

**COMMON COUNCIL OF THE TOWN OF PAYSON**  
**ACTIONS OF THE REGULAR MEETING**  
**MARCH 15, 2007**

**CALL TO ORDER:** ~~5:30~~ **6:05** p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

**INVOCATION (Participation Voluntary)**      Todd Arnold  
Shepherd of the Pines Lutheran Church

**PLEDGE OF ALLEGIANCE**                      Payson Girl Scouts

**ROLL CALL:** BE\_p\_ TF\_p\_ EB\_p\_ SC\_p\_ AR\_p\_ MV\_p\_ JW\_p\_

**STAFF PRESENT:** FC\_p\_ SIS\_p\_ GS\_p\_ MD\_a\_ CPW\_p\_ GHG\_p\_ SS\_a\_ JO\_p\_  
LG\_p\_ TM\_a\_ RM\_p\_ RS\_p\_

**OTHERS PRESENT:** Kathy Klein, Marci Huffman, Tracie Bailey, Don Engler, Todd Bramlet, Tim Wright, John Heflin, Carol McCauley, Kim Becker

*The Council may discuss, consider or take action on any item listed on this agenda.*

*Council reserves the right to consider any matter out of sequence.*

**To accommodate all those who wish to address the Town Council and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes.**

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

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

Mike Amon - create lease agreement

Barbara Ganz - invitation to presentation 3/21/07 at 1 p.m. Payson Library presentation on retail match

**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.

JW-TF 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.

Town Manager

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

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

2. **Proclamation** declaring the week of March 12, 2007, as **Girl Scout Week**. Payson Girl Scouts will be present to accept the proclamation.

Presented by JW

3. **Proclamation** declaring March 31, 2007, as **Lions Walk for Sight So Others May See Day**. Members of the Payson Lions Club will be present to accept the proclamation.

Presented by SU

4. **Presentation** of a 2006 Community Benefit Report by R. Chris Wolf, Payson Regional Medical Center CEO.

Presented by Chris Wolf

- 5.\*\* **Presentation** by the Public Safety Task Force concerning the replacement of the retiring Chief of Police.

\*\***Added 3/13/06, 8:30 a.m.** Presented by Ross Skinner.

**E. MINUTES**

**1.\* Council Meeting Minutes:**

- . 02-15-07 Regular Meeting Pages 1-10
- . 03-05-07 Special Meeting (No Quorum) Page 1
- . 03-05-07 Special Meeting (No Quorum) Page 1

**\*CONSENT\* APPROVAL**

Need signatures.

**BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission.)**

**2.\* Parks and Recreation Advisory Board Minutes:**

. 01-17-07 Regular Meeting Pages 1-2 (06-190)

**\*CONSENT\***

**3.\* Building Advisory Board Minutes:**

. 02-13-07 Regular Meeting Pages 398-399

**\*CONSENT\***

**F. HEARINGS AND APPEALS**

1. **This is a Public Hearing** concerning an application for a Special Event Liquor License filed by Bryan Keith Sepulveda, agent, Law Enforcement Rodeo Association, for the LERA Rodeo event to take place at the Payson Event Center on Saturday, June 2, 2007, 5:00 p.m. to 8:30 p.m., and Sunday, June 3, 2007, 10:00 a.m. to 1:30 p.m. **This is a Public Hearing.** (Application on file in the Town Clerk's office.)

TF-MV 7-0 Mailed off 3/19/07

2. **This is a Public Hearing** concerning an application for Extension of Premises/Patio Permit (temporary) filed by Robert R. Herrera, agent, Oxbow Saloon, 607 W. Main, Payson, Arizona, for March 31, 2007 and April 1, 2007. **This is a Public Hearing.** (Application on file in the Town Clerk's office.)

SU-JW, 5-2, TF, AR dissented Mailed off 3/19/07

**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\* APPROVAL**

2. Consideration of a motion to remove from the table **Resolution No. 2243**, for discussion/possible action.

MV-JW 7-0.

3. Discussion/possible action concerning **Resolution No. 2243**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE

CHILSON RANCH DEVELOPMENT AGREEMENT.

AR-EB w/changes (200 feet) Failed 3/4; SC, MV, JW, BE dissented. JW-MV Passed 6-1, AR dissented. Stan Sisson and Eric Jackson commented. Signed except for Hallie Overman. She's been called to come sign.

4. Discussion/possible action concerning **Resolution No. 2248**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 110 (BUSINESS LICENSING) OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

5. **Second Reading and Public Hearing** concerning **Ordinance No. 709**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 110 (BUSINESS LICENSING) OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. **Second Reading and Public Hearing.**

Res 2248 & Ord 709 taken together. JW-BE amend to exempt rental. Failed 3-4. Fruth, no; Vogel, no; Wilson, no; Edwards, no.

TF-MV to approve both , 5-2. Blair, no; Romance, no.

Signed, sent to be published 3/23 and 3/30/07. Sent Am Legal.

