

**COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
March 23, 2006**

CALL TO ORDER

INVOCATION

Father Norman Burke, Vicar, St. Paul's Episcopal Church.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Barbara Brewer, Council Member George Barriger, Council Member Tim Fruth, Council Member Robert Henley, Council Member John Wilson, Vice-Mayor Judy Buettner, Council Member Dick Reese (present telephonically)

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Glenn Smith, Chief Fiscal Officer, Colin Walker, Public Works Director, LaRon Garrett, Public Works Engineer, Jerry Owen, Community Development Director, Martin deMasi, Fire Chief, William Schwind, Parks and Recreation Director

OTHERS PRESENT: Gaye Stidham, Deputy Town Clerk, Tracie Bailey, Deputy Town Clerk, Tim Wright, Deputy Town Attorney, Ray LaHaye, Chief Building Official, Diane Stoyer, Legal Department Office Manager, Commander Don Engler, and Officer Chad DeSchaaf

A. PUBLIC COMMENTS

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: Approve all Items listed on the Consent Agenda.

Moved by Council Member John Wilson, seconded by Vice-Mayor Judy Buettner.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

**C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR,
AND/OR COUNCIL MEMBER**

Fred Carpenter, Town Manager, announced that delays continue on the Westerly Road improvement district. Steel has been held up an additional two weeks, pushing likely completion of this project back toward the middle of May.

Bids for the North McLane project are due March 30, 2006 with bid award planned for April 13, 2006. Project limits are from Forest to Airport, with a bid alternate being a new crossing for Forest Road at the north branch of the American Gulch. Construction is planned for May and June 2006.

Thursday, March 30, 2006 at 5:00 p.m. is the special meeting for the Event Center project. Consultants and staff will present a revised concept plan and outlines of an agreement with project developers.

May 16, 2006 is the general election for mayor and council candidates and consideration of renewal of the Town's local alternative expenditure limitation (Home Rule). The first ballot mailing will be April 13, 2006, but with the registration deadline being April 17, 2006 there will be a second ballot mailing on May 1, 2006.

APR 13 2006 E.L.*

Councilman Wilson announced that he was available to talk to people about Home Rule.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

There were no Items for this section.

E. MINUTES

Planning and Zoning Commission Minutes:
02-06-06 Regular Meeting Pages 1-4
CONSENT

Payson Fire Department Alternative Pension Plan Board of
Trustees Minutes:
02-24-06 Regular Meeting Page 1
CONSENT

F. HEARINGS AND APPEALS

Public Hearing. Mayor Brewer opened the Public Hearing concerning an application for a Special Event Liquor License filed by James Albert Buettner, agent, Northern Gila County Historical Society, Inc., for a fundraising event on Friday, 5/12/06, 5:00 p.m. to 8:00 p.m., at 700 Green Valley Parkway, Payson, Arizona.

Jim Buettner described the fundraising event.

There were no public comments. Mayor Brewer closed the public hearing.

Motion: Approve application for a Special Event Liquor License filed by James Albert Buettner, agent, Northern Gila County Historical Society, Inc., for a fundraising event on Friday, 5/12/06, 5:00 p.m. to 8:00 p.m., at 700 Green Valley Parkway, Payson, Arizona.

Moved by Council Member Tim Fruth, seconded by Council Member Robert Henley.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Mayor Brewer moved Item K.1 up.

Resolution No. 2098. Mayor Brewer opened discussion/possible action regarding consideration of modifications to Resolution No. 2098, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TERRA-PAYSON 40, L.L.C., AND TERRA-STAR VALLEY 40, L.L.C., AND AN AGREEMENT WITH R & H BOULDER & GRANITE LLC, RELATING TO DEVELOPMENT OF A NEW WATER SOURCE.

Sam Streichman, Town Attorney, believed that Litigation was over for Resolution 2098.

Mayor Brewer spoke about the resolution made in 1999 requiring developers to bring in outside water.

