

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
August 7, 2008**

CALL TO ORDER

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

INVOCATION

Pastor Joe Hittle, Calvary Chapel

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Silvia Smith, Town Clerk, LaRon Garrett, Public Works Director, Colin P. Walker, Public Works Assistant Director, Douglas Hill - Chief Fiscal Officer, Don Engler - Police Chief, Marti deMasi - Fire Chief, Cameron Davis - Tourism/Economic Vitality Director, and Rick Manchester - Parks & Recreation Director.

OTHERS PRESENT: Marcia F. Huffman, Chief Deputy Town Clerk; Ray Erlandsen, Zoning Administrator; Sheila DeSchaaf, Zoning Enforcement Officer.

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.

Gary Bedsworth, Rim Ridge Homeowners' Association, commended Police Chief Don Engler and Officer Mike Varga for supporting the community. The two had joined them during the National Night Out weekend.

B. CONSENT AGENDA

SEP 04 2008 E.1*

Clmn. Wilson moved, seconded by Clmn. Hughes to approve all items on the Consent Agenda. Motion carried, 7-0.

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.

Debra Galbraith, Town Manager, said that a law suit had been filed concerning the petitions calling for a referendum concerning the YMCA.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Mayor Evans thanked Chief Engler and the police force for all their work on the National Night Out.

Police Chief Engler and Police Department Executive Assistant Kim Becker expressed their appreciation.

Town Manager Galbraith commented on two other items of interest. Last Friday there was a collaborative effort to bring together various municipalities throughout Gila County, as well as staff, to sit down and talk about what each can be doing together to be more effective as public servants. Also, this is being selected as a pilot program for collaboration on various levels of government and the US Forest Services. There had been several meetings concerning trails to shared borders and road closures. There will be an array of topics discussed. The States of Wyoming, Utah, Colorado, Arizona, and Washington D.C. will focus on how to become better partners in the Tonto National Forest.

Silvia Smith, Town Clerk, announced that this would be Chief Deputy Clerk Marci Huffman's last council meeting. Ms. Huffman is retiring on August 28, 2008.

2. Proclamation declaring August 13 - 17, 2008 as Rodeo Days in Payson.

Clmn. Blair read in full a proclamation declaring August 13-17, 2008, as Rodeo Days in Payson. John Stanton, Rim Country Regional Chamber of Commerce, was presented to accept the proclamation. He stated that the parade would be on Main Street this year traveling from west to east.

E. MINUTES

1. * Council Meeting Minutes:
07.02.08 Regular Council Meeting Pages 1 - 11
07.09.08 Special Council Meeting Pages 1 - 3
07.17.08 Special Council Meeting Pages 1 - 3

07.17.08 Regular Council Meeting Pages 1 - 13
CONSENT APPROVED

2. * Design Review Board Meeting Minutes:
06.10.08 Regular Meeting Pages 58 - 59
06.24.08 Regular Meeting Pages 60 - 62
CONSENT INFORMATION ONLY
3. * Parks and Recreation Advisory Board Meeting Minutes:
06.11.08 Regular Meeting Pages 1 - 2
CONSENT INFORMATION ONLY
4. * Planning and Zoning Commission Meeting Minutes:
06.09.08 Regular Meeting Pages 1 - 3
CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

There are 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. 2411 captioned as follows:
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF STAR VALLEY AND THE COUNTY OF GILA VACATING A PRIOR MEMORANDUM OF UNDERSTANDING RELATING TO THE PURCHASE AND USE OF A POLICE VEHICLE.
CONSENT APPROVED
3. Mayor Evans read in full the title for Resolution No. 2413 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AN EASEMENT EXCHANGE/GRANT MAP FOR THE FUTURE AIRPORT ROAD REALIGNMENT (1200 BLOCK TO VISTA) AND AUTHORIZING THE MAYOR TO SIGN SUCH MAP.

LaRon Garrett, Public Works Director, explained it would be a more beneficial land use if the road was shifted south.

Clmn. Vogel moved, seconded by Clmn. Wilson, to approve Resolution No. 2413.

In response to a question posed by Clmn. Connell, Mr. Garrett said that this would be a minor change to the newly constructed road and that most of the road would be left as is.

In response to a question posed by Clmn. Blair, Mr. Garrett said the easement would

be torn up between the lots and the road.

Although he supported this, Jim Garner wanted to make sure there would be no unintended consequences. He was concerned about the ADOT grant and if relocation of the road would be any problem and they might want money back from the design part of the road. Mr. Garrett responded that this would be held by the property owners.

There being no further discussion, motion carried, 7-0.

4. First 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) First Reading and Public Hearing (Resolution No. 2408 is provided for information only)

Mayor read the captioned title of Ordinance No. 744 and opened the public hearing.

Town Attorney Sam Streichman explained that this ordinance made some extensive amendments having to do with code enforcement. The main purpose was to address the situation whereby the code allows the 15-day notice, and after the second time, it would site persons into the criminal court.

