

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
December 3, 2009**

*Magistrate Court/Council Chambers
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314
5:30 p.m.*

1. *CALL TO ORDER*
2. *INVOCATION*
3. *PLEDGE OF ALLEGIANCE*
4. *ROLL CALL*

The meeting was called to order by Mayor Skoog at 5:30 p.m. in the Magistrate Courtroom/Council Chambers. Council member Wise gave the Invocation after which the Pledge of Allegiance was said in unison. The following Council members were present for roll call.

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|------------------------|-----------------------|
| <i>Harvey Skoog</i> | <i>Mayor</i> |
| <i>Lora Lee Nye</i> | <i>Vice Mayor</i> |
| <i>Mike Flannery</i> | <i>Council member</i> |
| <i>Patty Lasker</i> | <i>Council member</i> |
| <i>Fran Schumacher</i> | <i>Council member</i> |
| <i>Harold Wise</i> | <i>Council member</i> |

Absent: Richard Anderson Council member

5. *ANNOUNCEMENTS & PRESENTATIONS*
 - a. *Chamber of Commerce*

Chamber of Commerce Director Marnie Uhl introduced the Ken Paloutzian owner of Fuzzy's Materials which has been doing business in Prescott Valley for the past 25 years offering landscape materials of all kinds. Fuzzy's is holding a food drive to benefit the Yavapai Food Bank. Ken expressed their appreciation to the Chamber for inviting them to join the chamber and thanked Town Council for doing what they can to make the Town of Prescott Valley a better place to live.

Marnie reminded people that the *Valley of Lights* is now open every night from 6:00 until 10:00 p.m. until December 30th. Attendance has been great to date.

The *Holiday Festival of Lights* begins tomorrow night at 5:00 p.m. with the HUSD Middle School Bearcat Band playing followed by the Mayor's speech at 5:20 and then High Country Cordsmen until 6:00 p.m. at which time the lighting of the Civic Center will occur followed by the *Night Light Parade*. Santa will come into the Civic Center after the parade for more entertainment and refreshments.

A fresh Christmas tree retail lot is set up at Tim's Toyota Center on the corner of Florentine and Glassford Hill Road sponsored by the Early Bird Lion's Club.

The Chamber of Commerce *Burning Desire to Feed the Hungry* will be held December 11th (noon 'til 7:00 p.m.) & 12th (7:00 'til 6:00 p.m.) at the Safeway parking lot in PV to receive donations.

6. COMMENTS/COMMUNICATIONS

Council member Wise thanked Fuzzy's Materials for their efforts towards stocking the Yavapai Food Bank as well as the other business in town helping with the food drives. It is reassuring to know that everyone in this community cares for each other and looks out for each other. Wise reminded folks to check on a neighbor and check on a friend to make sure that they at least have a comfortable Christmas.

7. CONSENT AGENDA

- a) *Approval of Minutes – November 19, 2009*
- b) *TPT Revenue Report*
- c) *Approving Accounts Payable for November 10 thru 23, 2009*

Council member Schumacher made the MOTION, seconded by Vice Mayor Nye, to approve all items on the Consent Agenda, by roll call vote. MOTION carried UNANIMOUSLY.

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

- a. *Consideration of reappointing Karl Russell and Robert (Bobby) Cohen to the Municipal Property Corporation (MPC) for terms renewing on November 18, 2012*

Town Manager Larry Tarkowski noted that the MPC does not meet frequently but expressed his appreciation for both gentlemen's interest in serving on the Board. Mr. Cohen said how much he has enjoyed serving on the Board and thanked Council for his reappointment to the MPC Board. Mr. Russell also expressed the enjoyment he has had serving on the Board especially with the fruition of the new library.

Council member Flannery made the MOTION, seconded by Council member Schumacher, to reappoint Karl Russell and Bobby Cohen to the MPC Board to a term with a renewal date of November 18, 2012, by roll call vote. MOTION carried UNANIMOUSLY.

