

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
February 11, 2010**

*Magistrate Court/Council Chambers
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314
5:30 p.m.*

1. *CALL TO ORDER*
2. *INVOCATION*
3. *PLEDGE OF ALLEGIANCE*
4. *ROLL CALL*

The meeting was called to order by Mayor Skoog at 5:30 p.m. in the Magistrate Courtroom/Council Chambers. Pastor Don Tjiema, gave the Invocation after which the Pledge of Allegiance of said in unison. The following Council members were present for roll call.

<i>Harvey Skoog</i>	<i>Mayor Skoog</i>
<i>Lora Lee Nye</i>	<i>Vice Mayor</i>
<i>Richard Anderson</i>	<i>Council member</i>
<i>Mike Flannery</i>	<i>Council member</i>
<i>Patty Lasker</i>	<i>Council member</i>
<i>Fran Schumacher</i>	<i>Council member</i>
<i>Harold Wise</i>	<i>Council member</i>

5. *ANNOUNCEMENTS & PRESENTATIONS*
 - a. *Chamber of Commerce*

Chamber of Commerce spokesperson Karen Benson introduced Vicky Shroyer of Curves for Women, Becky Creek-Marshall of Creek-Cleanin' and Warren Micale of Master's Touch Christian Charter Service. Each business owner in turn gave some information, history and services provided by their business.

6. *COMMENTS/COMMUNICATIONS*

Vice Mayor Nye addressed the citizenry stating that the Town of Prescott Valley has gone through some turmoil. It has been difficult and stressful for a lot of people. Vice Mayor Nye suggested we not waste that turmoil, but learn from it. The citizens are best served when the entire community works together. She suggested we put that issue [prison] behind us and look forward and allow healing to begin. It is really important that all of us accept that there is no right or wrong point of view. We are so lucky to be Americans because we are allowed the freedom to have an opinion while others may disagree with it. She expressed her pride to be a part of this council and how much she respects each person on the council. In closing she said each council person wants the very best for the Town of Prescott Valley. They don't always agree and that is a good thing. This ensures that diverse and interesting information and ideas get brought forth for review. She believes PV has a very bright future, even though we don't

know exactly will come to us. We need to pull together and use all our energy working together for that future.

7. *CONSENT AGENDA.*

- a. *Approval of Minutes – January 28, 2010 (Regular & Executive Sessions)*
- b. *Approving the purchase of a public safety utility vehicle with RICO funds in the amount of \$25,903.20 to be used in Police Department negotiation instances*
- c. *Approving a Memorandum of Understanding (MOU) with the Yavapai Prescott Indian Tribe to act as a pass-through agency allocating Payment of Regulatory Costs: Tribal Contributions to seven agencies and approving the corresponding agreements with those agencies*
- d. *Accepting multi-use path easements for Stoneridge Units 5, 6, 7 & 8*
- e. *Approving Accounts Payable for 1/20 thru 2/03/2010*

Council member Flannery made the MOTION, seconded by Vice Mayor Nye, to approve all items on the consent agenda, by roll call vote. MOTION carried with 6 ayes, 0 nays. Council member Schumacher abstained from voting on the consent agenda.

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

- a. *Consideration of appointing Suzanne Applegate to the Arts and Culture Commission to an existing term with a renewal date of June 30, 2010*

Council members Flannery and Schumacher, and Vice Mayor Nye interviewed Suzanne Applegate and are recommending her for the existing position on the Arts and Culture Commission.

Council member Flannery made the MOTION, seconded by Council member Schumacher, to appoint Suzanne Applegate to the Arts and Culture Commission to an existing term with a renewal date of June 30, 2010, by roll call vote. MOTION carried UNANIMOUSLY.

Ms. Applegate thanked the council for the appointment and the opportunity to serve.

b. *Public Hearing*

Open Public Hearing

Zoning Map Change 09-005 rezoning 25 acres located south of Long Look Drive east of Glassford Hill Road

Close Public Hearing

Mayor Skoog declared the public hearing open.

