

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
September 10, 2009**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Don Engler - Police Chief, Marti deMasi - Fire Chief, Samuel L. Streichman - Town Attorney, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, Ray Erlandsen - Acting Community Development Director, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Tim Wright - Deputy Town Attorney, Gaye Stidham - Deputy Town Clerk, Bethany Beck - Housing Program Manager, Tomi Huddlestun - Human Resources Manager

A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

Ruth Craig represented St. Phillips Catholic Church and voiced their concerns about drainage from the Christian school project proposed for that area. She asked for assurance that drainage would not run through the parking area of the church and that the school not have a drive through fence, but a walk through gate only.

Jerry Green believed the proposed location was ideal for the Christian school. He believed the school was vital to the Town and would take a burden from the public school system, provide an option for parents and teach strong morals to our children. He believed the school had been delayed too long from a permanent location.

John Carazza wanted the recommendation by the Planning and Zoning Commission for eight foot block wall fencing in some areas to remain in any approval for the Christian school.

Wayne West said his property adjoined the proposed Christian school. His property is 1/2 block from Frontier Elementary where there are twice as many students. They are good neighbors with minimal impact. Mr. West believed, since the property belonged to the school, and they are willing to keep the neighbors happy, they should spend their money on their students rather than on a fence. He believed the impact of their operations would be minimal and was in favor of the new set of plans.

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.

Motion: to approve the Consent Agenda.

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

Vote: Motion carried 7 - 0

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

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

Cameron Davis, Parks, Recreation and Tourism Director announced the upcoming Northern Gila County Fair and Demolition Derby this weekend. The Heritage Festival and Ol' Time Fiddler's Championship will be September 26 and 27.

LaRon Garrett, Public Works Director announced that a letter from FEMA had arrived changing the flood plain designation for Trail Wood subdivision. Copies of the letter will be mailed to the effected residents for their records.

Council Member Blair announced the circus that will be here September 17.

Mayor Evans presented a birthday card to Council Member Croy and wished him a happy birthday.

Council Member Connell thanked the Payson Fire Department and the other fire departments and agencies including hot shots and the Arizona Central West Fire Team and the Forest Service for their contribution to surpressing the recent Water Wheel fire. She also thanked the local Red Cross, merchants, Boy Scouts and medical personnel for their help with displaced residents. She thanked the local hotels and motels who opened their doors and the Humane Society for caring for displaced animals. She said that Payson is the heart and the heart beat of Arizona. Council Member Connell reminded those present that the next day was September 11, the 8th anniversary of the destruction of the Twin Towers. She asked every resident, office and business owner to display the American flag lest we forget.

Mayor Evans also thanked the Fire Department and support crews for acting so quickly to surpress this fire. He explained the circumstances of how the fire started between Whispering Pines and Beaver Valley and how it could have easily destroyed them. He said a thunderstorm came up and could have fanned the flames or scattered burning debris, but it came to the edge of the fire and backed up the Rim causing the fire to burn back on itself. He thanked the good Lord for His protection.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

2. Proclamation declaring September 28, 2009 as Family Day -A Day to Eat Dinner with Your Children. Mayor Evans read the proclamation into the record.
3. Proclamation declaring September 17, 2009 as Citizenship Day and September 17-23, 2009 as Constitution Week. Council Member Wilson read the proclamation. Members of the Daughters of the Revolution were present to accept the proclamation.

Val Sullivan invited those present to the Library on September 17, from 9:00 a.m. to 3:00 p.m. to receive information on the Constitution and the Bill of Rights.

4. Proclamation declaring September 20-26, 2009 as Disability Awareness Week. Council Member Croy read the proclamation. Members of the Adult Friendship Class and teachers from Mountain Bible Church were present to accept the proclamation.
5. Proclamation declaring September 26, 2009 as Friends of the Poor Walk Day. Council Member Hughes read the proclamation. Ed Burgin and members of the St. Vincent De Paul were present to accept the proclamation.

E. MINUTES

1. * Council Meeting Minutes:
08-20-09 Special Meeting Page 1
08-20-09 Special Meeting Pages 1 -2
08-20-09 Regular Meeting Pages 1 -13
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. * Housing Advisory Commission Meeting Minutes: 06-25-09 Regular Meeting Pages 45 -46 *CONSENT* INFORMATION ONLY
3. * Parks and Recreation Commission Meeting Minutes: 06-10-09 Regular Meeting Pages 1 -4 *CONSENT* INFORMATION ONLY

F. HEARINGS AND APPEALS

1. This was a Public Hearing concerning an application for a Series 12 Liquor License filed by Craig Lewis Dalton, agent, Cardo's Italian Restaurant, 203 E. Highway 260, Suite A1, Payson, Arizona.

