

COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
June 8, 2006

CALL TO ORDER

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

INVOCATION

Rodney Ross, Bishop, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member, Andy Romance, Council Member, Mike Vogel, Council Member John Wilson, and Council Member, Susan Connell.

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Silvia Smith, Town Clerk, Glenn Smith, Chief Fiscal Officer, LaRon Garrett, Public Works Engineer, Gordon Gartner, Police Chief, and Jerry Owen, Community Development Director.

OTHERS PRESENT: Tracie Bailey, Deputy Town Clerk, Tim Wright, Deputy Town Attorney, Diane Stoyer, Legal Department Office Manager, Commander Don Engler, and Ted Anderson, Airport Manager

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.

Council Member Blair asked that Items G.2 and J.2 be pulled from the Consent Agenda.

Motion: to approve all items listed on the Consent Agenda except Items G.2 and J.2.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR,

JUL 13 2006 E.2*

AND/OR COUNCIL MEMBER

Fred Carpenter, Town Manager, announced that the fuel break project was approximately 55 percent complete. Remaining to be completed are areas adjacent to the Rim Club.

The Westerly Road project was nearly complete. Ribbon cutting was scheduled for June 20, 2006 at 10:00 am at the new bridge.

The slurry seal maintenance program bid award was scheduled for the June 22, 2006 regular Council meeting. Concerts in the park start at 7:00 pm on Saturday June 17, 2006 at Green Valley Park. The program runs through the end of July on Saturdays except for a special performance on the 4th of July.

The Town of Payson's news and information program, TOP Talk, airs next on June 15, 2006. Guests will include Councilman Mike Vogel discussing goals and objectives for his term of office and Karen Probert, Town newsletter editor, discussing the June 30, 2006 edition.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Mayor Edwards announced that Bill Schwind, Parks and Recreation Director, has been appointed to the Arizona Parks and Recreation Association Board.

Mayor Edwards introduced some citizens on his task forces. Lynn Godfrey and Gary Bedsworth were on the water task force. Rick Croy and Council Member Connell were on the affordable housing task force. Al Poskanzer, John Watt and Al Herk were on the ethics task force. Lew Levenson, Kathy Baas, Gene Sampson and Jay Hopkins were on the defining Payson's future task force.

Vice-Mayor Fruth announced that he had a Proclamation declaring June 10, 2006, as Payson High School Class of 1996 Reunion Day. Alumni of the PHS Class of 1996 were not able to be present to accept the proclamation.

E. MINUTES

Council Meeting Minutes:
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
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.)

Planning and Zoning Minutes:
.05-08-06 Regular Meeting Pages 1-0

CONSENT

F. HEARINGS AND APPEALS

Public Hearing. Mayor Edwards opened the 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.

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

Motion: to approve the 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.

Moved by Council Member John Wilson, seconded by Council Member, Susan Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

Public Hearing. Mayor Edwards opened the 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.

Doug Pelton, Aero Development, stated this was a complicated addition involving three elements which requires a change in the General Plan. Mr. Pelton described those elements to the Council.

Shane Owens has property at 1406 N. McLane. Mr. Owens spoke in support of this development.

Doug Pelton felt this was not an issue of the Town losing employment area. Mr. Pelton was requesting 20 homesites instead of 16 and would develop it as rural residential. Mr. Pelton went over the zoning map with the Council. With the CC&Rs proposed Mr. Pelton believed the airport would have a buffer.

Council Member Blair asked for clarification regarding whether this property was zoned rural residential.

Doug Pelton believed the Council needed to differentiate between zoning and the General Plan. Mr. Pelton stated the parcels are currently zoned residential with four acre lots.

Council Member Romance asked if there were any trails incorporated into the plan.

Doug Pelton stated that trails would be addressed in the zoning phase. Mr. Pelton was looking at putting a foot path around the entire area.

Council Member Wilson referred to a memo in the Council's packet regarding grants to the airport.

Doug Pelton felt they were doing nothing different than Mazatzal Airpark. Mr. Pelton believed the letter from the FAA held no weight. The letter stated the town would lose grant money if this development went in. Mr. Pelton believed the credibility of the letter was questionable.

Council Member Fruth did not support septic systems because of possible contamination of the water system. He also felt noise from the airport would become a problem.

Doug Pelton stated that the CC&Rs would be designed not to let people complain about noise. An alternative sanitation system would be used. Mr. Pelton felt this land was very unique and that affordable housing could not be put in next to an airport since the housing has to be related to aviation.

