

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
November 5, 2009**

**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:** Senior Pastor Richard Richey from the First Church of the Nazarene led the meeting in an invocation.

**PLEDGE OF ALLEGIANCE**

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

**STAFF PRESENT:** Debra Galbraith - Town Manager, Sam Streichman - Town Attorney, Don Engler - Police Chief, Cameron Davis - Parks, Recreation & Tourism Director, LaRon Garrett - Public Works Director, Cindy Smith - Chief Fiscal Officer, and Ray Erlandsen - Acting Community Development Director.

**OTHERS PRESENT:** Tim Wright - Deputy Town Attorney, Gaye Stidham - Deputy Town Clerk, Tomi Huddlestun - Human Resources Manager, Alison Murphy - Dispatcher.

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

Ken Vohls, Chair of the Green Valley Redevelopment Area Commission, commented on Item I.3. He said the Commission welcomed the opportunity to survey the area and report back to the Council. He said that in 1999 the criteria for designating a redevelopment area was different than what the State describes today. He noted that there had been a 50% reduction in police calls in the Redevelopment Area since 1998. The Commission wanted to determine where they have come with improvements in structural integrity, infrastructure, utilities, traffic movement, etc. and report back to the Council. He saw the biggest change in the way the State defines a redevelopment area is that there is no longer tax increment financing associated. Mr. Vohls said his vision of GVRA was the same as established in the General Plan Update of 2003 as a pedestrian friendly area, with adequate infrastructure and a place where people can come together.

**B. CONSENT AGENDA**

Council Member Blair asked that Item I.1 be removed from the Consent Agenda.

**Motion:** to approve the CONSENT AGENDA removing Item I.1.

Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

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

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

A letter addressed to Mayor Evans concerning the ASU-Payson Campus discussions was provided for information only.

Mayor Evans recognized that a major concern in our community was providing adequate food for those who are at risk. He announced the official kick-off for the Payson Area Food Drive with a goal to generate 50,000 pounds of food between now and February 6 and raise \$20,000. Roger Kremier is the chair of the committee and Council Members Blair, Connell and Wilson are also involved with the committee. Mayor Evans said the goal was to help food drives throughout the community be more successful. Donations can be sent to P.O. Box 703, Payson, AZ. He introduced other members Jan Parsons, Diane Enos, John Naughton and Pastor Richey.

Cameron Davis announced the upcoming APS Electric Light Parade scheduled for December 5th on Main Street. November 23rd is the last day to submit an application. Applications are available on-line at [paysonrimcountry.com](http://paysonrimcountry.com). The Capitol Christmas Tree is touring the State and will be in Payson November 10th at 4:30 p.m.

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

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

Council Member Blair reported that congressional staffers will be here in Payson at the Gila County building on Tuesdays. Senator Kyl's representative is there on the first and second Tuesdays of the month and Representative Kirkpatrick's representative is there the fourth Tuesday of the month.

Council Member Connell announced that tomorrow is 1st Friday on Main Street. This Sunday, November 8th, Habitat for Humanity will open the next four homes on Longhorn and McLane from 2:00 p.m to 4:00 p.m. Next Wednesday is Veteran's Day and there will be events at the High School, Powell House and the Casino.

Council Member Wilson said that Council Member Connell or he would be eager to come to any organization to give an explanation concerning the Home Rule option so that the voters can make an informed decision. He asked every Board and Commission to talk up Home Rule and the need to vote "yes".

Council Member Croy asked staff to explain the new business survey available on line. Manager Galbraith explained that the Town works with a company that compiles information for staff from a 21 question survey. The intent of the survey is to get the thoughts from local businesses to hear what they see as their needs. This is the first of many short surveys to get information from our business community. Council Member Croy thought the surveys were a good thing and wanted to bring it to the public's attention.

2. Proclamation declaring November 6, 7, and 8, 2009 as Buddy Poppy Days. Commander Richard Hull and members of the Veterans of Foreign Wars #9829 were present to accept the proclamation.

Council Member Blair read the proclamation and presented it to Commander Hull.

3. Proclamation declaring November 2009 as National Hospice Month. Executive Director Carol Davison and Kathleen Hughes of Hospice Compassus were present to accept the proclamation.

Council Member Hughes read the proclamation and it was presented to Director Davison and Ms. Hughes.