Planner Joe Scott drew attention to the fact that a change in condition number 3 as shown in Ordinance No. 741 to reflect as follows. “3. Applicant/Owner shall only be responsible for off-site roadway improvements...”

This rezoning is a request by Mike Wiffey, agent the Fain Land and Cattle Company, for a Zoning Map Change from RCU-70 (Residential; Single-Family Limited) to C2-PAD (Commercial; General Sales and Service – Planned Area Development) on approximately twenty five (25) acres located south of Long Look Drive and east of Glassford Hill Road (Exhibit “A”). The property is bordered by

Glassford Hill Road to the west, Long Look Drive to the north, the site of the Town's future soccer park to the northeast, the alignment of a future southerly extension of Viewpoint Drive to the east, and undeveloped, commercially-zoned property to the south. Existing development in the immediately surrounding area includes Yavapai College to the west and a single-family residential neighborhood (Prescott Valley Unit 19) to the north. Approved but not yet developed uses for the immediately surrounding area include a soccer park to the northeast, apartments to the east, and a regional shopping center to the southwest. This rezoning request is intended to consolidate a number of commercial properties to make a larger commercial piece of this corner to allow more development potential and more options at this location. It will be developed as a mix of retail, restaurant and office uses or, other uses allowed in the C2 zoning district.

Access to the property is addressed by a Traffic Impact Statement intended to supplement the previously-approved Prescott Valley Town Center Master Circulation Plan Evaluation, Revision No. 2, June 2007 (PVTC Master Circulation Plan). The Traffic Impact Statement has been evaluated by Public Works and Engineering staff, and is the basis for some of the conditions of approval included in the draft Ordinance for this rezoning request. The related Preliminary Development Plan (Exhibit "B") illustrates intended development patterns for neighborhood commercial and retail uses. Of note is the proposed thirty (30) foot green space / buffer area along Long Look Drive, and the restricted one-story height of twenty-four (24) feet within a two-hundred (200) foot area bordering on Long Look Drive.

A Neighborhood Meeting was conducted on this proposed Zoning Map Change as required by Town Code. Property owners within a one thousand (1,000) foot radius were contacted. There were no objections to the change in land use as requested at that time. Since the Meeting (and prior to the Planning and Zoning Commission Meeting on January 11, 2010), some neighboring citizens did express concerns about possible uses on the property and the applicant responded by working with the citizens to address those concerns. The Planning and Zoning Commission subsequently reviewed the request during a public hearing at its regular meeting on January 11, 2010 and voted unanimously to recommend approval of ZMC09-005, with conditions. These conditions (included in the draft rezoning Ordinance) are reportedly satisfactory to the citizens who expressed the concerns.

Prior action has been taken on General Plan Amendment (GPA09-003) changing approximately sixteen (16) acres located south of Long Look Drive and eight hundred (800) feet east of Glassford Hill Road, from "Town Center- Residential" to "Town Center-Mixed Use Low Intensity". The Council approved Resolution No. 1685 at its January 14, 2010 meeting. Therefore, the underlying General Plan designation of "Town Center-Mixed Use Low Intensity" supports this requested rezoning from RCU-70 to C2-PAD.

Since a PAD overlay district is being proposed, any particular use will later require approval of a Final Development Plan (FDP) by the Council prior to issuance of building permits.

Mr. Wiffey commented that Joe did a good job summarizing the case. He asked that council approve it per the staff and Planning and Zoning Commission recommendations, with the technical correction that Joe mentioned.

Vice Mayor Nye commented that this is a well-designed, well-conceived development and the sensitivity to the neighboring properties with the green/buffer space will go a long way with the property owners.

Mr. Wiffey said the set back is far greater than the code requires and greater than anywhere else in town, that he is aware of.

Mayor Skoog declared the public hearing closed as no further comments were forthcoming.

- c. *Consideration of approving the first reading of **Ordinance No. 741**, by title only, approving Zoning Map Change 09-005*

Council member Flannery made the MOTION, seconded by Council member Schumacher, to approve the first reading of **Ordinance No. 741**, by title only, on two separate occasions and then place the same on final passage, by roll call vote. MOTION carried UNANIMOUSLY.

