

**COMMON COUNCIL OF THE TOWN OF PAYSON
MINUTES OF THE REGULAR MEETING
February 23, 2006**

CALL TO ORDER

INVOCATION: Pastor David Rennick, Payson United Methodist Church

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Barbara Brewer, Council Member George Barriger, Council Member Robert Henley, Council Member Dick Reese, Council Member John Wilson, Council Member Tim Fruth (arrived at 6:32 p.m.), Vice-Mayor Judy Buettner

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Silvia Smith, Town Clerk, Glenn Smith, Chief Fiscal Officer, Colin Walker, Public Works Director, LaRon Garrett, Public Works Engineer, Gordon Gartner, Police Chief, Jerry Owen, Community Development Director, Bill Schwind, Parks and Recreation Director

OTHERS PRESENT: Tracie Bailey, Deputy Town Clerk, Tim Wright Deputy Town Attorney, Ted Anderson, Airport Manager, and Mike Ploughe, Hydrogeologist

A. PUBLIC COMMENTS

Jim Garner asked the Council to draft an ordinance for a future agenda to cover any kind of a load on a truck in Payson.

Councilman Reese supported the suggestion.

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: Approve all Items listed on the Consent Agenda.

Moved by Council Member John Wilson, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson

Absent: Council Member Tim Fruth

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

Fred Carpenter, Town Manager, read a letter addressed to the Council from Wayne Beikmann, District Manager, NPG Cable, concerning channel KPHO, CBS Channel 5, demanding to be paid for carriage.

Mr. Carpenter announced that the Town will host a forum on wild fire prevention and forest health next Saturday, March 4, 2006 starting at 9:00 am. A variety of speakers would be addressing various aspects of the problem. The program will be broadcast live on TV4 and rebroadcast Saturday March 4, 2006 at 8:00 pm, Sunday March 5, 2006 at 3:00 p.m., and Wednesday March 8, 2006 at 6:00 pm. The meeting will be video streamed live and archived for later viewing. The Town's website is at paysonaz.us.

Reconstruction of McLane Road between Forest and Airport Road is scheduled to bid Tuesday, February 28, 2006 with bids due by March 30, 2006. Results will be presented at the April 13, 2006 Council meeting.

The Surface Transportation Advisory Committee currently needs new members. Anyone with an

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interest in helping plan future street improvement projects for the community may fill out an application and return it to the Town Clerk's office.

Wednesday, March 8, 2006 at 11:00 a.m. the logic and accuracy test of the ballot counting equipment will be conducted in the Council Chambers. The deadline to return ballots is election day March 14, 2006 at 7:00 p.m.

Vice-Mayor Buettner announced Councilman Henley's Birthday and Mayor Brewer's Birthday.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Mayor Brewer announced the Fire Fighter of the year, the Dispatcher of the year and the Police Officer of the year. The Mayor thanked the Rotary Club for letting her be at the ceremony.

Bill Schwind, Community Development Director, introduced Dennis Harger the new Parks and Recreation Department employee.

Proclamation. Councilman Henley read into the record a proclamation declaring March 2006 as American Red Cross Month. Carol Flowers, Volunteer Coordinator, Rim Country Branch, American Red Cross, was present to accept the proclamation.

Councilman Reese referred to a letter that some Council Members received from Blue Cross and Blue Shield asking to recognize an outstanding senior. Councilman Reese asked that they recognize a senior they know. The senior would receive a certificate recognizing their accomplishment.

Presentation. Glenn Smith, Chief Fiscal Officer, introduced Dennis Osuch of Cronstrom, Trbovich & Osuch, P.C. Certified Public Accountants who presented the 2005 Fiscal Year End Audit to the Council.

Councilman Wilson complimented the report. Mayor Brewer thanked Dennis Osuch.

Mayor Brewer moved Item G.4 up on the agenda.

Resolution No. 2150. Mayor Brewer opened discussion/possible action concerning Resolution No. 2150, 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 INTERAGENCY AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF NORTHERN ARIZONA UNIVERSITY. (Fossil Springs Origin Study).

Mike Ploughe, Hydrogeologist, explained Resolution No. 2150.