Following considerable discussion.

Motion: Approve to direct staff to explore possibilities of any new areas of agreement in Resolution 2098 and not to sign the contract and to have the information ready for the next Council meeting.

Moved by Council Member Tim Fruth. The motion did not receive a second and was lost.

Following more discussion.

Motion: Approve to execute contracts under Resolution No. 2098 and to discuss with attorney for parties of the contract to see if they would make some adjustments to better protect the Town.

Moved by Council Member Robert Henley, seconded by Council Member John Wilson.

Mike Perry, representing Mike Horton, explained that all of those items not completed yet were being worked on. Mr. Perry felt that they did have an agreement and were willing to have discussions to get moving ahead.

Councilman Fruth questioned why the Council should need a motion to sign the contract. Councilman Fruth directed the Town Attorney to go forward with negotiations with the other parties.

Mayor Brewer left the room at approximately 7:09 p.m. and returned at approximately 7:13 p.m.

Bob Edwards felt Resolution No. 2098 was wrong when the Council passed it and that the Star Valley incorporation was also wrong for Payson. Mr. Edwards believed Payson has 1000 new homes and no water. He felt this was a moral issue because Star Valley does not have the option to hook up to a town water system. Mr. Edwards felt empathy should be towards the citizens not the developers and that the Council should rescind resolution No. 2098.

Councilman Reese felt the Town has not done all that it could do to help Star Valley.

Ed Blair asked the Council to let Star Valley residents speak. Mayor Brewer called for the Vote.

Vote: Motion carried 4-3.

Yes: Mayor Barbara Brewer; Council Member Robert Henley; Council Member John Wilson; Vice-Mayor Judy Buettner

No: Council Member George Barriger; Council Member Tim Fruth; Council Member Dick Reese

Mayor Brewer recessed the meeting at approximately 7:38 p.m. The Mayor reconvened the meeting at approximately 7:53 p.m. with all Council Members present.

Public Hearing. Mayor Brewer opened the Public Hearing concerning Application P-310-05 filed by Payson Development Group, LLC, property owners, G. Michael Horton, representative, for a zone change request from R1-175 to R1-6, for approximately 8.2 acres located at 2009 N. McLane Road, Payson, Arizona. The request is to rezone the subject property for 35 single family detached lots and two tracts.

Mayor Brewer asked the Council to pull this item for a future meeting.

Sam Streichman, Town Attorney, stated that this item could be postponed to the next Council meeting.

Mike Perry asked for a continuance of the notice and to have it moved to the next council meeting.

Glen Gronke was concerned that many of the people here tonight work in the valley and he would like them to be notified so that they could be here.

Motion: Approve to postpone to the April 13th meeting application P-310-05 and to publically notice the people in the 300 foot radius and that this is at the developers request.

Moved by Council Member Robert Henley, seconded by Council Member John Wilson.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

G. RESOLUTIONS AND ORDINANCES

As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.

CONSENT APPROVED

Resolution 2157. Council approved, on the Consent Agenda, Resolution 2157, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL ADOPTING THE PAYSON MULTI-HAZARD MITIGATION PLAN (JANUARY 2006).

CONSENT APPROVED

Resolution 2158. Mayor Brewer opened discussion/possible action concerning Resolution 2158, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL SUPPORTING THE ARIZONA DEPARTMENT OF TRANSPORTATION'S PLAN TO CONDUCT A FEASIBILITY STUDY FOR A LOOP CORRIDOR SOUTHEAST OF PAYSON BETWEEN HIGHWAY 87 AND HIGHWAY 260.

Motion: Approve Resolution 2158, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL SUPPORTING THE ARIZONA DEPARTMENT OF TRANSPORTATION'S PLAN TO CONDUCT A FEASIBILITY STUDY FOR A LOOP CORRIDOR SOUTHEAST OF PAYSON BETWEEN HIGHWAY 87 AND HIGHWAY 260.