- d. *Consideration of approving the Safety Enhancement Change Order #2 with Markham Contracting Company Inc. in the amount of \$55,552.14 providing for a multi-use path between the Lake Valley Elementary School and the Civic Center/Library complex*

Public Works Director Norm Davis indicated that staff is proposing a safety enhancement for the Bison Lane multi-use path. Additional American Recovery and Reinvestment Act (ARRA) funding was received increasing funds to \$661,000 for the project. Additional scope was added to the project after receiving a \$319,000 bid to complete it. Staff proposes rock lining the ditch along the path adding a barrier between the vehicle traffic and walking path. If this money is not spent on this project then it goes away. Tire tracks have been seen on the sidewalk already. The rock barrier will add safety for the people walking along the path.

Council member Wise made the MOTION, seconded by Council member Anderson, to authorize the Mayor or in his absence the Vice Mayor to sign to approve the Safety Enhancement Change Order #2 with Markham Contracting Company Inc. in the amount of \$55,552.14, by roll call vote. MOTION carried UNANIMOUSLY.

Davis added that a ribbon cutting is scheduled for next Tuesday at 1:45 with Congresswoman Kirkpatrick in attendance.

- e. *Consideration of approving the Lease Agreement with Northern Arizona Council of Governments for a lease of the Town-owned building located at 3045 Tani Road to be used for a Head Start Program*

Deputy Town Manager Ryan Judy pointed out that the Town owns the property at 3045 Tani Road right next door to where the future Old Towne Park will be. The building has been leased by several non profit entities over the years. NACOG will not be charged rent, but will instead be doing some significant tenant improvements to the building and take over maintenance of the building. NACOG representatives Jesse Rodriguez thanked the Town for consideration of their request and noted that improvements will also be made to the exterior of the building, not only the interior. If the town needs their building back anytime in the future, the improvements will be left for the public.

Piper Swenson said that the new Early Head Start infant and toddler program that they will be offering at this location is one of the most popular they offer. They only have 124 children being served throughout the NACOG region. The expansion to another 36 children in Early Head Start is very much needed throughout the service area. It will bring services to 8 more children center-based wise here to supplement their home-based programs. Piper added that approximately \$80,000 will be put into the building alone. Jesse added that the \$80,000 will go predominately to the interior of the building and additional monies will have to be found to complete the playground piece and exterior work. He predicts it will cost about \$100,000 to get the building ready for licensing.

Vice Mayor Nye made the MOTION, seconded by Council member Schumacher, to approve a Lease Agreement with Northern Arizona Council of Governments for the use of the former Community Development building on Tani Rd., by roll call vote. MOTION carried with 6 ayes, 0 nay and Council member Wise abstaining.

f. Consideration of awarding a Construction Contract to Asphalt Paving and Supply, Inc. for the Viewpoint Extension Project between Civic Circle and Long Look (CIP#S321)

Deputy Town Manager Ryan Judy said this is a federal grant project. Eight bids opened on February 1, 2010 had a low bidder of Asphalt Paving and Supply, Inc. at \$403,902.50 for the base bid which consists of a 28 foot swath of asphalt extending from Civic Circle to Long Look. Alternate #1 is for additional asphalt along Town-owned frontage near the drainage area for the future Bob Edwards Park. Alternate #2 is for curb and gutter in conjunction with the sidewalk along that Town-owned frontage. Enough grant funds are available to complete all improvements for a total of \$505,242.50. Additional funding may also become available through this grant which will allow staff to increase the scope of the project at a later date.

Council member Lasker pointed out for the listening public that they understand that council reviews all these agenda items in work study and on their own. They have done their due diligence. Lasker thanked all the staff who did all their hard work on this.

Council member Lasker made the MOTION, seconded by Vice Mayor Nye, to approve awarding a contract to Asphalt Paving and Supply, Inc. in the amount of \$505,242.50 for the project, by roll call vote. MOTION carried UNANIMOUSLY.

