

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
June 21, 2007**

CALL TO ORDER

Vice-Mayor Fruth called the meeting to order in the Council Chambers at approximately 5:30 p.m.

INVOCATION

Pastor Joe Hittle, Calvary Chapel, gave the invocation.

PLEDGE OF ALLEGIANCE

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

ABSENT: Mayor Bob Edwards, and Council Member, Andy Romance.

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

OTHERS PRESENT: Commander Don Engler; Sgt. Rod Mamero; Sgt. John Heflin; Tessie Flores, Deputh Town Clerk; Marci Huffman, Chief Deputy Town Clerk.

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.

Mike Foil expressed his concerns regarding the analysis of growth projects in town.

Daisy Flores, Gila County Attorney, presented the Officer of the Quarter Award to Police Chief Gordie Gartner. Chief Gartner accepted the award and commented on his years in law enforcement. He introduced his wife and son. He will be retiring June 30th.

- 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 Regular Council agenda.

Clmn. Wilson moved, seconded by Clmn. Vogel, to approve the Consent Agenda. Motion carried, 5-0.

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, Town Manager, gave an update on the following:

Jail District to upgrade detention facilities around the County that could mean more taxes for residents.

New concrete dance floor at Green Valley Park in preparation for Payson's 125th anniversary.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Clmn. Blair commented on a meeting in Globe.

2. Proclamation declaring the month of July as Recreation and Parks Month. Rick Manchester, Parks and Recreation Director, will accept the proclamation.

Clmn. Connell read in full the proclamation and Rick Manchester, Parks and Recreation Director, accepted.

E. MINUTES

1. * Council Meeting Minutes:
. 05-17-07 Regular Meeting Pages 1-10
. 06-08-07 Special Meeting Pages 1-2
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.)

2. * Housing Advisory Commission Minutes:

. 05-16-07 Regular Meeting Pages 001-002
CONSENT

3. * Green Valley Redevelopment Area Committee Minutes:
. 01-04-07 Regular Meeting Pages 540-541
. 03-01-07 Regular Meeting Pages 546-548
. 04-19-07 Regular Meeting Pages 549-551
CONSENT
4. * Planning and Zoning Commission Minutes:
. 05-04-07 Regular Meeting Pages 1-9
CONSENT

F. HEARINGS AND APPEALS

There were no items in this section.

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. 2285, 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 BONITA PINES CONDOMINIUM SUBDIVISION.

Motion: to Approve Resolution No. 2285, 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 BONITA PINES CONDOMINIUM SUBDIVISION.

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

Vote: Motion carried 5 - 0

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

3. * Discussion/possible action concerning Resolution No. 2286, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE, PURSUANT TO A.R.S. SECTION 48-262(f), AN ANNEXATION OF ADDITIONAL TERRITORY INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF THOSE CERTAIN PARCELS OF REAL PROPERTY AS DENOMINATED ON THE ATTACHED

EXHIBIT "A", (500 S. RIM CLUB PARKWAY, PAYSON, ARIZONA, CHRIS PERKES AND GINA PERKES, OWNERS, ASSESSOR'S PARCEL NO. 304-01-331B).

CONSENT APPROVED

4. * Discussion/possible action concerning Resolution No. 2287, 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* APPROVED
5. * Discussion/possible action concerning Resolution No. 2288, 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* APPROVED
6. Discussion/possible action concerning Resolution No. 2289, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF ** THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION OF SERVICES #07-01 PAYSON MUNICIPAL AIRPORT MASTER PLAN UPDATE AND ADDENDUM NO. 1 THERETO BETWEEN THE TOWN OF PAYSON AND COFFMAN ASSOCIATES, INC. **Removed 6/20/07, 9:00 a.m.
7. * Discussion/possible action concerning Resolution No. 2290, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF ** THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE INGRESS, EGRESS AND PUBLIC UTILITY EASEMENT RECORDED IN THE OFFICE OF THE GILA COUNTY RECORDER AT FEE #2001-4269 (1804 EAST UNDERWOOD LANE). *CONSENT* APPROVED **ADDED 6/19/07, 1:00 p.m.
8. Second 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). Second Reading and Public Hearing.

