

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
April 28, 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 Charlie Hail of the Prescott Valley Nazarene Church gave the invocation.

3. PLEDGE OF ALLEGIANCE

Pastor Hail led the audience in the Pledge of Allegiance after which Mayor Skoog presented him with a Certificate of Appreciation for his service.

4. ROLL CALL

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

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. *Student of the Month*

No show.

b. *Chamber of Commerce*

No show.

6. PROCLAMATION

a. Town Clerk Week

Council member Tjiema read the proclamation after which it was presented to Town Clerk Diane Russell. Mayor and Council members expressed their appreciation to Diane for a job well done in the services she provides. Diane thanked Mayor and Council for the honor and kind words.

7. *CERTIFICATES*

a. *Plaque of Appreciation to Brian Kelly for 20 years of service*

Town Clerk Diane Russell read the comments submitted congratulating Brian Kelly for his 20 years of service to the town. Council members expressed their appreciation to Brian for his dedicated service to the town and remembered his years of service with a 'Brian Kelly story' or two. Mayor Skoog presented Brian with a plaque of appreciation and 20 year pin. Brian said it has been an honor and privilege to work for the town and for the superb character of the people he works with.

b. *Plaque of Appreciation to Fernando Gonzalez for 10 years of service*

Town Clerk Diane Russell read the accolades submitted congratulating Fernando Gonzalez for his 10 years of service to the town. Council members commented that Fernando does a great job and is a 'celebrity' in Council member Nye's mind too. They thanked him for the good job he does and said he has done well by the Town. Richard Parker said Fernando shines, is smart as a whip and a wizard at helping the customers in his calm demeanor. He represents the town so well with the citizens. Fernando thanked everyone for their kind words and is grateful for the opportunity to work for the town. "We are all a part of a big family."

c. *Plaque of Appreciation to Donna Keller for Personnel Board Service*

Council members thanked Donna for the job she has done on the Personnel Board. Donna has made a knowledgeable contribution to the board. Council expressed appreciation for the work she has done and wished her well. Town Manager Larry Tarkowski also thanked Donna for her service to this community. Mayor Skoog presented Donna with a plaque of appreciation for her service on the board from 2007 through 2011. Donna commented that the Personnel Board works to keep the town out of court.

d. *Plaque - Karen Reed, Human Resources Director*

Town Manager Larry Tarkowski commented that Karen Reed was hired a couple of weeks ago as the Town's Human Resources Director. A week later he received an email that Karen was being recognized by her professional organization back in Kansas. Tonight we present the International Public Management Association for Human Resources, Thomas F. Lewinsohn Award to Karen on their behalf. This is

presented to Karen Reed in recognition and appreciation of her outstanding contributions to the purposes and conduct of the Greater Kansas City Chapter of IPMA-HR. Council members commented that the Town is fortunate to have someone of her caliber here and wished her well.

Karen said she is honored and excited to have been selected to serve the town, staff and community as a whole. Karen said she comes from Kansas City the area with a 15-year background in human resources, 11 of those years in public human resources.

8. COMMENTS/COMMUNICATIONS

Council member Flannery announced that tomorrow, April 29, from 9:30 to 11:30 a.m. the town is celebrating the sixth consecutive year as a Tree City USA community. This is also the beginning of the Arizona Centennial Celebration - Living Legacy Project. The celebration will be held at the west end of the Mountain Valley Park synthetic soccer field sponsored by the Parks and Recreation Commission. Free trees will be given to the first 500 people attending. He explained the criteria the town met to become a Tree City USA community. Council member Nye added that to her knowledge this is the first state sanctioned Living Legacy Centennial Celebration in Arizona. Thanks to Parks and Recreation Director Brian Witty for all his hard work to make this happen.

Council member Flannery stated how fortunate we are, that several years ago Senator Bennett became President of the Arizona Senate. Flannery announced that Representative Andy Tobin has been elected the Speaker of the House of Representatives for Arizona.

Council member Nye announced “Dump the Drugs Day” to be held on Saturday April 30 starting at 9:30 a.m. Bring your prescription drugs to the PVPD to have them disposed of safely.

