TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 23, 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 Rich Richey, First Church of the Nazarene.

PLEDGE OF ALLEGIANCE

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

ABSENT: Council Member Su Connell.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Don Engler - Police Chief, Marti deMasi - Fire Chief, Collin P. Walker - Assistant Public Works Director, LaRon Garrett - Public Works Director, and Silvia Smith - Town Clerk.

Council Member Wilson was present telephonically.

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.

Council Member Blair requested Item G.2 be removed from the Consent Agenda.

Motion: to approve all Items listed on the Consent Agenda except Item G.2.
Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Vote: Motion carried 6 - 0

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

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR,

AUG 0 6 2009 E.1*

AND/OR COUNCIL MEMBER

Debra Galbraith, Town Manager, announced the Leadership Academy needed twenty people to enroll and explained how people could enroll. Police Chief, Don Engler, announced the National Night out Program and its events.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Mayor Evans announced the Ring of Honor event was very successful and recognized traditional cowboys. The Mayor congratulated them on a great activity.

E. MINUTES

1*. **Council Meeting Minutes**:
06.18.09 Regular Meeting Minutes Pages 1 -10
07.01.09 Regular Meeting Minutes Pages 1 -8
07.07.09 Work Study Meeting Minutes Pages 1 -2
***CONSENT* APPROVED**

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. *** Planning & Zoning Commission Meeting Minutes**:
06.08.09 Regular Meeting Minutes Pages 1 -8

3. *** Housing Advisory Commission Meeting Minutes**:
03.19.09 Regular Meeting Minutes Pages 40 -41
04.23.09 Regular Meeting Minutes Pages 42 -43
05.28.09 Regular Meeting Minutes Pages 1
***CONSENT* INFORMATION ONLY**

4. *** Historic Preservation and Conservation Commission Meeting Minutes**:
06.08.09 Regular Meeting Minutes Pages 191 -192
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing** concerning an application for a Special Event Liquor License filed by Marie Esra, agent for the Payson Pro Rodeo Committee, for a fund raising event to be held Friday, August 14, 2009, from 8:00 a.m. to 2:00 a.m. and Saturday, August 15, 2009, from 8:00 a.m. to 2:00 a.m. at 607 W. Main Street, Payson, Arizona.

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

   Motion: to Approve an application for a Special Event Liquor License filed by Marie Esra, agent for the Payson Pro Rodeo Committee, for a fund raising event to be held Friday, August 14, 2009, from 8:00 a.m. to 2:00 a.m. and Saturday, August 15, 2009, from 8:00 a.m. to 2:00 a.m. at 607 W. Main Street, Payson, Arizona.

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

Vote: Motion carried 6 - 0

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

2. **Public Hearing** concerning an application for a Special Event Liquor License filed by Jean Wilson, agent for the Soroptimist of Zane Grey Country, for a fund raising event to be held Friday, December 11, 2009 from 4:00 p.m. to 8:00 p.m. at the Rim Country Museum, 700 Green Valley Parkway, Payson, Arizona.

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

   Motion: to Approve an application for a Special Event Liquor License filed by Jean Wilson, agent for the Soroptimist of Zane Grey Country, for a fund raising event to be held Friday, December 11, 2009 from 4:00 p.m. to 8:00 p.m. at the Rim Country Museum, 700 Green Valley Parkway, Payson, Arizona.
   Moved by Vice-Mayor Mike Vogel, seconded by Council Member John Wilson.

   Vote: Motion carried 6 - 0

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

3. **Public Hearing** concerning an application for a Special Event Liquor License filed by Jean Wilson, agent, for the Soroptimist of Zane Grey Country, for a fund raising event to be held Friday, October 9, 2009, from 3:00 p.m. to 10:00 p.m. at the Best Western Hotel, 801 N. Beeline Highway, Payson, Arizona.

