

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
November 20, 2008**

**CALL TO ORDER:**

Mayor Evans called the regular 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, led the meeting in an invocation.

**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, Douglas Hill - Chief Fiscal Officer, Don Engler - Police Chief, Marti deMasi - Fire Chief, Rick Manchester - Parks & Recreation Director, Cameron Davis - Tourism/Economic Vitality Director, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, Colin P. Walker - Assistant Public Works Director, Terry Morris - Library Director, and Ray Erlandsen - Zoning Administrator.

**OTHERS PRESENT:** Gaye Stidham - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, Nelson Beck - Parks Supervisor, Debra Rose - Special Event Coordinator, Charlene Hunt - Event/Facility Specialist, Larry Perna - Streets Maintenance, Wes Chapman - Streets Maintenance Supervisor, Debbie Dawson - Executive Assistant, Hope Cribb - Budget Analyst, Mary McMullen - Trails/Outdoor Coordinator, Ray Lahaye - Chief Building Official, Matt VanCamp - Special Investigator, Lt. Donald Garvin, Joe Harris, Athletics Coordinator.

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

Vice-Mayor Connell announced the birthdays of Mayor Evans and Clmn. Blair and wished them happy returns.

**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.**

JAN 08, '09. E.1\*

Vice- Mayor Connell asked to remove items I.1 and I.2 from the Consent Agenda.

**Motion:** to approve the Consent agenda with the removal of items I.1 and I.2. Moved by Council Member John Wilson, seconded by Council Member Michael Hughes.

**Vote:** Motion carried 7 - 0

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

Mayor removed item I.3 from the agenda as it was a duplicate of a resolution.

**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.

Manager Galbraith had nothing to report.

Vice-Mayor Connell wished all a happy Thanksgiving and asked God's blessing on the Town. She announced that the Swiss Village lighting was on November 28th from 6 p.m. to 9 p.m. On November 29th the Legacy Home Furnishings parking lot patriotic Christmas tree will be lit. The APS/Main Street Parade and Tamales for Toys will be December 6th.

Clmn. Croy reminded those present that First Friday on Main Street would be this Friday for the month of December.

Mayor Evans reported that the Guerilla Tactics for Business presentation was successful and informative. Cameron Davis, OTEV Director, reported that 100 small businesses were represented. Ron Nielson with the local Small Business Development network offered to help businesses in the area. Mayor Evans said the State Assistant Director had indicated there was money allocated to help Payson and help from grant writing experts to find funds for a community center. Layoffs from the Morenci copper mine were announced by the Small Business Development office in Thatcher. 400 employees have been laid off so far and another 600 layoffs are expected to be announced next week.

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

1. Comments, Commendations, and Presentations by Mayor, Council

Members, and/or Town Staff.

2. Presentation. Discussion/possible action: Report on Longhorn Traffic Study by Chief Don Engler.

Chief Engler distributed to the Council the report concerning the increased traffic enforcement on West Longhorn. The mobile radar unit was in place for westbound traffic the first week and the eastbound traffic the following week. The radar unit had a computer malfunction so some information was not able to be gathered. The traffic enforcement officer returned from leave on November 11th and there were no violations while he worked. Traffic sensors were placed on the roadway indicating there was a drop in speed from the 17th to the 19th of November, but only by 1 mile an hour. Chief Engler believed the increased enforcement was a success because the total number of vehicles speeding had decreased. There were eleven verbal warnings given and 3 citations.

He appreciated the support of the *Payson Round Up* and the *Gazette* who placed articles in their newspapers about the increased enforcement. They will continue to work that area.

Clmn. Croy asked for the hours logged for each detail. Chief Engler said that each detail worked anywhere from 3 hours to 15 minutes. Chief Engler said there needed to be more study to see if speeds were higher during commutes to and from school. They did see more speeding during the night when there was shift changes. There were some of the highest speeds during the mid-afternoon. Clmn. Blair suggested a reserve officer's vehicle on the roadside to slow traffic.

Mayor Evans moved Item I.9 up on the agenda.

- I.9. Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to approve the Preliminary Plat for the Frontier Village Condominiums at 801 E. Frontier Street subject to the conditions recommended by the Planning and Zoning Commission, as amended.**

Ray Erlandsen, Zoning Administrator, explained this was a name change to Aspen Cove converting the apartments to condominiums. The Planning and Zoning Commission recommended the plat with six conditions. One of the conditions was that there be a contribution to work-force housing. The developer had met all conditions and requirements.