6. Discussion/possible action concerning **Resolution No. 2249**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE CITIZEN WATER CONSERVATION TASK FORCE REPORT DATED AUGUST 2006 AND DIRECTING A REVIEW AND EVALUATION FOR IMPLEMENTATION OF RECOMMENDATIONS.

Delayed to 4/5/07.

7. Discussion/possible action concerning **Resolution No. 2257**, 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 BISON COVE CONDOMINIUMS PHASE 1.

Vogel left room. TF-JW, 6-0. Still at Sam's.

8. **First Reading and Public Hearing** concerning **Ordinance No. 707**, 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 AT 203, 215, 217, & 219 WEST AERO AND 116 WEST CEDAR LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBERS 304-17-139, 304-17-140, 304-17-141, 304-17-123A, 304-17-123B, AND 304-17-127, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R3-MH TO C-3. **First Reading and Public Hearing.**

to 4/5/07 for 2nd reading Rick Croy supports

9. **First Reading and Public Hearing** concerning **Ordinance No. 708**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE SECTION 15-02-004(D) TABLE OF RESIDENTIAL LOT DEVELOPMENT STANDARDS AND SECTION 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON (ALLOWING 3000 SQUARE FOOT TOWNHOUSE LOTS IN R3 ZONES). **First Reading and Public Hearing.**

to 4/5/07 for 2nd reading

10. **Second Reading and Public Hearing** concerning **Ordinance No. 710**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING ORDINANCE NUMBER 487, INCREASING THE PARKS FACILITIES AND STREETS DEVELOPMENT IMPACT FEES AND IMPOSING A PUBLIC SAFETY DEVELOPMENT IMPACT FEE. **Second Reading and Public Hearing.**

BE-JW to approve. Amended amounts (public safety \$500, P&R \$1,000, Streets \$1235. BE-JW agreed, 4-3. Fruth, no; Connell, no; Romance, no.

Signed and copies to LaRon, Rick and Gordie.

## H. UNFINISHED BUSINESS

There are no items in this section.

## I. NEW BUSINESS

1. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to prepare an Ordinance to modify portions of Town Code Chapter 152 relating to **storm water detention**.

Comments from Ralph Bossert. Will help LaRon. JW-EB, 7-0. Ordinance to be on future agenda.

2. Council Decision Request filed by LaRon G. Garrett, Public Works Engineer, to direct staff to install two [Stop Signs](#) at the intersection of Mud Springs Road and Phoenix Street to make the intersection a 4-Way Stop.  
TF-JW 7-0. Don Engler comments.

3. Council Decision Request filed by Mike Ploughe, Hydrogeologist, and LaRon G. Garrett, Public Works Engineer, to approve [C. C. Cragin Reservoir Pipeline and Water Treatment Plant Site Environmental Assessment](#) contract with SWCA Environmental Consultants for a fee not to exceed the amount \$172,500.00 and authorize the Mayor to sign all necessary contract documents.

EB-BE substitute motion to solicit RFQ's. Failed 1-6; EB yes. MV-JW, 6-1, EB no. At Sam's for signature. Clerk needs to mail it to Chris Garrett at SWCA after signed. LaRon needs copy.

4. Council Decision Request filed by Jerry Owen, Community Development Director, to direct Town staff to prepare a draft development agreement for [Cedar Highlands](#) (1108-1200 S. McLane) with Read Homes.

TF-JW 7-0

5. Council Decision Request filed by Jerry Owen, Community Development Director, to direct Town staff to prepare a draft development agreement for [Rumsey Ridge](#) (200-400 W. Rumsey) with Ecco Holdings.

TF-JW 7-0.

## **MEETING ADJOURNED AT 10:06.**

### **J. CLAIMS**

- 1.\* List of checks paid from 02-07-07 through 03-01-07, Check Nos. 40655 through 40966, and authorization to file the checks for audit.

**\*CONSENT\* APPROVAL**

### **K. MISCELLANEOUS**

- 1.\* [Acceptance](#) of John Landino's resignation from the Green Valley Redevelopment Committee with thanks for a job well done.

**\*CONSENT\* APPROVAL**

2. 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

1. Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

## CLASSIFICATIONS FOR EXECUTIVE SESSION

Note: Should an executive session be convened on any item(s) listed on the regular meeting agenda, Council will review, discuss, or receive advice of Counsel, which will be considered under the respectively approved classifications listed below:

- a. ARS 38-431.03.A.1 Personnel Matters. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
- b. ARS 38-431.03.A.2 – Discussion or consideration of records exempt by law from public inspection; including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
- c. ARS 38-431.03.A.3 – Discussion or consultation for legal advice with the attorney or attorneys of the public body.
- d. ARS 38-431.03.A.4 – Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation.
- e. ARS 38-431.03.A.5 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee

organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

- f. ARS 38-431.03.A.6 – Discussion, consultation or consideration for international and interstate negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
- g. ARS 38-431.03.A.7 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase, sale or lease of real property.

Public Comments: Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

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THE TOWN OF PAYSON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 474-5242 (VOICE) OR 472-6449 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

**NOTE: The information discussed in the Executive Session and the minutes of the Executive Session are confidential.**