

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
June 18, 2009**

CALL TO ORDER

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

INVOCATION

Senior Pastor Joe Hittle, Calvary Chapel of Payson.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Ed Blair, Council Member Su Connell, 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, LaRon Garrett - Town Engineer, Don Engler - Police Chief, Marti deMasi - Fire Chief, Cameron Davis - Parks, Recreation and Tourism Director, Silvia Smith - Town Clerk, and Ray Erlandsen - Acting Community Development Director.

Vice-Mayor Blair was present telephonically.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, and Curtis Ward - Assistant Town Engineer.

A. PUBLIC COMMENTS

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 John Wilson.

Vote: Motion carried 7 - 0

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

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

JUL 23 2009 E.1*

Cameron Davis, Parks, Recreation and Tourism Director, gave an update on the 4th of July activities. On July 3, 2009 from 5:00 p.m. to 8:00 p.m. Main Street Merchants would be open for First Friday Night with various activities. July 4, 2009 on Main Street there would be a Farmers Market at 9:00 a.m. and there would be a family parade. A patriotic ceremony would be held at the Green Valley Park Memorial at 8:00 a.m. on July 4, 2009.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Selection of Vice-Mayor.

Council Member Wilson nominated Council Member Vogel for Vice-Mayor, Council Member Connell seconded the nomination. Mayor Evans called for a vote. **Nomination carried, 7 - 0.**

Mayor Evans thanked Council Member Blair for serving as Vice-Mayor.

3. **Presentation:** Thank you to all the volunteers and the Payson Rodeo Preservation Alliance who participated in the cleanup and painting of the Payson Event Center in preparation for the 125th Annual World's Oldest Continuous Rodeo.

Mayor Evans thanked the group and listed their efforts.

Rich Stockwell stated one of the main goals was to organize and run the world's oldest continuous rodeo and give back to the community. Mr. Stockwell thanked the Council.

Mayor Evans thanked Dane Owens, Home Depot Manager, for providing lumber for the rodeo grounds. The Mayor also thanked Gene at Nueman paints for providing the paint, Chris and Mary Wolf for donating the additional paint needed, the paint crew and everyone else who helped.

4. **Presentation** by Roger Kremeyer regarding the local Community Emergency Response Team CERT program.

Marty deMasi, Fire Chief, introduced Roger Kremeyer. Mr. Kremeyer gave Council a presentation on the Community Emergency Response Team (CERT) Program and thanked the Council for listening to his presentation.

5. **Presentation** by Angela Dye, A. Dye Designs, regarding the SR 87/260 Landscape Guidelines.

Angela Dye, A. Dye Designs, and Jamie Cowgill, JRC Design, gave a PowerPoint presentation regarding the SR87/260 Landscape Guidelines and thanked the Council for the opportunity to give the presentation and thanked all the other people that helped for their input. Organizations will participate in a way finding committee. Mayor Evans thanked Ms. Dye and Ms. Cowgill.

E. MINUTES

1. * Council Meeting Minutes:
05.19.09 Regular Meeting Minutes Pages 1 -14
05.26.09 Special Meeting Minutes Pages 1 -3
06.02.09 Special Meeting Minutes Pages 1 -3
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. * Public Safety Personal Retirement System Police Department Local Board Minutes:
04.06.09 Regular Meeting Minutes Page 1
04.06.09 Executive Session Minutes Page 1
CONSENT INFORMATION ONLY
3. * Planning and Zoning Commission Minutes:
05.11.09 Regular Meeting Minutes Pages 1-5
CONSENT INFORMATION ONLY
4. * Historic Preservation and Conservation Commission Minutes:
01.14.09 Regular Meeting Minutes Pages 182 -183
02.09.09 Regular Meeting Minutes Page 184
03.16.09 Regular Meeting Minutes Pages 185 -187
04.20.09 Regular Meeting Minutes Page 188
05.11.09 Regular Meeting Minutes Pages 189 -190
CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for a special event liquor license filed by Richard Charles Stockwell, agent for the Rim Country Rotary Foundation, for the 125th Annual World's Oldest Continuous Rodeo to be held Friday, August 14, 2009 from 4:00 p.m. to 10:00 p.m., Saturday, August 15, 2009 from 11:00 a.m. to 10:00 p.m. and Sunday, August 16, 2009 from 11:00 a.m. to 5:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.