9. COMMENTS FROM THE PUBLIC

1. Frank Smith – From Kansas addressed the private prison issue since he was taken off the agenda. He provided a hand-out of the report he had prepared to read. He has been to Wickenburg and Winslow where promises were made by prison companies that didn't make any sense. He quoted high turnover rates of private prison staff as well as high escape rates and riots. They don't contribute to the local economy and cause stagnation. He does not trust anything said by private prison companies after dealing with them for years catching them in lie after lie, compared them to used car dealers. Smith commended the council for their due diligence and for listening to the community.
2. Carm Staker & Ed Seder - Staker commented that Vice Mayor Nye had addressed what they wanted to say. Seder in his 20 years in PV he has never seen the lack of respect that has been seen over the prison issue and the divisiveness in the community. Both have been in the town for over 25 years and have seen many topics come before council that were always handled with respect. Seder asked people to step back, take a deep breath, stop the name calling so we can continue to work together to build this town. Staker said that we need to follow the public process.
3. Karen Hunt - she seeks a final resolution so we don't have to face another prison issue again in 2 years. She quoted from a report on rural prisons by Tracy

Hollings that the prisons do not benefit the communities but rather have detrimental effects. She questioned the Mayor's silence at the council meeting after being quoted in the newspaper as being opposed to the prison and feels there are mixed messages to confuse the voters. She is concerned that released prisoners would stay in the community and never heard the council take a vote against a prison to put it on record.

4. Bill Fain - As representative of the Fain family he respects the concerns and impacts from the prison issue. We have seen the town grow into a vibrant community. There is no question that the Fain family are developers and are also community builders. We have always relied on the public process and the solution to the matter will be to take it to a public vote. The prison subject is going to return in the future and will be subject to extreme public scrutiny. Fain used the past Walmart issue example of the public process. The citizens voted with a 2 to 1 margin in favor of the Walmart which cost a year delay. The subsequent lawsuits cost another year's time. The same pattern is developing now. He stressed that the issue needs to be resolved by all interested parties so they can go forward in a unified manner, mend the fences and make more progress to make this the outstanding community it has started to become.
5. Brad Fain - We are facing many community challenges with job losses. Businesses are cutting costs just to survive. People are leaving [Town] to find work to feed their families. The national economy that is wreaking havoc on our country and state is taking its toll on our local community and no one is immune. We have a choice to pretend that nothing is wrong or we can begin to act by creating opportunity. We can do nothing and continue to watch revenues decline and spend our cash reserves to balance budgets. Or we can seek new solutions that build long term sustainable growth. We can be the region leaders once again and lead the way to recovery or we can hide in the shadow of fear and hope that tomorrow is somehow different than today. We have to make a fundamental decision on how to solve our problems, to get people back to work and provide hope with opportunity so they can succeed and take care of themselves. Without growth businesses can only survive by cutting costs and the only way he sees for the town to survive is to increase taxes to reduce deficit spending. How many more jobs will be lost by increasing taxes? We are punishing the public by the mismanagement of our money. The opportunity for 800 jobs has been lost by not opening a prison in 2012. The people need to have a chance to cast a vote. On behalf of the Fain family they will bring forth an annexation and zoning case for development including a special use for a prison. We have honored the public process, ask it be used and we will respect the voters' decision.
6. Dave Martinez - To change the topic. Martinez spoke about another access street through Pronghorn Ranch. He was here before and Larry Tarkowski promised to get back to him and nothing has been done. He feels insulted as a taxpayer, homeowner and parent and is concerned about safety over convenience. He cited a recent accident at the intersection that backed up traffic and blocked access. He is concerned that emergency vehicles cannot access the

area. He understands it is not a city issue but he asks the council and the media to take a survey and consider again.

