

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
February 13, 2014**

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 Hobby Wiles of the Robert Rd. Baptist Church gave the Invocation.

3. PLEDGE OF ALLEGIANCE

Council member Stephen Marshall led in the recitation of the Pledge of Allegiance.

4. ROLL CALL

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

Absent: Council Member Anderson.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. PVPD Lt. Wayne Nelson Retirement

PVPD Commander James Edelstein called Lt. Wayne Nelson and his family forward to be recognized for his nearly 25 year career now retiring from the PVPD. Lt. Nelson has received numerous awards, accolades, commendations over his career. Over the span of his career, Nelson spoke well of, and represented, his personnel while supporting the needs of the community and agency. Edelstein acknowledged Lt. Nelson's wife Christy, sons Andy and Jason and additional family and friends present. Edelstein thanked Nelson for his service, wished him well and the best in retirement. A Plaque of Appreciation for his years of service and dedication to the PVPD and Town of Prescott Valley 1989 – 2014 as well as a shadow box containing his stripes and badge.

Lt. Nelson spoke about what he has seen over his career and those who helped him get to where he is today. He thanked his wife, parents, father and mother-in-law and those who have impacted

him in such a positive way both in his career and personal life. Nelson received a standing ovation.

Christy Nelson expressed her thanks for Wayne's long career, saying Prescott Valley is a wonderful place to live.

b. Chamber of Commerce

Gloria Grose, Chamber Membership Director, introduced Elisa Olivier-Nielson representing EON (Expert One-stop Nutrition) who came forward to tell about the nutrition services they provide. She can be reached at 928-300-1542.

6. PROCLAMATIONS

a. Chamber of Commerce 40th Anniversary

Town Clerk Diane Russell read the Chamber of Commerce 40th Anniversary Proclamation. John Amos, CEO of YRMC, came forward stating he is proud to be a part of Marnie's team making this the place we call home. Gloria Grose started at the Chamber as a volunteer 7 years ago and worked her way up to a permanent position with the Chamber.

Vice Mayor Nye said the Chamber does the Town proud; they have made a difference and continue to do so. Council member Mallory knows they are a hard working group out there representing the Town everywhere. Council member Grossman said the Chamber Welcome Center is the heart of Prescott Valley. He has referred numerous people to the Center staffed with people who make such a great presentation to people visiting this area. Council member Whiting congratulated the Chamber and stated how much they appreciate their commitment, hard work and partnership. Council member Marshall extended his thanks for everything the Chamber is doing.

Town Manager Larry Tarkowski has worked with the Chamber 25 years. The Chamber has been a moving force behind the wonderful growth of this community. The Town contracts with the Chamber for business retention and expansion and putting on certain events which they have done seamlessly for 25 years. Without their work our Town would be a small shadow of itself. Our businesses are the heart of the economic engine of this community supporting its growth.

Marnie Uhl said it has been 8 years since she assumed the role of Executive Director. She commented that she has an amazing staff, volunteers and a board that provides valuable leadership. The partnerships between the town and chamber far surpass any that her colleagues enjoy. Specifically mentioned were the Parks and Recreation and Public Works Departments. July 12th the Chamber's "Ruby Celebration" will be held at Tim's Toyota Center. Marnie announced a retirement party for Bev Oleson at Tim's May 2nd at StoneRidge in recognition of her 16 years of service to the Chamber of Commerce.

7. COMMENTS/COMMUNICATIONS

Council member Grossman showed a 1980 USA Olympic Hockey Team replica jersey when they beat the Russians in the game called a “Miracle on Ice”. In addition, the Sundog Hockey Team will be playing Tuesday night and tickets are only \$5.00 per seat.

8. CONSENT AGENDA

- a. *Approving the January 16 Work Study and January 23, 2014 Council meeting minutes*
- b. *Approving an Employment Contract with Peter Van Haren to serve a two (2) year contracted period as Administrative Hearing Officer*
- c. *Approving a \$15,000 budget transfer from the contingency fund to the library maintenance division*
- d. *Approving Accounts Payable for January 13 thru February 3, 2013*
- e. *Approving the routine destruction of records*

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 6 ayes and 0 nays.

