

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
SEPTEMBER 4, 2008**

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

INVOCATION (Participation Voluntary) Bishop Rodney Ross, Mogollon Ward of the Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL: KE __ SC __ EB __ RC __ MH __ MV __ JW __

STAFF PRESENT: DG __ SIS __ DH __ MD __ CPW __ DBE __ SS __ LG __ TM __ RM __ CD __

OTHERS PRESENT: _____

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.

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.

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.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation** declaring the Fourth Monday of Every September, September 22, 2008, as **Family Day - A Day to Eat Dinner with Your Children**.
3. **Proclamation** declaring the the month of September 2008 as **Operation: Support Our Troops Month**. Butch Klein and Lud Kaftan, founders of the Payson Supply Line, will be present to accept the proclamation.
4. **Proclamation** declaring the week of September 15 through 21, 2008 as **Constitution Week**. Valerie Sullivan, Daughters of the American Revolution Region Leader, and other members of the Daughters of the American Revolution will be present to accept the proclamation.
5. **Presentation/Discussion/Possible Action** by Mil Thornton, Liaison with American Supporting Americans (ASA) regarding adopting a unit of our Armed Services.

E. MINUTES

- 1.* Council Meeting Minutes:
 - .08.01.08 Community Event Meeting Minutes Pages 1 - 2
 - .08.07.08 Special Meeting Minutes Pages 1 - 2
 - .08.07.08 Regular Meeting Minutes Pages 1 - 9
 - .08.11.08 Special Meeting Minutes Pages 1 - 3
 - .08.13.08 Community Event Meeting Minutes Page 1
 - .08.14.08 Community Event Meeting Minutes Page 1

***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.* Parks and Recreation Advisory Board Minutes:
 - .07.09.08 Regular Meeting Minutes Pages 1 - 2

***CONSENT* INFORMATION ONLY**

- 3.* Design Review Board Minutes:
 - .07.08.08 Regular Meeting Minutes Pages 63 - 65

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **This is a Public Hearing.** Council Decision Request filed by Ray Erlandsen, Zoning Administrator, regarding an appeal of CUP-168-08, Humane Society Kennel Use Request.

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. 2408**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-10 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (ENFORCEMENT)
3. **Second Reading and Public Hearing** concerning **Ordinance No. 744**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO SECTION 15-10 OF THE PAYSON UNIFIED DEVELOPMENT CODE. (ENFORCEMENT) **Second Reading and Public Hearing.**
4. Discussion/possible action concerning **Resolution No. 2410**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
5. **Second Reading and Public Hearing** concerning **Ordinance No. 746**, AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES. **Second Reading and Public Hearing.**
- 6.* Discussion/possible action concerning **Resolution No. 2415**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE ESCROW DOCUMENTS FOR THE PURCHASE OF REAL PROPERTY FROM PAYSON OVERLOOK PROJECT, L.L.C. (PAYSON EVENT CENTER)

***CONSENT* APPROVAL**

- 7.* Discussion/possible action concerning **Resolution No. 2417**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON

CHAMBER OF COMMERCE, INC., FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

***CONSENT* APPROVAL**

- 8.* Discussion/possible action concerning **Resolution No. 2418**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON REGIONAL ECONOMIC DEVELOPMENT CORPORATION FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

***CONSENT* APPROVAL**

- 9.* Discussion/possible action concerning **Resolution No. 2419**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH NON-PROFIT ORGANIZATIONS FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

***CONSENT* APPROVAL**

10. Discussion/possible action concerning **Resolution No. 2420**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT. (ROBINSON FAMILY REVOCABLE TRUST)
11. Discussion/possible action concerning **Resolution No. 2421**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT. (LAVERNE A JABLONSKY)
12. Discussion/possible action concerning **Resolution No. 2422**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT. (JAMES A. YORK FAMILY TRUST)
13. Discussion/possible action concerning **Resolution No. 2423**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT. (FLOYD T. AND LOU M. LANDER FAMILY TRUST)
- 14.* Discussion/possible action concerning **Resolution No. 2424**, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON HUMANE SOCIETY, INC., FOR FISCAL YEAR 2008-2009.

***CONSENT* APPROVAL**

15. Discussion/possible action concerning **Resolution No. 2425**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH HELLSGATE FIRE DISTRICT.
16. Discussion/possible action concerning **Resolution No. 2426**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, GRANTING AND AUTHORIZING THE MAYOR TO SIGN AND ACKNOWLEDGE THE TOWN OF PAYSON'S CONSENT TO THE ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS PERTAINING TO THE AGREEMENT FOR EXTENSION OF TIME TO UTILIZE TOWER WELL ERU CREDITS AND FOR THE CONSTRUCTION OF EVERGREEN AND MANZANITA STREETS BETWEEN THE TOWN OF PAYSON AND BISON COVE, LLC (BISON COVE, LLC)

H. UNFINISHED BUSINESS

- 1.* **Council Decision Request** filed by Buzz Walker, Assistant Public Works Director, to authorize the Mayor to sign all documents necessary to secure \$100,000.00 in funding for Fiscal Year 2008-09 for the operation of the WQARF Water Treatment Plant at 204 W. Aero Drive.

***CONSENT* APPROVAL**

2. **Council Decision Request** filed by LaRon Garrett, Public Works Engineer, to direct staff

(1) to complete the Bonita Street Phase 2 improvement plans and right-of-way acquisition but to delay requesting disbursement of the HELP Loan funds and delay bidding and constructing the project up to one year or until funding is secured to repay the HELP Loan, whichever occurs first. If funding is not secured by July 31, 2009, Staff is to bring this issue back to the Council for further direction

OR

(2) to move forward with the construction of Bonita Street Phase 2 as originally planned

OR

(3) to delay the Bonita Street Phase 2 project indefinitely and to suspend all current improvement plan and right-of-way work for this project.

I. NEW BUSINESS

1. [Council Decision Request](#) filed by Debra A. Galbariath, Town Manager, to

(1) either direct staff to create a Code Amendment that gives the Town Council the authority to waive fees;

OR

(2) to direct staff to create a Code Amendment that states there will be no fees waived except under extraordinary circumstances presented by the requestor.

J. CLAIMS

- 1.* List of checks paid from 07/31/08 through 08/29/08, Check Nos. 002662 through 003042, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

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

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.

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 ____ day of _____, 2008, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk