

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
August 18, 2016**

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

Mayor Evans offered the invocation.

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 - Town Manager, Hector Figueroa - Town Attorney, 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, Mary Bystricky - Town Prosecutor, Dennis Dueker - Airport Maintenance Worker, Steve DeHaan - IT Manager, Sheila DeSchaaf - Planning and Development Director, Detective Mike Hansen, and Kelly Schwein - HR Analyst 1.

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

Hallie Overman-Jackman addressed the Council regarding the change to the Unified Development Code. Ms. Overman-Jackman felt it was worrisome that only the Town Staff would be involved and felt it was vague. Ms. Overman-Jackman suggested that there be elected Council Member participation and citizen participation.

B. CONSENT AGENDA

Items listed on the Consent 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 Fred Carpenter.

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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, asked Detective Mike Hansen to join him at the podium. Chief Engler recognized Detective Hansen who was honored as the 2016 Officer of the Year by the Rim Country Chapter of the Sons of the American Revolution due to his work and accomplishments this past year. Chief Engler listed all of the cases Detective Hansen has been the lead investigator on. Detective Hansen was instrumental in solving all of these cases. Chief Engler wanted to honor Detective Hansen and make the Council aware of his accomplishments.

Cameron Davis, Parks, Recreation and Tourism Director announced upcoming activities. The 132nd Worlds Oldest Continuous Rodeo started tonight and went through Saturday night. Saturday was family day and tickets would only cost ten dollars. Saturday at 9:00 a.m. was the Rodeo Parade down Main Street. September 3-5, 2016, was the National Barrel Horse Association event at the Event Center. This was a free event. September 9-11, 2016, was the 62nd annual Northern Gila County Fair at the Event Center. The Annual ASA End of Summer Madness Girls Fast Pitch open softball tournament was September 9-11, 2016. There were 34 softball teams coming in. The Arizona High School Rodeo Association season opener was September 16-18, 2016, at the Event Center. The 2016 Men's Senior Softball Classic Tournament was September 19-21, 2016. The Old Time Fiddlers Contest was September 24-25, 2016 at the Event Center. Mr. Davis announced he had received notification ten days ago from the AzTech Awards Committee that the Mogollon Monster Mudda has been nominated for the event of the year in Arizona.

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 August 21-27, 2016, as National Employer Support of the Guard and Reserve Week in Payson. No one was present to accept the proclamation.

Mayor Evans presented Dennis Dueker with a Hero of Payson Award. Mayor Evans read the last paragraph of the letter he received from Ken Foote, Pilot, Business Owner and Dad, sharing the fantastic experience his family had over the weekend of July 14-17, 2016, at the Payson Airport and the Payson area. Mr. Foote could not say enough great things about Airport Coordinators Ray Law and Dennis Dueker and that both Ray and Dennis go out of their way to make his family feel welcome and want to return. Mr. Dueker appreciated the Town for letting him do what he does and thanked the Mayor and Council.

Mayor Evans presented Steve DeHaan, IT Manager, with a Hero of Payson Award. Mayor Evans read the memorandum submitted by Alison Murphy, Communications Supervisor for the Payson Police Department. On August 11, 2016, the recently replaced Century Link switch went down several times throughout the afternoon and evening. The outage affected the phones and the network resulting in the loss of CAD and MDC's. Mr. DeHaan responded quickly and after determining what the problem was and fixing it, he was concerned that it would happen again during the night and cancelled his plans to go out of town. Ms. Murphy wrote Steve is an integral part of Payson's public safety family. He alone has the knowledge and experience to keep our systems running, understanding that public safety could be affected when they aren't functioning. His work ethic and dedication to the Town and its residents is very admirable and we greatly appreciate him. Mr. DeHaan stated he was just doing his job and appreciated that people recognized when he went that extra mile. Mr. DeHaan thanked the Mayor and Council. LaRon Garrett, Town Manager, indicated Mr. DeHaan had to come back at 2:00 a.m. that morning and was well deserving of this award.

Mayor Evans presented Council Member Higgins with a birthday card and wished him happy birthday.

