

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
DECEMBER 6, 2007  
MINUTES**

Magistrate Court/Council Chambers  
Civic Center  
7501 E. Civic Circle  
Prescott Valley, Arizona 86314

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. Vice-Mayor Wise gave the Invocation after which the Pledge of Allegiance was said in unison as led by Ben Harper. The following council members were present for roll call:

Harvey Skoog	Mayor
Harold Wise	Vice-Mayor
Fran Schumacher	Council member
Bob Edwards	Council member
Mike Flannery	Council member
Mary Baker	Council member
Lora Lee Nye	Council member

5. *ANNOUNCEMENTS AND PRESENTATIONS*

Council member Nye announced that there will be an opportunity to skate with the Sundogs on New Year's Eve. The Town of Prescott Valley will be having a party on New Year's Eve to kick off the 30<sup>th</sup> anniversary of the Town of Prescott Valley. Tickets may be obtained from the Parks and Recreation department on the fourth floor to skate with the Sundogs after the game. Tickets can also be purchased if anyone would like to just go to the game. The players will be in the concourse. The reduced priced tickets at Parks and Recreation are only available through December 17, 2007.

Council member Baker announced that the tickets are \$15.00 for the game and \$20.00 if you would like to skate with the Sundogs after the game. For the 30<sup>th</sup> anniversary of the Town of Prescott Valley there will be a great kickoff in the afternoon of December 31, 2007 at the ED Center. At 10:00 am there will be an event at Harkins Theater. In the afternoon there will be a lot of activities for the kids. There will be different events for each age group. At about 5:30 or 6:00 pm there will be a bonfire in the field behind Albertson's. There will also be a fireworks display. Florentine will be closed and there will be tents with hot chocolate. All of these events (with the exception of the Sundogs events) will be free. There will be fireworks at midnight as well.

## 6. COMMENTS/COMMUNICATIONS

Town Manager, Larry Tarkowski, said that on Saturday, December 8, 2007 there will be a budget open house that will be held from 10:00 am through 1:00 pm. There will be free hot chili. There will be an opportunity to take a look at the work product from the Council retreat of a month ago.

Council member Schumacher suggested that while people are at the open house that they take a look around the Civic Center to see the Create a Tree display. This is put on by the Prescott Valley Arts and Culture Commission and the Town of Prescott Valley. There will be trees on all levels and voting is available on the third floor at the reception desk and you can vote for your favorite tree.

As a loyal Green Bay Packer fan, Council member Edwards made a wager with the Town Manager of Prescott, Steve Norwood, on the game. Council member Edwards lost and “in sympathy and condolences to Steve Norwood, I am wearing his jersey on his behalf because he could not attend our council meeting. Thank you Steve.”

Mayor Skoog reminded everyone about the Valley of Lights that is being held now at Fain Park. It is one of the top attractions in the State of Arizona during this time of year.

## 7. CONSENT AGENDA

- a. *Renewing a contract with Mountain Ink for professional printing services for fiscal year 2007/2008*
- b. *Approving Reversionary Plat RP07-008 as requested by Dave Rittershaus combining lots 1735 and 1736 in Prescott Valley Unit 5 into a larger lot, 1736A*
- c. *Approving Departmental Monthly Statistical Reports for October:*
  - Community Development*
  - Library*
  - Parks and Recreation*
  - Police Department*
  - Public Works*
  - Town Clerk*
- d. *Approving Accounts Payable for November 16-29, 2007*

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

## 8. NEW BUSINESS

- a. *Consideration of approving an amendment to the Town Engineer Agreement with Dava & Associates in the amount of \$38,750 for traffic signal design for the Viewpoint Drive/Pronghorn Ranch Parkway (CIP#S309)*

Public Works Director, Norm Davis, reported that traffic growth in the Viewpoint and Pronghorn Subdivisions has increased to the point that delays are becoming more significant during peak commuter hours at the intersection of Viewpoint Dr./Pronghorn Ranch Parkway.

