

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
May 12, 2016**

Library Auditorium/Council Chambers
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

Rev. Wendy Swanson, of the Prescott Valley United Methodist Church, gave the invocation.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited in unison.

4. ROLL CALL

Present: Mayor Harvey Skoog, Vice Mayor Rick Anderson, Council members: Marty Grossman, Mary Mallory, Stephen Marshall, Lora Lee Nye, and Michael Whiting.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. GPREP - Richard Heath, Executive Director

Mr. Heath said GPREP was organized 3 years ago to attract quality businesses to the area. He gave an overview of their mission, current initiatives, business development/retention and what companies are looking for in a community or region. He commented that once they get someone here and they see the region they seriously consider locating here. The area sells itself. This area is one of the top 3 areas to locate in the country along with Savannah and Wilmington. Mike Parades with Prescott Valley Economic Development Foundation was acknowledged.

c. Distinguished Service Awards - Layton Cooper & K9 Jake, SWAT & Patrol

Deputy Chief James Edelstein said every day the police personnel to do a job to keep this community safe. Because they have 'gone above and beyond' Layton Cooper & K-9 Jake, Sgt. Tom Grant, LPO Daniel Eller, Officer Matt Williams, Corp. Keven O'Hagan, Officer Joe McCamish, Officer Wesley Dykeman, Officer Mike Stambaugh, Officer Jeremy Whisenand, Sergeant Jeremy Martin, Sergeant Mike Williams, Officer Dave McNally, Officer Randy Busby, Officer Jesse Newton, Officer Tyler Brown, Officer Caleb Cozens, Officer Brandon Frost,

Officer Luke Williams & K9 Turco, Officer Justin Smith, Officer Kyle Hader, Officer Scott Davis, Medic Nick Fournier, LPO Brian Sheldon, Officer Scott Monteith, Detective Scott Rudolph and Paul Molyneux, Volunteer will receive the Distinguished Service Awards

February 10, 2016 police responded to an armed, intoxicated suicidal subject indiscriminately firing rounds in the 7100 block of Silverlode Drive. Family members were hiding in the guest quarters located next to the residence. Dispatch could hear shots being fired over the phone. The suspect was yelling and firing his weapon. A male voice was screaming he wanted to die by 'suicide by cop'. Officers were able to apprehend the suspect after the K9 Jake was able to subdue him until SWAT officers placed him in custody. The suspect sustained minimal injury and was transported to the local hospital. While there, the suspect advised officers that the K9 apprehension saved his life. Working together the K9 Jake, SWAT and Patrol were able to diffuse the situation without loss of life.

d. Chamber of Commerce

Marnie Uhl, CEO of the Chamber of Commerce introduced Dan Hussey owner of Totally Floored. Mr. Hussey complimented the council for the several steps they have taken to proactively welcome businesses and their customers.

Uhl expressed thanks to *Team Up to Clean Up* participants and Early Bird Lions Club for working with them to make it a great day. She announced the 19th Annual Battle of Bands scheduled for May 21, 2016 at Prescott Valley Amphitheatre; doors open at 12:00 with the first band taking the stage at 1:00 p.m. and encouraged all to attend.

b. Interfaith Outreach – Mary Dahl

Mary Dahl said Interfaith Outreach is a consortium of five churches that has been providing lunches in PV since 2004. It began with Emmanuel Lutheran Church and has grown to include five churches. Prescott Valley doesn't have much a homeless population, but what we have are working and retired people in need. The per capita income in Prescott Valley is about \$19,500 versus the per capita income for the state at \$36,800. Our population over 65 years of age is about 5 percent higher than the average in the state. The need is growing as the community grows. They would like to expand to their own facility. They serve 600 lunches a month which has outgrown what the churches can provide. They are trying to raise money to establish a 'soup kitchen' to provide more services and more meals to people who need it. They are getting generous donations from nonprofit entities and other donors. Dahl said it is time that Prescott Valley reaches out to people who are in need. They provide "food and fellowship for those in need."

6. PROCLAMATIONS

a. National Water Safety Month

Town Clerk Diane Russell read the proclamation. Vice Mayor Anderson stated that one accident is one accident too many. He hopes that everyone will make this a safe month and make this a

safe life. Parks & Recreation Aquatics Coordinator Robert Kieran thanked Council and said water safety is a huge thing. They offer swimming lessons to children and adults at the pool. Water is a fun activity in leisure time, but it is also something you need to be safe at.

