

**TOWN OF PAYSON  
TOWN COUNCIL MEETING  
MINUTES OF THE REGULAR MEETING  
August 2, 2007**

**CALL TO ORDER**

Mayor Edwards called the meeting to order at 5:30 p.m. in the Council Chambers.

**INVOCATION**

The invocation was given by Father Lowell E. Andrews, Holy Nativity Anglican Church.

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

**STAFF PRESENT:** Sam Streichman, Town Attorney, Debra Galbraith, Chief Fiscal Officer, Silvia Smith, Town Clerk, LaRon Garrett, Public Works Engineer, Jerry Owen, Community Development Director, Rick Manchester, Parks & Recreation Director, and Robert Smith, Human Resources Director.

**OTHERS PRESENT:** Diane Stoyer, Legal Department Office Manager; Marci Huffman, Chief Deputy Town Clerk.

**PLEDGE OF ALLEGIANCE**

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

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

Clmn. Vogel moved to pull Agenda Item G.10 from the agenda. Mayor Edwards seconded. After some objection, motion carried, 4-3. Roll Call: Clmn. Wilson, yes; Clmn. Vogel, yes; Clmn. Romance, yes; Clmn. Connell, yes; Clmn. Blair, no; Vice-Mayor Fruth, no; Mayor Edwards, no.

- 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,

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**in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda.**

Clmn. Wilson moved, seconded by Clmn. Vogel to approve the Consent Agenda. Motion carried, 7-0.

**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.

The Town Manager was not present. No comments.

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

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

Clmn. Blair reported that there will be an open house at the old County Court Room regarding the proposed county justice facilities on August 8th, 3:00 p.m. to 6:00 p.m.

Vice-Mayor Fruth reminded everyone that school starts August 8th, and to watch out for children.

Clmn. Connell announced the spelling bee to take place at St. Philips Saturday morning from 9:00 a.m. until 12:30 a.m.

Mayor Edwards commented on the item pulled from the agenda concerning the contract with the Chamber of Commerce. He felt it was a serious issue and stated to date the Town has still not received deliverables from the Chamber. He also commented on findings he had made concerning the Chamber's assets and decrease in membership. Although he assured he was a strong believer in the Chamber, he felt there needed to be some serious rethinking of the process.

Harvey Pelovsky, Chamber Board Member, stated that accepting the contract with the Town would not be in the Chamber's best interests, and that the Chamber was withdrawing the proposed contract.

Margaret Griego adamantly expressed her feelings about the orange fence and the words painted on it and she wanted the fence taken down.

2. Clmn. Vogel read in full a proclamation declaring August 17-19, 2007, as Rodeo Days. Robert Klaver and Charlie Jett from the Rodeo Committee were present to accept the proclamation.

**E. MINUTES**

- \*1. Council Meeting Minutes:

- . 07-18-07 Regular Meeting Pages 1-12
- . 07-19-07 Special Meeting Pages 1-2
- \*CONSENT\* APPROVED

BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission.

- 2. \* Housing Advisory Commission Minutes:
  - . 06-28-07 Regular Meeting Pages 005-006
  - \*CONSENT\*

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

- 1. This is a Public Hearing concerning an application for Extension of Premises/Patio Permit (temporary) filed by Laura L. Cleland (Herrera), agent, Oxbow Inc., 607 W. Main St., Payson, Arizona, for August 17th, 18th, and 19th, 2007. (Application is on file in the Town Clerk's office.) This is a Public Hearing.

Mayor Edwards opened the public hearing. There were no comments, and Mayor Edwards closed the public hearing.

Clmn. Connell moved, seconded by Clmn. Wilson, to approve the application for Extension of Premises/Patio Permit (temporary) filed by Laura L. Cleland (Herrera), agent, Oxbow Inc., 607 W. Main St., Payson, Arizona, for August 17th, 18th, and 19th, 2007. Motion carried, 7-0.

#### **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. \* Discussion/possible action concerning Resolution No. 2289, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION OF SERVICES #07-01 PAYSON MUNICIPAL AIRPORT MASTER PLAN UPDATE AND ADDENDUM NO. 1 THERETO BETWEEN THE TOWN OF PAYSON AND COFFMAN ASSOCIATES, INC.
  - \*CONSENT\* APPROVED
- 3. Discussion/possible action concerning Resolution No. 2292, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTIONS 33.95 THROUGH 33.99 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON, CREATING THE PAYSON YOUTH ADVISORY COUNCIL, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.
- 4. Second Reading and Public Hearing concerning Ordinance No. 722, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF

THE TOWN OF PAYSON, ARIZONA, CREATING THE PAYSON YOUTH ADVISORY COUNCIL BY ADDING SECTIONS 33.95 THROUGH 33.99 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON. Second Reading and Public Hearing.

Mayor Edwards opened the public hearing. Mayor Edwards closed the public hearing.

Vice-Mayor Fruth moved, seconded by Clmn. Wilson, to approve Resolution No. 2292 and Ordinance No. 722. Motion carried, 7-0.

Clmn. Connell hoped that all youth would come out and that she was there to help make it successful. Mayor Edwards commended Vice-Mayor Fruth for bringing it up and Rick Manchester for taking it on.

5. \* Consideration of a motion to remove from the table Resolution No. 2297, for discussion/possible action.  
\*CONSENT\* APPROVED
6. Discussion/possible action concerning Resolution No. 2297, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING ETHICAL STANDARDS FOR TOWN EMPLOYEES AND TOWN OFFICIALS AND APPROVING THE TOWN OF PAYSON PLEDGE OF ETHICAL CAMPAIGN CONDUCT.

