

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
February 10, 2011**

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 Kirk Anderson, Emmanuel Lutheran Church, gave the invocation after which he led in the Pledge of Allegiance. Mayor Skoog presented him with a Certificate of Appreciation for providing this service to the Town.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. *Arizona Interscholastic Association Inc., Chuck Schmidt*

Mr. Chuck Schmidt distributed an informational sheet about the AIA's history and the championship events they hold in Prescott Valley. Council members thanked the AIA for the energy they bring to this area with the variety of events held at the Tim's Toyota Center. Greg Fister pledged that the Town, private sector and Chamber of Commerce will make sure that the next proposal to the AIA will be the best they can put together. Marni Uhl, Chamber Director, welcomed AIA to town and added that she hoped they had opportunities to enjoy our community's amenities. Hampton Inn Suites manager added that they enjoy having the AIA at their hotel.

6. COMMENTS/COMMUNICATIONS

Council members welcomed back Council member Schumacher who has been out with an illness.

7. CONSENT AGENDA

- a. *Approval of Minutes - January 13, 20 & 27, 2011 (Exec Sessions) & January 20 & 27, 2011 (Regular Session)*
- b. *Ratifying the Mayor's signature on the recently signed Amendment to the ADOT MVD Electronic Data Access Agreement to add a Scrutinized Business Operations section pursuant to A.R.S. §35-391.06 and §35-393.06*
- c. *Approving Accounts Payable for January 19 thru 31, 2011*

Council Member Flannery made the MOTION, seconded by Council Member Nye, to approve all items on the Consent Agenda by electronic vote. MOTION carried with 6 ayes and 0 nays.

8. *OLD BUSINESS (FOR ACTION)*

- a. *Consideration of second reading and passage of Ordinance No. 753, by title only, adopting by reference that certain public record entitled Non profit Medical Marijuana Dispensaries and Cultivation*

Town Clerk Diane Russell read **Ordinance No. 753** by title only for the second reading after which Mayor Skoog asked, "Shall the Ordinance pass?" Ordinance No. 753 passed with 6 ayes and 0 nays.

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

- a. *Consideration of reappointing Linda Shimmin to the Board of Adjustment for a term renewing on January 31, 2014*

Council members Flannery, Lasker and Nye interviewed the applicants to the Board of Adjustment and recommend the reappointment of Linda Shimmin. Ms. Shimmin stated she looks forward to serving the community.

Council Member Flannery made the MOTION, seconded by Council Member Lasker, to approve reappointing Linda Shimmin to the Board of Adjustment for a term renewing on January 31, 2014, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- b. *Consideration of reappointing Vincent Lombardi to the Board of Adjustment for a term renewing on January 31, 2014*

Council member Flannery stated Board of Adjustment By-laws limit terms to two (2). However, because the By-laws of the Board of Adjustment had never been adopted and approved by the Town Council, town code will supersede and allow a third term on the Board of Adjustment if Council so chooses. Council member Flannery recommended this exception for the sake of continuity on the board. The By-laws will be brought to Council

for consideration of adoption at a future meeting. Council member Nye thanked Mr. Lombardi for working with them to allow them to do their due diligence regarding the by-laws.

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to reappoint Vincent Lombardi to the Board of Adjustment for a third term renewing on January 31, 2014, by electronic vote. MOTION carried with 6 ayes and 0 nays.

c. Public Hearing Open Public Hearing General Plan Amendment GPA10-002 - Adoption of Central Yavapai Metropolitan Planning Organization (CYMPO) Transportation Plans

Mayor Skoog opened the public hearing.

Planner Joe Scott said this minor amendment is to the General Plan Chapter 5 adding a new Guiding Principal “B” (with corresponding Goals and Policies) to administratively allow plans adopted by the CYMPO Board to become part of the recommendations of the Circulation Element of the General Plan 2020. This proposed amendment is supported by the Public Works Director. The Planning and Zoning Commission reviewed and approved GPA10-002 at its regular meeting on September 13, 2010 and voted to forward same to the Town Council with a recommendation for approval.

Council member Flannery stated that membership is by entity on the CYMPO Board. What if one entity does not support a portion of the plan, would the recommendation still be included in the plan by Board vote? Com Dev Director Richard Parker said instances of non agreement on an issue would be brought before council and be looked at in a case-by-case instance. No additional comments were forthcoming.

Mayor Skoog closed the public hearing.

d. Consideration of authorizing the Mayor to sign Resolution No. 1735 adopting a Minor General Plan Amendment to the Prescott Valley General Plan 2020 to include CYMPO transportation plans

Council Member Flannery made the MOTION, seconded by Vice Mayor Anderson, to authorize the Mayor to sign **Resolution No. 1735** adopting a Minor General Plan Amendment to the Prescott Valley General Plan 2020 GPA10-002 to include CYMPO transportation plans, by electronic vote. MOTION carried with 6 ayes and 0 nays

e. Public Hearing Open Public Hearing Zoning Map Change ZMC10-002 - changing the zoning from C-2 to C-3 on approximately 10 acres northwest of the intersection of State Route 69 and Kachina Drive - Sam Knoy

Mayor Skoog opened the public hearing.

