

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
MAY 15, 2008**

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

INVOCATION (Participation Voluntary) Pastor Ken Curl
Payson Christian Church

PLEDGE OF ALLEGIANCE

ROLL CALL: BE_p_ TF _p_ EB _p_ SC _p_ AR_a_ MV_p_ JW_p_

STAFF PRESENT: DG_p_ SIS_a_ DH__ MD__ CPW__ DBE__ SS__ JO__ LG_p_ TM__
RM__ CD__

OTHERS PRESENT: _Tim Wright,___Tracie,
Marci_____

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.

Moved I.3 After section F

AS – read prepared statement re Longhorn Rd. Speed limit. STAC thinking of raising to 35 mph. Against it. Council asked LaRon to look into it.

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.

/TF pulled G.4. EB, with exception of 4, 5, 6, 7, 8, 9., MV 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.

TM Frontier paved, Water Conservstaff 201 4th graders; water conser get from TM.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

EB – next meeting starts at 4:00 pm on Tuesday, May 27th. Farewells and new councilmembers sworn in, budget.

Su – many community events going on this weekend. Rodeo, AeroFair, Roast at Main Street Grille – SC

Vendors at Presbyterian Church – JW BE Elks Club Fair. 26th Memorial Day Tribute to vets.

Gaye Stidham's son Russ passed away this week. Memorial at Pine

Kit McGuire – Elyse Black Day. BE presented to KM. Concert jazz/pop concert. 6-9 May 29

2. **Proclamation** declaring Sunday, May 25th, and Monday, May 26th, 2008, Memorial Day as "**Days to Remember and Honor Our Veterans.**" Sherman Alston, executive member of the Payson Patriotic Events Committee and Commander of Payson's American Legion Post, will be present to accept the proclamation.

JW – Sherman and Richard Hall, Commander of VFW. The Wall coming to

GVP. Motorcycles. Wed 6/4. 6/5 escorted in. Main and GVP. Through the 8th. JW – welcome group as they go down Main St.

E. MINUTES

1.* Council Meeting Minutes:

- . 04-17-08 Special Meeting Pages 1-3
- . 05-01-08 Regular Meeting Pages 1-9

***CONSENT* APPROVAL**

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.* Green Valley Redevelopment Area Committee Minutes:

- . 04-03-08 Regular Meeting Pages 589-591
- . 04-17-08 Special Meeting Pages 592-594

***CONSENT* APPROVAL FOR INFORMATION**

3.* Surface Transportation Advisory Committee Minutes:

- . 04-02-08 Regular Meeting Pages 161-164

F. HEARINGS AND APPEALS

There are no items in this section.

G. RESOLUTIONS AND ORDINANCES

Item I.3 discussed prior to 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. 2372**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-03-006 AND AMENDING SECTION 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (REGULATING FENCES)

Taken with Ord. 737. no public comment. MV opposed. Put self in place of homeowner. Not fair to homeowners. Keep nose out of it. Private rights. EB is in favor because of orange fence. Under E.1 fence design (add light-reflective of 35). Illustrations helpful. MV no construction of fences problem, but throw in entire town. Approved by Design Review committee.- no. EB orange fence. P&Z started working this prior to orange fence

issue. TW – complaints about orange fence at that time no ord. Ord. construction type fence. Can do different ways on it. Need to tell staff what it needs to be. Cost still not determined. EB is that true? TF – CCRs still in? JO like most zoning regs, strictest rule would apply. Less restrictive rules, town would come in (TF). Orange fence was not really a construction fence. One size doesn't fit all. SU- agree with MV, TF. Orange fence isolated event that got out of control. Big brother stepping in again. BE there are some incidents have to address. Look of fences. Corners that are dangerous. Will support but could come back for relook. EB – no fence ord. now. Flowing wells did not have CCRs because it wasn't developed. Su said out of control. Gov't. need to control. Maybe just come in and get a permit. Still thinks much time has been spent on this with many people involved.

MV CCRs not homeowners assn. TF need to have something. If this doesn't pass, it can always come back in another form. TW said it could come back any time. P&Z and a notice process. Come back with fence ord. and here's what we want it to cover.

