

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
May 5, 2011**

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

Pastor Richard Richey, First Church of the Nazarene.

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, Silvia Smith - Town Clerk, Don Engler - Police Chief, LaRon Garrett - Public Works Director, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk and Ray Erlandsen - Community Development Director

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

Mayor Evans stated Governor Brewer's veto of SB 1497 was devastating. The group had worked out some ways to deal with it, but needed more money to pay the interest. Many citizen's had contacted the Governor irate about the veto. Mayor Evans noted to beat up on the Governor at this time would not help and hoped that the negative comments directed at her remained professional.

Mayor Evans noted Council Member Blair had arrived at 5:38 p.m.

Mayor Evans shared memories of people who had helped with the college and had passed away since the start. The Mayor stated the group had been able to face each one of these hurdles and that this was a significant challenge that faced them now, but they would prevail.

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 remove Item K.2 from the Agenda.
Moved by Council Member Su Connell, 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.

Motion: to approve all remaining items on the Consent Agenda.

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.

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 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.
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)

There were no documents for Council review.

LaRon Garrett, Public Works Director, gave a brief update on the C.C. Cragin project. Staff would run a pilot treatment plant this summer. The plant would be operational by next week. It was a small plant that was totally self contained and operated on its own.

Cameron Davis, Parks, Recreation and Tourism Director, presented the Council with a plaque for platinum level sponsorship of the 18th Annual Beeline Cruise In Car Show. Mr. Davis reminded all families that Taylor Pool would open Memorial Day weekend and be closed on Fridays. Fitness Plus magazine had Payson's Mountain High Games on the front cover and had a full page article. The Mountain High Games were June 3rd - 5th. Saturday was the Wildlife Fair at Green Valley Park.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation.** Council Member Wilson read into the record a proclamation declaring May 15 - 21, 2011 as Police Week and May 15, 2011 as Peace Officers' Memorial Day. Payson Police Chief Don Engler and officers with the Gila County Sheriff's Department, Department of Public Safety, Arizona Game and Fish and the Tonto Apache Tribe were present to accept the proclamation.

Don Engler, Police Chief, thanked the Council. Chief Engler explained it was

difficult to get agencies to work together sometimes, but not in Payson. All of the departments worked together and supported each other. The goal was to provide excellent law enforcement services to the community. Chief Engler recognized all fallen officers.

3. **Proclamation.** Council Member Carpenter read into the record a proclamation declaring May 19, 20 and 21, 2011 as Payson Western Wear Days. John Landino and members of the Payson Pro Rodeo Committee were not present to accept the proclamation.
4. **Proclamation.** Council Member Croy read into the record a proclamation declaring May 21, 2011 as Payson Aero Fair Day. Beth Myers, Airport Supervisor, Payson Regional Airport Authority was present to accept the proclamation.

Ms. Meyers asked everyone to come to meet your airport on May 21st and thanked the Council.

E. MINUTES

1. *Council Meeting Minutes:
04.21.11 Regular Meeting Minutes Pages 1-8
***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. *Parks and Recreation Commission:
01-12-11 Regular Meeting Minutes Pages 1-5
***CONSENT* INFORMATION ONLY**
3. *Public Safety Personnel Retirement System Payson Police Department Local Board:
03-03-11 Regular Meeting Minutes Page 1
***CONSENT* INFORMATION ONLY**
4. *Payson Advisory Youth Council:
03-10-11 Regular Meeting Minutes Pages 1-3
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. There were no items in this section.

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. 2596.** Mayor Evans opened discussion/possible action concerning

Resolution No. 2596 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 STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO BE UTILIZED FOR THE PURCHASE OF HIGHLY REFLECTIVE TRAFFIC SIGNS (ADOT IGA RE TRAFFIC SIGN REPLACEMENT).

LaRon Garrett, Public Works Director, explained this was a grant to help replace all of the black and white and red and white signs with highly reflective signs.

Council Member Blair asked what color the street signs would be. Mr. Garrett replied green, but those signs would not be changed yet.

Motion: to Approve Resolution No. 2596 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 STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO BE UTILIZED FOR THE PURCHASE OF HIGHLY REFLECTIVE TRAFFIC SIGNS (ADOT IGA RE TRAFFIC SIGN REPLACEMENT).

Moved by Council Member Ed Blair, 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.

3. **Ordinance No. 803.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 803 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ORDINANCE NO. 466 THE ZONING MAP 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).