Clmn. Vogel asked if the cost of the condominiums would stay at the initial price. Ray Pugel, Caldwell Banker-Bishop Realty, represented the owner for sales and marketing. He said that the condominiums would be marketed under Aspen Cove. The objective is to provide affordable housing. The intended starting price was \$145,000 and to offer some units for \$140,000 in the future. It is also their intent to have mortgage rates at below market pricing with government incentives for first

time buyers. The management company is Pillar Communities. Mr. Pugel believed they did an excellent job of preserving the buyers' investment. They intended to give the current apartment occupants the choice to purchase their units first and to market to the Payson area first. After they are assured that Payson residents have had the opportunity to purchase, Caldwell Banker - Bishop Realty would market the condominiums to a broader market. It is not their intent to market to investors. There will be an association fee of \$149 which will include such things as water, sewer, trash pickup and the preservation of the complex.

**Motion:** to approve a Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to approve the Preliminary Plat for the Frontier Village Condominiums at 801 E. Frontier Street subject to the conditions recommended by the Planning and Zoning Commission, as amended.  
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.

## **E. MINUTES**

1. \* Council Meeting Minutes  
11.06.08 Special Meeting Minutes Pages 1 - 2  
11.06.08 Regular Meeting Minutes Pages 1 - 10  
**\*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  
10.13.08 Regular Meeting Minutes Pages 1 - 4  
**\*CONSENT\* INFORMATION ONLY**
3. \* Green Valley Redevelopment Area Committee  
06.12.08 Regular Meeting Minutes Pages 601 - 603  
10.02.08 Regular Meeting Minutes Pages 611 - 615  
**\*CONSENT\* INFORMATION ONLY**
4. \* Parks and Recreation Advisory Board Meeting  
09.10.08 Regular Meeting Minutes Pages 1 - 2  
10.29.08 Regular Meeting Minutes Pages 1 - 2  
**\*CONSENT\* INFORMATION ONLY**

5. \* Payson Fire Department Alternative Pension Plan Board of Trustees Meeting  
10.15.08 Regular Meeting Minutes Page 1  
10.31.08 Regular Meeting Minutes Page 1  
**\*CONSENT\* INFORMATION ONLY**
6. \* Public Safety Personnel Retirement System  
06.12.08 Annual Meeting Minutes - Police Department Board Page 1  
**\*CONSENT\* INFORMATION ONLY**
7. \* Surface Transportation Advisory Committee  
10.01.08 Regular Meeting Minutes Pages 176 - 180  
**\*CONSENT\* INFORMATION ONLY**

#### F. HEARINGS AND APPEALS

1. This was a Public Hearing concerning an application for a Series #9 Liquor License (#0904005) filed by Elliott Jon Glasser, agent, 1st STOP, 100 East Highway 260, Payson, Arizona.

Mayor Evans opened the public hearing. There were no comments from the public. Clmn. Blair asked if a representative from 1st STOP was present to answer questions concerning how the drive-thru would work. There was no representative present. Clmn. Blair was concerned about the drive through being on the east side of the building. Ray Erlandsen, Zoning Administrator, said that there was not enough supporting information on the application to answer the question. Mayor Evans asked the attorney if this discussion concerning the nature of traffic flow and the process of approval through Community Development were in order for discussion. Attorney Streichman said their discussion was for a recommendation for a liquor license only. He agreed that the floor plan was a little rough. Mayor Evans believed the floor plan was not adequate to determine traffic flow.

**Motion:** to Table an application for a Series #9 Liquor License (#0904005) filed by Elliott Jon Glasser, agent, 1st STOP, 100 East Highway 260, Payson, Arizona.

Moved by Council Member Mike Vogel, 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.

2. This was a Public Hearing concerning an application for a Special Event Liquor License filed by Audrey Jean Wilson, agent, Soroptimist of Zane Grey Country, for a fund raising event on Friday, December 12, 2008, 3:00

p.m. to 8:00 p.m. at the Rim Country Museum, 700 Green Valley Parkway, Payson, Arizona.

Mayor Evans opened the public hearing. There were no comments from the public and Mayor Evans closed the public hearing.

