

COMMON COUNCIL OF THE TOWN OF PAYSON  
MINUTES OF THE REGULAR MEETING  
APRIL 27, 2006

- A Mayor Barbara G. Brewer called the meeting to order in the Council Chambers at approximately 6:00 p.m. followed by an Invocation by Pastor Todd Arnold, Shepherd of the Pine's Lutheran Church, and the Pledge of Allegiance. Meeting Time & Place
- B **ROLL CALL:** Mayor Barbara G. Brewer; Vice-Mayor Judy Buettner; Council Members George Barriger, Tim Fruth, Robert Henley, Dick Reese, and John Wilson. Roll Call
- C **STAFF PRESENT:** Fred Carpenter, Town Manager; Samuel I. Streichman, Town Attorney; Martin deMasi, Fire Chief; Colin P. Walker; Public Works Director; Gordon H. Gartner, Police Chief; Silvia Smith, Town Clerk; Jerry Owen, Community Development Director; LaRon Garrett, Public Works Engineer; William Schwind, Parks & Recreation Director. Staff Attending
- D **OTHERS PRESENT:** Commander Don Engler, Officers Joni Varga and Mike Varga, Fire Captain Dan Bramble; Fire Marshal Mike Winters; Marci Huffman, Chief Deputy Town Clerk. Others Attending
- E **Agenda Item D.7** was moved forward on the agenda in order for Supervisor Sanchez to drive back to Globe. Agenda Item D.7
- F **Presentation.** Joe Sanchez and Tommie Martin, Gila County Supervisors, presented a \$50,000 check to the Town of Payson as match money for the Wildland Urban Interface clearing/defensible space efforts. Ms. Martin thanked Chief deMasi for his leadership that made this possible. Gila County has contributed to other areas as well. Fire Break Presentation
- PUBLIC COMMENTS**
- G Star Valley Council Member Art Lloyd spoke about the problems between the Town of Payson and the Town of Star Valley, stating the need to work together. Star Valley has taken its first steps towards a tentative agreement with Terra and the legal challenges to Star Valley will be resolved shortly. He expressed Star Valley's appreciation of the efforts on Terra's part. He also expressed his council's desire that the two towns work together, especially regarding the bigger issue of water that affects everyone. Councilor Art Lloyd
- H Mayor Brewer expressed her thanks. The Town will not abuse the water from the well in Star Valley. Mayor Comments

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- A Shirley Colin expressed her thanks to Dr. Shelby and all the medical community that were involved helping her and her husband through his recent emergency surgery. Shirley Colin Expresses Thanks
- B Bob Edwards commented on Don Crowley's letter to the editor that he felt falsely attacked his campaign contributions. Mr. Crowley responded by saying he did not accuse anyone of any crime and described the process he followed. Edwards and Crowley
- C Bob Edwards spoke of his support of Proposition 300 (Home Rule), and that it was critical for the Town. Home Rule
- D Jason Phillimore read comments regarding water, growth and development, stating that the 20 ERU requirement was the problem. Jason Phillimore
- E Gordon Metcalf thanked Council for the appointment to the Surface Transportation Advisory Committee. Gordon Metcalf
- F Council Member Tim Fruth arrived at 6:37 p.m. Clmn. Fruth Arrives
- CEREMONIAL; ANNOUNCEMENTS;  
PRESENTATIONS; INTRODUCTIONS**
- G **Presentation.** Mayor Brewer presented to Council Member George Barriger a plaque and later a card and gift for his years of excellent service on the Town Council. Presentation to Clmn. Barriger
- H Clmn. Barriger wanted the present council to replace him because he preferred to see seven different people with different ideas and views. He was concerned that two were running for office together and he was concerned that an appointment by the next council might mean a majority voting alike. He had received accusations that bothered him, but they also confirmed his decision. He said he had over the years many opportunities to serve country and community and had always done so honorably. He said he studied the facts and did what he thought was best for Payson. He respected the council and believed they would choose well. Clmn. Barriger Comments
- I Clmn. Fruth announced that Barry Hoosava was named an All American in football and character. He had just come from presenting the award. He also urged the public to attend the Barry Hoosava

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high school play *Grease*. Vice Mayor Buettner's exchange student is also in the play.

