

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
April 15, 2010**

**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**

Dr. Charles Proudfoot, Community Presbyterian Church, opened the meeting with an invocation.

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

**STAFF PRESENT:** Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Silvia Smith - Town Clerk, Don Engler - Police Chief, Marti deMasi - Fire Chief, LaRon Garrett - Public Works Director, Colin P. Walker - Assistant Public Works Director, Ray Erlandsen - Acting Community Development Director, Cindy Smith - Chief Fiscal Officer, and Cameron Davis - Parks, Recreation & Tourism Director.

**OTHERS PRESENT:** Tim Wright - Deputy Town Attorney, Gaye Stidham - Deputy Town Clerk, Michael Ploughe - Hydrogeologist.

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

Lois McCluskey was concerned about the building height adjustments. Now the trees dwarf the buildings and give a sense of calm. Taller buildings would diminish the powerful effect that Payson has on people. She noted Little America in Flagstaff which is only two stories high and has a wonderful visual impact.

Owen Long with the Foundation for Senior Living displayed the changes to the project based on the input from the Planning and Zoning Commission meeting. The Goodnow access has been closed to traffic except fire/emergency. He would be available to answer questions when the item came up on the agenda.

Colleen Johnson, owner of Splats Ice Cream Novelties, asked the Council to consider waivers for vending in the parks. Her ice cream truck must stay on the perimeter and she believed it to be dangerous for the children. Ms. Johnson suggested allowing vendors to drive through the parking lots making sure they are not there when concessions are open at events.

**B. CONSENT AGENDA**

Council Member Blair asked that Item K.4 be pulled from the consent agenda.

**Motion:** to approve the Consent Agenda except for Item K.4.

Moved by Council Member John Wilson, seconded by Vice- Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice- Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, 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.

Cindy Smith, Chief Fiscal Officer, announced that Paysoin received the Government Finance Officers Association Distinguished Budget Award for the Town's fiscal year 2009/2010 budget. She noted this was the 12th consecutive year the Town has earned this recognition.

Chief Engler announced the upcoming low cost rabies vaccination clinic at the Main Street Animal Clinic next Saturday. The cost is \$10 and licensing is available also.

Mayor Evans praised the Parks and Recreation Department and the volunteers for the memorable "Battle of Payson" event last Saturday.

Council Member Blair reminded the public that April 19th is the last day to register to vote in time to vote in the General Election concerning the State tax increase.

2. Documents, materials and information for Council review. There were no materials provided.

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

Mayor Evans suggested taking Item #2 and Item #4 and then proceed with the remaining items in this section. The Council concurred.

2. Proclamation declaring May 06, 2010 as National Day of Prayer. Dr. Charles Proudfoot representing the Payson Christian Ministerial Fellowship will be present to receive the proclamation.

Council Member Blair read the proclamation in full. Payson Christian Ministerial Association president Rev. Proudfoot accepted the proclamation.

3. Presentation by Michael Ploughe, Hydrogeologist, of the 2010 Status Report regarding Town of Payson Water Resource Management.

Michael Ploughe, Hydrogeologist, presented the 2010 Water Resource Status Report. (attached). He noted there was about the same amount of water used as last year and that we are still within safe yield and well within the water resource budget.

4. Proclamation declaring April 23 -24, 2010 as Rim Country Classic Auto Club Days. John Hall, President and Ken Gunderson, Co-Chairman and other members of the Rim Country Classic Car Club will be present to receive the proclamation.

Council Member Connell read the proclamation. Members of the Rim Country Auto Club were present to accept the proclamation. President Hall invited the Council and Mayor to join them on May 23 and 24 for the car show.

## **E. MINUTES**

1. \* Council Meeting Minutes:  
04-01-10 Regular Meeting Pages 7 -9  
\*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. \* Green Valley Redevelopment Area Commission Minutes:  
03-04-10 Regular Meeting Pages 668 -671  
\*CONSENT\* INFORMATION ONLY
3. \* Housing Advisory Commission Minutes:  
12-17-09 Regular Meeting Pages 50 -51  
03-18-10 Regular Meeting Pages 52  
\*CONSENT\* INFORMATION ONLY

4. \* Payson Advisory Youth Council Minutes:  
01-14-10 Regular Meeting Pages 1 -3  
02-11-10 Regular Meeting Pages 1 -3  
\*CONSENT\* INFORMATION ONLY
5. \* Public Safety Personnel Retirement System -Police Department Local Board Minutes:  
06-02-09 Regular Meeting Page 1  
\*CONSENT\* INFORMATION ONLY

## **F. HEARINGS AND APPEALS**

1. Public Hearing application for extension of premises/patio permit filed by Salvador Anaya Mata, La Sierra Mexican Restaurant Inc., 800 North Beeline Highway, Payson, AZ 85541 for May 5, 2010.

