

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
OCTOBER 16, 2008**

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

**INVOCATION (Participation Voluntary)** Dr. Tom Gossett, Indian Trails Outreach

**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. **Presentation.** Lisa Henderson, State Director, Arizona Main Street Program, Arizona Department of Commerce, will recognize Minette Richardson, Down the Street Gallery, as a finalist for "Individual of the Year".
3. **Presentation.** Financial Update - FY 2009, Doug Hill, CFO, Town of \* Payson. (**\*Addendum Added 10-10-08**)

**E. MINUTES**

**1.\* Council Meeting Minutes:**

- \* 09.04.08 Regular Meeting Minutes Pages 1 - 6 (**\*Corrected 10-10-08**)
- \* 09.18.08 Regular Meeting Minutes Pages 1 - 11
- 09.18.08 Special Meeting Minutes Pages 1 - 3 (**\*Corrected 10-10-08**)
- 09.23.08 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.\* Surface Transportation Advisory Committee Minutes:**

- 06.18.08 Regular Meeting Minutes Pages 172 - 175

**\*CONSENT\* INFORMATION ONLY**

**3.\* Housing Advisory Commission Minutes:**

- 06.26.08 Regular Meeting Minutes Pages 32 - 33

**\*CONSENT\* INFORMATION ONLY**

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a Series #10 Liquor License (#10043055) filed by Roger Kenneth Burton, agent, Western Refining Southwest, Inc., dba Giant #073, 2010 N. Beeline Highway, Payson, Arizona. **This is a Public Hearing.** (Note: application

on file in the Town Clerk's Office)

## 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. 2438**, 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". (Macreno)

**\*CONSENT\* APPROVAL**

- 3.\* Discussion/possible action concerning **Resolution No. 2439**, 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".(Bucher)

**\*CONSENT\* APPROVAL**

- 4.\* Discussion/possible action concerning **Resolution No. 2440**, 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". (Sneed)

**\*CONSENT\* APPROVAL**

- 5.\* Discussion/possible action concerning **Resolution No. 2441**, 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. (Klimut)

**\*CONSENT\* APPROVAL**

- 6.\* Discussion/possible action concerning **Resolution No. 2442**, 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. (Jeffrey)

**\*CONSENT\* APPROVAL**

- 7.\* Discussion/possible action concerning **Resolution No. 2443**, 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. (Owen)

**\*CONSENT\* APPROVAL**

- 8.\* Discussion/possible action concerning **Resolution No. 2444**, 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. (Tunno)

**\*CONSENT\* APPROVAL**

- 9.\* Discussion/possible action concerning **Resolution No. 2445**, 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 A PORTION OF LAKE DRIVE. (Karhu) (**\*Corrected 10-10-08**)

**\*CONSENT\* APPROVAL**

- 10.\* Discussion/possible action concerning **Resolution No. 2446**, 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. (Myers)

**\*CONSENT\* APPROVAL**

- 11.\* Discussion/possible action concerning **Resolution No. 2447**, 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. (Daniels)

**\*CONSENT\* APPROVAL**

- 12.\* Discussion/possible action concerning **Resolution No. 2448**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING A TEMPORARY CONSTRUCTION EASEMENT FOR THE BONITA STREET PHASE 2 ROAD CONSTRUCTION PROJECT. (Myers)

**\*CONSENT\* APPROVAL**

- 13.\* Discussion/possible action concerning **Resolution No. 2449**, 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 LIBRARY SERVICE AGREEMENT WITH THE GILA COUNTY LIBRARY DISTRICT FOR FISCAL YEAR 2008-2009.

**\*CONSENT\* APPROVAL**

**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 all documents necessary to enter into a contract approved by the Town Attorney with Waste Matters, Inc. for solid waste trash collection services at various Town of Payson municipal facilities.
2. [Council Decision Request](#) filed by LaRon Garrett, Public Works Director, to approve the proposed traffic calming options and direct staff to continue with the traffic calming process on Longhorn Road.
3. ~~Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the proposed rates and fees for the Payson Airport as recommended by the Payson Regional Airport Authority (PRAA).~~  
**REMOVED FROM AGENDA 10/13/08, 11:26 A.M.**
- 4.\* [Council Decision Request](#) filed by Ray Erlandsen, Zoning Administrator, to approve the extension of Bear's Paw Preliminary Plat for twelve months through October 18, 2009.  
**\*CONSENT\* APPROVAL**

## J. CLAIMS

- 1.\* List of checks paid from 09/26/08 through 9/30/08, Check Nos. 003253 through 003396, **except Check No. 003281**, and authorization to file the checks for audit.  
**\*CONSENT\* APPROVAL**
- 2.\* Check No.003281 paid 9/26/08, and authorization to file the check for audit. (**Note: due to a perceived and/or conflict of interest, Vice-Mayor Su Connell will be considered to have abstained from voting on this item.**)  
**\*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.

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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