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

   Motion: to Approve an application for a Special Event Liquor License filed by Jean Wilson, agent, for the Soroptimist of Zane Grey Country, for a fund raising event to be held Friday, October 9, 2009, from 3:00 p.m. to 10:00 p.m. at the Best Western Hotel, 801 N. Beeline Highway, Payson, Arizona.
   Moved by Vice-Mayor Mike Vogel, seconded by Council Member John Wilson.

   Vote: Motion carried 6 - 0

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

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. Resolution No. 2497. Mayor Evans opened discussion/possible action concerning Resolution No. 2497 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE PAYSON SR 87/260 DESIGN GUIDELINES (DATED JUNE 18, 2009). (SR 87/260 DESIGN GUIDELINES).

Council Member Blair asked for clarification of Resolution No. 2497. Tim Wright, Deputy Town Attorney, explained citizens wanted to put signs in the right of way. Staff would draft a policy to allow landscaping on the right of way.

Motion: to adopt Resolution No. 2497 with only section 2 and eliminate section 1. Moved by Council Member Ed Blair.

Mayor Evans asked Council Member Blair to explain his concerns. Council Member Blair felt the Town was business unfriendly. Businesses should be allowed to have a sign on the building that they are renting. The maximum number of tenants that can be listed on the big sign was too small. Council Member Blair believed this needed to be reworked.

Vice-Mayor Vogel believed Council could do what they wanted and would like to see staff and the Design Review Board work together. The Vice-Mayor explained this was just a recommendation. Council Member Blair did not want this adopted as a code. Vice-Mayor Vogel explained that was not in the resolution.

The motion died due to the lack of a second.

Motion: town staff and Design Review be directed to create a policy that would allow new opportunities for landscaping and signage.
Moved by Vice-Mayor Mike Vogel, seconded by Council Member Ed Blair.

Tim Wright, Deputy Town Attorney, clarified this was a new motion. Mayor Evans stated Council Member Blair's motion died due to the lack of a second. Mr. Wright clarified that this motion was to adopt Resolution No. 2497 with section one and with the amendment that Vice-Mayor Vogel made to section two. Mayor Evans stated yes.

Vote: Motion carried 6 - 0

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

3. Mayor Evans opened discussion/possible action regarding the following items.

A. **Resolution No. 2503**, 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 REAL ESTATE PURCHASE CONTRACT AND A PROPOSAL FOR ARCHITECTURAL SERVICES ALL RELATING TO THE PURCHASE OF APPROXIMATELY ONE ACRE OF UNIMPROVED REAL PROPERTY LOCATED ADJACENT TO THE SOUTHEAST CORNER OF RIM CLUB DRIVE AND HIGHWAY 260 IN THE TOWN OF PAYSON (Third Fire Station).

Motion: to Approve Resolution No. 2503, 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 REAL ESTATE PURCHASE CONTRACT AND A PROPOSAL FOR ARCHITECTURAL SERVICES ALL RELATING TO THE PURCHASE OF APPROXIMATELY ONE ACRE OF UNIMPROVED REAL PROPERTY LOCATED ADJACENT TO THE SOUTHEAST CORNER OF RIM CLUB DRIVE AND HIGHWAY 260 IN THE TOWN OF PAYSON (Third Fire Station). Moved by Vice-Mayor Mike Vogel, seconded by Council Member Ed Blair.

Mayor Evans explained the approved bond issue was to construct a third fire station. The Mayor thanked the Council and especially Vice-Mayor Vogel for his hard work.

Council Member Blair asked Marty de Masi, Fire Chief, to explain where the location was. Chief de Masi responded the property was close to Tyler parkway and Highway 260.

Mayor Evans called for the vote.

Vote: Motion carried 6 - 0

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

Chief de Masi thanked Vice-Mayor Vogel for his hard work and the Council for their support.

B. **Council Decision Request** filed by Debra A. Galbraith, Town Manager, to direct staff to proceed with the process of construction, including bond issuance, for Fire Station #3.