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

Motion: to Approve an application for a special event liquor license filed by Richard Charles Stockwell, agent for the Rim Country Rotary Foundation, for the 125th Annual World's Oldest Continuous Rodeo to be held Friday, August 14, 2009 from 4:00 p.m. to 10:00 p.m., Saturday, August 15, 2009 from 11:00 a.m. to 10:00 p.m. and Sunday, August 16, 2009 from 11:00 a.m. to 5:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 7-0

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

2. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for a special event liquor license filed by Ann Marie Era, agent for the Payson Pro-Rodeo Committee, for a fundraiser for their scholarship fund to be held Friday, July 3, 2009 from 5:00 p.m. to 2:00 a.m. and Saturday, July 4, 2009 from 5:00 p.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

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

Motion: to Approve an application for a special event liquor license filed by Ann Marie Era, agent for the Payson Pro-Rodeo Committee, for a fundraiser for their scholarship fund to be held Friday, July 3, 2009 from 5:00 p.m. to 2:00 a.m. and Saturday, July 4, 2009 from 5:00 p.m. to 2:00 a.m. at 607 West Main Street, Payson, Arizona.

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

Vote: Motion carried 7-0

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

G. RESOLUTIONS AND ORDINANCES

1. *** Resolution No. 2494.** Council approved, on the Consent Agenda, Resolution No. 2494, 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 FOR MAGISTRATE SERVICES WITH THE HONORABLE DOROTHY LITTLE.
***CONSENT* APPROVED**
2. **Resolution No. 2495.** Mayor Evans opened discussion/possible action concerning Resolution No. 2495, 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 BETWEEN THE TOWN OF PAYSON AND THE NORTHERN GILA COUNTY SANITARY DISTRICT PROVIDING FOR PAYMENT OF SANITARY SEWER CAPACITY FEES RELATED TO THE RESTAURANT AT PAYSON MUNICIPAL AIRPORT.

LaRon Garrett, Public Works Director, explained that several years ago when the restaurant opened they had not paid their hazardous waste fees. When the Payson Regional Airport Authority leased the restaurant they became responsible for the fees. The fees would be due when the restaurant applied for permits.

Jon Barber, president of the Payson Regional Airport Authority, stated the Board had no recollection of making the agreement to pay the fees. The Board was unable to

attend the meetings of the sanitary District and the Town. Mr. Barber believed the Payson Regional Airport Authority was not responsible for the fees because the Town owned the property and the Payson Regional Airport Authority only leased the land. Mr. Barber had not been notified that this was on this agenda. Mr. Barber asked Council to table this until the Board can be a part of the discussions.

Mayor Evans explained the Sanitary District was parallel to the Town and had their own fees. Mr. Garrett had discussed this with the former president and that was why it was brought before the Council. Mr. Barber believed there was nothing in the lease about the fees. The property had to be owned and operated by the Town for the Town to be responsible for the fees. Mr. Barber asked the Mayor to postpone this resolution and asked the Council to notify the Payson Region Airport Authority when there would be something on the agenda regarding them.

Motion: to Approve Resolution No. 2495, 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 BETWEEN THE TOWN OF PAYSON AND THE NORTHERN GILA COUNTY SANITARY DISTRICT PROVIDING FOR PAYMENT OF SANITARY SEWER CAPACITY FEES RELATED TO THE RESTAURANT AT PAYSON MUNICIPAL AIRPORT. Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

Vice-Mayor Vogel asked if the outcome would change if this was tabled. Mr. Garrett stated no, the Town had already received the bill and it was due and payable.

Council Member Blair was unhappy the Payson Regional Airport Authority was not included and felt it would be an advantage to vote after the Payson Regional Airport Authority and the Town had met. Council Member Blair did not support the motion.

Council Member Hughes asked if there was no difference from building or moving into an existing building. Mr. Garrett stated they would be given a credit for what was already paid.

Council Member Croy asked if the Sanitary Board had reviewed this. Mr. Garrett stated they had approved it at their last meeting.

Mayor Evans believed they could lock this rate in and defer payment until a new restaurant was built. Council Member Croy asked if any financing had been discussed. Mr. Garrett did not know of any financing being discussed. The Sanitary Board may negotiate that. Mr. Barber asked if instead of this being due and payable today it would be due when and if the new terminal was built. Mr. Barber was okay with putting this off. Council Member Blair asked if there would still be a workstudy with the Payson Regional Airport Authority. Mayor Evans replied yes.

Mayor Evans called for the vote.

Vote: Motion carried 6-0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Michael

Hughes, Council Member Su Connell, Council Member Croy, and Council Member John Wilson.

No: Council Member Ed Blair.

3. **Ordinance No. 765.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 765, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES).

Paula Bentley stated she and her husband were opposed to this development and asked the Council to look at all of the General Plan updates. Ms. Bentley believed this violated the update and that Ordinance No. 765 would reduce the rural look of the parcel. Ms. Bentley believed the General plan stated sufficient demand must be shown for the rezoning and that Ordinance No. 765 did not show sufficient demand.

Ray Jones had presented this subdivision to the Town and was responsible for the current zoning. Mr. Jones stated it had not been his intention for it to stay at that zoning. Mr. Jones felt this was a good way to go for new zoning.

Len Little agreed that Mr. Jones had laid this subdivision in place. Mr. Little stated there were 325 vacant lots available and asked the Council to look at Mr. Jones input as flexible.

