

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
May 1, 2008**

CALL TO ORDER

Mayor Edwards called the meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Charles Proudfoot, Senior Pastor Community Presbyterian Church

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Sam Streichman, Town Attorney, Jerry Owen, Community Development Director, Rick Manchester, Parks & Recreation Director, Debra Galbraith, Town Manager, Colin P. Walker, Water Superintendent, LaRon Garrett, Town Engineer, Don Engler, Police Chief, Martin deMasi, Fire Chief, Douglas Hill, Chief Fiscal Officer, and Cameron Davis, Tourism/Economic Vitality Director.

OTHERS PRESENT: Marcia F. Huffman, Chief Deputy Town Clerk, Tracie Bailey, Deputy Town Clerk, Tim Wright, Deputy Town Attorney, and Mary McMullen, Recreation Coordinator.

A. PUBLIC COMMENTS

1. There were no public comments.

B. CONSENT AGENDA

Items listed on the agenda with an asterisk are considered to be routine in nature and will be enacted by one motion.

Motion: to approve all Items listed on the Consent Agenda.

Moved by Council Member Mike Vogel, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

MAY 15 2008 E.I.*

Debra Galbraith, Town Manager, introduced Douglas Hill, Chief Fiscal Officer. Mr. Hill gave a brief background of himself.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Mayor Edwards announced Charlie's 50's diner was new in town. Mayor Edwards stated the Town had received a check from the Tonto Apache Tribe in the amount of \$29,678.

Council Member Connell thanked everyone who helped on the Payson Rim Country website. Council Member Connell read everyone's name who helped and asked them to come by the Main Street office to pick up their certificates.

Council Member Blair announced the Star Valley Fire Department was having their Spring Fling.

Council Member Wilson announced this Friday was First Friday on Main Street.

2. **Proclamation.** Council Member Romance read into the record a Proclamation declaring May 11 through 17, 2008 as National Police Week and May 15, 2008 as Peace Officers' Memorial Day. Police Chief Don Engler and DPS Officer Jimmy Oestmann were present to accept the proclamation.

3. **Proclamation.** Vice-Mayor Fruth read into the record a Proclamation declaring May 17, 2008, as Payson Aero Fair Day. Beth Myers, Jim Garner and Nancy Ward from the Payson Regional Airport Authority were present to accept the proclamation.

Vice-Mayor Fruth stated the boy's baseball team were champions and play in Surprise next and the girls softball team made the playoffs.

4. **Proclamation.** Council Member Vogel read into the record a Proclamation declaring May 15 through 17, 2008 as Payson Western Wear Days. A member of the Payson Rodeo Committee was present to accept the proclamation.

5. **Presentation** by the Surface Transportation Advisory Committee on Capital Projects. Tom Loeffler, Chairman of the Committee, presented the Council with recommendations on what road construction projects the Committee believed to be the highest priority for the Town.

Mayor Edwards moved item I.2 up on the agenda. Mr. Loeffler stated what he believed were all good points about roundabouts vs. stop lights.

2. **Council Decision Request** filed by LaRon Garrett, Town Engineer, for the Payson Town Council to voice support for the Arizona Department of Transportation to construct a roundabout at the intersection of Highway 87 and Airport Road.

Randy Blake, Project Development ADOT, and Alvin Stump, Development Engineer ADOT, answered questions from the Council regarding roundabouts.

Robert Henley, expressed his appreciation of the outgoing Council. Mr. Henley was in favor of the roundabout.

Shirley Dye stated she had taken polls around town about this roundabout. Ms. Dye felt people needed to be convinced they could maneuver the roundabout and believed that people were not onboard with this.

Motion: to Approve to voice support for the Arizona Department of Transportation to construct a roundabout at the intersection of Highway 87 and Airport Road, with the general public meeting as discussed.

Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

6. **Presentation** by Kenneth Volz, President of Payson Regional Economic Development, regarding the accomplishments of Payson Regional Economic Development Corporation FY 07/08.

Mr. Volz read the names of the people on the Board and answered questions from the Council.