Mayor Evans opened the public hearing. There were no comments from the public and the public hearing was closed.

**Motion:** to Approve an application for extension of premises/patio permit filed by Salvador Anaya Mata, La Sierra Mexican Restaurant Inc., 800 North Beeline Highway, Payson, AZ 85541 for May 5, 2010.

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

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice- Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

## **G. RESOLUTIONS AND ORDINANCES**

1. \* As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.  
\*CONSENT\* APPROVED
2. The following two items were heard together: Resolution No. 2541 and Ordinance No. 776. Discussion/possible action concerning:

Resolution No. 2541 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

Mayor Evans noted there had been 12 public hearings so far concerning this

item. The Boards and Commissions heard public input and reported to the Council. Ray Erlandsen, Community Development Director, presented a chart of the proposed procedure for any height allowances.

- B. Second Reading and Public Hearing concerning: Ordinance No. 776 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT. (BUILDING HEIGHT AMENDMENT)

Mayor Evans opened the public hearing. Gene Sampson asked if the safe yield studies included the density increase that increased building heights would allow. Mr. Erlandsen explained that anytime any development comes to Town it is reviewed by all departments as to its feasibility. Mayor Evans continued that there are any number of issues, water included, and others that are restrictive in the review process. Although the opportunity is there, it would be a very rare piece of property that would be able to increase the population significantly. This height increase does not pertain to every parcel in town. Mr. Erlandsen added that as heights increase the requirements increase as well. There are only a limited number of parcels that could carry the increase and any PAD would require zoning as well. If there was an appeal of an increase decision, it would cause a super majority vote to pass Council.

Hartmut Krison stated that buildings should not be built higher than the tallest ladder truck.

Dan Keeley asked if sites had been identified where increased heights might happen. Mayor Evans said there were at least 16 criteria to qualify for height increases and he didn't know for sure what properties would be considered. Mr. Erlandsen explained that it was decided to qualify a property on criteria rather than specific location.

Vice-Mayor Vogel said to remember that this Ordinance doesn't change the unrestricted building heights as they are now but, under specific circumstances, with public hearings, it brings the process out of staff approval to a more public forum.

In answer to a question from Council Member Blair, Mr. Erlandsen explained that approval by the Design Review Board applied to all commercial buildings and would include new projects under the height increase amendment.

Fire Chief deMasi added that as buildings get taller the situation for the firefighter becomes more complex. He suggested changing building codes to require noncombustible construction, either Type One or Type Two. It was not the height of the ladders but the need for more firefighters on the scene

of a taller, more densely populated building. Mayor Evans asked if the State Fire Marshal's office kept records of the number of people injured or killed by fire in different heights of buildings. Chief deMasi stated the State Fire Marshal's office was technically non-existent because of State budget cuts, but he remembered there were some injuries and perhaps a death from a high-rise building fire in Tucson. He did agree that most fires occur in private residential buildings and ,therefore, most firefighters are injured in those types of fires. Council Member Croy added that larger buildings required more safety features.

Council Member Blair hoped the media would help get the message out that the height of buildings would only increase to 56.25 feet unless allowed by Council through the PAD process which would require rezoning and public participation meetings. He noted there were no provisions for seven story buildings.

**Motion:** to Approve Resolution No. 2541 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD and Ordinance No. 776 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT.

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

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice- Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

3. \* Discussion/possible action concerning: Resolution No. 2546 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE GILA COUNTY FIRE MUTUAL AID AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT.  
\*CONSENT\* APPROVED

4. ~~\*\*\* Discussion/possible action concerning: Resolution NO. 2549 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A FEE SCHEDULE FOR THE PROVIDING OF EMERGENCY FIRE AND MEDICAL SERVICES WITHIN THE CORPORATE LIMITS OF THE TOWN OF PAYSON WHEN ALCOHOL OR DRUGS ARE INVOLVED~~

~~IN CREATING THE NEED FOR SUCH EMERGENCY SERVICES.~~  
(Note: Removed from Agenda 04-12-10, 2:24 p.m.)

5. Second Reading and Public Hearing concerning Ordinance No.775 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 208-214 SOUTH CLARK AND 209 SOUTH GOODNOW ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-04-208 AND 304-04-130, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-8MH TO R3. (FOUNDATION FOR SENIOR LIVING REZONING)

Mayor Evans opened the public hearing. There were no comments from the public and he closed the public hearing.