A traffic needs study has been performed at this intersection by a professional traffic engineering consultant with the resulting determination that current traffic conditions support the installation of a signal. A proposal has been received through the Town Engineer contract with Dava & Associates to perform traffic signal design engineering services for a cost not to exceed \$38,750.00. It is hoped that this signal will be under construction for next budget year.

Per the Pronghorn Ranch Development Agreement, a threshold has been reached where a secondary access needs to be built out of the Pronghorn Ranch subdivision. This proposed secondary access would go over to Coyote Springs Road and it will be done by the Pronghorn Ranch subdivision owner (Brown Family Communities). The design is close to being done and they have indicated construction will start in January.

Vice-Mayor Wise asked if this secondary access would be paved. The response was it will be paved.

Council member Schumacher asked when this secondary access would be done. The response was that it would be started the beginning of January and, after some State Land easement issues are resolved, they will be able to complete the project. But they do have easements up to the access connection to the Robert Road interchange. They plan on building at least half of it now that they have easements. The eastern portion will wait until the additional State land easement is complete.

Council member Schumacher asked how long it will take to get the traffic signal in place. The response was there is no budgetary funding this year but it is hoped that it will be funded next year. A traffic signal takes six to nine months to construct.

Council member Baker asked about the cost of the light and whether it would be paid for by the Town of Prescott Valley or the developer. The response was that public dollars would pay for the light.

Vice-Mayor Wise made the MOTION, seconded by Council member Edwards, to approve the Amendment to the Town Engineer Agreement with Dava & Associates in the amount of \$38,750.00, by electronic vote. MOTION carried with 7 ayes and 0 nays.

*b. Public Hearing*

*Open Public Hearing*

*Proposed annexation of two acres located in T.13.N., R.1E., Section 3 generally located west of State Route 69, north of Kachina and in between the boundary with Dewey/Humboldt (ANX07-005)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open.

Planner, Joe Scott, reported that when the Town previously annexed portions of unincorporated properties in the Dewey area, a two hundred (200) foot strip of land was left un-annexed between the Prescott Valley Town limits and the incorporated boundaries of the newly created Town of Dewey-Humboldt. This resulted in a number of property owner's land being split between the County and the Town of Dewey-Humboldt. Some of these owners want to have

all their property within Prescott Valley or the Town of Dewey-Humboldt. This can be accomplished through a de-annexation process once all the unincorporated properties are annexed into Prescott Valley and are then contiguous with Dewey-Humboldt. Due to size and shape requirements of state law, there are two (2) portions of property of one owner that must first be annexed. Once these annexations are complete, the de-annexation process can begin as agreed to between the two Towns.

A public hearing must be held to take comment on the proposed annexation of these two (2) acres located west of Hwy 69 and north of Kachina in the Dewey area. A blank petition for this annexation was filed with the Yavapai County Recorder's Office on November 16, 2007, starting the necessary thirty (30) day waiting period. Should the Council decide to move forward with annexation after the required public hearing, an ordinance annexing the property shall be prepared for Council consideration after all other required documents have been collected.

Council member Nye said it was a shame that it took so long for this to be accomplished but we are almost there now.

Council member Flannery asked about the annexation and de-annexation process. Planner, Joe Scott, said that there will be a public hearing on December 20, 2007 to start the annexation. And then the de-annexation will begin in January. Council member Flannery asked if the de-annexation had been discussed with Dewey-Humboldt. The response was yes it has been discussed extensively but agreements still need to be reached on the final legal descriptions and which properties are in or out.

Frances Sevalis said this annexation has taken over two years. She is glad that it is finally happening and thanks everyone. Mike Sevalis discussed the streets in their area and which ones should be in Dewey-Humboldt and which ones should be in Prescott Valley.

There being no further comments, Mayor Skoog closed the public hearing.

*c. Public Hearing*

*Open Public Hearing*

*Proposed amendments to Town Code Articles 13-3 C1, 13-15 C3, 13-16 PM, 13-17 M1 and 13-18 M2 in Chapter 13 "Zoning" to clarify and regularize the typically pyramid character of Commercial Zoning Regulations (ZOA07-006)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open.