**Motion:** to Approve an application for a Special Event Liquor License filed by Audrey Jean Wilson, agent, Soroptimist of Zane Grey Country, for a fund raising event on Friday, December 12, 2008, 3:00 p.m. to 8:00 p.m. at the Rim Country Museum, 700 Green Valley Parkway, 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\* APPROVAL
2. Discussion/possible action concerning Resolution No. 2453, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 3 OF RESOLUTION 2434 TO REMOVE THE REQUIREMENT THAT OPERATION BASS, INC. BE AUTHORIZED TO DO BUSINESS IN ARIZONA. (April, 2009 Stren Series Bass Tournament).

Clmn. Hughes asked why Operation Bass, Inc. asked this be removed from the contract. Deputy Attorney Wright replied that they have done business in Arizona before and this had not been required of them. They did not have a Payson business license since the event will be held at Roosevelt Lake and not in the Town of Payson.

**Motion:** to Approve Resolution No. 2453, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 3 OF RESOLUTION 2434 TO REMOVE THE REQUIREMENT THAT OPERATION BASS, INC. BE AUTHORIZED TO DO BUSINESS IN ARIZONA. (April, 2009 Stren Series Bass Tournament). Moved by Council Member Richard Croy, 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.

3. Discussion/possible action concerning Resolution No. 2456, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUSPENDING THAT PORTION OF SECTION 5, RULE 1.5 OF THE PERSONNEL POLICY MANUAL REQUIRING PAYMENT OF UNUSED SICK LEAVE FOR FISCAL YEAR 2008-2009.

Mayor Evans commented that the Council was keenly aware of the difficult economic period. He was moved by the offer of Payson Town staff to give up hours of their own to keep others from being laid off. He said that the challenge was to set a course for staff and the overall policy guidelines. He believed it prudent to tighten our belts now and not after the fact. He assured the public that we had a budget that was fixed by state law and we must comply. What Council was doing now was the fiscal management of the Town. The Mayor hoped that these would be steps that would result in a responsible outcome that would do the best with the tools Council had. Mayor Evans did not believe the difficulties were a function of poor projecting or poor planning. The Council had budgeted very conservatively and yet the projections now are that the Town will not attain financial benchmarks. If these projections are wrong, the guidelines are going to be flexible enough to adjust accordingly.

Town Manager Debra Galbraith explained that normally some extra sick leave was paid out proportionately at the end of the year. Deputy Town Attorney Wright clarified that this would put the obligation off but would not remove it. The extra sick hours would carry over to the next year.

**Motion:** to Approve Resolution No. 2456, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUSPENDING THAT PORTION OF SECTION 5, RULE 1.5 OF THE PERSONNEL POLICY MANUAL REQUIRING PAYMENT OF UNUSED SICK LEAVE FOR FISCAL YEAR 2008-2009.

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

**Vote:** Motion carried 7 - 0

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

4. Second Reading and Public Hearing concerning Ordinance No. 749,

captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 801 NORTH GRAHAM RANCH ROAD, GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23036T, FROM R1-175 TO R1-90 (THE MELOCHE PROPERTY)

Mayor Evans opened the public hearing. There were no comments from the public and Mayor Evans closed the public hearing.

Clmn. Hughes asked for the history concerning the reasoning that required an affordable housing provision with a rezoning request. He did not believe this requirement was enforceable and that it should not be a part of the rezoning process.

Vice-Mayor Connell said that she struggled with eliminating the requirement because the Affordable Housing Committee had worked hard to find opportunities for developers to contribute to affordable housing and to continue to move forward to meet this critical need.

Clmn. Blair asked if this question also related to what was adopted in I.9. Deputy Attorney Wright explained that the submission for the affordable housing provision was done but the actual act had not been done. He said the actual affordable housing element proposed by the developer is voluntary.

Clmn. Wilson commented that the background suggested that we have a workforce housing fund available but there has never been an official act on this proposal. Community Development has put it into their recommendations and put it to the Planning and Zoning Commission. He said this was a good thing and needed, but the requirement was not legal or enforceable.

Clmn. Hughes said he sat on that Housing Advisory Commission and what they brought to Council was a suggestion and not what he sees now as an impact fee. He remained in favor of creating affordable housing in Payson, but it should be voluntary. We should continue to encourage developers to include affordable housing in their development, but he did not believe it legal to stipulate the provision for approval.

