

**COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
May 11, 2006**

CALL TO ORDER

Mayor Brewer called the meeting to order at approximately 6:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Dr. Terry Cadwell, Mountain Bible Church

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Barbara Brewer, Council Member Tim Fruth, Council Member Robert Henley, Council Member Dick Reese, Council Member John Wilson, Vice-Mayor Judy Buettner

OTHERS PRESENT: Gaye Stidham, Deputy Town Clerk, Tracie Bailey, Deputy Town Clerk, the Honorable Dorothy Little, Mike Winters, Fire Marshal, Carol McCauley Main Street/Redevelopment Area Manager, and Officer Josh LaManna

SPECIAL CEREMONY:

The Honorable Dorothy Little administered the Oath of Office to Andy Romance.

ROLL CALL: Mayor Barbara Brewer, Council Member Tim Fruth, Council Member Robert Henley, Council Member Dick Reese, Council Member John Wilson, Vice-Mayor Judy Buettner, Council Member Andy Romance

Council Member Romance was seated and shared some of his aspirations and objectives.

A. PUBLIC COMMENTS

Barry Smith thanked the Council for letting him share his thoughts. Mr. Smith has lived in Payson for nearly 30 years. Mr. Smith felt some of the things he has heard sounded like some people were trying to slam the door on Payson. He expressed his concerns about Payson's longterm growth.

Mayor Brewer announced that the next regular Council meeting was being moved to May 24th because of the High School graduation ceremony on May 25th.

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.

Council Member Romance stated that he would abstain from voting on the Consent Agenda.

Motion: Approve all Items listed on the Consent Agenda.

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

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

Fred Carpenter, Town Manager, announced that yesterday was the official notice to proceed for the North McLane Road reconstruction project. Those who utilize this street between Forest and Airport frequently may want to use alternatives, if available.

Steel continues to delay the Westerly Road improvement project's completion. As soon as available, the

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bridge will be installed.

Crack sealing continues in preparation for this summer's slurry seal projects.

Mr. Carpenter recommended that people hand carry their ballot to Town Hall. Ballots must be received by 7:00 pm Tuesday in order to be counted. Just over 4,900 ballots have been received; the total ballots cast at the Primary was 5,153.

The preliminary ballot count will take place at 8:00 p.m. Tuesday evening and will be carried live on TV 4. Ballots received after Monday morning will be counted on Thursday at 2:00 p.m., which will also be carried live on TV 4. Canvass of election results is set for Tuesday May 23, 2006 at 5:00 p.m.

Dan Jackson of Economists.Com will present a long-term financial plan for the Water Department at a second Special Meeting following the canvass of the vote on that date. The plan was developed for the option of a public financing approach for bringing C. C. Cragin Reservoir water to Payson.

Council Member Fruth thanked those who attended the Payson High School play Grease and announced that Saturday morning is the 5K run to benefit Habitat for Humanity.

Vice-Mayor Buettner announced the Beer and Brats Fundraiser for the Rim Country Museum.

Council Member Reese wanted to make people aware that two illegal Mexicans had come to his house to look for work. He advised them to check into how to get legal and asked residents to stay together on not employing illegal immigrants.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Proclamation. Council Member Henley read into the record a Proclamation declaring May 15-21, 2006, as Police Week, and May 15, 2006 as Peace Officers' Memorial Day. Members of the various law enforcement agencies were present to accept the proclamation.

Presentation. Council Member Henley gave a PowerPoint presentation regarding the eighty-eighth Arizona Town Hall, "Arizona's Rapid Growth and Development: Natural Resources and Infrastructure."

E. MINUTES

Council Meeting Minutes:

04/13/06 Regular Meeting Pages 1-8

04/20/06 Special Meeting Pages 12191-12194

04/27/06 Regular Meeting Pages 1-13

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.

Surface Transportation Advisory Committee Minutes:

08/03/05 Regular Meeting Pages 75-78

11/02/05 Regular Meeting Pages 83-87

CONSENT

F. HEARINGS AND APPEALS

Public Hearing. Mayor Brewer opened the Public Hearing concerning Application P-317-05 filed by Terra-Payson 65, LLC, property owner, Mark Perry, authorized agent; a request for a zone change from R1-175 to R1-44-PAD for a 64.03 acre property in the 1200 to 1700 block of E. Cedar Lane to allow a 54 single family residential unit subdivision.

Jerry Owen, Community Development Director, gave a slide presentation concerning Application P-317-05.