Dave West, owner and developer of Mogollon Views, gave a PowerPoint presentation concerning his development. He requested rezoning from R1-175 to R1-35 to build 114 homes. The larger lots would be adjacent to other neighborhoods. Two-thirds of the one-acre lots will be open to maintain the forest look and respect the view. He would contribute toward the workforce housing fund.

Vice-Mayor Fruth opened the public hearing.

When asked if he had met with the people in neighborhoods bordering his property, Mr. West had heard from no one. He also said that there were ATV roads on his property and someone had put up an archery range. There are six distinct neighborhood groups and Mr. West was urged to set up a meeting with people from these neighborhoods.

Larry Brophy, who lives near Mr. West's property, said that no one had used the archery target in two and one-half years and he had never seen or heard any ATVs.

Sharlyn Kirkpatrick spoke against the project stating they had moved to the area because of the rural two-acre lots.

Gail Gee, another resident of the area, spoke against the proposed 114 homes, stating there were many smaller lots for sale.

Jerry Owens, Community Development Director, said the Planning and Zoning Commission did vote to recommend approval with sixteen conditions.

Vice-Mayor Fruth closed the public hearing.

Vice-Mayor Fruth moved, seconded by Clmn. Wilson, to table to July or when all council members are present. Motion carried, 5-0.

- 9.A Second Reading and Public Hearing concerning Ordinance No. 718, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN THE WATER DEVELOPMENT FEE. Second Reading and Public Hearing.

OR

- 9.B Second Reading and Public Hearing concerning Ordinance No. 718A, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN THE WATER DEVELOPMENT FEE. Second Reading and Public Hearing.

Jim Hipple, co-chair of the Citizens' Awareness Committee, provided a handout stating he wanted higher impact fees.

Jim Garner said his concern was the difference between the ordinances. In one part of the money would be strictly for Blue Ridge. If council felt that strongly about it, they should require a super majority from any future council to change it.

Fred Carpenter and Town Attorney Sam Streichman spoke concerning the procedure of changing the rates in the future.

Vice-Mayor Fruth closed the public hearing.

Clmn. Wilson moved to approve Ordinance No. 718. The motion died for lack of a

second.

Clmn. Blair moved to adopt Ordinance No. 718A with a minimum of \$4,000 to go toward Blue Ridge recapture, and that it shall be allocated unless the then sitting council votes to change it by a super majority.

Clmn. Vogel asked Mr. Streichman if this was legal. Mr. Streichman said there were two issues. One being that council should define what super majority because there were different types of super majorities. Secondly, it did not matter what this council did because another council could change this ordinance by a simple majority.

Motion died for lack of a second.

Clmn. Vogel moved to approve Ordinance 718A as written. Motion was seconded by Clmn. Connell.

Vice-Mayor Fruth said it concerned him because this was actually a tax and he did not want to vote for something just because. He would support this because it was designating a certain amount of money for Blue Ridge.

Motion carried, 5-0.

H. UNFINISHED BUSINESS

1. * Council Decision Request filed by LaRon G. Garrett, Town Engineer, to approve the subdivision construction of the Boulder Creek 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. *CONSENT* APPROVED
2. Council Decision Request filed by Rick Manchester, Parks and Recreation Director, to award a contract to Custom Courts Inc. of Scottsdale, Arizona, ** in the amount of \$141,248 for the renovation of Rumsey Tennis courts. **Added 6-19-07, 1:00 p.m.

Motion: to Approve 2. Council Decision Request filed by Rick Manchester, Parks and Recreation Director, to award a contract to Custom Courts Inc. of Scottsdale, Arizona, ** in the amount of \$141,248 for the renovation of Rumsey Tennis courts. **Added 6-19-07, 1:00 p.m.

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

Vote: Motion carried 5 - 0

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

I. NEW BUSINESS

There were no items in this section.

J. CLAIMS

There are no items in this section.

K. MISCELLANEOUS

- 1. 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

There were no public comments.

ADJOURNMENT

The meeting adjourned at approximately 6:34 p.m.

_____ Date: _____

Bob Edwards, Mayor

ATTEST:

Marcia Huffman, Chief Deputy 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 21 of June, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2007.

Marcia Huffman, Chief Deputy Town Clerk