- A **Proclamation.** Clmn. Barriger read in full a proclamation declaring May 15, 21, 2006, as **Payson Western Wear Days**. Gary Hinds was present to accept the proclamation in this year's "Tough Enough To Wear Pink" shirt, supporting Breast Cancer research. Payson Western Wear Days.
- B Buzz Walker was appointed by the Arizona Department of Water Resources to a statewide water board. Payson was one of seven cities chosen. Appointment to Water Board
- C Fire Captain Dan Bramble received a degree from Grand Canyon University on public safety. Fire Marshall Mike Winters completed two executive fire officer programs, and completed the requirements for an MS degree from Grand Canyon University and will be the keynote speaker on May 6, 2006. Dan Bramble – Mike Winters
- D Mayor Brewer read a letter from the Arizona Canine Assoc. to Chief Gartner thanking Sgt. Rod Mamero for serving as a judge at the recent police canine event. Fifty-two canine teams competed. Sgt. Mamero
- E **Proclamation.** Clmn. Fruth read in full a proclamation declaring May 4, 5 and 6, 2006, as **Buddy Poppy Days**. Commander Phil Prince and other members of VFW Post 9829 were present to accept the proclamation. Buddy Poppy Days
- F **Proclamation.** Clmn. Henley read in full a proclamation declaring May 1-6, 2006, as **White Cane Awareness Week**. Cliff and Lenore Adams, and Sandy Phillips, Payson Lions Club, were present to accept the proclamation. White Can Awareness Week
- G **Proclamation.** Clmn. Wilson read in full a proclamation declaring April 23-29, 2006, as **National Volunteer Week**. Members of various volunteer organizations were present to accept the proclamation. Su Connell, chair of the Payson Literacy Program, spoke for all volunteers. There are 200 Payson organizations. National Volunteer Week
- H It was reported that the first Orchid Festival would be this weekend, along with the Beeline Cruise-In Car Show. Festivals

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**MINUTES**

- A **Council Meeting Minutes:** **\*CONSENT\***  
. 04-06-06 Special Meeting Pages 1-2 **APPROVAL**

**BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commission/committees are for Council information only and may or may not have been approved by the respective board/commission.)**

- B **Planning and Zoning Commission Minutes:** **\*CONSENT\***  
. 03-27-06 Special Meeting Pages 1-6
- C **Green Valley Redevelopment Area Committee Minutes:** **\*CONSENT\***  
. 01-05-06 Regular Meeting Pages 498-500  
. 02-02-06 Regular Meeting Pages 501-504

**HEARINGS AND APPEALS**

- D Mayor Brewer opened the public hearing concerning an application for a **Series 7 Liquor License**, filed by Rodney Ray Dahlman, dba Pizza Factory. This was a transfer license. Pizza Factory Liquor License
- E There was discussion regarding Series 12 and Series 7 licenses. Series 7 would allow the sale of beer and wine to be taken from the premises. Mr. Dahlman assured that this would not happen. He was advised to get a Series 7 license because it would cost less, but would be more valuable later. The Chamber of Commerce was surrendering theirs and he contacted them. After some discussion, Mayor Brewer closed the public hearing. Discussion – Public Hearing Closed
- F Clmn. Henley **moved, seconded** by Clmn. Wilson to approve the application for a Series 7 (Transfer) Liquor License (#07040006) filed by Rodney Ray Dahlman, agent, R/G Pizza LLC, dba Pizza Factory, 238 E. Highway 260, D-154, Payson, Arizona 85541. **Motion carried, 7-0.** APPROVED, 7-0
- G **Agenda Item I.1** was taken out of order for discussion/possible action. Agenda Item I.1 Moved
- H This was a Council Decision Request filed by Buzz Walker, Public Works Director, to accept the well development improvements and water pipeline constructed by Terra-Payson 40, L.L.C. and Terra-Star Valley 40, LLC pursuant to Resolution No. 2098 and to begin the two-year warranty period. CDR: Well and Water Pipeline (Res. 2098)

