

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
July 14, 2011**

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

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Council member Tjiema, Mayor Skoog, Council member Mallory,
Vice Mayor Lasker, Council member Nye, Council member Schmitt and
Council member Anderson

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. Chamber of Commerce

Karen Benson from the Prescott Valley Chamber of Commerce introduced two businesses.

1. Danny Z's Pizza and Wings, owner Dan Vargo stated that he has been in the pizza business about 30 years and moved his restaurant from Prescott to his location on 3040 Windsong Drive.
2. Trilog Health, owner Beverly Cowan moved her business here from Phoenix. She is a license acupuncturist and Chinese herbalist. She has a community style clinic on 8113 Florentine.

b. Veteran Monument Update, Carm Staker

Carm Staker gave an update on the Military Service Monument. The committee is in the process of ordering the granite for the monument and will have it in place by Patriot Day in September of this year. Patrons may place an order for bricks by contacting Carm at (928) 772.9563. She thanked everyone who has worked on this project and asked Council member Nye to comment. Nye added that she is proud and excited to be on the Monument Committee and appreciates all the hard work that has gone into making the project a reality.

6. CERTIFICATES

a. Certificate of Recognition, NEST

Mayor Skoog presented a plaque to Tom Lederle owner of NEST Energy Services from the Arizona Manufacturers Council. He explained that his company uses solar energy to produce fuel for use in Afghanistan. Solar power is used to run generators and can be set up wherever needed. Being mobile extends the safety of the operation to military personnel. His company has 12 employees in Prescott Valley. He noted that PVEDF has helped secure some funding. Due to the nature of their business the Department of Defense prefers that they keep a low profile.

7. COMMENTS/COMMUNICATIONS

Mayor Skoog invited Clare Abel, agent for Walmart Stores Inc. to the podium. Ms. Abel represents Walmart as counsel for their liquor licenses and stated that they are excited to be opening in Prescott Valley in 2013.

8. CONSENT AGENDA

- a. *Approval of Minutes - June 23, 2011 Regular; June 16 & July 7, 2011 Work Study*
- b. *Approving a new series 9 Liquor License Application for Walmart Stores Inc. located at 3450 N. Glassford Hill Rd.; Clare Hollie Abel, applicant*
- c. *Approving appointments of Council members & staff to designated organizations as listed*
- d. *Approving entering an Intergovernmental Agreement with Maricopa County for grant funding for participation in AZLink*
- e. *Approving the submittal of an application for the Edward Byrne Memorial Justice Assistance Grant (JAG) FY2011 Local Program funding in the amount of \$16,641*
- f. *Accepting Drainage, Access, Public Utility, & Pedestrian Easements across the Crossroads Development property and a Warranty Deed transferring ownership of the bottom of the detention basin to the Town of Prescott Valley on Parcel C of the development property*
- g. *Approving Accounts Payable for June 13 thru 26, 2011*

Council Member Nye made the MOTION, seconded by Council Member Mallory, to approve all items on the CONSENT AGENDA 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 (GPA011-002) "Tank Farm" Close Public Hearing

Mayor Skoog declared the Public Hearing open.

Planner Joe Scott presented the information on the proposed General Plan Amendment and showed the area map on the overhead screen. Of the property owners within 300 feet that were contacted, one showed up with no objections to the proposed zoning changes.

A citizen, Nancy Myer, came forward to ask, what is a “tank farm”? Town Manager Larry Tarkowski responded that we have three very large water tanks in that area and we don’t grow anything there.

No further comments were made and the Mayor closed the public hearing.

- b. Consideration of authoring the Mayor to sign Resolution No. 1756 approving a Minor General Plan Amendment (GPA011-002) to change the Land Use Plan Element of the General Plan 2020 on properties generally located north of the intersection of Prescott East Hwy and Antelope Lane comprised of Property 1 (APN 103-07-621) being approximately ten (10) acres, and Property 2 (APN 103-07-621B) being approximately one-half (0.5) acre referred to as the "Tank Farm"

Council member stated that in addition to studying this item the council also took a field trip to the site. Council member Schmitt commended Joe Scott and town staff for the fine job they did on this project.

