

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
SEPTEMBER 18, 2008**

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

INVOCATION (Participation Voluntary)

Pastor Gordon Hauptman, Crossroads Foursquare Church

PLEDGE OF ALLEGIANCE

ROLL CALL: KE __ SC __ EB __ RC __ MH __ MV __ JW __ **(Clmn. Vogel may be present telephonically)**

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.

E. MINUTES

- 1.* Council Meeting Minutes:
08.26.08 Special 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.* Green Valley Redevelopment Area Committee Minutes:
07.03.08 Regular Meeting Minutes Pages 604 - 606
08.14.08 Regular Meeting Minutes Page 607

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

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* APPROVAL**

- 2.* Discussion/possible action concerning **Resolution No. 2427**, 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 EXHIBITS "A". (213 E. AIRLINE ROAD, PAYSON, ARIZONA, MARJORIE L. DIGHT, OWNER, ASSESSOR'S PARCEL NO. 302-41-187A).

***CONSENT* APPROVAL**

3. Discussion/possible action concerning **Resolution No. 2428**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING RULE 7.5 (AGENDA ITEM REMOVAL) TO THE RULES OF PROCEDURE FOR TOWN COUNCIL MEETINGS.
- 4.* Discussion/possible action concerning **Resolution No. 2429**, 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 ARIZONA MUTUAL AID COMPACT BY AND AMONG JURISDICTIONS WITHIN THE STATE OF ARIZONA AND THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS.

***CONSENT* APPROVAL**

- 5.* Discussion/possible action concerning **Resolution No. 2430**, 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 FOR LOS PINOS SUBDIVISION (LOS PINOS)

***CONSENT* APPROVAL**

6. Discussion/possible action concerning **Resolution No. 2431**, 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 TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR CHILSON RANCH PHASE ONE SUBDIVISION (CHILSON RANCH).
7. Discussion/possible action concerning **Resolution No. 2432**, 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 APPLICATION TO SEVER AND TRANSFER, A REQUEST FOR ASSIGNMENT OF SURFACE WATER APPLICATIONS AND CLAIMS AND ASSIGNMENT AND REISSUANCE OF PERMITS AND CERTIFICATED RIGHTS, AND AUTHORIZING THE SUBMISSION OF SUCH APPLICATION AND REQUEST TO THE ARIZONA DEPARTMENT OF WATER RESOURCES. (C.C.CRAGIN

RESERVOIR).

8. Discussion/possible action concerning **Resolution No. 2433**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING TOWN STAFF TO CANCEL OR OTHERWISE REMOVE ANY AND ALL LEASES AND AGREEMENTS RELATING TO THE EVENT CENTER LAND, INCLUDING THE PAYSON EVENT CENTER HOTEL, RESTAURANT AND CONFERENCE CENTER LAND AND IMPROVEMENTS LEASE BETWEEN THE TOWN OF PAYSON AND HOSPITALITY SUPPORT GROUP, LLC.
9. Discussion/possible action concerning **Resolution No. 2434**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A SITE CONTRACT WITH OPERATION BASS, INC. (FLW OUTDOORS FISHING TOURNAMENT)
10. **First Reading and Public Hearing** concerning **Ordinance No. 748**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING TECHNICAL AND CONFORMING CHANGES TO VARIOUS CODE PROVISIONS RELATING TO WATER CONSERVATION AND THE TIMING OF IMPACT FEE PAYMENTS. **First Reading and Public Hearing** (Resolution No.2416 Provided for Information Only)
11. ~~Consideration of a motion to remove from the table of the regular council meeting of September 4, 2008, **Resolution No. 2410 and Ordinance No. 746. (Removed Until a Later Meeting) 09/15/08, 4:30 p.m.**~~
~~***CONSENT* APPROVAL**~~
12. A. ~~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. (Removed Until a Later Meeting) 09/15/08, 4:30 p.m.~~

B. ~~**Second 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, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES. **Second Reading and Public Hearing.** (Removed Until a Later Meeting) 09/15/08, 4:30 p.m.~~
13. Discussion/possible action concerning **Resolution No. 2435**,

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 LAND PURCHASE AGREEMENT WITH TOM COL INVESTMENTS CO., LLC. (PURCHASE OF ADDITIONAL AIRPORT PROPERTY)

H. UNFINISHED BUSINESS

No Items in this section.

I. NEW BUSINESS

1. Discussion/possible action re: a [Council Decision Request](#) filed by Ray Erlandsen, Zoning Administrator, to review the Town's Temporary Use Permit process and to:

(1) move to direct staff to prepare the appropriate code amendment to implement the sliding fee schedule as attached;

OR

(2) move to direct staff to prepare the appropriate code amendment excluding the allowance of a temporary use permit for businesses not providing a Town of Payson physical business location;

OR

(3) take no action.

J. CLAIMS

- 1.* List of checks paid from 08/28/08 through 09/11/08, Check Nos. 003042 through 003060, **except Check No. 003043**, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

- 2.* Check No. 003043, paid 09/04/08, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Vice-Mayor Connell will be considered to have abstained from voting on this item.**)

***CONSENT* APPROVAL**

K. MISCELLANEOUS

- 1.* Acceptance of the resignation of Susan B. MacIntyre from the Design Review Board and appointment of Maricel Causer to fill the unexpired term of Susan B. MacIntyre. Term to expire December 31, 2010. (**A copy of the application is available in the Town Clerk's office**)

***CONSENT* APPROVAL**

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.

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