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- A Discussion ensued regarding safe yield and how it affects Star Valley. Mr. Walker stated that the well would not be a “work horse” well, and would be the least used. He said he was looking forward to working with Star Valley regarding Blue Ridge water. After some discussion and noting Star Valley Councilor Lloyd’s comments at the beginning of the meeting, Mayor Brewer closed the public hearing. Discussion
- B Clmn. Henley **moved, seconded** by Clmn. Wilson to accept the well development improvements and water pipeline constructed by Terra-Payson 40, L.L.C. and Terra-Star Valley 40, LLC pursuant to Resolution No. 2098 and to begin the two-year warranty period. Motion
- C There was more discussion and the question was called. **Motion carried, 6-1; Clmn. Reese dissented.** Motion CARRIED, 6-1
- D The meeting recessed at 7:39 p.m. and reconvened at 7:53 p.m. with all Council Members present. Break – Reconvene
- E 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. P-310-05 Public Hearing
- F Jerry Owen, Community Development Director, gave a PowerPoint presentation regarding the proposed subdivision. The Planning and Zoning Commission had recommended approval subject to five conditions. Based upon the protest received, it would require a three quarters vote of Council Members to approve. Overview of Mogollon Ridge
- G A lengthy discussion ensued regarding density, drainage and traffic. It will be high density residential with 4.3 units per acre. Storm drainage detention basins will need to be added. There will be issues where the drainage interfaces with McLane Road that will need to be improved by additional pavement, curb, gutter and sidewalk. Drainage
- H Regarding traffic on W. Houston Mesa, traffic monitors had been set up, and it was determined that there is not as much Traffic

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traffic as there was during construction of The Home Depot.

- A Mark Perry of Payson Development wrote a letter to those people who were on the list of attendees at the public participation meeting to meet with him at the Library. No one showed up and he did not receive any phone calls, but was willing to continue talks. His view was that this subdivision was an extension to Payson Pines that had originally been called Payson Pines III. Extension of Subdivision
- B Glenda Roark expressed her objection to the subdivision because of traffic concerns, and the need for a three-way stop at McLane Road and W. Houston Mesa to slow traffic down. LaRon Garrett, Public Works Engineer, said that federal standards recommend not using stop signs to control speed. They are for controlling movements at intersections. Discussion then turned to speed humps. Glenda Roark
- C Glenn Groenke was against the development because of the drainage basin. Monsoon rains become a problem for properties on Rancho Rd. Mr. Garrett addressed the speed bump issue by saying they would be recommended on local roads and not on collector streets because of liability. As far as the drainage issue, it does exist. However, property owners would not give the Town access to resolve the drainage issues. Glenn Groenke
- D Ralph Bossert, Tetra Tech, who also lives on McLane, agreed there was a liability issue regarding the traffic. As far as the drainage issue, he said this was a rezoning request, and there would be no increased flows. The developer is not allowed to increase the flows. A resolution could be discussed when the preliminary plat is submitted. Ralph Bossert
- E Rick Croy brought up land bank options. Rick Croy
- F Speed humps were again discussed as a possible condition with the cost to the developer. Al Poskanzer felt speed humps were a bandaid to a more serious problem of three possible rezoning requests which meant construction of 112 units. He talked about the growth rate. Al Poskanzer
- G Mike Crisp commented that he works for Mike Horton along with 25 or 30 other men. He is a taxpayer and is raising his family in Payson. He expressed his concern about listening to people who moved here four years ago and he probably built Mike Crisp

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- some of their houses. He wants to make a living a raise his children.
- A Clmn. Reese **moved** to postpone this rezoning until May 25, 2006, in order for the principals to come together with the best plan. **Motion died for lack of a second.** Motion – Died
- B Lori Meyers, Payson Ranchos, thought issues should be resolved before there is a zoning change. Lori Meyers
- C Ed Blair said he lived two blocks away from the project and had listened to everyone. Ed Blair
- D Mike Horton said they are very sensitive to the drainage and traffic issues. Their project will not increase any downstream flow. They will participate in any neighborhood activity and meet with whoever wanted to meet with them regarding the issues. Mike Horton
- E Rezoning is the first step in order for a developer to invest money in a project. First Step
- F Mayor Brewer closed the public hearing. Public Hearing Closed
- G Vice Mayor Buettner **moved, seconded** by Clmns. Henley and Wilson, to approve Application P-31-05 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 motion was amended to include the 5 conditions, and seconded by Clmns. Henley and Wilson. **Motion carried, 6-1; Clmn. Reese dissented.** P-310-05 Approved w/ 5 conditions, 6-1
- H Agenda Item F.3, **Application P-317-05**, was postponed to the May 11, 2006, regular Council meeting. P-317-05 Postponed to 5/11/06
- I The meeting recessed at 9:06 p.m. and reconvened at 9:20 p.m. with all Council Members present. Break – Reconvene
- J Mayor Brewer opened the public hearing concerning **Application P-323-06** filed by KDS Construction Co., LLC, property owner, Kevin Sokol, representative; a request for a zone change from R1-175 to R1-6-PAD for a 16.7 acre property P-323-06

