

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
March 18, 2010**

**CALL TO ORDER**

Vice-Mayor Vogel brought the meeting to order at approximately 5:30 p.m. Mayor Evans was present telephonically.

**INVOCATION**

Pastor Harold Fleege, U-Turn for Christ, gave an invocation before the meeting.

**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, LaRon Garrett - Public Works Director, Ray Erlandsen - Acting Community Development Director, Cameron Davis - Parks, Recreation & Tourism Director, and Cindy Smith - Chief Fiscal Officer.

**OTHERS PRESENT:** Gaye Stidham, Deputy Town Clerk

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

There were no comments from the public.

**B. CONSENT AGENDA Items listed on the agenda with an asterisk which are considered to be routine in nature and which will be enacted by one motion. No separate discussion of these items shall be held unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda.**

**Motion:** to approve the Consent Agenda.

Moved by Council Member Ed Blair, 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.

**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.

Debra Galbraith, Town Manager, read an email from Mary Jo Waddell, President of the Arizona Municipal Clerks Association, congratulating Gaye Stidham on her designation as Master Municipal Clerk.

Parks, Recreation and Tourism Director Cameron Davis said there are 70 upcoming events in Payson where the Town will be involved. He announced the Rim Country Optomist Club sponsored youth fishing event scheduled for April 10 and the "We Make History" Civil War battle presentations at Green Valley Park.

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 attached.

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

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

There were no further comments or announcements from the Mayor or Council.

2. Presentation of the annual audit report by Dennis Osuch of Larson Allen.

Dennis Osuch with audit firm Larson Allen explained their audit results for the fiscal year ending June 30, 2009. Council had a copy of the audit report. Mr. Osuch said they audited the financial statements and issued a report of compliance for HURF. Their audit concerning the Expenditure Limitation Report found the Town compliant and a clean opinion was issued. Larson Allen issued an unqualified opinion and Mr. Osuch believed we would receive the GFOA award again for 2009.

## **E. MINUTES**

1. \* Council Meeting Minutes:  
02-18-10 Regular Meeting Pages 1 -7  
03-02-10 Special Meeting Pages 1 -3  
03-04-10 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. \* Green Valley Redevelopment Area Commission:  
12-03-09 Regular Meeting Pages 659 -660  
12-09-09 Work Study Pages 1 -3  
01-07-10 Regular Meeting Pages 663 -665  
02-04-10 Regular Meeting Pages 666 -667  
\*CONSENT\* INFORMATION ONLY

## F. HEARINGS AND APPEALS

1. This was a Public Hearing concerning an application for a special event liquor license filed by Ann Esra, agent for the Payson Pro Rodeo Committee for a fundraising event to be held Friday, May 14, 2010 from 5:00 p.m. to 11:00 p.m. and Saturday, May 15, 2010 from 5:00 p.m. to 11:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.

Bob Klaver of the Payson Rodeo Association explained the application was to accommodate beer service at the Spring Rodeo.

**Motion:** to Approve an application for a special event liquor license filed by Ann Esra, agent for the Payson Pro Rodeo Committee for a fundraising event to be held Friday, May 14, 2010 from 5:00 p.m. to 11:00 p.m. and Saturday, May 15, 2010 from 5:00 p.m. to 11:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.

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.

2. This was a Public Hearing concerning an application for a special event liquor license filed by Ruth Klaver, agent for the Payson Pro Rodeo Committee for a fundraising event to be held Friday, May 14, 2010 from 11:00 a.m. to 2:00 a.m. and Saturday, May 15, 2010 from 8:00 a.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

Ruth Klaver with the Payson Rodeo Committee explained the application was for the Rodeo Dance at the Oxbow Saloon on Main Street.

**Motion:** to Approve an application for a special event liquor license filed by

Ruth Klaver, agent for the Payson Pro Rodeo Committee for a fundraising event to be held Friday, May 14, 2010 from 11:00 a.m. to 2:00 a.m. and Saturday, May 15, 2010 from 8:00 a.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

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.

## **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. First 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).

Vice-Mayor Vogel opened the public hearing. Jeannie Langham didn't know if the public knew the need to increase in building heights. She handed out information to Council from other communities that have height restrictions no higher than 45 feet. Durango recently lowered theirs to 55 feet in the historical area. She disputed the reasoning of builders who say they need more height to make them financially viable. Ms. Langham said the need for safety was a higher need than building up. She protested the reasoning that affordable housing had to be built more than two stories. She believed the loss of esthetics presented an "us against them" mentality. Ms. Langham asserted that lower income properties should be integrated into the community rather than isolated. She believed the Design Review Board needed to review this proposal.

Bob McQueen said he had developers who expressed interest in building a hotel in Payson. They were concerned about fees upfront from the Sanitary District but he believed they could work with the District to solve those issues. The hotel needed to be four stories and currently they could only go three. Mr. McQueen felt the Town needed to be aggressive about attracting development and roll out the red carpet. He appreciated the comments made by Ms. Langham and agreed that Durango, Colorado was a good model to look at. It allows 55 foot buildings in certain locations which is five stories.