Moved by Council Member Tim Fruth, seconded by Council Member George Barriger.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Resolution No. 2159. Mayor Brewer opened discussion/possible action concerning Resolution No. 2159, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF WATER RESOURCES, TO PROVIDE FUNDING FOR THE CREATION OF A PRE-RINSE SPRAY PROGRAM FOR RESTAURANTS LOCATED WITHIN THE TOWN OF PAYSON.

Motion: Approve Resolution No. 2159, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF WATER RESOURCES, TO PROVIDE FUNDING FOR THE CREATION OF A PRE-RINSE SPRAY PROGRAM FOR RESTAURANTS LOCATED WITHIN THE TOWN OF PAYSON.

Moved by Council Member Tim Fruth, seconded by Council Member George Barriger.

Resolution No. 2160. Council approved, on the Consent Agenda, Resolution No. 2160, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A PEACE OFFICER TRAINING FUND GRANT AGREEMENT WITH THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.
CONSENT APPROVED

Ordinance No. 682. Mayor Brewer opened the Second Reading and Public Hearing concerning Ordinance No. 682, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 3 OF ORDINANCE 480 (AS AMENDED BY ORDINANCES 528 AND 537) TO ALLOW A TRUE UP OF WATER DEVELOPMENT FEES FOR MULTIFAMILY LOW INCOME HOUSING TAX CREDIT PROJECTS.

John Schultz stated there was no impact directly to renters that he sees. Mr. Schultz had submitted to the Water Department some examples of water use from other apartments.

Mayor Brewer closed the Public Hearing.

Motion: Approve Ordinance No. 682, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 3 OF ORDINANCE 480 (AS AMENDED BY ORDINANCES 528 AND 537) TO ALLOW A TRUE UP OF WATER DEVELOPMENT FEES FOR MULTIFAMILY LOW INCOME HOUSING TAX CREDIT PROJECTS.

Moved by Council Member Robert Henley, no second required.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Ordinance No. 683. Mayor Brewer opened the Second Reading and Public Hearing concerning Ordinance No. 683, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE TABLE OF RESIDENTIAL LOT DEVELOPMENT STANDARDS CONTAINED IN SECTION 15-02-004(D) OF THE PAYSON UNIFIED DEVELOPMENT CODE TO ALLOW ZERO LOT LINE DEVELOPMENT IN CERTAIN ZONING DISTRICTS.

Jerry Owen, Community Development Director, explained Ordinance No. 683.

Daniel Donaldson asked if R-8 zoning pertained to this also. Mr. Owen responded this includes the entire city limits. Mr. Donaldson felt this amendment concerns all of Payson and expressed his concern that the public was only notified in three places. He believed it was not posted in good places where the people could see it and felt people should all be informed directly. Mr. Donaldson presented the Council with a list of signatures asking that this be postponed so that the people of Payson could be involved.

Jim Garner had been to all of the meetings concerning Ordinance No. 683 and felt the council should go forward.

Mayor Brewer closed the Public Hearing.

Motion: Approve Ordinance No. 683, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE TABLE OF RESIDENTIAL LOT DEVELOPMENT STANDARDS CONTAINED IN SECTION 15-02-004(D) OF THE PAYSON UNIFIED DEVELOPMENT CODE TO ALLOW ZERO LOT LINE DEVELOPMENT IN CERTAIN ZONING DISTRICTS.

Moved by Council Member John Wilson, seconded by Vice-Mayor Judy Buettner.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Mayor Brewer opened the First Reading and Public Hearing concerning Ordinance No. 684, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING CERTAIN AMENDMENTS TO SECTION 150.20 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDING REQUIREMENT FOR BRACED WALL PANELS).

There were no public comments. Mayor Brewer closed the First Reading and Public Hearing.