Clmn. Vogel said also that this was not enforceable. He saw no problem with asking, but it should not be a requirement.

Zoning Administrator Ray Erlandsen explained that in the past this was a voluntary contribution with the request that the developer submit a proposal. All rezoning and preliminary plats have had this requirement. The actions taken by the previous Council led staff to believe it was required. He discussed the difference between money pledged for affordable housing and

actual funds.

Clmn. Croy also served on the Affordable Housing Commission and chaired the task force. He said this property is currently zoned for one house. If the property is allowed to split into three parcels, whether for family members or not, the value of the property would go up. He said because of the need for affordable housing, he was concerned that everything that has been done would go in the toilet.

Clmn. Blair agreed that there would be an increase in value for the property owner. He asked LaRon Garrett, Public Works Director, to review how others had contributed to affordable housing. Mr. Garrett explained there had been an affordable housing element of one property that included a \$200,000 contribution for drainage. Others had units that sold for reduced prices or contributed eru credits for affordable housing.

Clmn. Blair asked if a precedent had been set. Deputy Attorney Wright replied that each zoning and plat is separate. The last few years Community Development looked to Council for direction and then let the applicant know that in every other case that had gone before Council they had asked for an affordable housing element.

Clmn. Vogel said that the mentality was, "pay up now if you have other projects coming and want them approved." He believed the affordable housing requirement was not enforceable. He believed it to be a good thing and to continue to encourage developers to do so. Whether affordable housing is "required" or "quasi-required", it has been implied that it is required.

Don Meloche, the owner of property, said that when he first applied for the zone change it was made clear to him that unless you make some kind of offering to housing you will not receive a welcome appearance before the Council. Personally, he did not think much of it but was willing to pay what he had indicated. His opinion was that it was highly illegal.

Mayor Evans asked Clmn. Hughes if he would be willing to replace his motion with the motion to approve the rezoning as submitted and to direct staff to come back to Council with a reasonable way to go forward with the affordable housing compliment before Council receives another plat or rezoning request. Clmn. Hughes agreed because the owner was amenable. Clmn. Hughes withdrew his motion. Clmn. Vogel withdrew his second.

**Motion:** to Approve Ordinance No. 749, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 801 NORTH GRAHAM RANCH ROAD, GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23036T, FROM R1-175 TO R1-90 (THE MELOCHE PROPERTY)

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

**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.

5. First Reading and Public Hearing concerning Ordinance No. 750, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 10.06 OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE APPOINTMENT OF DESIGNEES.

Mayor Evans opened the public hearing. Deputy Attorney Wright explained that the Town Code now gives duties to specific titles. This would allow a designee to be appointed by the Town Manager or the Mayor to act in their stead should they be unable to perform that duty. Mayor Evans closed the public hearing.

6. Discussion/possible action concerning Resolution No. 2457, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 05(4) OF THE TOWN OF PAYSON PERSONNEL POLICY MANUAL, RELATING TO THE GRANTING OF ADDITIONAL VACATION LEAVE IN RETURN FOR ADDED DUTIES AND RESPONSIBILITIES.

**Motion:** to Approve Resolution No. 2457, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 05(4) OF THE TOWN OF PAYSON PERSONNEL POLICY MANUAL, RELATING TO THE GRANTING OF ADDITIONAL VACATION LEAVE IN RETURN FOR ADDED DUTIES AND RESPONSIBILITIES.

Moved by Council Member John Wilson, 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.

Town Manager Galbraith explained that this was compensation in lieu of money for those who have taken on additional duties. They would be required to bring their cell phones on any vacation taken. Clmn. Croy questioned whether there would need to be a formula in place to properly compensate different duties. Mayor Evans suggested there needed to be

some level of discretion and flexibility on the part of the Town Manager.  
Clmn. Croy agreed.

## H. UNFINISHED BUSINESS

1. Council Decision Request filed by Colin P. Walker, Assistant Public Works Director, to direct the Legal Department to draft appropriate documents necessary to implement changes in the determination of equivalent residential units relative to water use in new housing developments and accessory dwelling units.

Colin Walker, Assistant Public Works Director, explained that if a developer or individual wanted to build smaller housing units and, therefore, use less water or build a more water conserving project, the water development fees would be reduced.