Mr. Ploughe introduced Dr. Springer who considered Payson to be an important part of the Fossil Springs Origin Study. Dr. Springer answered questions from the Council.

Following some discussion.

Motion: Approve Resolution No. 2150, 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 INTERAGENCY AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF NORTHERN ARIZONA UNIVERSITY. (Fossil Springs Origin Study).

Moved by Council Member Robert Henley, seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.)

E. MINUTES

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.)

Planning and Zoning Commission Minutes:
12-22-05 Regular Meeting Pages 1 - 4
01-09-06 Regular Meeting Pages 4 - 9
.01-23-06 Regular Meeting Pages 1 - 5

***CONSENT* APPROVAL**

Board of Adjustment Minutes:
02-16-05 Regular Meeting Pages 211-212
***CONSENT* APPROVAL**

F. HEARINGS AND APPEALS

Public Hearing. Mayor Brewer opened the Public Hearing concerning an application for a Special Event Liquor License filed by T.C. Thorstenson, agent, Mounted Shooters of America, Inc., for a Mounted Shooting and Bull Rider and Wild West Show to take place Saturday, May 27, 2006 and Sunday, May 28, 2006 from 11:00 a.m. to 7:00 p.m. each day at the Payson Multi-Event Center, 1400 S. Beeline Highway, Payson, Arizona.

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

Motion: Approve the application for a Special Event Liquor License filed by T.C. Thorstenson, agent, Mounted Shooters of America, Inc., for a Mounted Shooting and Bull Rider and Wild West Show to take place Saturday, May 27, 2006 and Sunday, May 28, 2006 from 11:00 a.m. to 7:00 p.m. each day at the Payson Multi-Event Center, 1400 S. Beeline Highway, Payson, Arizona.

Moved by Vice-Mayor Judy Buettner, seconded by Council Member John Wilson.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

Mayor Brewer recognized Judy Cooley, from Congressman Renzi's office, who was in the audience.

Public Hearing. Mayor Brewer opened the Public Hearing concerning Application P-321-06, filed by the Community Development Department, Jerry Owen, Director; a request to amend the Unified Development Code, Section 15-02-014, D., Table of Lot Development Standards, by amending side yard setbacks to allow attached housing on contiguous lots in R1-6, R1-8, R2 and R3 zoning districts.

Jerry Owen, Community Development Director, explained Application P-321-06.

Daniel Donaldson asked if this would only be refrained to single story buildings or if it could be a two story Building. Mr. Owen replied that it could be a two story Building. Mr. Donaldson read a prepared statement regarding a Planning and Zoning Official who held a citizen's participation meeting. Mr. Donaldson felt that this application was for this developer and that its outcome was because of advice he got from the Community Development Director.

Mr. Owen replied that Mr. Donaldson thought this proposal was intrical to the planning meeting he attedned. Mr. Owen explained that this application was not related to that development.

Tim Wright, Deputy Town Attorney, clarified what a citizen's participation meeting was.

Sam Streichman, Town Attorney, explained that the Town does not participate in citizen's participation meetings and may or may not know about them.

Mr. Donaldson believed that the developer got advice from the Community Development Director and then had his citizen's participation meeting. Mr. Donaldson was concerned about the procedure to develop something.

Jim Garner stated there was some discussion about whether or not there could be one or two buildings at the Planning and Zoning meeting. Mr. Garner believed that the building permit process would take care of this issue.

Jason Phillmore was also at the citizen's participation meeting. Mr. Phillmore believed that what Mr. Donaldson said was not true. Mr. Phillmore stated that at the meeting Kevin Sokel said that he had the idea to include some of the new flexibility that the Community Development Director was putting in the code. Mr. Phillmore asked the Council to take what Mr. Donaldson said with a grain of salt.

Following considerable discussion.

Motion: Approve to direct staff to develop an ordinance to amend the Unified Development Code, Section 15-02-014, D., Table of Lot Development Standards, by amending side yard setbacks to allow attached housing on contiguous lots in R1-6, R1-8, R2 and R3 zoning districts.

Moved by Council Member Robert Henley, seconded by Council Member Tim Fruth (arrived at 6:32 p.m.).

