

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
January 27, 2011**

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

*1. CALL TO ORDER*

Mayor Skoog called the meeting to order at 5:30 p.m.

*2. INVOCATION*

Pastor Don Tjiema of the Mountain Valley Church of God gave the invocation.

*3. PLEDGE OF ALLEGIANCE - Prescott Valley Police Department Color Guard*

The Prescott Valley Police Department Color Guard presented the colors after which the Color Guard led in the Pledge of Allegiance.

*4. ROLL CALL*

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

Absent: Council Member Schumacher.

*5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS*

*a. Police Lieutenant Promotion Ceremony - James Edelstein*

Cmdr. Bill Fessler called forth Sgt. James Edelstein and read his biography. Mayor Skoog led Edelstein as he recited the Oath of Office for the Lieutenant position. Cmdr. Fessler introduced Sgt. Edelstein's wife Sarah and children after which Sarah pinned his lieutenant badge on him. Lt. Edelstein thanked his family and friends for being his foundation over his fifteen year career. Mayor and Council members expressed their pride in Lt. Edelstein and congratulated him on his promotion and thanked him for his years of service.

*b. K-9 Retirement Ceremony - Joey*

Officer Paul Hines & Joey, Officer McNally & Ike and Sgt. Askew came forward to celebrate K-9 Joey's retirement. Cmdr. Fessler read the eight year history and accomplishments of Joey's service with the Prescott Valley Police Department K-9 Unit. Mayor Skoog presented Officer

Hines and Joey a Plaque of Appreciation. Officer McNally and Ike came forward and praised Joey and Officer Hines as a model team for K-9 Ike and himself. Sgt. Askew commented that at the retirement of a K-9, the handlers are allowed to adopt and purchase the dog for the price of \$1.00. Officer Hines stated that as of Joey's retirement, Joey is becoming a permanent member of the Hines family. Officer Hines called his sons forward to accept Joey for the family. Council member Flannery commended Officer Hines and Joey for his service and his participation in National Night Out and stated that "never has a dog made an individual look so good!" Council members expressed their appreciation for their exhibited team work, public relations efforts and being so approachable to the citizens.

Sgt. Askew announced that on February 5, 2011 the K-9 Unit will be hosting a public open house at the Kennel Kamp Village at 9049 E. Florentine Road. Joey will be present. Refreshments will be served.

*c. RECESS*

Mayor Skoog called for a brief recess at 5:57 p.m. to enjoy refreshments.

*d. RECONVENE*

Mayor Skoog reconvened the meeting at 6:13 p.m.

*e. Student of the Month*

Kip Parry of the Prescott Valley Rotary Club announced that Sarah Ashburn is the Student of the Month. Assistant Principle Kurt Meyers introduced Sarah Ashburn and praised Sarah for her excellence in academics, athletics and extra curricular activities. Sarah epitomizes "Choose Excellence". Mr. Meyers gave a short biography about Sarah after presenting her with a plaque and gift. Sarah thanked anyone for the award.

*f. Centennial Committee Report - Living Legacy, Brian Witty*

Brian Witty, Parks & Rec Director, gave a report pertaining to his part on the Prescott Valley Centennial Committee. He announced that through a Community Development Block Grant and a Grant from the Arizona Division of Forestry they have over 200 diverse species of trees that will be placed in Mountain Valley Park. The Arizona Centennial begins on February 14. The trees will signify our first 100 years and project our future with the next 100 trees. They will become a living legacy representing the strength and prosperity of our state. An application has been submitted to the Arizona Centennial Committee for this living legacy and staff is confident that a positive response will be received that we reach the principles set forth by the committee.

*g. Centennial Committee Report - Balloon Festival, Patty Lasker*

Council member Lasker said this is a joint venture between the PV Rotary and Centennial Committee. The group is working on a hot air balloon festival in conjunction with Prescott Valley Days which is kicking off the Centennial event. They anticipate having about 2 dozen hot air balloons participate in the event. She will share details as they unfold. Members of the group introduced themselves.

