

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
March 27, 2008**

CALL TO ORDER

Mayor Edwards called the meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Charles Proudfoot Community Presbyterian Church

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Sam Streichman, Town Attorney, Jerry Owen, Community Development Director, Debra Galbraith, Town Manager, Colin P. Walker, Water Superintendent, LaRon Garrett, Town Engineer, Donald Engler, Police Chief, Cameron Davis, Tourism/Economic Vitality Manager, and Silvia Smith, Town Clerk.

Council Member Vogel was present telephonically.

OTHERS PRESENT: Tracie Bailey, Deputy Town Clerk, Tim Wright, Deputy Town Attorney, Beth Beck, Housing Program Manager.

A. PUBLIC COMMENTS

Shirley Collin spoke of her first visit to Arizona and how she had found Payson and Payson became her home. Ms. Collin said goodbye to Mayor Edwards and wished the Mayor Elect well.

Chris Tilley stated she has been serving on the Alternate Route Task Force and asked people to flood ADOT with e-mails requestng a bypass around Payson.

Barbara Underwood announced the Payson High School Culinary Class event at the Rim Country Middle School cafeteria on April 3, 2008 at 5:30 p.m.

Jim Garner thanked the outgoing Council Members for their service to the community.

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: to approve all items listed on the Consent Agenda except Items K.2, K.3, and

K.4.

Moved by Council Member Su Connell, 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 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

Debra Galbraith, Town Manager, gave a brief summary of the Main Street Scape meeting. Ms. Galbraith stated the Town has received a HELP loan for Main Street construction.

Council Member Connell asked everyone to support Payson's local businesses. Council Member Connell announced Channel 3 would be at Green Valley Park April 1, 2008, from 5:00 a.m. to 9:00 a.m.

Mayor Edwards thanked ADOT for getting Highway 87 open and asked staff to prepare a letter for his signature commending ADOT for a good job.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

Vice-Mayor Fruth presented Mayor Edwards with a birthday card and wished the Mayor happy birthday.

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* 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:
 - 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 were no items in this section.

Mayor Edwards moved Item I.1 up.

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.

Robert Bleyl from Star Valley stated he was a traffic engineer and expressed concerns about the roundabout. Based on his background he felt there would not be very much traffic entering from Mud Springs Road. Mr. Bleyl did not feel this would be used as a bypass. However, Mr. Bleyl felt roundabouts were bad for pedestrians and did not recommend construction of a roundabout at this intersection.

Sally Lowman stated she had spoke to an ADOT representative and they said they have not received a request for a signal from the Town. Ms. Lowman asked the Council why they were spending money on the engineering study. Ms. Lowman felt a roundabout would not be a good investment.

Shirley Dye appreciated the construction of the streets. Ms. Dye felt there were other streets that needed improvements and did not agree with spending money on the study.

Motion: to approve to table until the Surface Transportation Advisory Committee completes their study.

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

Vote: Motion failed 2 - 5

Yes: Mayor Bob Edwards, and Council Member Ed Blair.

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

Motion: to approve to table to the April 17, 2008, Council meeting when data from the ADOT traffic study is in.

Moved by Council Member Su Connell, seconded by Council Member John Wilson.

Vote: Motion carried 5 - 2

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

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

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* APPROVED**

2. **Resolution No. 2359.** Mayor Edwards opened 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)

Mayor Edwards also opened the Second Reading and Public Hearing concerning Ordinance No. 733.

3. **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).

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

Motion: to Approve Resolution No. 2359 and Ordinance No. 733.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

4. **Resolution No. 2362.** Mayor Edwards opened 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.

Mayor Edwards also opened the Public Hearing concerning Ordinance 732.

5. **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.

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

Motion: to Approve Resolution No. 2362 and Ordinance No. 734.
Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

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

6. **Ordinance No. 732.** Mayor Edwards opened the 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.

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

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

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.

Motion: to Approve to allocate \$76,937 to be transferred to the Contingency Fund for expenses approved by Council but not budgeted in other Town funds.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

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.

Gene Sampson thanked Buzz Walker, Water Superintendent, for all the work he has done on Blue Ridge.

Motion: to Approve 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 the April 17, 2008, Regular Council Meeting.
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 Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and Council Member John Wilson.

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.

Martina Kuehl, Kuehl Enterprises L.L.C., stated they will look at a variety of housing not just apartments. Ms. Kuehl believed that as the economy changes the solutions that are appropriate will fall along that spectrum.

