

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 17, 2008**

CALL TO ORDER

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

INVOCATION

Pastor Kelly Wooldridge, Payson First Assembly of God Church.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

STAFF PRESENT: Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, LaRon Garrett - Town Engineer, Douglas Hill - Chief Fiscal Officer, Colin P. Walker - Water Superintendent, Don Engler - Police Chief, Rick Manchester - Parks & Recreation Director, and Cameron Davis - Tourism/Economic Vitality Director.

OTHERS PRESENT: Marcia Huffman - Chief Deputy Town Clerk, Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, Ray Erlandsen - Zoning Administrator, Kim Becker - Executive Assistant, and Don Tanner - Animal Control Officer.

A. PUBLIC COMMENTS

Stuart Bishop spoke regarding Ordinance 741. Mr. Bishop believed it was not optimal for a dog to have to be walked with a leash. Mr. Bishop did not support the ordinance and felt the Town did not need a leash law.

Council Member Blair asked Mr. Bishop if he knew of any other towns where the leash law did not work.

Mr. Stuart stated he did not have any statistics on that.

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

Vote: Motion carried 7 - 0

AUG 07 2008 *E.1

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

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

Debra Galbraith, Town Manager, announced the Payson Water Department has received a permit from the Arizona Game and Fish Department to allow for the introduction of a weed eating White Amour fish to the two small Green Valley lakes. This action was made possible after the construction by Water Department staff of fish migration barriers at the two lakes. Water Quality Specialist Karen Probert led efforts on this project and field services personnel Scott Kelly and Larry McNeeley constructed the barriers with installation assistance from other field personnel.

The Citizen's Leadership Academy starts August 26, 2008. There are still a few slots open. The deadline to turn in applications is July 31, 2008. Contact Debbie Dawson at extension 372 for more information.

The National Night Out festivities will be at Green Valley Park on August 2, 2008 and the actual National Night Out is on August 5, 2008. For details contact the Police Department.

Ms. Galbraith reminded everyone there was only one Council meeting in August. That meeting is scheduled on August 7, 2008.

Mayor Evans thanked all the staff who worked so hard to make the 4th of July such a success.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation.** Council Member Hughes read into the record a Proclamation declaring August 5, 2008 as National Night Out. Kim Becker and Chief Engler, Payson Police Department, were present to accept the proclamation.

Chief Engler explained the National Night Out and what some of the events were.

Mayor Evans recognized Jon Cadd, Plans Review Specialist, for being appointed to serve on the code making panel for the National Fire Protection Association.

Council Member Vogel recognized Penny Pew and asked her to give an update from Congressman Rick Renzi's office.

Penny Pew stated she had contracted with the state of Alaska Election Department to help with the native Alaskan outreach program and that she had given a couple of seminars there. Ms. Pew would get back to her congressional work now for the rest of the term. Ms. Pew thanked the Council for working with her.

E. MINUTES

1. * Council Meeting Minutes:
06.28.08 Community Event Meeting Pages 1-2
06.29.08 Community Event Meeting Pages 1-2
07.08.08 Community Event Meeting (No Quorum) Page 1
***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. * Housing Advisory Commission Minutes:
05.22.08 Regular Meeting Pages 30 - 31
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for a Special Event Liquor License filed by Larry Hinds, agent, Payson Rodeo Committee, Inc., for a fund raiser for the Rodeo Scholarship Fund for an event on August 15, 2008 from 4:00 pm to 2:00 am; August 16, 2008 from 9:00 am to 2:00 am and August 17, 2008 from 10:00 am to 12:00 midnight at 607 W. Main Street, Payson, Arizona.

Larry Hinds, agent, Payson Rodeo Committee, Inc., introduced himself. Council Member Vogel asked Mr. Hinds to get a copy of the records he had requested from Hale Accounting. Mr. Hinds stated he would see that Council Member Vogel gets a copy of the records.

Motion: to Approve the application for a Special Event Liquor License filed by Larry Hinds, agent, Payson Rodeo Committee, Inc., for a fund raiser for the Rodeo Scholarship Fund for an event on August 15, 2008 from 4:00 pm to 2:00 am; August 16, 2008 from 9:00 am to 2:00 am and August 17, 2008 from 10:00 am to 12:00 midnight at 607 W. Main Street, Payson, Arizona.
Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

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. 2391.** Mayor Evans opened discussion/possible action concerning Resolution No. 2391, captioned as follows: A RESOLUTION OF THE MAYOR

AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04, 90.15, 90.20, 90.21, 90.35, AND 90.36 OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (ANIMAL CONTROL)

Council Member Vogel moved to approve Resolution No. 2391. Council Member Vogel withdrew his motion by consensus to deal with Resolution No. 2391 and Ordinance No. 741 together.