9. CONSENT AGENDA

- a. *Approval of Minutes - April 14, 2011*
- b. *Approving a new series 6 Liquor License Application for Prescott Valley Spirits LLC, located at 6851 E. 1st Street; Richard G. Schauwecker Jr., Applicant*
- c. *Approving a Temporary Extension of Premises for the YCCA Home & Garden Show, May 13 thru 15, 2011; Tim’s Toyota Center located at 3201 N. Main St.; Rick Kozuback applicant*
- d. *Accepting the easements and approving negotiated reimbursements for Brower Property for the Robert Road Phase B Project from Spouse Dr. to Tranquil Blvd.,*

CIP # 412B

- e. *Department Reports*
- f. *Monthly Financial Report*
- g. *Council Investment Report*
- h. *Approving Accounts Payable for April 1 - 15, 2011*

Council Member Schumacher made the MOTION, seconded by Council Member Nye, to approve all items listed on the Consent Agenda, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. *OLD BUSINESS (FOR ACTION)*

- a. *Consideration of approving the second reading and passage of Ordinance No. 756 Repealing Article 11-6 "Bicycle Identification" in Chapter 11 "Traffic" of Town Code*

Town Clerk Diane Russell read Ordinance No. 756 by title only for the second reading. Mayor Skoog asked, "Shall the Ordinance Pass?" Ordinance No. 756 passed with 7 ayes and 0 nays.

- b. *Consideration of approving the second reading and passage of Ordinance No. 757 adopting by reference that certain public record entitled "Police Department Responsibilities and Authority"*

Town Clerk Diane Russell read Ordinance No. 757 by title only for the second reading. Mayor Skoog asked, "Shall the Ordinance Pass?" Ordinance No. 757 passed with 7 ayes and 0 nays.

- c. *Consideration of approving the second reading and passage of Ordinance No. 758, Amending Section 3-020-040 "Town Engineer" in Chapter 3, "Administration" of the Prescott Valley Town Code*

Town Clerk Diane Russell read Ordinance No. 758 by title only for the second reading. Mayor Skoog asked, "Shall the Ordinance Pass?" Ordinance No. 758 passed with 7 ayes and 0 nays.

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

- a. *Consideration of re-appointing Ryan Judy as exempt employee member, Richard Parker as exempt employee member, and Darlene Packard as citizen member with each term ending April 25, 2013 to the Personnel Board*

Council members Flannery, Lasker and Nye reviewed the applications and recommend the re-appointments of these three people to the Personnel Board. Council Member Flannery made the MOTION, seconded by Council Member Lasker, to re-appoint Ryan Judy as exempt employee member, Richard Parker as alternate exempt employee member, and Darlene Packard as citizen member with each term ending April 25, 2013, by electronic vote. MOTION carried with 7 ayes and 0 nays.

b. Consideration of authorizing the Mayor to sign the Master Solar Power Services Agreement with Smart Energy Capital

Ruth Mayday stated that on February 24, 2011 Town Council approved an Agreement-in-Principle with Wilson Electric and Smart Energy Capital to submit applications to APS for their incentive programs. The Town was notified on March 16, 2011 that incentives had been approved for all four (4) applications submitted, and can receive the 8.8 cents per kilowatt hour incentive for the projects submitted. Town Council voted unanimously to accept the incentives and sign all four (4) Solar Energy Credit Purchase Agreements during the April 14, 2011 meeting.

Council is now being asked to approve and enter into a Master Power Solar Services Agreement with Smart Energy Capital to fund, construct, maintain, and operate photovoltaic systems to augment electricity fed through two (2) meters at the wastewater treatment plant, and two (2) meters at the Duplex and Triplex pumping stations. An additional application will be made through APS' Government and Schools program that would also be governed by this agreement, should the incentives be awarded to the Town. To maximize savings, the term of the contract is for twenty-five (25) years. Smart Energy Capital and Wilson Electric will be responsible for financing, designing, constructing, maintaining, and operating the system; the town has the ability to purchase the system approximately five (5) years after the date the contract commences. The Town is contracting with a private company as we cannot take advantage of the tax incentives/credits.

