

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
July 22, 2010**

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

1. CALL TO ORDER

2. INVOCATION

Reverend Julia McKenna Johnson of *Each One Reach One Aloha Ministries* gave the invocation after which she led in the Pledge of Allegiance which was said in unison.

3. PLEDGE OF ALLEGIANCE

Mayor Skoog presented Reverend McKenna Johnson with a Certificate of Appreciation for providing the invocation to the Town of Prescott Valley.

4. ROLL CALL

Present: Mayor Skoog, Vice Mayor Anderson, Council member Flannery, Council member Lasker, Council member Nye, Council member Schumacher, Council member Wise

5. CERTIFICATES

a. *Certificate of appreciation to Judy Stanley for 15 years of service*

June Catanzarite read the accolades submitted by the Community Development Department in recognition of Judy Stanley's 15 years of service to the Town of Prescott Valley after which Mayor Skoog presented her with a plaque, charm and bond. Community Development Director Richard Parker added his words of praise for Judy's efforts and accomplishments. Judy commented that the time has passed quickly and she is happy to be here. Council members Flannery and Nye thanked her for her service in the Community Development Department and on the Personnel Board.

b. *Certificate of appreciation to Jeanette Starr for 5 years of service*

June Catanzarite read the accolades submitted by the Public Works Department in recognition of Jeanette Starr's 5 years of service to the Town of Prescott Valley after which Mayor Skoog presented her with a Certificate of Appreciation and charm. Jeanette expressed her thanks to the Council.

6. *COMMENTS/COMMUNICATIONS*

Council member Nye commented about the fun events held in the Hobby Show held at the Library this past Wednesday.

Council member Lasker reported that the Cocopai Council, encompassing Coconino and Yavapai County, that she is part of is not a very proactive group. She is not sure of the direction the Cocopai Council will take. They are going to try to develop some form of direction at the next meeting.

Mayor Skoog & Vice Mayor Anderson attended a conference on economics in Flagstaff yesterday. Arizona is poised to be one of the highest producers of the gross domestic product.

7. *CONSENT AGENDA*

a. *Approval of Minutes - July 8, 2010*

b. *Authorizing the Mayor sign Resolution No. 1711 allowing the listed employees to represent the Town of Prescott Valley in Small Claims Court*

c. *Approving a contract amendment with Asphalt Paving & Supply using additional grant funds in the amount of \$21,608.43 for the Viewpoint Drive Extension Project (CIP#S321)*

d. *Department Reports*

1. *Community Development*

2. *Library*

3. *Parks and Recreation*

4. *Police Department*

5. *Public Works*

6. *Town Clerk*

7. *Utilities*

e. *Monthly Financial Report*

f. *Council Investment Report*

g. *Approving Accounts Payable for June 16 thru June 29, 2010*

Council Member Schumacher made the MOTION, seconded by Council Member Nye, to approve the consent agenda as read, by electronic vote. MOTION carried with 7 ayes and 0 nays.

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

a. *Public Hearing Open Public Hearing Zoning Ordinance Amendment (ZOA10-001)  
Parking lane width Close Public Hearing*

Mayor Skoog opened the Public Hearing.

Community Development Director Richard Parker noted that Staff has requested that Town Code be modified to match the specifications in the Site Development Standards. This step is being considered a housekeeping effort to eliminate any discrepancies between the two standards. This has been considered and approved by the Planning and Zoning Commission and forwarded with the recommendation for approval by Council. No opposition has been received about this proposal. The standard will not be retroactive.

Mr. Ron Fain questioned what the discrepancy was. Mr. Parker replied that the standard width is 20 feet (in Town Code) versus the proposed 24 feet width.

Mayor Skoog closed the Public Hearing as no other comments were forthcoming.

b. *Consideration of approving the first reading of Ordinance No. 748 by title only, approving Zoning Ordinance Amendment ZOA10-001*

Council Member Wise made the MOTION, seconded by Vice Mayor Anderson, to approve the first reading of **Ordinance No. 748** by title only, approving Zoning Ordinance Amendment ZOA10-001 by electronic vote. MOTION carried with 7 ayes and 0 nays.

June Catanzarite read **Ordinance No. 748** by title only for the first of two readings.

c. Public Hearing Open Public Hearing Zoning Ordinance Amendment (ZOA10-002) dispensing of propane and other fuels from above ground tanks Close Public Hearing

Mayor Skoog opened the Public Hearing.