Mr. Walker clarified for the Council that this would apply to limited lot sizes for houses and non-owner occupied (small apartments), subsidized housing. If the developer or home builder said they would use less water and was allowed the lower impact fee and did not comply, the Water Department would assess a higher rate. There could also be an additional fee if there was an addition on a house.

**Motion:** to Approve a Council Decision Request filed by Colin P. Walker, Assistant Public Works Director, to direct the Legal Department to draft appropriate documents necessary to implement changes in the determination of equivalent residential units relative to water use in new housing developments and accessory dwelling units.

Moved by Council Member Richard Croy, 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.

2. Discussion/possible action re: FY 2008-2009 Budget including, but not limited to: Proposed options/plans to deal with potential revenue shortfall.)

Council Decision Request filed by Debra A. Galbraith, Town Manager, to:

approve the 2008/2009 Spending Plan 3B - layoffs

OR

approve the 2008/2009 Spending Plan 3C - loan

Mayor Evans asked if he could make a motion without stepping down from chair. The Council and the legal staff concurred.

**Motion:** to Approve an interim plan to deal with the revenue shortfall that incorporates the concepts included in Spending Plan 3.B taking those steps deemed necessary to deal with any and all projected expenses are in excess of revenue.

Moved by Mayor Kenny J. Evans, seconded by Council Member Mike Vogel.

Mayor Evans said that the Council's responsibility is to set broad directions. The Town Manager would incorporate the concepts that were spelled out. He said that she could take the steps deemed necessary to meet our budget needs and adjust them accordingly. The Town Manager may need to come back to Council for additional steps.

Town Manager Galbraith said that if we get anywhere near the projected end balance, she hoped we could build a rainy day fund.

Clmn. Vogel said he spent most of his adult life representing working people. He had never been in this position before. He said he had spent more time on this than anything in the rest of his time on the Council but there was no way around this. He will support this plan but it is not a pleasurable thing.

Clmn. Blair wanted to make it clear to the employees that the Council was not trying to establish a rainy day fund on their backs. Manager Galbraith agreed. She said her goal is to make sure we do not get stuck in this position again. She said we must try not to lay people off again if at all possible.

Mayor Evans said he hoped to end the year without too much of a deficit. There was nothing in either plan to create an excess to build on.

Mayor Evans said that employees have stepped forward. He noted their compassion for others and that they were willing to take pay cuts or a cut in hours to help. Mayor Evans said these were human decisions and the Council was willing to do their part and tighten their belts and control expenses to do what the Town needs to do. He assured staff that they are aware of the challenges they face individually and deeply touched by their willingness to roll up their sleeves and deal with crisis.

**Vote:** Motion carried 6 - 1

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

No: Council Member Michael Hughes.

Mayor Evans asked for a three minute break and the meeting recessed at approximately 7:30 p.m.

Mayor Evans reconvened the regular meeting at approximately 7:35 p.m. with all Council members present.

## I. NEW BUSINESS

1. Council Decision Request filed by Rick Manchester, Parks and Recreation Director, to approve a variance and/or Town sponsorship for a Holiday Boat Regatta on Green Valley Park Lake #3. Removed from the Consent Agenda.

Vice-Mayor Connell said she asked this item be removed from the Consent Agenda because she needed clarification. She asked if the Town was obligated to provide liability insurance what the staff time and dollar impact would be. Rick Manchester, Parks & Recreation Director, explained that staff time would be minimal with him helping to put boats in the water. Our current insurance policy would cover them rather than their own insurance naming the town as co-insured. This request is for one time only and the regatta would comply with all other lake regulations using only electric motors or paddles.

**Motion:** to Approve a Council Decision Request filed by Rick Manchester, Parks and Recreation Director, to approve a variance and/or Town sponsorship for a Holiday Boat Regatta on Green Valley Park Lake #3. Moved by Vice-Mayor Su Connell, seconded by Council Member John Wilson.

**Vote:** Motion carried 7 - 0

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

2. \* Council Decision Request filed by Colin P. Walker, Assistant Public Works Director, to authorize the Town of Payson Water Fixture Retrofit Program 2008-09 in the amount of \$59,500.00 and to allocate the cost to the Water Enterprise Fund. Removed from the Consent Agenda.