Glenda Roark asked if the entry and exit would come out on McLane. Mr. Pelton replied yes.

Peter Stevens asked how close the houses would be to the airport runway. Mr. Pelton replied that the boundary from the center of the runway is 250 feet. There was also a vertical rise after that that forces them to build away from the runway. This could also help avoid noise.

Council Member Blair expressed his concern with one access. Mr. Pelton stated that when there is an excess of 20 homes there has to be two accesses.

Council Member Vogel asked if Mr. Pelton could come back later and ask for access to the airport. Jerry Owen, Community Development Director, believed that would be a decision for the Council to make.

Ralph Bossert, Tetra Tech, explained that individual disposal systems were checked and re-checked and would not contaminate the ground water.

Carol Michaelis asked if the airport would have to be brought up to FAA standards because of this building. Mr. Pelton stated that in some cases it is up to standards and is not in some. Improvements will be made to the airport in the future.

Council Member Wilson did not support this rezoning because the Town is extremely short of commercial property.

Mayor Edwards asked if this area was unable to be an employment area. Mr. Owen felt he should defer his presentation until the next meeting so he could get the Council more background information.

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

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. 2192. Mayor Edwards opened 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 contract with USFS for use of airport facilities.)

Pulled from *CONSENT* APPROVAL

Council Member Blair expressed his concerns about the facilities use agreement. Ted Anderson, Airport Manager, explained that the electricity comes from the airports main power supply.

Jim Garner was concerned that it was not legal for electricity to be re-sold to someone else.

Some discussion followed.

Motion: to approve 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.

Moved by Council Member John Wilson, seconded by Vice-Mayor Tim Fruth.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

Resolution No. 2193. Council approved, on the Consent Agenda, 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* APPROVED**

Ordinance No. 685. Mayor Edwards opened the 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).

Glenn Groenke represented 75 members of the Payson Pines Home Owners Association. Mr. Groenke felt people did not get enough input regarding this subdivision. Mr. Groenke expressed concerns regarding the density of this project, increased traffic and people speeding. He would like to see some kind of trail for a buffer between the existing subdivision.

Glenda Roark asked the Council to postpone this item until the problems have been taken care of. Ms. Roark expressed her concerns regarding the water situation.

Rick Croy asked for the price range of the housing. Mark Perry, Developer, replied it would be around \$300,000.

Lori Myers agreed with Mr. Groenke and felt that the water issue was a concern. Ms. Myers asked the Council to consider the water issue.

Ken Collic felt the lot size was very small. Mr. Collic encouraged the Council to question the size of the lots and the water supply.

Mr. Perry considered this an extension of the existing neighborhood. It was a planned area development and would be made as affordable as possible.

Motion: to approve 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).

Moved by Council Member, Mike Vogel, seconded by Council Member John Wilson.

Vote: Motion carried 5 - 2

Yes: Vice-Mayor Tim Fruth, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John

Wilson.

No: Mayor Bob Edwards, and Council Member Ed Blair.

Motion failed 5-2 because Ordinance No. 685 required a super majority vote to pass.

H. UNFINISHED BUSINESS

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

Some discussion followed.

Motion: to approve to reconsider Application P-317-05 (Forest Edge Rezoning).

Moved by Council Member, Andy Romance, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 1

Yes: Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

No: Mayor Bob Edwards.

Forest Edge Rezoning. Mayor Edwards opened discussion/possible action concerning Application P-317-05 (Forest Edge Rezoning).

Some discussion followed.

Motion: table Application P-317-05, Forest Edge Rezoning, to the July 13, 2006 Council meeting.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member, Mike Vogel.

Vote: Motion carried 5 - 2

Yes: Vice-Mayor Tim Fruth, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

No: Mayor Bob Edwards, and Council Member Ed Blair.

I. NEW BUSINESS

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.

Motion: to approve to direct the Town Attorney's Office to prepare an ordinance that addresses the problem of graffiti prevention, prohibition and removal.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Jim Garner was concerned about whether the ordinance for the sale of paint would be on some businesses or all businesses. Mr. Garner felt that if it is through civil court for business to go after the tagger it would cost too much.

Lori Myers asked if the tagger had also hit Burger King. Ms. Myers would like to have a volunteer group to paint over the graffiti.

Following some discussion the Mayor called for the vote.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

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 Constructors, Inc., and authorize the Mayor to sign all necessary contract documents.

Motion: to approve to award the contract for replacement of the damaged sidewalk on Highway 87 and Highway 260 to Intermountain West Civil Constructors, Inc., and authorize the Mayor to sign all necessary contract documents.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

Council Decision Request filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Bonita Pines Condominiums Subdivision as submitted subject to the nine (9) conditions recommended by the Planning and Zoning Commission.

