

**COMMON COUNCIL OF THE TOWN OF PAYSON  
ACTIONS OF THE REGULAR MEETING  
APRIL 19, 2007**

**CALL TO ORDER:** 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation Voluntary)**     Joe Hittle, Pastor, Calvary Chapel of Payson

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** BE\_p\_ TF\_p\_ EB\_p\_ SC\_p\_ AR\_a\_ MV\_p\_ JW\_p\_

**STAFF PRESENT:** FC\_p\_ SIS\_p\_ GS\_p\_ MD\_a\_ CPW\_a\_ GHG\_a\_ SS\_a\_ JO\_p\_ LG\_p\_ TM\_a\_ RM\_a\_ RS\_a\_

**OTHERS PRESENT:** Gaye, Tessie, Mike Ploughe, Commander Engler, Carol McCauley, Debbie Galbraith

*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.

Shirley Collins re Star Valley water

Wayne Van Horn re rental taxes

Bob McQueen re Ord 695

**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.

MV-JW, 6-0

**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.

Fred Carpenter

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

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

TF re affidavits

JW re "Cinderella" at high school

Fred introduced Debbie Galbraith, new CFO

Mayor re 125th birthday

New Payson Roundup Publisher John Naughton

2. **Proclamation** declaring May 13 - May 20, 2007 as [National Nursing Home Week](#) in Payson. Russ Goddard, Director of Admissions and Marketing Rim Country Health and Retirement Community, will be present to accept the proclamation.

EB presented - Russ Goddard not present to accept.

3. **Proclamation** declaring May 3, 2007 as [National Day of Prayer](#) in Payson. Joe Hittle, Pastor of Calvary Chapel of Payson, will be present to accept the proclamation.

JW read - Pastor Joe Hittle accepted

4. **Presentation** by Mike Ploughe, P.G., on the 2007 [Water Resources Status Report](#).

Questions from Gary Bedsworth and Shirley Collins

**E. MINUTES**

- 1.\* [.02-15-07 Special Meeting](#) Pages 1-3

.03-31-07 Special Meeting Pages 12197-12198

**\*CONSENT\* APPROVAL**

To mayor for signature

**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.)**

**Airport Advisory Committee Minutes:**

2.\* .12-05-06 Regular Meeting Pages 62-63

**\*CONSENT\***

3.\* **Planning and Zoning Commission Minutes:**

.03-12-07 Regular Meeting Pages 1-6

**\*CONSENT\***

4.\* **Surface Transportation Advisory Committee Minutes:**

.02-07-07 Regular Meeting Pages 115-118

.03-07-07 Regular Meeting Pages 119-122

**\*CONSENT\***

5.\* **Building Advisory Board Minutes:**

.03-27-07 Regular Meeting Pages 404-405

**\*CONSENT\***

**\*\*Agenda Item H.2 moved here.\*\***

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Ann M. Stoner, agent, Payson Pro-Rodeo Committee, for the Spring Rodeo event to take place at the Payson Event Center on Friday, May 18, 2007, 5:00 p.m. to 10:00 p.m. and Saturday, May 19, 2007, 5:00 p.m. to 10:00 p.m. **This is a Public Hearing.** (Application on file in the Town Clerk's office.)

??moved, SC second, 6-0 - to mayor for signature

**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. 2258**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTIONS 33.55 THROUGH 33.59 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON, CREATING PAYSON'S DESIGN REVIEW BOARD, AMENDING SECTIONS 15-02-013(F) (5) AND (6) AND 15-02-014(D) AND (E) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

3. **Second Reading and Public Hearing** concerning **Ordinance No. 713**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CREATING PAYSON'S DESIGN REVIEW BOARD AND AMENDING THE DESIGN REVIEW APPLICATION PROCESS.

**Second Reading and Public Hearing**

Taken together. JO reported GVRA supports approval. Wants to be involved if changing GVRA standards. Delete 33.5B (out of town rep on Board) Jeanie Langham-removing conditions on outside town members. Jim Garner - leave as is. TF-JW, 6-0 - To Sam for signature

- 4.\* Discussion/possible action concerning **Resolution No. 2267**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

**\*CONSENT\* APPROVAL**

To Sam for signature.

- 5.\* Discussion/possible action concerning **Resolution No. 2268**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

**\*CONSENT\* APPROVAL**

To Sam for signature

- 6.\* Discussion/possible action concerning **Resolution No. 2269**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

**\*CONSENT\* APPROVAL**

To Sam for signature

- 7.\* Discussion/possible action concerning **Resolution No. 2270** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

**\*CONSENT\* APPROVAL**

To Sam for signature

- 8.\* Discussion/possible action concerning **Resolution No. 2271** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING TITLE TO CERTAIN REAL PROPERTY DESCRIBED IN THE WARRANTY DEED ATTACHED HERETO AS EXHIBIT "1", PERTAINING TO THE PAYSON ROAD IMPROVEMENT PROJECT.