Community Development Director Richard Parker noted that the proposed amendment to Town Code would permit the dispensing of fuels as a matter of right for above ground tanks in a general commercial use district. Central Yavapai Fire District, with whom the Town works closely, has stringent requirements that they adhere to for the storage of fuels above ground. This amendment has been considered and approved by the Planning and Zoning Commission which unanimously approved it. This has been noticed and published. No opposition has been received about this proposal. Any site plans regarding this type of business will be reviewed by the Fire Marshall. Conditional Use Permits had been required in the past in C3 districts. Staff is trying to match the Town Code to the widely accepted current technology. Yavapai County took this step in 1995. This action will make it a permissible use for businesses within their zoning district and will therefore eliminate any enforcement action. In investigating this, Mr. Parker stated that the town is about 15 years behind the times. This is another instance of the town trying to update the code.

Mayor Skoog closed the Public Hearing as no further comments were forthcoming.

d. Consideration of approving the first reading of Ordinance No. 749 by title only, approving Zoning Ordinance Amendment ZOA10-002

Council Member Nye made the MOTION, seconded by Council Member Schumacher, to approve the first reading of **Ordinance No. 749** by title only, approving Zoning Ordinance Amendment ZOA10-002, by electronic vote. MOTION carried with 7 ayes and 0 nays.

June Catanzarite read **Ordinance No. 749** by title only, for the first of two readings.

e. Public Hearing Open Public Hearing Zoning Ordinance Amendment (ZOA10-003) pool enclosure height requirements Close Public Hearing

Mayor Skoog opened the Public Hearing.

Community Development Director Richard Parker noted that the proposed amendment to Town Code would change the code to read that a fence surrounding a pool of water must be no less than 5 feet in height instead of the current 6 foot requirement. Variances have been requested in the past by pool manufacturers, unsuccessfully, to install 5 foot fences. Denial of these requests results in friction. State law provides other means of securing pools, for example a pool cover. The Town elected not to adopt that standard for swimming pools or structures larger than 8 feet in diameter. After having looked at other jurisdictions, (Yavapai County

and City of Prescott) staff recommends a 5 foot fence height requirement. This proposed action has been considered and approved by the Planning and Zoning Commission and forwarded with a recommendation of approval by the Council. No opposition has been received regarding this proposal. Mr. Parker added that this amendment will not change the 2005 pool fencing standards in any other way beyond the fence height change. This standard is widely accepted and established in the State of Arizona with sufficient design measures to prevent someone getting over a fence and drowning.

Mayor Skoog closed the Public Hearing as no further comments were forthcoming.

*f. Consideration of approving the first reading of Ordinance No. 750 by title only, approving Zoning Ordinance Amendment ZOA10-003*

Council Member Wise made the MOTION, seconded by Council Member Lasker, to approve the first reading of **Ordinance No. 750** by title only, adopting Zoning Ordinance Amendment ZOA10-003, by electronic vote. MOTION carried with 7 ayes and 0 nays.

June Catanzarite read **Ordinance No. 750** by title only, for the first of two readings.

*g. Public Hearing Open Public Hearing Zoning Ordinance Amendment (ZOA10-004) preliminary development plans and final development plan submittal time frames Close Public Hearing*

Mayor Skoog opened the Public Hearing.

Community Development Director Richard Parker stated that this is another housekeeping proposal which will clarify submittal requirements specifically applying to the above mentioned plans. The proposal requires that plans etc. be submitted and scheduled at the next available meeting date, but no less than 30 days out. The corresponding time frame for the Planning and Zoning Commission review is 24 days. This has been considered and approved by the Planning and Zoning Commission which forwarded it to Council with a recommendation for approval of it. Mr. Parker thanked the Legal Department's Carol Cornell who has worked diligently on these proposals and in a very timely fashion.

Mayor Skoog closed the Public Hearing as no additional comments were forthcoming.

*h. Consideration of approving the first reading of Ordinance No. 751 by title only, approving Zoning Ordinance Amendment ZOA10-004*

Council Member Schumacher made the MOTION, seconded by Vice Mayor Anderson, to approve the first reading of **Ordinance No. 751** by title only, approving Zoning Ordinance Amendment ZOA10-004, by electronic vote. MOTION carried with 7 ayes and 0 nays.