7. CERTIFICATES

a. Certificate of Appreciation to James Tobin for 10 years of service

Deputy Chief Edelstein talked about Officer James Tobin's 10 year career with the Town of Prescott Valley after which Tobin was presented with a plaque and pin to commemorate his service. Council members expressed their appreciation to Tobin for his dedicated involvement on projects, for the programs he works on and has grown over his 10 years of service. He is a true asset to the community. His wife, Jacinda Tobin, said she knew she was going to have to share him with his career and all his organizational involvements; but it has definitely been worth it. She can see him objectively as an officer and is humbled and in awe of him. She looks forward to their 'somedays' together. James thanked everyone for doing this and said he is very lucky.

b. Certificate of Appreciation to Karen Smith for 5 years of service

Town Manager Larry Tarkowski said Karen has done an absolutely terrific job growing HR and taking care of our employees. She has introduced new concepts ensuring that employees are taken care of, but also having fun. She is tireless in efforts for putting on activities and appreciation opportunities for the employees. Because of her efforts on the wellness side we have realized a reduction in health care costs with BC/BS. She is doing a terrific job.

Council members said she has done a great job for us. The wellness program has made our employees healthier and energetic. Karen adds an extra sparkle to HR and brought an improved professionalism to the position. Free flowing information is available for independent health maintenance opportunities. Mayor Skoog presented her with a Certificate of Appreciate and 5-year pin for her years of service.

Smith introduced staff members Carolyn and Jamie. They confirmed that they have fun and that it is important for the organization and all employees to enjoy what they do. She tries to make sure through employee relations, other career development opportunities and performance management that we have a great organization. This is the best decision she has ever made to come here. Larry Tarkowski is the best boss she has ever had in HR and he lets her do what she wants to do and is supportive. Mayor Skoog said Prescott Valley's staff is outstanding. We are attracting the best people and making them even better.

8. COMMENTS/COMMUNICATIONS

Council member Grossman announced the YCCA Home and Garden Show this weekend, May 14, 2016 at the Prescott Valley Event Center with a couple of hundred vendors. He is a part of Habitat for Humanity and will be building the outside structure of a house at the event which will be moved to a vacant lot at the corner of Cattle Track and Roundup.

9. CONSENT AGENDA

- a. *Approving the April 21, 2016 Work Study & 4/28 Regular & Special meeting minutes*
- b. *Approving a Series 12 Restaurant Liquor License application for Thai Café LLC located at 3050 Windsong Dr., Ste 101; Thongsoob Sompornpit, applicant*
- c. *Approving the adoption of 9 new and revised Arizona State Library, Archives and Records Retention Schedules*
- d. *Approving Lakeshore Dr. Widening Project - CIP# S365 Change Order #1 – Final As-Built Adjustment to Contract Quantities*
- e. *Approving the Upper Verde River Watershed Protection Coalition’s proposal to apply for the Wells Fargo Bank/National Fish and Wildlife Foundation Grant for up to \$75,000, the Arizona State Forestry Biomass Enterprise Grant for up to \$30,000 and the USDA Forest Service Biomass Development Grant for up to \$250,000*
- f. *Approving an Employment Contract with Randy Schurr to serve a two (2) year contracted period (at the discretion of the Town Council) as Administrative Hearing Officer*
- g. *Approving the Amended Employment Contract with Peter Van Haren as Administrative Hearing Officer and increase the pay rate as set forth therein*
- h. *Approving an amendment to the Grant Agreement between the Town of Prescott Valley (on behalf of the Upper Verde River Protection Coalition) and Arizona State Forestry Division*
- i. *Approving Accounts Payable*

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.

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

- a. Public Hearing - Proposed Amendments to Sign Regulations – ZOA16-001

Open Public Hearing.

