

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
December 14, 2006**

CALL TO ORDER

Mayor Bob Edwards called the regular meeting to order at approximately 5:30 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Gordon Hauptman of Crossroads Foursquare Church

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Fred Carpenter, Town Manager, Sam Streichman, Town Attorney, Silvia Smith, Town Clerk, Colin Walker, Public Works Director, Glenn Smith, Chief Fiscal Officer, Jerry Owen, Community Development Director, and LaRon Garrett, Public Works Engineer.

OTHERS PRESENT: Mary McMullen, Recreation Coordinator; Tim Wright, Deputy Town Attorney; Nelson Beck, Parks Supervisor; Carol McCauley, Main Street/Redevelopment Area Manager; Commander Don Engler; Donna Meinerts, Comptroller; and Gaye Stidham, Deputy Town Clerk

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

Penny Pew, liaison with Congressman Renzi's office, notified the Council that a \$95,000 homeland security fire grant had been awarded to the Payson Fire Department. She asked the Fire Department to report to Congressman Renzi's office on how those funds will be spent.

Mayor Edwards said that the Council would not hear Ordinance No. 703.

Dick Reese expressed his opinion that the Mayor's leadership had been exemplary and impressive. He applauded the formation of the Mayor's task forces and appreciated their efforts. He gave the Mayor a buckeye and chided the Mayor, in jest, for promoting Michigan from the dais before their football game with Ohio state.

B. CONSENT AGENDA

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Motion: to approve the CONSENT AGENDA

Moved by Council Member John Wilson, seconded by Council Member, Mike Vogel.

Vote: Motion carried 7 - 0

Yes: 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.

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

Town Manager Fred Carpenter reported that the police/fire Computer Aided Dispatch system came on line Tuesday morning. The Mobile Data Computer system portion of the project is expected to be on line the week of January 15th and allow officers and field crews to access all types of intelligence information from their vehicles.

The September 21st edition of *TOP Talk* will discuss the spring Gila Community College schedule with Dean Harry Swanson and winter driving safety with Sgt. Dean Faust of the Payson Police Department. *Inside Payson*, hosted by Vice-Mayor Tim Fruth, follows *TOP Talk* with guest Sue Myers, Superintendent of the Payson Unified School District, discussing the process for implementing the recently passed school bond issue.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Public Works Director Colin Walker thanked Congressman Renzi for his role in the passage of SB 895 which will extensively fund water projects in western rural communities. He commented that the bill seemed written for the Blue Ridge project and noted that loans could be guaranteed by the federal government through this bill.

Mayor Edwards thanked all of Payson for a good job of decorating the town for the Christmas season.

Clmn. Vogel reported that he will be gone for a meeting in February, a meeting in May and again in October of next year. He asked people to call him if they had something for him during that time. He thanked the people of Payson for electing him and allowing him to speak for them. Clmn. Vogel wished everyone a merry Christmas and Happy Hanukkah.

Mayor Edwards clarified that the meeting that Clmn. Vogel had missed this year was not a scheduled meeting and Clmn. Vogel did not have enough advanced notice to change his plans.

E. MINUTES

1. Council Meeting Minutes:
 - . 11-02-06 Regular Meeting Pages 1-10
 - . 11-09-06 Special Meeting Pages 1-3
 - . 12-05-06 Corporate Strategic Plan Pages 1-3CONSENT APPROVED

BOARDS/COMMISSIONS MEETING MINUTES

2. Planning and Zoning Commission Minutes:
 - . 10-23-06 Regular Meeting Pages 1-7CONSENT
3. Building Advisory Committee Minutes:
 - . 10-11-06 Regular Meeting Pages 388-389CONSENT
4. Board of Adjustments Minutes:
 - . 10-18-06 Public Meeting Pages 213-215CONSENT
5. Surface Transportation Advisory Committee Minutes:
 - . 09-06-06 Regular Meeting Pages 103-106CONSENT

F. HEARINGS AND APPEALS

There were no items in this section.