- b. *Consideration of appointing Nicole Russell to fill an existing term on the Planning and Zoning Commission with a renewal date of October 31, 2010*

Council member Flannery stated that Nicole Russell is currently a Yavapai County Planner. Vice Mayor Nye stated how fortunate we are to have Nicole who will bring a wealth of experience and enthusiasm to the Commission. Council member Schumacher said she is looking forward to having Nicole on the Commission for the unique qualities she will bring to the Commission.

Nicole expressed her appreciation for the opportunity to serve on the Commission. She plans to serve on the Commission as long as they will have her.

Council member Flannery made the MOTION, seconded by Council member Schumacher, to appoint Nicole Russell to the Planning and Zoning Commission to fill an existing term with a renewal date of October 31, 2010, by roll call vote. MOTION carried UNANIMOUSLY.

c. Public Hearing

Open Public Hearing

Proposed Annexation of approximately 2 acres lying in T.14 N., R.1W., Sec. 22

G.S.R.M. as requested by the VFW Post 10227 (ANX09-002)

Close Public Hearing

Mayor Skoog declared the public meeting open. Community Development Director Richard Parker stated that this public hearing is being held to consider the annexation of a 2-acre parcel in close proximity to Fain Park. If no negative comments are received during this public hearing regarding the annexation, then staff could be directed to move forward with the necessary steps to bring it forth for formal consideration.

Chairman of the Business Committee for the Veterans of Foreign Wars Mingus Mountain Post #10227, Mr. Kincaid, introduced Commander Chuck Abraham, Aubrey Phillips (excavator) and Mike Brown (Rockwell civil engineer). The VFW expects to break ground in January or February for completion of the building by next December.

Council members Lasker and Wise noted the enthusiasm the VFW has expressed to finally get started on this project. The Fain family donated the property, with many others donating time, money and efforts.

As no further comments were forthcoming Mayor Skoog closed the public hearing.

d. Public Hearing

Open Public Hearing

Proposed Zoning Map Change as requested by Poland Family Trust (ZMC09-004)

Close Public Hearing

Community Development Director Richard Parker pointed out that this property is a total of sixteen (16) acres requested for rezoning; fourteen (14) acres have already been designated as Regional Commercial in the *General Plan 2020*. GPA04-002 was approved by the Planning and Zoning Commission at the June 14, 2004 meeting. Resolution No. 581 affecting this change was approved by the Town Council August 12, 2004. An adjacent two (2) acre parcel under the same ownership was the subject of a public hearing before the Planning and Zoning Commission on September 14, 2009 to also be designated as Regional Commercial and was recommended for approval. The Town Council subsequently approved GPA09-002 by Resolution No. 1672 at the November 19, 2009 meeting. The Regional Commercial Designation has been approved for other nearby property adjacent to State Route 69. The requested C3-PAD zoning is appropriate in the Regional Commercial designation.

Also, at that meeting of September 14, 2009 the Commission considered a request to rezone (ZMC09-004) the subject two (2) acres along with the adjacent fourteen (14) acres from RCU-70 (Residential; Conditional Use Permits) and R1L-70 (Residential; Single-Family Limited) to C3-PAD (Commercial; Minor Industrial-Planned Area Development.) The Commission recommended approval of the

rezoning request in a separate motion with the recommended conditions of rezoning contained in the attached Ordinance.

This subject property is adjacent to existing C3 zoned property to the north and is in the vicinity of significant amounts of other C3 zoning that existed while under Yavapai County jurisdiction, portions of which are now in the Town of Prescott Valley.

The prior annexations of this property, as well as other properties along the Dewey corridor, were approved based on past actions and policies of the Town Council for the extension of the Town's water and wastewater system along the Route 69 corridor area to accommodate new commercial business. The Town has embarked on a phased project to fund, design and construct certain improvements required to extend its wastewater system southeast, within or near, the State Route 69 right-of-way to service real property adjacent to, or near, said right-of-way.