4. Proclamation declaring November 2009 as Payson Supply Line Month. Butch Klein and Lud Kaftan with the Payson Supply Line were present to accept the proclamation.

Vice Mayor Vogel read the proclamation and presented it to Butch Klein. Mr. Klein said that Payson Supply Line started in January of 2005 hoping to be able to send a box a week. They have sent over 1,100 boxes so far. Donations had not declined even during these tough economic times.

5. Proclamation declaring November 12-15, 2009 as Rim Country Quilt Roundup Days. John Stanton, Rim Country Chamber of Commerce, was present to accept the proclamation.

Council Member Connell read the proclamation. Mr. Stanton introduced Elaine Puttnam. She reported that the Quilt Round Up will be November 13, 14 and 15 at the Casino. Part of the entrance fee to the quilt show is a can of food that will be donated to both the Payson and Pine-Strawberry Food banks.

Mayor Evans said this was truly an event to see. Vice-Mayor Vogel was

amazed at some of the historical quilts and he will attending.

#### **E. MINUTES**

1. \* Council Meeting Minutes:  
10-08-09 Regular Meeting Minutes Pages 1 -6  
10-22-09 Special Meeting Minutes Page 1  
07-28-09 Special Meeting Minutes-CFO Applicant Presentations Page 1  
07-28-09 Special Meeting Minutes-CFO Luncheon 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. \* Historic Preservation and Conservation Commission Meeting Minutes:  
09-15-09 Regular Meeting Minutes Pages 195 -196  
**\*CONSENT\***

#### **F. HEARINGS AND APPEALS**

1. This is a Public Hearing concerning an application for a Special Event Liquor License filed by John R. Wilson, agent, Library Friends of Payson, Inc., for a fund raising event to be held at the Payson Public Library, 328 N. McLane Road, Payson, AZ, Saturday, March 6, 2010 from 3:00 p.m. to 8:00 p.m.

**Motion:** to Approve an application for a Special Event Liquor License filed by John R. Wilson, agent, Library Friends of Payson, Inc., for a fund raising event to be held at the Payson Public Library, 328 N. McLane Road, Payson, AZ, Saturday, March 6, 2010 from 3:00 p.m. to 8:00 p.m.  
Moved by Council Member Richard Croy, seconded by Council Member Su Connell.

**Vote:** Motion carried 7 - 0

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

#### **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. \* Remove from the table of September 24, 2009, Resolution No. 2512,

captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF PAYSON PERSONNEL MANUAL.

**\*CONSENT\* APPROVED**

3. Discussion/possible action concerning Resolution No. 2512, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF PAYSON PERSONNEL MANUAL.

Council Member Connell voiced her concern about the item in the Personnel Manual regarding the dismissal procedure for Town Officers. She said that the Town Code, Chapter 31.01, gives some information about the dismissal of officers and read from the Town Code. She stated that the Code says that after 12 months of probation, a Town Officer can be removed by a majority of the Council or four votes of the full Council. In the current Personnel Manual, Item 4.3, removal needed the four votes of the Council but then referenced an appeal process. There is nothing in the Town Code that talks about an appeal process. She would like the two to match. Mayor Evans asked Manager Galbraith to respond. She turned the explanation over to the attorneys. Tim Wright, Deputy Town Attorney, explained that the Town Code gives the big picture where the Personnel Manual gives the details. He said that Item 4.3 of the Personnel Manual is specifically for the Town Manager and Town Attorney. The Town Code addresses the much broader group of all the Town Officers. Council Member Connell asked why dismissal did not require the same number of votes. Deputy Attorney Wright answered that the initial dismissal is the same, requiring four votes, however, the Personnel Manual gives the appeal process that the Town Manager or Town Attorney can pursue if they choose. It is after the appeal process that a Council vote would require six out of the seven members. Council Member Connell asked if it was his opinion that the dismissal process in the Town Code did not have to match the dismissal process in the Personnel Manual. He said the appeal process did not have to be addressed in the Town Code.

Vice-Mayor Vogel stated that the Town Manager and Town Attorney are "at will" employees and their appeal process would be in the courts and not with the people who dismissed them. He said the appeal process is for all other employees but made no sense to include the Town Manager and the Town Attorney. Vice-Mayor Vogel did not feel there should be an appeal process for these two positions.