E. MINUTES

1. ***Council Meeting Minutes:**
August 4, 2016 Regular Meeting Pages 1-6
***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 Chris Bertone, agent for Rim Country Regional Chamber of Commerce, for a special event to be held at 1400 S Beeline Hwy, Payson, Arizona, Friday, September 9, 2016, 5:00 p.m. to 10:00 p.m., Saturday September 10, 2016, 10:00 a.m. to 10:00 p.m., and Sunday September 11, 2016, 10:00 a.m. to 5:00 p.m.
***CONSENT* APPROVED**

G. RESOLUTIONS AND ORDINANCES

1. ***Resolution No. 2948.** Council approved, on the Consent Agenda, Resolution No. 2948 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO EXECUTE THE PARAMEDIC TRAINING VEHICULAR FIELD TRAINING AGREEMENT ("AGREEMENT") BETWEEN THE S&S ACADEMY OF EMERGENCY SERVICES, INC. ("AES") BY AND THROUGH ARIZONA PARTNERSHIP FOR PARAMEDIC TRAINING ("APPT") AND THE TOWN OF PAYSON, ON BEHALF OF THE PAYSON FIRE DEPARTMENT, ("PAYSON").
***CONSENT* APPROVED**
2. **Resolution No. 2950.** Mayor Evans opened discussion/possible action concerning Resolution No. 2950 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE POWER SALES CONTRACT ("CONTRACT") BETWEEN THE ARIZONA POWER AUTHORITY ("THE AUTHORITY") AND THE TOWN OF PAYSON ("THE CUSTOMER"), TO COOPERATE WITH EACH OTHER FOR THE PURCHASE OF HOOVER POWER ("POWER").

LaRon Garrett, Town Manager, explained this needed to have official action. Mr. Garrett introduced the Consultant, Kelly Irvine, to explain how the power allocation would work. Ms. Irvine gave a brief background and history of the Hoover Dam. The Bureau of Reclamation ran the dam with Western Area Power Administration. The contracts currently in place were expiring next year. The year 2017 marked the next 50 year contracts. Schedule D power was reserved in the Post-2017 allocation for new entities which have never gotten Hoover power before. In 2014 Payson applied for the new power and received a total of 292 kiloWatts of capacity and an associated 637,000 kiloWatt hours of energy. This was only the third time in history this opportunity has come up. Schedule D power was restricted to new customers. Ms. Irvine reviewed how the savings on electricity worked and approximately what the annual savings from Hoover

power would be. Ms. Irvine listed the benefits of Hoover Dam Power and went over the process and next steps.

Council Member Carpenter noted all of these benefits did not accrue to other residents, only the Town. Ms. Irvine replied that was correct. Mayor Evans noted the citizens and Federal Treasury already built the dam. Ms. Irvine explained it was a pay as you go system and has been pretty price stable. Council Member Carpenter asked if this amount of Power represented ten percent of the Town's power as an entity. Ms. Irvine indicated she took the pcode which was covered at ten percent.

Motion: to Approve Resolution No. 2950 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE POWER SALES CONTRACT ("CONTRACT") BETWEEN THE ARIZONA POWER AUTHORITY ("THE AUTHORITY") AND THE TOWN OF PAYSON ("THE CUSTOMER"), TO COOPERATE WITH EACH OTHER FOR THE PURCHASE OF HOOVER POWER ("POWER").

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.

3. **Second Public Hearing re: Unified Development Code (UDC) Amendment Streamlining the Abandonment Process.**

A. **Resolution No. 2949** - A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-09-016 UNIFIED DEVELOPMENT CODE, PROCEDURES TO ABANDON TOWN RIGHTS-OF-WAY AND EASEMENTS, AND MOVING PROCEDURES TO SECTION 156 (A) THROUGH (D), AND DECLARING SUCH AMENDMENTS AND ADDITION TO BE A PUBLIC RECORD.

B. **Ordinance No. 885** - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN UNIFIED DEVELOPMENT CODE SECTION 154-09-016, DELETING SECTION 154-08-003(C)(8), PROCEDURES TO ABANDON TOWN RIGHTS-OF-WAY AND EASEMENTS AND MOVING PROCEDURES TO SECTION 156 (A) THROUGH (D).

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

Motion: to Approve Resolution No. 2949 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-09-016 UNIFIED DEVELOPMENT CODE, PROCEDURES TO ABANDON TOWN RIGHTS-OF-WAY AND EASEMENTS, AND MOVING PROCEDURES TO SECTION 156 (A) THROUGH (D), AND DECLARING SUCH AMENDMENTS AND ADDITION TO BE A PUBLIC RECORD.

and

Ordinance No. 885 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN UNIFIED DEVELOPMENT CODE SECTION 154-09-016, DELETING SECTION 154-08-003(C)(8), PROCEDURES TO ABANDON TOWN RIGHTS-OF-WAY AND EASEMENTS AND MOVING PROCEDURES TO SECTION 156 (A) THROUGH (D).

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.

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Sheila DeSchaaf, Planning and Development Director, to approve the Community Facilities District administrative policy as submitted.