Mayor Evans opened the public hearing. There were no comments from the public and he closed the public hearing.

Motion: to Approve an application for a Series 12 Liquor License filed by Craig Lewis Dalton, agent, Cardo's Italian Restaurant, 203 E. Highway 260, Suite A1, 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 Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

2. This was a Public Hearing concerning an Appeal of the Planning and Zoning Commission's approval of Conditional Use Permit Amendment CUP-173-09, allowing an amended site plan for a school use at 500 S. Mud Springs Road. The Applicant and Phillip Anderson each filed independent appeals of the Commission's July 13, 2009 decision pursuant to Unified Development Code Section 15-09-004 (D)(3). The Council may reverse, affirm, or modify the decision of the Commission.

Mayor Evans opened the public hearing. Phillip Anderson said he made the appeal because he didn't think there had been an acceptable audience by the Planning & Zoning Commission concerning the noise abatement, environmental and community impacts. Mr. Anderson believed there would be congestion at the intersection of Granite Dells and Bentley and the present plan for the Christian school was ineffective and suggested making a parking driveway along Mud Springs Road. Mr. Anderson suggested changes to the land use adjacent to the building transferring the athletic fields to the green belt to the north where the trees would be a good buffer for the sound. His suggestions had been presented to Council with maps and letters. He believed the athletic field should be moved to more level ground to mitigate the noise for those who object to the noise.

Council Member Blair said he talked with the architect, Bernie Leider, and asked him to address the meeting. Mr. Leider said that the property that Mr. Anderson referred to as a playground or athletic field was not intended for development but to leave it open. Council Member Blair was also concerned about the placement of the eight foot walls and he believed they needed to be on school property to avoid problems with the Sanitary District. Mr. Leider assured Council Member Blair that the best plan would be worked with the Sanitary District for their location.

Vice-Mayor Vogel said he was not a fan of block walls around schools and suggested achieving the same result with landscaping. Mr. Leider said that proper landscaping could achieve better absorption of sound and better visual impact than a block wall.

Council Member Croy pointed out that the Code required an opaque wall and not a block wall. He did not see a need for fencing.

Council Member Blair said he preferred the concrete, block walls. He did not believe landscaping would grow fast enough to accomplish the barrier that was needed.

Mayor Evans discussed with the architect the percentage of linear feet that would be block wall and the percentage of the neighbors who wanted a block wall.

Vice-Mayor Vogel noted that the only complaint he was aware of concerning Rumsey Park neighbors over the last few years was for lights at night. Rumsey Park serves hundreds of young people throughout the year.

Council Member Blair read Condition #3 from the Planning & Zoning Commission recommendations. He suggested the motion to place the eight foot walls where requested and to modify the recommendation to include placing the walls on school property east of the sewer easement along property lines and for the walls to be built at the time the infrastructure is built and before buildings are begun. He said landowners should be able to request an eight foot wall until 30 days after completion of Phase 2. Mayor Evans asked Council Member Blair to make his motion after the Public Hearing was complete.

Council Member Croy asked that if the Council took the requirement out concerning the eight foot block wall, could the homeowners do it anyway. Ray Erlandsen, Acting Community Development Director, said that the Town Code requires only that an eight foot continuously opaque wall separate residential from other uses. The screening wall does not have to be on property lines only that the development must be screened from adjacent properties.

Don Lindsley said he didn't have a fence and had no objections to the school. He did, however, object to an eight foot block wall. Mayor Evans explained that the block walls were proposed for only those who wanted them.

Ruth Craig said the plans did not show drainage. LaRon Garrett, Public Works Director, said the final plans would be reviewed and Town Code requirements for drainage would be applied.

John Carazza said the standard for a school was an eight foot chain link fence with three barbed wires on top. Frontier Elementary neighbors have 30 to 40 feet of greenbelt between them and the school.

Mr. Anderson believed the concrete block walls were critical to the Planning and Zoning Commission's approval of this CUP. He believed the applicant was getting off lightly with three lengths of block wall. He requested the Council pass a motion to preserve the green belt.

Council Member Wilson asked if it was appropriate to eliminate Condition #3 from the Planning and Zoning Recommendations and to require fencing to be in accordance with Town Code. Mr. Erlandsen responded that it was appropriate.

Council Member Blair asked for clarification. Mr. Erlandsen responded that Town Code prescribes a continuous opaque eight foot screening wall separating non-residential from residential. This screening wall does not necessarily need to be on a property line.