Joel Mona who lives on East Cedar Lane has been a resident of Payson since 1989. Mr. Mona stated that Town Staff has been very helpful to him. He believed that parts of this rezoning were not consistent with the General Plan. Mr. Mona felt the plan does have several positive aspects, but did not think the benefits outweigh the negative areas. Mr. Mona felt there was a more compatible zoning than what was proposed.

Mark Perry felt this plan was meeting the objective of the General Plan and that they went out of the way to preserve the forest.

Ross Skinner who lives on East Cedar and Sutton was concerned about safety in the area. Mr. Skinner felt Cedar was a very dangerous roadway. He was also concerned about water.

Mark Perry stated the infrastructure would be added. Mr. Perry felt that was not a burden on this particular plan.

Ross Skinner pointed out on the slide where his property was and where his concerns were on the streets.

Mark Perry stated that deed restrictions would make it permanent open space and that the next step was to put the homeowners association together.

Mr. Perry believed that who had access to the open space would be determined in the CC&Rs.

Jason Phillimore clarified that he was very involved in this plan and felt that the trails were not a preferred trail type for horses. Mr. Phillimore felt the fuel break would open up the Boulder Creek trail.

Mike Crisp stated he has two horses and that he has ridden down Cedar Street. Mr. Crisp pointed out on the slide the trail he rides. He stated it has a smooth surface and felt the trail was very usable and went out to the Round Valley stock tanks. Mr. Crisp felt that this development makes no impact on his recreation in that area.

Mark Perry stated the trail system would be dedicated to the Town and the development was private property. Fencing would be restricted to the building envelope.

Mr. Perry stated that he would work with the Fire Department to start on a 100- yard fuel break.

Motion: Approve application P-317-05 filed by Terra-Payson 65, LLC, property owner, Mark Perry, authorized agent; a request for a zone change from R1-175 to R1-44-PAD for a 64.03 acre property in the 1200 to 1700 block of E. Cedar Lane to allow a 54 single family residential unit subdivision with the ten conditions recommended by the Planning and Zoning Commission.

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

Vote: Motion carried 5-2.

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

No: Council Member Dick Reese; Council Member Andy Romance

This motion needed a super majority vote of 6-1 to pass because of protests against this development. Therefore the motion failed 5-2 with Council Members Reese and Romance dissenting.

Mayor Brewer recessed the meeting at approximately 7:58 p.m. The Mayor reconvened the meeting at approximately 8:20 p.m.

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 No. 2179. Council approved, on the Consent Agenda, Resolution No. 2179, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DECLARATION (INCLUDING COVENANTS, RESTRICTIONS, AND ESTABLISHMENT OF EASEMENTS AND RIGHTS) DESCRIBED IN EXHIBITS 1 AND 2 HERETO, ACCEPTING THE WARRANTY DEEDS FOR EASEMENTS AND A WELL SITE DESCRIBED IN EXHIBITS 3, 4, AND 5 ATTACHED HERETO, AND ACCEPTING THE PIPELINE EASEMENT DESCRIBED IN EXHIBIT 6 ATTACHED HERETO, ALL RELATING TO THE EAST PAYSON PIPELINE, THE R&H WELL SITE, AND THE PW1 AND PW2 WELL SITES.

CONSENT APPROVED

Resolution No. 2180. Mayor Brewer opened discussion/possible action concerning Resolution No. 2180, captioned as follows: RESOLUTION RELATING TO FINANCE; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,250,000 AGGREGATE PRINCIPAL AMOUNT OF TOWN OF PAYSON, ARIZONA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006; DELEGATING THE AUTHORITY TO APPROVE CERTAIN MATTERS WITH RESPECT TO THE BONDS AND THE BOND BEING REFUNDED; PROVIDING FOR THE ANNUAL LEVY OF A TAX FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE APPOINTMENT OF A

REGISTRAR, TRANSFER AGENT AND PAYING AGENT AND A DEPOSITORY TRUSTEE; APPROVING THE FORM OF CERTAIN DOCUMENTS AND AUTHORIZING COMPLETION, EXECUTION AND DELIVERY THEREOF; DELEGATING THE AUTHORITY TO APPROVE AND DEEM FINAL A FORM OF OFFICIAL STATEMENT; RATIFYING ALL ACTIONS TAKEN AND TO BE TAKEN WITH RESPECT TO THE BONDS IN FURTHERANCE OF THIS RESOLUTION; AND DECLARING AN EMERGENCY.

