

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
August 12, 2010**

Library Auditorium  
7401 E. Civic Circle  
Prescott Valley, Arizona 86314

1. CALL TO ORDER

2. INVOCATION

Pastor Kirk Anderson of the Emmanuel Lutheran Church gave the Invocation after which he led in the Pledge of Allegiance.

3. PLEDGE OF ALLEGIANCE

Mayor Skoog presented Pastor Anderson with a Certificate of Appreciation for providing his services to the Town of Prescott Valley.

4. ROLL CALL

Present: Council Member Lasker, Council Member Nye, Mayor Skoog, Council Member Flannery, Council Member Schumacher, Council Member Wise, and Vice Mayor Anderson.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. Chamber of Commerce

Chamber of Commerce CEO Marnie Uhl introduced Heidi McCarthy of *Toughest Customer* which teaches and coaches businesses about how to put service back into customer service.

Marnie then introduced Kim Kelly of *Angel's Home Care Health*. Ms. Kelly is a nurse and the branch office manager of this business offering skilled nursing services and therapy.

b. VFW - Clyde Kincaid & John Ramos

Mr. Clyde Kincaid stated that the VFW Post 10227 is looking for additional support from the community to build their post home. They have had a lot of success but need more help in the form of time, funding and materials. The

foundation will be poured on August 17, 2010 a day of celebration for the VFW as the process began back in 1971. Mr. John Ramos, Construction Committee Chairman, reported on the progress to date and thanked the Town and CYFD staff members for their cooperation. They plan to have the building up by September 1, shell building only. The VFW anticipates it will take a year from permit pull to completion of the project which will be located at 2375 N. 5th Street overlooking Fain Park.

c. Arizona Mother's Against Drunk Driving (MADD) - Janine Tolly

Janine Tolly announced that she is starting a Northern Arizona MADD office with the assistance of the Phoenix and Tucson offices. She related the story of her own 2008 accident after she was hit by a DUI driver leaving her permanently impaired. MADD supported her in her case to get the maximum penalty allowed by law. Ms. Tolly wants to start an office here to assist and support others who may be victims of a DUI driver.

d. 2010 Annual MATForce Youth Poster Contest First Place Over All Winner - Bradshaw Mountain Middle School's Chelly Fessler

Council member Nye called the Fessler family forward then stated she is a MATForce Board member and was a judge in the poster contest. She described Chelly's poster in detail and noted that it will be reproduced and posted in numerous places. Chelly introduced her family members in attendance. Chelly told Council that she was inspired by the things she saw and heard at school and stated that it makes her sad to see what happens to people who throw their lives away for alcohol and drug abuse. Chelly is a role model for all of us. Her poster message applies to all ages which is articulated in her art. Her Grandmother, Mother and Father stated what a caring individual she is and of how very proud of her they are.

Mayor Skoog presented Chelly with a Certificate for her efforts in recognizing April as Substance Abuse Month.

e. FBI National Academy Recognition - Commander Fessler

Chief Maxson recognized Cmdr. Fessler for his successful completion and graduation from the FBI academy. It is quite an honor to be selected to attend the 14 week academy in Virginia. Thanks and congratulations were given to the Fessler family for allowing him to go.

Cmdr. Fessler thanked his wife for her support. Two hundred and sixty-one law enforcement officials attended this 241st session with him. They came from 49 states and 25 countries. The work was challenging but they got through it and earned 17 credit hours for their efforts. Fessler thanked everyone for the opportunity to do this. Mayor Skoog and Council member Nye congratulated him.

6. CERTIFICATES

a. Certificate of appreciation to Billy Fessler for 20 years of service

Town Clerk Diane Russell read the accolades submitted by the Police Department depicting Cmdr. Fessler's 20 years of service to the Town. Mayor Skoog and Council member Nye presented Cmdr. Fessler with a Plaque of Appreciation, a lapel pin and savings bond. Cmdr. Fessler stated he has enjoyed his 20 years here and thanked late Chief Seder for the opportunity to work here.

b. Certificate of appreciation to Mike Morris for 10 years of service

Town Clerk Diane Russell read the accolades submitted by the Police Department summarizing Corporal Morris's 10 years of service to the Town. Mayor Skoog and Council member Nye presented Corporal Morris with a Plaque of Appreciation and a lapel pin. Morris introduced his wife and three children.

c. Certificate of appreciation to Shawn Caswell for 10 years of service

Town Clerk Diane Russell read the accolades submitted by the Police Department summarizing Corporal Caswell's 10 years of service to the Town. Mayor Skoog and Council member Nye presented Corporal Caswell with a Plaque of Appreciation and a lapel pin. Corporal Caswell thanked the Mayor for giving him the opportunity to serve the community.

d. Certificate of appreciation to Jeremy Martin for 5 years of service

Town Clerk Diane Russell read the accolades submitted by the Police Department summarizing Detective Martin's 5 years of service to the Town. Mayor Skoog and Council member Nye presented Detective Martin with a Plaque of Appreciation and a lapel pin. Martin expressed his appreciation.