Need fence ordinance, but not more permits (BE) If not passed tonight, staff come back with something. MV Exh 1 drawing. Horse property on forest. One way to deal with that would be to have hearings.

JO can have permit without cost. JW – 2 options – 1 reject, send back, and take out owner provisions and get things council wants. Go ahead and pass but direct staff to come back to come back roomoving sections we don't like, too restrictive, withint 6 months. Giving safetyu more priority than looks. EB – move we adopt with the following changes: on B2 eliminate work "Scale" from draiwing ns site plan. And B4 eliminated (permit fees), so we have a basic something in place, direct staff that there be a horse exemption, eliminate permit fees, scale, come up with horse fence option, BE seconded. Changing to direct the staff to go back and relook at this res, ord and bring aback to council.

Jim Garner – asked EB if applied for a permit. Can you pass an ordinance that requires existing fences. No. grandfathered in. One item fits all won't work. Under design review in commercial have a fence ord. for new buildings.

Jw question. 1-5. failed EB for

Shirley McGeary orange fence blown out of sight. Too many ordinances now and clean them out. Little town and should be flexible.

BE an ordinance changes town code. TW – ordinances – non-codified. BE move to direct the staff to take what heard and create and go back and redo proposed ordinance with changes as heard tonight., also a direductive to do some public hearing. TF also suggest 3 new people . MV also 90-day time limite, BE, 6-0

3. **Second Reading and Public Hearing** concerning **Ordinance No. 737**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-03-006 AND AMENDING SECTIONS 15-03-002 AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING FENCES) **Second Reading and Public Hearing.**

- 4.* Discussion/possible action concerning **Resolution No. 2375**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (PEDERSEN)

I.4 – I.9 – TF how many missing and what's the next step. LaRon working on this for some time. Stalemate at the bottom end. Upper ones, the pipes actually in. To complete the process, will figure out some other way to get where we need to be. BE what about properties flooding. Need last easement and a couple in the middle. 3 or 4 missing. Condemnation would be next step if can't get agreement on the end. MV-JW all, 6-0

***CONSENT* APPROVAL**

- 5.* Discussion/possible action concerning **Resolution No. 2376**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (MALONEY)

***CONSENT* APPROVAL**

- 6.* Discussion/possible action concerning **Resolution No. 2377**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (ELLIS)

***CONSENT* APPROVAL**

- 7.* Discussion/possible action concerning **Resolution No. 2378**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (NEVAREZ)

***CONSENT* APPROVAL**

- 8.* Discussion/possible action concerning **Resolution No. 2379**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (SPARKMAN)

***CONSENT* APPROVAL**

- 9.* Discussion/possible action concerning **Resolution No. 2380**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (SIEBERT)

***CONSENT* APPROVAL**

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by Debra A. Galbraith, Town Manager, to allocate \$7,000.00 from the Contingency fund to pay the life insurance claim of a former Town employee.

DG program in place that retirees can pay for life insurance. HR dept. did not send form into insurance company. Our responsibility to pay. EB-BS responsible for oversight. Why did the premiums come in and we didn't notice. Payroll received money, but the director was supposed to turn paperwork in with no check in place to check with payroll. No internal control. Now there is. JW-SC 6-0

2. Council Decision Request filed by LaRon Garrett, Town Engineer, to direct staff to include \$40,000 in the 2008-2009 budget to reimburse the Payson Regional Airport Authority up to the \$40,000 for actual expenses incurred for a "Vehicular Access and Driver Training" program.

LaRon explained. Lease with PRAA, prior to that in this year's budget to address a couple items on security and driver training. The council agreed they would reimburse for those two items. Unfortunately, running out of time this year. Request carried forward to next year. Transfer. EB-MV. TF how do you move a budget item without a budget yet. Su what reassurance do we have that it will occur in the next fiscal year. Dick Mumma, PRAA, trying to get specs together with a RFQ. Don't have time to get it done this fiscal year. Once done, will come back to council before done. EB can we put it aside in a fund? The airport has a separate fund. Yes.

