

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
April 8, 2010**

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

1. [CALL TO ORDER](#)

Mayor Skoog called the April 8, 2010 meeting to order at 5:30 p.m.

2. [INVOCATION](#)

Reverend Julia McKennaJohnson of Each One Reach One & Aloha Spirit Ministries gave the invocation after which she was presented with a Certificate of Appreciation by Mayor Skoog.

3. [PLEDGE OF ALLEGIANCE](#)

Reverend Julia McKennaJohnson led the Pledge of Allegiance which was said in unison.

4. [ROLL CALL](#)

Present: Mayor Skoog, Vice Mayor Nye, Council Member Anderson, Council Member Flannery, Council Member Lasker, Council Member Schumacher, and Council Member Wise.

5. *SCHEDULED ANNOUNCEMENTS & PRESENTATIONS*

a. [Parks & Recreation Service Award to Elaine Fahlman](#)

Mayor Skoog and Vice Mayor Nye presented Elaine Fahlman with a Plaque of Appreciation for her years of service on the Parks & Recreation Commission.

b. [Chamber of Commerce introduction of new members](#)

Chamber of Commerce Director Marnie Uhl introduced new Chamber member Greg Hicks, owner of Tekamba Computers, who told a little about his business.

c. [Chamber of Commerce Business Academy Graduates](#)

Chamber of Commerce Director Marnie Uhl introduced the graduates of the fourth Chamber Business Academy Class. The graduates were: Becky L. Creek-Mitchell of Creek Cleanin'; Jerry Dorsheimer of Learning Castle Children Center; John Richert of Masters Touch Christian Charter Service; Mimi Hatton of Orchard Ranch; Kathy Kent of Peace Through an Organized Life and Doreen Berggren of Bradshaw Mountain Promotions. Each graduate came forward to introduce themselves and tell a little about their business services.

6. *PROCLAMATION*

a. *National Volunteer Week*

Town Clerk Diane Russell read the National Volunteer Week Proclamation while Library Director Stuart Mattson presented a video show of all the volunteers working in the library. Mattson expressed library staff appreciation to all the people who help out in the library. Some of the volunteers came forward to say what a pleasure it is to work in the library.

b. *National Library Week*

Town Clerk Diane Russell read the National Library Week Proclamation after which Mayor Skoog presented it to Library Director Stuart Mattson. Board Trustee Board members were introduced as were Library Staff members. They thanked the numerous groups who assist the library with their time and service.

c. *Fair Housing*

Town Clerk Diane Russell read the Fair Housing Proclamation after which it was presented to Richard Parker, Community Development Director.

d. *Substance Abuse*

Town Clerk Diane Russell read the Substance Abuse Proclamation after which it was presented to Merilee Fowler representing MatForce and PV Police Officer James Tobin. Ms. Fowler and Officer Tobin thanked the Town of Prescott Valley and particularly Vice Mayor Nye for her great interest and support over the years. They have had some great successes with the program. Vice Mayor Nye complimented Ms. Fowler for her dedication and determination in working in the program. Chief Jim Maxson acknowledged Ms. Fowler and the Boards for all the hard work they do. Mayor Skoog pointed out that meth labs have been pretty well wiped out and our crime rate is one of the lowest per capita in the state.

7. *COMMENTS/COMMUNICATIONS*

Geni Reeves representing the PV Police Foundation announced a fund raising Rummage Sale scheduled for April 17, 2010 from 8:00 a.m. until 2:00 p.m. at the grassy area next to the PD. They are still looking for donations that they will pick up. April 12 at 6:00 p.m. is their next meeting at the PD.

April 17th is also a Spaghetti Dinner at 4:00 p.m. being held at the United Methodist Church to benefit the Military Monument Committee. Additional monies are needed to build the monument itself. The dinner will cost \$7.00 per person.

Brian Witty, Parks and Recreation Director, announced a "Daddy and Daughter Date Night" event will be held on April 23 on the 3rd floor of the Civic Center for girls age 5 through 12. The event will be held from 6:00 to 9:00 p.m. with photos, dinner and dancing. The cost is \$32.00 per couple and an additional \$15.00 for any additional daughters. Registration is open at the Parks and Recreation Department until April 15. Older brothers, uncles, grandfathers etc. can substitute for the father.

Council member Schumacher announced a Soroptomist International Prescott Valley event for girls in the 6th, 7th or 8th grade. It is free for the 2 one-day programs to be held on May 1st and 8th, 2010 to teach young girls how to make good decisions in life. Anyone interested can call Council member Schumacher at 775-4790 or 925-0530.

a. [Police Department Mobile Command Post/Mobile Emergency Operations Center](#)

Chief Jim Maxson stated that a seized recreational vehicle was converted into a mobile command vehicle a few years ago. The volunteers worked with what they were given, but unfortunately it did not include plumbing, and the wiring is bad.