7. COMMENTS/COMMUNICATIONS

Vice Mayor Anderson said the August 3, 2010 *National Night Out* was thoroughly enjoyed. He had the opportunity to meet with the citizens and work with Corporal Williams who did a fantastic job. Williams is an excellent representative of the PVPD and did an excellent job. Council member Flannery apologized that they were not able to make all the meetings, but will try to make them next year.

8. CONSENT AGENDA

a. Approval of Minutes - July 22, 2010

- b. *Approving the CDS Global Master Services Agreement to provide utility bill lockbox outsourcing*
- c. *Approving Change Order #2 to the contract with Low Mountain Construction, Inc. revising the original contract amount from \$1,355,916.82 to \$1,348,086.98 for the Mountain Valley Park Turf Expansion and Lighting Project (CIP#P302.2)*
- d. *Approving the budget transfer for funds in the amount of \$5,000 to proceed with replacement of the HVAC Unit for the Police Department*
- f. *Approving Accounts Payable for July 14 thru August 2, 2010*

Council Member Flannery made the MOTION, seconded by Council Member Wise, to approve all items on the Consent Agenda except item 8e which was pulled for discussion, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- e. *Pulled from the Consent Agenda for separate discussion and consideration – approving an Upper Verde Protection Coalition grant application for an Arizona Water Protection Fund (AWPF) Grant*

John Munderloh, Water Resources Manager explained why this is important to the Town of Prescott Valley. The Coalition has been applying for 6-8 months for grants. The town is administrator of those grants if and when they are received. The fund is used to protect riparian areas around the state of Arizona and can only be used for conservation efforts outside of the Active Management Area (AMA) and will be targeted for the Big Chino Ranch area. The Water Smart Program focuses on the rural areas and the sub basin water protection fund is administered by Arizona. This year the only available funds come from Nevada State (for banking of Colorado River water). The money is funneled to Arizona for the water protection fund. No money is coming from the State of Arizona. A match in funding is not required. The Upper Verde Coalition has dedicated budgeted money as a match to this grant.

Council member Flannery commented on a comment from a citizen about the fact that legal language does not exist in the agreement to protect the Verde River, but there is language stipulating that the goal is to protect the base flow of the Upper Verde River and to achieve Safe Yield in the AMA.

Council member Flannery is angry over the comments that came forth in the form of blogs after last week's presentation. They took swipes at this council not wanting to add another layer of government and adding taxes. Now this same person is opposed to conservation.

Nye thanked John for the endless hours that he works on behalf of the community and the complex water issues. Sometimes citizens don't grasp it. As to the bloggers, they hide behind tag names. This town appreciates Munderloh's efforts.

Council Member Lasker made the MOTION, seconded by Council Member Flannery, to approve an Upper Verde Protection Coalition grant application for an Arizona Water Protection Fund (AWPF) Grant, by electronic vote. MOTION carried with 7 ayes and 0 nays.

9. *OLD BUSINESS (FOR ACTION)*

- a. Consideration of approving the passage of Ordinance No. 748 approving Zoning Ordinance Amendment (ZOA10-001) amending Section 13-24-040 of Article 13-24, "Off-Street Parking Requirements", in Chapter 13, "Zoning", of the Town Code pertaining to parking lane width

Town Clerk Diane Russell read **Ordinance No. 748** for the second reading. Mayor Skoog asked, "Shall the Ordinance pass?"

Vote to approve the passage of Ordinance No. 748, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- b. Consideration of approving the passage of Ordinance No. 749 approving Zoning Ordinance Amendment (ZOA10-002) to simplify, clarify, and modernize the Town Code as it is applied to the dispensing of propane or other fuels from above ground tanks

Town Clerk Diane Russell read **Ordinance No. 749** for the second reading. Mayor Skoog asked, "Shall the Ordinance pass?"

