

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
May 20, 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

Pastor Kelly Wooldridge, Payson First Assembly of God, led those present in an invocation.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, 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, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, Colin P. Walker - Assistant Public Works Director, Ray Erlandsen - Acting Community Development Director, and Cindy Smith - Chief Fiscal Officer.

Mayor Evans asked the Town Clerk to rotate Council Members to lead the pledge of allegiance at Council meetings.

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

1. There were no comments from the public.

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.

Council Member Connell asked that Item G.3 be pulled from the Consent Agenda.

Motion: to approve the Consent Agenda except for Item G.3.

Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, 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

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.

Manager Galbraith read a letter from the Arizona Department of Weights and Measures commending Police Officers Slaughter, Hillegas and Detective Van Camp for their assistance in the investigation of a moving scam. The Detective and Officers were noted for their professionalism and courtesy. Mayor Evans asked the Town Clerk to draft letters of commendation to the Detective and Officers from him also.

Council Member Connell announced celebrations and commemorances for the upcoming Memorial Day weekend.

Council Member Blair highlighted the upcoming fundraiser, Relay for Life, to be held at the high school on June 4, 2010. This event will raise funds for the American Cancer Society.

2. Documents, materials and information for Council review. 2010 Report on Temporary Certificate of Occupancies. (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.

There were no further comments by the Mayor, Council or Town Staff.

2. New Vice-Mayor Selection

Mayor Evans said he met with Council Member Hughes and proposed his name for Vice-Mayor for the next six months.

Motion: to Approve selecting Council Member Hughes to be the Vice-Mayor for the next six months.

Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 5 - 0

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

E. MINUTES

1. * Council Meeting Minutes:
05-06-10 Special Meeting 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 and Zoning Commission Meeting Minutes:
04-12-10 Regular Meeting Pages 1 -4
CONSENT INFORMATION ONLY
 3. * Green Valley Redevelopment Area Commission Meeting Minutes:
04-01-10 Regular Meeting Pages 672 -673
CONSENT INFORMATION ONLY
 4. * Historic Preservation and Conservation Commission Meeting Minutes:
03-24-10 Regular Meeting Page 202
CONSENT INFORMATION ONLY
 5. * Payson Advisory Youth Council Meeting Minutes:
03-25-10 Regular Meeting Pages 1 -5
CONSENT INFORMATION ONLY
- 6* Transporatation Advisory Board Meeting Minutes:
04-07-10 Regular Meeting Minutes Pages 214 -216
CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

1. There are 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. Discussion/possible action concerning Resolution No. 2552 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 AGREEMENT FOR THE SALE OF THREE WELL SITES TO THE TOWN OF STAR VALLEY.

Motion: to Approve Resolution No. 2552 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 AGREEMENT FOR THE SALE OF THREE WELL SITES TO THE TOWN OF STAR VALLEY.

Moved by Council Member Michael Hughes, seconded by Council Member Richard Croy.

Council Member Blair asked Mr. Walker to explain where these wells were located and why we owned them. Mr. Walker said two of the wells had been around about 15 years from development actions throughout the years. The Tower Well is more recent and is a producing well. Mayor Evans explained that the negotiated parts of this agreement limit the amount of water we extract from the Tower Well and Star Valley agrees to limit the amount of water extracted from the other wells. Emergency water will also be provided in the event of a water outage for Star Valley. Fred Carpenter asked if the restrictions on Tower Well water will have an impact on the Safe Yield numbers. Mr. Walker said the Safe Yield Study shows that Payson's limits on the Tower Well provides adequate water for up to 35,000 residents. Mr. Walker pointed out the wellsites on a wall map. Mayor Evans clarified that the wells are being sold at book value not at market value which would be dramatically higher. The Tower Well, for instance, was \$1.7million.

Vote: Motion carried 6 - 0

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

3. * Discussion/possible action concerning Resolution No. 2553 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 ARIZONA STATE PARKS BOARD RELATING TO TONTO NATURAL BRIDGE STATE PARK. (Removed from the Consent Agenda)

Mayor Evans explained the agreement was to extend our Intergovernmental Agreement to offset the cost of keeping the Tonto Natural Bridge open for the coming season. Council Member Connell said she did not oppose the

Resolution but asked for clarification concerning the funding. Cindy Smith, CFO, explained the money would be coming from the 2010/2011 budget for \$24,000. Mayor Evans explained that the agreement with Star Valley sets their contribution toward the \$24,000 at \$10,000 and the County will also be contributing. He voiced the appreciation of the State Parks Board toward the Friends of the Tonto Natural Bridge.

Council Member Blair said he was in favor of the Resolution and asked if State or volunteer personnel will man the office this season. Mayor Evan said a full State staff will be maintained because of this agreement but volunteers will be there to increase the consumer appeal. Council Member Wilson said there are more than 40 people who have volunteered. The lodge has recently been remodeled and should be available for special events soon.

Motion: to Approve Resolution No. 2553 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 ARIZONA STATE PARKS BOARD RELATING TO TONTO NATURAL BRIDGE STATE PARK. Moved by Council Member Su Connell, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

4. The following two items will be heard together: Resolution No. 2550 and the Second Reading and Public Hearing concerning Ordinance No. 781. Discussion/possible action concerning:

- A. Resolution No. 2550 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO THE DIMENSIONS OF FLAG LOTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

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

Motion: to Approve Resolution No. 2550 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO THE DIMENSIONS OF FLAG LOTS, AND DECLARING SUCH

AMENDMENTS TO BE A PUBLIC RECORD.

Moved by Council Member John Wilson, seconded by Mayor Kenny J. Evans.