Ray Erlandsen, Community Development Director, gave a brief history of this zone change for the development of 12 residential units. Mr. Erlandsen stated this zone change met requirements from the Unified Development Code and the Land Use Plan. The Planning and Zoning Commission had recommended Council not approve this. Staff had recommended approval on every application for this rezoning.

Frank Benites voiced his opposition to this zone change. Mr. Benities had two acres adjacent to this property and had paid top dollar for the property. Mr. Benities believed this zone change would devalue his property and that developers were ruining the area with high density. Mr. Benities thanked the Council.

Ralph Bossert, Verde Engineering Group, represented the Underwoods. Mr. Bossert went over a slide show of the rezoning. The land use was rural residential which met the Land Use Plan. The owner's had gone from 14 down to 12 lots. With the rezoning there would be an additional five lots to what it was zoned for now. Mr. Bossert had worked with the Underwoods for many years on other developments. The Underwoods have owned this property since 1992. They have constructed the sewer to allow this to be developed into one acre lots. A previous Council had approved this rezoning, but later with a new Council the Underwoods were asked to wait until there was adequate water. The rezoning was then rescinded. Mr. Bossert believed it would be a minimum of three years before lots would be available for sale and that this was the right time for this rezoning.

Mayor Evans asked how the lots were split out. Mr. Bossert explained where the established building envelopes were. Mayor Evans asked if fences would be allowed outside of those zones. Mr. Bossert replied that had not yet been addressed. Mayor Evans noted Goat Camp was a stream. Mr. Bossert explained he tried to not cross that stream with any driveways or structures and believed this was the best layout.

Charlene Kirkpatrick lived within 300 feet of the proposed zoning. Ms. Kirkpatrick felt this was always the same argument. She had lived on a one acre lot before and felt it was different from living on a two acre lot. Ms. Kirkpatrick also believed too many trees would be lost and that over 80 percent of the residents did not want this rezoning. Ms. Kirkpatrick felt if any Council Member was involved in real estate a vote on this would be a conflict of interest. Ms. Kirkpatrick thanked the Council.

Cort Corbin had a house on 2.6 acres, then a developer sold property in the back of his property and the building noise and trucks were a big hassle. Mr. Corbin felt he had lost his serenity. Mr. Corbin believed that this was happening to him again in this area. He pointed out his property on a large map. Mr. Corbin believed if there was an emergency there was only one way out. He also voiced his concerns about the water impact on his well. Mr. Corbin understood there were 106 one acre lots available now and felt that two acre lots were very minimal. Mr. Corbin asked the Council to consider his concerns.

Tamara Lamb represented several neighbors in the area. She read letters from her neighbors that were in opposition of this rezoning.

Diane Martell-Williams believed sufficient demand must be shown before this rezoning was granted. There were 35 to 40 one acre lots that would be available for sale with relatively few two acre lots available for sale. Ms. Martell-Williams felt this neighborhood had done really well despite the bad economy and asked the Council to consider this based on the residents desires.

Barbara Underwood, owner, gave Council a map of the three hundred foot radius around the rezoning and read off the numbers in favor of or against this rezoning. Ms. Underwood had personally talked to everyone in the area and found they were in favor of this proposal. Ms. Underwood asked if anyone had purchased their property before December 5, 1994. On that date CC&Rs were recorded which said that no parcel may be zoned less than D-90 unless certain conditions were met. Ms. Underwood believed they had met those conditions. They had developed the two

acre lots because they did not have sewer. In 2004 they went before the Council to get this approved and it was approved then rescinded. Ms. Underwood felt they had an expectation that they were being responsible developers by waiting for water. She felt they had jumped through every hoop they were asked to and that there was going to be some give and take. Ms. Underwood quoted from Bob Gould, the previous Community Development Director, "the Town has never ever said there will only be two acre lots there."

Len Little gave appreciation to the staff for their help. Mr. Little had asked Shane Dawson, the new owner at 1602, if he could share his thoughts with the Council. Mr. Little read Mr. Dawson's letter which opposed the zoning change. Mr. Little felt there were very few residents in support of this rezoning and asked Council to consider the new property owners in the area. Mr. Little believed this community was enjoying a lot of financial support and felt it was reasonable to think this would continue to be a two acre community. Mr. Little thanked the Council.