Motion: to Approve 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.
Moved by Council Member Su Connell, 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 Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and Council Member John Wilson.

5. Mayor Edwards opened **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.

Shirley Dye did not have a problem with the Mayor making appointments and suggested making a fact sheet of appointees to give out to Council so Council can contact and talk to the appointees.

Bruce Van Camp felt the Council needs to look at people who want to stay on a committee but are turned down for re-appointment.

Motion: to Approve to direct staff to provide input into what ways other communities do this and let the future Council make the decision and to bring it back to the Council at the Regular Council meeting on April 17, 2008.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 6 - 1

Yes: Vice-Mayor Tim Fruth, Council Member Ed Blair, Council Member Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and

Council Member John Wilson.
No: Mayor Bob Edwards.

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* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, acceptance, with regrets, of **David Coombes resignation from the Housing Advisory Commission**, with thanks for a job well done.
***CONSENT* APPROVED**

Mayor Edwards moved Item K.3 up.

3. * **Appointment of Kathy Baas to the Personnel Board** to fill the unexpired term of Kenneth McKeone, term to expire 12/31/09.
Pulled from ***CONSENT* APPROVAL**

Kathy Patrick-Baas gave a brief history of all of the volunteering she has done for the community. Ms. Baas felt she was helping the community by volunteering for the Personnel Board.

Gene Sampson believed Kathy was a good person to serve on this Board.

Motion: to Approve appoint Kathy Patrick-Baas to the Personnel Board to fill the unexpired term of Kenneth McKeone, term to expire 12/31/09.
Moved by Mayor Bob Edwards, seconded by Council Member Ed Blair.

Susan Covert knew all three of the appointees well and spoke in favor of them. Ms. Covert felt the appointees would look at the issues unbiased and asked the Council to appoint all three.

Ginger Henry felt this should be postponed. Ms. Henry was disappointed that Bob Dalby was being appointed to the Surface Transportation Advisory Committee because Mr. Dalby lives in Elk Ridge.

Shirley Dye stated she thought it would be great to apply to be on a committee until Joanie King's appointment was voted down. Ms. Dye felt the Council would not have anyone left who would want to serve on a committee if they kept going this way. Ms. Dye believed the Council should not turn people away.

Following extensive discussion,

Motion: to Approve to table all three appointments.

Moved by Mayor Bob Edwards, no second the motion was lost.

Mayor Edwards called for the vote on the original motion.

Vote: Motion carried 7 - 0

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

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.
Pulled from *CONSENT* APPROVAL

Motion: to Approve to appoint Bob Dalby to the Surface Transportation Advisory Committee to fill the unexpired term of Diana Sexton, term to expire 12/31/08.
Moved by Mayor Bob Edwards, seconded by Council Member Ed Blair.

Bob Dalby stated he has been in Payson for twelve years and gave a brief background on himself. Mr. Dalby felt that he could be of benefit if he were placed on the Surface Transportation Advisory Committee. Mr. Dalby would recuse himself from voting on an item if need be.

Bruce Van Camp felt that if Mr. Dalby would recuse himself he would be fine to serve on the Committee.

Following considerable discussion,

Motion: to Approve to table the appointment of Bob Dalby to the Surface Transportation Advisory Committee to fill the unexpired term of Diana Sexton, term to expire 12/31/08 to the April 17, 2008 Regular Council meeting.
Moved by Vice-Mayor Tim Fruth, seconded by Council Member Mike Vogel.

Vote: Motion carried 6 - 1

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and Council Member John Wilson.

No: Council Member Ed Blair.

4. * **Appointment of Christine Tilley to the Surface Transportation Advisory Committee** replacing Ernie Schmidt, term to expire 12/31/09.
Pulled From *CONSENT* APPROVAL

Motion: to Approve to appoint Christine Tilley to the Surface Transportation Advisory Committee replacing Ernie Schmidt, term to expire 12/31/09.
Moved by Vice-Mayor Tim Fruth, seconded by Council Member Ed Blair.

Christine Tilley gave a brief background on herself.

Vote: Motion carried 7 - 0

Yes: Mayor Bob Edwards, Vice-Mayor Tim Fruth, Council Member Ed Blair,

Council Member Su Connell, Council Member Andy Romance, Council Member Mike Vogel, and Council Member John Wilson.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT:

Mayor Edwards adjourned the meeting at approximately 7:43 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 regular meeting of the Town Council of the Town of Payson held on this day the 27 of March, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2008.

Tracie Bailey, Deputy Town Clerk