TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 15, 2010

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

Simone Lake, Minister of Education and Prayer, Pine's Church on Randall Place

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, LaRon Garrett - Public Works Director, Cameron Davis - Parks, Recreation and Tourism Director, and Cindy Smith - Chief Fiscal Officer.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Gaye Stidham - Deputy Town Clerk, Ray Erlandsen - Community Development Director, Colin Walker - Water Superintendent, and John Heflin - Police Sergeant.

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

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 John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

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

1. Brief presentation of current events by the Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law specifies that the Town Council may not

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discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.

Mayor Evans announced Mike Barr, the 25 year old son of Deanna and Police Sergeant Les Barr, had passed away in his sleep this morning. Donations can be made at National Bank in Mike Barr's name. The Mayor expressed the Council's condolences to the family.

2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

2. **Proclamation.** Mayor Evans read into the record a proclamation declaring August 3, 2010 as the 27th National Night Out. Officer Lorenzo Ortiz was present to accept the proclamation.

   Mayor Evans stated there were certain blocks in town that excelled in this program. The events would start at noon and go to 8:00 p.m.

3. **Presentation** by Mike Vogel, Economic Development, regarding an Economic Development Status Report.

   Mike Vogel gave a brief background on the Economic Development Program. Debra Galbraith, Town Manager, Mayor Evans and Mr. Vogel had put together a program that started at Town Hall. Mr. Vogel explained how the program worked. He had helped three businesses expand and kept two businesses from leaving town. Mr. Vogel stated the program was working towards the future and believed the program was working.

   Council Member Carpenter asked to what extent were the building permit limits a factor in the negative comments from people outside of Payson. Mr. Vogel replied yes it was a factor, but it was reversing.

E. MINUTES

1. * Council Meeting Minutes:
   06-17-10 Regular Meeting Minutes Pages 1 -10
   07-01-10 Special Meeting Minutes Pages 1 -3
   07-01-10 Regular Meeting Minutes Pages 1 -6
   ***CONSENT* APPROVAL**

F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for a Series 12 Liquor License filed by Jose Mojica, agent, Azul Tequila Restaurant, 911 S. Beeline Highway, Payson, Arizona. (Application on file in the Town Clerk's office)

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

Motion: to Approve an application for a Series 12 Liquor License filed by Jose Mojica, agent, Azul Tequila Restaurant, 911 S. Beeline Highway, Payson, Arizona. Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Vote: Motion carried 7 - 0

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

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. **Ordinance No. 783**. Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 783 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REPEALING SECTION 33.65 THROUGH 33.69 OF THE CODE OF THE TOWN OF PAYSON. (SUNSET OF THE GREEN VALLEY REDEVELOPMENT AREA COMMISSION).

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

   Motion: to Approve Ordinance No. 783 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REPEALING SECTION 33.65 THROUGH 33.69 OF THE CODE OF THE TOWN OF PAYSON. (SUNSET OF THE GREEN VALLEY REDEVELOPMENT AREA COMMISSION).
   Moved by Council Member John Wilson, seconded by Council Member Su Connell.

   Vote: Motion carried 7 - 0

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

3. **Ordinance No. 784**. Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 784 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ORDINANCE 466, THE ZONING MAP AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED ON EITHER SIDE OF AIRPORT ROAD, EAST OF VISTA ROAD AND WEST OF THE PAYSON AIRPORT, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 302-39-006A, 302-39-006B, AND

302-39-006C, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1, ATTACHED HERETO, FROM R1-175 TO R3, R1-18, C-2, C-3, AND M-2. (MONTEZUMA CASTLE LAND EXCHANGE REZONING).

Don Evans asked for clarification of who would clean and patrol designated public open space. Mr. Evans detailed the neighborhood's concerns with the new development and the new lookout. Mr. Evans asked for a gate to be put in and locked over night and traffic calming to be monitored on Sherwood Drive for one year to determine if additional traffic calming was needed. Mr. Evans asked what was the date of acceptance for roads completed to the satisfaction of the town and if two wide speed humps in the stretch of new road connecting to Airport Road could be put in. Mayor Evans believed the challenge was in the timing. LaRon Garrett, Public Works Director, remarked the date of acceptance was when construction was 100% complete. Mr. Garrett explained Sherwood would be a backbone and other short roads would be put in after Sherwood. Mr. Evans believed that 12 or more homes would be sharing one common cul de sac without enough room for a fire truck to turn around and asked that some consideration be given if that impacts fire service. Mr. Garrett responded this was a potential layout and that Town Code required that any street over 150 feet must have a turn around. These streets were not that long and the Fire Department had seen them and had no concerns.

Charlotte Casey read a flyer that was posted on a mailbox in her neighborhood that said the Council meeting tonight was to put the street through. Ms. Casey hoped that this was not so and that there were still alternatives. Ms. Casey asked the Council to vote for quality of life.