June Catanzarite read **Ordinance No. 751** by title only, for the first of two readings.

i. Consideration of authorizing the Mayor to sign Resolution No. 1710 repealing General Orders 1/390 and 4/264.50 regarding enforcement of federal immigration law

Town Attorney Ivan Legler noted with the advent of SB 1070 certain existing PVPD General Orders need to be removed to protect the Town from potential litigation. There was a lot of activity today in Federal Court as Federal arguments were made against the constitutionality of SB 1070 – the immigration law. At the local level we are trying to stay abreast of what is happening and be prepared for whatever happens. We are one week away from the date this law goes into effect and trying to prepare for that. Essentially we worry about the provision that allows local individuals to sue us if they don't believe we are complying with the law effectively. Others are also ready to sue us if we do enforce the law and don't believe we have enforced it appropriately. We are just one of many communities concerned about how we are effectively going to “navigate those shoals”. If we have a policy in place that places restrictions on the enforcement of immigration law by our officers then we can be sued just for simply having that policy in place. The 2002 revision to the General Orders adopted a couple of General Orders that essentially urged PVPD officers not to take immigration laws into effect - the purpose being to ensure that we would not stop anyone who may be in the community illegally from contacting us as a victim. We are proposing the removal of those two provisions in the General Orders tonight. The training that has been provided by AZ POST is nearing completion of PVPD officers.

Council member Nye stated that we are being proactive instead having to be reactive to this. Council member Nye said this town feels strongly about providing services to everyone and will continue to provide services to the undocumented citizens. She asked how this information will be disseminated to the citizens and wondered how it will affect providing those services.

Mr. Legler said this action simply removes these two provisions from the General Orders, it does not add any. It just removes us from additional potential for being sued.

Council member Nye said she wanted to send a strong statement that we are concerned about all our community's residents and we will address all their safety concerns.

Council member Flannery emphasized that the outcome of the Federal Court's decision could be an injunction in totality, or in portions thereof. This action we are taking this evening is preventative in terms of any portion of totality or portion thereof of injunction.

Council member Lasker stated that Council member Flannery is right. In addition, regardless of the action taken tonight this resolution is not taking a stand one way or another on the SB1070 immigration issue. It is not a statement of pro or con about the issue.

Sgt. Bonney stated that their job is going to be the same - to provide the highest level of professionalism to enforce the law whether it stays as it is or not. As law enforcement officers, their job is to keep the peace. Only a handful of people remain who need the AZ POST provided training. They will continue to provide service to everyone regardless of which side of this particular law they are on.

Council Member Nye made the MOTION, seconded by Vice Mayor Anderson, to authorize the Mayor to sign **Resolution No. 1710** repealing General Orders 1/390 and 4/264.50 regarding enforcement of federal immigration law, by electronic vote. MOTION carried with 7 ayes and 0 nays

- j. Consideration of authorizing the Mayor to sign Resolution No. 1712 amending Resolution No. 1461 and extending the current suspension of Development Impact Fees on certain non-residential development to August 6, 2012

Deputy Town Manager Ryan Judy commented that the town has had impact fees in place since 1995 and updated them about every three years. The last revision was in 2006 when we opted to put a moratorium on commercial impact fees in order to encourage more commercial development in Prescott Valley. By doing so, we give up the one-time fees when the businesses are built, but on the other hand the Town gets an ongoing transaction privilege tax. It is important for us to be competitive with our neighboring communities for economic development purposes.

Town Attorney Ivan Legler commented that, along with the City of Prescott, we have been sued about the issue of commercial impact fees. The Central Homebuilders Association argues that we are violating the statute for which we are awaiting an answer from the Court of Appeals. Each time we extend this current suspension of commercial impact fees, we subject ourselves more to that lawsuit.

Mr. Judy added that there is a State moratorium on impact fees in effect until 2012.

Council Member Flannery made the MOTION, seconded by Council Member Nye, to authorize the Mayor to sign **Resolution No. 1712** amending Resolution No. 1461 and extending the current suspension of Development Impact Fees on certain non-residential development to August 6, 2012, by electronic vote. MOTION carried with 7 ayes and 0 nays

- k. Consideration of approving a budget transfer to allow library subscriptions in the periodical section

Library Director Stuart Mattson explained the transfer is needed as the subscription line item was inadvertently left out of the budget. The budget transfer would allow them to purchase the 80 periodicals normally carried by the library. Council member Flannery noted that they are robbing Peter to pay Paul.