Vote to approve the passage of Ordinance No. 749, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- c. Consideration of approving the passage of Ordinance No. 750 approving Zoning Ordinance Amendment (ZOA10-003) regarding the height of pool enclosure fencing

Town Clerk Diane Russell read **Ordinance No. 750** for the second reading. Mayor Skoog asked, "Shall the Ordinance pass?"

Vote to approve the passage of Ordinance No. 750, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- d. Consideration of approving the passage of Ordinance No. 751 approving Zoning Ordinance Amendment (ZOA10-004) regarding required times frames for processing Preliminary Development Plans and Final Development Plans as defined in Article 13-19 (Planned Area Development)

Town Clerk Diane Russell read **Ordinance No. 751** for the second reading. Mayor Skoog asked, "Shall the Ordinance pass?"

Vote to approve the passage of Ordinance No. 751, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. *NEW BUSINESS (FOR REVIEW, COMMENT, AND/OR POSSIBLE ACTION)*

a. *Consideration of reappointing Steve Jarpe to the Building Board of Appeals to a term with a renewal date of July 31, 2012*

On July 31, 2010 Mr. Jarpe's term expired on the Building Board of Appeals and he would like to be reappointed. He is being recommended for another term and has met all the qualifications. Council members Schumacher, Nye and Flannery thanked him for his willingness to serve another term and for bringing his experience back to the Board.

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to approve reappointing Steve Jarpe to the Building Board of Appeals to a term with a renewal date of July 31, 2012, by electronic vote. MOTION carried with 7 ayes and 0 nays.

b. *Consideration of appointing Paul Winter and Joshua Salicos to the Board of Appeals to fill terms with renewal dates of July 31, 2012*

Council member Flannery pointed out that they have just lost two experienced people on this Board and he, Council members Nye and Lasker would like to recommend Paul Winter and Joshua Salicos to the Board. Both have met the qualifications. The Building Board of Appeals specifies that certain trades will be represented on the Board. Council member Flannery pointed out that one of these people is retired and the other a working trade person. Mr. Salicos introduced his wife and children who were in attendance. Mr. Winter introduced himself and told a little about his background.

Council Member Flannery made the MOTION, seconded by Council Member Lasker, to approve appointing Paul Winter and Joshua Salicos to the Board of Appeals to fill terms with renewal dates of July 31, 2012, by electronic vote. MOTION carried with 7 ayes and 0 nays.

c. *Consideration of approving an Intergovernmental Agreement with Yavapai County Flood Control District for 100 percent funding of the Western Blvd area storm water management improvement project (CIP#E328)*

Public Works Director Norm Davis stated that the Yavapai County Flood Control District needs an instrument that allows them to disperse funding in the amount of \$800,000 for the Western Blvd project through this IGA. It will take about four

months to complete the project. The diagram shown depicts the 3 phases of the project. The County Board of Supervisors approved this funding which is paid through the property tax collected by the county specifically for storm water improvements.

Council Member Nye made the MOTION, seconded by Council Member Schumacher, to approve the Intergovernmental Agreement with Yavapai County Flood Control District for 100% funding for the Western Blvd. area storm water management improvement project, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- d. Consideration of approving an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. for design services in a total amount of up to \$47,192 for Professional Design Services for the Mountain Valley Park Multi-Use Path Project, (CIP# P331)

Parks and Recreation Director Brian Witty stated that this item has been discussed in Work Study session and approved in the annual budget for this year.

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to approve an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. for design services for the Mountain Valley Park Path Project, CIP # P331 in a total amount up to \$47,192.00, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- e. Consideration of authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1707 declaring the document entitled "Re-Enacted Chapter 6 ANIMALS'" to be a public record

Assistant Town Attorney Colleen Auer stated that this was discussed previously in Work Study session on July 1. It was delayed to address concerns that were brought up at that time and also due to a bird incident that required additional study to make sure that those concerns were covered by the proposed revisions.

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to approve authorizing the Mayor (or, in his absence, the Vice Mayor) to sign **Resolution No. 1707** declaring the document entitled Re-Enacted Chapter 6 ANIMALS to be a public record, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- f. Consideration of authoring the reading of Ordinance No. 746 by title only, on two separate occasions and then placing the same on final passage adopting by reference that certain document entitled "Re-Enacted Chapter 6 ANIMALS'"

Council Member Flannery made the MOTION, seconded by Council Member Wise, to approve the reading of **Ordinance No. 746** adopting by reference that

certain document entitled Re-Enacted Chapter 6 ANIMALS, by title only on two separate occasions, then to place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 746 for the first reading.