Community Development Director, Richard Parker, reported this public hearing is to take comment on proposed amendments to Town Code relative to amending Articles 13-3 C1 (Commercial; Neighborhood Sales and Services), 13-15 C3 (Commercial; Minor Industrial), 13-16 PM (Performance Manufacturing), 13-17 M1 (Industrial; General Limited), and 13-18 M2 (Industrial; Heavy) in Chapter 13 "Zoning" of the Town Code to clarify and regularize the pyramid character of the Town's non-residential zoning regulations, and it is expressly intended and understood that these amendments do not reduce any existing rights to use, divide, sell or possess property, nor do they reduce the fair market value of any property.

This Zoning Ordinance Amendment was prioritized by the Planning Commission and Town Council during the last joint session. The amendment is proposed to clarify and regularize the pyramid character of the Town's non-residential zoning regulations, and it is expressly intended and understood that these amendments do not reduce any existing rights to use, divide, sell or process property, nor do they reduce the fair market value of any property.

The Planning and Zoning Commission reviewed this item during regular session on November 19, 2007 and voted to forward a recommendation of adoption to the Town Council related to ZOA07-006. Council is now being asked to approve same.

There being no further comments, Mayor Skoog closed the public hearing.

- d. Consideration of (a) authorizing the Mayor to sign Resolution No. 1549 declaring the document entitled "Pyramid Form of Non-Residential Zoning Regulations" to be a public record, and (b) considering the first reading by title only of Ordinance No. 705 adopting by reference the document entitled "Pyramid Form of Non-Residential Zoning Regulations" which includes amendments to Town Code Articles 13-3 C1, 13-15 C3, 13-16 PM, 13-17 M1 and 13-18 M2 in Chapter 13 "Zoning" (ZOA07-006)*

There were no further comments on this item.

Council member Flannery made the MOTION, seconded by Council member Nye, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1549 declaring as a public record a document entitled "Pyramid Form of Non-Residential Zoning Regulations, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Council member Flannery made the MOTION, seconded by Council member Schumacher, to read Ordinance No. 705 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.

Town Clerk, Diane Russell, read Ordinance 705 by title only.

- e. Public Hearing*

*Open Public Hearing*

*Proposed zoning map change from C2-PAD to C3-PAD on six parcels within the Eastridge development, including: APN 103-05-931D, 103-05-931C, 103-05-931F, 103-05-009S, 103-05-009J and 103-05-009K as requested by CHR Partners, LLC for the purpose of expanding permitted uses to include limited manufacturing and storage accessory to the primary use outside of permanent structures (ZMC07-014)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open.

Council member Baker announced she would have to abstain on this item (8e) and the next item (8f) due to a possible conflict of interest.

Community Development Director, Richard Parker, reported that this is a public hearing to take comment on the request of CHR Partners, L.L.C., a request for a Zoning Map Change from C2-PAD (Commercial; General Sales and Services – Planned Area Development) to C3-PAD (Commercial; Minor Industrial – Planned Area Development) on six (6) parcels: APN #103-05-009S, comprising approximately eleven (10.91) acres; APN #103-05-931C, comprising approximately one (1) acre; APN # 103-05-931F, comprising approximately two and one-half (2.63) acres; APN #103-05-931D, comprising approximately one (1) acre; APN #103-05-009J, comprising approximately two (2.11) acres; and APN #103-05-009K, comprising approximately three (3) acres, located in the Eastridge Commercial Center south of Highway 69.

The applicant is requesting a Zoning Map Change from C2-PAD (Commercial; General Sales and Services – Planned Area Development) to C3-PAD (Commercial; Minor Industrial – Planned Area Development) for the purpose of expanding the uses that are permitted as a matter-of-right within the development. The significant difference between C2-PAD and C3-PAD Use Districts relate to the ability to permit limited manufacturing and to store items that are accessory to the primary use outside of a permanent structure subject to the installation of opaque screening.

