

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
July 27, 2006**

**CALL TO ORDER:** Mayor Bob Edwards called the meeting to order at approximately 6:00 p.m. in the Council Chambers.

**INVOCATION:** Yared Caros, Harzion Conservative Synagogue

**PLEDGE OF ALLEGIANCE**

**PRESENT:** Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan "Su" Connell, Council Member, Andy Romance, Council Member, Mike Vogel, and Council Member John Wilson.

**STAFF PRESENT:** 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, and Jerry Owen, Community Development Director.

**OTHERS PRESENT:** Carol McCauley, Main Street/Redevelopment Area Manager; Diane Stoyer, Legal Department Office Manager; Cathy Boone, Main Street Secretary; Marci Huffman, Chief Deputy Town Clerk

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

There were no public comments.

**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.

Clmn. Vogel moved, seconded by Clmn. Wilson to approve all items on the Consent Agenda. Motion carried, 7-0.

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

1. Brief summary oral presentation of current events by Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law Reform Act specifies the Town Council may not take action on any matter mentioned during this presentation unless the specific matter is properly noticed for legal action.

There was no report.

**D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS**

OCT 05 2006 E.1\*

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Vice-Mayor Fruth presented a proclamation declaring August 5th, 2006, as Payson High School Class of 1986 Reunion Day to Diana Crabtree.

**E. MINUTES**

- \*1. Council Meeting Minutes:  
. 02-02-06 Joint Meeting w/P&Z Pages 1-2  
. 06-15-06 Special Meeting Pages 1-5  
. 06-22-06 Regular Meeting Pages 1-10  
. 07-13-06 Regular Meeting Pages 1-9  
\*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 Minutes:  
.06-05-06 Regular Meeting Pages 1-4  
\*CONSENT\*

**F. HEARINGS AND APPEALS**

1. Mayor Edwards opened the Public Hearing concerning an Application for Extension of Premises/Patio Permit (Temporary) filed by Randy D. Nations, Agent, Oxbow Saloon (#06040034), 604 W. Main St., Payson, Arizona, August 18 and 19, 2006. (For August Rodeo event.)

Jon Barber expressed his concern regarding the extension of hours.

Mayor Edwards closed the public hearing.

Clmn. Connell **moved, seconded** by Clmn. Wilson, to approve the application for Extension of Premises/Patio Permit (Temporary) filed by Randy D. Nations, agent, Oxbow Saloon (#06040034), 604 W. Main St., Payson, Arizona, August 18 and 19, 2006. **Motion carried, 7-0.**

Mayor Edwards said there would be three items on the agenda dealing with developments that would be discussed, but there would be a motion to table them to September 7th. The agenda items were Resolution No. 2200, Cottage Creek Subdivision, Ponderosa Heights Phase 2 Preliminary Plat, and East Gateway Phase 2 Preliminary Plat. He requested the cooperation of all those involved and said that there had been an issue dividing the Town that needed to be resolved. There will also be a work session on these items on the following Thursday. These items were taken out of order on the agenda for discussion/possible action.

## G. RESOLUTIONS AND ORDINANCES

\*1. Council approved, on the Consent Agenda, authorization to forego verbal title readings of all resolutions and ordinances.

**\*CONSENT\* APPROVED**

2. Discussion/possible action concerning Resolution No. 2200, 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 COTTAGE CREEK SUBDIVISION.

Jerry Owen, Community Development Director, said the site is zoned commercial and that screening will be provided. The applicant is knowingly subdividing for residential purposes.

Jim Garner read from section 15.03 of the Unified Development Code (UDC) concerning screening both sides which are commercial. The UDC is not clear and Mr. Owen agreed that it needed to be made clearer and was on his department's list to look at.

Jason Phillimore of Tetra Tech believed it met the code requirements, but agreed it could be clearer. However, they were not proposing any commercial use at this time.