G. RESOLUTIONS AND ORDINANCES

1. Council approved, on the Consent Agenda, to forego verbal title readings or all resolutions and ordinances.
CONSENT APPROVED
2. Discussion/possible action concerning removing Ordinance Nos. 694, 695, 696, and Resolution Nos. 2214 and 2226 from the table.

Motion: to Approve to removing Ordinance Nos. 694, 695, 696, and Resolution Nos. 2214 and 2226 from the table.
Moved by Vice-Mayor Tim Fruth, seconded by 0.

Vote: Motion carried 7 - 0

Yes: 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.

3. Ordinance No. 694, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 3 TO SECTION 15-09-008(G) OF THE TOWN OF PAYSON UNIFIED DEVELOPMENT CODE, TO ESTABLISH A REQUIREMENT FOR A TWO-THIRDS VOTE OF THE TOWN COUNCIL FOR APPROVAL OF A CHANGE IN THE TOWN ZONING MAP. Ordinance No. 695, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A LONG TERM PLAN FOR WATER AND GROWTH AND PROVIDING FOR ITS IMPLEMENTATION. Discussion/possible action concerning Resolution No. 2214, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. Ordinance No. 696, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON, ADOPTING SUCH AMENDMENTS BY REFERENCE, AND REPEALING ORDINANCE 579 (AMENDING NEW DEVELOPMENT WATER REQUIREMENTS). Discussion/possible action concerning Resolution No. 2226, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A POLICY FOR THE EQUIVALENT RESIDENTIAL UNIT CREDITS ARISING FROM THE TOWER WELL TO PROMOTE A STRATEGIC GROWTH TO BUILD OUT POLICY FOR PAYSON.

Motion: to Approve unbundling the Ordinances and Resolutions and hear them seperately.

Moved by Council Member John Wilson, seconded by Council Member Mike Vogel.

Vote: Motion carried 7 - 0

Yes: 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.

3.
 - a. Discussion/possible action concerning Ordinance No. 695, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A LONG TERM PLAN FOR WATER AND GROWTH AND PROVIDING FOR ITS

IMPLEMENTATION.

Clmn. Romance was concerned about the exemption of multifamily housing. He also objected to not having an allocation plan in place before the Ordinance was adopted.

Jerry Owen explained that the design of the allocation process was important so that everyone got a fair shake including small builders, apartment builders, out of town builders, etc. He said that the allocation process would be complete by the time the Ordinance was in effect.

Vice-Mayor Fruth voiced his concern about planned economies. He said he would support the Ordinance because it would be revisited at the end of a year.

Motion: to Approve Ordinance No. 695, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A LONG TERM PLAN FOR WATER AND GROWTH AND PROVIDING FOR ITS IMPLEMENTATION with Section 2 deleted and the reference to Section 2 in Section 6 deleted.

Moved by Council Member John Wilson, seconded by Vice-Mayor Tim Fruth.

Vote: Motion carried 6 - 1

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

No: Council Member, Andy Romance.

3. b. Discussion/possible action concerning Resolution No. 2214, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD AND Ordinance No. 696, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON, ADOPTING SUCH AMENDMENTS BY REFERENCE, AND REPEALING ORDINANCE 579 (AMENDING NEW DEVELOPMENT WATER REQUIREMENTS).

Motion: to Approve Resolution No. 2214, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD AND Ordinance No. 696,

captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.03 OF THE CODE OF THE TOWN OF PAYSON, ADOPTING SUCH AMENDMENTS BY REFERENCE, AND REPEALING ORDINANCE 579 (AMENDING NEW DEVELOPMENT WATER REQUIREMENTS).

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

Vote: Motion carried 6 - 1

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

No: Council Member, Mike Vogel.

3. c. Discussion/possible action concerning Ordinance 694, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 3 TO SECTION 15-09-008(G) OF THE TOWN OF PAYSON UNIFIED DEVELOPMENT CODE, TO ESTABLISH A REQUIREMENT FOR A TWO-THIRDS VOTE OF THE TOWN COUNCIL FOR APPROVAL OF A CHANGE IN THE TOWN ZONING MAP.
3. d. Resolution No. 2226, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A POLICY FOR THE EQUIVALENT RESIDENTIAL UNIT CREDITS ARISING FROM THE TOWER WELL TO PROMOTE A STRATEGIC GROWTH TO BUILD OUT POLICY FOR PAYSON.

