

COMMON COUNCIL OF THE TOWN OF PAYSON
actions OF THE REGULAR MEETING
JUNE 8, 2006

CALL TO ORDER: 6:00 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION (Participation Voluntary) Rodney Ross, Bishop
Church of Jesus Christ of Latter-day
Saints

PLEDGE OF ALLEGIANCE

ROLL CALL: BE_p_ TF _p_ EB _p_ SC _p_ AR_p_ MV_p_ JW_p_

STAFF PRESENT: FC_p_ SIS_p_ GS__ MD__ CPW__ GHG__ SS_p_ JO_p_
LG__ TM__ WS__ RS__

OTHERS PRESENT: Tracie Bailey, Tim Wright, Diane Stoyer, Don Engler, Ted Anderson,

The Council may discuss, consider or take action on any item listed on this agenda.

Council reserves the right to consider any matter out of sequence.

To accommodate all those who wish to address the Town Council and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes.

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

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment _____

will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

No comments

B. CONSENT AGENDA

1. 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. TF-JW-7-0 except G.2 & J.2

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

1. Brief summary oral presentation of current events by Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law Reform Act specifies the Town Council may not take action on any matter mentioned during this presentation unless the specific matter is properly noticed for legal action. _____

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

introduce members of task forces. Lynn Godfrey, water task force chairman, affordability task force chair Rick Croy with Su Connell assisting, Lew Leenson, Kathy Baas, Gene Sampson, Jay Hopkins,

2. Proclamation declaring June 10, 2006, as Payson High School Class of 1996 Reunion Day. Alumni of the PHS Class of 1996 will be present to accept the proclamation.

Read by Tim Fruth wanted to honor those who came back for this

E. MINUTES

- *1. **Council Meeting Minutes:** ***CONSENT***
APPROVAL
- . 03-09-06 Regular Meeting Pages 1-9
 - . 05-23-06 Special Meeting Pages 1-2
 - . 05-23-06 Special Meeting Pages 1-2
 - . 05-24-06 Regular Meeting Pages 1-6

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 Minutes:** ***CONSENT***
- . 05-08-06 Regular Meeting Pages 1-0

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an Application for a Series 12 Liquor License (#12043052) filed by Lawrence David McIntyre, agent, LGA & S, Inc., dba Main Street Grille, 202 W. Main Street, Payson, Arizona 85541. **This is a Public Hearing.** (Note: application on file in the Town Clerk's office.) JW-SC 7-0
2. **This is a Public Hearing** concerning Application P-324-06; request from Bill and Emily Preece and Maria Bleicher, landowners, and Aero Development L.L.C., agent, to amend the Town of Payson General Plan on a 51.6 acre site located north of the Payson Airport from its current designation of "Employment" to "Rural Residential" which is defined as one residence per 1 to 4 acres. The site is located northeast of the Airport. **This is a Public Hearing.** (Note: No action will be taken on this item.) _____

Shane Owens, doesn't want to see heavy traffic, save

for horse trails, etc.

Doug Pelton not an issue of employment. town choosing 2 options, develop in program manner or something less than that. 3 parcels 31.4 acres, east 1.5 one 15.2. requesting 20 home sites instead of 16 as rural residential. airport noise a major issue. benefit as noise buffer. alternative not do a general plan change, notion of losing employment is not true. new document we need to preserve 220 acres employment. we have in growth area.

Ed Blair, You said already residential, I thought it was employment, requiring change of general plan. differential between zoning and general plan. R1-75. reason here. 16 home to 20 to better community.

Fred zoned for 4 homes per acres. need a subdivision.

Andy Romance: trails and equestrian trails.

pelton: Want to make accessible to public. back to Forest service. looking at foot paths.

John W. memo FFA might not make grant funding to improve the airport millions of dollars at stake here.

Pelton: that letter holds no weight. grant assurance # 4 town will lose money if o.k. this project. #2 noise compliance. not appropriate for Payson. Payson not required to have security fencing, creditability of letter if questionable.

Fruth: septic system not in my support. Noise from helicopter. built a new community with people moving in with a lot of money.

Pelton: noise is greater from Matagal subdivision. Sewer is not available. affluent homeowners land very unique. has to be aviation related.

Glenda Roarake: would traffic come out on McClane

Yes.