Planner Joe Scott said the main purpose of rezoning the property is to bring the primary use into conformance with the Prescott Valley zoning standards, and also to allow other suitable light industrial uses in the C3 Zoning District, including outside storage and sales, and other light industrial uses subject to the screening requirement of Article 13-15 and

Article 13-26. The rezoning request specifically does not include the southerly two hundred (200) feet of Parcel 402-02-052N, which is adjacent to Kachina Drive. The intent is to leave this two hundred (200) foot portion as C2 to serve as a buffer to the residential uses to the south side of Kachina Drive (Exhibit "B"). There were no objections to the request from residents or the Town of Dewey Humboldt.

Joe Scott introduced Mr. Sam Knoy who said he is trying to attract a grocery store to the area and noted that a lot of money has been spent to improve this property. The Kachina Drive intersection is signalized. Council member Nye congratulated Mr. Knoy for moving forward in these tough times and doing his due diligence and commenting it must be pretty exciting that there were no objections to the rezone. No additional comments were forthcoming.

Mayor Skoog closed the public hearing.

- f. Consideration of reading Ordinance No. 754 by title only on two separate occasions, and then place the same on final passage, and to sign any agreement under Proposition 207 adopting ZMC10-002

Council Member Flannery made the MOTION, seconded by Council Member Lasker, to approve the reading of **Ordinance No. 754** by title only on two separate occasions, and then place the same on final passage, and to sign any agreement under Proposition 207 adopting ZMC10-002, by electronic vote. MOTION carried with 6 ayes and 0 nays. Town Clerk Diane Russell read Ordinance No. 754 by title only for the first reading.

- g. Public Hearing Open Public Hearing Zoning Map Change ZMC10-004 - Arizona Agribusiness and Equine Center (AAEC)

Mayor Skoog opened the Public Hearing.

Planner Ruth Mayday said this request by DLR Group, Agent for the Arizona Agribusiness and Equine Center, is a request to rezone approximately five (5) acres north of Civic Circle, East of Civic Drive, South of Long Look, and East of Viewpoint Drive from C2-PAD to C3-PAD. The rezoning will allow for use of the premises as a hospital or clinic for animals, including boarding and lodging facilities in completely enclosed, soundproofed buildings as a use by right. The use of this site for an education facility is a use by right; the ancillary use of the facility for animal boarding and lodging purposes is allowed once a use permit is approved under existing zoning. In this case, the applicant requests the zoning change to C3-PAD as the Use by Right secures the right to the use in perpetuity.

A Planned Area Development overlay district is also requested for the site. By definition this overlay district allows for flexibility in design while maintaining consistency with the purpose and intent of the General Plan and zoning classifications. In strictly applying the zoning requirement that boarding and lodging facilities be contained within completely enclosed soundproofed buildings, the desired effect of mitigating animal noise by completely enclosing the barn and arena facilities would not be achieved as there is little animal noise to constrain. Thus, Applicant's request for relief from this stipulation is warranted. The site is laid out to meet the one hundred (100) foot setback from adjoining residential uses. Additional screening has been added to further buffer this use from surrounding properties. The applicant held a neighborhood meeting on December 10, 2010 after notifying all property owners within a one thousand foot radius of the

proposed location by first class mail. It was reported that four (4) people attended the meeting, were informed of the rezoning request and that three (3) expressed concerns about horses at this location. A public hearing for ZMC10-004 was held at the regular meeting of the Planning and Zoning Commission on January 10, 2011 and the Commission voted unanimously to approve ZMC10-004 as submitted and forward the same to Town Council with a recommendation for approval. AAEC will stable 6 horses maximum.

Council member Nye said this will bring in a business and jobs with educational opportunities for our young people. Council member Lasker noted that there are cattle on the property now! AAEC will offer a dual track education for high school and Yavapai College at the same time. Students will graduate with an AA degree and high school diploma.

Brenda Prendergast, real estate agent, thanked everyone for taking in AAEC and embracing them. Her daughter Ruby is the school's first enrolled student. She comes from an agricultural background and agricultural family adding that this is an educational opportunity not available at all schools.

Council member Nye welcomed Dr. William Connelly Assistant Superintendent of AAEC who said AAEC will start building as soon as they get the permits. February 20, 2011 they hope to break ground. Enrollment of students begins July 15, 2011 with the opening scheduled for August 8, 2011.

Public Comment: Mr. John Conway wanted to know what the definition of equine is in this case. Does it include mule and donkey? What about noise and odor considerations?

Mayday responded that the FDP stipulates manure removal every day. Yes, this rezone would include donkeys or mules, but will strictly be horses.