Staff observes that the proximity to Highway 69 makes this property appropriate for commercial and light industrial uses, subject to certain limitations that control uses that could be incompatible with adjacent residential uses. Conditions of approval for C3-PAD zoning include requirements for a two hundred (200) foot open space buffer area adjacent to the Prescott Country Club, in addition to proper screening and buffering of uses and limit outside uses that would impact the residential neighborhoods.

The sixteen (16) acres comprising the subject property presently contains one structure, that being the prior "Century Productions", that had operated under a Use Permit issued by Yavapai County. The Use Permit is no longer valid. The balance of the property (approximately 16 acres) is vacant.

The property may be developed in phases involving separate parcels. Under the provision of Article 13-19, Planned Area Development Districts (PADs) are zoning districts formed on top of other zoning districts (i.e., overlay districts) which modify the regulations of the districts with which they are combined. The features of the PAD district are intended to allow some flexibility in dealing with the formation of land parcels and specific project development. Final parcel configurations will be established through the Final Development Plan (FDP) process, as opposed to creating fixed lot lines with a subdivision plat. Final Development Plans (FDP) are required for each specific development project in the PAD District and are approved by Council after approval of the PAD District by the Commission. The FDP process will allow for additional review by staff of all applicable Town Codes and conditions of approval.

The applicant conducted a Neighborhood Meeting with property owners (single family homes) on July 8, 2009 and noticed owners in the Prescott County Club within a one thousand (1,000) foot radius. Both the requested General Plan Amendment and requested rezoning were both discussed. The meeting attendance represented eight (8) properties. The concerns expressed were that they did not want disturbances of noise, light, and views, or Powderhorn Pass Drive extending to State Route 69. The property owner confirmed that a 200-hundred foot buffer strip will be left in a natural state between the commercial use to the east and residential uses to the west. It was explained that there would be no connection into the Prescott Country Club. Due to the topography, the commercial building will not be visible from the residential properties. No opposition has been received to this request and it comes with a unanimous recommendation from the Planning and Zoning Commission.

Mayor Skoog declared the public hearing closed as no additional comments were forthcoming.

- e. Consideration of authorizing the first reading of **Ordinance No. 739** by title only approving Zoning Map Change (ZMC09-004)*

Council member Wise made the MOTION, seconded by Council member Schumacher, to read Ordinance No. 739 by title only on two separate occasions and then place the same on final passage, by roll call vote. MOTION carried UNANIMOUSLY.

Town Clerk Diane Russell read Ordinance No. 739 by title only for the first reading.

Parker thanked Mrs. Polland for her patience in watching this process of annexation, general plan amendments and zoning map changes unfold to entitle the property.

*f. Consideration of authorizing the Mayor to sign **Resolution No. 1675** adopting the 2006 Energy Conservation Code*

Community Development Director Richard Parker introduced Sandy Griffis Executive Director of the Yavapai County Contractors Association. The Town has worked hard on creating some value and incentive for people to install energy efficiency devices. We have adopted a carrot approach through grant funding that allows folks to get free permits to avail themselves of the newer technologies in their homes to reduce energy consumption and therefore save money. Teach-ins have helped consumers recognize the positives of taking this step. Parker stated that every jurisdiction around us has adopted this model code. Energy saving high efficiency products are the norm in construction today. Minimal costs are recoupable in a short period of time after installation. This recommendation for adoption comes unanimously from the Building Board of Appeals.

Sandy Griffis commented that this is a benchmark code and that it is fabulous that the Town of Prescott Valley is taking this leap into the 21st century to help the consumers and homeowners to save energy and money. Most of these building practices are already being done by contractors as a standard. It is not adding dollars to consumer expenses. Additional teach-ins will help them understand it more.

Parker added that this is proposed to be implemented July 1st. This is also intended to position the Town of Prescott Valley in a better light when we attempt to acquire grant funding that is available because of the attention to energy efficiency. We have not elected nor recommended that the code be adopted relative to the commercial buildings. Cost and consequences are still being grabbed with regarding commercial buildings.

