

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
June 6, 2013**

**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 Joe Hittle, Calvary Chapel Payson.

**PLEDGE OF ALLEGIANCE**

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

**STAFF PRESENT:** Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Marti deMasi - Fire Chief, Don Engler - Police Chief, Silvia Smith - Town Clerk, Cameron Davis - Parks, Recreation and Tourism Director, and LaRon Garrett - Assistant Town Manager.

Council Member Blair was present telephonically.

**OTHERS PRESENT:** Tracie Bailey - Deputy Town Clerk and Jim Rasmussen - Battalion Chief.

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

Alice Natale had read the list for the General Plan and believed it needed a mission statement. Ms. Natale felt there were a lot of laundry lists and not enough of how projects would be implemented and levels of achievement.

Anne Eichberger had reviewed the draft General Plan and thanked the Council for extending the period to take comments. Ms. Eichberger felt this was a very wanting document. Ms. Eichberger had researched the public input process and felt five months for public participation was an inadequate amount of time for public input. Ms. Eichberger believed the plan belonged to every citizen in Payson and should have another public open house for citizens.

Peter Morgan was thrilled by the comments from the May 16, 2013 Council meeting regarding Arizona Public Service (APS) installing Smart Meters. Mr. Morgan realized the Town did not have jurisdiction over this, but asked the Council to form a committee and have a public question and answer session at the

high school with APS and State and County and local government present. Mr. Morgan thanked the Council and asked that this request be expedited.

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

**Vote:** Motion carried 7 - 0

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

Cameron Davis, Parks, Recreation and Tourism Director, gave an update on last weekend's activities. The Mogollon Monster Mudder had 269 runners and was a huge success. There were 512 contestants overall for the Mountain High Games. This weekend there was a triathlon. The following weekend was the High School Rodeo Finals with over 400 contestants. The summer concerts were in full swing and one stop of the Sea to Sea Cycling Tour would be at Rumsey Park for a night.

Emily Linkey, Library Director, announced the summer reading program was in full swing and had great attendance. The Library was serving lunches every day from noon to 1:00 p.m. and still had the adult computer classes going on.

Council Member Wilson announced the Library Friends Bookstore was selling books two for the price of one.

Mayor Evans noted the run was quite successful. Mr. Davis replied it did very well and staff was still working on the numbers.

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.

There were no items in this section.

**E. MINUTES**

Council Meeting Minutes:

05.07.13 Special Meeting Pages 1 - 5

05.16.13 Regular Meeting Pages 1 - 8

**\*CONSENT\* APPROVAL**

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:

04.15.13 Regular Meeting Pages 1 - 3

**\*CONSENT\* INFORMATION ONLY**

3. \* Board of Adjustments Minutes:

02.16.13 Regular Meeting Pages 221 - 222

**\*CONSENT\* INFORMATION ONLY**

4. \* Airport Commission Minutes:

04.15.13 Regular Meeting Pages 1 - 4

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. There were no items in this section.

**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. \* **Resolution No. 2718.** Council approved, on the Consent Agenda, Resolution No. 2718 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE 2013 AMENDMENT TO THE COMMERCIAL GROUND LEASE FOR A FIXED BASE OPERATOR FOR THE TOWN OF PAYSON MUNICIPAL AIRPORT (AVIATION FUELING OPERATION).

**\*CONSENT\* APPROVED**

3. \* **Resolution No. 2719.** Council approved, on the Consent Agenda, Resolution No. 2719 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT 'I' ATTACHED HERETO COMPRISING A PORTION OF THE CHAPARRAL HIGHLANDS SUBDIVISION FOR KAREN WAY.

**\*CONSENT\* APPROVED**

4. Discussion/possible action re: Resolutions related to temporary and long term sales of water To Chaparral Pines, The Rim Club, and Joint Facilities Management, L.L.C.

- A. **Resolution No. 2724.** Mayor Evans opened discussion/possible action concerning Resolution No. 2724 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE UNTREATED WATER PIPELINE CONSTRUCTION AND WATER DELIVERY CONTRACT BETWEEN JOINT FACILITIES MANAGEMENT, L.L.C., THE RIM COUNTRY EDUCATIONAL ALLIANCE, AND THE TOWN OF PAYSON.

