

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
May 3, 2007**

CALL TO ORDER

Mayor Edwards called the meeting to order at approximately 5:36 p.m. in the Town Hall Council Chambers.

INVOCATION

Council Member Ed Blair gave the Invocation, since Father William Gyure was not present.

PLEDGE OF ALLEGIANCE

PRESENT: 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.

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Glenn Smith, Chief Fiscal Officer, Colin Walker, Public Works Director, LaRon Garrett, Public Works Engineer, Jerry Owen, Community Development Director, and Rick Manchester, Parks & Recreation Director.

Mayor Edwards said that the item concerning Tyler Parkway (Agenda Item G.4, Ordinance No. 715) would be moved to after Ceremonial; Announcements; Presentations; Introductions. He requested that comments be to the point with no repeat of concerns and that one person represent a group.

- 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.

Clmn. Wilson moved, seconded by Clmn. Blair, to approve all items listed on the consent agenda. Motion carried, 6-0. Vice-Mayor Fruth was absent from the chambers.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Clmn. Wilson told everyone that the Longhorn Cultural Chef Event was happening this evening from 6:00 p.m. to 8:00 p.m.

Mayor Edwards commented on the popularity of the car show. This weekend will be the nationally recognized Mountain Bike Race. People will be able to get the

signature of Mike Tinker Sunday at Main Street Grille when awards are handed out. The Mayor also congratulated Rick Manchester, Parks and Recreation Director, for turning 40 today.

Clmn. Connell announced the first First Friday Art Event from 5:00 p.m. to 8:00 p.m. on Main Street.

2. Clmn. Romance read a proclamation declaring May 17-19, 2007 as Payson Western Wear Days. John Landino was presented to accept the proclamation. Proceeds from the sale of various pink items will go to support breast cancer research.
3. Mayor Edwards read a proclamation declaring May 2007 as Foster Care Month. Mr. and Mrs. Stonebrinks and their foster children accepted the proclamation.
4. Clmn. Vogel expressed his appreciation for police officers and read a proclamation declaring May 13-19, 2007 as Police Week, and May 15, 2007 as Peace Officers' Memorial Day. Police Officer Lorenzo Ortiz, Sgt. George Scott of the Sheriff's Office, and Officer Seth Meske of the Department of Public Safety were present to accept the proclamation.

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.

Town Manager Fred Carpenter gave an update on the following projects. The Mud Springs project from Frontier Elementary School to Granite Dells Road has been advertised with bids due June 5, 2007. The bid award should be on June 21, 2007, with construction to begin in July. The St. Phillips/Bonita Street project is approximately two weeks behind the Mud Springs project.

On May 17 the results of bidding to complete surface improvements on Longhorn Road between the Beeline and McLane Road will be presented. If awarded, the project will proceed in June.

Applications are available for the 4th Annual Payson Citizens Leadership Academy. There is room for 25 students with classes running from August through early November. Deadline to apply is July 31, 2007.

- G.4. First Reading and Public Hearing concerning Ordinance No. 715, 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 900, 1100, AND 1101 NORTH TYLER PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-23-0038C AND 302-23-039A, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED

HERETO, FROM R1-175 TO R1-35PAD (MOGOLLON VIEWS). First Reading and Public Hearing.

Mayor Edwards moved Agenda Item G.4 concerning Ordinance No. 715 forward on the agenda.

John Kirkpatrick expressed his concerns that he was not allowed to put in a swimming pool, but they are going to build 88 town homes. Another concern was that he would have to look at rooftops, plus it would diminish elk habitat.

Larry Brophy, representing others, said although he had met with Mr. West several times and found him personable, he felt the group meetings were meant to divide and conquer. He opposed the proposed density. He brought up the issue of the Tower Well and said that 80% were opposed to the PAD-18 and 40 condos fronting on Tyler Parkway. The R-90 was acceptable.

Frank Menendez was opposed and would like to have contact with each group.

Mike Foil expressed his opinion that it was a good plan except for the condos.

Dawn Brunson spoke in favor of the development, and thought it was a nice mix that would benefit the town.

Rick Croy read a prepared statement and encouraged council to do what was best for Payson. It would take a super majority vote.

Ben Bruner had purchased 8 acres next to the development. He mentioned the petitions given to Planning and Zoning. He thought that the R1-175 zoning would be permanent and objected to the density because of water and congestion concerns and that it would be detrimental to wildlife habitat.