Tom Wadington believed this was consistent with existing zoning and neighboring housing. Mr. Wadington explained that it would not increase drainage flow and will be using less than half of the available water units.

Gene Sampson asked if the units are fully handicapped accessible. Mr. Wadington replied yes, on the ground floor.

Carol Michaelis asked if the nine conditions had been met and what the cost would be. Mr. Wadington replied the conditions would be met, but he could not project the cost yet.

Motion: to approve the Preliminary Plat for the Bonita Pines Condominiums Subdivision as submitted subject to the nine (9) conditions recommended by the

Planning and Zoning Commission.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Following considerable discussion.

Motion: to approve to add half street improvement money set aside for Bonita Street by the developer.

Moved by Mayor Bob Edwards, seconded by Council Member Ed Blair.

Following more discussion the Mayor withdrew his motion and Council Member Blair withdrew his second.

Vice-Mayor Fruth left the dais at approximately 8:20 p.m. and returned at approximately 8:22 p.m.

The Mayor called for the vote on the motion on the floor.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

Mayor Edwards left the dais at approximately 8:34 p.m. and returned at approximately 8:37 p.m.

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.

Jerry Owen, Community Development Director, explained this Council Decision Request.

Al Poskanzer felt the lot on the corner of Fawn Dr. and Chattam was a fire safety issue. Mr. Poskanzer believed if someone built a house facing Fawn Dr. instead of Chattam it would become the 20th lot for this development. Mr. Poskanzer wanted a legal clarification based on past practices of the Town.

Ralph Bossert, Tetra Tech, clarified that the number of lots had been answered tonight. Mr. Bossert stated they could build Fawn Drive, but if the road did not have any traffic, it would become brittle and fall apart. Mr. Bossert stated the developer concurs with all of the conditions and asked for the Council's approval.

Kelly Dorgin felt some concerns would be helped by getting Green Valley Parkway through.

Motion: 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 and two additional conditions to pave Fawn Drive down to Green Valley Parkway and that a repair bond be posted for any damage made to any streets in the project until the project is completed.

Moved by Council Member, Mike Vogel, seconded by Council Member John Wilson.

Kelly Dorgin asked if the construction traffic could be alleviated by building the road. Council Member Vogel replied no.

Mayor Edwards recessed the meeting at approximately 8:44 p.m. The Mayor reconvened the meeting at approximately 8:52 p.m.

The developer answered questions from the Council regarding water credits and amenities.

Vote: Motion carried 5 - 2

Yes: Vice-Mayor Tim Fruth, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

No: Mayor Bob Edwards, and Council Member Ed Blair.

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.

Jerry Owen, Community Development Director, explained this Council Decision Request.

Motion: 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.

Moved by Council Member John Wilson, seconded by Vice-Mayor Tim Fruth.

Vote: Motion carried 6 - 1

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

No: Council Member Ed Blair.

Council Decision Request filed by Mayor Edwards to direct staff to prepare an ethics policy covering council members, election campaigns and staff.

Some discussion followed.

Motion: to approve to direct staff to prepare an ethics policy covering council members, election campaigns and staff.

Moved by Vice-Mayor Tim Fruth, seconded by 0.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

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.

Some discussion followed.

Motion: to approve 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.

Moved by Council Member, Mike Vogel, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

J. CLAIMS

Check Nos. 37241 through 37411. List of Checks paid 05/26/06, Check Nos. 37241 through 37411, and authorization to file the checks for audit. Pulled from *CONSENT* APPROVAL by Council Member Blair.

Council Member Blair questioned Check No 37241 to Fennemore Craig. Following some discussion.

Motion: to approve Check Nos. 37241 through 37411, and authorization to file the checks for audit.

Moved by Council Member Ed Blair, seconded by 0.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

K. MISCELLANEOUS

Council approved, on the Consent Agenda, the acceptance, with regrets, of the **resignation of Judy Miller** from Green Valley Redevelopment Area Committee, with thanks for a job well done.

CONSENT APPROVED

Council approved, on the Consent Agenda, the **appointment of Council Member Mike Vogel** to the Central Arizona Association of Governments (CAAG) Regional Council.
CONSENT APPROVED

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Edwards adjourned the meeting at approximately 9:23 p.m.

_____ Date: _____

Bob Edwards, Mayor

ATTEST:

Silvia Smith, Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Payson held on this day the 8 of June, 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