- B. **Resolution No. 2725.** Mayor Evans opened discussion/possible action concerning Resolution No. 2725 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GENERATING REVENUE TO ENHANCE BOND MARGIN FOR THE C.C. CRAGIN PROJECT THROUGH THE PROVISION OF TEMPORARY WATER SERVICE TO THE CHAPARRAL PINES AND RIM GOLF COURSES.

John Wakelin asked who Joint Facilities L.L.C was. Mayor Evans explained it was the manager for Chaparral Pines. Mr. Wakelin noted if someone bought the vacant lot next to him they would have to pay impact fees, but item 13 of Resolution No. 2724 stated Joint Facilities Management

L.L.C. would not have to pay impact fees. Mr. Wakelin believed impact fees were supposed to pay for the C.C. Cragin pipeline and asked why Joint Facilities Management L.L.C. was not paying impact fees. Mr. Wakelin noted there was also a fixed rate for the potable water they were allowed. Mr. Wakelin noted they were allowed 200 acre feet of water now and asked how much they would be allowed when C.C. Cragin went in. Mayor Evans explained the impact fee issue was a \$700,000 cost for water. Mayor Evans explained he had asked for a rate higher than the Sanitary District rate, but lower than potable water because this line bypassed the treatment plant. It was called bulk surface water straight out of the pipe. The Town would own and operate that line and it would be a backup when they could not get additional water from the Sanitary District. The water coming down the hill would generate a substantial amount of electricity to offset the pumping cost.

Council Member Blair asked what the advantage was for the Rim Country Educational Alliance (RCEA) to be a part of this. Mayor Evans replied they would have to pay impact fees for potable water on the campus, but for non potable surfaces for joint use facilities they would need non potable water. The RCEA would have a need for bulk water. This would also give the Town the ability to put water into the American Gulch. Council Member Blair believed that would be a draw to Main Street. Mayor Evans noted somewhere in Resolution No. 2724 it said something about substantially and asked if the language that Mr. Wakelin had pointed out could be changed. Mr. Wright replied yes.

**Motion:** to Approve Resolution No. 2724 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE UNTREATED WATER PIPELINE CONSTRUCTION AND WATER DELIVERY CONTRACT BETWEEN JOINT FACILITIES MANAGEMENT, L.L.C., THE RIM COUNTRY EDUCATIONAL ALLIANCE, AND THE TOWN OF PAYSON.  
Moved by Council Member John Wilson, seconded by Vice-Mayor Michael Hughes.

**Vote:** Motion carried 7 - 0

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

Mayor Evans explained Resolution No. 2725 would generate revenue and the Town would have about 6,000 acre feet of water available to use, but would only need about one-third of that at build out.

Council Member Blair asked what the percentage of safe yield was with C.C. Cragin water. Mayor Evans replied about four percent. Council Member

Blair asked how much income it was. Tim Wright, Town Attorney, believed it was over \$100,000. Mayor Evans replied it was \$110,000.

**Motion:** to Approve Resolution No. 2725 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GENERATING REVENUE TO ENHANCE BOND MARGIN FOR THE C.C. CRAGIN PROJECT THROUGH THE PROVISION OF TEMPORARY WATER SERVICE TO THE CHAPARRAL PINES AND RIM GOLF COURSES.  
Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

**Vote:** Motion carried 7 - 0

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

5. Public Hearing on Resolution No. 2714 and Ordinance No. 831 RE: Trees.
  - A. **Resolution No. 2714.** Discussion/possible action concerning Resolution No. 2714 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING VARIOUS PROVISIONS OF THE TOWN CODE AND THE UNIFIED DEVELOPMENT CODE RELATING TO TREES AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
  - B. **Ordinance No. 831.** Second Reading and Public Hearing concerning Ordinance No. 831 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING VARIOUS PROVISIONS OF THE TOWN CODE AND OF THE UNIFIED DEVELOPMENT CODE RELATING TO TREES.