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

- a. *Consideration of reading Ordinance No. 787 once by title only as an emergency measure then place the same on final passage approving the Tapadero annexation ANX13-003*

Com Dev Director Richard Parker said this proposed action to annex these properties into the Town limits follows approval by the Town Council of an MOU with the Board of Directors of the Tapadero Waste Water Disposal District to allow users of the private system to hook into the Town’s Regional Wastewater Collection and Treatment System. In keeping with long-standing Council policy those properties within the Tapadero Domestic Wastewater Improvement District may only receive Town wastewater service if they are annexed into the Town. More than 80 percent of the property owners or those that asked to be a part of this district signed a petition for annexation to the Town of Prescott Valley in order to receive sewer sanitary service from the Town of Prescott Valley. No written or verbal communications in opposition to this annexation have been received. This is being recommended for approval as an emergency measure which is a standard action routinely done with annexations. This does not affect the time allotted by law to take it to referendum if they chose to do so.

Vice Mayor Nye made the MOTION, seconded by Council Member Mallory, to read Ordinance No. 787 once by title only as an emergency measure then place the same on final passage, by electronic vote. MOTION carried with 6 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 787 by title only. Mayor Skoog asked, “shall the ordinance pass?”

The ordinance passed with 6 ayes and 0 nays.

Parker thanked Town Attorney Ivan Legler for making this work.

b. Consideration of authorize the Mayor to sign Resolution No. 1865 approving an Entertainment District Overlay of the Town Center, Old Town and Parkway

Planner Carmen Ogden said Town staff identified two potential options adjacent to State Route 69 and including the Town Center, and on January 13, 2014, requested that the Planning and Zoning Commission recommend to the Town Council geographic boundaries for an Entertainment District. Recognizing the potential economic return and conformance with the Hwy 69 (Old Town) Redevelopment Plan and Prescott Valley Parkway Redevelopment Plan, on January 13, 2014 the Planning and Zoning Commission recommended to the Town Council adoption of an area which includes the Town Center, Old Town and Parkway as geographical boundaries for the designation of an Entertainment District

Prescott Valley’s Town Center is a special area that harnesses the power of entertainment and cultural resources to stimulate economic development and community vitalization. While the Town Center is zoned appropriately to allow for entertainment venues, by law, churches may locate in any zone, potentially restricting the ability of Prescott Valley’s Town Center to develop to its potential. In 2010, the 49th Legislature authorized by HB 2596, which amended ARS §4-207, allowing cities and towns to designate an Entertainment District within city or town boundaries. This is a powerful tool to grow our town center. Designation of an Entertainment District exempts certain liquor establishments from having to comply with the distance requirements of 300 horizontal feet between the liquor establishment premises and a church or school building or fenced recreational area adjacent to a school building. Such districts are designated by resolution and may consist of no more than one square mile, no less than one-eighth of a mile in width and containing a significant number of entertainment, artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities.

Town Attorney Ivan Legler said that existing liquor establishments are grand-fathered in. Vice Mayor Nye and Council member Whiting pointed out that the citizens need to know that we planning ahead and taking care of them.

Council Member Whiting made the MOTION, seconded by Council Member Marshall, to authorize the Mayor (or in his absence the Vice Mayor) to sign Resolution No. 1865, by electronic vote. MOTION carried with 6 ayes and 0 nays.

c. Consideration of authorizing the Mayor to sign Resolution No. 1866 supporting the restoration of the HURF formula

Town Manager Larry Tarkowski defined HURF (Highway Users Revenue Fund dollars) and explained what that gasoline tax is used for. A few years ago the legislature took the HURF funds to fund the Dept. of Public Safety. The result is that it has robbed rural jurisdictions and the Arizona Dept. of Transportation of over a \$120 million a year to fund DPS instead of taking care of our streets and highways. Local governmental entities are now pushing for the weaning of DPS from those HURF dollars and put them back for municipal street use.

Council Member Marshall made the MOTION, seconded by Council Member Grossman, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1866 to authorize the restoration of the HURF formula, by electronic vote. MOTION carried with 6 ayes and 0 nays.

d. Consideration of awarding a construction contract to Asphalt Paving & Supply, Inc., in the amount of \$38,300.85 for the Viewpoint Park Expansion - Parking Lot Project, CIP # P358

Parks & Recreation Manager Jason Elmer and Capital Improvement Coordinator Kim Moon came forward. Elmer commented that they are planning to add 18 much needed parking spaces at Viewpoint Park which is currently dirt. Five bids were submitted with Asphalt Paving & Supply Inc. being the low bidder.