Mayor Evans closed the public hearing.

Motion: to affirm the Planning and Zoning Commission decision to approve the Conditional Use Permit Amendment CUP-173-09, allowing an amended site plan for a school use at 500 S. Mud Springs Road and amending the Conditions to

remove Condition #3 and allowing the Town Code to govern the construction of any fencing.

Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Council Member Blair asked for clarification. Mr. Erlandsen said that the final review of all plans would look to the Town Code for compliance and that the builder would be subject to the Code current at the time permit applications were submitted. Deputy Attorney Tim Wright further clarified that the motion removes the condition of an eight foot block wall. Council Member Blair said he would vote against the Conditional Use Permit because he felt it would force people to do without a block wall. Mayor Evans disagreed that was the way it would work.

Donna Smart asked if walls would be done before buildings were started. Mr. Erlandsen replied that was not currently part of the code. Ms. Smart asked that Council approve what the Planning and Zoning Commission recommended.

Mayor Evans asked for clarification whether the vote was on the amendment removing Condition #3 singly or an affirmation with the amendment in place. Deputy Attorney Wright said this vote would be for the complete motion.

Vote: Motion carried 6 - 1

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

No: Council Member Ed Blair.

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. 2514, 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 WITH THE COUNTY OF GILA FOR COOPERATIVE PURCHASING. *CONSENT* APPROVED
3. Discussion/possible action concerning Resolution No. 2516, 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 TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR PARK TRAIL SUBDIVISION.

Motion: to Approve Resolution No. 2516, 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 TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR PARK TRAIL SUBDIVISION.

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

4. * Discussion/possible action concerning Resolution No. 2515, 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 PAYSON CHAMBER OF COMMERCE, INC., FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS. *CONSENT* APPROVED
5. First Reading and Public Hearing concerning Ordinance No. 772, 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 1014 EAST CANYON DRIVE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-015R, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, FROM R1-90 TO R135. (1014 E CANYON DRIVE REZONING) First Reading and Public Hearing.

Mayor Evans opened the public hearing.

Gary Vacklin, 403 N. Maranatha Road, said he opposed the rezoning. He did not believe it was consistent with other properties in the area.

Fred Hollobaugh, owner of the property, answered questions from the Council He said he had submitted a response to a protest by Ken Gouker. Council Member Blair and Council Member Croy asked about the necessary septic systems and leach fields. Mr. Hollobaugh responded that one system would be grandfathered in but an aerobic septic system would need to be installed for the main house. He said that the area had been a maverick development with city size lots, 1/2 acre and whole acre lots. There have been improvements since the R1-90 designation with paved roads and Town water. Tim Wright, Deputy Town Attorney, explained that before the minor land division there would need to be separate sanitary systems. He noted the owner will need to solve the sanitary difficulties to the satisfaction of the Health Department.

Mayor Evans closed the public hearing.

H. UNFINISHED BUSINESS

1. There are no items in this section

I. NEW BUSINESS

1. Council Decision Request filed by Martin A. deMasi, Fire Chief, to waive the plan review and permit fees for the Rim Country Middle School and Payson High School fire alarm projects.

Fire Chief deMasi answered questions from the Council. There had already been fees waived for construction projects for the School District, the Middle School, Julia Randall Elementary, and Payson High School totally \$130,000.

Motion: to deny a Council Decision Request filed by Martin A. deMasi, Fire Chief, to waive the plan review and permit fees for the Rim Country Middle School and Payson High School fire alarm projects.

Moved by Council Member Ed Blair, seconded by Vice-Mayor Mike Vogel.

Vote: Motion carried 6 - 1

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

No: Mayor Kenny J. Evans.

2. Council Decision Request filed by Bethany Beck, Grants Coordinator and Housing Program Manager, to authorize the Housing Advisory Commission to coordinate local participation in the Rock and Roll Paint-a-thon, to be held October 24, 2009.

Ms. Beck explained that the Housing Commission had been asked to coordinate with a non-profit group, Rebuilding Together, for this event. The Commissioners had agreed to coordinate the event locally but the liability risk for volunteers was a problem. Rebuilding Together was not willing to supply any supplementary insurance for local volunteers. There was discussion concerning similar volunteer events at the dog park where the Tulip program had provided insurance at \$100. Mayor Evans offered to pay the \$100 from his own pocket if that would help to go forward with the Paint-a-thon.

Council Member Wilson suggested using the Rotary Clubs to provide a volunteer team and then Rotary International would provide insurance.