H. UNFINISHED BUSINESS

Council Decision Request concerning reconsideration of synthetic turf bids filed by Bill Schwind, Parks and Recreation Director, to rescind the bid award of December 8, 2005, and reject all bid proposals and authorize staff to revise the technical bid specifications and warranty requirements and re-bid the project.

Councilman Fruth left the room at approximately 8:52 p.m. and returned at approximately 8:57 p.m.

Motion: Approve the Council Decision Request concerning reconsideration of synthetic turf bids filed by Bill Schwind, Parks and Recreation Director, to rescind the bid award of December 8, 2005, and reject all bid proposals and authorize staff to revise the technical bid specifications and warranty requirements and re-bid the project.

Moved by Vice-Mayor Judy Buettner, seconded by Council Member Robert Henley.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

I. NEW BUSINESS

Council Decision Request. Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the Phoenix Street Map of Dedication in conjunction with the Boulder Creek Subdivision Project and authorize the Mayor to sign said document and authorize staff to record said document. If this Map of Dedication is not recorded with the Gila County Recorders Office within six months, this approval is null and void.

CONSENT APPROVED

Council Decision Request filed by Fred Carpenter, Town Manager, to direct the Town Attorney to prepare an amendment to revise Section 7.1 and 7.2 of the Town of Payson Town Council Meeting Rules of Procedure.

Jim Garner asked the Council to have the Boards and Committees addressed with this also.

Motion: Approve to direct the Town Attorney to prepare an amendment to revise Section 7.1 and 7.2 of the Town of Payson Town Council Meeting Rules of Procedure.

Moved by Council Member Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Chaparral Highlands Subdivision as submitted subject to the nine (9) conditions listed in the staff report.

Jerry Owen explained this Council Decision Request and read the nine conditions listed in the staff report.

Ed Blair understood that what Councilman Barriger read at the beginning of the meeting would preclude approving a preliminary plat.

Councilman Barriger explained that Ordinance No. 2098 did not affect this development.

Ed Blair read a prepared statement. Mr. Blair believed the Council should say no to this and asked the Council to deny this plat.

Tim Wright, Deputy Town Attorney, explained what a preliminary plat is.

Motion: Approve the Preliminary Plat for the Chaparral Highlands Subdivision as submitted subject to the nine (9) conditions listed in the staff report.

Moved by Council Member Robert Henley, seconded by Council Member John Wilson.

Jason Phillimore, Tetra Tech, stated that the Planning and Zoning Commission did their best to see that this project would work. Mr. Phillimore felt some Commissioners voted no on it for reasons of no water only. Mr. Phillimore believed that was wrong.

Hal Baas, speaking as a member of the Planning and Zoning Commission, did not agree with Mr. Phillimore's statement. Mr. Baas believed Mr. Phillimore was just unhappy that he did not get a unanimous vote. Mr. Baas read a prepared statement to the Council. Mr. Baas was in favor of planned growth and believed that was the job of the Planning and Zoning Commission.

Vote: Motion carried by unanimous rollcall vote.
Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Vice-Mayor Judy Buettner

Bob Edwards felt that part of the problem was that Mr. Walker's communication was confusing. Mr. Edwards asked Mr. Walker to come up with some better data for the public.

J. CLAIMS

List of checks. Council approved, on the Consent Agenda, a list of checks paid from 03/01/06 through 03/14/06, Check Nos. 36213 through 36441, except Check No. 36231, and authorization to file the checks for audit.
***CONSENT* APPROVED**

Check No. 36231. Council approved, on the Consent Agenda, check No. 36231 paid 03/02/06, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Henley was considered to have abstained from voting on this item.)
***CONSENT* APPROVED**

K. MISCELLANEOUS

Item K.1 was moved up.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Brewer adjourned the meeting at approximately 9:50 p.m.

Approved:

Date: _____

Barbara G. Brewer, Mayor

ATTEST:

Gayle Stidham, Deputy 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 23 of March, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2006.

Tracie Bailey, Deputy Town Clerk