

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
November 7, 2013**

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 Kurt Eikenberry, Faith Baptist Church

Pastor Eikenberry gave the Invocation.

3. PLEDGE OF ALLEGIANCE

Council member Marshall led in the recitation of the Pledge of Allegiance which was said in unison.

4. ROLL CALL

Present: Council Member Grossman, Mayor Skoog, Council Member Marshall, Council Member Mallory, Vice Mayor Nye, Council Member Anderson, and Council Member Whiting.

5. MAYOR'S RECOGNITION AWARD

a. *Rosanna Feyerabend*

Town Clerk Diane Russell read the proclamation after which Mayor Skoog and Vice Mayor Nye presented the Mayor's Recognition Award to Rosanna Feyerabend. Rosanna has been the catalyst in bringing about many functions which celebrate the Hispanic Culture in Yavapai County as Publisher of the Alianza Spanish weekly publication. As a result, the Hispanic citizenry are better informed, willing and able to become effective resources and active citizens and leaders in the community.

Council thanked her for enriching the community with her contribution. An enlightened and informed community is a much better community for everybody.

Rosanna expressed her appreciation to the Town of Prescott Valley for the nice recognition. Alianza, for her is not a job, but an issue providing a unique perspective. Mr. Bill Feyerabend said Rosanna's work shows the quality and fine work ethic that you can find scattered around

the world with different cultures. Rosanna exemplifies what is the best you want to look for in a person and that you want in your community.

6. PROCLAMATIONS

a. National American Indian Heritage Month

Town Clerk Diane Russell read the proclamation urging all citizens to observe the month of November with appropriate American Indian programs, ceremonies and activities after which it was presented by Mayor Skoog and Vice Mayor Nye to Roslyn Reed and Linda Scebeck.

Ms. Reed, Past Regent of the Yavapai Chapter of the Daughters of the American Revolution, thanked council for acknowledging the proclamation. Ms. Scebeck, Recording Secretary of the Yavapai Chapter, introduced herself.

Vice Mayor Nye thanked the ladies for being here this evening and wished them well in achieving the goals that they work so hard for. Mayor Skoog stated that we appreciate our Native Americans. They are a great people.

7. COMMENTS/COMMUNICATIONS

1. Community Development Director Richard Parker introduced the new Community Development Department Planner Carmen Ogden, from Jerome, who will also be administering the Housing Rehab program for the Town. Carmen commented that she is really excited to be here and be a part of a well-organized and dynamic team in the Community Development department.
2. Council member Anderson announced there will be a Veterans parade around the Prescott court house square (held there for the first time) Monday morning starting with a fly over at 11:11 a.m. In the past, the parade has been held at the VA Hospital.

8. CONSENT AGENDA

- a. *Approving the October 17 Work Study & October 24, 2013 Regular and Executive Session meeting minutes*
- b. *Approving a Series 4 Wholesaler Liquor License Application for Acquisition of Control for Hensley & Company located at 10201 East Valley Road, Robert Michael Delgado, Agent*
- c. *Approving the Public Works purchase of one 2014 1/2 ton Pickup Truck in an amount of \$19,918.01 under State Contract from Sanderson Ford of Glendale*
- d. *Approving the purchase of a PVPD Animal Control vehicle in the amount of \$28,084.50*

- e. *Approving Reversionary Plat (RP13-002) to combine Prescott Valley Unit 14, Lot 3972 (103-31-004) and Prescott Valley Unit 7, Lots 2236, 2237 & 2238 (103-26-484A) into a new larger Lot 2236A as requested by Miguel Olvera Bautista*
- f. *Approving the contract amendment with Earth Resources Corporation in an additional amount of \$43,774.08 for the Loos Drive Widening Project Phases 2 & 3, from Robert Road to Ranger Road, CIP # S339.2, S339.3 (CDBG)*
- g. *Approving the purchase of software and upgraded licensing related to the Wastewater Treatment Plant SCADA system per the attached Wonderware West quote in the amount of \$26,530.76*
- h. *Approving Accounts Payable for October 1 thru 28, 2013*

Council Member Mallory made the MOTION, seconded by Council Member Marshall to approve all items listed on the consent agenda, by electronic vote. MOTION carried with 7 ayes and 0 nays.