7. Quang Nguyen - In reference to the prison he wants the facts. He asked the public process to continue so the public has the facts and a chance to vote. He grew up in Vietnam and appreciates the freedom he has in America. He lived in Orange County, CA for 30 years and did not have any problem with a prison nearby.
8. Lisa Imburgia - Agrees with others who spoke this evening that the public should vote and the community needs to come together. She has gone online to research CCA and did not find anything positive or about any private prisons. She also found out that Mr. Wiggins from CCA does not live anywhere near a prison. Yes we need jobs, but a prison is not the answer. She thinks Gary Marks needs to find something besides retail and prisons. She wants a speedy vote on the prison issue.
9. Alexander Miles - Retired contractor who has investigated the CCA's construction process. He found that very little local work will be available due to the use of prefab and pre-cast materials, hiring for maybe 60-80 jobs as no local sub-contactors are qualified except for excavation. He also found that wages paid to prison staff would be very low at \$8.50 to \$9 per hour and not enough to support a family on \$18,000 a year.
10. Chuck Bordenave - Thanked the three council members who have voiced their opinions about the prison and but commented did not hear the Mayor's opinion. He asked the Mayor again for his opinion. Mayor Skoog asked him to keep talking or to sit down. "What a public servant!" He suspects something tricky is going to go on here, just like the Walmart group the Friends of Prescott Valley. He continued to speak about other California prison and gang towns where he has lived and he does not want it to happen here. He disagreed with the earlier speaker who had lived in Orange County that the area is mess. "I don't know why you're being so quiet Mayor, it's your vote that's holding this thing up in limbo". Mayor Skoog said he did express his opinion. Bordenave responded, "But you never expressed it in public, you talked to a couple of newspapers." Bordenave was reminded by Council member Flannery that he was to address the council as a whole and not to single out the Mayor for comment. Mayor Skoog asked him to talk nice or sit down and shut up. Mayor Skoog continued that if he wishes to address the council as a whole he could continue. Bordenave continued with he considers the prison a bad idea and criminals cause problems. Anyone with common sense would not want a prison.
11. Peter Berggren - Stated that he has a job and lives in Quailwood but there are 5 empty houses on his street. He'd like to see some jobs for someone to buy those houses and bring the property values back up. He has met with Gary Marks to discuss what processes the PVEDF uses. Let the process go forward so voters can decide and have the final say. He saw ugly prisons on a visit to Florence. Polarization accomplishes nothing.

12. Jason Geesey- represents the Central AZ Partnership to push economic development. It is vital that we grow our way out of bad economic times as no one is going to do it for us, not the State or Obama. To expand on what Bill Fain said earlier, the demographics of Central Yavapai County show we are ripe for things like call centers, detention centers and correctional facilities. Education for long term growth is vital with diverse economic growth. He endorses letting the debate run its course.

13. Wolfgang Mitschrich - Lives in Raven Ridge that would be looking right down at the proposed prison site. But he says the issue is over, it is not going to happen and it is rotten way to start the new year. He would like to see Larry Tarkowski or Richard Parker make a statement as to exactly why this will not happen anymore. He would suggest that CCA could build a prison about 17 miles away by Interstate 17 and Highway 169. The citizens have spoken by emails 5 to 1 against the prison in Prescott Valley.

14. Tom Steele - Here we are again; 28 months ago the prison was nixed. He suggested that people pull up the full Pollack report on the internet. The numbers were just plugged into a boiler plate reduced version. Any contractors and support services will be imported and it retards growth in a community. The fear factor is real. He urged council to take an official vote. CCA contracts are 3 to 5 years and they could walk away leaving a big unusable building.

15. Donna Briggs - People care here. Seniors are a very valuable asset because of their talents and ideas. She asked us to get more creative.

10. ADJOURNMENT

Vice Mayor Nye made the MOTION to adjourn, seconded by Council member Schumacher, to adjourn the meeting. MOTION carried UNANIMOUSLY.

Mayor Skoog adjourned the meeting at 7:20 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 Minutes of the Regular Meeting of the Town Council of the Town of Prescott Valley, held on Thursday, February 11, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of February, 2010

Diane Russell, Town Clerk