Motion: to Approve Resolution No. 2226, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A POLICY FOR THE EQUIVALENT RESIDENTIAL UNIT CREDITS ARISING FROM THE TOWER WELL TO PROMOTE A STRATEGIC GROWTH TO BUILD OUT POLICY FOR PAYSON.

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

Vote: Motion carried 6 - 1

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

No: Council Member, Mike Vogel.

4. a. Discussion/possible action concerning Resolution No. 2221, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD AND the Second Reading and Public Hearing concerning Ordinance No. 699, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND 15-09-009 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES).

Motion: to Approve Resolution No. 2221, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD AND Ordinance No. 699, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-09-008 AND 15-09-009 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (AMENDING THE PROCEDURES AND NOTICING REQUIREMENTS FOR ZONING MAP CHANGES).

Moved by Council Member John Wilson, seconded by Council Member, Mike Vogel.

Vote: Motion carried 7 - 0

Yes: 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.

Vote: Motion carried 6 - 1

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Susan Connell, Council Member Andy Romance, and Council Member Mike Vogel.

No: Council Member John Wilson.

5. Discussion/possible action concerning Resolution No. 2222 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-

001 AND ADDING SECTION 15-02-008 TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD (CREATING A NATIONAL FOREST ZONING DISTRICT) and the Second Reading and Public Hearing concerning Ordinance No. 697, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001, RENUMBERING SECTION 15-02-008, AND ADDING NEW SECTION 15-02-008 ALL OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND ADOPTING SUCH AMENDMENTS AND ADDITIONS BY REFERENCE (CREATION OF A NATIONAL FOREST ZONING DISTRICT).

Robert Henley objected to changing what now would automatically be R1-175 with the ability to have 4 acre lots to requiring a rezoning that was subject to Council approval. He believed the land use should be the same as the general plan. Tim Wright, Deputy Town Attorney, noted that this issue was raised in the Planning and Zoning Commission and they believed it would force people looking to trade to plan ahead for zoning.

Jim Garner asked what were the permitted uses of Forest Service land. Mr. Owen answered that it was broad but cattle grazing, timber permits, etc. was its main use.

Motion: to Approve Resolution No. 2222 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001 AND ADDING SECTION 15-02-008 TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD (CREATING A NATIONAL FOREST ZONING DISTRICT) and the Second Reading and Public Hearing concerning Ordinance No. 697, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-001, RENUMBERING SECTION 15-02-008, AND ADDING NEW SECTION 15-02-008 ALL OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND ADOPTING SUCH AMENDMENTS AND ADDITIONS BY REFERENCE (CREATION OF A NATIONAL FOREST ZONING DISTRICT).

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

Vote: Motion carried 7 - 0

Yes: 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.

6. * Discussion/possible action concerning Resolution No. 2234, 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". (200 EAST MALIBU DRIVE, PAYSON, ARIZONA, GARY MARTINSON, OWNER, ASSESSOR'S PARCEL NO. 304-02-015F.) **CONSENT APPROVED**

*7. Discussion/possible action concerning Resolution No. 2237, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING MODIFICATION #3 TO AN AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, FOR PROVISION OF LAW ENFORCEMENT SERVICES ON THE TONTO APACHE INDIAN RESERVATION, AND AUTHORIZING THE MAYOR TO EXECUTE SUCH MODIFICATION #3 TO SUCH AGREEMENT. **CONSENT APPROVED**

8. Discussion/possible action concerning Resolution No. 2238, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REQUESTING THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONDUCT A PLANNING STUDY FOR AN ALTERNATE ROUTE SOUTHEAST OF PAYSON BETWEEN STATE ROUTE 87 AND STATE ROUTE 260.

Mayor Edwards met with ADOT who asked the Town's of Payson and Star Valley to put forth letters approving this study.

Chirs Tilley urged passage of this resolution.

Jim Garner suggested alternate routes. He also asked that a letter for an alternate route north or south of Oxbow and around the Town to the north of Highway 87 be submitted to ADOT.