Council Member Schmitt made the MOTION, seconded by Council Member Nye, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1756 approving GPA11-002, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- c. Consideration of authorizing the Mayor to sign Resolution No. 1757, an emergency measure, granting approval to Stone & Youngberg to negotiate the sale of not-to-exceed \$31,000,000.00 aggregate principal amount of Municipal Facilities Revenue Refunding Bonds; approving certain terms, covenants and conditions for such bonds; and delegating to the Town Manager and the Management Services Director, authority to deem final a Preliminary Official Statement

Bob Casillas of Stone & Youngberg reported that their firm has reviewed and recommend the refinancing of the Municipal Facilities Revenue Refunding Bonds. The approximate savings will be \$300,000 to \$350,000. Casillas stated that it is a three to four week process and he will report back to the council. Mayor Skoog and Vice Mayor Lasker commented on the substantial savings to our citizens. Council member Nye thanked the staff for being diligent watchdogs to find these kinds of money saving opportunities.

Council Member Tjiema made the MOTION, seconded by Council Member Schmitt, authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1757, an emergency measure, granting approval to Stone & Youngberg to negotiate the sale of not-to-exceed \$31,000,000.00 aggregate principal amount of Municipal Facilities Revenue Refunding Bonds; approving certain terms, covenants and conditions for such bonds; and delegating to the Town Manager and the Management Services Director, authority to deem

final a Preliminary Official Statement, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- d. Consideration of authorizing the Mayor to sign Resolution No. 1754 declaring the "2011 Amendments to the Tax Code of the Town of Prescott Valley" to be a public record under Arizona Revised Statutes §9-802

Town Tax Auditor Sarah Herzog presented the 2011 Amendments of the Tax Code. She stated that the Arizona Legislature has made changes that the town has to follow. Some of the changes are retroactive as to when they were enacted by the state. Council member Nye commented that when the legislature legislates, what choice do we have?

Council Member Mallory made the MOTION, seconded by Vice Mayor Lasker, authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1754 declaring the 2011 Amendments to the Tax Code of the Town of Prescott Valley to be a public record under ARS §9-802, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- e. Consideration of approving the reading of Ordinance No. 761 by title only on two separate occasions, and then place the same on final passage adopting the 2011 Amendments to the Tax Code of the Town of Prescott Valley

Council Member Nye made the MOTION, seconded by Council Member Tjiema, to read Ordinance No. 761 by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

June Catanzarite read Ordinance No. 761 by title only for the first reading.

- f. Consideration of authorizing the Mayor to sign Resolution No. 1755 amending the Prescott Valley Customer Accounts Regulations to comply with provisions of Arizona House Bill 2193 which makes a tenant who has contracted for, lived at the property and received the water/wastewater services responsible for payment of his/her own bill

Customer Accounts Manager Cordell Compton stated the new provisions of Arizona House Bill 2193 concerning water/wastewater services need to be adopted by the town as well. Resolution No. 1755 will amend the town's regulations to comply with state laws. Compton also stated that two changes are being made concerning tenants and service deposit requirements. If an owner with good payment history becomes a tenant, the history would carry over to the new account without a new deposit requirement. Owners **and** tenants deposits will be refunded or credited to the account after 12 months of good payment history, thereby treating all deposits the same. Mayor Skoog asked if any of these changes will affect the Landlord Tenant Act and Compton stated that it will not. Council member Nye asked to clarify a question she had from a citizen concerning water bill responsibility. If the rent includes water service the owner is responsible for the bill, not the tenant.