The PD recently received a 40 foot trailer and tow vehicle which they would like to convert into a new mobile command post. Soon to be Eagle Scout, Trenton Erikson will be overseeing this conversion process as his Eagle Scout project. They have about 20 people, all experts in their field, who have volunteered labor and products to get the job done. Construction will begin the end of April with an expected completion time of 4-6 weeks. Trenton thanked Chief Maxson for allowing him to take on the project. Chief Maxson detailed the command center and outlined the reasoning for the positioning of pertinent operations within it. It will be the only one like it in northern Arizona. It is being financed by RICO funds and donation without the need for any town monies. Council member Schumacher volunteered someone for the communications portion of the project.

b. [E-citation demonstration](#)

Chief Maxson stated this is an ongoing phase of the PD's goal to become digital. Sergeant John Woods introduced the vendor of the Motorola e-citation

units purchased on grant. The units look much like an oversized cell phone, video and audio. It speeds up the process related to writing citations, warnings, tow sheets and accident reporting etc. The units are populated with every street, every officer, radar units, and 750 citations are available through this unit from Brazos Communications.

Brazos Communications representative Mike MaClair noted that they have well over 180 agencies with their technology. Prescott Valley is the flagship for Arizona as the first agency in the state to utilize these units which will increase officer safety and efficiency providing a direct link into the court system.

Colleen Auer explained how the PD, Magistrate Court and Prosecutor's Offices will all be linked electronically thereby reducing data input to one data entry instead of three separate entity entries providing all three with data access.

This is on a secure system/frequency that can't be accessed from any other area and can only be accessed by those three departments. A hard copy citation and court instructions will be generated by the device at the time of a stop after the registration and drivers license are scanned into the system.

There is a 3-year warranty on the device which will be fixed or replaced within that period. Should the device go down, data could be retrieved from the device by another device. Because it is technology which changes continuously Brazos Communications and the PD will stay abreast of new technology to ensure access to long-term data storage. Chief Maxson stated that the PD has put in for a grant to bring the next phases of this technology forward to Prescott Valley.

Council member Flannery stated it is our obligation to create any efficiencies that we can in this economic downturn.

8. [CONSENT AGENDA](#)

- a. *Approval of Minutes - March 25, 2010 (Regular Session)*
- b. *Approval of a Series 6 Liquor License Interim Permit and Person Transfer for the Royal T Sports Hall located at 8380 E. State Route 69; Baldrige Enterprises LLC applicant*
- c. *Approval of routine records destruction*
- d. *Approval of the Chamber of Commerce 2010 Special Event Liquor Licenses to be held as follows: * Battle of the Bands - May 15, 2010 - Mountain Valley Amphitheater * Prescott Valley Days - June 18 & 19, 2010 - Prescott Valley Town Center * Independence Day Celebration - July 4, 2010 - Mountain Valley Park * PV 13 - August 13, 2010 - Yavapai County Fairgrounds * World Arts Festival Date: To*

be determined - Civic Center

- e. Approving a Final Plat (FP10-001) for the Copper Creek Condominiums located at 8360 and 8372 E. Lakeshore Drive; Unit 11 Lots 3349 and 3350; Alan R. & Amy N. Snyder Revocable Trust, applicants*
- f. Approving a Final Plat (FP10-002) for the Lynx Creek Condominiums located at 8400 and 8412 E. Lakeshore Drive; Unit 11 Lots 3352 and 3353; Alan R. & Amy N. Snyder Revocable Trust, applicants*
- g. Approving an agreement with Reyman Pyrotechniques/Any Pro for the July 4th fireworks display*
- h. Accepting a Warranty Deed conveying 315.26 square feet of land at 3101 N. Navajo Dr. to the Town of Prescott Valley from the Dollar General Store*
- i. Accepting a Public Utility Easement from Fain Family Limited Partnership across Parcel #103-02-780F for the Sungate Villas Development*
- j. Approving Accounts Payable for 3/16 thru 3/30/2010*

Council Member Schumacher made the MOTION, seconded by Council Member Anderson, to approve , by electronic vote. MOTION carried with 7 ayes and 0 nays

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

- a. [Public Hearing Open Public Hearing Minor Amendment to General Plan 2020 \(GPA01-001\); Arizornia Development, Inc. applicant Close Public Hearing](#)*