Mayor Evans clarified that the Planning and Zoning Commission recommended denial but that denial was on the application from the Spurlocks. Ray Erlandsen, Community Development Director, said Spurlock's request was to amend the Code on their property only. This Resolution and Ordinance would change the Town Code for the entire Town and not just their lot.

Council Member Blair thought a change in Town Code to accommodate one property owner was poor policy and he would not support the Ordinance.

Council Member Hughes was also concerned if the change was only to address one issue. However, he felt the Ordinance change was a benefit to the Town as a whole. He believed the change to be fair and decent and would support the Ordinance.

Council Member Connell said she also had concerns but some of those had been addressed by Mr. Erlandsen. Mr. Erlandsen said that the Fire Department believed fire safety in the "pole" portion of flaglots was workable. Council Member Connell asked if this ordinance would apply to very many lots. Mr. Erlandsen said not many but the issue had come up in the past and those requests had been denied. Perhaps the issue needed addressed 10 years ago.

Council Member Croy asked if the entire lot would need to be cleared for fire safety purposes. Mr. Erlandsen said a 20 foot clear space was required for fire protection.

Vote: Motion carried 5 - 1

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

No: Council Member Ed Blair.

- B. Second Reading and Public Hearing concerning Ordinance No. 781, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO FLAG LOTS AND THE REQUIRED WIDTH OF THE POLE PORTION OF SUCH LOTS.
Second Reading and Public Hearing

Council Member Wilson amended his motion to include Ordinance No. 781. Mayor Evans made the second.

Motion: to Approve Resolution No. 2550 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO THE DIMENSIONS OF FLAG LOTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD and Ordinance No. 781, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO FLAG LOTS AND THE REQUIRED WIDTH OF THE POLE PORTION OF SUCH LOTS. Moved by Council Member John Wilson, seconded by Mayor Kenny J. Evans.

Vote: Motion carried 5 - 1

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

No: Council Member Ed Blair.

5. First Reading and Public Hearing concerning Ordinance No. 782, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 152 (GRADING AND DRAINAGE) OF THE CODE OF THE TOWN OF PAYSON, ALLOWING 'AT-RISK GRADING' DURING THE REVIEW OF OTHER DEVELOPMENT PLANS AND AMENDING THE DEFINITION OF PUBLIC WORKS ENGINEER. (AT RISK GRADING) First Reading and Public Hearing.

Mayor Evans opened the Public Hearing. LaRon Garrett, Public Works Director, explained this Ordinance would allow permits for grading while the building plans are finishing review. Ms. Galbraith noted some discrepancies within the Ordinance concerning the title of Town Engineer/Public Works Engineer. Tim Wright, Deputy Town Attorney, said that within the current Code there are at least 50 places where the term Public Works Engineer is used instead of Town Engineer. Ms. Galbraith suggested that changes be made to correct the terminology. Mr. Wright said he would have those changes for this Ordinance by the second reading. Mayor Evans closed the public hearing

H. UNFINISHED BUSINESS There are no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by LaRon G. Garrett, Public Works Director, to direct staff to proceed with the disposal of the property identified as

Assessor Parcel No. 302-38-014B in accordance with Arizona Revised Statutes.

Mr. Garrett explained this property was a small, 30 by 40 foot water pump and pressure tank site that is no longer in use. An adjoining property owner is interested in purchasing the property and the process would need to begin to allow its sale.

Motion: to Approve a Council Decision Request filed by LaRon G. Garrett, Public Works Director, to direct staff to proceed with the disposal of the property identified as Assessor Parcel No. 302-38-014B in accordance with Arizona Revised Statutes.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 6 - 0

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

2. * Council Decision Request filed by Silvia Smith, Town Clerk, to correct the expiration of terms of three (3) PSPRS members: Walter Gregory -December 2010, Gary Vohs -December 2010, and Matt Van Camp -December 2010. *CONSENT* APPROVED
3. Council Decision Request filed by LaRon G. Garrett, Public Works Director, to approve the contract with Tetra Tech, Inc. for the Engineering Design of the Water Line in conjunction with the Airline/Luke Area Sewer and authorize the Mayor to sign the necessary contract documents.

Mr. Garrett explained this contract is in conjunction with the Sanitary District's work in that area. The design engineering services are needed to include updating water lines to correspond with the Sanitary District's work.

Motion: to Approve a Council Decision Request filed by LaRon G. Garrett, Public Works Director, to approve the contract with Tetra Tech, Inc. for the Engineering Design of the Water Line in conjunction with the Airline/Luke Area Sewer and authorize the Mayor to sign the necessary contract documents.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 6 - 0

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

J. CLAIMS

1. * List of checks paid from 04/28/10 through 05/13/10, Check Nos.009592 through 009853, except Check Nos. 009690 and 009846, and authorization to file the checks for audit.
CONSENT APPROVED
2. * Check Nos. 009690 and 009846 and authorization to file checks for audit. (Note: due to a perceived and/or conflict of interest, Vice-Mayor Vogel will be considered to have abstained from voting on this item.)
CONSENT APPROVED

K. MISCELLANEOUS

1. * Acceptance, with regrets, of the resignation of Ken Mooney from the Green Valley Redevelopment Area Commission with a thanks for a job well done. (Letter of resignation on file in the Town Clerk's office.)
CONSENT APPROVED
2. * Appointment of Harland H. Hintze to the Parks and Recreation Commission to fill the unexpired term of James Grady, term to expire December 31, 2011. (Application on file in theTown Clerk's office)
CONSENT APPROVED

L. PUBLIC COMMENTS

There were no comments from the public.

Mayor Evans adjourned the meeting at approximately 6:17 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 20 of May, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2010.

Gaye Stidham, Deputy Town Clerk