Vice Mayor Nye said they are not just arbitrarily doing this; the need is well established and overdue. Council member Mallory said it is exciting to see us move forward with projects that were put on hold when the recession hit.

Council Member Marshall made the MOTION, seconded by Council Member Mallory, to approve award of a construction contract to the lowest responsive bidder Asphalt Paving & Supply, Inc., in the amount of \$38,300.85 for the Viewpoint Park Expansion - Parking Lot Project, CIP # P358 as outlined in the Fiscal Analysis, by electronic vote. MOTION carried with 6 ayes and 0 nays.

e. Consideration of approving an Amendment to the Town Engineer Agreement with Dava & Associates for design services for the Enterprise Parkway Project, for a total amount of \$80,460.00

Public Works Director Norm Davis said the Town was successful this past December in receiving a \$500,000 Rural Economic Development Grant from Arizona Commerce Authority (ACA) to facilitate the construction of Enterprise Parkway connection from Superior Lane to SR 69. Construction of Enterprise Parkway to complete connectivity from Valley Road to SR 69 will require completion of engineered design plans for roadway improvements in addition to lane widening highway improvements to existing SR 69 for new Enterprise Parkway roadway access. The project improvements will include approximately 4,150 feet of roadway design for Enterprise Parkway plus professional transportation engineering services for traffic impact analysis to determine requirements by Arizona Department of Transportation for access approval to SR 69.

This action is for the consideration of approval of an Amendment to the Town Engineer Agreement with Dava & Associates, Inc. for design services in an amount not to exceed \$80,460.00.

Enterprise Parkway is not a funded project in FY 2013/14. Grant funding from Arizona Commerce Authority requires that project work must begin within six months of the signing of the Agreement with ACA which Council approved this past December 2013. Staff proposes the use of unspent Highway Users Revenue Fund (HURF) budgeted for the PV Pipeline Multi-use Path which will not be constructed this FY 2013/14 budget year, as an administrative budget transfer.

Public Comment

Mr. Robert Hill said he is concerned about the impact this extension will make on SR 69 traffic, environmental impact and personally since they live on Highpoint Drive they are concerned that it will be a big obstruction to the views from their home. He questioned what studies were done and alternate routes and considerations for expanding and improving the east valley highway from Enterprise Parkway out to Fain Road. He anticipates that this extension will provide a great deal of truck access for the commercial area. He is concerned about the noise, impact on the intersection and what that may do for highway safety, pollution as well as disruption of their view.

Norm Davis responded that this is an access management plan done in the early 1990 with a follow-up plan. This intersection has been studied and contemplated as part of the public process since 1994 for an access management plan. Application has been made to ADOT for an encroachment permit at this location. Studies are in place and the Town has gone through the processes to make sure that this remains a very safe and accessible location. Davis confirmed that trucks will access this location, but that is why these projects are passed through traffic engineering and professional impacts analysis so that these things are addressed and safety is always maintained. The Town will also provide mobility for access for business development that is anticipated in this particular area. Residential traffic typically uses Truwood or down to Valley Road and Fain Road. He does not contemplate this road going further north. Residential on this route should not see any impact other than perhaps Mr. Hills view shed. The existing church in the area will most likely use this intersection in the future if it is signalized. This project is in the Town's General Plan.

Vice Mayor Nye made the MOTION, seconded by Council Member Grossman, to approve an Amendment to the Town Engineer Agreement with Dava & Associates for design services for the Enterprise Parkway Project, for a total amount of \$80,460.00, by electronic vote. MOTION carried with 6 ayes and 0 nays.

f. Consideration of awarding a construction contract to Asphalt Paving & Supply, Inc. in an amount up to \$462,386.90 for the base bid only for the Tonopah Storm Water Management project AND approving the amendment to the engineering agreement for Dava & Associates in an amount of \$55,030.00

Public Works Director Norm Davis said this project will be funded through the Yavapai County Flood Control Tax Dollars which must go toward storm water management or flood control projects. The area will be signed with contact information. A resident meeting was conducted in November and each resident received a notice with information about the project. As with any construction project they will look to Dava and Associates for construction period services to help manage the project. Ten bidders submitted for the project with Asphalt Paving and Supply Inc. as the low bidder. The additive bidders were dropped from this year's phase but anticipate 60 percent of the project being completed this year with the other 40 percent of the project being completed out of next year's fiscal year. Vice Mayor Nye said the residents will appreciate this project moving forward as they have severe flooding problems. This year's Phase I should address a lot of the immediate need prior to the May monsoon season. The engineering amendment is for this Phase I only except for the management services only as design services are already completed. Similar construction period services would be needed for Phase II next year.