Planner Carmen Ogden said this amendment stipulates that no signs of any kind will be allowed to be placed in the right-of-way at all. This decision is based on the 2015 U.S. Supreme Court ruling in *Reed v. Gilbert* that municipal sign codes regulating signs based on the message they convey (or the content) violate the right to free speech guaranteed by the First Amendment. If a sign code prohibits temporary signs in the public right-of-way generally, but makes exceptions

for certain signs (e.g. garage sale signs, open-house signs), the regulation is not content neutral and violates the First Amendment. On the other hand, a regulation that restricts the time, manner or placement of signs (regardless of the message) complies with *Reed* and First Amendment guarantees. Based on the *Reed* ruling, staff reviewed the Town's sign regulations and now proposes amendments to the Town Code to repeal regulations that are based on the content of a sign and enact provisions to regulate the time, place and manner of all signs within the Town boundaries. The Planning and Zoning Commission voted unanimously to forward this to Council for approval.

Ogden responded to Council member Whiting that this includes political signs. Town Attorney Ivan Legler added that nothing is absolutely clear and there are people who disagree with the interpretations that should follow from the *Reed* case. Mayor Skoog said "we do". Legler continued that it is not just a matter of disagreeing with the rational, but some folks disagree with what it means partly because we have a split court. Trying to discern what the ruling actually was, was part of the challenge. One of the things we were facing is that the state adopted a provision that some folks read broadly and said that it was prohibiting any regulation of political signs in the right of way except in those limited areas designated as no political signs. We designated our downtown area as a no political sign area. When the *Reed* case came out and the Supreme Court basically said we don't care what the state made you do in the terms of making distinctions between political signs and other signs in the right of way, the Supreme Court stated you cannot make distinctions. While the ruling didn't regulate political signs, it did say you can't go pick them up in enforcement. The only thing the town could do was enforce things differently. Instead of picking up the signs, we will issue a civil citation. No distinctions will be made between signs in the right of way; all signs will be prohibited.

Ogden defined right of way as designated for transportation, easements. Legler added that fence lines are normally the right of way line. People can hang signs on those fences with the property owner's permission. Tarkowski added that any signs should be placed on private property. Right of way is defined as a property line with 5 up to 15 additional feet of right of way along a roadway.

Legler added that if political signs do not indicate on the sign who is responsible for the sign, it can be picked up. Other types of signs that may be out there, we are not going to want to pick up if there is an indication of who they belong to. A civil citation will be issued. If there is no indication of who they belong to they can be picked up. Council questioned what the fine amount would be. He responded that the fine will be a part of the hearing officer process.

Council member Marshall asked about sign placement around Kohl's. Legler responded that is different as it is considered First Amendment.

Mayor Skoog closed the public hearing.

b. Consideration of authorizing the Mayor to sign Resolution No. 1963 declaring the document "Amendments to Sign Regulations" to be a public record for adoption by reference

Planner Carmen Ogden had no additional comments. Council member Marshall asked if there would be a warning phase for garage sale signs. Legler responded that the amendment would not

affect enforcement, just what the statute is. A department can avoid issuing a citation immediately if it looks like it is something they can get by with a warning. It doesn't affect that one way or another.

Council member Marshall made the MOTION, seconded by Council member Mallory, to authorize the Mayor (or in his absence, the Vice Mayor) to sign Resolution No. 1963 declaring the document "Amendments to Sign Regulations" to be a public record for adoption by reference, by electronic vote. MOTION carried with 7 ayes and 0 nays.

c. Consideration of approving the reading of Ordinance No. 816 by title only on two separate occasions, and then place the same on final passage adopting the Proposed Amendments to Sign Regulations - ZOA16-001

Council member Mallory made the MOTION, seconded by Council member Whiting, to read Ordinance No. 816 by title only on two separate occasions, and then place the same on final passage adopting the Proposed Amendments to Sign Regulations - ZOA16-001, 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.

d. Consideration of authorizing the Mayor sign Resolution No. 1964 approving FDP16-008, and to sign the Proposition 207 waiver - John's Autoworks (FDP16-008)

Planner Carmen Ogden said we have an application from Steven Rutherford, property owner, a request for approval for an approximately 4150 square foot commercial building with 6 service bays and associated parking on an approximate .78 acre parcel, APN# 103-05-931D, a portion of Parcel 4 of Amended Eastridge Final Development Plan (FDP03-029) approved September 4, 2003. This parcel is located south of State Route 69, west of Truwood Drive, and north of Eastridge Drive.

The subject parcel lies in Section 24, T14N, R1W. The current zoning classification of C3-PAD (Commercial; General Sales and Service, Planned Area Development) was approved through the adoption of Ordinance 480, and subsequently reaffirmed upon the approval of Resolution 1153, which set forth a development agreement between The Town of Prescott Valley, Eastridge Investments, and Prescott Valley Joint Venture. The current zoning classification and underlying Land Use designation of Community Commercial are appropriate for this use.