Dan Dillion was not opposed to a study but he believed more study had to be done on the economic impact and loss of tax revenue. He said fixing the existing roads so that residents could avoid Highways 87 and 260 might be a solution.

Motion: to Approve Resolution No. 2238, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, REQUESTING THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONDUCT A PLANNING

STUDY FOR AN ALTERNATE ROUTE SOUTHEAST OF PAYSON
BETWEEN STATE ROUTE 87 AND STATE ROUTE 260.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: 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.

9. Second Reading and Public Hearing concerning Ordinance No. 698, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE 1200 TO 1700 BLOCK OF EAST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-315G, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-44 (FOREST EDGE).

Steve Carter with Forest Edge said they were willing to work with erosion problems on Cedar Lane but would need some indemnity to work with private lots not in Forest Edge who might be effected by water erosion.

Deputy Town Attorney Tim Wright said they could sign agreements with individual lot holders but not with the Town of Payson for indemnification.

LaRon Garrett, Public Works Engineer, stated that since there was no Town property involved and the roadway easements were also private, the Town could not be the indemnifier.

Mayor Edwards and Clmn. Blair wanted to see a firm commitment to maintaining any drainage solution. This could be done in the preliminary plat stage.

Robert Henley spoke for Habitat for Humanity saying they appreciated the contribution by Terra Capital. He hoped to sit down with staff to find the best way to use water credits.

Clmn. Wilson noted that Habitat for Humanity continued to need additional volunteers to help with the Longhorn property.

Mr. Walker and Mr. Owen anticipated future discussion on how water credits would be transferred and assigned.

Motion: to Approve Ordinance No. 698, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE 1200 TO 1700 BLOCK OF EAST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 304-01-315G, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-44 (FOREST EDGE).

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: 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.

Mayor Edwards recessed the meeting at approximately 7:17 p.m.

Mayor Edwards reconvened the meeting at approximately 7:32 p.m.

10.

First Reading and Public Hearing concerning Ordinance No. 702, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN AMENDMENT TO THE CODE OF THE TOWN OF PAYSON, BY ADDING SECTION 130.39 (PERMANENT SIGNS IN TOWN OWNED RIGHT OF WAY).

Vice-Mayor Fruth was concerned about the possibility of haphazard landscaping.

Jim Garner noted that beauty was in the eye of the beholder and very subjective. He believed there should be models set up so that the ordinance had better parameters.

Bruce Van Camp, a member of the STAC Committee, said their committee had worked on this also. He suggested having the art league involved to help with the signage to keep them uniform and part of the countryside.

Barbara Underwood reminded all to remember safety and be careful with signs and landscape that would impair vision and to remember safety issues.

The Council discussed the need for models and drawings to make the ordinance more visual. Mayor Edwards asked staff to review and to come back with suggestions about making the ordinance more visual and how

to accomodate a particular business that wanted to do it now.

11. First Reading and Public Hearing concerning Ordinance No. 703, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.40 TO THE CODE OF THE TOWN OF PAYSON (TEMPORARY SIGNS IN TOWN RIGHT OF WAY). First Reading and Public Hearing. **PULLED UNTIL A FUTURE MEETING**

12. Discussion/possible action concerning Resolution No. 2231, 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 BETWEEN THE TOWN OF PAYSON AND THE TOWN OF STAR VALLEY REGARDING THE DEVELOPMENT AND USE OF WATER RESOURCES.

Mayor Edwards stated the agreement covered three areas: to do no harm to each other, to pursue future water together and to live by the safe yield study. He will set up a committee of three people from the Town of Payson and three people from Star Valley with a water person on each to monitor wells in Star Valley checking for any indication of damage to the Star Valley wells.

Jim Garner asked for a definition of sustainable safe yield. Mayor Edwards responded that the definition was in Arizona State Statutes. Mr. Garner suggested an odd number on the committee.

Robert Henley said the public was not privy to the latest revision of the agreement. He asked also for a definition of sustainable safe yield. Mr. Carpenter explained that State Statute defines safeyield but does not define sustainable. Mr. Henley stated that the Town of Star Valley did not own any wells and asked what Star Valley was bringing to the table in this agreement. Mayor Edwards explained that Star Valley would agree to abide by the upcoming safe yield study and do us no harm.