E. MINUTES

1. * Council Meeting Minutes:
04-03-08 Regular Meeting Pages 1 - 7
04-10-08 Special Meeting Pages 1 - 3
04-17-08 Regular Meeting Pages 1 - 10
***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. * Planning and Zoning Commission Minutes:
03-10-08 Regular Meeting Pages 1 - 7
***CONSENT* INFORMATION ONLY**
3. * Design Review Board Minutes:
03-11-08 Regular Meeting Pages 47 - 49
04-08-08 Regular Meeting Pages 50 - 51
***CONSENT* INFORMATION ONLY**
4. * Green Valley Redevelopment Area Committee Minutes:
07-26-07 Special Meeting Pages 560 - 561
10-04-07 Regular Meeting Pages 565 - 567
10-18-07 Regular Meeting Pages 568 - 570
11-08-07 Special Meeting Page 575

11-01-07 Regular Meeting Pages 571 - 573
11-08-07 Special Meeting Page 574
12-06-07 Regular Meeting Pages 576 - 578
01-03-08 Regular Meeting Pages 579 - 582
02-07-08 Regular Meeting Pages 583 - 584
03-18-08 Special Meeting Pages 585 - 586
03-25-08 Special Meeting Pages 587 - 588
***CONSENT* INFORMATION ONLY**

5. *** Parks and Recreation Advisory Board Minutes:**
03-18-08 Regular Meeting
***CONSENT* INFORMATION ONLY**
6. *** Payson Event Center Technical Advisory Committee Minutes:**
03-19-08 Regular Meeting
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Edwards opened the Public Hearing concerning an application for a transfer of a Series 6 Liquor License (#06040058) filed by Sushma Saileshkuma Patel, agent, Snip Investments, L.L.C., Liquor Square #2 (Beverage Place), 111 E. Highway 260, Payson, Arizona.

Council Member Blair left the dais at approximately 7:01 p.m.

There were no public comments. Mayor Edwards closed the Public Hearing.

Motion: to Approve an application for a transfer of a Series 6 Liquor License (#06040058) filed by Sushma Saileshkuma Patel, agent, Snip Investments, L.L.C., Liquor Square #2 (Beverage Place), 111 E. Highway 260, Payson, Arizona.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

2. **Public Hearing.** Mayor Edwards opened the Public Hearing concerning an application for a Special Event Liquor License filed by Judy A. Baker, agent, Mogollon Health Alliance for the Second Annual Gracie Lee Haught Memorial Ropin' event to be held on Friday, 8/8/08, 4:00 p.m. to 11:00 p.m., Saturday, 8/9/08, 8:00 a.m. to 12:00 a.m. and Sunday, 8/10/08, 10:30 a.m. to 6:00 p.m., at the Payson Event Center (1400 S. Beeline Highway), Payson, Arizona.

There were no public comments. Mayor Edwards closed the Public Hearing.

Motion: to Approve an application for a Special Event Liquor License filed by Judy A. Baker, agent, Mogollon Health Alliance for the Second Annual Gracie Lee

Haught Memorial Ropin' event to be held on Friday, 8/8/08, 4:00 p.m. to 11:00 p.m., Saturday, 8/9/08, 8:00 a.m. to 12:00 a.m. and Sunday, 8/10/08, 10:30 a.m. to 6:00 p.m., at the Payson Event Center (1400 S. Beeline Highway), Payson, Arizona.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

Absent: Council Member Ed Blair.

Council Member Blair returned to the dais at approximately 7:06 p.m.

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. **Resolution No. 2367.** Mayor Edwards opened discussion/possible action concerning Resolution No. 2367, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON, RELATING TO WATER CONSERVATION, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.
3. **Ordinance No. 735.** Mayor Edwards opened the Second Reading and Public Hearing concerning Ordinance No. 735, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON BY REFERENCE, RELATING TO WATER CONSERVATION, AND AMENDING PREVIOUSLY ADOPTED REGULATIONS AND RESTRICTIONS FOR MANAGEMENT OF WATER USE.

Mayor Edwards called for public comment on Resolution No. 2367 and Ordinance No. 735. There were no public comments. Mayor Edwards closed the Second Reading and Public Hearing.

Motion: to Approve Resolution No. 2367, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON, RELATING TO WATER CONSERVATION, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

and

Ordinance No. 735, captioned as follows: AN ORDINANCE OF THE MAYOR

AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ARTICLE 2 OF CHAPTER 50 OF TITLE V OF THE CODE OF THE TOWN OF PAYSON BY REFERENCE, RELATING TO WATER CONSERVATION, AND AMENDING PREVIOUSLY ADOPTED REGULATIONS AND RESTRICTIONS FOR MANAGEMENT OF WATER USE.

Moved by Council Member John Wilson, seconded by Council Member Andy Romance.

Vote: Motion carried 7 - 0

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

4. **Ordinance No. 736.** Mayor Edwards opened the Second Reading and Public Hearing concerning Ordinance No. 736, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.14 AND AMENDING SECTION 73.04 OF THE CODE OF THE TOWN OF PAYSON, REQUIRING COMPLIANCE WITH SIGNAGE ON THE PAYSON AREA TRAILS SYSTEMS (PATS) AND PROHIBITING THE USE OF MOTORIZED PLAY VEHICLES ON PATS WITHIN THE TOWN PARKS.