Ralph Bossert, Tetra Tech, introduced Luke Ashby and Glen Whitlock who are principals in the project. He agreed that there should be a buffer between residential and commercial, but did not see any reason for delaying the project.

Glen Whitlock felt they had complied with all requirements, and requested that this particular subdivision be considered for approval and not tabled until a future meeting. The motivator was financial assurances which are arranged through private financing.

There was discussion concerning how the existing S. Ash St. terminates. There was a need for some type of turnaround even though it met code. Mr. Bossert said there were several different scenarios. One included a through road from Ash to connect to Colcord, but this made lotting difficult. He said the consensus was that they liked the dead end road. When Mogollon Ridge went in, it should have created a cul-de-sac on its property for a turnaround.

Mr. Whitlock said one proposal to do a dog loop would have cost at least one lot to create, and he did not believe it was their responsibility. He said the Town would be deeded part of Colcord Road.

Clmn. Wilson **moved, seconded** by Clmn. Vogel, to approve Resolution 2200. **Motion carried, 7-0.**

**NOTE:** The next items that were discussed were Item No. 4 under **New Business**, Items 3 and 4 under **Resolutions**, and Item 1 under **New Business**. However, these items are left in agenda order in these minutes. The rest of the agenda items were discussed in agenda

order.

3. Discussion/possible action concerning Resolution No. 2201, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND ADOPTING AN AMENDED PAY SCALE AND AN AMENDED POSITION CLASSIFICATION SCHEDULE FOR EMPLOYEES OF THE TOWN OF PAYSON.

There were concerns about those employees that got benchmarked together. There were some positions that would not get an increase and some would actually lose wages because of the additional 1.7% increase in the Arizona State Retirement System.

There was considerable discussion concerning the market study. Some believed that the benchmark positions did not actually match the duties of some of the actual positions. For instance, secretary was lumped in with administrative assistant. In actuality, one secretary position would be taking home less than benchmark. The increase in the Arizona State Retirement System's cost of 1.7 percent affected several employees. There was discussion that those above market should get a 2.3 percent Cost of Living increase.

Jean Sampson expressed concerns about those underpaid and those overpaid.

Some Council Members felt that the recommendation of the salary survey should be followed, while others were for putting a cap of \$70,000. Another felt that ASRS was a very good benefit and did not feel too sympathetic about those employees that were making less because of the 1.7 percent ASRS increase. Another felt that to retain and reward the best employees, they should not go away with less money.

Vice Mayor Fruth moved to approve Res. 2201 with the amendment in order to off-set the mandatory employee contribution rate to the Arizona State Retirement System increase of 1.70 percent, to increase the wage of those employees who did not receive a market adjustment of any kind and participate in the Arizona State Retirement System by 1.70 percent.

Clmn. Vogel wanted to amend the motion for those who did not get a pay raise to get 2.3% Cost of Living increase. Motion died for lack of second.

The original motion passed, 7-0.

Bob Smith, Human Resources Director, will go over with Council employee performance and how the merit increase will work so that Council will understand it.

4. **First Reading and Public Hearing concerning Ordinance No. 692, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.38 TO THE CODE OF THE TOWN OF PAYSON TO PROTECT THE TOWN'S ROADWAYS DURING THE CONSTRUCTION OF SUBDIVISIONS. First Reading and Public Hearing.**

Mayor Edwards opened the the public hearing.

LaRon Garrett, Public Works Engineer, explained the ordinance would set down routes for contractors, any damage to streets they would have to repair, and they cannot sell lots without making repairs. Pictures of the roads will be taken before any work begins.

Clmn. Blair questioned if this ordinance addressed the building of the subdivision itself or if this could also address individual homes. Town Attorney Streichman said he could add another section to the ordinance.

Mr. Streichman said that for single houses they would have to rely on the neighborhood because there is not the manpower to follow individual contractors. He would have to look into state statutes. The final inspection could determine things and if damage is not repaired, the a cerfificate of occupancy would not be issued.