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy

Buettner

Mayor Brewer recessed the meeting at approximately 7:25 p.m. The Mayor reconvened the meeting at approximately 7:40 p.m. with all Council Members present.

G. RESOLUTIONS AND ORDINANCES

As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.

CONSENT APPROVED

Resolution No. 2148. Council approved, on the Consent Agenda, Resolution No. 2148, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE, PURSUANT TO A.R.S. SECTION 48-262(F), AN ANNEXATION OF ADDITIONAL TERRITORY INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF THOSE CERTAIN PARCELS OF REAL PROPERTY AS DENOMINATED ON THE ATTACHED EXHIBIT "A" (1120 E. CEDAR LANE AND 1108 E. CEDAR LANE, PAYSON, ARIZONA, DAVID L. AND CLAUDETTE J. HUDSON, OWNERS, ASSESSOR'S PARCEL NO. 304-01-010R AND 304-01-010S).

CONSENT APPROVED

Resolution No. 2149. Council approved, on the Consent Agenda, Resolution No. 2149, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, TO APPROVE, PURSUANT TO A.R.S. SECTION 48-262(F), AN ANNEXATION OF ADDITIONAL TERRITORY INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF THOSE CERTAIN PARCELS OF REAL PROPERTY AS DENOMINATED ON THE ATTACHED EXHIBITS "A". (1114 E. CEDAR LANE, PAYSON, ARIZONA, DONALD M. AND DONNA B. STOYKOVICH, OWNERS, ASSESSOR'S PARCEL NO. 304-01-010Q).

CONSENT APPROVED

Resolution No. 2151. Mayor Brewer opened discussion/possible action concerning Resolution No. 2151, 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 TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR EAST GATEWAY SUBDIVISION and discussion/possible action concerning Item H.2 a Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to grant a six month approval for the Final Subdivision Plat for the East Gateway Subdivision and authorize the Mayor to sign said document and authorize staff to record said document contingent upon the developer executing the "Agreement to Construct Subdivision Improvements" with the Town of Payson. If this final subdivision plat is not recorded with the Gila County Recorders Office within six months, this approval is null and void.

LaRon Garrett, Assisstant Public Works Director/Town Engineer explained Resolution No. 2151.

Jim Garner believed studies were made so that the road impact fees could be raised so that the Town can get roads fixed.

Ed Blair felt the Council should vote no on this resolution.

Motion: Approve Resolution No. 2151, and to grant a six month approval for the Final Subdivision Plat for the East Gateway Subdivision and authorize the Mayor to sign said document and authorize staff to record said document contingent upon the developer executing the "Agreement to Construct Subdivision Improvements" with the Town of Payson. If this final subdivision plat is not recorded with Gila County Recorders Office within six months, this approval is null and void.

Moved by Council Member Robert Henley, seconded by Council Member John Wilson.

Mike Vogel stated that in other areas the developer was told to take the road out to the next viable intersection. Mr. Vogel noted that this concept will kill affordable housing. However, Mr. Vogel felt this could be another option for getting roads built.

Following considerable discussion.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

Resolution No. 2152. Mayor Brewer opened Discussion/possible action concerning Resolution No. 2152, 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 (NO. 56-94TZ-6-W39) FOR THE RENTAL OF TEMPORARY EMERGENCY FACILITIES WITH THE UNITED STATES FOREST SERVICE (2006 FIRE SEASON).

Ted Anderson, Airport Manager, explained Resolution No. 2152.
Motion: Approve Resolution No. 2152.

Moved by Council Member George Barriger, seconded by Vice-Mayor Judy Buettner.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

Ordinance No. 681. Mayor Brewer opened the First Reading and Public Hearing concerning Ordinance No. 681, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.13 TO THE CODE OF THE TOWN OF PAYSON, PROHIBITING THE DISCHARGE OF BOWS AND ARROWS AND CROSSBOWS IN, UPON, INTO, OR ADJACENT TO ANY MUNICIPAL PARK.

Tim Wright, Deputy Town Attorney, explained ordinance No. 681.

Jim Garner asked if the Event Center was considered a park? Bill Schwind, Parks and Recreation Director, replied no. Mr. Garner expressed his concerns with the wording "adjacent to".