Vice-Mayor Vogel clarified his motion was for item B also. Mayor Evans ruled that what was moved was the approval of Resolution No. 2503 and Item B. Sam Streichman, Town Attorney, asked if it was the Council's intent to adopt Item 3.A and 3.B. Mayor Evans stated yes.

Council Member Blair asked how much more needed to be bonded. Vice-Mayor

Vogel responded 1.5 million dollars.

H. UNFINISHED BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Public Works Director/Town Engineer, concerning the Main Street Transportation Enhancement Grant to:

   (1) Submit a formal request to ADOT to extend the approved timeline and postpone the completion date from August 2009 to August 2012. OR

   (2) Submit a formal request to ADOT to revise/decrease the project's scope and budget by eliminating all paving and curbing. OR

   (3) Submit a formal request to ADOT to withdraw the project as approved and resubmit when theTown has the financial ability to provide the required leverage funds to complete the project. (Added: 07-21-09, 2:00 p.m.)

LaRon Garrett, Public Works Director, stated staff met with the Arizona Department of Transportation (ADOT) and were given three different options. Mr. Garrett explained the options.

Council Member Blair asked Charles Proudfoot and Ken Volz if they would speak to this.

Ken Volz, Chairperson for the Green Valley Redevelopment Area Commission, explained he and Mr. Proudfood discussed this at length and had gone through the letter. Mr. Volz and Mr. Proudfoot believed that option one was the best way to go and that, as a town, there was everything to gain and nothing to lose by going with option one. Mr. Volz asked the Council to choose option one.

Charles Proudfoot, Green Valley Redevelopment Commission Member, expressed his support for option one.

Mayor Evans felt ADOT had a cordial relationship with the Town. The Mayor asked Mr. Garrett if Council chose option one was ADOT required to hold the money. Mr. Garrett replied no, the Transportation Enhancement Review Committee (TERC) does not have to grant the extension and could take the money back.

Council Member Hughes believed the letter said the extension would have to go through the TERC Committee. Mr. Garrett stated that is correct. Mayor Evans asked if Council chose item one and the TERC turned down the extension, could Council ask to withdraw the project. Mr. Garrett replied yes.

Council Member Blair believed the TERC would grant the extension.

Motion: submit a formal request to ADOT to extend the approved timeline and postpone the completion date from August 2009 to August 2012.
Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

I. NEW BUSINESS

1. * **Council Decision Request.** Council approvd, on the Consent Agenda, a Council Decision Request filed by Buzz Walker, Assistant Public Works Director/Water Superintendent, to approve the Water Department Water Conservation Assistance Program for fiscal year 2009/2010 in the amount of $39,500.00 and to allocate the cost to the Water Enterprise Fund.
***CONSENT* APPROVED**

2. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Buzz Walker, Assistant Public Works Director/Water Superintendent, to authorize the Mayor to sign all documents necessary to allow for the use of the airport water storage tank site by Strategic Communications, Inc. for the installation of antennas necessary to provide computer network integration for the Payson Unified School District.
***CONSENT* APPROVED**

3. **Council Decision Request** filed by Buzz Walker, Assistant Public Works Director/Water Superintendent, to authorize the Mayor to sign a financial advisory agreement in the amount of $40,000.00 with Stone & Youngberg L.L.C. for services relative to a water infrastructure finance authority loan for the C.C. Cragin water supply project and to allocate all costs to the Water Enterprise Fund.

   Mr. Walker explained the Council Decision Request.

   Council Member Blair asked if this was just a down payment or would there be other costs. Mr. Walker replied this would take the Town through the first financial action.

   Motion: to authorize the Mayor to sign a financial advisory agreement in the amount of $40,000.00 with Stone & Youngberg L.L.C. for services relative to a water infrastructure finance authority loan for the C.C. Cragin water supply project and to allocate all costs to the Water Enterprise Fund.
   Moved by Council Member Michael Hughes, seconded by Council Member John Wilson.