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

**Motion:** to Approve Resolution No. 2714 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING VARIOUS PROVISIONS OF THE TOWN CODE AND THE UNIFIED DEVELOPMENT CODE RELATING TO TREES AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

and

Ordinance No. 831 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING VARIOUS PROVISIONS OF THE TOWN

CODE AND OF THE UNIFIED DEVELOPMENT CODE RELATING TO TREES.

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 Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

6. **Ordinance No. 832.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 832 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DEANNEXING CERTAIN LAND IN THE SOUTH WEST QUARTER OF SECTION 36 (IN APPROXIMATELY THE EAST 2900 BLOCK OF THE POSEY COURT ALIGNMENT) TO THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. § 9-471.02. Second Reading and Public Hearing.

There were no public comments. Mayor Evans closed the Second Reading and Public Hearing.

**Motion:** to Approve Ordinance No. 832 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DEANNEXING CERTAIN LAND IN THE SOUTH WEST QUARTER OF SECTION 36 (IN APPROXIMATELY THE EAST 2900 BLOCK OF THE POSEY COURT ALIGNMENT) TO THE TOWN OF STAR VALLEY PURSUANT TO A.R.S. § 9-471.02.

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 Ed Blair, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

7. **Ordinance No. 833.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 833 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 150.45 OF THE TOWN CODE RELATING TO SPRINKLER REQUIREMENTS FOR ONE OR TWO FAMILY DWELLINGS.

Fire Chief Martin deMasi stated the Fire Department had looked at this and did not support the changes. Chief deMasi believed the issue with this was

that at a large residence 1,500 gallons per minute of water was not enough.

Council Member Blair asked if this was only for new homes. Tim Wright, Town Attorney, replied the exception was new construction. Council Member Blair asked if the homeowner expanded their home were they required to make that change. Mr. Wright replied no.

Council Member Carpenter asked if there was an estimate on how many lots were affected. LaRon Garrett, Assistant Town Manager, responded it was not a large number. There were two areas in town where this was a problem. Council Member Carpenter asked what had generated this proposed change. Mayor Evans explained a problem had occurred in the Southeast part of town. A four acre parcel was being treated one way and the one across the street was being treated another way. Mr. Wright replied the primary change was from a legally plotted lot to a legally created lot. Council Member Carpenter asked if the Fire Department was opposed to this. Chief deMasi replied yes.

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

8. **Ordinance No. 834.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 834 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-003(B) (9) OF THE UNIFIED DEVELOPMENT CODE RELATING TO PARKING OF TRAILERS AND RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS, AMENDING THE DEFINITION OF 'RECREATIONAL VEHICLE' AND ADDING AN ILLUSTRATION TO THE DEFINITION OF 'STREET.'

LaRon Garrett, Assistant Town Manager, explained this was referred back to the Planning and Zoning Commission and this was what the Commission had brought back to the Council.

There were no public comments. Tim Wright, Town Attorney, explained the Commission did a great job on this and had a lot of public comments. Council Member Carpenter asked if this had a temporary provision. Mr. Wright replied no, but Council could change it in the future if needed. Mayor Evans closed the Public Hearing.

## **H. UNFINISHED BUSINESS**

1. There were no items in this section.

## **I. NEW BUSINESS**

1. \* **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request, filed by Tim Wright, Town Attorney, to direct the

Town Attorney, working with the Town Departments, to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations.

**\*CONSENT\* APPROVED**

**J. CLAIMS**

1. \* **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from May 9, 2013 through May 30, 2013, Check Nos. 22051 through 22289, and authorization to file the checks for audit.

**\*CONSENT\* APPROVED**

**K. MISCELLANEOUS**

1. \* Council approved, on the Consent Agenda, the **reappointment of Karen McClanahan** to the Industrial Development Authority, term to expire June 30, 2019.

Council approved, on the Consent Agenda, the **reappointment of Dan Young** to the Industrial Development Authority, term to expire June 30, 2019.

Council approved, on the Consent Agenda, the **reappointment of Glenn Smith** to the Industrial Development Authority, term to expire June 30, 2019.

**\*CONSENT\* APPROVED**

**L. PUBLIC COMMENTS**

1. There were no public comments.

**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 6 of June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Tracie Bailey, Deputy Town Clerk