FDP16-008 is in compliance with the Prescott Valley General Plan 2025 and all applicable Town Codes. It also meets (or will meet) the requirements for commercial PAD's under the Town Code [particularly the requirements under Town Code §§13-19-060(K) (L) and (M), 14-020-050(F), and 14-04-080]. The proposed plan provides adequate on-site parking and circulation and will substantially comply with the submitted plan.

Council member Mallory made the MOTION, seconded by Council member Whiting, to authorize the Mayor (or in his absence, the Vice Mayor) to sign Resolution No. 1964 approving FDP16-008, and to sign the Proposition 207 waiver for John's Autoworks (FDP16-008), by electronic vote. MOTION carried with 7 ayes and 0 nays.

- e. Consideration of awarding a construction contract to the lowest responsive bidder, ALC Underground LLC, in an amount of \$29,656.00 AND approving an Amendment to the Town Engineer Agreement with Dava & Associates for design and construction period services in the amount of \$6,310.00 for the High School Sewer Line Up-Sizing Project Phase 2, CIP # W362b

Utilities Director Neil Wadsworth said this is part of a capital improvement project. Phase 1 was done a couple of years ago. There is still a small section (300 feet) of sewer line along Bison Lane that needs to be upsized from 6 inch to 8 inch diameter line to bring it up to our minimum standard. Four bids were received with ALC Underground coming in as the low bidder. An amendment to the Town Engineer Agreement with Dava and Associates is also requested.

Council member Whiting made the MOTION, seconded by Council member Mallory, to award a construction contract to the lowest responsive bidder, ALC Underground LLC, in an amount of \$29,656.00 AND approve an Amendment to the Town Engineer Agreement with Dava & Associates for design and construction period services in the amount of \$6,310.00 for the High School Sewer Line Up-Sizing Project Phase 2, CIP # W362b, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- f. Consideration of approving the Amendment for the Out-of-Scope Services with CH2MHILL/OMI in the amount not to exceed \$95,628.72 for the Lift Station Rehabilitation Project

Utilities Director Neil Wadsworth said this agreement is for a Lift Station Metering project that will add flow meters to key wastewater lift stations and enhance our SCADA system to allow for flow monitoring and data trending. This project will address issues at four lift stations: Viewpoint, Quailwood, Stoneridge Basin E and Orchard Ranch Lift Stations. Each of these Lift Stations is a collection point for all wastewater flows produced at each of their associated development areas. Flow metering will provide valuable information as we move forward in the development of the Town's WWTP and the Collection System and improve our ability to quantify flows and update our sewer computer model.

We intend to utilize our Professional Services Agreement with CH2MHILL/OMI and complete this project under the Out-of-Scope Services Clause in Section 9 of the Restated and Amended Agreement dated June 25, 2015 for an amount not to exceed \$95,628.72.

Council member Grossman made the MOTION, seconded by Council member Nye, to approve the Amendment for the Out-of-Scope Services with CH2MHILL/OMI in the amount not to exceed \$95,628.72 for the Lift Station Rehabilitation Project, by electronic vote. MOTION carried with 7 ayes and 0 nays.

11. COMMENTS FROM THE PUBLIC

Public Comment: Charles and Victoria Ann Witoff

Mrs. Witoff said she spoke with Deputy Chief Edelstein about the “Cry Wolf” false alarm program which she said she doesn’t understand at all. They were at their second home in Montana. They paid a painter of their house \$6,000 for the job. He said he would get it done in a week, but it took him 3 weeks. He painted the doors last. She was not unaware of the false alarm program nor does she listen to or read any local media. She received a notice on the 6th of the month that a \$15 registration fee was due and payable on the 10th for having a false alarm go off on their house. Had she known about the program she would have asked the painter to remove the security doors prior to painting them. Then she got a penalty notice because they bill was not paid timely. They called here and found out it was a local ruling. She did not object to that as the PVPD went to her home to check out the alarm. The officer didn’t have to do much as her neighbor was watching the house and checked the house. Now she is getting... she is totally disabled, they are trying to paint a house and all this is put in front of them. So they are paying a \$40 charge besides. She resents that they have to pay \$15 in registration every year. That isn’t fair. They have had two different alarm systems and never had a problem with the alarm going off. She doesn’t understand how this works to the benefit of all the people here. The people who collect this \$15 only give 16 percent to the village. If she has to pay the registration fee she wants it to come here. It is prejudicial to pick on one person that has had an alarm. They talked to others. A business person here was here 23 years before her alarm went off. She doesn’t think this is fair. She has never heard of this before. If you have 2 or 3 alarms that this will be handled and then after that you’re fine. But if people have a legitimate reason we were home the police never came into the house; they didn’t have to because her neighbor said the alarm shouldn’t be happening. They verified it with their alarm company. The alarm company said the same thing – only if it goes off a second time do we have to be alerted. Why are we being charged \$15? The rest of the people with security systems are not paying for this. She didn’t even know this thing existed until they had the one alarm; she should have been advised by letter or whatever. What can be done about this to change the reasoning that came into this.