Glenn Smith, Chief Fiscal Officer, explained Resolution No. 2180 and introduced Fred Rosenfeld, bond attorney for the Town.

Fred Rosenfeld gave the Council a brief update on the general obligation refunding bonds.

Motion: Approve Resolution No. 2180, captioned as follows: RESOLUTION RELATING TO FINANCE; AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,250,000 AGGREGATE PRINCIPAL AMOUNT OF TOWN OF PAYSON, ARIZONA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006; DELEGATING THE AUTHORITY TO APPROVE CERTAIN MATTERS WITH RESPECT TO THE BONDS AND THE BOND BEING REFUNDED; PROVIDING FOR THE ANNUAL LEVY OF A TAX FOR THE PAYMENT OF THE BONDS; AUTHORIZING THE APPOINTMENT OF A REGISTRAR, TRANSFER AGENT AND PAYING AGENT AND A DEPOSITORY TRUSTEE; APPROVING THE FORM OF CERTAIN DOCUMENTS AND AUTHORIZING COMPLETION, EXECUTION AND DELIVERY THEREOF; DELEGATING THE AUTHORITY TO APPROVE AND DEEM FINAL A FORM OF OFFICIAL STATEMENT; RATIFYING ALL ACTIONS TAKEN AND TO BE TAKEN WITH RESPECT TO THE BONDS IN FURTHERANCE OF THIS RESOLUTION; AND DECLARING AN EMERGENCY.

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 Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Andy Romance; Vice-Mayor Judy Buettner

Ordinance No. 685. Mayor Brewer opened the first Reading and Public Hearing concerning Ordinance No. 685, 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, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 2009 NORTH MCLANE ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-25-007A, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 (MOGOLLON RIDGE).

Jerry Owen, Community Development Director, presented a slide show regarding this development.

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

Ordinance No. 686. Mayor Brewer opened the First Reading and Public Hearing concerning Ordinance No. 686, 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, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 400 NORTH TYLER PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036V, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6PAD (BOULDER RIDGE).

Jerry Owen, Community Development Director, presented a slide show regarding this development.

Don Malosh stated that he had previously opposed this project. Mr. Malosh referred to a letter he had written previously. He felt that the water situation was too bad to allow any development. Mr. Malosh was concerned that this would cause the level of water restriction to move up.

There were no more public comments. Mayor Brewer closed the Public Hearing.

Vice-Mayor Buettner left the meeting at approximately 8:46 p.m. and returned at approximately 8:47 p.m.

H. UNFINISHED BUSINESS

Council Decision Request filed by William Schwind, Parks and Recreation Director, to approve the bid for the acquisition and installation of synthetic turf to FieldTurf Tarkett in the amount of \$517,855.00 and for the Mayor to sign all contractual documents.

Bill Schwind, Parks and Recreation Director, explained the Council Decision Request.

Following some discussion.

Motion: Approve the Council Decision Request filed by William Schwind, Parks and Recreation Director, to approve the bid for the acquisition and installation of synthetic turf to FieldTurf Tarkett in the amount of \$517,855.00 and for the Mayor to sign all contractual documents.

Moved by Council Member Robert Henley, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

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

Council Decision Request. Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the public portion of the subdivision construction of the Chaparral Pines Phase 3 - Construction Phase 3 Subdivision, including the public traffic control devices and Water Well No. CPW34 subject to the developer's two-year warranty of public improvements and to accept the public subdivision improvements for Town maintenance under such warranty.

CONSENT APPROVED

I. NEW BUSINESS

Council Decision Request filed by Carol McCauley, Main Street Redevelopment Area Manager, to approve the street closure, from 8:00 am to 5:00 pm, on Main Street from the west side of the Fire Station at Westerly Rd. to S. McLane (south side of Main) for the purpose of hosting the Second Annual Payson Stampede Street Festival on June 17th, 2006.

Carol McCauley, Main Street/Redevelopment Area Manager explained why the closure was needed.

Motion: Approve the Council Decision Request filed by Carol McCauley, Main Street Redevelopment Area Manager, to approve the street closure, from 8:00 am to 5:00 pm, on Main Street from the west side of the Fire Station at Westerly Rd. to S. McLane (south side of Main) for the purpose of hosting the Second Annual Payson Stampede Street Festival on June 17th, 2006.