*h. Centennial Committee Report - Yavapai County Event, Council member Nye*

Council Member Nye exclaimed that the Centennial Committee is pulling together a Centennial event that is going to make our community shine! The Centennial Year kickoff date is April 29, 2011. The blockbuster for our community was to be an event at Tim's Toyota Center on February 14, 2012. However, when Yavapai County heard that Prescott Valley will celebrate Community Statehood Day February 14, 2012 they requested that it be turned into an unknown type of County Event. Nye said they have a strong committee with a planned meeting on February 14, 2011 to finalize the details of the event.

*6. COMMENTS/COMMUNICATIONS*

No comments were forthcoming.

*7. CONSENT AGENDA*

*a. Approval of Minutes - January 13, 2011*

*b. Authorizing the Mayor to sign Resolution No. 1734 accepting a Governor's Office of Highway Safety and to sign the Grant Award Contract #2011-410-019 (DUI Enforcement)*

*c. Authorizing the Mayor to sign an Amended Lease Agreement to allow Central Yavapai Metropolitan Planning Organization to continue leasing first floor office space from the Town at the Civic Center building*

*d. Awarding a sediment removal contract to Earth Resources Corporation in the amount of \$61,796.00 AND approving the related repairs in an amount up to \$8,200.00 AND approving the budget transfers noted in the Fiscal Analysis for the Fain Lake Sediment Removal Project*

*e. Department Reports*

*f. Approving the Financial Report*

*g. Approving the Council Investment Report*

*h. Approving Accounts Payable for January 4 thru January 28, 2011*

Council Member Lasker made the MOTION, seconded by Council Member Nye, to approve all items on the Consent Agenda, by electronic vote. MOTION carried with 5 ayes and 0 nays

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

a. *Consideration of authorizing the Mayor to sign Resolution No. 1733 declaring the document entitled Nonprofit Medical Marijuana Dispensaries and Cultivation' to be a public record*

Community Development Director Richard Parker stated that the first action is a cost saving step that allows us to forego publishing the entire document.

Consent Agenda Item b sets forth the performance standards for the management of the new medical marijuana law in town. Details of this have been covered in recent Planning and Zoning Commission meetings and Work Study Sessions where citizen comments were received. The Initiative that was passed in November is very stringent allowing medical marijuana to be used upon a doctor's certification. Our regulations cannot be likened to California or Colorado, but are focused on providing medical marijuana to people who need it to improve their health situation.

NARTA has worked hand in glove to come up with the regulations for the ADHS dispensaries and cultivation facilities. Council is being asked to set forth the community standards for marijuana use. Comparison standards of other communities were reviewed to reach middle of the road regulations.

Carol Cornell, Legal Department, pulled all the information together and drafted the document which staff feels is middle of the road in that it is not too restrictive, nor too lax. Parker has met with no less than 60 people who are interested in medical marijuana and received both positive and negative comments.

Council member Flannery stated that it is very prudent that staff selected the middle of the road to address this issue. Vice Mayor Anderson complimented all participants for their civility in the meetings regarding this issue. Council member Nye said we 'respect the rule of law' even though this issue was not something we ever wanted to consider. We have carefully deliberated and crafted the document to address this issue and we can be held as a prime example for how this can be done right and well.

Public Comments:

1. Adam Trenk representing the Rose Law Group in Scottsdale complimented Mr. Parker for taking the time to hear the comments and craft a document to ensure that those who need access to this drug have it, while protecting the sensitivities of the public who are offended by the illegal use of the drug. We would like to see this ordinance passed.

2. Ben Filer was approached as a real estate broker to identify a site for a medical marijuana dispensary. Mr. Parker has been helpful in providing information.

Council Member Flannery made the MOTION, seconded by Vice Mayor Anderson, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign **Resolution No. 1733** declaring the document entitled 'Nonprofit Medical Marijuana Dispensaries and Cultivation' to be a public record, by electronic vote. MOTION carried with 5 ayes and 0 nays

- b. Motion to read Ordinance No. 753 adopting by reference that certain public record entitled 'Nonprofit Medical Marijuana Dispensaries and Cultivation' on two separate occasions by title only, then place the same on final passage

Council Member Flannery made the MOTION, seconded by Vice Mayor Anderson, to read **Ordinance No. 753** adopting by reference that certain public record entitled 'Nonprofit Medical Marijuana Dispensaries and Cultivation' on two separate occasions by title only, then place the same on final passage, by electronic vote. MOTION carried with 5 ayes and 0 nays

Town Clerk Diane Russell read Ordinance No. 753 by title only for the first reading.