Mayor Evans opened the Second Reading and Public Hearing on Ordinance No. 741.

3. Second Reading and Public Hearing concerning Ordinance No. 741, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF CHAPTER 90 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (ANIMAL CONTROL).

Officer Don Tanner, Animal Control Officer, felt the number one issue and reason for the leash law was for the dog's safety. Also the keeping of dogs in close proximity has caused more dog fights and bites.

Chief Engler explained that the dog has to be on a leash or under verbal control.

Tim Wright, Deputy Town Attorney, stated Section A was not being changed.

Mayor Evans explained the situation that had prompted the change. Chief Engler stated the Police Department would educate the community on this change and in the beginning officers will approach this with a warning.

Stuart Bishop believed there was an alternate solution to this such as saying "at large" means a dog who is more than 75 feet from the owner or would not come to the owner verbally.

There were no more public comments and the Mayor closed the Second Reading and Public Hearing.

Mayor Evans stated he has seen well trained dogs be a joy out with their owner. The Mayor was worried about liability where those dogs have been attacked from wondering close to another dog's territory.

Motion: to Approve Resolution No. 2391, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04, 90.15, 90.20, 90.21, 90.35, AND 90.36 OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (ANIMAL CONTROL) and to approve Ordinance No. 741, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF CHAPTER 90 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE

(ANIMAL CONTROL).

Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

Council Member Wilson stated the Council could go back and look at the law later to see if it is too harsh or needs to be amended. Over the next year Chief Engler will monitor it.

4. * **Resolution No. 2393.** Council approved, on the Consent Agenda, Resolution No. 2393 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, EXTENDING THE SCHEDULE OF DEVELOPMENT APPROVED BY ORDINANCE 675 FOR PROPERTY LOCATED AT 1108 AND 1200 SOUTH MCLANE. (CEDAR HIGHLANDS DEVELOPMENT)
***CONSENT* APPROVED**
5. * **Resolution No. 2394.** Council approved, on the Consent Agenda, Resolution No. 2394 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A TOWN OF PAYSON EMPLOYEE 457 DEFERRED COMPENSATION PLAN AND TRUST, TO BE ADMINISTERED BY THE ICMA RETIREMENT CORPORATION, FOR THE EMPLOYEES OF THE TOWN OF PAYSON.
***CONSENT* APPROVED**
6. * **Resolution No. 2396.** Council approved, on the Consent Agenda, Resolution No. 2396 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING STIPULATIONS TO THE PRELIMINARY PLAT, APPROVING THE FINAL PLAT, AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS FOR RIM RIDGE ESTATES, PHASE ONE.
***CONSENT* APPROVED**
7. * **Resolution No. 2397.** Council approved, on the Consent Agenda, Resolution No. 2397 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Bucha)
***CONSENT* APPROVED**
8. * **Resolution No. 2398.** Council approved, on the Consent Agenda, Resolution No. 2398 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Ray)
***CONSENT* APPROVED**

9. * **Resolution No. 2399.** Council approved, on the Consent Agenda, Resolution No. 2399 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Whaley)
***CONSENT* APPROVED**
10. * **Resolution No. 2400.** Council approved, on the Consent Agenda, Resolution No. 2400 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE DRAINAGE EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1". (Porter)
***CONSENT* APPROVED**
11. * **Resolution No. 2401.** Council approved, on the Consent Agenda, Resolution No. 2401 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. AND BONITA ST. ROAD CONSTRUCTION PROJECT. (Hinrich)
***CONSENT* APPROVED**
12. * **Resolution No. 2402.** Council approved, on the Consent Agenda, Resolution No. 2402, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE INGRESS AND EGRESS EASEMENT, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO IN CONJUNCTION WITH ACCESS INTO THE CENTER RIDGE APARTMENT SITE. (Bailey)
***CONSENT* APPROVED**
13. **Resolution No. 2403.** Mayor Evans opened discussion/possible action concerning Resolution No. 2403, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC TRAIL ACCESS EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".

Rick Manchester, Parks and Recreation Director, explained the trail easement.

Motion: to Approve Resolution No. 2403, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PUBLIC TRAIL ACCESS EASEMENT DESCRIBED IN THE DOCUMENT ATTACHED HERETO AS EXHIBIT "1".
Moved by Council Member John Wilson, seconded by Council Member Mike Vogel.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member

Richard Croy, and Council Member Michael Hughes.