Mayor Evans requested amplification because some citizens have had problems with this. Mr. Streichman said that included is a new provision whereby this could not be used for a bullying type of situation.

Mayor Evans called for public comment. Gary Bedsworth, Vice-Chairman of the Planning and Zoning Commission, said he voted for this but still had some concern. He was not in favor of the criminal aspect of Section 15-10-004 of the UDC. He felt it would become an open book for the disgruntled to take action against citizens. He thought it would set a dangerous precedent, and would demonstrate an unfriendly approach. He requested that 15-10-04 be deleted or made not criminal.

Mayor Evans believed the council had the same concern that could be addressed before the second reading.

Mayor Evans closed the public hearing.

5. First Reading and Public Hearing concerning Ordinance No. 745 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(e)(1), 15-03-002(c)(1) AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING FENCES) First Reading and Public Hearing. (Resolution No. 2409 is provided for information only)

Ray Erlandsen, Zoning Administrator, gave a brief history of the issue stating it was heard on December 13, 2007, by a previous council, then May 5, 2008 and July 9, 2008. Significant changes had been made as directed by Council.

Clmn. Blair made a correction at the bottom of page 2 of Resolution 2409 under exceptions regarding fences over 8 feet, that it should be "and" instead of "or." Mr. Erlandsen concurred.

Clmns. Croy and Vogel expressed their concerns over dictating what types of fences people must build on their own property. Clmn. Croy felt that most CC&Rs should cover this issue. Clmn. Vogel asked if there was a current policy in place. Mr. Erlandsen replied there was, but it was unwritten. He said that in the 1996 code the reference to fences was not put in.

Jim Garner believed the whole fencing issue began with the "orange" fence near Payson Ranchos and Payson Pines Subdivisions. He pointed out some of the confusing language in the ordinance/resolution and that there was no appeal process. Mr. Erlandsen said staff wrestled with the same issues. He thanked Mr. Garner for pointing out the difficulties with it. Mr. Garner said that when he first looked at A, B and C, he assumed one could not do anything other than a 6-foot fence. He was also concerned about residential abutting commercial where there was no fence required.

In answer to a question posed by Clmn. Blair regarding the "orange" fence, Public Works Director LaRon Garrett said that fence did not require a permit because it did not exceed the height requirement.

Town Manager Debra Galbraith asked for direction from Council. There was discussion concerning the unwritten policy that Mr. Erlandsen said worked well. The consensus of council was for staff to draw up an administrative policy with illustrations and bring it back to council. Mayor Evans, Mr. Erlandsen and Ms. Galbraith will work together on this. Ms. Galbraith said that there were several administrative policies currently in the process.

Mayor Evans closed the public hearing.

6. First Reading and Public Hearing concerning Ordinance No. 746 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DELETING SECTION 15-02-003(B)(7), AMENDING SECTIONS 15-02-013(F) AND 15-02-014 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING THE PONDEROSA PINE THE OFFICIAL TREE OF THE TOWN OF PAYSON. (DESIGN REVIEW) First Reading and Public Hearing. (Resolution No. 2410 is provided for information only)

Mayor Evans read the caption title to Ordinance No. 746 and opened the public hearing.

Clmn. Vogel moved to divide the item into two questions, the Design Review Manual and the second portion would be the Ponderosa Pine as the official tree of Payson. Clmn. Croy seconded the motion. Motion carried, 7-0.

Bernie Lieder, Chairman of the Design Review Board, said that Payson sat on the edge of the largest Ponderosa Pine forest in the world and that they felt it

appropriate to honor the tree. Many of them had been lost and they wanted to promulage it back into the community.

It was recommended that the subject regarding the Ponderosa Pine come back to council as a resolution.

Certain council members felt that there had not been enough time to study the proposed Design Review Manual.

Mayor Evans closed the public hearing.

Clmn. Wilson moved that Ordinance 746 (inclusive of the Design Review Manual) and the declaration concerning the Ponderosa Pine come back at the next public meeting as separate issues with the declaration concerning the Ponderosa Pine being a resolution. The motion was seconded by Clmn. Connell.

Clmn. Vogel moved to amend the motion to assign the balance of Ordinance No. 746 to a committee appointed by the mayor to review. Clmn. Hughes responded that this is exactly what the Design Review Board had been doing for the last two years; that it was already finished, submitted to Council to move on.

A roll call vote was taken on the amended motion: Clmn. Wilson, no; Clmn. Croy, no; Vice-Mayor Connell, no; Clmn. Vogel, yes; Clmn. Blair, no; Clmn. Hughes, no; Mayor Evans, no. The amended motion failed 1-6.

Main Motion carried, 7-0.

Mayor Evans said the public hearing would be confined to the Ordinance on the Design Review Manual. Clmn. Croy thought Council needed more time to look at the manual. Clmn. Wilson said that there would be a second reading. Mayor Evans believed the public hearing should go forth.