Dan Kealey stated the residents in his neighborhood were not against the development, but did not want the road. Mr. Kealey expressed his concern about the one year monitoring of street calming and believed it should be lengthened to five years. Mr. Kealey would like to see the barricade at the end of the street until the new development was complete. He believed it would be a better project if the 24 foot width of the street could be extended to the traffic circle and the 36 foot width was continued on the other side up to the traffic circle. Mr. Kealy also asked for a ten foot wide paver rumble strip, landscaped islands, paver stones in the traffic circle, and that the Town Engineer establish Airport Road as the construction road for this development.

Ralph Bossert, Verde Engineering Group, had started this project approximately 15 months ago. Mr. Bossert believed the Council was familiar with this project and gave a brief overview of the project. Mr. Bossert addressed the citizen's concerns and agreed with Mr. Kealey's issues on the traffic circle. Mr. Bossert felt the paver stone rumble strip was also a good idea as was establishing Airport Road as the construction traffic route, but did not agree with barricading Sherwood Drive until the new development was complete. Mr. Bossert affirmed the small shared drives were less than 150 feet and met Town Code.

Council Member Carpenter asked why blocks three and nine were split up. Mr. Bossert believed it was appropriate to have smaller blocks there. Council Member Carpenter asked why convenience markets with gas were prohibited. Mr. Bossert explained he had looked at uses that would require a conditional use permit in the area and would not allow those businesses because they might not be a good

neighbor to the residential properties to the south and west. Mr. Bossert did not want businesses that created light and noise. Council Member Carpenter asked what was the total population expected to be at build out. Mr. Bossert replied it could be 1,084. Council Member Carpenter felt all of the suggestions brought forward were worth evaluating.

Council Member Blair asked if a tree was put in how long would the developer maintain it. Mr. Garrett responded typically the Town had an agreement with the developer for a two year warranty. Council Member Blair suggested the Town extend that warrenty and felt it was important that road construction trucks do not go down Sherwood Drive. Council Member Blair asked if all major roads would be done. Mr. Bossert explained it may not work as a unit and if it is not developed in five years the zoning could go away. All of the money for improvements would come from residents.

Council Member Wilson asked if the Town already had the authority to say where the construction road was. Mr. Garrett replied yes, but only to designate subdivision construction routes not for the entire building construction on the lots.

Jere Jarrell believed the developers recognized that some of the ideas presented were valuable. Mr. Jarrell felt it was important to have some real traffic calming devices installed in the beginning and would like to extend the study to five years. Mr. Jarrell assumed everyone objected to road humps and believed that islands would be an asset to the development. Mr. Jarrell asked the Council to amend the ordinance to reflect those changes.

Council Member Blair believed there could not be an island in a 24 foot wide road. Mr. Jarrell stated the islands would be in the area where the road was 36 feet wide. Council Member Blair agreed with the idea of pavers instead of speed humps and asked if parking would be allowed on the 24 foot wide street. Mr. Garrett replied there would not be parking on the street. Council Member Blair asked if the fire truck could go through the traffic circle. Mr. Garrett responded yes and with their largest truck. Council Member Blair asked staff to evaluate the suggestions made. Tim Wright, Town Attorney, explained staff intends to bring this back to Council as is unless the Council directs staff to change it. Mr. Wright asked for direction from the Council and indicated staff could have the ordinance back in draft form at the next Council meeting.

Penny Degroot asked if the greenbelt would still be there. Ray Erlandsen, Community Development Director, responded the greenbelt area would be on the east side of Vista and if this was approved it stayed there. Mr. Wright explained the individual lot lines may move, but the open area stayed the same. Ms. Degroot noted the map showed the greenbelt was on the lot. Mr. Garrett replied some of the greenbelt was on lots, but it was required to stay a greenbelt and the resident was responsible for it. Mr. Erlandsen stated this map does not give all of the detail. The greenbelt was 70 feet wide and there would be an additional 50 feet for Airport Road. This could not be changed. Mr. Bossert affirmed that there was a 70 foot right of way and a 70 foot greenbelt.

Council Member Croy asked if the 70 foot greenbelt was on private property could it be fenced. Mr. Erlandsen responded it could be fenced, but could not be changed

because it had to stay open area.

Mayor Evans closed the First Reading and Public Hearing.

Council Member Blair asked if Council could make suggestions. Mayor Evans asserted the Council needed to be clear on what they were asking staff to do. Mr. Garrett reviewed the suggestions. Item one was to extend the traffic calming study from one year to five years. Item two was to leave Sherwood Drive barricaded until all construction was done. Item three changed the width of the street. Item four added a ten foot wide rumble strip. Mr. Garrett noted residents may not like the noise from the rumble strip. Number five was the landscape items. Number 6 was pavers in the traffic circle. Number seven was to have the Town Engineer establish Airport Road as the construction road.

Motion: to give the Public Works Director the authority to designate routes or prohibit routes for building construction traffic.
Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

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

Mayor Evans believed it was Council consensus to add items 1, 3, 4, 5, and 6 and exclude item 2.

Motion: add items 1, 3, 4, 5, and 6 and exclude item number 2.
Moved by Council Member Su Connell, seconded by Council Member John Wilson.