14. **Resolution No. 2404.** Mayor Evans opened discussion/possible action concerning Resolution No. 2404, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING RULE 17, SECTION 1 OF THE TOWN OF PAYSON PERSONNEL RULES AND PROCEDURE MANUAL (OVERTIME AND COMPENSATORY TIME).

Debra Galbraith, Town Manager, explained that overtime had to be cut in most departments because of the budget.

Council Member Vogel expressed his concerns regarding employees being told they cannot use their comp time. Ms. Galbraith responded that is not legal and to let her know if this happens.

Council Member Wilson commented the comp time was very generous.

Motion: to Approve Resolution No. 2404, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING RULE 17, SECTION 1 OF THE TOWN OF PAYSON PERSONNEL RULES AND PROCEDURE MANUAL (OVERTIME AND COMPENSATORY TIME).

Moved by Council Member Ed Blair, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

15. ***Resolution No. 2406.** Council approved, on the Consent Agenda, Resolution No. 2406, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE MAIN STREET ENHANCEMENT GRANT.

***CONSENT* APPROVED**

16. Mayor Evans opened discussion/possible action concerning Items A and B:

- A. **Resolution No. 2407,** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PAYSON TOWN COUNCIL OPEN MEETING LAW INVESTIGATION FINDINGS, CONCLUSIONS AND PROPOSED REMEDY PROMULGATED BY THE ARIZONA ATTORNEY GENERAL AND DATED JUNE 26, 2008.

- B. Payson Town Council Open Meeting Law Investigation Findings, Conclusions and Proposed Remedy ("Report").

Motion: to Approve Resolution No. 2407, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE PAYSON TOWN COUNCIL OPEN MEETING LAW INVESTIGATION FINDINGS, CONCLUSIONS AND PROPOSED REMEDY PROMULGATED BY THE ARIZONA ATTORNEY GENERAL AND DATED JUNE 26, 2008 and to accept the Payson Town Council Open Meeting Law Investigation Findings, Conclusions and Proposed Remedy ("Report").

Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Council Member Blair apologized for taking part in the illegal meeting. Council Member Blair believed the Council needed more detailed instruction so they do not have improper discussion after a class.

Sam Streichman, Town Attorney, had discussed this with the Attorney General. Mr. Streichman felt it was a natural tendency for people to talk when they learn something new and explained that the open meeting law prohibits the Council from talking to each other after a class, but to seek out the Clerk or Town Manager to put the issue on a future agenda.

Mayor Evans stated the Attorney General has asked the Council to go through additional training.

Council Member Vogel expressed his objection to the open meeting law. Council Member Vogel believed there were more violations by other Councils. Council Member Blair asked if there was a 20-foot law or something to define this.

Mr. Streichman explained that a quorum of the Council could talk about anything in life except anything that would come before the Council for discussion and that the chance of getting into those situations in a small town was greater. Mayor Evans felt the staff was vigilant in training the Council. The Council was also being asked to make quarterly reports to the Attorney General's Office.

Mayor Evans called for the vote.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

17. **Ordinance No. 738.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 738, 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, RELATING TO THE ADMINISTRATION OF THE TOWN'S BUSINESS LICENSE PROCESS.

Tim Wright, Deputy Town Attorney, explained that Ordinance No. 738 would move business license from the Town Clerk's Department to the Finance Department.

Motion: to Approve Ordinance No. 738, 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, RELATING TO THE ADMINISTRATION OF THE TOWN'S BUSINESS LICENSE PROCESS.

Moved by Council Member John Wilson, seconded by Vice-Mayor Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

18. **Ordinance No. 742.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 742, 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 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES).

The developer had requested that this item be pulled.

Council Member Blair asked for clarification as to why this was left on the agenda.

Tim Wright, Deputy Town Attorney, stated there was no formal way for an item to be pulled so it is up to the Council to act on it at the meeting.

Mayor Evans stated there was a formal request to pull this item, but that is not in the code to pull it that way. Council Member Wilson suggested the Council take no action. Mayor Evans suggested the Council take an action to remove it.

Council Member Blair noted that some of the Underwood's neighbors live in Phoenix and they would have driven up to Payson if they did not know this item was pulled. Council Member Blair would like to see some way, if the Mayor decides to pull an item, to put it on the agenda the Mayor has pulled it. Sam Streichman, Town Attorney, felt some sort of process could be developed to take an item off of the agenda. Staff would bring it to a future agenda for discussion.

Motion: to Approve to pull Item Number G.18 from the agenda.