Vice-Mayor Connell asked if this money was not spent would the Town be in jeopardy. Buzz Walker, Assistant Public Works Director, explained that the Water Department, at Council direction, each year provides these measures to help meet our water conservation goals. He believed that foregoing expenditures for the balance of the year would not be a problem. However, he recommended continuing the conservation programs that the Town has committed to like the school district programs, small business restroom update assistance and assistance with water customers who have problems paying their bills because of old and leaky fixtures.

Manager Galbraith explained in answer to questions about designating a separate fund from surcharges on water bills to recoup these costs, that any

surcharge specifically used for this purpose would have a designated revenue code. They could be restricted by "for retrofit only" and show this as a locally mandated purpose for these funds. However, since we spend more money than we collect, this does not show in the budget.

**Motion:** to Approve

Moved by Council Member Ed Blair, seconded by Council Member Michael Hughes.

**Vote:** Motion carried 7 - 0

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

3. Council Decision Request filed by Debra A. Galbraith, Town Manager, to amend the Personnel Manual to allow the Town Manager, during budgetary down turns, to allocate additional vacation time to staff that take on additional duties as an 'acting' department head or take on additional management duties due to departmental restructuring OR take no action. Mayor Evans said that because this was addressed by resolution later in the agenda, no action was taken on this item. **REMOVED FROM AGENDA.**
4. Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the Amended Final Plat for the Forest Edge Subdivision and authorize the Mayor to sign said document and authorize staff to record said document. If this Subdivision Plat is not recorded with the Gila County Records Office within six months, this approval is null and void.

LaRon Garrett, Public Works Director, explained that this was needed to correct errors, relocate an easement and to re-record the amended plat. He said there were also minor right-of-way shifts.

**Motion:** to Approve a Council Decision Request filed by LaRon Garrett, Public Works Director, to approve the Amended Final Plat for the Forest Edge Subdivision and authorize the Mayor to sign said document and authorize staff to record said document. If this Subdivision Plat is not recorded with the Gila County Records Office within six months, this approval is null and void.

Moved by Council Member Ed Blair, seconded by Council Member Michael Hughes.

**Vote:** Motion carried 7 - 0

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

5. Council Decision Request filed by Donald B. Engler, Police Chief, to authorize the Town of Payson Police Department to continue to pursue a law enforcement agreement with the Tonto Apache Tribal Council for law enforcement services beginning on January 1, 2009. It is further requested that the Town Attorney's Office be tasked with the review, final negotiation and completion of the contractual agreement between the Town of Payson and the Tonto Apache Tribal Council.

Chief Engler explained that the Town used to provide police services for the Tonto Apache Tribe. He considered the Tribe contracting with the Town for police services to be a benefit to both the Police Department and the Town.

Chief Engler answered questions from the Council saying that he would encourage Tribal certified officers to apply for open, current positions with the Payson Police Department. Calls for service from the Tribe are low, with the average 3 years ago between 20 and 25 calls a month. The BIA would handle all major criminal activities. There was not a plan at this time to purchase any vehicles from the Tribe. In answer to Clmn. Croy's question about the difference between Tribal police service costs to the Tribe and the \$202,300 Chief Engler recommended as compensation to the Town. The Tribe would have their own insurance and we would be listed as additionally assured.

**Motion:** to Approve a Council Decision Request filed by Donald B. Engler, Police Chief, to authorize the Town of Payson Police Department to continue to pursue a law enforcement agreement with the Tonto Apache Tribal Council for law enforcement services beginning on January 1, 2009. It is further requested that the Town Attorney's Office be tasked with the review, final negotiation and completion of the contractual agreement between the Town of Payson and the Tonto Apache Tribal Council.

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

**Vote:** Motion carried 7 - 0

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

6. Council Decision Request filed by Donald B. Engler, Police Chief, to authorize the Town Attorney's Office to proceed with drafting a new fee schedule reflecting licensing fees, impound fees and daily boarding fees for animals impounded by the Town of Payson.

Clmn. Croy said that Gila County and other entities had higher rates than Payson.

Clmn. Croy asked what the \$20 fee would cover. Chief Engler said that it

would cover maybe the officer's time. He said the proposed \$20 fee was taking into consideration the tough economic times. Deputy Attorney Wright said, if approved, an ordinance would be brought back to Council.

Clmn. Vogel said there were families that he knew that would not be able to afford the increase and would not be licensing their dogs. He would not support any increase at this time.

