

COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
MARCH 9, 2006

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| A | Vice-Mayor Buettner called the regular meeting to order in the Council Chambers at approximately 6:00 p.m. followed by an Invocation by Amber Clark, Girl Scout Cadet, and the Pledge of Allegiance led by Lena Bishop, Heather Wortman, Alison Cambier, and Haley Lewis. | Meeting Time
and Place |
| B | ROLL CALL: Mayor Barbara Brewer (present telephonically after the Girl Scout proclamation); 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; Silvia Smith, Town Clerk; Jerry Owen, Community Development Director; William Schwind, Parks and Recreation Director; Marty deMasi (arrived at 7:10 p.m.). | Staff Attending |
| D | OTHERS PRESENT: Tim Wright, Deputy Town Attorney; Police Commander Don Engler; Ray LaHaye, Chief Building Official; Marci Huffman, Chief Deputy Town Clerk. | Others Attending |

PUBLIC COMMENTS

- | | | |
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| E | Rick Croy commented that in 1992 he drilled a well on his property. The Stone Creek development had put in a well that he thought would impact his well. He was told that his well would not be impacted, but if he ever was to let them know. He said it had impacted his well to the point that he must drill deeper and asked what the Town would do. | Croy Well
Impacted. |
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CONSENT AGENDA

- | | | |
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| F | Clmn. Wilson moved, seconded by Clmn. Barriger, to approve all items listed on the Consent Agenda. Motion carried, 6-0. | Consent Agenda
APPROVED |
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CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

- | | | |
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| G | Fred Carpenter, Town Manager, gave an update on the following: <ul style="list-style-type: none"> • Continuing construction on Westerly Road Improvement District, with expected completion at end of April. • Primary Election Process and deadline for ballots. • McLane Road reconstruction project from Forest to | Town Manager
Update |
|---|--|------------------------|

JUN 08 2006 E.1*

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Airport Road are due March 30; bid award April 13.

- March 16 special meeting re the event center is postponed until March 30, 5:00 p.m.

**CEREMONIAL; ANNOUNCEMENTS;
PRESENTATIONS; INTRODUCTIONS**

- A Clmn. Wilson read in full a proclamation declaring March 12-18, 2006, as **Girl Scout Week**. Patty Wortman and members of the Girl Scouts accepted the proclamation. Among the many things that the Girl Scouts do for their community is gathering supplies for the Payson Supply Line. These items go to the troops in Iraq. Butch Klein and Lud Kaftan, who started the supply line, were present and spoke about the project. Girl Scout Week
- B An Invocation was given by Jerry Brown. Invocation

MINUTES

- C **Council Meeting Minutes.** Council approved, on the Consent Agenda, the minutes of the following meetings: *CONSENT*
APPROVED
- . 02-09-06 Regular Meeting Pages 1-8
 - . 02-16-06 Special Meeting Pages 1-3
 - . 02-23-06 Regular Meeting Pages 1-7
- D **Building Advisory Board Minutes.** Council received for information, on the Consent Agenda, the minutes of the following meeting: *CONSENT*
- . 01-18-06 Regular Meeting Pages 381-382
- E Agenda Item I.1 was taken out of order for discussion in order for Camp Verde Councilman Howard Parrish and Joe Butler could return to Camp Verde after the vote. Item I.1 Moved Up
- F Council Decision Request filed by Fred Carpenter, Town Manager, regarding the "Mail Trail Project." Mail Trail Project
- G Clmn. Parrish and Mr. Butler presented packets to council concerning the historic mail trail from Camp Verde to Payson. Work began on the project in 1998. The Forest Service spent \$34,000 on it, and the Town of Camp Verde has allocated \$3,000. They were requesting funding from the Town of Payson to complete the project. The need is for \$1,630 for plaques, and \$1,000 for 750 envelopes. The ride will take place in September. Request for Funding

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- H After positive comments and support by Council, Clmn. Reese **APPROVED**, 7-0
moved, seconded by Clmn. Wilson, to direct staff to include
\$3,000 in the FY 06/07 budget for support of the “Mail Trail”
project. **Motion carried, 7-0.**