Jon Barber expressed his concern that the ordinance does not designate to what standard repair would be made. This would be up to the satisfaction of the public works engineer. The street would be returned to the standard it was prior to construction. Mr. Barber did not think this was fair.

Clmn. Vogel said contractors should quit overloading trucks. Clmn. Romance said the problem was being identified but he was not sure it was the right solution, because it threw the Town into the project with possible sqabbling between the Town and contractor. He thought that perhaps a fee could be negotiated and then the Town would fix the road.

Vice Mayor Fruth thought this was a problem. Mr. Streichman said there was a legal reason for it. When the problem is corrected and it is less than optimum, the Town would be open to liability. The Town has a responsibility to direct them on the best path.

The public hearing was closed.

## **H. UNFINISHED BUSINESS**

### **I. NEW BUSINESS**

1. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to proceed with the Mud Springs Road Phase 1 project constructing one 11' wide traffic lane in each direction, a 5' wide bike lane on the pavement on each side of the road, curb and gutter on each side of the road, and 5' sidewalk adjacent to the curb (or meandering away from the curb where possible) on the west side of the road, and to negotiate a scope of services and design fee with an engineer to design the Mud Springs Road and Granite Dells Road intersection using a round-a-bout concept.

Motion: 1. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to proceed with the Mud Springs Road Phase 1 project constructing one 11' wide traffic lane in each direction, a 5' wide bike lane on the pavement on each side of the road, curb and gutter on each side of the road, and 5' sidewalk adjacent to the curb (or meandering away from the curb where possible) on the west side of the road, and to negotiate a scope of services and design fee with an engineer to design the Mud Springs Road and Granite Dells Road intersection using a round-a-bout concept.  
Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

There was discussion regarding sidewalks and bike lanes. Jim Garner proposed only one bike path and two sidewalks because of more complaints about sidewalks.

Clmn. Romance amended the motion to have a detached 4' sidewalk with a rubberized surface, and there was opposition. Clmn. Romance then further amended the main motion to a 5', detached sidewalk.

The motion as amended was seconded and carried, 7-0.

2. Council Decision Request filed by Buzz Walker, Public Works Engineer, regarding a proposed policy for owners of private wells, to establish public water service. **Removed from Agenda 7/25/06.**
3. Council Decision Request filed by the legal department to direct the legal department to draft an ordinance that would require any approval or recommendation for approval from the Planning and Zoning Commission be made by a least four Commissioners.

Jim Garner addressed some of the issues that could create a quagmire if 6 Commissioners came and 3 recused themselves, or 5 could be present and one would recuse and nothing could be accomplished.

Hall Baas believed that there needed to be a quorum of 4 in order to vote.

Vice Mayor Fruth moved to direct the legal department to draft what they need, based on what Mr. Baas said about the quorum. There was discussion regarding input from Community Development and the Planning and Zoning Commission. Jerry Owen, Community Development Director agreed that there should be a policy for unusual circumstances as this to give to the chair of the Planning and Zoning Commission. Vice Mayor Fruth **withdrew** his motion. Clmn. Wilson felt that a policy statement from Mr. Owen would be the correct way to go. Dorothy Ehrig requested Deputy Town Attorney Wright to read to them why that vote was legal.

Consensus was that any unusual issue such as a 2-1 vote should be resolved by policy. An issue could always be sent back by Council if Council did not approve as to what happened.

4. Discussion/possible action concerning Ponderosa Heights Phase 2 Subdivision Preliminary Plat (S-128-06). Action requested: to approve S-128-06, a Preliminary Plat for the proposed Ponderosa Heights Phase 2 Subdivision; consisting of a portion of Tax Parcel #302-35-004A, with the 16 listed conditions. See notes on back of agenda. Bossert, regarding the ADOT issue, a traffic engineer consultant is working with Tetrat Tech right now to find out requirements.