Council Member Mallory made the MOTION, seconded by Council Member Tjiema, to authorize the Mayor (or, in his absence the Vice Mayor) to sign Resolution No. 1755 amending the Prescott Valley Customer Accounts Regulations to comply with provisions of Arizona House Bill 2193 which makes a tenant who has contracted for, lived at the property and received the water/wastewater services responsible for payment of his/her own bill, by electronic vote. MOTION carried with 7 ayes and 0 nays.

g. Consideration of adopting a Notice of Intention to make proposed revisions to Town water and wastewater rates, fees and charges and to set a public hearing on the proposal for the September 22, 2011 regular Council meeting

Management Services Director Bill Kauppi gave the details of the Notice of Intention. There is one report with two parts. Wastewater volume proposed rates would go up by 54 cents which is about a 14% increase. It is proposed to increase the deposits by \$10 each on water and wastewater services. Water will go from \$90 to \$100 and wastewater will go from \$40 to \$50. There will be a fee of 40 to 45 cents water charge to all water customers to pay the assessment from the Department of Water Resources. After the public hearing there are two requests for council actions, one for water and one for wastewater. It is about a three month process before the proposed changes would go into effect beginning on November 1, 2011.

Council Member Schmitt pointed out that we are not raising water rates, only wastewater rates. He commended Kauppi for the study. He likes the tier system rates that build in water conservation.

Council Member Nye made the MOTION, seconded by Council member Anderson, to adopt a Notice of Intention to make proposed revisions to Town water and wastewater rates, fees and charges and to set a public hearing on the proposal for the September 22, 2011 regular Council meeting, by electronic vote. MOTION carried with 7 ayes and 0 nays.

h. Consideration of approving the Law Enforcement Canine Fund Grant Contract # 20120860 accepting the YCCF grant award of \$6,000 to purchase a new bite suit, obtain canine maintenance supplies, attend training, and provide quality healthcare for the canines

Interim Police Chief Bill Fessler prefaced his comments by explaining that Janet Coddling, a citizen who enjoyed listening to police scanners and was fond of police canines left an endowment of over \$500,000 for YCCF Law Enforcement Canines. Since 2003 the PVPD has been awarded grants totaling over \$200,000 of those funds. Council member Nye asked Fessler to explain what they do with a bite sleeve and bite suit. Fessler said you can go out on the civic center lawn on Wednesdays to watch the canine officers training with the bite equipment. The present equipment is in need of replacement. Nye had seen canine Kio in action recently with the bite sleeve at a Chamber mixer.

Council member Schmitt asked if the grant was a one-time award and Fessler confirmed that it was only for this purchase and any future grants would require a new application.

Council Member Schmitt made the MOTION, seconded by Council Member Nye, to approve the Law Enforcement Canine Fund Grant Contract # 20120860 accepting the grant award, by electronic vote. MOTION carried with 7 ayes and 0 nays.

i. Consideration of authorizing the Mayor to sign an Intergovernmental Agreements with ADOT for funding of the PV Pipeline MUP - CIP# E273

Public Works Director Norm Davis showed the area map on screen of the PV Pipeline Multi-use Path. He pointed out the overview as a 3-mile area with connectivity to Coyote Springs School. He showed how the various phases can be connected as they are completed. Council member Nye thanked the staff for the work on the planning of the project with the 3 years it has taken. She is going to love it as she lives nearby.

Council member Anderson asked Davis to address concerns on the ADA accessibility of the path due to some hills and also about the fences and gated areas. Davis stated there will be a few alternative path switchbacks to accommodate the steepness in some places. In the design there are gated places that access is limited due wildcat access.

Council member Schmitt commented that he wanted stress to the community that this is a federally funded project and no town funds are used for operation or maintenance.

Larry Tarkowski commended Davis and his staff on working with the complicated Federal funding of this project. He asked Norm to comment on what percentage is complete on the present maintenance street chip sealing. Davis responded that chip sealing is proceeding well and full completion is scheduled to be done by August 1st. Vice Mayor Lasker commented that she has all very positive feedback about the chip sealing that has been done in StoneRidge.