Mayor Evans clarified that it took a majority of the Council votes to dismiss the Town Manager or Town Attorney and there was a further right created in the Personnel Manual for an appeal for them that would require six out of seven to sustain the dismissal. Deputy Attorney Wright further explained that a dismissal would go to an appeal before a hearing officer and, if the hearing officer agreed with the dismissal, then it could go to the courts. But, if the

hearing officer felt differently than the Council, the dismissal would go back to Council, needing six of the seven votes to dismiss.

Vice-Mayor Vogel said that the provision for an appeal is meant for all the other employees and an "at will" employee's dismissal had the right to a third party appeal through the courts. He didn't believe the intent for the appeal process should be meant for the Town Manager or the Town Attorney.

Town Attorney Sam Streichman explained that historically, since day one, the Personnel Code had allowed for appeal for these two positions and, originally, required six out of seven votes for dismissal. He noted that there is always a right to a court hearing, but, in Arizona, an employee has a right to a due process hearing upon termination.

Mayor Evans noted these procedures are separate and apart from the executive session of the Council to discuss an employee's performance. Attorney Streichman said the current procedure was the safest way to dismiss the Town Manager or Town Attorney.

**Motion:** to Approve Resolution No. 2512, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING THE TOWN OF PAYSON PERSONNEL MANUAL EXCLUDING THE RIGHT TO APPEAL TO A THIRD PARTY FOR "AT WILL" EMPLOYEES.

Moved by Vice-Mayor Mike Vogel, seconded by Council Member Su Connell.

Council Member Blair said he was not totally aware of the role of the hearing officer. He thought it was still a less complicated method than a court hearing and he would not support the motion.

**Vote:** Motion carried 5 - 2

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

No: Council Member Ed Blair, and Council Member John Wilson.

4. \* Discussion/possible action concerning Resolution No. 2521, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPOINTING ELECTION OFFICIALS FOR THE MARCH 9, 2010 PRIMARY ELECTION AND THE MAY 18, 2010 GENERAL ELECTION, FIXING THEIR COMPENSATION AND AUTHORIZING THE TOWN CLERK TO APPOINT AN ELECTION BOARD AND A TALLY BOARD.  
**\*CONSENT\* APPROVED**

5. \* Discussion/possible action concerning Resolution No. 2523, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, COMMITTING TO CONTINUE PARTICIPATION AS AN ACCREDITED ARIZONA MAIN STREET COMMUNITY AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF INTENT FOR CONTINUED ACCREDITATION IN THE ARIZONA MAIN STREET PROGRAM FOR THE YEAR 2010.  
**\*CONSENT\* APPROVED**
  
6. \* Discussion/possible action concerning Resolution No. 2525, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING THE WAIVER INSTRUMENT REQUIRED BY ORDINANCE 772 (RELATED TO REZONING OF 1014 E CANYON DRIVE). **\*CONSENT\* APPROVED**
  
7. The following two items will be heard together: Resolution No. 2527 and the Second Reading and Public Hearing of Ordinance No. 773. Discussion/possible action concerning: Resolution No. 2527 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD, RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD', AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. Second Reading and Public Hearing of Ordinance No.773 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD AND RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD'.

Mayor Evans opened the Public Hearing regarding Ordinance No. 773. There were no comments from the public and he closed the Public Hearing.

**Motion:** to Approve Resolution No. 2527 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD, RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD', AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD and Ordinance No.773 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CERTAIN TOWN CODE PROVISIONS RELATED TO THE SURFACE TRANSPORTATION ADVISORY BOARD AND RENAMING SUCH BOARD THE 'TRANSPORTATION ADVISORY BOARD'.  
Moved by Vice-Mayor Mike Vogel, seconded by Council Member Michael

Hughes.

**Vote:** Motion carried 7 - 0

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

8. Discussion/possible action concerning Resolution No. 2526 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AIRPORT LEASE AGREEMENT BETWEEN THE PAYSON REGIONAL AIRPORT AUTHORITY AND THE TOWN OF PAYSON.

LaRon Garrett, Public Works Director, explained that the changes clarified the terms of ownership of the existing buildings.

**Motion:** to Approve Resolution No. 2526 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AIRPORT LEASE AGREEMENT BETWEEN THE PAYSON REGIONAL AIRPORT AUTHORITY AND THE TOWN OF PAYSON.