Council Member Marshall made the MOTION, seconded by Council Member Whiting, to approve the award of a construction contract to the lowest responsive bidder, Asphalt Paving & Supply, Inc. in an amount up to \$462,386.90 for the base bid only for this project, and approve the amendment to the engineering agreement for Dava & Associates in an amount of \$55,030.00, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- g. Consideration of approving an Amendment with Dava & Associates to provide professional design services in the amount of up to \$37,910 for the High School Sewer Line Up-Sizing Project, CIP # W362

Capital Improvement Coordinator Kim Moon said the existing sewer line requires monthly cleaning and an improvement in pipe size and slope would help with those maintenance priorities. HUSD will be installing some solar stations in the area so the Town will be coordinating with them as part of that design process.

Council member Whiting commented that the school is looking forward to the project being completed.

Council Member Whiting made the MOTION, seconded by Council Member Marshall, to approve this Amendment to the Town Engineer Agreement with Dava & Associates to provide professional design services in the amount of up to \$34,630 for the Northside Sewer Installation Project, CIP # W280.3, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- h. Consideration of approving an Amendment to the Town Engineer Agreement with Dava & Associates to provide professional design services in the amount of up to \$34,630 for the Northside Sewer Installation Project, CIP # W280.3

Capital Improvement Coordinator Kim Moon said this action is for the design of the installation of the Northside Sewer Installation Project for commercial property north of Highway 89A. This is being considered to encourage commercial development north of the highway and south of

Viewpoint and Pronghorn residential areas. Vice Mayor Nye said she knows the citizens out there want this and this is a step toward getting services.

Council Member Marshall made the MOTION, seconded by Council Member Mallory, to approve this Amendment to the Town Engineer Agreement with Dava & Associates to provide professional design services in the amount of up to \$34,630 for the Northside Sewer Installation Project, CIP # W280.3, by electronic vote. MOTION carried with 6 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

Public Comment:

Mr. Dick Patton came forward as a resident of StoneRidge to talk about the CFD bond issue. He said the potential for this additional bond is detrimental to their community and they would like to “see it go away”. Having reviewed the finance agreement and accompanying resolution, they noted that all language referring to additional bonding was removed. They also noted in the Resolution section 8(d) a statement that said the bonds which are subject to remaining authorization shall not be issued hereafter. He appreciates that Tom Lowe and Univest have publicly stated that they will not request additional bond funding and that the Town Council has stated that they will not issue additional bond funding. However, in the CFD Board meeting held on April 11, 2013 he quoted that [Town Attorney] Mr. Legler stated “that the CFD Board could and likely will issue a resolution stating that they will not issue additional bonds, but there is no legal basis that would prevent additional financing from happening under a different CFD Board.” This is their concern. Patton continued that in a follow up message Mr. Legler reiterated his position stating that the Board retains sole and absolute discretion as to whether it will issue bonds during the period. The possible burden of an additional \$18 million dollars on the residents of StoneRidge is unacceptable to them. They recently started a petition requesting that that option be removed. During the bond refinancing process last year, bond counsel stated that once authority has been granted by the voters no governing body or future governing body could revoke that decision. [Education vs. Leslie] The Arizona Supreme Court cited in Leslie that the Board of Trustees of the District may call an election and upon petition of fifteen percent of the voters shall call an election. The Court went on to state that the Courts recognize the general rights of voters to rescind by a later vote action previously taken. They seek to have this specter of future debt removed from them. They don’t want it hanging over the heads of people trying to buy houses or Univest trying to sell houses when the realtors have to reveal to the buyer that there is a potential for \$18.2 million in CFD funds. So they are requesting the CFD Board hold an expeditious meeting to discuss this matter and that an election be held within the district so that they can vote to revoke the bonds. On Monday, he delivered 31 pages of StoneRidge residents signatures numbering over 300 requesting that these bonds be revoked by vote of the people and ask that an election be held to revoke those bonds.

No action was taken.

11. ADJOURNMENT

Council Member Mallory made the MOTION, seconded by Vice Mayor Nye, to adjourn, by electronic vote. MOTION carried with 5 ayes and 1 nay. Council Member Marshall voted nay.

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 13, 2014.

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

Dated this February 19, 2014

Diane Russell, Town Clerk