Peter Stevens: buffer zone. how close will the homes be to runway.

Pelton

Ed Blair:

LaRon: the normal no more than 20

ROmance: lot of detail to be worked out. reasonable use for around airport.

Vogel: thru the gate approach..

Owens: opposed thru the gate employment.

Ralph Bossart: tetra tech. density not there for concern.

Carol Michaelis: are we not to FAA standards.

Pelton: in many cases yes not in a lot. yes it is in standard now but this will improve the standards.

Vogel need something in writing re grant assurance.

Wilson:

Mayor: cannot be employment area affected.

Owens: council will be voting at June 22 meeting, will make presentation then and address issue at that time.

Connell: clarity on FAA issue.

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* APPROVAL**

***2.** Discussion/possible action concerning **Resolution No. 2192**, 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 AMENDMENT TO THE FACILITIES USE AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, FOR USE OF PAYSON MUNICIPAL AIRPORT FACILITIES. (Amendment to

JW-tf 7-0

contract with USFS for use of airport facilities.)

Blair: what is this. cost

Ted: forest service during summer we did not do this not included in regular agreement. about 300 to 400 a month.

Jim Garner: how were utilities taken care of last year. my concern is not legal to recharge and resell to some

- *3. Discussion/possible action concerning **Resolution No. 2193**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE STATE OF ARIZONA, OFFICE OF THE ATTORNEY GENERAL, CIVIL RIGHTS DIVISION. (Agreement to maintain disability access at Green Valley Park.) ***CONSENT* APPROVAL**

4. **Second 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 302-35-007A, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6 (MOGOLLON RIDGE). MV-JW
5-2
fail for lack of super majority

Mark Perry:

Glenn Groenke: represent about 75 residents of payson pines homeowners assoc. walkway or foot path as a buffer between subdivision. If this is not approved by board it would be more dense housing to make more affordable

Glenda Roarake: spoke on april to previous council re: drainage and traffic. desert hill water company. presently getting water piping in from another area. I hope we do not experience that having water.

Croy: price range: 6000 square feet lots.

Mark Perry: \$300,000 range.

Lori Myers: towns water problem is an issue for all of us. we need to solve this problem. Walker said it was another aquafer, isn't that like another straw in the swame glass.

Ken Colick: 6,000 sq foot lot. not a lot of space for a single family home.

Mark Perry: extention of neighborhood. notice that went out for preliminary plat. it will be discussed will discussing with LaRon re: drainage. Open space. use for higher density housing. trails etc. going by town standard.

Vogel: traffic on MCLane,

H. UNFINISHED BUSINESS

~~1.** Council Decision Request filed by Fred Carpenter, Town Manager, to direct staff to:~~

~~(1) Proceed to develop a lease with Hospitality Support Group for the Payson Event Center Project and return to Council for consideration and possible action; or~~

~~(2) Proceed with a new RFP to allow sale of the property, with appropriate deed restrictions for a hotel/conference center facility.~~

**Pulled 6/7/06,
4:00 p.m.

2. Discussion/possible action concerning a possible motion to reconsider the Council's prior action on Application P-317-05 (Forest Edge Rezoning).

_ar-jw

6-1

Andy give applicant a chancre

3. Discussion/possible action concerning Application P-FRUTH MOTION 317-05 (Forest Edge Rezoning). **NOTE** - THIS ITEM TO TABLE TO MAY ONLY BE CONSIDERED IF A MOTION TO RECONSIDER PURSUANT TO H.2 IS MADE AND PASSES.

JULY 13.

TF-SU, 5-2

BE-EB No

I. NEW BUSINESS

1. Council Decision Request filed by Gordon H. Gartner, Chief of Police, to direct the Town Attorney's Office to prepare an ordinance that addresses the problem of graffiti prevention prohibition and removal. TF-JW 7-0

Chief presented.

Fruth: quickest way to prevent is to paint over it right away. is there really a problem or just an ordinance to prevent

Su: we should go ahead,

Blair: have we had conversation to local businesses. to put behind counters. would we be talking to the stores mayor problem not best way to handle this

vogel don't think owner can penalized. can we go after them civilly when we clean it up.

Romance:

Fruth:

Jim Garner: everyone that have paint at their business or home or businesses who have it for sale.

Chief: it would be businesses who have it for sale.