**Motion:** to Approve Ordinance No.775 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 208-214 SOUTH CLARK AND 209 SOUTH GOODNOW ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-04-208 AND 30404-130, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-8MH TO R3. (FOUNDATION FOR SENIOR LIVING REZONING)

Moved by Vice- Mayor Mike Vogel, seconded by Council Member John Wilson.

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice- Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

6. First Reading and Public Hearing concerning Ordinance No. 777 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REPEALING THE MORATORIUM ENACTED BY ORDINANCE 695 LIMITING THE ANNUAL NUMBER OF RESIDENTIAL BUILDING PERMITS.

Mayor Evans opened the public hearing. John Rothlan encouraged a long term plan concerning what the Town would look like by removing this restriction and warned that water issues needed to be taken into account. He asked why this needed to be changed now and asked the Council to consider

holding off and looking at a more comprehensive plan that had more public input. Mayor Evans suggested Mr. Rothlan participate in the General Plan public input process coming in the next few months. Mayor Evans added that this restriction was created to address a time when water was a large problem and not meant to be a lasting moratorium. He believed the change would allow Councils to deal with growth as it comes to them.

Council Member Wilson stated he opposed the moratorium when it passed. He said it was an ineffectual way to try to manipulate the economy by laws and ordinances. Mayor Evans closed the public hearing.

7. First Reading and Public Hearing concerning Ordinance No. 778 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.25 OF THE CODE OF THE TOWN OF PAYSON REPEALING THE PROHIBITION ON ELECTRIC FENCES WITHIN THE TOWN LIMITS.

Mayor Evans opened the public hearing.

Bob Hartley said that residents in his area have seen the need to put up electric fences who are otherwise law abiding citizens. This will make them happy and honest. Whether the fences work or not for control of varmints should not be the choice of the Council but each citizen. Mayor Evans closed the public hearing.

8. First Reading and Public Hearing concerning Ordinance No. 779 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 152 (GRADING AND DRAINAGE)

Mayor Evans opened the public hearing. Dan Keeley asked if drainage from Falcon Ridge would change and impact the Woodhill subdivision.

LaRon Garrett, Public Works Director, said this change would not effect the Woodhill development. Commercial properties will be effected because detention basins are designed for the overall subdivision.

Mayor Evans closed the public hearing.

9. First Reading and Public Hearing concerning Ordinance No. 780 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX, AMENDING SECTION 8A-447 OF THE TAX CODE OF THE TOWN OF PAYSON AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Evans opened the public hearing. Council Member Blair noted an

article in USA Today siting the national trend to increase bed tax. Scottsdale is also looking at increasing their bed tax.

Gene Sampson asked how the purposed revenues would be used. Mayor Evans answered that these funds could only be used for tourism.

Mayor Evans closed the public hearing.

**H. UNFINISHED BUSINESS**

There were no items in this section.

**I. NEW BUSINESS**

1. There were no items in this section.

**J. CLAIMS**

1. There were no items in this section.

**K. MISCELLANEOUS**

1. \* Appointment of Anthony J. Alfano to the Design Review Board to fill the unexpired term of Bruce O. Wales, term to expire December 31, 2011.  
\*CONSENT\* APPROVED
2. \* Acceptance with regrets of the resignation of Jere L. Jarrell from the Planning and Zoning Commission and thanks for a job well done.  
\*CONSENT\* APPROVED
3. \* Acceptance of the resignation of Mark Waldrop from the Green Valley Redevelopment Area Commission and thanks for a job well done.  
\*CONSENT\* APPROVED
4. Appointment of Mark Waldrop to the Planning and Zoning Commission to fill the unexpired term of Jere L. Jarrell, term to expire December 31, 2011. Removed from the Consent Agenda.

Council Member Blair asked Vice-Mayor Vogel what his thoughts were in the process of selecting Mr. Waldrop. Vice-Mayor Vogel said he actively recruits applicants for all boards and commissions. When this opening came up, he also checked with people he trusted in the field of the commission's work and Mr. Waldrop's name came to the top. He then talked with Mr. Waldrop who graciously stepped down from his work with the GVRA Commission to again work with the Planning and Zoning Commission.

**Motion:** to Approve the appointment of Mark Waldrop to the Planning and

Zoning Commission to fill the unexpired term of Jere L. Jarrell, term to expire December 31, 2011. Removed from the Consent Agenda. Moved by Council Member Ed Blair, seconded by Council Member Su Connell.

**Vote:** Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

**L. PUBLIC COMMENTS**

- 1. There were no further comments from the public.

**ADJOURNMENT**

The meeting adjourned at approximately 7:03 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 15 of April, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

Gaye Stidham, Deputy Town Clerk