Town Attorney Ivan Legler explained that the normally when we are considering entering an agreement with other party we have them here to explain that they are ready to sign the agreement also. However, they have not taken this to their attorney. The majority of the agreement was drafted by them with some proposed minor changes added by the town to avoid violating federal law. We hope they will sign the agreement as proposed; if not, the agreement will have to come back before Council for review and approval.

Council member Nye thanked staff for taking them to the proposed installation sites so they could see exactly where the panels would be located.

Council Member Nye made the MOTION, seconded by Council Member Tjiema, to authorize the Mayor (or in his absence, the Vice Mayor) to sign the Master Solar Power Services Agreement with Smart Energy Capital, by electronic vote. MOTION carried with 7 ayes and 0 nays.

c. Consideration of authorizing the Mayor to sign Resolution No. 1745 amending Policy No. 1-07 Town Facilities Usage

Town Attorney Ivan Legler said this project has been a year and half year project to update the facilities usage policy which was coordinated by Carol Cornell. This building [new joint facilities building] required that we update this policy and amend the code to enforce these policies. The policy explains the public forums versus non public forums of the buildings among other things.

This was quite a complex endeavor for which council thanked Carol Cornell.

Council Member Schumacher made the MOTION, seconded by Vice Mayor Anderson, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1745 amending Policy No. 1-07 - Town Facilities Usage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

d. Consideration of authorizing the Mayor to sign Resolution No. 1746 declaring certain substantive revisions to Town Code Chapter 10 Offenses to be a public record for purposes of adoption by reference

Town Attorney Ivan Legler noted that there is new legislation pertaining to firearms. While firearms have been prohibited in our parks for years, last year we were told we could no longer do that. The code has been modified to reflect that fact, but it will no doubt have to be revisited again as we anticipate that there will be a steady stream of new legislation forthcoming.

Council Member Schumacher made the MOTION, seconded by Council Member Nye, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1746 declaring certain substantive revisions to Town Code Chapter 10 - OFFENSES to be a public record for purposes of adoption by reference, by electronic vote. MOTION carried with 7 ayes and 0 nays.

e. Consideration of approving the reading of Ordinance No. 759 (adopting by reference the Amendments to Chapter 10 Offenses declared by Resolution No. 1746 to be a public record) on two separate occasions by title only, then place the same on final passage

Council Member Schumacher made the MOTION, seconded by Council Member Tjiema, to approve the reading of Ordinance No. 759 (adopting by reference the Amendments to Chapter 10 - OFFENSES declared by Resolution No. 1746 to be a public record) on two separate occasions by title only, then to place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 759 by title only for the first reading.

12. COMMENTS FROM THE PUBLIC

Council member Flannery commented, for the next two work study meetings, that it would be advantageous to have our two new council members elect join us at the budget work study sessions as Council member Schumacher and he will not be here in June when the budget is adopted.

13. 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 Nye made the MOTION, seconded by Council Member Schumacher, to convene into executive session in order to discuss and consider the Town Clerk's Annual Review, by electronic vote. MOTION carried with 7 ayes and 0 nays.

14. [Recess into Executive Session]

Mayor Skoog recessed the regular session at 6:51 p.m.

15. [Reconvene into Regular Session]

Mayor Skoog reconvened the meeting back into regular session at 7:30 p.m.

16. ACTION (IF ANY) RELATED TO EXECUTIVE SESSION ITEMS

Council member Schumacher made the MOTION, seconded by Council member Nye, to state that council would compensate Diane at the highest level possible for her position, but can't at this particular time, as much as she deserves it, as she Exceeds Expectations on every point of her review. MOTION carried UNANIMOUSLY.

17. ADJOURNMENT

Mayor Skoog adjourned the meeting at 7:32 p.m.

ATTEST:

APPROVED:

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Diane Russell, Town Clerk

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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 28, 2011.

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

Dated this 2<sup>nd</sup> day of May, 2011

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Diane Russell, Town Clerk