   Vote: Motion carried 6 - 0

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

4. **Council Decision Request** filed by Ray Erlandsen, Acting Community Development Director, to direct staff to prepare the appropriate code amendment to implement the proposed amendment to the UDC by adding the new zoning

classifications, R1-3 and R1-4.

Motion: to direct staff to prepare the appropriate code amendment to implement the proposed amendment to the UDC by adding the new zoning classifications, R1-3 and R1-4.
Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Council Member Blair asked if Council Member Wilson and Council Member Croy would accept an amendment to the motion to say "to investigate the proposed amendment".

Tim Wright, Deputy Town Attorney, believed the motion as made told staff to start this process, take it to the Planning and Zoning Commission, then it would come back to the Council for an ordinance change if Council desired to do that. Mayor Evans stated the motion does not change the ordinance or direct staff to change the ordinance, but to start the process. Mr. Wright replied yes.

Vice-Mayor Vogel asked Sheila DeSchaaf, Planning Specialist II, if this was already available. Ms. DeSchaaf replied there were provisions for smaller lots and other lots. Vice-Mayor Vogel was concerned that there needed to be provisions for open space and did not support this.

Council Member Croy stated he had brought this to the attention of staff and this was the initial step to do this. Council Member Croy explained his reason for bringing this forward. Council Member Wilson believed this would help with affordable housing. Council Member Blair would support this because it would help affordable housing. Council Member Blair also felt there should be some open space. Ms. DeSchaaf stated it would take some time and asked for direction.

Council Member Hughes believed the provision about open space was already covered. Ms. DeSchaaf stated it was still subject to the General Plan and the rezoning process. Council Member Croy believed it could help in re-building some of the older parts of town.

Mayor Evans asked if you do the math on this, is it even doable. Ms. DeSchaaf responded with creative design it is.

Council Member Croy referred to the subdivision near the post office that had the house over the garage. Council Member Croy felt that was an attractive complex.

Vice-Mayor Vogel noted Council had passed a zero lot line last year for some lots. Ms. DeSchaaf replied they are legal non-conforming lots. Vice-Mayor Vogel felt this was already available and that it would take town houses or apartments to make this work.

Mayor Evans called for the vote.

Vote: Motion failed 3 - 3

Yes: Council Member Ed Blair, Council Member John Wilson, and Council

Member Richard Croy.
No: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, and Council Member Michael Hughes.
Absent: Council Member Su Connell.

5. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director and Debra A. Galbraith, Town Manager, to move that all Town appointed Boards, Commissions and Committees shall utilize the Town Council Chambers as their regular venue for public meetings.
***CONSENT* APPROVED**

6. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the subdivision construction of the Forest Edge Subdivision, including the traffic control devices, subject to the developer's two year warranty of public improvements, to accept the public subdivision improvements for town maintenance under such warranty, to authorize the issuance of building permits for Lots 1-5 and 13-21 immediately, and to authorize the issuance of building permits for Lots 6-12 and 22-31 upon completion of the sanitary sewer construction serving these lots.
***CONSENT* APPROVED**

7. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Ray Erlandsen, Acting Community Development Director, to approve the extension of the McLane Park Preliminary Plat for twelve (12) months through July 23, 2010.
***CONSENT* APPROVED**

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 06/23/09 through 07/02/09, Check Nos. 006234 through 006375 and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Reappointment of **Jan Parsons to the Industrial Development Authority**, term to expire 06-31-2015. (Application on file in the Town Clerk's office.)
***CONSENT* APPROVED**

2. * Reappointment of **Terrea Brownlee to the Industrial Development Authority**, Term to expire 06-31-15.
***CONSENT* APPROVED**

3. * Appointment of **Kenneth Woolcock to the Design Review Board** to fill the unexpired term of Maricel Causer. Term to expire December 31, 2010.
***CONSENT* APPROVED**

4. * Appointment of **James H. Garner to the Design Review Board** fill the unexpired term of Mareena Cords. Term to expire December 31, 2010.

***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT:

Mayor Evans adjourned the meeting at approximately 6:32 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 23 of July, 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