Mike Foil believed homes in this area would not block any views and that most trees would not be cut down. Mr. Foil felt traffic would not affect current residents. It could be twenty years before all lots were built on. This would be a quality development and neighboring houses would not be devalued. Mr. Foil noted no one had to drive past these homes. The MLS data showed that there were seventeen active listings of the smaller one acre lots and in the past year more one acre lots had sold than two acre lots, this was inside the Town limits. Mr. Foil believed this was an emotional issue and that the whole debate was over five lots and that the issue was property rights. Mr. Foil believed the Underwoods have met all of the requirements they had to.

Marty Lamb stated he represented his neighbors as well as himself. Mr. Lamb felt the Underwoods have not identified the need for this zoning change. He believed it would devalue the surrounding homes and that the Underwoods just wanted to make more money by the rezoning. Mr. Lamb felt they had a reasonable expectation the Town would protect their zoning.

Dawn Brunson stated she loved where she lived in the area. Ms. Brunson had lived here since she was ten and noted if her parents had fought to not have development in their back yard these people would not have homes where they do. Ms. Brunson believed this would support many families in the area with work. Ms. Brunson thanked the Council.

Carl Simpson was not opposed to the rezoning and believed it would generate jobs for people. Mr. Simpson felt Sienna Creek was a nice area with its one-half acre lots and that the one acre lots would blend in. Mr. Simpson believed it was an economic problem also because one acre lots would be more affordable.

Pat Underwood stated he could make money on the lots, but he could not make a reasonable return on his investment. Mr. Underwood believed the concern of the opposition was that the ninety acres would be a very high density area. Mr. Underwood stated he also had reasonable expectations.

Jim McIntyre believed that there were over a thousand homes on the market now and did not believe this would put people to work because there was no one to buy

the homes. Mr. McIntyre also expressed his concerns if there was a fire. He Felt these home were not needed now.

Mayor Evans closed the First Reading and Public Hearing.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Don Engler, Chief of Police, to direct staff to prepare an ordinance to regulate the use of pellet, BB and similar type guns within the Town of Payson.

Don Engler, Police Chief, explained this was requesting direction to prepare an ordinance regarding pellet, BB and similar type guns.

Council Member Carpenter asked if the Council had the authority to do this. Tim Wright, Town Attorney, replied yes it can be carefully drafted.

Motion: direct staff to prepare an ordinance to regulate the use of pellet, BB and similar type guns within the Town of Payson.

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 Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

2. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to ratify the approval of Contract Amendment No. 2 with Sunrise Engineering, Inc. for the Final Engineering Design of the C. C. Cragin Raw Water Pipeline, including the ductile iron pipe purchase.

LaRon Garrett, Public Works Director, explained the contract was approved by the Council and the change order was such a large amount that it had to go to the Council for ratification.

Motion: ratify the approval of Contract Amendment No. 2 with Sunrise Engineering, Inc. for the Final Engineering Design of the C. C. Cragin Raw Water Pipeline, including the ductile iron pipe purchase.

Moved by Council Member Ed Blair, 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.

3. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to ratify the approval of Contract Amendment No. 1 with Tetra Tech, Inc. for the Final Engineering Design of the C. C. Cragin Treated Water Pipeline.

Mr. Garrett explained this was similar to the previous Council Decision Request.

Motion: ratify the approval of Contract Amendment No. 1 with Tetra Tech, Inc. for the Final Engineering Design of the C. C. Cragin Treated Water Pipeline.

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

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. ***Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Colin Walker, Water Superintendent, to enter into a contract with Utility Service Co., Inc. for the annual maintenance of the Airport #2, Beeline and WQARF water storage tanks in an initial amount of \$58,021.00 annually and to allocate all costs 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 April 15, 2011 through April 26, 2011, Check Nos. 013778 through 013851, and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, the **appointment of Todd Braeger to the Parks and Recreation Commission**, term to expire December 31, 2013.
***CONSENT* APPROVED**
2. * **Pulled from agenda.** Appointment of Amy Korth to the Payson Advisory Youth Council as an alternate member to fill the unexpired term of Tyler Aguirre, term to expire July 1, 2013.
***CONSENT* APPROVAL**
3. * Council approved, on the Consent Agenda, the **appointment of Sam Arnold to the Parks and Recreation Commission** to fill the unexpired term of David Rutter, term to expire December 31, 2011.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 7:29 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 5 of May, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2011.

Tracie Bailey, Deputy Town Clerk