Robert Green was opposed.

Enzo Crabelli who moved to Payson a year ago from New England described what happens when a town becomes congested. He opposed the condos.

Gail Gee presented her objections to the project even though Mr. West has made concessions. It was not in line with the General Plan.

There being no further public comment, Mayor Edwards closed the public hearing.

The Mayor suggested that each group identify a person to meet together to work something out. Deputy Town Attorney Tim Wright said that if the project had fundamental changes, then they would have to start over. Clmn. Connell believed Mr. West was trying to do the best thing and she was in hopes all the people could get together and work something out.

E. MINUTES

There were no items in this section.

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.

There were no items in this section.

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.

Gene Sampson commented on the bright orange tarped fence that was put up by Terra Capital.

Mayor Edwards acknowledged Penny Pew of Cong. Rick Renzi's office. Mary Turner of the Payson Roundup was also present and is now on the Town beat. Jenny Dunnance was introduced from the Rim Country Gazette.

5. Presentation of Code of Ethical Behavior for Town Officials and Town Employees, by Dr. Al Poskanzer, Ethics Task Force.

Dr. Al Poskanzer gave a PowerPoint presentation, along with short video clips of Mary Jennings (ASU) lectures, as a summary of 10 months of work by the Ethics Task Force. Dick Reese gave credit to the task force and also to the Town Attorney's office for supplying space and providing legal review. Dr. Poskanzer urged Council to adopt the policy.

Mayor Edwards commended the task force and suggested a motion to accept the report and to direct the attorneys to bring it back (as an ordinance). Clmn. Blair moved, seconded by Clmn. Connell. Clmn. Vogel wanted extra time to look at. There would be two readings of the ordinance which should give council time to dissect it.

After some discussion, it was concensus of council to bring the ordinance back for first reading in 60 days.

Motion carried, 7-0.

F. HEARINGS AND APPEALS

1. This is a Public Hearing concerning an application for an amended Series 12 Liquor License (#12043059) filed by John V. Back, Jr., agent, Main Street Grille LLC, 202 W. Main Street, Payson, Arizona. This is a Public Hearing. (Note: application is on

file in the Town Clerk's Office.)

Mayor Edwards opened the public hearing. There were no comments.

Mayor Edwards closed the public hearing.

Clmn. Vogel moved, seconded by Clmn. Wilson, to approve the Main Street Grille's application for an amended Series 12 Liquor License. Motion carried 5-0; Vice-Mayor Fruth and Clmn. Romance had left the chambers.

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* APPROVED

2. Discussion/possible action concerning Resolution No. 2274, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE FINAL PLAT AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR MAZATZAL MOUNTAIN AIR PARK UNIT 4 SUBDIVISION.

LaRon Garrett, Town Engineer, explained the ordinance.

Mayor Edwards opened the public hearing. There were no comments and Mayor Edwards closed the public hearing.

Clmn. Vogel moved to approve Resolution No. 2274, seconded by Clmn. Wilson. Motion carried, 5-0

3. First Reading and Public Hearing concerning Ordinance No. 714, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF SECTION 152 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDMENTS TO DRAINAGE REQUIREMENTS). First Reading and Public Hearing.

Vice-Mayor Fruth and Clmn. Romance returned to the chambers.

Mayor Edwards opened the public hearing.

LaRon Garrett, Town Engineer, explained the reason for the amendments.

Mayor Edwards closed the public hearing.

H. UNFINISHED BUSINESS

1. ** Discussion/possible action concerning a motion to reconsider a Star Valley Intergovernmental Agreement for law enforcement services.**Added 4/30/07 2:30 p.m.

Clmn. Connell moved, seconded by Clmn. Wilson, to reconsider a Star Valley Intergovernmental Agreement for law enforcement services. Motion carried, 7-0.

2. ** Council Decision Request filed by Commander Don Engler 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. This agreement will be for a two-year period in the amount of \$258,300.00 each year. If this agreement were entered into, the Town of Payson would hire two police officers and purchase two police vehicles to assist in providing this service to the Town of Star Valley. Along with this agreement, there will be a clause to provide overage protection for the Town of Payson and any single call that generates more than 100 man-hours would be charged at the rate of \$45.00 per hour. **Added 4/30/07 2:30 p.m.