Greg Turturro had hoped to see a presentation on this. Mayor Evans explained Community Facility Districts (CFDs) have been in place for many years. There were a number of kinds of districts that allowed for taxing that included multiple players. Each district had specific advantages and disadvantages. During the recession CFDs fell out of favor, but there has been an interest now so the Town should have a policy in place. Sheila DeSchaaf, Planning and Development Director, indicated the Town had not yet received an application, but with interest there this allowed additional public facilities to be completed. One example was along the American Gulch, as the property was developed, the cost of the assesment could be

transferred from one owner to several owners. Currently the Town did not have anything to guide the Council if they were approached by a developer.

Mr. Turturro inquired if a person had a residence on Main Street were they subject to the CFD. Ms. DeSchaaf explained there would be a district line drawn and there would have to be twenty five percent of owners within the district that would have to vote to approve it. Mr. Turturro asked if you were a home owner or business would you have to pay the tax. Mayor Evans noted it depended on the parcel. Mr. Turturro asked even if it was not a business, but a home was it still subject to the tax. Mayor Evans replied if it was in the district. Mr. Turturro noted in Section 4.3 of the document it stated the CFD may not impose an unreasonable financial burden on future CFD residents and asked does that mean it can impose a fee on the home owner. Ms. DeSchaaf indicated during the creation of the district the developer has to determine what the value is and that it was reasonable. Council could deny the request. Mr. Turturro felt if the district ran the entire length of Main Street home owners who lived farther away would not see the benefit. Mayor Evans noted an application has not been submitted. Council Member Croy noted this was to approve the process and it would be more appropriate to wait until an application has been filed for this discussion. Council Member Higgins asked if the procedures could be modified from time to time. Ms. DeSchaaf replied yes, it could be modified and at the same time sets the expectations and clarified the process to applicants.

Mayor Evans noted CFDs were spelled out in State Statute. The Town could change what it did with it, but could not change the State Statute. Council Member Carpenter asked if language could be changed and suggested the word *should* in Section 1.4 be changed to *must* be in conformance with the Town's General Plan. Hector Figueroa, Town Attorney, replied staff could take all of the input now. Council Member Carpenter inquired if the Town could be a member of a CFD. Ms. DeSchaaf explained the Town could opt in, but were not required to. Mayor Evans noted the Town was not part of the voting block. Ms. DeSchaaf indicated the Town was not required to vote. Council Member Carpenter noted in Section 1.11 it stated the CFD would not use bond proceeds or other CFD funds to purchase public rights-of-way. Ms. DeSchaaf explained the property would be dedicated to the Town. The Town would not allow the bond funds to pay for public rights-of-way or other real property.

Council Member Connell inquired where in the process did the public get to put their input in if they want the CFD or is it just the people in the area in question. Ms. DeSchaaf replied the district was supposed to be formed to enhance public benefits. There was a hearing involved in the process and that would be the time for the public to provide input. Council Member Connell asked who formed the Board and if it involved the Council as well as the public. Ms. DeSchaaf explained that was governed by the State Statute. If the area was less than 600 acres the Council sat as the Board. Council Member Connell noted she had heard that a 20 million dollar bond would be needed and if it was prorated over 50 businesses would that be a negative to

businesses. Council Member Connell felt it would be better to spread it over the community if it was a community benefit. Ms. DeSchaaf explained that it was to be determined by the Board. Mayor Evans noted if it benefited the entire town then the entire town would vote on it. The Town was trying to narrow down what the State wanted and say here are the guidelines you have to follow with the Town. Ms. DeSchaaf noted the intent of the CFD Act was that it would pay for itself.

Vice-Mayor Hughes noted when someone applied for the CFD the improvements would out weigh the cost. Council Member Carpenter inquired who appointed the Board if the area was over 600 acres. Ms. DeSchaaf replied then the district could appoint a board, it was spelled out in State Statute. Mayor Evans noted this was a Council Decision Request (CDR) to approve the administrative policy.

Motion: to approve the Community Facilities District (CFD) administrative policy as submitted with the amendment to Section 1.4 that any public infrastructure financed by a CFD *must* be in conformance with the Town's General Plan.

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

Council Member Higgins asked Ms. DeSchaaf what her thoughts were on Council Member Carpenter's recommendation and if it could be modified and if she saw it as a negative impact. Ms. DeSchaaf replied it was a policy and could be amended. Mayor Evans asked Mr. Figueroa if the Council voted that the policy had to follow the General Plan could the Council come back and change it. Mr. Figueroa replied the Council could change it at anytime. The Council could change it now or leave it and other procedures in the process could also be changed. This was the beginning to give guidance to individuals who came to the Town to form a CFD.

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 July 29, 2016, through August 4, 2016, Check Nos. 50001 through 50116, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

Council Member Higgins thanked the Police Department for helping a woman who had lost her phone recover it. Mayor Evans asked the Council to review the Open Meeting Law.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:36 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 18 of August, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2016.

Tracie Bailey, Chief Deputy Town Clerk