Paul LaBonte disagreed with Mr. McQueen. He formerly lived in Fountain Hills before their building heights were over two stories. He said the higher buildings blocked views.

David McClary believed that height increases regulated to certain specific areas like the rodeo grounds for an event center/hotel would be acceptable. He was concerned about the controls on where heights could be increased and believed that the issue needed more public input.

Bill Powers was not against the change but realized there would be problems with people not wanting to have their views blocked. He noted the numerous vacant lots and buildings in Payson and suggested building more floors on new buildings and not addressing the vacant, one story buildings was counter productive.

Bob McQueen spoke again reminding those present that this Ordinance was not a blanket deal and developers would still be coming before Council with their plans.

Shirley Dye said she heard the limit would be 75 feet which would be six to seven stories used for possible dormitories and/or a hotel. She was comfortable as long as it was not an Ordinance that would also cover apartment buildings. She believed apartments should remain at the two story limit.

Vice-Mayor Vogel closed the public hearing.

## **H. UNFINISHED BUSINESS**

**There are no items in this section.**

## **I. NEW BUSINESS**

1. Council Decision Request filed by LaRon Garrett, Public Works Director, to direct staff to review the Town Code existing grading and drainage requirements and bring any recommended ordinance changes to the Council.

LaRon Garrett, Public Works Director, explained this review would address some concerns with the grading and drainage requirements in the current Ordinances.

**Motion:** to Approve a Council Decision Request filed by LaRon Garrett, Public Works Director, to direct staff to review the Town Code existing grading and drainage requirements and bring any recommended ordinance changes to the Council.

Moved by Council Member Michael Hughes, 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.

2. Council Decision Request filed by Payson Legal Department to direct staff to develop and return to the Town Council a fee schedule for emergency service response inside Town limits when alcohol or drugs are involved in creating the need for emergency response.

Sam Streichman, Town Attorney, explained that Arizona State Statutes allowed for charging for emergency response. Currently, the Town charges for outside Town limits services only. Mr. Streichman had conducted an informal survey and noted that Chandler, Kingman and Pinetop-Lakeside did not charge for emergency responses, Flagstaff was considering charging for removing cars from snowdrifts, Peoria was looking into charging and the City of Phoenix currently charges for services. In response from questions from Vice-Mayor Vogel and Council Member Blair, Chief Engler said he would provide the cost factor for an emergency response from the beginning to the finish of an accident scene. Vice-Mayor Vogel added that court time and reporting by the officers should also be included.

**Motion:** to Approve a Council Decision Request filed by Payson Legal Department to direct staff to develop and return to the Town Council a fee schedule for emergency service response inside Town limits when alcohol or drugs are involved in creating the need for emergency response. Moved by Council Member Richard Croy, 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.

3. Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to extend the sunset of the Green Valley Redevelopment Area Commission from January 1, 2010 to June 30, 2010 and direct the Commission to submit a final report of the commission's historical activities and accomplishments prior to that date. I further direct staff to ensure the continuance the Main Street Program while under review as to its purpose, membership and proper place to achieve its objectives.

Ray Erlandsen, Acting Community Development Director, explained that the Green Valley Redevelopment Area was originally crafted in 1998. The laws have changed and been modified and the current GVRA is no longer applicable. The Main Street Program was instituted in 2000. At this time, the two programs are covering the same basic area and doing the same

thing. Mr. Erlandsen believed the GVRA had outlived its usefulness and asked for direction from the Council.

**Motion:** to Approve a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to extend the sunset of the Green Valley Redevelopment Area Commission from January 1, 2010 to June 30, 2010 and direct the Commission to submit a final report of the commission's historical activities and accomplishments prior to that date. I further direct staff to ensure the continuance the Main Street Program while under review as to its purpose, membership and proper place to achieve its objectives. Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

**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.

4. Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendment(s) to the Town of Payson Code of Ordinances removing prohibition against electric fences.

Mr. Erlandsen explained that current Town Code limitations may no longer be necessary.

**Motion:** to Approve a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare possible amendment(s) to the Town of Payson Code of Ordinances removing prohibition against electric fences. Moved by Council Member Ed Blair, 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.

## **J. CLAIMS**

1. \* There are no items in this section.

## **K. MISCELLANEOUS**

## **L. PUBLIC COMMENTS**

Council Member Connell announced the Egg Eggstravaganza in Green Valley Park the Saturday before Easter. There will be 6,000 eggs to hunt. The event is sponsored by the Main Street Merchants Guild.

Council Member Wilson announced the upcoming Business Showcase. The Presbyterian Church will be celebrating their 75th anniversary this year with events planned from April through October. He also announced that the Tonto Natural Bridge supporters will be at the Business Showcase this weekend soliciting donations.

Mayor Evans announced that the State Parks Board approved an agreement with Payson to keep the Tonto Natural Bridge open through this summer.

ADJOURNMENT

Mayor Evans adjourned the meeting at 6:17 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 March, 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