Council Member Schumacher made the MOTION, seconded by Council Member Nye, to approve a budget transfer for the purchase of library subscriptions in the periodical section, by electronic vote. MOTION carried with 7 ayes and 0 nays.

*l. Consideration of approving a budget transfer to allow for the purchase of additional shelving in the library*

Library Director Stuart Mattson explained the transfer is needed as more shelving is needed in the new library due to the design and rearrangement of the books to different areas. Mr. Mattson explained where the additional shelving will be placed. The new shelving will also accommodate additional library material purchases in the new fiscal year. The Arizona State Contract being used guarantees the lowest price available due to bulk purchasing opportunities.

Ted Johnson noted an increase of 64 percent in patron registration over last year and a 36 percent increase in door count. There has also been a 59 percent increase in circulation of teen materials. The programs and events are bringing the young people in.

Council Member Nye made the MOTION, seconded by Council Member Schumacher, to approve a budget transfer to allow for the purchase of additional shelving in the library, by electronic vote. MOTION carried with 7 ayes and 0 nays

*m. Consideration of approving amending the Owner Occupied Housing Rehabilitation Program Guidelines to lower the minimal threshold from \$7,500 down to \$2,500*

Planner Ruth Mayday explained the needs that can be met by lowering the minimum threshold. She used the example of the elderly and widows with failing heating and water systems who are falling through the cracks as a replacement water heater does not meet the \$7,500 threshold.

Council member Nye stated it is important that we maximize those dollars so we can help as many people as possible. Council member Wise added that this is an important program that is really needed. Reducing the threshold will help a lot of people. Council member Lasker concurred.

Council Member Wise made the MOTION, seconded by Council Member Lasker, to approve amending the Owner Occupied Housing Rehabilitation Program Guidelines to lower the minimum threshold from \$7,500 down to \$2,500, by electronic vote. MOTION carried with 7 ayes and 0 nays

n. Consideration of adopting a Notice of Intention to make proposed revisions to Town utility rates, fees and charges and to set a public hearing for the September 23, 2010 Council meeting

Management Services Director Bill Kauppi stated that with Council's approval staff will file a Notice of Intent for the proposed revisions to the water and sewer rates, fees and charges. The rate study will be available at the Town Clerk and Town Manager's offices on Monday and on the website. Staff is recommending a September 23, 2010 public hearing date. At that time the increase will go into effect 30 days after that (November 1, 2010).

This change will affect the Municipal Water users north of Hwy 89A with their rates going up by 9 percent. The Wastewater rates will go up 4 percent. A correction was made in the Notice of Intent on page 3 changing the year to "2010" from 2009. Another correction was made on page 4 which states "public comment". This was removed as there are no public comments at this time.

Mr. Kauppi noted that after the Water District was dissolved three years ago, there was a difference between the rates of that system and the Municipal System. The Town is trying to equalize the two systems into one rate.

PUBLIC COMMENT: Karen Hunt wondered why we need the rate increase when we have surplus funds available.

Mr. Kauppi responded with an explanation based on two components - the Financial Plan and Bond Covenants. The Financial Plan takes into consideration the money in our reserves. The other component, Bond Covenants, does not take cash on hand into consideration. Operating Revenues have to cover Operating Expenditures and the excess has to be sufficient to cover debt services at a 1:3 rate of revenues over expenditures. Mr. Kauppi offered to meet with Ms. Hunt to address any additional concerns she may have.

Council Member Flannery made the MOTION, seconded by Council Member Nye, to adopt a Notice of Intention to make proposed revisions to Town utility rates, fees and charges and to set a public hearing for the September 23, 2010 Council meeting, by electronic vote. MOTION carried with 7 ayes and 0 nays.

9. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

10. ADJOURNMENT

Council Member Wise made the MOTION, seconded by Council Member Lasker, to adjourn the meeting, by electronic vote. MOTION carried with 7 ayes and 0 nays.

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, July 22, 2010.

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

Dated this July 26, 2010.

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Diane Russell, Town Clerk