Town Manager Tarkowski directed them to Deputy Chief Edelstein.

She said that she talked to him and was told this could be handled several different ways to handle this. The one that was selected was the way this is being handled. Tarkowski stated that Edelstein was instrumental in bring this program to us to deal with a problem that was consuming a great deal of police time responding to false alarms. He will be able to explain this to them and what the rational was. She responded that she would rather pay for it right away when the police come, but she doesn’t want to pay \$15 a year for the years she is going to live here. It’s not fair because it does not apply to everybody in this village. It applies to ones who have their alarm go off.

Charles said they moved here in 2005 and for 10 years the alarm did not go off. It was only because the house was being painted and a bug set off the motion detector as he found a dead bug when they got home. That is why the alarm went off. They have never had trouble.

Once again, Tarkowski asked that they speak with Mr. Edelstein. Mayor Skoog asked that the Town Manager assist them as soon as the meeting is over.

Charles said they have had water problems as the contractor – the inspectors did not put the water line in properly. He found a water leak on the side of the house. He turned the water off, the plumber came, the weight of his car cracked the water line. He had his landscaper bury it properly.

Since they have been here they have had problems with the pool for which they were refunded the cost of after 35 years. They have had problems with their air conditioning. There hasn't been a thing they haven't had to replace and fix except the house itself. Everything put in by the contractor was defective. She is crippled and cannot walk steps. They saved almost \$300,000 because they mischarged them. They did not charge them for the land which was \$150,000. They paid it all out to their real estate people. They did not know what was going on when they came here except their house was 7 feet from the street was supposed to be 17 inches above curb height and was built up 7 feet. The inspector came and said we can't move the house but they are going to have to bring it down 20 percent. At that 20 percent they put the pavers back on - that was on their water line. She is just asking very simply, for you to review this \$15. If you want to charge \$15 - charge it to everybody. Then she will call it fair; but not to her because she can't control the butterflies or the people who work for them.

Mayor Skoog asked that she get specific. Charles began talking about retirement, a jail and other matters before Mr. Tarkowski walked to the podium handed them a business card and asked them a couple of times that they call him. Mayor Skoog said this is too general.

Public Comment:

Deb McCasland said she is living in District 2 south of Stoneridge and part of the county. Monday she found that a rumor was circulating about her ethics. This person was concerned because he didn't think it was the way she acted. It turns out that a person from Yavapai College contacted a person in Town Hall and said that she supports activities in the Verde Valley over activities or educational programs here in Prescott Valley. They were encouraging them to find someone to run against her. She wants to assure Council that that is not a true statement. She does support Yavapai College having educational opportunities throughout Yavapai County. She does represent District 2 on both sides of the mountain. But in way does she have a bias against or for a particular community. She just wanted to have people do a little back checking before they continue to spread those rumors. Mayor Skoog said he is not aware of that. We do not campaign as a group. She is running for office – there is another candidate running against her. This was brought to her attention and she just wanted to squash the rumor that she has a bias. She has been involved with Yavapai College since 1970 and this is her second year as a board member. She just wanted to get the truth out.

12. ADJOURNMENT

Vice Mayor Anderson made the MOTION, seconded by Council member Whiting, to adjourn, by electronic vote. MOTION carried with 7 ayes and 0 nays. Mayor Skoog adjourned the meeting at 7:22 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, May 12, 2016.

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

Dated this May 19, 2016

Diane Russell, Town Clerk