Clmn. Vogel stated that the timing of the most recent change to the agreement, at 9:00 am that morning, was not acceptable. He asked that items only be brought to Council by the Wednesday before the meeting or not allowed to be included. He noted that he represented Payson and didn't get a single vote from Star Valley. He did not see that Star Valley would be helping Payson at all in this agreement. He believed the agreement should have been with Brooke Utilities that supplies water for Star Valley. Clmn. Vogel said he would not support this agreement unless it came back to Council with something viable.

Vice-Mayor Fruth agreed with Clmn. Vogel. He believed the agreement needed to be negotiated out of strength instead of letting others telling the

Council what they should do. He suggested Star Valley vote first. Vice-Mayor Fruth said he would not support the agreement.

Clmn. Blair stated the Council should be acting out of brotherhood and not out of strength. He asked Chris Benjamin from Star Valley to comment on the first safe yield study. Mr. Benjamin said the first study was flawed.

Clmn. Connell asked Buzz Walker, Water Superintendent, how he felt about the agreement. Mr. Walker said he had not been involved in the agreement. Mike Ploughe, Town Hydrogeologist, had drafted a version of an agreement but this was not that version. Mr. Walker said he was not happy with the agreement. Clmn. Connell said she had concerns with the 5 year clause.

Mayor Edwards said he thought it was the right thing to do. He believed the Town's purchase of the well was the wrong thing to do. Mayor Edwards said the last election demonstrated that the people of Payson felt that taking water from the Star Valley well was wrong.

Clmn. Romance believed the agreement was commendable. He saw it as sensitive to the reality that Payson is a government as well as a water service provider. He suggested that the fact that Star Valley was not a water provider be addressed in this agreement. He suggested changing Item 3 to add "Star Valley will not challenge and will support Payson's use of the well should Brooke Utilities or any other water service provider challenge Payson's right to do so." He believed the use of the word support was ambiguous in the agreement.

Clmn. Vogel felt that while the agreement was an honorable effort there were just too many holes. He also was concerned that out of the 7 Council members only 2 had input into this agreement.

Motion: to Approve Resolution No. 2231, 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 BETWEEN THE TOWN OF PAYSON AND THE TOWN OF STAR VALLEY REGARDING THE DEVELOPMENT AND USE OF WATER RESOURCES. Changing Item 3 to add Star Valley will not challenge and will support Payson's use of the well should Brookes Utilities or any other water service provider challenge Payson's right to do so. Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Mr. Walker suggested to simplify the agreement, rather than using committees, to agree to never withdraw more than 1/3 of the safe yield as determined by the study. The Mayor said both parties would not agree to that.

Vice-Mayor Fruth asked if the committee would have Council approval, how long would their terms would be and if they be appointed by seperate resolution. He suggested reviewing on an annual basis rather than every five years. Attorney Streichman said Payson will appoint its portion of the committee members for 2 year perods with the approval of the Council.

Clmn. Wilson called the question.

Vote: Motion carried 4 - 3

Yes: Mayor Bob Edwards, Council Member Ed Blair, Council Member Susan "Su" Connell, and Council Member John Wilson.

No: Vice-Mayor Tim Fruth, Council Member, Andy Romance, and Council Member, Mike Vogel.

13. Discussion/possible action concerning Resolution No. 2239, 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 FALCON LOOKOUT PHASE 1 SUBDIVISION.

Mark Miller, past president of Woodhill Home Owner's Association, lived directly south of the proposed development and had concerns about drainage. Although he felt it was a good plan he was concerned about the implementation of a drainage plan, who would be responsible for making sure drainage tanks were placed properly secured underground and the maintenance of the drainage system. He asked for a bond from the developer to cover damage if the drainage didn't work.

Charles Lee believed Falcon Lookout was ill designed. He said he wasn't notified of the first meeting and not able to come to the second meeting. Mr. Lee had written a letter proposing the developer post a bond for drainage damage. He believed the southern border needed above ground drainage collection guided to a natural wash. Mr. Lee requested denial of the project and stated the Council had been railroaded into this project.