HEARINGS AND APPEALS

- A There were no items in this section. No Items

RESOLUTIONS AND ORDINANCES

- B Council approved, on the Consent Agenda, to forego verbal title Forego Title
readings of all resolutions and ordinances. Readings
CONSENT
APPROVED
- C Council approved, on the Consent Agenda, **Resolution No. Res. 2154**
2154, captioned as follows: A RESOLUTION OF THE ***CONSENT***
MAYOR AND COMMON COUNCIL OF THE TOWN OF **APPROVED**
PAYSON, ARIZONA, ACCEPTING THE DRIVEWAY
EASEMENT DESCRIBED IN THE DOCUMENT
ATTACHED HERETO AS EXHIBIT “1” TO PROVIDE
SECONDARY ACCESS TO THE PAYSON MUNICIPAL
AIRPORT.
- D **Second Reading and Public Hearing** concerning **Ordinance Ord. 681 or Ord.**
No. 681, captioned as follows: AN ORDINANCE OF THE **681A –**
MAYOR AND COMMON COUNCIL OF THE TOWN OF **Discharge of**
PAYSON, ARIZONA, ADDING SECTION 93.13 TO THE **Weapons in**
CODE OF THE TOWN OF PAYSON, PROHIBITING THE **Municipal Parks**
DISCHARGE OF BOWS AND ARROWS AND CROSSBOWS
IN, UPON, INTO, OR ADJACENT TO ANY MUNICIPAL
PARK.

OR

Ordinance No. 681A, captioned as follows: AN ORDINANCE
OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.13
TO THE CODE OF THE TOWN OF PAYSON,
PROHIBITING THE DISCHARGE OF CERTAIN WEAPONS
IN, UPON, OR INTO ANY MUNICIPAL PARK.

- E TimWright, Deputy Town Attorney, clarified the language of the Explanation and

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- ordinances. Boy Scouts can do activities with prior written approval. Bill Schwind, Parks and Recreation Director, commented that his department had no problem with organized activities. Comments
- A Vice-Mayor Buettner opened the public hearing. Public Hearing Opened
- B Alex Romberger, District Chairman, and son Eric Romberger, Zane Grey District Boy Scouts of American, Troop 354, applauded the addition of the provision, and also voiced concerns regarding vague language concerning other similar weapons. Eric Romberger addressed 93.13 part B concerning penalty for hitting a target. Boy Scout Comments
- C Other comments were made regarding types of weapons and penalties, as well as the manner in which a weapon is used. Police Commander Don Engler made supporting comments. Other comments.
- D Vice-Mayor Buettner closed the public hearing. Public Hearing Closed
- E Clmn. Henley **moved, seconded** by Clmn. Reese, to approve Ordinance No. 681A. **Motion carried, 7-0**. Ord 681A APPROVED, 7-0
- F **First 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 THE TRUE UP OF WATER DEVELOPMENT FEES FOR MULTIFAMILY LOW INCOME HOUSING TAX CREDIT PROJECTS. Ord. 682 – True Up
- G After an explanation given by Tim Wright, Deputy Town Attorney, Vice-Mayor Buettner opened the public hearing. Public Hearing Opened
- H Rick Croy commented that the provision should be tied to average consumption. Rick Croy
- I Vice-Mayor Buettner closed the public hearing. Public Hearing Closed
- J **First Reading and Public Hearing** concerning **Ordinance No.** Ord. 683 – Zero

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- 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. Lot Line Development
- A Jerry Owen, Community Development Director, explained zero lot line development. It would encourage attached housing in certain zoning districts and he felt this would provide greater variety of home ownership with increasing density. He provided Council with a handout. Explanation
- B Vice-Mayor Buettner opened the public hearing. Public Hearing Opened
- C Dan Donaldson if the structures would be considered town houses or condos. Mr. Owen said they would be sold (fee simple ownership) and could be considered as town houses. Town Homes
- D Mr. Donaldson apologized for his shortsightedness in his last presentation and had since reread the UDC. Even though he thought this type of housing would clean up derelict parts of town, he was concerned about population overgrowth because of this more affordable housing. Concern
- E Mr. Owen understood his concern, but felt it was something that would happen a long ways down the road. Council would have the full opportunity to review those plans. Clmn. Henley added that the real estate market would determine the price of the housing. It would be subjective. Comments
- F Vice-Mayor Buettner closed the public hearing. Public Hearing Closed
- UNFINISHED BUSINESS**
- G Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the subdivision construction of the Mogollon Village Subdivision, including traffic control devices, subject to the developer's two-year warranty of improvements, and to accept the subdivision improvements for Town maintenance under such warranty. Mogollon Village
***CONSENT* APPROVED**