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

- a. *Consideration of re-appointing Sally Landes to the Municipal Property Corporation Board of Directors to a term with a renewal date of November 18, 2016*

Vice Mayor Nye stated that on November 18, 2013 Sally Landes' term on the Municipal Property Corporation will come up for renewal. She submitted the renewal application letter requesting to be reappointed. Sally Landes was first appointed to a partial term on the Municipal Property Corporation Board of Directors in October 2011 to replace Marcy Pfitzer who resigned. This re-appointment will be Sally Landes' 2<sup>nd</sup> consecutive term. Nye added that without all of the volunteers who are willing to serve on the various boards and commissions we couldn't complete the business of the community. They are thanked for their service.

Ms. Landes said it is her privilege and honor to serve the Town of Prescott Valley. Council members Anderson and Mallory agreed that we have great people in Prescott Valley who are willing to step forward and serve this great community and thanked them for their service. We are able to reach out and do a lot of great things with all us working together.

Council Member Marshall made the MOTION, seconded by Council Member Mallory, to re-appoint Sally Landes to the Municipal Property Corporation Board of Directors to a term with a renewal date of November 18, 2016, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- b. *Public Hearing Open Public Hearing - Zoning Map Change (ZMC13-002) - Sungate Senior Community III Close Public Hearing*

Mayor Skoog opened the public hearing.

Community Development Director Richard Parker stated that this is another fine project by WESCAP. Most of the central areas indicated on the map have been built and fully occupied with a five-year waiting list to get into them. The eastern extent of the properties was acquired by WESCAP (2.2 acres) with a proposal to occupy that property with 66 senior living apartments as an addition to the SunGate Senior Community.

View Point Senior Community Phase II is not yet built and since approval, the developer (WESCAP) wanted to increase the number of units from the original fifty-two (52) to fifty-eight (58) units, and create more one-bedroom units to meet market demands. To accomplish an increase in the number of units, staff suggested that SunGate Villa Senior Community Phases I and II along with View Point Senior Community Phases I and II be looked at as a unified development project subject to a new Final Development Plan under Article 13-19. By combining all these projects into one comprehensive project, it brings the total proposed number of units to 292 which is 18.3 units per acre. This is very consistent with what has been done in the past along Windsong. The public hearing was published and posted, a neighborhood meeting was held Wednesday, September 25, 2013 at 5:30 p.m. with all property owners within one thousand (1000) feet having been invited. It was reported that no one showed up for the meeting.

The Planning and Zoning Commission recommended approval of ZMC13-002 (with conditions) and approved Preliminary Development Plan, PDP13-002 (See Ordinance Exhibit "B") at its October 14, 2013 meeting to the entire 15.5 acres. The applicant conducted a Neighborhood Meeting on May 1, 2013 and noticed property owners within a one thousand (1,000) foot radius. It was reported that no one showed up for the meeting.

Mr. Bill Spreitzer, WESCAP Investments, Inc., said this last acquisition is important to them because it allows them to build out the last two phases of the senior campus over the next 3-5 years. They rely very heavily on AZ Department of Housing funding which is a very competitive arena. Each year the Department of Housing comes up with a plan for the state which has been skewed the last few years toward the metropolitan areas, especially Phoenix. While WESCAP is ready to move forward here, they have to wait for the DOH that would allow them to do so. They began planning the first phase, consisting of 224 units, in 2004 which was built in 2009. Mr. Spreitzer added that they have enjoyed a great relationship with the town staff and thanked council for the support over the years.

Vice Mayor Nye, Council member Mallory commented what a great benefit and need this housing is filling for the seniors in the community. Council member Whiting said it is an asset and perfect resource for the seniors and our community.

Com Dev Director Richard Parker said they will be talking with the legislators about the skew in ADOH planning during our legislative session and remind them of the benefit to our communities these projects are.

Mayor Skoog closed the public hearing.

- c. Consideration of reading Ordinance No. 781 by title only on two separate occasions, and then place the same on final passage regarding Zoning Map Change (ZMC13-002) - Sungate Senior Community III

Council Member Mallory made the MOTION, seconded by Council Member Marshall, to read Ordinance No. 781 by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 781 by title only for the first reading.

- d. Consideration of reading Ordinance No. 780 by title only on two separate occasions, and then place the same on final passage amending Section 13-27-060 " Fees and Charges" in Article 13-27 "ENFORCEMENT" in Chapter 13 "ZONING" of the Town Code to revise certain fees to more closely correspond to current costs of providing copies of the current General Plan 2025

Community Development Director Richard Parker stated that the *General Plan 2025* is available free on the Town's webpage or on paper for \$60.00. Even with efforts to reduce the production cost, the document still costs \$60 plus to produce. To recoup some of those charges for production of the document they propose that a fee of \$35.00 be charged for a hard copy and \$3.50 for a CD.