Mayor Skoog opened the Public Hearing. Planner Joe Scott stated this is a proposed Minor General Plan Amendment to change the Land Use Plan Element of the *General Plan 2020* from Low Density Residential to Regional Commercial on Lot 6535, Prescott Valley Unit 16 (8650 E. Laredo Drive), located on the north side of Laredo Drive between Sherrill Drive and Ranger Road. This Minor General Plan Amendment is proposed to accommodate a future re-zoning of Lot 6535 from RS-3 (Residential and Services) to C3 (Commercial; Minor Industrial). In the recent past, there have been a number of similar requests involving Unit 16 lots that are not located in the FEMA floodplain. Lot 6535 was previously located in the FEMA floodplain, in Zone AE (a detailed study area where base flood elevations have been set by FEMA). The lot owner contracted with Claycomb/Rockwell Associates, Civil Engineers, to apply for a Letter of Map Amendment (LOMA), and FEMA provided a Determination Letter (Exhibits "B" and "C") that the property had been removed from the Special Flood Hazard Area (SFHA) and was now in Flood Zone X on the FEMA Flood Insurance Rate Maps (FIRM). Property elevations were then documented by a survey, and the LOMA was approved by Ray Smith, Prescott Valley Floodplain Administrator, for changing the Town's Flood Map.

This allowed the proposed change of the *General Plan 2020* designation to Community Commercial, and the subsequent re-zoning to C3. The Circulation Element (CIR-6) of the *General Plan 2020* anticipates a future extension of Santa Fe Loop Road following the Agua Fria River along the north side of Unit 16. It is expected that future channeling of the floodplain will decrease the FEMA floodplain area and increase the areas in Unit 16 available for commercial and industrial use.

The applicant conducted a neighborhood meeting on January 27, 2010 regarding this proposed General Plan Amendment and the related Zoning Map Change, after contacting property owners by first class mail within a one thousand (1,000) foot radius of the subject property. Nine (9) persons reportedly attended the meeting. During the meeting, the concept of re-zoning all of Unit 16 to a Heavy Commercial District was discussed, along with the need to remove the other properties from the floodplain (similar to the subject property). One adjacent property owner used the occasion (and the subsequent public hearing before the Planning and Zoning Commission) to complain about prior Town actions related to use of his property and to reiterate issues he has raised in a prior claim about the Town's general regulation of the area and development plans for the area. A public hearing on this application was then held on March 8, 2010, during the regular meeting of the Planning and Zoning Commission. After taking comments from the public (including the complaints by the adjacent landowner and another citizen about prior Town enforcement actions on his property and general regulation of the area), the Commission voted unanimously to recommend approval and forwarded GPA10-001 to the Town Council for action.

Scott confirmed for Council member Lasker that the land had been designated as within the floodplain. However, with the completed study FEMA has now designated the land not in the floodplain. The Town will not be held liable for development on land designated as out of the floodplain. Norm Davis noted that FEMA updates their plans every 10 years. Property owners can request a more detailed engineering analysis/study on their property (property owner expense) which then goes through FEMA review and approval processes. Town Manager Larry Tarkowski noted that on the north side of town off of Dallas Road, the town has a long-term plan to develop a flood channel, via an Improvement District. Properties in the floodplain are intended to be pulled out of it at some time in the future as the channel will handle the water. This would take the approval of the Corps of Engineers ending up with a conditional letter of map revision and then a full Letter of Map Revision indicating that the FEMA map has been changed. Granville is a good example of what can be done. Ivan Legler Town Attorney stated that over the years the Town has been at the mercy of the federal government as we are in several floodplains. The Town has to rely on FEMA's determination of floodplain or not, (which are subject to FEMA review and change). Council member Nye said she finds the FEMA process confusing and sometimes dysfunctional and questioned whether the major drainage projects done by the Town have had an effect on the FEMA designations. Norm Davis responded that it is based on loss of life or property. Storm water management projects are routinely done, but storm water is not a FEMA concern. They are two separate issues. Once a floodplain designation is determined it doesn't mean that it will remain the same forever.

Community Development Director Richard Parker stated that the town footed the bill for the engineering to determine the cost for a project to allow the property in this area to be removed from the floodplain. The property owners were asked if they would be interested in participating to have their property removed from the floodplain to make them developable. Floodplain property typically has very little value unless removed from the floodplain.

Vice Mayor Nye commented that in 1999 she was flooded and she doesn't live in a flood plain. It is impossible for anyone to determine a floodplain.

Richard Parker noted that lots were subdivided in the late 60s prior to Yavapai County having the authority to regulate subdivisions etc. Little planning took place back then. For example, had they looked at the Granville property in the 60s, as it is today, they probably would not have designated them in the floodplain. Improvements to convey water through an area changes and improves things. The Town has been the recipient of donated property or bought a lot of floodplain and designated it as open space because the property was not developable.