Jerry Owen, Community Development Director, reviewed the project. Residents in the area would have access to Tyler Parkway. They will be working to put in bike paths along any other roads.

Jason Phillimore, Tetra Tech, stated this was not a rezoning.

Clmn. Blair said he read several emails he had received and most of the comments were about safe yield and Star Valley water and new sources of water. Over 40 citizens had submitted their concerns. He said the Concerned Citizens' Committee came up with eleven issues including sanitary/sewer design, masonry wall requirement, brush piles, drainage. There was discussion concerning drainage. He wanted to move to postpone the issue until the next regular meeting of August 10th. Mayor Edwards asked him to wait with a motion until all had been heard.

Ralph Bossert, Tetra Tech, said that drainage had been discussed at the citizen input meetings. ADOT is working with a traffic consultant and gathering data to see what needs to be done. Tyler Parkway connection is part of this project. Condition No. 14 requires a pedestrian connection along Tyler. Steve Carter said they intended to clear the brush, that they had just acquired the property. The homes will be stick-built only. The developer is not a commercial builder. Jean Sampson asked if there could be a bond required in case there is a drainage problem and the streets needed repair if damaged.

Clmn. Blair **moved** to postpone the issue until August 10th, **seconded** by Mayor Edwards.

There was more discussion regarding the residents concern about the water and waiting until the safe yield study is complete. Others felt it should not be postponed because they had met all the criteria. The development had been given the ERUs.

There was call for the question. Motion to delay until August 10th failed, 2-5. Votes Yes: Mayor Edwards, Clmn. Blair. Votes No: Vice-Mayor Fruth, Clmns. Connell, Romance, Vogel and Wilson.

Clmn. Vogel **moved** to approve S-128-06, a Preliminary Plat for the proposed Ponderosa Heights Phase 2 Subdivision; consisting of a portion of Tax Parcel #302-35-004A, with the 16 listed conditions. Motion was **seconded** by Clmn. Wilson. **Motion carried**; Mayor Edwards and Clmn. Blair dissented.

5. Discussion/possible action concerning East Gateway Phase 2 Subdivision (S-127-06). Action requested: to approve S-127-06, a Preliminary Plat for the proposed East Gateway Phase 2 Subdivision; consisting of a portion of Tax Parcel #304-01-004G, currently addressed as 1200 E. Frontier Street, with the four (4) listed conditions.

Jerry Owen, Community Development Director, gave a report on the proejct. The first pahse was approved the first of the year. There was discussion about the deterioration of the road. It would cost about \$100,000 to reconstruct. It will be reconstructed. Mayor Edwards wanted to see that the Town should not be responsible for repairing streets on future projects.

Clmn. Connell **moved**, **seconded** by Clmn. Wilson to approve S-127-06, a Preliminary Plat for the proposed East Gateway Phase 2 Subdivision; consiting of a portion of Tax Parcel #304-01-004G, currently addressed as 1200 E. Frontier Street, with the four (4) listed conditions. **Motion carried**, 6-1; Mayor Edwards dissented.

**J. CLAIMS**

There were items in this section.

**K. MISCELLANEOUS**

\*1. Appointment of Minette Hart-Richardson to the Green Valley Redevelopment Area Committee, replacing Judy Miller, term to expire 12/31/08. (Application on file in the Town Clerk's Office.) \*CONSENT\* APPROVED

\*2. Appointment of Jere Strizek to the Fire Department Alternate Pension & Benefit Plan Board, term to expire 12/31/07. (Letter on file in the Town Clerk's Office.) \*CONSENT\* APPROVED

- 3. 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 public comments.

**ADJOURNMENT:** The meeting adjourned at 8:23 p.m.

\_\_\_\_\_ Date: \_\_\_\_\_

Bob Edwards, 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 special meeting of the Town Council of the Town of Payson held on this day the 27 of July, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_

Marcia F. Huffman, Chief Deputy Town Clerk