**\*CONSENT\* APPROVAL**

To Sam for signature

9. Discussion/possible action concerning **Resolution No. 2273** captioned as follows: A RESOLUTION OF THE TOWN OF PAYSON, ARIZONA, CONSENTING TO THE FORMATION OF THE CANYON RIVER RANCH DOMESTIC WATER IMPROVEMENT DISTRICT.

MV absent for vote - TF/JW, 5-0 - To Sam for signature

10. **Second Reading and Public Hearing** concerning **Ordinance No. 711** 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 1002 WEST AIRPORT ROAD, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-055, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO M-2 (TOWN'S MAINTENANCE FACILITY).

**Second Reading and Public Hearing**

TF-JW, 4-2 BE, MV opposed - To Sam for signature

11. **Second Reading and Public Hearing** concerning **Ordinance No. 712** 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 401 SOUTH RIM CLUB PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-330, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-18(401 SOUTH RIM CLUB PARKWAY).

**Second Reading and Public Hearing**

Ralph Bossert, Tetra Tech, Mark Voss, Owner - TF-JW, 6-0 - To Sam for signature

**H. UNFINISHED BUSINESS**

1. **Council Decision Request** filed by Fred Carpenter, Town Manager, to direct staff to issue a call for bids for lease of **Payson Municipal Airport** to an independent non-profit corporation.

BE-??, 6-0

2. **Council Decision Request** filed by Donald B. Engler, Police Commander, to direct the legal staff of the Town of Payson to draft an Intergovernmental Agreement between the Town of Payson and the Town of Star Valley regarding law enforcement services for that community and to authorize legal counsel to prepare the agreement for a total of 3-5 years.

Rick Croy opposed to servicing Star Valley

Robert Henley supported #1 and #2

BE-?? to accept #4. Failed 2-4. TF, SC, MV, JW - no

## I. NEW BUSINESS

1. **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for ~~The Frontier Cove at Sawmill Crossing~~ **The Frontier Cove at** Condominium Subdivision subject to the conditions recommended by the Planning and Zoning Commission.

Ralph Bossert comment. TF/MV, 6-0 w/2 amendments.

- 2.\* **Council Decision Request** filed by Rick Manchester, Parks and Recreation Director, to approve the fireworks display contract in the amount of \$10,000 with Fireworks Productions of Arizona, Ltd. for the annual fireworks display at the Green Valley Park. Event will be held on July 4, 2007.

**\*CONSENT\* APPROVAL**

3. **Council Decision Request** filed by Jerry Owen, Community Development Director, to authorize Council contingency funds in an amount not to exceed \$15,000 for the Payson Signage Study and authorize the Mayor to execute the contract and any necessary documents.

J. Garner comment. TF/JW, 6-0.

## J. CLAIMS

- List of checks paid from 3/22/2007 through 3/30/2007, Check Nos. 41190
- 1.\* through 41347, and authorization to file the checks for audit.

**\*CONSENT\* APPROVAL**

## K. MISCELLANEOUS

The following applications are on file in the Town Clerk's office.

SC introduced Housing Advisory Commission.

- 1.\* Appointment of Melvin J. Sorensen to the Parks and Recreation Advisory Committee, term to expire December 31, 2007.

**\*CONSENT\* APPROVAL**

- 2.\* Appointment of Richard Croy to the Housing Advisory Commission, term to expire December 31, 2009.

**\*CONSENT\* APPROVAL**

- 3.\* Appointment of Cliff Potts to the Housing Advisory Commission, term to expire December 31, 2008.

**\*CONSENT\* APPROVAL**

- 4.\* Appointment of Bruce Hopkins to the Housing Advisory Commission, term to expire December 31, 2009.

**\*CONSENT\* APPROVAL**

- 5.\* Appointment of Mike Foil to the Housing Advisory Commission, term to expire December 31, 2008.  
**\*CONSENT\* APPROVAL**
- 6.\* Appointment of Michael Hughes to the Housing Advisory Commission, term to expire December 31, 2009.  
**\*CONSENT\* APPROVAL**
- 7.\* Appointment of Kevin Alderson to the Housing Advisory Commission, term to expire December 31, 2007.  
**\*CONSENT\* APPROVAL**
- 8.\* Appointment of Dave Coombes to the Housing Advisory Commission, term to expire December 31, 2007.  
**\*CONSENT\* APPROVAL**
9. 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.

No public comment.

**Meeting adjourned at 7:42 p.m.**

#### **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.

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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.**