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- at 400 N. Tyler Parkway to allow a 28-unit townhome and a 23 single family residential unit subdivision.
- A Jerry Owen, Community Development Director, gave a PowerPoint presentation of the project. It would take a three quarters vote to approve this project. Maureen and Nick Brotcke owned 20 percent of the property on one side. Overview
- B The developer had donated lots for workforce housing and a facility for recreation. Workforce Housing – Recreation Facility
- C Maureen Brotke had protested preferring a more gradual zoning, that the original plat showed townhouses could be three stories high which would hinder their view. The proposal is better now, even though she preferred no change. Nick Brotke questioned if lot sizes are correct for the larger homes. They were correct, however, he was still not satisfied with it. Brotke Responses
- D Kevin Sokol responded that changes were made to help satisfy the Brotkes. They were going to buy property from him, but were now unwilling to work with him on that. However, he made the lots bordering their land half-acre lots anyway. The single story units would not affect their view. Kevin Sokol Response
- E Mayor Brewer closed the public hearing. Public Hearing Closed
- F Clmn. Henley **moved, seconded** by Vice Mayor Buettner, to approve Application P-323-06 with eight conditions. **Motion carried, 7-0.** P-323-06 Approved, 7-0

**RESOLUTIONS AND ORDINANCES**

- G Council approved, on the Consent Agenda, to forego verbal title readings of all resolutions and ordinances. **\*CONSENT\* APPROVAL**
- H Council approved, on the Consent Agenda, **Resolution No. 2166**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE, PURSUANT TO A.R.S. SECTION 48-262(f), AN ANNEXATION OF ADDITIONAL TERRITORY INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF THOSE CERTAIN PARCELS OF **\*CONSENT\* APPROVED**

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REAL PROPERTY AS DENOMINATED ON THE ATTACHED EXHIBITS "A". (1109 NORTH KAREN WAY, PAYSON, ARIZONA, CHAPARRAL HIGHLANDS L.L.C., OWNER, ASSESSOR'S PARCEL NO. 302-23-006A)

- A Discussion/possible action concerning **Resolution No. 2167**, Res. 2167 –  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, PERTAINING TO THE SUBMISSION OF PROJECTS FOR CONSIDERATION BY THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR THE 2007 FISCAL YEAR (PHOTO RADAR TRAILER). Photo Radar Trailer
- B Police Chief Gordon Gartner explained that the grant would be for a photo radar system that is portable. It will be experimental since they did not know the enforcement posture yet. It can be used on residential streets that are hard to get to. Explanation
- C Clmn. Fruth **moved, seconded** by multiple Council Members, to approve Resolution No. 2167. Motion
- D There was discussion regarding the equipment and that it would take close to a year to obtain one. It takes a picture of both front and back of vehicle. It was suggested that money be put in the budget for another photo radar system so that there would be two. There are problems with speeding on residential streets. There is one officer devoted fulltime to traffic. Discussion – Two Units
- E **Motion carried, 7-0.** Motion Carried, 7-0
- F Council approved, on the Consent Agenda, **Resolution No. 2168**, 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 BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON FOR A.G. CONTRACT NO. KRXX-XXXXTRN, ADOT PROJECT (TRAFFIC SIGNAL AT STATE ROUTE 87 AND AIRPORT ROAD). **\*CONSENT\* APPROVED**
- G. Council approved, on the Consent Agenda, **Resolution No. 2169**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING **\*CONSENT\* APPROVED**

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THE MAYOR TO EXECUTE A QUIT CLAIM DEED TRANSFERRING TITLE TO A GRAVITY SEWER LINE INSTALLED IN SOUTH WESTERLY ROAD TO THE NORTHERN GILA COUNTY SANITARY DISTRICT.