Lori Myers: the tagger behind burger king was it the same person.

Fruth: community service people

Edwards: perpetrator dealt strongly. solve this problem

2. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to award the contract for replacement of the damaged sidewalk on Highway 87 and Highway 260 to Intermountain West Civil Constructions, Inc., and authorize the Mayor to sign all necessary contract documents. TF-EB 7-0

3. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Bonita Pines Condominiums EB-BE Amend, TF-JW

Subdivision as submitted subject to the nine (9) conditions recommended by the Planning and Zoning Commission.

add 10th condition

7-0

Tom Waddington:

Gene Samson: are these units handicapped assessible.

Tom: ground floor will be.

Carol Michaelis: will meet the conditions;

Fruth: are parking spaces will any be covered.

Tom: No

Ed Blair: cost for his 1/2 street. Bonita

LaRon 42,000 dollars not a condition at this time.

4. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the [Manzanita Hills](#) Phase Six Subdivision as submitted subject to the fourteen (14) conditions recommended by the Planning and Zoning Commission.

__MV-JW

5-2

BE-EB No

vogel

Garrett'

Blair

Bruce Developer

Connell

Fruth

Blair

owens: mapping wildlife

- break 8:45 back 8:55
5. Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the [Mazatzal Mountain Air Park Unit 4 Subdivision](#) as submitted subject to the twelve (12) conditions listed in the Planning and Zoning Commission motion. JW-TF, 6-1
EB No
 6. Council Decision Request filed by Mayor Edwards to direct staff to prepare an [ethics policy](#) covering council members, election campaigns and staff. TF-SC 7-0
 7. Council Decision Request filed by Council Member Vogel to direct Town staff to prepare an ordinance to [change regular Council meetings days](#) from the 2nd and 4th Thursdays of the month to the 1st and 3rd Thursdays of the month. MV-EB starting at 5 p.m. 7-0

J. CLAIMS

- *2. List of Checks paid 05/26/06, Check Nos. 37241 through 37411, and authorization to file the checks for audit. ~~*CONSENT*~~
~~APPROVAL~~
EB-SC 7-0

K. MISCELLANEOUS

- *1.** Acceptance, with regrets, of the resignation of Judy Miller from Green Valley Redevelopment Area Committee, with thanks for a job well done. (Letter on file in the Town Clerk's office.) ~~*CONSENT*~~
~~APPROVAL~~
~~**Pulled 6/7/06,~~
~~4:00 p.m.~~
- *2.** Appointment of Council Member Mike Vogel to the Central Arizona Association of Governments (CAAG) Regional Council. ~~*CONSENT*~~
~~APPROVAL~~
~~Pulled 6/7/06,~~
~~4:00 p.m.~~
- ~~*3.** Reappointment of John Schulz and Joel Goode to the Industrial Development Authority, terms to expire June 12, 2012. (Letters on file in Town Clerk's office.)~~ ~~*CONSENT*~~
~~APPROVAL~~
~~**Pulled 6/7/06,~~
~~4:53 p.m.~~
4. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for _____

executive session under ARS 38-431.03.

L. PUBLIC COMMENTS

1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

CLASSIFICATIONS FOR EXECUTIVE SESSION

Note: Should an executive session be convened on any item(s) listed on the regular meeting agenda, Council will review, discuss, or receive advice of Counsel, which will be considered under the respectively approved classifications listed below:

- a. ARS 38-431.03.A.1 Personnel Matters. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
- b. ARS 38-431.03.A.2 – Discussion or consideration of records exempt by law from public inspection; including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
- c. ARS 38-431.03.A.3 – Discussion or consultation for legal advice with the attorney or attorneys of the public body.

- d. ARS 38-431.03.A.4 – Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation.
 - e. ARS 38-431.03.A.5 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
 - f. ARS 38-431.03.A.6 – Discussion, consultation or consideration for international and interstate negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
 - g. ARS 38-431.03.A.7 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase, sale or lease of real property.
 - 1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.
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THE TOWN OF PAYSON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 474-5242 (VOICE) OR 472-6449 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

NOTE: The information discussed in the Executive Session and the minutes of the Executive Session are confidential.

[CLICK HERE FOR PRINTER FRIENDLY VERSION OF AGENDA ONLY!](#)