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 Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Andy Romance; Vice-Mayor Judy Buettner

Council Decision Request filed by Martin deMasi, Fire Chief, to approve the award of the Payson Fuel Break Project construction contract to RCO Reforesting for Areas C and E for a sum totaling \$113,772; authorize the Town Manager to sign contracts and to issue a notice to proceed for areas C (in the amount of \$36,482) and E (in the amount of \$77,290); to appropriate \$11,272 in contingency funds; and to further authorize the Town Manager to issue notices to proceed in additional areas as funds become available.

Mike Winters, Fire Marshal, explained the Council Decision Request.

Following some discussion:

Motion: Approve the Council Decision Request filed by Martin deMasi, Fire Chief, to approve the award of the Payson Fuel Break Project construction contract to RCO Reforesting for Areas C and E for a sum totaling \$113,772; authorize the Town Manager to sign contracts and to issue a notice to proceed for areas C (in the amount of \$36,482) and E (in the amount of \$77,290); to appropriate \$11,272 in contingency funds; and to further authorize the Town Manager to issue notices to proceed in additional areas as funds become available.

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 Tim Fruth; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Andy Romance; Vice-Mayor Judy Buettner

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to provide the Town Council with policies, regulations, and/or ordinances covering the criteria for the installation of speed humps, including, but not limited to, the following items: the community involvement process, hump design and location criteria, cost sharing relationships, installation and maintenance requirements, and evaluation/modifications/removal procedures.

LaRon Garrett, Assistant Public Works Director/Town Engineer, explained the Council Decision Request and answered questions from the Council

Mike Winters, Fire Marshal, voiced concerns regarding emergency vehicles response time being delayed due to

speed humps.

Glenda Rowark asked how many photo radar devices Payson has. Chief Gartner responded that currently Payson does not have any photo radar devices.

John Monroe stated that he watches speeders go down his street. Mr. Monroe felt one radar unit would help slow down the speeders. He did not support speed humps.

Glenda Rowark asked if a radar control gun could get a license plate number. Chief Gartner replied that he has put in for a grant to get a radar gun that was designed to take a picture of the license plate.

Bruce Van Camp felt the Council should look at the speed hump book. Mr. Van Camp also believed that roundabouts help slow down speeders.

Susan Connell believed that if one went out at 4:30 p.m. to 6:30 p.m. on McLane Road, one could see numerous speeders.

Following considerable discussion.

Motion: Approve the Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to provide the Town Council with policies, regulations, and/or ordinances covering the criteria for the installation of traffic calming devices including speed humps, but not limited to, the following items: the community involvement process, hump design and location criteria, cost sharing relationships, installation and maintenance requirements, and evaluation/modifications/removal procedures.

Moved by Council Member Tim Fruth, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

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

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to proceed with implementing a drainage project for the Payson Ranchos area east of McLane Road, to include acquisition of drainage easements on private property, including condemnation, if necessary, and the installation of storm drain pipe to relieve drainage issues in the area.

LaRon Garrett, Assistant Public Works Director/Town Engineer, explained the Council Decision Request.

Following some discussion.

Motion: Approve Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to proceed with implementing a drainage project for the Payson Ranchos area east of McLane Road, to include acquisition of drainage easements on private property, including condemnation, if necessary, and the installation of storm drain pipe to relieve drainage issues in the area.

Moved by Council Member Tim Fruth, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

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

J. CLAIMS

List of checks. Council approved, on the Consent Agenda, a List of checks paid from 04/14/06 through 04/28/06, Check Nos. 36844 through 37016, except Check Nos. 26892 and 36906, and authorization to file the checks for audit.
CONSENT APPROVED

Check No. 36892. Council approved, on the Consent Agenda, check no. 36892 paid 04/27/06, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Fruth will be considered to have abstained from voting on this item.)
CONSENT APPROVED

Check No. 36906. Council approved, on the Consent Agenda, check no. 36906 paid 04/27/06, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Henley will be considered to have abstained from voting on this item.)
CONSENT APPROVED

Resignation. Council approved, on the Consent Agenda, acceptance of the resignation of Andy Romance from the Green Valley Redevelopment Area Committee, with thanks for a job well done. (Note: due to a perceived and/or conflict of interest, Clmn. Romance abstained from voting on this item.)

CONSENT APPROVED

K. MISCELLANEOUS

There were no items for this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Brewer adjourned the meeting at approximately 9:46 p.m.

Approved:

Date: _____

Barbara G. Brewer, Mayor

ATTEST:

Gaye 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 11 of May, 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