There was discussion concerning the need for two officers and two vehicles and the upcoming retirement of two employees with four employees in the DROPS program. There was also discussion that Star Valley should have its own police department in place at the end of two years, plus concerns about lawsuits over water.

Vice-Mayor Fruth said that since other issues were tied to this, he moved to extend the current contract for 31 days until other contracts are looked after. Motion was seconded by Clmn. Romance.

Mayor Edwards, although disappointed about not working out a water agreement, felt that this was a different issue, and that the Town had the responsibility of being a good neighbor since Star Valley was a new Town, just like Payson once was.

Clmn. Blair reminded all that there were children who attended schools in Payson who needed police protection also. Clmn. Connell said that Star Valley residents shop in Payson. With the drug problems in the area and Payson wanting to become drug-free, not helping with police protection could escalate the problem.

Motion failed, 3-4. A roll call vote was taken: Clmn. Wilson, no; Clmn. Vogel, yes; Vice-Mayor Fruth, yes; Clmn. Connell, no; Clmn. Romance, yes; Clmn. Blair, no; Mayor Edwards, no.

Clmn. Wilson moved to approve the Council Decision Request. Motion carried, 4-3. A roll call vote was taken: Clmn. Blair, yes; Vice-Mayor Fruth, no; Clmn. Vogel, no; Clmn. Romance, no; Clmn. Connell, yes; Clmn. Wilson, yes; Mayor Edwards, yes.

I. NEW BUSINESS

1. Council Decision Request filed by Rick Manchester, Parks & Recreation Director, to authorize the Town Manager (P&R Director) to proceed with the purchase of playground equipment and related materials in the amount of approximately \$72,000. OR Authorize staff to proceed with phase 1 and phase 2 of the Rumsey Park playground equipment. Phase 2 will be funded from the development impact fees in the 2007/2008 budget.

Rick Manchester explained his request using pictures. He was commended for his work.

Clmn. Wilson moved to authorize staff to proceed with phase 1 and phase 2 of the Rumsey Park playground equipment. Phase 2 will be funded from the development impact fees in the 2007/2008 budget. Clmn. Blair seconded the motion. Motion carried, 7-0.

2. Council Decision Request filed by Fred Carpenter, Town Manager, to authorize the Mayor to sign an agreement with CGI Communications, Inc., the e-link division to provide a Community Video Showcase for the Town of Payson.

Mr. Carpenter explained the program. There is no cost.

Clmn. Wilson moved, seconded by Clmn. Vogel, to authorize the Mayor to sign an agreement with CGI Communications, Inc., the e-link division to provide a Community Video Showcase for the Town of Payson. Motion carried, 7-0.

3. Council Decision Request filed by Carol McCauley, Main Street/Redevelopment Manager, to approve the Town of Payson as a major sponsor for the 125th Anniversary. This includes, but is not limited to, being a "Bronco Buster" sponsor in the amount of \$5000, a booth at the League of Arizona Cities and Towns Annual Conference in the amount of \$2000, and participating in promoting the 125th by such efforts as placing the 125th logo behind the Council dais and installing 125th banners throughout the town. Any additional support and details to be approved by the Town Manager, Fred Carpenter.

Carol McCauley complimented all the people who were getting involved and the committee, Diana Sexton, Ginger Edwards, and Gary Bedsworth. Other areas of the state are also getting involved, plus the Arizona State Lottery. The 125th logo is being designed. Sponsorships were explained concerning the banners for the Town. All will culminate on October 4, 5, 6, and 7, 2007. Clmn. Connell has been working as liaison. Mayor Edwards thought it was a chance to showcase the town and would bring in considerable sales tax and give Payson a great tourism start. Clmn. Vogel was supportive but wanted to see reports.

Clmn. Vogel moved, seconded by Clmn. Connell to approve the Council Decision Request for \$7,000.

The League booth was discussed and has been planned.

Motion carried, 7-0

4. 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. (Note: to be green sheeted.)

This item was postponed until the Town Manager gets written confirmation from the FAA.

J. CLAIMS

There were no items in this section.

K. MISCELLANEOUS

There were no items in this section.

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.

There were brief comments on the Hazardous Waste Disposal Project.

ADJOURNMENT

The meeting adjourned at approximately 8:14 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 regular meeting of the Town Council of the Town of Payson held on this day the 3 of May, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2007.

Marcia F. Huffman, Chief Deputy Town Clerk