Ralph Bossert noted that at the citizen meeting a year ago only 2 people attended. The project had staff approval on the drainage report.

Mayor Edwards suggested delaying the agreement until January 7 to work out more of the details.

Motion: to Table Resolution No. 2239, 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 FALCON LOOKOUT PHASE 1 SUBDIVISION.

Moved by Council Member Ed Blair, seconded by Council Member Mike Vogel.

Vote: Motion carried 7 - 0

Yes: 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.

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

Motion: to table Ordinance No. 694, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 3 TO SECTION 15-09-008(G) OF THE TOWN OF PAYSON UNIFIED DEVELOPMENT CODE, TO ESTABLISH A REQUIREMENT FOR A TWO-THIRDS VOTE OF THE TOWN COUNCIL FOR APPROVAL OF A CHANGE IN THE TOWN ZONING MAP.

Moved by Council Member Ed Blair, seconded by Mayor Bob Edwards.

I. NEW BUSINESS

1. This was a Council Decision Request filed by Nelson D. Beck, Parks Supervisor/Interim Director, to direct staff to award a bid for erosion control fabric as specified in the Rumsey Park softball complex development plans to the low bidder, Eagle Environmental Products Inc., at the proposed price (\$44,352.00) as recommended by the Parks Supervisor/Interim Director and the Town Engineer.

Motion: to Approve a Council Decision Request filed by Nelson D. Beck, Parks Supervisor/Interim Director, to direct staff to award a bid for erosion control fabric as specified in the Rumsey Park softball complex development plans to the low bidder, Eagle Environmental Products Inc., at the proposed price (\$44,352.00) as recommended by the Parks Supervisor/Interim Director and the Town Engineer.

Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

Abstained: Council Member, Andy Romance.

2. This was a Council Decision Request filed by Glenn W. Smith, Chief Fiscal Officer, to adopt the Town of Payson Computer and Peripheral Usage

Policy. Mr. Smith requested adding section D, Item 1, dealing with Town work products.

Motion: to Approve a Council Decision Request filed by Glenn W. Smith, Chief Fiscal Officer, to adopt the Town of Payson Computer and Peripheral Usage Policy adding Section D, Item 1, dealing with Town work products. Moved by Vice-Mayor Tim Fruth, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: 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.

3. Council Decision Request filed by Jerry Owen, Community Development Director, to direct the Town Attorney's Office to prepare an amendment to the Chilson Ranch Development Agreement that substitutes the attached revised master development plan as Exhibit B and addresses the major issues discussed below.

Jerry Owen clarified changes. The GVRA had not approved the revised plan.

Hallie Overman said the GVRA had approved the culdesac road and that the basic layout was close to the same, only adding commercial portions. Carol McCauley, Main Street/Redevelopment Area Manager agreed that this was close to the original footprint that was approved by GVRA.

Motion: to Approve a Council Decision Request filed by Jerry Owen, Community Development Director, to direct the Town Attorney's Office to prepare an amendment to the Chilson Ranch Development Agreement that substitutes the attached revised master development plan as Exhibit B and addresses the major issues discussed below. Moved by Council Member John Wilson, seconded by Council Member, Mike Vogel.

Vote: Motion carried 7 - 0

Yes: 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.

4. * Council Decision Request filed by Ted Anderson, Airport Manager, to authorize the Airport Manager to submit the Five-Year Airport Capital Improvement Program at Exhibit G for Fiscal Years 2008 to 2012 to ADOT and the FAA. CONSENT APPROVED

J. CLAIMS

- 1. * List of Checks paid from 11/09/06 through 12/01/06, Check Nos. 39513 through 39877, except Check No. 39748, and authorization to file the checks for audit. CONSENT APPROVED
- 2. * Check No. 39748 paid 12/01/06, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Vice Mayor Fruth will be considered to have abstained from voting on this item.) CONSENT APPROVED

K. MISCELLANEOUS

L. PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT: The meeting adjourned at approximately 10:15 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 14 of December, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2006.

Gaye Stidham, Deputy Town Clerk