Mayor Skoog closed the Public Hearing as no additional comments were forthcoming.

- h. Consideration of approving the reading of Ordinance No. 755 on two separate occasions by title only, then place the same on final passage rezoning approximately five acres north of Civic Circle from C2-PAD to C3-PAD for the AAEC and to sign any agreement under Proposition 207 adopting ZMC10-004*

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to approve the reading of **Ordinance No. 755** on two separate occasions by title only, then place the same on final passage rezoning approximately five acres north of Civic Circle from C2-PAD to C3-PAD for the AAEC and to sign any agreement under Proposition 207 adopting ZMC10-004, by electronic vote. MOTION carried with 6 ayes and 0 nays. Town Clerk Diane Russell read Ordinance No. 755 for the first reading.

- i. Consideration of authorizing the Mayor to sign Resolution No. 1736 approving an Amended Final Development Plan (FDP10-009) and to sign any agreement under Proposition 207*

Planner Ruth Mayday stated this has been requested by applicant DLR Group, on behalf of Arizona Agribusiness and Equine Center, to approve a Final Development Plan for a 25,000 square foot charter high school located on a five (5) acre parcel North of Civic Circle, East of Viewpoint Drive, South of Long Look, and West of Civic Drive. The proposed project will offer specialized classrooms, an equine facility, and an orchard for use by its students.

Council Member Nye made the MOTION, seconded by Council Member Schumacher, to authorize the Mayor to sign **Resolution No. 1736** approving an Amended Final Development Plan (FDP10-009) and to sign any agreement under Proposition 207, by electronic vote. MOTION carried with 6 ayes and 0 nays.

j. Consideration of approving the Antenna Site Lease with Allynx (including the Site Sublease between Allynx and New Cingular Wireless PCS, LLC) and the Non-Disturbance Agreement for a telecommunications facility at Mountain Valley Park

Deputy Town Manager Ryan Jude stated that the Town has previously entered into an agreement dated December 19, 1999 granting a right-of-first-refusal to Allynx Corp. (an entity with considerable experience in the location of wireless telecommunications facilities who originally assisted Prescott Valley, Prescott, Chino Valley, and Yavapai County develop a joint telecommunications plan) to lease Town property for purposes of entering into subleases with wireless telecommunications companies to install wireless telecommunications facilities. The location of such facilities is based on the joint telecommunications plan, which encourages such facilities to be located on various public structures such as water tanks, light poles, etc.

Most recently, on October 11, 2007, the Town Council entered into a lease with Allynx (and Allynx entered into a sublease with CommSpeed AZ) to locate a telecommunications facility on a light pole at Mountain Valley Park. Previously, other such facilities had been located on light poles at the Park. Now, New Cingular Wireless has requested to locate such a facility on a light-pole at the Park. After providing staff with engineering and property descriptions, Richard Nye of Allynx has negotiated a Sublease and has requested that the Town now approve the standard lease with Allynx.

The Lease is for an initial term of 5 years, with five extension options of 5 years apiece if Allynx and New Cingular are not in default. Payments from New Cingular to Allynx are shared with the Town and are subject to increase over time.

Council Member Schumacher made the MOTION, seconded by Vice Mayor Anderson, to approve the Antenna Site Lease with Allynx (including the Site Sublease between Allynx and New Cingular Wireless PCS, LLC) and the Non-Disturbance Agreement for a telecommunications facility at Mountain Valley Park, by electronic vote. MOTION carried with 6 ayes and 0 nays.

Mayor Skoog called a short recess at 6:30 p.m.

Mayor Skoog reconvened the meeting at 6:37 p.m.

k. Council interviews of the finalists for the council vacancy and consideration of appointing one via ballot to the existing vacant Council member four-year term that expires in June 2013

Council asked each of the five applicants a series of seven questions which they answered individually via order number drawn for each question. The applicants are: Court Stringer, Michael Janiszewski, David Kyburz, Don Tjiema and Judy Smeltzer.

At the conclusion of the interview process, Town Clerk Diane Russell distributed a paper ballot to each council member to vote for their choice of applicant to fill the existing council member vacancy term expiring in 2013. Diane collected the voted ballots and tabulated the votes with the assistance of Town Manager Larry Tarkowski. Town Clerk Diane Russell announced that the majority of the votes cast were for Mr. Don Tjiema.

Council Member Flannery made the MOTION, seconded by Council Member Schumacher, to appoint Don Tjiema to the existing vacant Council member position for a term that expires in June 2013, by electronic vote. MOTION carried with 6 ayes and 0 nays

10. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

11. ADJOURNMENT

Vice Mayor Anderson made the MOTION, seconded by Council Member Schumacher, to adjourn the meeting. MOTION carried with 6 ayes and 0 nays. Mayor Skoog adjourned the meeting at 7:39 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, February 10, 2011.

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

Dated this February 14, 2011

Diane Russell, Town Clerk