Jim Garner said he would submit some ideas to council in writing. He requested coming back with a separate set of rules for industrial.

Bernie reminded Council that the Design Review Board (DRB) had been created 16 months ago. They meet on the 2nd and 4th Tuesdays of each month and each meeting has been open. They worked primarily on the Design Review Manual and had reviewed 8-10 projects. Owners had appreciated input. He said that next Tuesday there would be a meeting. They will set up a separate set of rules for industrial. He named the different projects they had worked on.

Clmn. Croy asked if wording could be made friendlier so as not to look like more government. If all the rules and regulations were adopted, he asked if the DRB would still have to approve the final plan, or if it could be an administrative process. Mr. Lieder said the only time an applicant came back to the board was for a request to amend.

Mr. Erlandsen said the intent of the DRB was to review an application and there was a provision that does allow for administrative things. He reminded Council that the DRB was established by Council to carry out this function. Clmn. Croy asked that

this be clarified before coming back for the second reading. The DRB's intention is to complete a separate set of regulations for industrial buildings.

Barbara Underwood stated the importance of the DRB was to have seven pairs of eyes looking at a project instead of one. If it was left to one administrative person to enforce, it may not be totally fair to an applicant. Since being a member of the DRB, she has seen its value.

Debra Hughes said there had been extra meetings and hard work on the manual. The regulations are meant to beautify the town with regard to landscaping, colors and lighting.

Clmn. Hughes could attest to obstacles when the board meets with prospective applicants. It is more of a collaborative effort and he felt the DRB was a good team. He also understood that the industrial regulations should be different.

There was more discussion concerning different types of regulations in different zones and changing the wording for industrial.

Clmn. Vogel asked about signs and who determines whether they are over concentrated, their proper placement and excessiveness. There were time limits on the Town's customers, and he wondered if there were time limits on staff. Sheila DeSchaaf, Zoning Enforcement Officer, replied that the current guidelines give staff 15 days to render a decision. Staff was asked to clean that part up also.

Clmn. Vogel wanted it brought back at least by the second meeting in September.

Mayor Evans closed the public hearing.

Clmn. Blair noted that there will be a month between the first reading and the first meeting in September.

7. Discussion/possible action concerning Resolution No. 2412 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 BISON COVE, LLC, FOR EXTENSION OF TIME TO UTILIZE TOWER WELL ERU CREDITS AND FOR THE CONSTRUCTION OF EVERGREEN AND MANZANITA STREETS.

It was explained that the STAC committee met on multiple occasions. There would be a benefit to upgrade Manzanita and Evergreen and working with the developers would provide the infrastructure now.

Clmn. Vogel moved, seconded by Clmn. Wilson to approve Resolution No. 2412.

LaRon Garrett, Public Works Director, explained that currently there was no time frame and this resolution would put a time frame on it. Mayor Evans understood that the developer agreed to provide portions of Manzanita 2 of the development. There are no assurance agreements at this point, however, if this does not get finished, then it will reverse itself. Town Manager Debra Galbraith thought that there were other credits out there and the Town could get into other situations.

There was discussion regarding the C.C. Cragin pipeline.

Gary Martinson, Bison Homes, said that development was down. They wanted to move forward as quickly as they could. It will not happen in one or two years time. The financial people are afraid but want to make commitments because they know that Bison Homes is in it for the long haul. They had spent considerable money for the water and do not want that to go away. They will move as quickly as the market allows.

Clmn. Hughes said the Town was getting value in exchange for this extension.

Clmn. Vogel said that since the Town has their commitments, it should be friendly. Bison had stepped up on other things to improve the town. He also thought that there needed to be signs to find Bison Homes.

Motion carried, 7-0.

H. UNFINISHED BUSINESS There are no items in this section.

I. NEW BUSINESS

1. * Council Decision Request filed by Buzz Walker, Assistant Public Works Director, to authorize the Mayor to sign a State of Arizona GSA contract amendment to receive \$100,000.00 from the State of Arizona for the operation of the West Aero Drive groundwater remediation water treatment plant.
CONSENT APPROVED

J. CLAIMS

1. * List of checks paid from 07/11/08 through 07/17/08, Check Nos. 002259 through 002483, and authorization to file the checks for audit.
CONSENT APPROVED

K. MISCELLANEOUS

1. * Removal of Paul Rasmussen, deceased, from the Industrial Development Authority and appointment of Terrea L. Brownlee to fill the unexpired term of Paul Rasmussen. Term to expire December 31, 2009. (Application on file in the Clerk's office)
CONSENT APPROVED
2. 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.

ADJOURNMENT

The meeting adjourned at 7:37 p.m.

APPROVED:

_____ Date: _____

Kenny J. Evans, 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 7 of August, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2008.

Marcia F. Huffman, Chief Deputy Town Clerk