6-0.

3. Council Decision Request filed by LaRon Garrett, Town Engineer, to direct staff to install a **stop sign** for both north and south bound traffic on Whitehouse Drive at the intersection of Nicklaus Drive and Whitehouse Drive, making this intersection an "All Way" stop.

Taken before resolutions and ordinances. Lerch spoke re petitions, close calls, etc. Don Engler made comments and gave update. LaRon – traffic counts. Does not meet warrants, however, council can put one there for safety reasons. Traffic calming devices – JW. Based on current policy a speed hump would make residents pay half of cost. BE more of a traffic safety, than volume. MV to direct staff to, SC two stop signs, 6-0.

4. *Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct staff to budget **salaries** for the Town Council members at ** \$1,000/month, and for the Mayor at \$1,250/month beginning in June 2010. ****Added 5/13/08.***

At the request of Tim Fruth. Tim explained. Amount of time spent. Move to direct staff to bring aback to council. MV asked would prefer to have employee to get raises if employees get raises. BE sure it costs all as councilmembers. Concerned about people living off money. Sends wrong message at this time. Dies for lack of second.

5. *Council Decision Request filed by LaRon Garrett, Town Engineer, to direct Staff to continue investigating the cost to have Tetra Tech, Inc., compile the ** required data and finalize the application with FEMA for a Letter of Map Revision (LOMR) covering those lots within the Woodland Meadows and Trailwood Subdivision areas that are currently shown on the FEMA Maps as being within the Zone "A" Flood Plain and to provide the estimated cost to the Town Council at the June 19, 2008, meeting. ****Added 5/13/08.***

LaRon the Woodland and Trailwood constructed in area design as FEMA floodplain. According to FEMA they have been removed. Work done in mid-90's. Up till now mortgage companies willing to accept letters. Flooding – Katrina, mtg troubles. FEMA issued new maps in December, except all new lots with flood plain map behind them. Mtg are no longer willing to accept letter. Need to buy flood insurance. Tetra Tech trying to tract down all the data. Have to LaRon by June 6, back to council by June 19. Do know there will be a filing fee of \$4400.

Jim Garner wife brought to attention of council. Believe LaRon's office have been very helpful in this. Bought house close to diversion ditch. Did due

diligence. FEMA now says they must have flood insurance in this area even with mortgage. Needs to be passed up to state and fed reps and go to FEMA and Homeland Security how it is affecting communities. They have to have insurance by Friday. Hoping that town will step up. Finally, the appeal date one day to file assessment on their house. BE have mortgage contract. When did process start. Jim said 45 days, took 12 days to get to them. Investigated right away.

When channel was done why not given to FEMA. Developer of Trailwood was going to do that. Tetra Tech trying to find out.

Title Insurance – Gary Schum – mortg. Have to protect the lenders, and they can foreclose on you. 80 or 90 in the area. Town needs to participate.

MV-JW – 6-0

J. CLAIMS

- 1.* List of checks paid from 04/16/08 through 05/07/08, Check Nos. 001111 through 001457, **except Check No. 001456**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 001456 paid 05/07/08, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Clmn. Vogel will be considered to have abstained from voting on this item.**)

***CONSENT* APPROVAL**

K. MISCELLANEOUS

- 1.* Appointment of Deborah Burzynski to the Housing Advisory Commission to fill the vacancy left by Michael Hughes, term to expire 12/31/09. (**Note:** application on file in Town Clerk's office.)

***CONSENT* APPROVAL**

- 2.* Appointment of John Wakelin to the Housing Advisory Commission to fill the vacancy left by Richard Croy, term to expire 12/31/09. (**Note:** application on file in Town Clerk's office.)

***CONSENT* APPROVAL**

3. 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.

MV-last meeting and he's not going to be here and remarked about enjoyment working with Edwards even tough at odds. Expressed appreciation.

Adjourned 7:15 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.

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.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following location: Payson Town Hall bulletin board, 303 N. Beeline Highway, Payson, Arizona, on the 8th day of May, 2008, at 3:30 p.m., in accordance with the statement filed

by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk