

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
March 14, 2013**

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

1. CALL TO ORDER

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

2. INVOCATION - PASTOR HOBBY WILES, ROBERT ROAD BAPTIST CHURCH

Pastor Wiles gave the Invocation.

3. PLEDGE OF ALLEGIANCE

Council member Anderson led in the recitation of the Pledge of Allegiance.

4. ROLL CALL

Present: Vice Mayor Tjiema, Council Member Nye, Council Member Anderson, and Council Member Whiting.

Absent: Mayor Skoog, Council Member Lasker, and Council Member Mallory.

5. CERTIFICATES

a. Certificate of Appreciation to Paula Ogren for 5 years of service

Town Clerk Diane Russell read the accolades submitted about Paula Ogren after which HR Director Karen Smith and Executive Assistant Lea Duke commented how delightful and cheerful Paula is to work with. They enjoy their time with her and are thankful to have Paula. Karen does 'a dance of joy' every afternoon because Paula is so willing to assist with everything. Paula thanked everybody stating that it has been a pleasure to work with them and the 'Magnificent 7' and the '3 Amigos'. Mr. Tarkowski and the Mayor are really good leaders. Prescott Valley is just good home town people.

Council members commented about how much they enjoy her warm personality and smiling face and thanked her for her five years of service.

b. Citizens Academy Graduation

Deputy Town Manager Ryan Judy commented that this program was started back in 2006 as a way to reach out to our citizens and connect better with them. Tonight's graduation is the 15th class with 32 graduates – the 2nd largest class to date. So far 380 people have graduated through the program and 27 of those graduates either currently do or have served on boards, commissions. Three graduates currently serve on council. Each graduate was called forward to receive their certificate of graduation.

Vice Mayor Tjiema called a brief recess for refreshments with the graduates.

Vice Mayor Tjiema reconvened the meeting.

6. PROCLAMATIONS

a. Arizona Gives Day

- a. Town Clerk Diane Russell read the proclamation after which it was presented to Tina Blake, West Yavapai Guidance Clinic Foundation; Greg Hull, Prescott Alternative Transportation; Kritina Mohr and Ginny Reeves, PV Police Foundation; and Gail Kenny, Coalition for Compassion and Justice. Blake and Hull said there are over 60 non profits in Yavapai County and 800 registered non profits in the State of Arizona in the program funding everything from animals to environment, to mental health to alternative transportation and more. There are a lot of opportunities to volunteer and support your local non profits in your community. There are corporate backers for the program as well.
- b. Council member Nye commented that the statue The Not So Gentle Tamer Centennial Statue is under the Prescott Community Art Trust so art, children, adults whatever the need is Arizona Gives is providing the opportunity for all of us to make them viable and provide these needed services for our community.

7. COMMENTS/COMMUNICATIONS

- a. Economic Development Manager Greg Fister introduced and played the 5-minute video Today in America narrated by Terry Bradshaw focusing on Prescott Valley. It will be linked to the Chamber of Commerce, Prescott Valley website, Prescott Valley Economic Foundation and social media sites. DVDs will also be produced for distribution to the realtors both commercial and residential.
- b. Brian Witty announced that the Eggstravaganza and Family Arts Festival will be held on Saturday March 23 starting at 10:00 a.m. For more information call 759-3090.

8. CONSENT AGENDA

- a. *Approval of Minutes of February 28 Council meeting & March 7 Work Study*
- b. *Approving an Employment Contract with Albert T. Wood to serve a two (2) year contracted*

period (at the discretion of the Town Council) as Administrative Hearing Officer

- c. Approving the fireworks display contract with Reyman Pyrotechniques /Any Pyro for the 4th of July celebration for a total of \$25,000.00*
- d. Approving Accounts Payable for February 16 thru 28, 2013*

Council Member Nye made the MOTION, seconded by Council Member Anderson, to approve all items listed on the consent agenda, by electronic vote. MOTION carried with 4 ayes and 0 nays.

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

- a. Consideration of appointing Janet Uderjohn to the Arts and Culture Commission to a term with a renewal date of June 30, 2015*

Council member Nye said Janet volunteers in many areas already and is willing to serve on this commission. Council commented she brings wonderful qualities to the community.

Janet thanked council for putting their faith and trust in her.

Council Member Whiting made the MOTION, seconded by Council Member Nye, to appoint Janet Uderjohn to the Arts and Culture Commission to a term with a renewal date of June 30, 2015, by electronic vote. MOTION carried with 4 ayes and 0 nays.

- b. Consideration of appointing Arda Rutherford to the Board of Adjustments to a term with a renewal date of January 31, 2014*

Vice Mayor Tjiema said this is a case of another quality citizen stepping forward to serve the town. She is very well educated and a delight to interview. Council member Nye commented that Arda is active and wants to serve and make a difference to our town.

Council Member Anderson made the MOTION, seconded by Council Member Whiting, to appoint Arda Rutherford to the Board of Adjustments to a term with a renewal date of January 31, 2014, by electronic vote. MOTION carried with 4 ayes and 0 nays.

- c. Consideration of appointing George Stegmeir to a term expiring October 31, 2013 on the Planning and Zoning Commission*

This item was tabled by Vice Mayor Tjiema due to technical difficulties in this appointment.

- d. Consideration of appointing Janet Lamb to the Personnel Board to a term with a renewal date of April 25, 2014*

Vice Mayor Tjiema commented that Janet was a delight to interview. Council member Nye commented that she was impressed with Janet's background, skills and humor. Janet has over 20 years of experience in human resources.

Janet commented that she looks forward to the opportunity to bring some humor and stated that in human resources/personnel you don't always see the good parts so you have to bring some humor with you.

Council Member Whiting made the MOTION, seconded by Council Member Anderson, to appoint Janet Lamb to the Personnel Board to a term with a renewal date of April 25, 2014, by electronic vote. MOTION carried with 4 ayes and 0 nays.

- e. Consideration of authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1819 declaring the document "Amendments to Article 13-19 and Chapter 14 of the Town Code" to be a public record for adoption by reference

Community Development Director Richard Parker said this item has been through the Planning and Zoning Commission and has two parts. One part is amendments to Article 13-19 PAD (Planned Area Development) which are intended to provide clarification of the intent of the PAD zoning district and to provide flexibility in design, density and development requirements while not adversely affecting the intent and purpose of the General Plan. A new Section 13-19-080 has been added to provide for Administrative PAD Amendments for minor extensions, alterations or modifications to a plan as often times it is arduous to try to resolve those issues and make sure they are publicly disclosed.

The second purpose of the proposed amendments to Chapter 14 Subdivisions is to update requirements for submittal of Subdivision materials, to eliminate the definition of a Marginal Access Road (as recommended by the Town Engineer), and to correct a previous error regarding the length of a cul-de-sac. Staff suggests that the proposed amendments will make Article 13-19 and Chapter 14 more effective in implementing the Town Code in conformance with approved *General Plan 2025*. Com Dev proposes to move away from vellums and mylars and move toward electronic format to archive those things.

These items were first scheduled for a public hearing at the December 10, 2012 Planning Commission meeting. Due to concerns that some Commissioner's had, ZOA12-003 and ZOA12-004 were deferred to a future Planning Commission agenda. ZOA12-003 and ZOA12-004 were scheduled for work-study discussion and public hearings at the January 14, 2013 meeting. Based on the work-study discussion, the Commission voted unanimously to set a separate work-study to further discuss ZOA12-003 and ZOA12-004 before being scheduled for reconsideration on an upcoming Planning Commission agenda. A work-study session was held on January 28, 2013 to further discuss ZOA12-003 and ZOA12-004. ZOA12-003 and ZOA12-004 were again scheduled for public hearings at the February 11, 2013 meeting. ZOA12-003 was approved by a 4:1 vote to forward to the Town. One commission member still had concerns, but the rest of the commission members saw value in approving this amendment to make things smoother and make it a public process where the outcome is something that is documented to not damage future title actions.

Nye asked what the primary concern was to the planning and zoning commission that they had to meet about this three separate times to work through. Parker responded that the concern was by one member who wanted a better understanding of the detail with the development review process in thinking that it was vague. Parker said it is not vague because lots of components of town code apply. Parker provided an example of what would create flexibility in a design. Vice Mayor commented that the professionalism between the different departments and department heads do help those who want to come and build here as we have a more streamlined understandable process.

Council Member Whiting made the MOTION, seconded by Council Member Anderson, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1819 declaring the document Amendments to Article 13-19 and Chapter 14 of the Town Code to be a public record for adoption by reference, by electronic vote. MOTION carried with 4 ayes and 0 nays.

f. Consideration of approving the first reading of Ordinance No. 772 by title only on two separate occasions, and then place the same on final passage, adopting by reference Zoning Ordinance Amendments (ZOA12-003) Article 13-19 and (ZOA12-004) Chapter 14

Town Clerk Diane Russell read Ordinance No. 772 for the first reading.

g. Consideration of authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1827 adopting and approving a Final Development Plan (FDP 13-004) for the Goodwill retail store and any agreement under Proposition 207

Planner Ruth Mayday said the Goodwill Store will be located between K-Mart and the Safeway complex located south of Florentine Road, East of Windsong Road, north of State Route 69, and east of Lake Valley Road.

The plan as submitted calls for the immediate development of a 28,000 square foot retail building that will house a Goodwill retail store, as well as 273 parking stalls. Future development includes 7,450 square feet of additional retail/office space abutting the east side of the Goodwill store, and an additional building approximately 1,800 square feet in size on an outlot located near the southeast corner of the subject parcel. Ruth showed slides of a similar store to the one that will be built here.