Council member Anderson clarified that this is just to recover costs not a punitive action. The document is also accessible through use of the Library computers free of charge. The library also has hard copies for viewing. Copies are also available on loan from Community Development at no charge. Specific sections can also be printed out or purchased.

Council Member Grossman made the MOTION, seconded by Council Member Anderson, to read Ordinance No. 780 by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk Diane Russell read the ordinance by title only for the first reading.

- e. Consideration of authorizing the to sign Resolution No. 1854 declaring the document "Article 10-05 Alarm Systems" to be a public record for adoption by reference

Interim Police Chief Edelstein stated that the PVPD responded to 1,200 alarm calls, each involving 2 officers and a dispatcher, and a trip to the site. More than 99 percent of these calls do not involve criminal acts and cost the taxpayers approximately \$62,640 plus 620 man hours annually. Currently, Town Code provides a criminal penalty after more than two false alarms in the same month of \$8.00. The fine increases to a maximum of \$25.00 if the incidents are repeated often enough in the same month. This code is not used by the agency because our prosecutor and Judge find it difficult to assign criminal liability to someone who may not be the individual responsible for the alarm. This proposed code would allow for a civil assessment for those individuals who have repeated false alarms. The new Town Code would provide for outsourcing enforcement of new the Town Code with a 30-day grace period to require

registration by only those alarm users that have false alarms, assessments for the second false alarm within a 365 day period, an opportunity for waiver of the first assessment upon completion of a false alarm education class each 365 day period, collections for unpaid assessments and registrations, and a process for appeal of the assessments. The point is to recover the costs of these false alarms and take advantage of an educational opportunity to reduce these occurrences. Safeguards are built into the code to allow for 'reasonable excuses' for a false alarm, they can appeal that to the Town Alarm Administrator at which point the fee could be waived.

Council member Mallory commented that she did not realize how costly it was in time and money. Council member Whiting asked for confirmation that escalating fees would not be included, just cost recovery only. He likes the on-line educational approach to educate the property owners. Council member Grossman reiterated that every false alarm would have two opportunities to correct it before the property owner is penalized. First time false alarms can attend an educational workshop in an effort to reduce these instances. Edelstein added that the Police Department will not be involved in any way in the collection of the assessments. Vice Mayor Nye thanked staff for the thoughtfulness behind this proposal. She hopes that the citizens will make an effort to understand their alarm systems as she is sure that is part of the problem.

Council Member Marshall made the MOTION, seconded by Vice Mayor Nye, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1854 declaring the document "Article 10-05 Alarm Systems" to be a public record for adoption by reference, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- f. Consideration of authorizing the reading of Ordinance No. 779 by title only on two separate occasions, then place the same on final passage adopting new a Town Code Article 10-05 Alarm Systems which includes civil assessment for false alarms in the amount of \$52.00, a registration process for those who have false alarms, an educational opportunity that would allow users to avoid one assessment each 365 days, a requirement called enhanced verification whereby the alarm monitoring station must make two phone calls before contacting the Police Department, and allows for enforcement of the new Town Code through a third party vendor (no cost) with the appointment of an alarm coordinator who is an employee of the Police Department

Council Member Whiting made the MOTION, seconded by Council Member Grossman, to read Ordinance No. 779 by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 779 by title only for the first reading.

- g. Consideration of approving an Memorandum of Understanding providing that the Town will annex the lots and public right-of-way in Tapadero Domestic Wastewater Improvement District (Tapadero DWWID) but will leave the old sewer system to continue to be owned, managed and operated by the district until such time as funds are available to upgrade the infrastructure and decommission the package plant

Community Development Director Richard Parker stated that attorneys for the Town, Ivan Legler and the Tapadero Domestic Wastewater Improvement District, Robert Kozak, and Gordon Bowers (Dava and Associates) assisted in pulling this plan together. The Yavapai County Supervisors recognizing that this plant needed cleaning up, established the Tapadero Domestic Wastewater Improvement District, which then elected folks to work collectively on behalf of the property owners in the district to come up with a plan with the assistance of the District Engineer Gordon Bowers and Bob Kozak. The only solution arrived at is with the Town of Prescott Valley. However, the Town has had a long standing policy that the Town would only accept sewage from property owners within the Town limits. The District plans include installation of the extension of the sewer lines into the town's public infrastructure at their cost and also establish fee structures for the property owners to hookup to the town lines which would be paid directly to the town on a quarterly basis for a period of three (3) years so they do not have to pay all the money up front. The District Board in return will assist the Town in the annexation of these properties. A public hearing pertaining to that annexation is scheduled for the November 21<sup>st</sup> council meeting, as well as a portion of the Prescott Valley Country Club. Parker acknowledged the hard work of both attorneys and the district engineer.