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

Council Member Blair asked for further clarification. Mr. Garrett explained the agreement clarifies terms of leasing and the disposition of the property at the end of a lease with a private investor. He said their ownership would survive any changes in the PRAA or the Town. Council Member Hughes added that the PRAA would be soliciting investors for a new master plan and securing loans for building would be simpler with these clarifications. Council Member Willson added that this puts the owner liable for financing. Mr. Garrett explained that leases could be for as much as 30 years plus a potential extension of 20 years more.

**Vote:** Motion carried 7 - 0

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

9. Discussion/possible action concerning Resolution No. 2528 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ANNEXATION OF CERTAIN LAND WITHIN THE BOUNDARIES OF

THE TOWN OF PAYSON INTO THE NORTHERN GILA COUNTY  
SANITARY DISTRICT OF GILA COUNTY, ARIZONA. (THE EAST  
AIRLINE/LUKE CORRIDOR IMPROVEMENT DISTRICT)

Mr. Garrett explained that there had been many years of issues with the septic system around Luke and Airline Drives. Previous attempts to annex this area into the Sanitary District had not been successful. The NGCSD now has 57% of the property owners in favor of annexation and they will go forward with an improvement district. Mayor Evans noted that he literally had started the first day of his term with this issue. Those individuals that came to him with concerns on that day have diligently worked at a very difficult task and he complimented them on their efforts. He believed the end result would be of benefit to the Town as a whole.

**Motion:** to Approve Resolution No. 2528 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING THE ANNEXATION OF CERTAIN LAND WITHIN THE BOUNDARIES OF THE TOWN OF PAYSON INTO THE NORTHERN GILA COUNTY SANITARY DISTRICT OF GILA COUNTY, ARIZONA. (THE EAST AIRLINE/LUKE CORRIDOR IMPROVEMENT DISTRICT)

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

**Vote:** Motion carried 7 - 0

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

**H. UNFINISHED BUSINESS There were no items in this section.**

**I. NEW BUSINESS**

1. Council Decision Request filed by Silvia Smith, Town Clerk, to approve the 2010 calendar for council meetings as attached; said calendar subject to change as needed and required. (Removed from the Consent Agenda) Council Member Blair suggested that the meeting scheduled for April 1, 2010 would conflict with other community meetings on that day. The Council discussed options for changing the Council meeting date including simply making sure that the Council meeting was short enough in length to accommodate those who had other commitments.

**Motion:** to Approve a Council Decision Request filed by Silvia Smith, Town Clerk, to approve the 2010 calendar for council meetings as attached; said calendar subject to change as needed and required.

Moved by Council Member Su Connell, seconded by Council Member Michael Hughes.

**Vote:** Motion carried 7 - 0

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

2. Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct the Mayor to write a letter showing that the Town of Payson supports the Copper Communities Alliance. Ms. Galbraith explained this was a job program organized for communities in the Copper Corridor in the Southern Gila and Northern Pinal Counties. Although Northern Gila County would not feel the impact like the southern portion, we have been asked to listen and show support for the group. We would not be a voting member.

**Motion:** to Approve a Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct the Mayor to write a letter showing that the Town of Payson supports the Copper Communities Alliance. Moved by Council Member Ed Blair, seconded by Council Member Su Connell.

**Vote:** Motion carried 7 - 0

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

3. Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct the Green Valley Redevelopment Area Commission to meet with residents of the redevelopment area and present a report of issues and recommendations for the area to the Town Council.

Vice-Mayor Vogel explained in trying to fill vacancies on some of the committees he found that some businesses felt they were being left out of the planning for the future of the Green Valley Redevelopment Area and that only one spot was being concentrated upon. He believed other businesses in that area needed to be asked face to face what they needed. He would like to know how we could help everyone in the area.

Mayor Evans explained that State statutes concerning redevelopment areas had changed and asked how well the Green Valley Redevelopment Area fits into today's definition.

Council Member Connell suggested that the company that produces the business surveys for the Town could possibly put together the right types of questions to ask in a survey to get the information that was needed. Manager Galbraith explained that the Town provides the questions for the survey and the outside company compiles responses. The Green Valley Redevelopment

Area Commission, being advisory to the Council, would take direction from the Council concerning the questions to be asked. Mayor Evans said that it seemed that the way the survey was requested it would not have specific questions. Manager Galbraith said that the GVRA Commission had a responsibility to get responses from all the people within the Redevelopment District.

