

**COMMON COUNCIL OF THE TOWN OF PAYSON  
AGENDA OF THE REGULAR MEETING  
MARCH 27, 2008**

**CALL TO ORDER:** 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona. **Note: Clnn. Vogel may be present telephonically.**

**INVOCATION (Participation Voluntary)** Charles Proudfoot  
Community Presbyterian Church

**PLEDGE OF ALLEGIANCE**

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

**STAFF PRESENT:** DG\_\_ SIS\_\_ MD\_\_ CPW\_\_ DPE\_\_ SS\_\_ JO\_\_ LG\_\_ TM\_\_ RM\_\_  
CD\_\_

**OTHERS PRESENT:** \_\_\_\_\_

*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.

**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.

**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.

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

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

**E. MINUTES**

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

- . 02-07-08 Regular Meeting Pages 1-10
- . 02-14-08 Special Meeting Pages 1-3
- . 02-14-08 Special Meeting Pages 1-3
- . 02-21-08 Regular Meeting Pages 1-7
- . 03-06-08 Regular Meeting Pages 1-6
- . 03-18-08 Special Meeting Pages 1-2 (Canvass)
- . 03-18-08 Special Meeting Pages 1-2

**\*CONSENT\* APPROVAL**

**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:**

- . 02-11-08 Regular Meeting Pages 1-5

**\*CONSENT\***

**3.\* Housing Advisory Commission Minutes:**

- . 01-31-08 Regular Meeting Pages 20-22

**\*CONSENT\***

**4.\* Surface Transportation Advisory Committee Minutes:**

- . 02-06-08 Regular Meeting Pages 152-155

**\*CONSENT\***

**F. HEARINGS AND APPEALS**

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\* APPROVAL**

2. Discussion/possible action concerning **Resolution No. 2359**, captioned as

follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-09-004 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (CONDITIONAL USE PERMIT)

3. **Second Reading and Public Hearing** concerning **Ordinance No. 733**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-09-004 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (CONDITIONAL USE PERMIT) **Second Reading and Public Hearing.**
4. Discussion/possible action concerning **Resolution No. 2362**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "THE 2008 AMENDMENTS TO THE TAX CODE OF THE TOWN OF PAYSON", AND DECLARING AN EMERGENCY.
5. **Public Hearing** concerning **Ordinance No. 734**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX: ADOPTING "THE 2008 AMENDMENTS TO THE TAX CODE OF THE TOWN OF PAYSON" BY REFERENCE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY, PROVIDING PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY. **Public Hearing.**
6. **First Reading and Public Hearing** concerning **Ordinance No. 732**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TOWN CODE SECTIONS 34.01 THROUGH 34.04 RELATING TO THE TOWN MAGISTRATE COURT. **First Reading and Public Hearing.** (Note: **Resolution No. 2358 provided for information only.**)

## H. UNFINISHED BUSINESS

There are no items in this section.

## I. NEW BUSINESS

1. Council Decision Request filed by Debra A. Galbraith, Town Manager, to authorize the Vice-Mayor to sign the [roundabout](#) engineering contract with Roundabouts & Traffic Engineering in the amount of \$47,025.
2. Council Decision Request filed by Debra Galbraith, Town Manager, to allocate \$76,937 to be transferred to the [Contingency](#) Fund for expenses approved by Council but not budgeted in other Town funds.
3. Council Decision Request filed by Buzz Walker, Water Superintendent, to direct the Legal Department, in concert with the Water Department, to prepare revisions to Resolution No. [1742](#) for action by the Town Council at a later date.

4. Council Decision Request filed by Bethany Beck, Housing Program Manager, to approve the contract with Kuehl Enterprises LLC to conduct a [housing needs](#) assessment and strategic plan for the Town of Payson in an amount not to exceed \$50,000 and authorize the Mayor to execute all necessary contract documents. This will require an expenditure of \$20,000 already approved in the 2007/08 budget and the balance to be included in the 2008/09 budget cycle.
5. Discussion/possible action regarding a [memorandum](#) from Vice-Mayor Fruth proposing that the Town Code be amended to provide that the Vice-Mayor (with the approval of the Mayor and Town Council) appoint all the members of the Town's Boards, Committees, and Commissions, to take effect in June after the seating of the next Council.

## **J. CLAIMS**

- 1.\* List of Checks paid from 02/28/08 through 03/14/08, Check Nos. 45615 through 45977, and authorization to file the checks for audit.

**\*CONSENT\* APPROVAL**

## **K. MISCELLANEOUS**

**Note:** Letters and Applications of the following are on file in the Town Clerk's office.

- 1.\* Acceptance, with regrets, of David Coombes resignation from the Housing Advisory Commission, with thanks for a job well done.

**\*CONSENT\* APPROVAL**

- 2.\* Appointment of Bob Dalby to the Surface Transportation Advisory Committee to fill the unexpired term of Diana Sexton, term to expire 12/31/08.

**\*CONSENT\* APPROVAL**

- 3.\* Appointment of Kathy Baas to the Personnel Board to fill the unexpired term of Kenneth McKeone, term to expire 12/31/09.

**\*CONSENT\* APPROVAL**

- 4.\* Appointment of Christine Tilley to the Surface Transportation Advisory Committee replacing Ernie Schmidt, term to expire 12/31/09.

**\*CONSENT\* APPROVAL**

5. 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.**

**CERTIFICATION OF POSTING**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following location: Payson Town Hall bulletin board, 303 N. Beeline Highway, Payson, Arizona, on the 20th day of March, 2008, at 4:30 p.m., in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: \_\_\_\_\_  
Silvia Smith, Town Clerk