Mr. Kozak said this failing plant has been a problem for about 25 years of its probable 40 years of existence. The District Board serves as volunteers, but the funding from this project comes from voluntary payments of the neighbors. There are not assessments, not bonds, etc. Monday's bid was enough to make the repairs. He thanked Town Attorney Ivan Legler and Gordon Bowers for their hard work on this. Gordon Bowers is looking at the bid to be sure that the 'T's are crossed and 'I's are dotted. He also thanked the council for their support with this project.

Council Nye commented that she is relieved we are at this point and commended them for their forbearance.

Council member Marshall asked if the whole process stops if the Tapadero area is not annexed. Town Manager Larry Tarkowski responded that Prescott Country Club would be forced to continue on with a substandard package plant and dealing with a lawsuit that has been started by the owner of the property that has the package plant on it and adjacent to it. It is a mess and has been. The majority of the houses in the country club are on septic tanks with very few hooked into the package plant. There is another package plant down there operated by the town homes who also want to get out of that business. We encourage that.

Mr. Kozak commented that the first article he read about this issue was in 1990, suggesting that the Tapadero plant be closed down and get onto the Prescott Valley line. Here we are 23 years later still working on it.

Council member Whiting said when he read the information it seemed like a never ending story with no solution in sight. He is glad to see that the town can assist, that the residents are behind this 100 percent and that the district will be seeing it though.

Vice Mayor Nye made the MOTION, seconded by Council Member Whiting, to approve the MOU between the Town of Prescott Valley and the Tapadero DWWID, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- h. For discussion only - consideration of constructing the North side sewer system trunk lines as an enticement for growth (North side refers to the commercially zoned properties north of Highway 89A, but south of the Viewpoint and Pronghorn Ranch Subdivisions)*

Utility Director Neil Wadsworth stated they are looking for direction from council regarding jump starting some commercial growth north of 89A by Viewpoint and Pronghorn Ranch subdivisions. That land is zoned as commercial property and a number of development agreements exist for that area. One of the main hindrances for developing that area is the wastewater collection system. Staff is proposing pipe coming from the east and then south tying in around Robert Rd where it meets Roundup. Dava & Associates worked up a set of plans, which are 99 percent complete, for the installation of that trunk line. Would Council like to consider moving forward with this project rather than putting it on the developers to pay for as it is fairly expensive? Existing development agreements don't discuss this as an option. Additional projects in that area will have to be done regardless of whether the north side sewer is put in or not. The twenty-five year master plan has identified some deficiencies in the system related to town growth which will need to be rectified. Some line up-sizing will have to take place within the next 1-3 years regardless of whether the Town moves forward with this project or not.

Vice Mayor Nye said that this is an opportunity to innovatively provide long awaited amenities to the residents in that area.

Wadsworth added that \$5 million in enterprise funds are available that could be used and reimbursed back to the account through by-in fees or however it is structured for that.

Council member Grossman inquired as to the types of businesses, if any, which are waiting to go in there. Town Manager Tarkowski responded that zoning is in place on some of the parcels. Frequently developers look at that land with the exception of the last five years during the recession. It will develop, but it is up to the private sector to do so. Interest has been expressed in local residential services including grocery stores etc. However, they are concerned about having the infrastructure in place to service any business they may put in. This action is not any different from what has been done in front of Quailwood Ranch and the Prescott Country Club subdivisions to allow commercial amenities. Repayment for the infrastructure will be a part of the deal. In addition, this has the ability to serve properties to the west of this area. We do not have that capacity right now and this will free it up. Tarkowski and Wadsworth would like construction to start July 1, 2014 with Council's approval.

Council member Mallory said those people want and need services out there, but she definitely wants the reimbursement point included in the paperwork to cover Town expenses for the infrastructure. Council member Anderson said years ago we made the decision to build north of 89A. We have the responsibility to ensure continued growth there by building the infrastructure that will be needed to continue the growth. The Town needs to provide those services to that area. We have the money set aside to do this. Council member Whiting concurred.

Wadsworth said they will finish the design work on this and come back to council.

10. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

11. ADJOURNMENT

Council Member Whiting made the MOTION, seconded by Council Member Anderson, to adjourn, by electronic vote. MOTION carried with 6 ayes and 1 nay. Council Member Mallory voted nay.

Mayor Skoog adjourned the meeting at 6:47 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, November 7, 2013.

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

Dated this November 8, 2013

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Diane Russell, Town Clerk