There were no public comments. Mayor Edwards closed the Second Reading and Public Hearing.

Motion: to Approve Ordinance No. 736, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.14 AND AMENDING SECTION 73.04 OF THE CODE OF THE TOWN OF PAYSON, REQUIRING COMPLIANCE WITH SIGNAGE ON THE PAYSON AREA TRAILS SYSTEMS (PATS) AND PROHIBITING THE USE OF MOTORIZED PLAY VEHICLES ON PATS WITHIN THE TOWN PARKS. Second Reading and Public Hearing.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

5. **Ordinance No. 737.** Mayor Edwards opened the First 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)

There were no public comments. There was extensive discussion and suggestions for clarification on some items. Mayor Edwards closed the First Reading and Public

Hearing.

6. **Resolution No. 2373.** Mayor Edwards opened discussion/possible action concerning Resolution No. 2373, 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 THE TYLER PARKWAY CONDOMINIUM SUBDIVISION.

Motion: to Approve Resolution No. 2373, 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 THE TYLER PARKWAY CONDOMINIUM SUBDIVISION.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Jerry Owen, Community Development Director, to approve the Preliminary Plat for the Los Pinos subdivision at 509 N. Chaparral Pines Drive. S-146-08

Ralph Bossert, Tetra Tech, stated the owner will survey for the location of the ruins and move the culdesac to protect the ruins.

Council Member Blair added the condition that the Native American Indian ruins shall be located and protected in the development with the relocation of the road as one way to accomplish this.

Motion: to Approve the Preliminary Plat for the Los Pinos subdivision at 509 N. Chaparral Pines Drive. S-146-08 with the added condition that the Native American Indian ruins shall be located and protected in the development with the relocation of the road as one way to accomplish this.

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

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair,

Council Member Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and Council Member John Wilson.

3. **Council Decision Request** filed by Martin deMasi, Fire Chief, to award the bid for the Payson Fire Station 11 Tenant Improvement Project #1-08 to Montana Builders, L.L.C. of Prescott, Arizona for the amount of \$90,000 and authorize the Mayor to sign all necessary documents.

Jim Garner asked what the difference was between Payson contractors and this contractor. Mr. Garner felt it was important for the Council to consider giving this bid to a local contractor who would buy materials in Payson. Mr. Garner asked if there was a provision to go back and negotiate with other contractors.

Following considerable discussion:

Motion: to Disapprove awarding the bid for the Payson Fire Station 11 Tenant Improvement Project #1-08 to Montana Builders, L.L.C. of Prescott, Arizona for the amount of \$90,000 and to award the contract to the second bidder and authorize the Mayor to sign all necessary documents.

Moved by Council Member Mike Vogel, seconded by Council Member Ed Blair.

Vote: Motion failed 2 - 5

Yes: Council Member Ed Blair, and Council Member Mike Vogel.

No: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Su Connell, Council Member Andy Romance, and Council Member John Wilson.

Motion: to Approve to award the bid for the Payson Fire Station 11 Tenant Improvement Project #1-08 to Montana Builders, L.L.C. of Prescott, Arizona for the amount of \$90,000 and authorize the Mayor to sign all necessary documents. Moved by Council Member John Wilson. Motion failed for lack of a second.

4. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Jerry Owen, Community Development Director, to approve an extension of the Preliminary Plat of 500 South Rim Club parkway for six months through December 7, 2008.
***CONSENT* APPROVED**

J. CLAIMS

3. * **List of Checks.** Council approved, on the Consent Agenda, a list of checks paid from 04/03/08 through 04/18/08, Check Nos. 001001 through 001243, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **List of Checks.** Council approved, on the Consent Agenda, a list of checks paid from 04/11/08 through 04/16/08, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, the acceptance, with regrets, of **Michael Hughes resignation** from the Housing Advisory Commission, with thanks for a job well done.
***CONSENT* APPROVED**

2. * Council approved, on the Consent Agenda, the **Appointment of Donna J. Baade** to the Housing Advisory Committee to fill the unexpired term of David Coombes. Term to expire 12/31/10. (Note: Application on file in the Town Clerk's office.)
***CONSENT* APPROVED**

3. * Council approved, on the Consent Agenda, the acceptance, with regrets, of **Richard Croy's resignation** from the Housing Advisory Commission, with thanks for a job well done.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Edwards adjourned the meeting at approximately 8:13 p.m.

_____ Date: _____

Bob Edwards, Mayor

ATTEST:

 Marcia F. 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 1 of May, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2008.

 Tracie Bailey, Deputy Town Clerk