11. COMMENTS FROM THE PUBLIC

Mr. Buehler stated he is here to address three things culminating on the September 23 meeting regarding merging bond issues for consolidating Community Facilities Districts. Some things that really concern him (which he has advised Mr. Legler of), and told him if he didn't go to him to discuss these matters with him he would have to bring them before Council.

The first concern he has is a rumor that in the 70's the Mayor was investigated and charged for embezzlement.

Mayor Skoog responded that is really far-fetched as he did not even live here in the 70's.

Mr. Buehler stated he does not expect an answer today, but is requesting full disclosure September 23.

Mayor Skoog responded that Mr. Buehler has full disclosure right now - what they know about that is zero. And added that that is one of the most idiotic comments he (Mr. Buehler) has ever made.

Mr. Unick stated to Mr. Buehler that the Mayor had been exonerated. However, Mr. Buehler went on to say that staff and the Mayor are essentially ignoring his requests for discussion of an explanation.

Mayor Skoog added that there is nothing to explain.

Mr. Buehler's second concern revolved around an alleged multi million dollar slush fund. He states that Ivan Legler referenced the slush fund in relation to photo radar purported as either \$4 to \$7 million or \$47 million fund. Mr. Buehler stated he has an under oath statement from the individual saying he overheard it so referenced. He questioned Legler about it. Legler denied it. So he was thinking about the public records disclosure process and what he found was that most of the Council Members were on the Board of the Prescott Valley Water District (PVWD). The research has shown that the town paid 2 - 5 times more for the Shamrock Water Company than it was actually worth. The Town paid \$15 million for the company instead of the appraised amount of \$1.7 to \$7 million. Mr. Buehler's question was, why did the PVWD create a Community Facilities District to take out a \$22 million bond to pay \$15 million for the company when they could have had it constructed for \$13 million. Then the PVWD used the other \$7 million

to rebuild the dilapidated system. Why? Then the Fains were held harmless on a tax issue. Within the private letter rulings, one of the conditions for the district to be tax exempt is the Town cannot financially contribute to it. The PVWD must only pay a reasonable amount for services. The amount for administrative and billing services cost for 1998 and 1999 amounted to between \$200,000 and \$225,000 per year. In 2004, the PVWD paid \$659,000 for administrative costs. If the PVWD is going to be merged into the MPO, and others merged together, then as a citizen he wants to know how the money is going to be spent. Full disclosure of all CFDs on the agenda for September 23 is what he is requesting. He wants to see how the bond issue was created and what was spent.

Mayor Skoog called time as Mr. Buehler had gone well over the allotted 5 minutes for public comment.

Earnest DelRio thanked Mayor and Council and town leaders for moving the town forward on a number of fronts -specifically for street improvements and non motorized trails to help our town be more pedestrian friendly. He thanked them also, for securing water availability for the community.

12. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03(A)(3) &(A)(4) in order to discuss or consult with the attorneys or other designated representatives of the public body regarding, or to otherwise discuss or consider, the following: Big Chino Water Project Negotiations

Council Member Wise made the MOTION, seconded by Council Member Nye, to approve recessing then convening into executive session, by electronic vote. MOTION carried with 7 ayes and 0 nays

Mayor Skoog called for a 5 minutes recess. Council will reconvene into executive session immediately following the recess.

13. *[Recess into Executive Session]*

Council recessed into Executive Session at 7:20 p.m.

14. *[Reconvene into Regular Session]*

Council reconvened into regular session at 9:01 p.m.

15. *ACTION (IF ANY) RELATED TO EXECUTIVE SESSION ITEMS*

No action was taken

16. *ADJOURNMENT*

Council member Nye made the MOTION, seconded by Council member Wise, to adjourn the meeting, by voice vote. MOTION carried UNANIMOUSLY. Mayor Skoog adjourned the meeting at approximately 9:10 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Diane Russell, Town Clerk

\_\_\_\_\_  
Harvey Skoog, Mayor

STATE OF ARIZONA)  
COUNTY OF YAVAPAI) ss:  
TOWN OF PRESCOTT VALLEY)

CERTIFICATE OF COUNCIL MINUTES

I, Diane Russell, Town Clerk of the Town of Prescott Valley, Arizona, hereby certify that the foregoing minutes are a true and correct copy of the Executive Session Minutes of the Regular Meeting of the Town Council of the Town of Prescott Valley, held on Thursday, August 12, 2010.

I further certify that the meeting was duly called and held and that a quorum was present.

Dated this August 18, 2010.

\_\_\_\_\_  
Diane Russell, Town Clerk