

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
AUGUST 10, 2006**

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

INVOCATION (Participation Voluntary) Nick Zakharov, First Church of the Nazarene

PLEDGE OF ALLEGIANCE

ROLL CALL: BE__ TF__ EB__ SC__ AR__ MV__ JW__

STAFF PRESENT: FC__ SIS__ GS__ MD__ CPW__ GHG__ SS__ JO__ LG__ TM__ WS__ RS__

OTHERS PRESENT: _____

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. _____

B. CONSENT AGENDA

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.

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. _____
2. **Proclamation** declaring August 18-20, 2006 as **Rodeo Days**. Tina Bruess, Payson Regional Chamber of Commerce, and Rex Hinshaw, Rodeo Committee Chairman, will be present to accept the proclamation. _____

E. MINUTES

- *1. **Council Meeting Minutes:** ***CONSENT***
. 07-06-06 Special Meeting Pages 1-5 **APPROVAL**
. 07-20-06 Special 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. **Surface Transportation Advisory Committee Minutes:** ***CONSENT***
. 05-03-06 Regular Meeting Pages 88-91 **APPROVAL**
. 06-07-06 Regular Meeting Pages 92-95

F. HEARINGS AND APPEALS

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Cristina R. Bruess, agent, Rim Country Regional Chamber of Commerce, for the **122nd Annual World's Oldest Continuous Rodeo** events to take place as follows: _____
- Thursday, 8/17/06, 5:00 p.m. - 9:00 p.m.
Friday, 8/18/06, 5:00 p.m. - 10:00 p.m.
Saturday, 8/19/06, 11:00 a.m. - 4:00 p.m.

at 1400 S. Beeline Highway, Payson, Arizona (Payson Multi-Event

Center). **This is a Public Hearing.** (Application on file in the Town Clerk's office.)

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. 1. Westerly Drive Improvement District: ***CONSENT* APPROVAL**
 - a. Receive a report from the Public Works Engineer concerning the substantial completion of Phase 1 of the Westerly Drive Improvement District.

 - b. Discussion/possible action concerning **Resolution No. 2202**, captioned as follows: RESOLUTION SETTING THE DATE FOR THE HEARING ON THE ASSESSMENT REGARDING TOWN OF PAYSON, ARIZONA, **WESTERLY DRIVE** IMPROVEMENT DISTRICT AND ORDERING THE GIVING OF NOTICE OF SUCH HEARING.

- 3. Discussion/possible action concerning **Resolution No. 2203**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GRANTING A PUBLIC UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY, AND AUTHORIZING THE MAYOR TO EXECUTE THE APPROPRIATE INSTRUMENT TO CONVEY SAID EASEMENT. _____

- 4. Discussion/possible action concerning **Resolution No. 2204**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF APACHE JUNCTION TO ESTABLISH A PARTNERING ARRANGEMENT FOR APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME. _____

- 5. Discussion/possible action concerning **Resolution No. 2205**, 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 GRANT APPLICATION AND GRANT DOCUMENTS FOR THE FY2007 STATE HOUSING FUND GRANT PROGRAM, AND COMMITTING LEVERAGED FUNDS IN THE FORM OF RESOURCES. _____

- 6. ** ~~First Reading and Public Hearing and Adoption~~ concerning **Ordinance No. 691**, captioned as follows: AN ORDINANCE OF _____

THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE TOWN OF PAYSON, SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTION FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS; AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENDITURES, ALL FOR THE FISCAL YEAR ENDING JUNE 30, 2007 AND PROVIDING FOR IMMEDIATE OPERATION AND EFFECT OF THIS ORDINANCE. **First Reading and Public Hearing:**

**Correction 8/7/06

2:25 p.m.

7. ** **First Second Reading and Public Hearing** concerning **Ordinance No. 692**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.38 TO THE CODE OF THE TOWN OF PAYSON TO PROTECT THE TOWN'S ROADWAYS DURING THE CONSTRUCTION OF SUBDIVISIONS AND BUILDINGS. **First Second Reading and Public Hearing.**

**Correction 8/7/06

2:25 p.m.

H. UNFINISHED BUSINESS

1. Consideration of a motion to remove Application P-317-05 (**Forest Edge Rezoning**) from the table.
2. Discussion/possible action 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 (**Forest Edge Rezoning**).

I. NEW BUSINESS

1. **Council Decision Request** filed by Fred Carpenter, Town Manager, to discontinue publication of the Town newsletter, **The Payson Insight**, effective with the fall quarter.
2. **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve the **extension** of the Preliminary Plat for the Payson Area **Habitat for Humanity's** project until 12-15-06, as requested.

J. CLAIMS

No items in this section.

K. MISCELLANEOUS

- 1. Discussion/possible action concerning renewal of [Turf Paradise Off-track Parimutuel Wagering](#) permit for Famous Sam's, located at 307 S. Beeline Highway, Payson. _____

- *2. Appointment of Harry W. Wilson to the Public Safety Personnel Retirement System Board, term to expire 12/31/09. (Application on file in the Town Clerk's office.) ***CONSENT* APPROVAL**

- *3. Appointment of Bob Edwards as NAMWUA representative to replace Judy Buettner. ***CONSENT* APPROVAL**

- *4. Appointment of Robert Sumegi to the Board of Adjustments, to fill the vacancy left by Sarah Nelson, term to expire 12/31/06. (Application on file in the Town Clerk's Office.) ***CONSENT* APPROVAL**

- 5. 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.

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.

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.