Mr. Wright asked Mayor Evans to review the items. Mayor Evans stated he had a motion and a second to approve items 1-6 excluding item number 2. Mayor Evans listed the items. Item one was to extend the traffic calming study from one year to five years. Mayor Evans asked if the study for the traffic calming could be two years. Council consensus was yes. Council Member Connell and Council Member Wilson agreed and amended the motion. Item two was to be left out. Item three changed the width of the street. Item four added a ten foot wide rumble strip. Item five was the landscape items. Item six was the use of pavers or stamped concrete in the traffic circle. Council Member Blair asked to extend the landscaping warranty by the developer to four years. Mayor Evans opposed extending the warranty and explained the key was to ensure the developer followed the code and used indigenous trees. Council Member Blair asked if the current warranty was for two years. Mr. Garrett replied yes, that gave the trees time to get established. Council Member Blair conceded. Council Member Hughes asked who would take care of the islands after the road was established. Mr. Garrett responded the Town. Council Member Hughes noted that could be another burden to the tax payers and asked if they could be maintained by the Home Owner's Association. Mr. Wright advised the Town could do that, but it was in the Town right away and the Town normally has to maintain anything in its right of way. Council Member Hughes asked for clarification of what type of landscaping would be used in the islands.

Mr. Jarrell anticipated the landscaping would use rocks.

Council Member Croy remarked releasing the road width from 36 to 24 feet would generate an area that would grow weeds that needed to be maintained. Mr. Garrett felt that was immaterial because the weeds had to be maintained regardless of the road width.

Council Member Carpenter asked if the town maintained the islands in Alpine Village. Mr. Garrett replied no.

Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

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

4. **Resolution No. 2567**. Mayor Evans opened discussion/possible action concerning Resolution No. 2567, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A GRANT OFFER FROM THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, PURSUANT TO THE TERMS AND CONDITIONS OF THE DRAFT OFFER FOR PROJECT NO. 3-04-0027-XXX-2010, AUTHORIZING THE MAYOR OF THE TOWN OF PAYSON TO EXECUTE THE GRANT AGREEMENT, AND AUTHORIZING THE TOWN OF PAYSON TO TAKE APPROPRIATE ACTION TO FINALIZE SUCH GRANT AND ACCOMPLISH THE PURPOSES FOR WHICH IT IS OFFERED (INSTALL RUNWAY BLAST PADS AND AIRFIELD MARKING AND SIGNS).

   Motion: to Approve Resolution No. 2567, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A GRANT OFFER FROM THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, PURSUANT TO THE TERMS AND CONDITIONS OF THE DRAFT OFFER FOR PROJECT NO. 3-04-0027-XXX-2010, AUTHORIZING THE MAYOR OF THE TOWN OF PAYSON TO EXECUTE THE GRANT AGREEMENT, AND AUTHORIZING THE TOWN OF PAYSON TO TAKE APPROPRIATE ACTION TO FINALIZE SUCH GRANT AND ACCOMPLISH THE PURPOSES FOR WHICH IT IS OFFERED (INSTALL RUNWAY BLAST PADS AND AIRFIELD MARKING AND SIGNS).
   Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

   Vote: Motion carried 7 - 0

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

5. **Resolution No. 2568**. Mayor Evans opened discussion/possible action concerning Resolution No. 2568, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON RELATING TO CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF HIGHWAY 87 AND AIRPORT/AIRLINE ROAD (AIRPORT ROAD IGA AMENDMENT).

   LaRon Garrett, Public Works Director, explained the intergovernmental agreement between the State and the Town relating to the construction of the roundabout.

   Motion: to Approve Resolution No. 2568, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON RELATING TO CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF HIGHWAY 87 AND AIRPORT/AIRLINE ROAD (AIRPORT ROAD IGA AMENDMENT).
   Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

   Vote: Motion carried 7 - 0

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

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Buzz Walker, Water Superintendent, to direct the Town Attorney to develop an ordinance for Town Council consideration to allow the payment of new commercial project water development fees over a period of ten (10) years with a three (3) year deferred payment option to be applied as a town staff administrative action.

   Motion: to direct the Town Attorney to develop an ordinance for Town Council consideration to allow the payment of new commercial project water development fees over a period of ten (10) years with a three (3) year deferred payment option to be applied as a town staff administrative action.
   Moved by Vice-Mayor Michael Hughes, seconded by Council Member John Wilson.

   Tim Wright, Town Attorney, noted the ordinance would be simple and have an administrative policy to help it.

Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

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

2. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request, filed by the Legal Department to select R.O. McDaniel as the Town Personnel Hearing Officer.
***CONSENT* APPROVED**

3. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request, filed by Ray Erlandsen, Community Development Director, to approve the extension of the McLane Park Preliminary Plat for twelve (12) months through July 15, 2011.
***CONSENT* APPROVED**

4. * **Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Colin Walker, Water Superintendent, to approve the Water Department Water Conservation Assistance Program for fiscal year 2010/2011 in the amount of $23,500.00 and to allocate the cost to the Water Enterprise Fund.
***CONSENT* APPROVED**

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 06/24/2010 through 07/02/10, Check Nos. 010455 through 010669, 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 7:33 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 15 of July, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2010.

_____

Tracie Bailey, Deputy Town Clerk