PUBLIC COMMENT: Mr. Don Buehler pointed out that he is the citizen mentioned in the RFCA for this item as the other citizen regarding prior town actions. Mr. Buehler went into lengthy detail regarding a Mr. Unick's property (Lot 6532) in the area alleging that the property ground level was artificially inflated with contaminated dirt. A 2006 policy for drainage and stormwater policy was done, by commissioned by the town with Mr. Rockwell. He sees what has been done as a liability issue to tax payers, including himself. He accused numerous management folks of being grossly negligent because of the omission of critical facts which he sees as an intent of omission. He said this issue is an incredible potential liability which he told to the P & Z Commission. It was ignored.

Council member Wise asked if Mr. Buehler is an attorney. Mr. Buehler said he works for the attorney who represents Mr. Unick in his claim against the Town.

The owner of the property in question stated that this is a high commercial area and lots on both sides and across the street appear to be the same level. He retained Rockwell to do a study to potentially have the property removed from the floodplain in order to have it zoned residential. Eventually he wants to rezone it to commercial to blend with other surrounding property/structures.

PUBLIC COMMENT: Mr. Unick threatened to file the "biggest lawsuits this Town has ever seen, if you guys can't get your act together".

Assistant Town Attorney Colleen Auer responded to a couple of the statements that were made by Mr. Buehler and Mr. Unick. With regard to the accusation that there

was a request for documentation and the documentation wasn't forthcoming. She was involved in all the public records requests that came from Mr. Buehler and Mr. Unick and in fact the documents that were asked for were made available. At no time was information withheld that was requested. The Town responded in the same fashion that they respond to any other public records request. Mr. Unick's property was found in violation of current zoning. Any such code enforcement issue goes through a hearing officer process whereby all parties get the opportunity to present their case. There is also an appeals process affiliated with the hearing process. They had their day in court before a hearing officer, after they were provided the public records requested and did not move forward with any appeal after they did not get the judgment they were hoping for. They could have moved forward with a study to potentially have Mr. Unick's property removed from the FEMA floodplain designation, but have not done so.

- b. [Consideration of authorizing the Mayor to sign Resolution No. 1695 approving a Minor Amendment to General Plan 2020 \(GPA10-001\); Arizornia Development, Inc. applicant](#)

Council Member Wise made the MOTION, seconded by Council Member Flannery, to approve authorizing the Mayor to sign Resolution No. 1695 approving a Minor Amendment to General Plan 2020 (GPA10-001); Arizornia Development, Inc. applicant, by electronic vote. MOTION carried with 7 ayes and 0 nays

- c. [Consideration of approving Change Order #3 with Markham Contracting Co. Inc. in the amount of \\$34,367.80 to final as-built quantities to close out the ARRA funded project \(CIP#S171\)](#)

Public Works Director Norm Davis pointed out that the construction is done on this additional one-mile path project. This project was totally grant funded through the American Recovery and Reinvestment Act (ARRA). The as-built quantity change order pays for what was put into the project increasing it by \$34,367.80 and will close out the project. The additional rock between the roadway and path was installed. Vice Mayor Nye pointed out that this path is a promotable tourist attraction for our area.

Council Member Flannery made the MOTION, seconded by Council Member Lasker, to approve Change Order #3 with Markham Contracting Co. Inc. in the amount of \$34,367.80 to final as-built quantities to close out the ARRA funded project (CIP#S171), by electronic vote. MOTION carried with 7 ayes and 0 nays

10. [COMMENTS FROM THE PUBLIC](#)

No comments were forthcoming.

11. [MOTION TO CONVENE INTO EXECUTIVE SESSION \(PER A.R.S. 38-431.03\(A\)\(1\) 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: Town Clerk's Annual Review

Council Member Schumacher made the MOTION, seconded by Vice Mayor Nye, to approve convening into EXECUTIVE SESSION , by electronic vote. MOTION carried with 6 ayes and 0 nays

12. *[Recess into Executive Session]*

Council recessed into Executive Session at 7:50 p.m.

13. *[Reconvene into Regular Session]*

Council reconvened into Regular Session at 8:36 p.m.

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

Council member Schumacher made the MOTION, seconded by Vice Mayor Nye, to commend Town Clerk Diane Russell for another outstanding job over the last 12 months. Because she excels in every aspect of her evaluation Council would like to give her the raise she deserves, but unfortunately cannot in this economic downturn period.

15. *ADJOURNMENT*

Council member Anderson made the MOTION, seconded by Council member Wise, to adjourn the meeting, by roll call vote. MOTION carried UNANIMOUSLY. Mayor Skoog adjourned the meeting at 8:43 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, April 8, 2010.

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

Dated this

Diane Russell, Town Clerk