Council member Lasker stated that because this is a standard in the building practices now, in the long-term it will save people money. This is basically housekeeping to enable grant procurement.

Vice Mayor Nye said a compliment was received regarding the Town's steps toward sustainability and energy efficiency. Citizens need to be aware that we all can make a difference in energy sustainability.

Parker stated that money is still available for free energy audits on a first-come, first-serve basis. Applications are available through the Community Development Department. Permits related to the recommendations by the audit are free.

Council member Wise praised the program for the timeliness and follow-up he noticed during the installation of a solar hot water heater on his home.

Parker said the program applies to existing homes as well as new residences. Most sophisticated buyers in the market frequently ask about energy efficiency prior to purchasing. Qualified energy inspectors can audit homes pre-purchase free of cost within the Town limits.

Vice Mayor Nye made the MOTION, seconded by Council member Schumacher, to authorize the Mayor or in his absence the Vice Mayor, to sign Resolution No. 1675 declaring the document and title *International Energy Conservation Code 2006* to be a public record by roll call vote. MOTION carried UNANIMOUSLY.

Council member Flannery made the MOTION, seconded by Council member Wise, to read Ordinance No. 738 adopting by reference that certain document titled *International Energy Conservation Code 2006 (IECC)* by title only on two separate occasions and then place the same on final passage, by roll call vote. MOTION carried UNANIMOUSLY.

Town Clerk Diane Russell read Ordinance No. 738 for the first reading.

- g. *Consideration of amending the contract with CH2MHILL (OMI) for the valve installation and replacement program in the amount of \$75,000 (CIP#E229wd)*

Utilities Director Neil Wadsworth said the Town is adding one additional item for OMI to do this year as a part of the valve replacement program to reduce areas without service in case of an outage. Comparative prices to continue this project indicate that we are getting a better value by having it done in house by OMI. The reduction in valve cost over last year is a competitive price. This project is funded through the Capital Improvement Budget.

Council member Schumacher made the MOTION, seconded by Vice Mayor Nye, to approve the contract amendment with CH2MHILL (OMI) for this project in the amount of \$75,000, by roll call vote. MOTION carried UNANIMOUSLY.

- h. *Consideration of authorizing the Mayor to sign a **Resolution of Support** joining the municipalities in Yavapai, Coconino and Mohave Counties in the creation and participation of a Greater Arizona Mayors Association*

Tarkowski commented that Mayor Skoog has been asked to participate in the formation of a group lobbying for the interests of greater northern Arizona. Mayor Skoog said that this formation may give the more rural areas a unified voice and therefore greater clout with the legislature. It will provide one voice speaking for the fourth largest contingency in the state. Maricopa and Pima Counties have the biggest voices at the legislature now. There is strength in numbers.

Council member Flannery questioned why the other northern (eastern) counties beyond Mohave, Yavapai and Coconino are not joining this move. Mayor Skoog said this is a fairly new/developing step with the potential for additional growth. Council agreed that this is a wise step to take to provide a stronger voice which has been strongly encouraged by our legislators.

Council member Lasker made the MOTION, seconded by Council member Schumacher, to authorize the Mayor or in his absence the Vice Mayor to sign a Resolution of Support joining the municipalities in Mohave, Yavapai and Coconino counties in the creation and participation

of a Greater Arizona Mayors Association, by roll call vote. MOTION carried UNANIMOUSLY.

9. *COMMENTS FROM THE PUBLIC*

No comments were forthcoming.

10. *ADJOURNMENT*

Council member Wise made the MOTION, seconded by Council member Schumacher, to adjourn the meeting, by roll call vote. MOTION carried UNANIMOUSLY.

Mayor Skoog adjourned the meeting at 6:34 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, December 3, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this December 4, 2009.

Diane Russell, Town Clerk