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- H 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 2 Subdivision, including the public traffic control devices and Water Well No. CPW36 subject to the developer's two-year warranty of public improvements, and to accept the public subdivision improvements for Town maintenance under such warranty. Chaparral Pines Phase 3 – Construction Phase 2
***CONSENT* APPROVED**

NEW BUSINESS

- A Council Decision Request filed by Ray LaHaye, Chief Building Official, pertaining to shear panel installations. CDR Shear Panel
- B Ray LaHaye explained the proposed revision to section 602 of the 2003 International Residential Code. It allows another option for builders concerning shear walls, giving another opportunity to have more openings. Shear wall is a 4-foot wide wall that has OSB or wood shear value. It resists wind or seismic forces. He explained shear wall panels. Explanation
- C Clmn. Henley **moved, seconded** by Clmn. Reese to allow the proposed revision to section 602 of the 2003 International Residential Code, pertaining to shear panel installations, to include the modified provisions found in the 2004 Supplement to the International Codes as printed and published by the International Code Council. **Motion carried, 7-0.** Motion APPROVED, 7-0
- D Fire Chief Marty deMasi arrived at 7:10 p.m. Fire Chief
- E The meeting recessed at 7:15 p.m. and reconvened at 7:25 p.m. with all Council Members present, including Mayor Brewer (telephonically). Break – Reconvene
- F Vice-Mayor Buettner presented Clmn. Barriger with a birthday card. Barriger Birthday
- G Council Decision Request filed by Martin deMasi, Fire Chief, to create a resolution to adopt the Town of Payson Hazard Mitigation Plan. CDR – Hazard Mitigation Plan
- H Chief deMasi explained that the State Department of Emergency Management Disaster Mitigation Act was to facilitate pre- and post-recovery efforts. Gila County has also entered into this Explanation

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process. He said the Town had determined to have its own stand along plan. A resolution needed to be written adopting that plan to send on to FEMA. This will enable the Town to apply for disaster relief. The Tonto Apache Tribe has also join the planning process and may provide funding. There could be private contributions also.

- A Clmn. Fruth **moved, seconded** by Clmn. Reese, to approve the appropriation of \$50,000 from Council contingency funds to be used for the construction of fuel break on the southern boundary of the Town of Payson.
- B There was discussion concerning fuel breaks, the use of volunteers to clean up around houses and other areas. Gene Sampson thought it was a good plan and asked if all Town owned lands were cleared of fire hazards. Chief deMasi said they are in good shape but will be revisited. Ed Blair had attended the seminar and found it very helpful. Discussion
- C **Motion carried, 7-0.** Motion
CARRIED, 7-0

CLAIMS

- D Council approved, on the Consent Agenda, a list of checks paid from 1/31/06 through 3/1/06, Check Nos. 35824 through 36216, **except Check No. 36058**, and authorization to file the checks for audit. List of Checks
CONSENT
APPROVED
- E Council approved, on the Consent Agenda, Check No. 36058 paid 2/17/06, 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.)** Check
CONSENT
APPROVED

MISCELLANEOUS

- F 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 Modification
Proposal to Res
2098

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DEVELOPMENT OF A NEW WATER SOURCE.

- A Some Council Members thought that since there was nothing attached to this agenda item to study, and since it was received late, that the item should be postponed until the March 23, 2006, regular council meeting to give Council more time to look at the proposed modifications. No Supporting Documentation
- B Clmn. Barriger **moved, seconded** by Clmn. Wilson to postpone this item until the March 23, 2006, regular council meeting. Motion to Postpone
- C Clmn. Reese said he had sponsored this because there is more information to get. He felt it was an opportunity to unify Payson and Diamond Star. Clmn. Fruth supported the motion because it was an 11th hour timing. There was no paperwork to reveal the specifics. Discussion
- D **Motion carried, 6-1; Clmn. Reese dissented.** Motion CARRIED, 6-1

PUBLIC COMMENTS

- E Bob Edwards expressed concerns regarding Star Valley and Payson. Resolution 2098 was currently held up in court. He expressed concerns of pumping water out of the Horton well. He suggested amendments to the contract which he went over. Vice-Mayor Buettner asked for the proposal in writing. Mr. Edwards handed his proposal to Council. Proposal by Edwards

ADJOURNMENT

- F The meeting adjourned at 7:55 p.m. Adjournment

Approved:

Barbara G. Brewer, Mayor

Date: _____

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 9th day of March, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2005

Marcia F. Huffman, Chief Deputy Town Clerk