Motion: to Approve a Council Decision Request filed by Bethany Beck, Grants Coordinator and Housing Program Manager, to authorize the Housing Advisory Commission to coordinate local participation in the Rock and Roll Paint-a-thon, to be held October 24, 2009 and to accept the Mayor's \$100 to provide liability insurance.

Moved by Council Member Ed Blair, 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 Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

3. Council Decision Request filed by Debra A. Galbraith, Town Manager, to: Direct staff to create a contract from July 1, 2009 to December 31, 2009 to pay the Humane Society on a monthly basis, in the amount of \$7,400, pending contract negotiation
OR
Direct staff not to pay the Humane Society until a contract for fiscal year 2009/2010 has been signed, at which time they will be paid from July 1, 2009 to current.

Ms. Galbraith explained this was some simple housekeeping to keep Humane Society services until a contract for this fiscal year could be negotiated. Although there had been discussion concerning paying them on a monthly basis under the old contract, no vote had been taken. The Town would pay for July, August and September immediately.

Motion: to Approve a Council Decision Request filed by Debra a. Galbraith, Town Manager, to: Direct staff to create a contract from July 1, 2009 to December 31, 2009 to pay the Humane Society on a monthly basis, in the amount of \$7,400, pending contract negotiation.

Moved by Council Member Su Connell, seconded by Council Member Ed Blair.

Mayor Evans and Council Member Hughes clarified that should the negotiated contract be different per month than the \$7,400, it would reflect the difference already paid.

Vote: Motion carried 7 - 0

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

4. Council Decision Request filed by LaRon Garrett, Public Works Director, to revise two of the Rim Ridge Estates Subdivision Preliminary Plat conditions to read as follows: No.3: The Mud Springs Road adjacent to the project shall be upgraded to meet Town Standards. This may require additional right of way dedications. Improvements shall be a minimum of 16.5 feet of pavement from the roadway center of the right of way to the back of curb with vertical curb and gutter. The developer shall also make a contribution to the PATS equal to constructing 380 linear feet of granite trail of \$5,700.00 payable prior to approval of the development plans for Tract 'D'. No. 5: The developer will contribute their pro rata share of the cost of a traffic control device at Mud Springs Road and Highway 260, to be payable prior to the approval of the development plans for Tract 'D'. and, to direct staff to formulate a financial assurance agreement with the Developer that will facilitate installing the landscape within 9 months of the final acceptance of the subdivision construction improvements.

Council Member Hughes recused himself stating he was employed at the same place as a principle owner of this property. Council Member Hughes was not present for the discussion or vote.

Motion: to Approve a Council Decision Request filed by LaRon Garrett, Public

Works Director, to revise two of the Rim Ridge Estates Subdivision Preliminary Plat conditions to read as follows:

No.3: The Mud Springs Road adjacent to the project shall be upgraded to meet Town Standards. This may require additional right of way dedications.

Improvements shall be a minimum of 16.5 feet of pavement from the roadway center of the right of way to the back of curb with vertical curb and gutter. The developer shall also make a contribution to the PATS equal to constructing 380 linear feet of granite trail of \$5,700.00 payable prior to approval of the development plans for Tract 'D'.

No. 5: The developer will contribute their pro rata share of the cost of a traffic control device at Mud Springs Road and Highway 260, to be payable prior to the approval of the development plans for Tract 'D'.

and, to direct staff to formulate a financial assurance agreement with the Developer that will facilitate installing the landscape within 9 months of the final acceptance of the subdivision construction improvements.

And

To delay the installment of landscape improvements by 9 months.

Moved by Vice-Mayor Mike Vogel, seconded by Council Member Ed Blair.

Vote: Motion carried 6 - 0

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

J. CLAIMS

1. * List of checks paid from 08/12/09 through 08/31/09, Check Nos. 006802 through 007157 and authorization to file the checks for audit.
CONSENT APPROVED

K. MISCELLANEOUS

- 1.* Acceptance with regrets of the resignation of Daniel W. Malloy from the Fire Department Alternate Pension and Benefit Plan with thanks for job well done.
CONSENT APPROVED
- 2.*Acceptance with regrets of the resignation of Minette L. Hart-Richards from the Green Valley Redevelopment Area Commission with thanks for a job well done.
CONSENT APPROVED
- 3.* Appointment of John Robert Holiday to the Historic Preservation and Conservation Commission to fill the unexpired term of Pat Lundblad. Term to expire December 31, 2010.
CONSENT APPROVED
4. 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

There were no further public comments.

The meeting adjourned at approximately 7:58 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 10 of September, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2009.

Gaye Stidham, Deputy Town Clerk