- A Discussion/possible action concerning **Resolution No. 2170**, \*CONSENT\*  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM JOHN L. MYERS, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT. **APPROVED**
- B Discussion/possible action concerning **Resolution No. 2171**, \*CONSENT\*  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM GEORGINE WULFF, TRUSTEE OF THE LIVING TRUST OF NORBERT J. WULFF AND GEORGINE WULFF, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT. **APPROVED**
- C Discussion/possible action concerning **Resolution No. 2172**, \*CONSENT\*  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM RALPH O. BOSSERT AND ROBYN L. BOSSERT, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT. **APPROVED**
- D Discussion/possible action concerning **Resolution No. 2173**, \*CONSENT\*  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM WAYNE L. ROUDYBUSH AND BARBARA A. WARD, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT. **APPROVED**
- E Discussion/possible action concerning **Resolution No. 2174**, \*CONSENT\*  
captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM VAL G. NITZSCHE AND MONICA G. NITZSCHE, PERTAINING TO THE McLANE ROAD IMPROVEMENT PROJECT. **APPROVED**

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- A Discussion/possible action concerning **Resolution No. 2175**, **\*CONSENT\***  
captioned as follows: A RESOLUTION OF THE MAYOR **APPROVED**  
AND COMMON COUNCIL OF THE TOWN OF PAYSON,  
ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT  
FROM RALPH O. BOSSERT AND ROBYN L. BOSSERT,  
PERTAINING TO THE McLANE ROAD IMPROVEMENT  
PROJECT.
- A Discussion/possible action concerning **Resolution No. 2176**, **\*CONSENT\***  
captioned as follows: A RESOLUTION OF THE MAYOR **APPROVED**  
AND COMMON COUNCIL OF THE TOWN OF PAYSON,  
ARIZONA, ACCEPTING A PUBLIC UTILITY EASEMENT  
FROM GEORGINE WULFF, TRUSTEE OF THE LIVING  
TRUST OF NORBERT J. WULFF AND GEORGINE WULFF,  
PERTAINING TO THE McLANE ROAD IMPROVEMENT  
PROJECT.
- B Discussion/possible action concerning **Resolution No. 2177**, **\*CONSENT\***  
captioned as follows: A RESOLUTION OF THE MAYOR **APPROVED**  
AND COMMON COUNCIL OF THE TOWN OF PAYSON,  
ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION  
EASEMENT FROM EUDALDO ACUNA AND JENNIE  
ACUNA, PERTAINING TO THE McLANE ROAD  
IMPROVEMENT PROJECT.
- C Discussion/possible action concerning **Resolution No. 2178**, **\*CONSENT\***  
captioned as follows: A RESOLUTION OF THE MAYOR **APPROVED**  
AND COMMON COUNCIL OF THE TOWN OF PAYSON,  
ARIZONA, APPROVING AND AUTHORIZING THE  
MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE  
AGREEMENT TO DEFER WATER DEVELOPMENT FEES  
BETWEEN GREEN VALLEY APARTMENTS AND THE  
TOWN OF PAYSON.

**UNFINISHED BUSINESS**

- D There were no items in this section.

**NEW BUSINESS**

- E Council Decision Request filed by Fred Carpenter, to direct staff **Waiver of Dev.**  
to review the issue of waiver of development impact fees and **Impact Fees**  
connection charges in connection with wells impacted by Town  
wells and report back to Council with a recommended program.

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- A Rick Croy expressed his concerns about his well that he said was affected by Stone Creek, and the easement granted at that time was not for future damage to his well. Calvin Wilson said he was not connected to Town water, but had already paid the impact fee. He asked what the Town would offer him if he did pay that fee. Concerns
- B Clmn. Henley **moved, seconded** by Clmn. Wilson to direct staff to review the issue of waiver of development impact fees and connection charges in connection with wells impacted by Town wells and report back to Council with a recommended program. **Motion carried, 7-0.** Motion Carried, 7-0

**CLAIMS**

- C Council approved, on the Consent Agenda, a list of checks paid from 4/3/06 through 4/14/06, Check Nos. 36647 through 36844, **except Check Nos. 36673 and 36711**, and authorization to file the checks for audit. **\*CONSENT\* APPROVED**
- D Council approved, on the Consent Agenda, Check No. 36673 paid 4/13/06, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Vice-Mayor Buettner is considered to have abstained from voting on this item.)** **\*CONSENT\* APPROVED**
- E Council approved, on the Consent Agenda, Check No. 36711 paid 4/13/06, and authorization to file the check for audit. **(Note: due to a perceived and/or conflict of interest, Clmn. Henley is considered to have abstained from voting on this item.)** **\*CONSENT\* APPROVED**

**ADJOURNMENT**

- F The meeting adjourned at 10:24 p.m. Adjournment

Approved:

\_\_\_\_\_  
Barbara G. Brewer, Mayor

Date: \_\_\_\_\_

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ATTEST:

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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 the 27th day of April, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006

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Marcia F. Huffman, Chief Deputy Town Clerk