There was discussion concerning use of Town vehicles and employees who have legitimate licensed companies recusing themselves from the bid process. Al Poskanzer, chairman of the Ethics Task Force, clarified if someone feels something is done that is not right, they can file a complaint and take it to a review board. He said the review board should consist of five persons not affiliated with the Town in any way.

After more discussion, Clmn. Vogel moved, seconded by Clmn. Connell, to approve Resolution No. 2297. Motion carried, 7-0.

7. \* Discussion/possible action concerning Resolution No. 2298, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON HUMANE SOCIETY, INC., FOR FISCAL YEAR 2007-2008.  
\*CONSENT\* APPROVED
8. Discussion/possible action concerning Resolution No. 2299, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-02-001 AND 15-02-007 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AMENDING THE PLANNED AREA DEVELOPMENT ZONING DISTRICT, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (PAD ZONING DISTRICT)
9. Second Reading and Public Hearing concerning Ordinance No. 723, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF

THE TOWN OF PAYSON, ARIZONA, AMENDING THE PLANNED AREA DEVELOPMENT ZONING DISTRICT. (PAD ZONING DISTRICT) Second Reading and Public Hearing.

Mayor Edwards opened the public hearing. Mayor Edwards closed the public hearing.

Jerry Owen, Community Development Director, explained this ordinance replaces the current PAD overlay. It does not automatically apply to any particular property. It is a new category for future applicants.

Clmn. Vogel moved, seconded by Clmn. Connell, to approve Resolution No. 2299 and Ordinance No. 723. Motion carried, 7-0.

10. Discussion/possible action concerning Resolution No. 2300, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON CHAMBER OF COMMERCE, INC., FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

Removed from agenda.

11. Discussion/possible action concerning Resolution No. 2301, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PAYSON REGIONAL ECONOMIC DEVELOPMENT CORPORATION FOR DISBURSEMENT OF PUBLIC PURPOSE FUNDS.

Dr. Barbara Ganz, PREDC, said they were given \$53,000 last year. As of June 30, all deliverables were met and the Town was given the evidence of the items accomplished.

There was discussion on PREDC's plans for 2007-2008. Dr. Ganz was commended for her work.

Vice-Mayor Fruth moved, seconded by Clmn. Vogel to approve Resolution No. 2301. Motion carried, 7-0.

12. \* Discussion/possible action concerning Resolution No. 2302, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING A DRAINAGE EASEMENT FROM BONNIE DORRIS.

\*CONSENT\* APPROVED

13. \* Discussion/possible action concerning Resolution No. 2303, 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 LIBRARY SERVICE AGREEMENT WITH THE GILA COUNTY LIBRARY DISTRICT FOR FISCAL YEAR 2007-2008.

\*CONSENT\* APPROVED

14. \* Discussion/possible action concerning Resolution No. 2304, captioned as follows:  
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE POLICE CHIEF TO EXECUTE AN INTERAGENCY MEMORANDUM OF UNDERSTANDING/STATEMENT OF SUPPORT.  
\*CONSENT\* APPROVED
15. Second Reading and Public Hearing concerning Ordinance No. 724, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-02-003(A)(1) (b) AND 15-02-013(F)(7)(f)(4) OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON (ALLOWING 45 FOOT HEIGHT LIMIT IN CERTAIN ZONING DISTRICTS).  
Second Reading and Public Hearing.

Mayor Edwards opened the public hearing.

Jerry Owen, Community Development Director, this did not change how tall a building could be, but would allow for roof lines to go up. This would be basically in commercial areas. Main Street would stay at 32 feet.

Mayor Edwards closed the public hearing.

Vice-Mayor Fruth moved, seconded by Clmn. Wilson, to approve Ordinance No. 724. Motion carried, 7-0.

## **H. UNFINISHED BUSINESS**

1. Council Decision Request filed by the Legal Department to (1) direct staff to draft an ordinance to implement the changes to sign code listed in the attached Summary of Proposed Changes and (2) direct the Design Review Board to make recommendations for such changes to the sign code by August 31, 2007.

There was discussion concerning this issue. The stakeholders had met to define the kinds of signs and Tim Wright, Deputy Town Attorney, had put together a summary of the meeting.

Clmn. Romance moved to direct the Design Review Board to make recommendations on the summary of the proposed changes to the sign code with a target date of August 31st, and based on their recommendations, direct staff to draft an ordinance to implement the changes. Motion was seconded by Clmn. Vogel.

Clmn. Wilson noted a typo on item 4, "displaced" should be "displayed."

Clmn. Connell requested seeing examples of signs.

Motion carried, 7-0.

## **I. NEW BUSINESS**

1. Council Decision Request filed by LaRon G. Garrett, Town Engineer, to award the

2007 Rubberized Chip Seal Program to Cactus Transport, Inc. and authorize the Mayor to sign all necessary contract documents.

Clmn. Blair moved, seconded by Clmn. Wilson to award the 2007 Rubberized Chip Seal Program to Cactus Transport, Inc., and authorize the Mayor to sign all necessary contract documents.

Vice-Mayor Fruth wanted a stripe for bike lanes. Mr. Garrett explained that the street would be narrow. Clmn. Romance suggested a white stripe on the side of the road so that people would get use to seeing bike lane stripes.

Motion carried, 7-0

**J. CLAIMS**

1. \* List of checks paid from 7/19/07 through 7/24/07, Check Nos. 42593 through 42911, and authorization to file the checks for audit. (Check Nos. 42563-42593 will be on the next check run.)  
\*CONSENT\* APPROVED

**K. MISCELLANEOUS**

1. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.

**L. PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

The meeting adjourned at approximately 6:40 p.m.

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

Bob Edwards, Mayor

ATTEST:

\_\_\_\_\_  
Silvia Smith, Town Clerk

**Certification**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Payson held on this day the 2 of August, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_

Marcia F. Huffman, Chief Deputy Town Clerk