Vice-Mayor Vogel stated this should not be our attempt to go to them with questions we generate, but for those people who are in the Redevelopment District to tell us what they wanted and what were their issues.

Council Member Wilson noted that the GVRA Commission had a meeting that morning and part of their concern was to know exactly what the Council was looking for in this survey. He said the Commission was working diligently to figure out the State requirements from their initial definition to now. They needed to report on what they did and what they still need to do. This report needed to include the questions to people in the area as directed by this CDR. Council Member Wilson believed the Commission could have the report to Council in March, 2010.

Deputy Town Attorney Wright said that in 2003 the entire section concerning redevelopment areas was rewritten and explained some of the changes in the definition. Today, the Green Valley Redevelopment Area Commission is advisory to the Council and not it's own authority. Council Member Wilson said that the Commission wanted direction from the Council on their responsibilities. Attorney Streichman added that when he was investigating the creation of a facility for the Event Center and the possible establishment of a redevelopment area under the new State statute, we could not meet the qualification because of the absence of a slum area.

Council Member Blair suggested adding to meet with residents "and businesses". Council Member Wilson invited Vice-Mayor Vogel to attend the next Green Valley Redevelopment Area Commission meeting and give them more insight into what the Council was requesting.

**Motion:** to Approve 3. Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct the Green Valley Redevelopment Area Commission to meet with residents "and businesses" of the redevelopment area and present a report of issues and recommendations for the area to the Town Council.

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

**Vote:** Motion carried 7 - 0

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

4. Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct staff to create an amendment to the Town Code regarding the use of electric fences and bring the amendment back to the Town Council at a future Council Meeting.

Manager Galbraith explained that this request came from Council Member Blair. Council Member Blair said his request was prompted by local gardeners and asked any of them would like to speak on the subject.

Bob Hartley said he had a fence around his garden that keeps out javelina and a high wire that keeps out the elk. He also put chicken wire along the bottom to keep out the rabbits and skunks. Other animals have climbed over the fencing and devastated his garden. He believed electric fencing was the best way to keep animals from climbing over the fencing and urged the Council to allow them in Town.

Erve Bossart said he had a large garden and orchard. He would like to put up an electric fence to keep out rock squirrels. He said he understood that electric fences should be kept from the front of the property to protect children from reaching it.

Mayor Evans told the story of a public official who gardened at his former home. When he moved to Payson he tried using his gardening skills and quickly found that the wildlife were different here. After trying to scare them away, he put up an electric fence, not realizing they were not permitted. Mayor Evans said the beasts walked right through it. He then put up a commercial grade electric fence and the elk seemed to enjoy that one!

**Motion:** to Approve a Council Decision Request filed by Debra A. Galbraith, Town Manager, to direct staff to create an amendment to the Town Code regarding the use of electric fences and bring the amendment back to the Town Council at a future Council Meeting.  
Moved by Council Member Ed Blair, seconded by Vice-Mayor Mike Vogel.

Council Member Hughes suggested that any amendment make any electric fence internal to the property with a perimeter fence outside the electric fence. Council Member Wilson said that investigation needed to be done and made a substitute motion.

**Motion:** to direct staff to investigate an amendment to the Town Code regarding the use of electric fences including in the study showing whether electric fencing would be beneficial or not and accomplish their purpose and bring the study back to the Town Council at a future Council Meeting.  
Moved by Council Member John Wilson, seconded by Vice-Mayor Mike Vogel.

**Vote:** Motion carried 7 - 0

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

**J. CLAIMS**

1. \* List of checks paid from 10/14/09 through 10/28/09, Check Nos. 007699 through 007836, and authorization to file the checks for audit. \*CONSENT\* APPROVED

**K. MISCELLANEOUS**

**L. PUBLIC COMMENTS**

There were no comments from the public.

**ADJOURNMENT:**

Mayor Evans adjourned the regular meeting at approximately 7:10 p.m.

APPROVED:

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

Kenny J. Evans, 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 5 of November, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Gaye Stidham, Deputy Town Clerk