Vice Mayor Lasker made the MOTION, seconded by Council Member Mallory, to authorize the Mayor (or, in his absence, the Vice Mayor) to approve the Intergovernmental Agreements with ADOT for funding of this project, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

1. David Moore suggested that the council do a study for NEST Energy Company to assist him to keep his taxes down so he could hire more employees if he had tax breaks. Mr. Moore also stated that he heard Planned Parenthood was coming, is that true? Why would we want Auschwitz? Why do we want death here, that's crazy. People who have abortions have regrets. The Supreme Court was conned. He'd like the council to stop Planned Parenthood from coming to Prescott Valley. He doesn't want God's judgment to come here. Mayor Skoog responded that it would have to come from the federal government. He and the council members agree that life begins at conception and needs to be protected.
2. Andrew Murphy read a prepared statement about Planned Parenthood in this town. It must be banned from Prescott Valley today. Our nation has no future without our

- children. He wants the town to right an ordinance to ban Planned Parenthood and abortion from Prescott Valley and to start an adoption agency. He will volunteer to run an adoption agency. Not to oppose abortion is to support abortion. We need to consider the consequences of millions of abortions on the nation and the world.
3. Joseph McNerny gave a scenario about Beethoven's mother who did not abort him. He pointed out that Planned Parenthood is bringing abortion to Prescott Valley. He believes that bringing a clinic will add nothing to the community. He claimed that a so called *Mona Lisa Project* of undercover college students have gone with cameras to Planned Parenthood to expose misconduct and lies by staff in Phoenix. Prescott Valley should be a safe place for women. He feels abortion contributes to social decline and a poor economy.
 4. Scott Helfinstine with PVEDF thanked the council for their support of regional economic development with their recent resolution. Other municipalities can follow our lead.
 5. Joe Zambito wanted to say that his three children are adopted. He moved here from Mission Viejo California where they do not have Planned Parenthood.
 6. Patricia McNerny is a student at Yavapai College and is a proud abortion survivor. She wanted to talk about women's rights. She gave statistics about unplanned pregnancies and abortions. She hoped to offer services to women for education and employment opportunities and to help them cope with depression after abortions. She disputes the claim that Planned Parenthood offers mammograms when in fact they do not. We need a crisis pregnancy center to help women make better choices if we want to help our town.
 7. Diane Duncan has served the tri-city area for 14 years in the pro-life movement. For the last year she has run a crisis pregnancy center in Prescott next door to Planned Parenthood. She holds weekend retreats for Rachel's Vineyard with a post abortion healing ministry. There is no such thing as abortion care as offered by Planned Parenthood. She will be moving her Life Connections Community Pregnancy Center here.
 8. Richard Imburgia stated he was here to support the Military Monument and wanted to correct Council member Nye who called it a memorial instead of a monument. He wanted to say that he has seen lots of unwanted killing in his life stated that we already had one black eye by trying to bring a prison to PV. There will be protests and violence, so do yourselves a favor and save yourselves from a black eye.
 9. Nancy Myer wanted to say something positive. She had an article from the PV Tribune showing an annual award given to the Community Pregnancy Center by the PV Chamber as organization of the year.
 10. Mike Johnson stated that he has retired from APS and is now studying with the Catholic Church to become ordained as a deacon. He wanted to comment on the vulnerability of children. As leaders of this community he feels the council can use demographic information to demonstrate their leadership. He asked them to think about the decision to bring Planned Parenthood from Prescott to Prescott Valley. "Let them go away period, Amen."
 11. Diane Deacon got up again to say that Planned Parenthood doesn't have a right to be here. She wants to know who will be the watchdog. We have a beautiful birthing

center here and now we have abortions happening right in front of it. She will be here to pray and picket in front of them and plans to stay there until they are closed.

11. ADJOURNMENT

Council Member Nye made the MOTION, seconded by Vice Mayor Lasker, to adjourn by electronic vote. MOTION carried with 7 ayes and 0 nays. Mayor Skoog adjourned the meeting at 7:02 p.m.

ATTEST:

APPROVED:

June Catanzarite Town Clerk's Office

Harvey Skoog, Mayor

STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss:
TOWN OF PRESCOTT VALLEY)

CERTIFICATE OF COUNCIL MINUTES

I, June Catanzarite, Town Clerk Department 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, July 14, 2011.

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

Dated this 20th day of July, 2011

June Catanzarite, Town Clerk Department