**Motion:** to Approve a Council Decision Request filed by Donald B. Engler, Police Chief, to authorize the Town Attorney's Office to proceed with drafting a new fee schedule reflecting licensing fees, impound fees and daily boarding fees for animals impounded by the Town of Payson.  
Moved by Council Member Ed Blair, seconded by Vice-Mayor Su Connell.

**Vote:** Motion carried 6 - 1

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

No: Council Member Mike Vogel.

7. Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to allow the Payson Humane Society to erect an off-premise sign on private property located at 100 E. Highway 260 as indicated on the aerial map and illustration submitted with the request for a period of time until a \$3.5 million fundraising goal is reached. OR take no action

Ray Erlandsen, Zoning Administrator, said that current UDC sign regulations do not allow this sign and the sign was not appropriate for a variance.

Ellie Watson, director of Payson Humane Society, explained that the Humane Society was asking for the proposed Option #1. They already have permission from the site owner. Deputy Attorney Tim Wright said that the Council could ask that the request be sent to Design Review.

Vice-Mayor Connell voiced her concern that allowing this sign would set a precedent for the future. The current sign code guidelines and standards were put into place with a lot of hard work. Raising \$3.5 million would mean leaving the sign up for some time. She asked the request at least be reviewed by the Design Review Board.

Clmn. Croy suggested changing the site to Walmart.

Mayor Evans voiced his concern about deviating from newly constructed UDC sign standards.

**Motion:** to Approve Council Decision Request filed by Ray Erlandsen,

Zoning Administrator, to allow the Payson Humane Society to erect an off-premise sign on private property located at 100 E. Highway 260 as indicated on the aerial map and illustration submitted with the request for a period of time until a \$3.5 million fundraising goal is reached.

Moved by Council Member Mike Vogel, seconded by Council Member Michael Hughes.

Clmn. Vogel asked if the Humane Society would be opposed to have the Design Review Board review their sign proposal if the Council were to approve it now. Ms. Watson said that the Humane Society would do that.

**Motion:** amend the motion to include review by the Design Review Board. Moved by Council Member Mike Vogel, seconded by Council Member Michael Hughes.

**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.

**Motion:** to approve the Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to allow the Payson Humane Society to erect an off-premise sign on private property located at 100 E. Highway 260 as indicated on the aerial map and illustration submitted with the request for a period of time until a \$3.5 million fundraising goal is reached **with review from the Design Review Board.**

Moved by Council Member Mike Vogel, seconded by Council Member Michael Hughes.

**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.

8. Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to direct staff to prepare the appropriate code amendment to implement a proposed amendment to the UDC by deleting Section 15-02-004 B.11, and adding a section, Accessory Dwelling Unit, as attached; OR take no action

Ray Erlandsen, Zoning Administrator, explained the use of Accessory Dwelling Units as something beyond the existing guest boarder provision in the UDC. This would include things like mother-in-law quarters or possibly a rental unit. Mr. Erlandsen clarified there was a requirement that any proposed dwelling be reviewed by their HOA. The stricter of the 2 regulatory agencies (Town/HOA) would apply. Clmn. Croy objected to the requirement that one of the residences be occupied by the owner.

**Motion:** to Approve a Council Decision Request filed by Ray Erlandsen, Zoning Administrator, to direct staff to prepare the appropriate code amendment to implement a proposed amendment to the UDC by deleting Section 15-02-004 B.11, and adding a section, Accessory Dwelling Unit, as attached; OR take no action  
Moved by Mayor Kenny J. Evans, seconded by Council Member Michael Hughes.

**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.

**J. CLAIMS**

1. \* List of checks paid from 10/22/08 through 11/1008, Check Nos. 003713 through 003891, except Check No. 003800, and authorization to file the checks for audit.  
\*CONSENT\* APPROVED
2. \* Check No.003800 paid 10/31/08, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Richard Croy will be considered to have abstained from voting on this item.)  
\*CONSENT\* APPROVED

**K. MISCELLANEOUS**

There were no items in this section

**L. PUBLIC COMMENTS**

There were no further comments from the public.

Adjourn. 8:49 p.m.

APPROVED:

\_\_\_\_\_ Date: \_\_\_\_\_

Kenny J. Evans, Mayor

ATTEST:

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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 20 of November, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2008.

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Gaye Stidham, Deputy Town Clerk