Moved by Council Member Michael Hughes, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

19. **Ordinance No. 743.** First Reading and Public Hearing, concerning Ordinance No. 743, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SETTING THE ELECTION DATE; ESTABLISHING THE METHOD OF VOTING AND THE METHOD OF COUNTING THE BALLOTS FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION AND DECLARING AN EMERGENCY.

Mayor Evans explained that there was a packet picked up for a referendum. With the referendum eminent the challenge was to get this on the November ballot. It was imperative for Council to pass this ordinance to meet the timeline for this to get on the ballot. Council Member Wilson asked if the election could be cancelled if the referendum did not go through. Sam Streichman, Town Attorney, replied yes.

Council Member Blair explained that "emergency" means there is only one hearing. Mr. Streichman responded this ordinance is effective immediately.

Motion: to Approve Ordinance No. 743, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SETTING THE ELECTION DATE; ESTABLISHING THE METHOD OF VOTING AND THE METHOD OF COUNTING THE BALLOTS FOR THE NOVEMBER 4, 2008 SPECIAL ELECTION AND DECLARING AN EMERGENCY.

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

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

Mayor Evans duly noted that he was out of order not asking for public comment. Mayor Evans opened the First Reading and Public Hearing and asked if there were any public comments.

Gary Bedsworth appreciated the Mayor's explanation. Mr. Bedsworth believed the public did not realize this was before the Council and that there were a lot of people who wanted this on the ballot. Mr. Bedsworth stated there were approximately 350 signatures collected so far and he expected around 1000 signatures in the end.

Mayor Evans called for the vote again.

Vote: motion carried 7-0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Richard Croy, Council Member Michael Hughes, Council Member Mike Vogel, and Council Member John Wilson

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** filed by Mary McMullen, Recreation Coordinator, to adopt the proposed change in PATS routes from W. Sherwood Drive and N. Oak Ridge Road to W. Airport Road and to update the PATS Manual.

Rick Manchester, Parks and Recreation Director, explained the changes. Mr. Manchester felt Airport Road would be a very nice connector road.

Motion: to Approve to adopt the proposed change in PATS routes from W. Sherwood Drive and N. Oak Ridge Road to W. Airport Road and to update the PATS Manual.

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Mayor Evans complimented the staff for listening to the public on this and appreciated the public comment. The Mayor called for the vote.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Ed Blair, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.

2. **Council Decision Request** filed by Debra A. Galbraith, Town Manager, to create a Public Works Department led by a Public Works Director and Assistant Public Works Director, which will oversee the following areas: 1) Streets, 2) Engineering, 3) Water, and 4) Airport.

Debra Galbraith, Town Manager, explained that this would be consistent with other municipalities. This would give LaRon Garrett, Town Engineer, and Buzz Walker, Water Superintendent, some clout as directors and allows them to work closer together and communicate better.

Council Member Blair felt Payson was blessed to have both Mr. Walker and Mr. Garrett, but was concerned that the Council was creating a new position opening when they retire. Debra Galbraith, Town Manager, responded this reinstates the position of Public Works Director that was abolished.

Council Member Connell believed they would build skill depths within their departments.

Motion: to Approve to create a Public Works Department led by a Public Works Director and Assistant Public Works Director, which will oversee the following areas: 1) Streets, 2) Engineering, 3) Water, and 4) Airport.

Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

Vote: Motion carried 6 - 1

Yes: Mayor Kenny J. Evans, Vice-Mayor Su Connell, Council Member Mike Vogel, Council Member John Wilson, Council Member Richard Croy, and Council Member Michael Hughes.
No: Council Member Ed Blair.

J. CLAIMS

1. * **List of checks.** Council approve, on the Consent Agenda, a list of checks paid from 6/19/08 through 7/11/08, Check Nos. 002054 through 002259, except Check Nos. 002129, 002135, and 002147, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **Check No. 002129.** Council approved, on the Consent Agenda, Check No. 002129 paid 6/30/08, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Croy will be considered to have abstained from voting on this item.)
***CONSENT* APPROVED**
3. * **Check No. 002135.** Council approved, on the Consent Agenda, Check No. 002135 paid 6/30/08, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Mayor Evans will be considered to have abstained from voting on this item.)
***CONSENT* APPROVED**
4. * **Check No. 002259.** Council approved, on the Consent Agenda, Check No. 002259 paid 6/30/08, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Hughes will be considered to have abstained from voting on this item.)
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. * Council approved, on the Consent Agenda, the **appointment of Steve Christensen** to the Historic Preservation and Conservation Commission, term to expire 12/31/2010.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:54 p.m.

APPROVED:

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Marcia F. Huffman, Chief Deputy 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 17 of July, 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