Mike Vogel believed the people who shot the goose at Green Valley Park were not hunters. Mr. Vogel felt that the ordinance would not stop these kinds of people.

Jon Barber expressed concerns about events that are organized at the parks and that the Event Center might become part of the parks system.

Rick Croy felt the ordinance should define that there is no discharge of a weapon in the park system.

Mike Vogel felt that having hunting legal within the Town limit was important. Mr. Vogel stated that he has elk that come into his back yard that he could take it if he was drawn for elk.

There were no more public comments. Mayor Brewer closed the First Reading and Public Hearing.

H. UNFINISHED BUSINESS

Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the subdivision construction of the San Gianni Hills Subdivision, including traffic control devices, subject to the developer's two year warranty of improvements, and to accept the subdivision improvements for town maintenance under such a warranty.

LaRon Garrett, Public Works Engineer, explained the Council Decision Request. Following some discussion.

Motion: Approve the Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to approve the subdivision construction of the San Gianni Hills Subdivision, including traffic control devices, subject to the developer's two year warranty of improvements, and to accept the subdivision improvements for town maintenance under such a warranty.

Moved by Council Member Tim Fruth (arrived at 6:32 p.m.), seconded by Vice-Mayor Judy Buettner.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

Council Decision Request filed by Fred Carpenter, Town Manager, to adopt the 2006/2007 Corporate Strategic Plan.

Fred Carpenter, Town Manager, explained the Council Decision Request. Following some discussion.

Motion: Approve the Council Decision Request filed by Fred Carpenter, Town Manager, to adopt the 2006/2007 Corporate Strategic Plan.

Moved by Council Member Tim Fruth (arrived at 6:32 p.m.), seconded by Council Member Dick Reese.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy

Buettner

I. NEW BUSINESS

Council Decision Request filed by Martin deMasi, Fire Chief, to approve the Gila County Fire Agencies Mutual Aid Agreement and authorize the Mayor to sign said agreement.

Chief deMasi explained the Council Decision Request.

Motion: Approve the Council Decision Request filed by Martin deMasi, Fire Chief, to approve the Gila County Fire Agencies Mutual Aid Agreement and authorize the Mayor to sign said agreement.

Moved by Council Member Tim Fruth (arrived at 6:32 p.m.), seconded by Council Member John Wilson.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

Council Decision Request filed by Buzz Walker, Public Works Director, to direct the Town Attorney to prepare an amendment to the Town Code to allow "true ups" for multi-family subsidized housing projects operated by non-profit organizations.

Colin Walker, Public Works Director, explained the Council Decision Request.

Rick Croy stated that he was confused by the ordinance. Sam Streichman, Town Attorney explained the initial charges and how a "true up" works.

Motion: Approve the Council Decision Request filed by Buzz Walker, Public Works Director, to direct the Town Attorney to prepare an amendment to the Town Code to allow "true ups" for multi-family subsidized housing projects operated by non-profit organizations.

Moved by Council Member Tim Fruth (arrived at 6:32 p.m.), seconded by Council Member John Wilson.

Jim Garner felt this was a good idea. Mr. Garner believed small businesses have gone out of the way to install low water use urinals and that the Council should consider all of the people who have gone above the call of duty to conserve water.

Jim Garner understood that there was a period of time over which the water fee could be paid. Now that the fees were adjusted down Mr. Garner wondered how does that affect the payments.

Following considerable discussion.

Vote: Motion carried by unanimous rollcall vote.

Yes: Mayor Barbara Brewer; Council Member George Barriger; Council Member Robert Henley; Council Member Dick Reese; Council Member John Wilson; Council Member Tim Fruth (arrived at 6:32 p.m.); Vice-Mayor Judy Buettner

J. CLAIMS

Council approved, on the Consent Agenda, a List of checks paid from January 31, 2006 through February 15, 2006, Check Nos. 35824 through 36024 and authorization to file the checks for audit.

CONSENT APPROVED

K. MISCELLANEOUS

There were no items for this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Brewer adjourned the meeting at approximately 9:07 p.m.

Approved:

Barbara G. Brewer, Mayor

Date: _____

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 February, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2006.

Tracie Bailey, Deputy Town Clerk