Jeff Wasowicz with Fain Signature Group and Scott Puente architect with Archicon were introduced. Scott commented that they typically locate Goodwill stores in the vicinity of a grocery store or a K-mart as an anchor store and in locations with plenty of parking and high visibility. This building will have lots of square footage and is bigger than the store across from the Gateway Mall in Prescott. This is a new prototype store with plenty of employment opportunities. They do in-store training helping people get back into the workforce. Scott stated that the drop-off of goods will be under a covered canopy reducing visibility to passing traffic. An attendant will be there to assist with the drop-off process. This operation is more sophisticated. There will not be any remote drop off boxes. The store itself will feature lines and colors similar to other existing town structures.

Council Member Anderson made the MOTION, seconded by Council Member Nye, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1827 adopting and approving a Final Development Plan (FDP 13-004) for the Goodwill retail store and any agreement under Proposition 207, by electronic vote. MOTION carried with 4 ayes and 0 nays.

- h. Consideration of awarding a construction contract to the lowest responsive bidder, Earth Resources Corporation, in an amount up to \$589,808.65 for the Viewpoint Dr. at Long Look Drive Intersection Improvements, CIP # S168.1 and approve the amendment to the engineering agreement for Dava & Associates in an amount of \$51,080 for construction administration services*

Public Work Director Norm Davis commented that the Viewpoint Dr. connector is a multi-year street capital improvement project funded by the 1/3 cent Streets Improvement Fund to ultimately provide Viewpoint Dr. connectivity between the Civic Center and SR 89A. Phase I includes intersection improvements at the Viewpoint/Long Look intersection eliminating the dog leg for traffic traveling north/south on Viewpoint Dr. Roadway intersection improvements generally consist of underground storm drain, underground utility relocations, lane widening, curb/gutter, and sidewalk improvements. Engineering design services and construction administration services are provided by Dava & Associates requiring the approval of the requested engineering agreement amendment to their contract.

Council member Whiting commented that this improvement will make travel safer through this intersection. The town is fortunate to get a really good bid for expenses and resources that we will have to be invested in the project. Council member Nye pointed out that this is a pay-as-you-go project which said is significant.

Council Member Whiting made the MOTION, seconded by Council Member Anderson, to award a construction contract to the lowest responsive bidder, Earth Resources Corporation, in an amount up to \$589,808.65 for the Viewpoint Dr. at Long Look Dr. Intersection Improvements, CIP# S168.1 and approve the amendment to the engineering agreement for Dava & Associates in an amount of \$51,080 for construction administration services by electronic vote. MOTION carried with 4 ayes and 0 nays.

- i. Consideration of approving an Intergovernmental Agreement for the Creation and Participation in the Yavapai County Child Abduction Response Team (YCART)*

Cmdr. Art Askew commented that children are the most important resource in our community. Law Enforcement Agencies throughout Yavapai County are forming the Yavapai Child Abduction Response Team (YCART). The purpose is to provide a pool of specialized investigators that are available to focus dedicated and intensive investigative, preventative and general law enforcement efforts primarily with regard to cases involving abducted children. By creating the YCART, agencies will have a readily accessible team to activate to assist in the investigation in the event that any of the above listed events occur in their jurisdiction. Several of Prescott Valley's officers and detectives are already trained. The team responded to a call for assistance for a missing five-year old child up in Seligman a few months back.

Cmdr. Askew responded to council that he was not aware of any electronic signage that would be used for these alerts along the highways as are utilized in the larger municipalities. We are in the infancy stages of formation. We assume all liability for our personnel as do the other agencies for their personnel. Town Attorney Ivan Legler added that it is the standard language that we have in our IGAs.

Council Member Nye made the MOTION, seconded by Council Member Whiting, to approve an IGA with Law Enforcement Agencies throughout Yavapai County, by electronic vote. MOTION carried with 4 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

Marty Grossman reminded everyone about the Salute to Heroes event to be held on March 23 from noon to 5:00 p.m. with many displays and demonstrations, food and entertainment. This is a family oriented function which will benefit the *100 club of Arizona* for family of officers injured or killed in the line of duty. The Prescott VA hospital will also receive funds. Call (928) 759-6600 for more information. This event is sponsored by the Sundogs Hockey Team, the last game of the hockey season.

*11. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03(A)(3) 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: * ADEQ Settlement*

Council Member Nye made the MOTION, seconded by Council Member Whiting, to approve convening into executive session at 6:58 p.m. to discuss the ADEQ Settlement, by electronic vote. MOTION carried with 4 ayes and 0 nays.

12. [Recess into Executive Session]

Council recessed at 7:02 p.m.

13. [Reconvene into Regular Session]

Council reconvened into regular session at 7:40 p.m.

14. ACTION (IF ANY) RELATED TO EXECUTIVE SESSION ITEMS

No action was taken.

15. ADJOURNMENT

Council member Whiting made the MOTION, seconded by Council member Nye, to adjourn the meeting. MOTION carried with 4 ayes and 0 nays. Vice Mayor Tjiema adjourned the meeting at 7:43 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, March 14, 2013.

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

Dated this March 18, 2013

Diane Russell, Town Clerk