- c. Consideration of approving a Memorandum Of Understanding with the Yavapai-Prescott Indian Tribe and corresponding agreements for distribution of funds as per the Indian Tribes Tribal-State Gaming Compact with the State of Arizona on May 20, 2003

Ryan Judy Deputy Town Manager pointed out that the town acts as a pass through agency for funding as part of the Yavapai-Prescott Indian Tribe's gaming compact with the state. The Yavapai-Prescott Indian tribe is allocating \$20,000 to the town itself for the purchase of mobile data computers. We want to publicly thank the tribe for the donation.

Council Member Nye made the MOTION, seconded by Council Member Lasker, to approve the MOU with the Yavapai-Prescott Indian Tribe and corresponding agreements, by electronic vote. MOTION carried with 5 ayes and 0 nays

- d. Approving the purchase of five new Mobile Data Computers in the amount of \$30,410.84 from Motorola through State contract pricing

Cmdr. Fessler stated the PVPD would like to purchase the mobile data computers funded in part by the prior agenda item (Yavapai-Prescott Indian Tribe), another grant and Yavapai RICO funds. None of the funds will come out of budgetary items.

Council Member Lasker made the MOTION, seconded by Vice Mayor Anderson, to approve the described purchase of Mobile Data Computers in the proposed amounts, by electronic vote. MOTION carried with 5 ayes and 0 nays

- e. Consideration of accepting renewal of a Governor's Office of Children, Youth and Families STOP Violence Against Women grant requiring matching funds in the amount of \$44,353

STOP stands for Services, Training, Officers and Prosecutors. In 2009, the PVPD received a grant amounting to \$139,140.00 which allowed them to start their STOP program. In 2010, PVPD received an extension of that contract for the second year. On December 17, 2010, the PVPD received notification of a possible extension of the contract for a third year. They have received another \$177,412 for which they now ask for acceptance of these funds. Cmdr. Fessler stated that most of the matching fund expenditures are in kind expenditures (time and office supplies). The budgetary expenses have been minimal.

Council Member Nye made the MOTION, seconded by Council Member Flannery, to approve Amendment #2 to the Sub-grantee Agreement for the grant renewal, including the 25% matching Town expenditures, by electronic vote. MOTION carried with 5 ayes and 0 nays

9. COMMENTS FROM THE PUBLIC

Cliff Branch said it was brought to his attention by one of his retail people that there is an issue between the City of Prescott and Town of Prescott Valley. Our image is not that good. We have the most unusual welcome signs coming into our town from all directions. We have speed traps at every entrance to town - this is not friendly. Senior citizens don't like them. Prescott customers coming here see a speed trap with a photo radar SUV a short distance down the road. He has been observing how many officers travel SR 69 (Police Departments, Sheriffs Officers, and Highway Patrol) and questioned how necessary these speed traps are. We are starting to turn into a ghost town with all the empty buildings. No matter what people do they have to go through a speed trap to get here. That is not friendly. He doesn't think we need them. Why do we have them coming in as welcome signs? Prescott doesn't. We have a problem. We have added three more lights and that's not friendly either. There are alternative routes around our town either on 89A or Fain Road. We need to work on getting the people here instead of insulting them. It doesn't make sense to him. Image means a lot.

10. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03 (a)(3) & (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 Negotiations

Council Member Nye made the MOTION, seconded by Council Member Lasker, to convene into executive session, by electronic vote. MOTION carried with 5 ayes and 0 nays

11. *[Recess into Executive Session]*

Mayor Skoog recessed the regular session at 6:58 p.m.

12. *[Reconvene into Regular Session]*

Mayor Skoog reconvened the meeting at 7:45 p.m.

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

No action was taken.

*14. ADJOURNMENT*

Vice Mayor Anderson made the MOTION, seconded by Council member Nye, to adjourn the meeting, by roll call vote. MOTION carried UNANIMOUSLY. Mayor Skoog adjourned the meeting at approximately 7:45 p.m.

ATTEST:

APPROVED:

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Diane Russell, Town Clerk

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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, January 27, 2011.

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

Dated this 1<sup>st</sup> day of February, 2011

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Diane Russell, Town Clerk