit showed the achievements. Staff was not recommending any amendments to the plan, it has only been in effect for the first year.

Motion: to accept Staff's General Plan annual progress report for 2015 as presented.
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 November 13, 2015, through November 20, 2015, Check Nos. 047500 through 047667, except Check Nos. 047544 and 047587, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. ***Check No. 047544.** Council approved, on the Consent Agenda, Check No. 047544 and authorization to file the check for audit. (Note: due to a perceived and/or possible conflict of interest, Council Member Wilson was considered to have abstained from voting on this item).
***CONSENT* APPROVED**
3. ***Check No. 047587.** Council approved, on the Consent Agenda, Check No. 047587 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

1. *Council approved, on the Consent Agenda, the acceptance, with regrets, of the **resignation of Lori Meyers** from the Planning and Zoning Commission with thanks for a job well done.
***CONSENT* APPROVED**
2. *Council approved, on the Consent Agenda, the acceptance, with regrets, of the **resignation of Hartland Hintz** from the Parks and Recreation Commission with thanks for a job well done.
***CONSENT* APPROVED**
3. *Council approved, on the Consent Agenda, the **reappointment of Phil Cook** to the Airport Commission, term to expire December 31, 2018, and the **reappointment of Dan Nyhus** to the Airport Commission, term to expire December 31, 2018.
***CONSENT* APPROVED**

4. *Council approved, on the Consent Agenda, the **reappointment of Pamela Jackson** to the Board of Adjustment, term to expire December 31, 2018; the **reappointment of Butch Joyner** to the Board of Adjustment, term to expire December 31, 2018; and the **reappointment of Douglas Martin** to the Board of Adjustment, term to expire December 31, 2018.
***CONSENT* APPROVED**
5. *Council approved, on the Consent Agenda, the **reappointment of Herman Holtz** to the Building Advisory Board, term to expire December 31, 2018.
***CONSENT* APPROVED**
6. *Council approved, on the Consent Agenda, the **reappointment of Robert Ingram** to the Parks and Recreation Commission, term to expire December 31, 2018; the **appointment of Charles Beier** to the Parks and Recreation Commission, term to expire December 31, 2018; and the **appointment of Benjamin McDowell**, to the Parks and Recreation Commission, to fill the un-expired term of Hartland Hintze, term to expire December 31, 2017.
***CONSENT* APPROVED**
7. *Council approved, on the Consent Agenda, the **reappointment of Clark Jones** to the Planning and Zoning Commission, term to expire December 31, 2018; the **reappointment of Daniel Jaeger** to the Planning and Zoning Commission, term to expire December 31, 2018; the **appointment of John Swenson**, to the Planning and Zoning Commission, to fill the un-expired term of Jim Scheidt, term to expire December 31, 2016; and the **appointment of Joe Klein**, to the Planning and Zoning Commission to fill the un-expired term of Lori Meyers, term to expire December 31, 2016.
***CONSENT* APPROVED**
8. *Council approved, on the Consent Agenda, the **reappointment of Brandon LaBonte** to the Fire Department Alternate Pension and Benefit Plan Board (POC), term to expire December 31, 2019 and the **reappointment of Coty Chester** to the Fire Department Alternate Pension and Benefit Plan Board (POC), term to expire December 31, 2019.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:06 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 10 of December, 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