Marty Lamb represented the home owners in his neighborhood and stated all the neighbors were against this. Mr. Lamb felt the owners had a reasonable expectation that the property would stay the same and that there should be a need for the zoning change. Mr. Lamb thanked the Council.

Mike Foil felt that right now was not a good snap shot of demand in Payson and that over the past year there had been some increased activity in smaller lots. Mr. Foil believed the Underwood's had met all of the requirements to change the zoning and felt this would be a nice addition to the neighborhood. Mr. Foil asked the Council to approve this.

Peter Menghini opposed the rezoning and felt there should be a good reason for rezoning. Mr. Menghini believed there was no benefit from the rezoning and felt that preserving the good faith of the public should be put first.

Harold Corbin had opposed the rezoning in the past and believed there were plenty of lots to build on and that there was no need for smaller lots.

Barbara Underwood, owner and developer, asked if during the second reading there would be a presentation. Mayor Evans replied yes. Ms. Underwood stated they had owned this property since 1992. Ms. Underwood believed it was not the intention that the zoning would stay there and she could assure the people there that they are

built out. There would not be spot zoning. Ms. Underwood felt everyone was leaving out the other subdivisions they had developed and was upset that people were not looking at the whole picture. Ms. Underwood urged the Council to call her with questions and to come out and see the property.

Mel Thornton believed other developers had agreed to keep zoning the same. Mr. Thornton felt Payson residents valued the rural character of the area and that zoning should remain the same. Mr. Thornton stated it does seem to be spot zoning and quoted from the General Plan. Mr. Thornton believed this property did not meet the requirements for rezoning and asked the Council not to make changes just because they had the authority to.

Ralph Bossert stated he had helped the Underwoods lay out this subdivision. Mr. Bossert believed this was a good fit for the area and that Payson did not have a lot of land. Mr. Bossert asked the Council to be careful how they looked at the petitions.

There were no more public comments. Mayor Evans closed the First Reading and Public Hearing.

4. **Ordinance No. 766.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 766, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1800 NORTH BEELINE HIGHWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-004K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO C-2 (PONDEROSA BAPTIST CHURCH).

Council Member Hughes recused himself from the First Reading and Public Hearing for Ordinance No. 766.

There were no public comments. Mayor Evans closed the First Reading and Public Hearing.

H. UNFINISHED BUSINESS

1. * **Council Decision Request** filed by LaRon Garrett, Public Works Director/Town Engineer, to direct staff to stop all work on the potential Cedar Lane Improvement District until they receive further direction from the Town Council.
***CONSENT* APPROVED**

I. NEW BUSINESS

2. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to award the contract for construction of the Wade Lane Sidewalk project to Wantland & Sons Construction, L.L.C. and authorize the Mayor to sign all necessary contract documents.

LaRon Garrett, Public Works Director, explained the project.

Motion: to award the contract for construction of the Wade Lane Sidewalk project to Wantland & Sons Construction, L.L.C. and authorize the Mayor to sign all necessary contract documents.

Vote: Motion carried 7-0

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

3. **Council Decision Request** filed by Ray Erlandsen, Acting Community Development Director, to direct the Design Review Board to establish an awards program to provide recognition for outstanding projects as well as prepare written correspondence for dissemination to property owners and users that may be affected by Design Review Guidelines.

Ray Erlandsen, Acting Community Development Director, explained the program and recognized Bernie Leider, Design Review Board Chairman.

Bernie Leider, Chairman of the Design Review Board, felt it would be appropriate for the Town to give people a certificate thanking them for the work they did.

Motion: direct the Design Review Board to establish an awards program to provide recognition for outstanding projects as well as prepare written correspondence for dissemination to property owners and users that may be affected by Design Review Guidelines.

Moved by Vice-Mayor Mike Vogel, seconded by Council Member Su Connell.

Vote: Motion carried 7-0

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

4. **Council Decision Request** filed by Colin Walker, Assistant Public Works Director, to authorize the Mayor to sign all documents necessary to secure \$100,000.00 in funding from the Arizona Department of Environmental Quality in Fiscal Year 2009-10 for the operation of the WQARF Water Treatment Plant at 204 West Aero Drive.

LaRon Garrett, Public Works Director, explained this was an annual contract.

Motion: authorize the Mayor to sign all documents necessary to secure \$100,000.00 in funding from the Arizona Department of Environmental Quality in Fiscal Year 2009-10 for the operation of the WQARF Water Treatment Plant at 204 West Aero Drive.

Moved by Council Member Richard Croy, seconded by Council Member Ed Blair.

Vote: Motion carried 7-0

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

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 05/27/09 through 06/08/09, Check Nos. 005940 through 006016, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

There were no items in this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 7:50 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 18 of June, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ___ day of _____, 2009.

Tracie Bailey, Deputy Town Clerk