Private covenants and deed restrictions have been established within the development that require outside storage to be entirely enclosed within a masonry structure and several uses listed as permitted uses within the proposed C3 Use District are prohibited by these restrictions.

The Planning and Zoning Commission considered this request in a public hearing at its November 19, 2007 meeting, and voted unanimously to recommend approval of the re-zoning by the Town Council. Council is now being asked to approve same subject to certain use restrictions that are contained in Ordinance No. 704.

Council member Flannery said that since we are trying to go down Hwy 69 with the Parkway plan, he wants to know what screening will be there. Community Development Director, Richard Parker, responded that Town Code requires the screening of any outside storage material related to the primary use has to be entirely screened behind an 85% opaque fence. Things have to be below that fence and not protrude above. The developer, on the other hand, has private deed restrictions that heightens that standard greater than the standard that is imposed by the Town of Prescott Valley. This standard permits outside storage that involves the placement of a masonry wall which is 100% view obscuring.

There being no further comments, Mayor Skoog closed the public hearing.

*f. Consideration of approving the first reading of Ordinance No. 704 by title only, approving zoning map change ZMC07-014 as requested by CHR Partners, LLC*

There were no further comments.

Vice-Mayor Wise made the MOTION, seconded by Council member Schumacher, to read Ordinance No. 704 by title only on two separate occasions, and then place the same on final passage, by electronic vote. MOTION carried with 6 ayes and 0 nays and 1 abstain (Baker).

Town Clerk, Diane Russell, read Ordinance 704 by title only.

*g. Consideration of authorizing the Mayor to sign Resolution No. 1546 adopting a Final Development Plan for the Glassford Hill Apartments, Phase II (FDP07-021)*

Planner, Joe Scott, reported that this request is for approval of a Final Development Plan for development of an additional sixty-eight (68) apartment units on approximately nine (9) acres being a second phase of the Glassford Hill Apartments situated between the existing apartment complex and Lone Cactus Drive. The subject property is located within the Granville Subdivision approved by Ordinance No. 482 on January 13, 2000. An approximately twelve (12) acre parcel designated for Multi-Family housing existed at the northeast corner of Glassford Hill Road and Spouse Drive and has since been developed as the Glassford Hill Apartments Phase I, comprising one hundred fifty (150) units.

The original plan intended for development of single-family residences on the subject property adjacent to Lone Cactus Drive. The apartment owners desired to expand an additional sixty-eight (68) units on approximately nine (9) acres situated between the current apartment complex and Lone Cactus Drive. In pursuing this objective, the applicant requested a Minor General Plan Amendment (GPA07-002) to change the designation from Low Density Residential to Medium-High Density Residential. At the March 12, 2007 meeting, the Planning and Zoning Commission approved the requested Minor Amendment to Medium-High Density and GPA07-002 was approved by Resolution No. 1494 at the April 12, 2007 Council meeting. In conjunction with the requested General Plan Amendment, the applicant contacted property owners within a one thousand (1,000) foot radius and conducted an initial Neighborhood Meeting on February 7, 2007, with a follow up meeting being held on February 21, 2007.

The apartment owners subsequently applied for a Zoning Map Change (ZMC07-001) from R1L-10 PAD (Residential; Single Family Limited - Planned Area Development) to R2-PAD (Residential; Multiple Dwelling Units - Planned Area Development) on the subject nine (9) acres. The Planning and Zoning Commission reviewed this item during regular session on August 13, 2007 and voted to approve ZMC07-001 along with a Preliminary Development Plan for the additional sixty-eight (68) units. The Town Council approved Ordinance No. 695 at its regular session on September 27, 2007.

The development will have primary access via an extension of the Santa Fe Loop Road, which is now signalized at Glassford Hill Road. With the required improvements, the original one hundred fifty (150) units will also be able to access the signalized intersection at Santa Fe Loop Road and Glassford Hill Road instead of the single access at Spouse Drive. An emergency access drive will be provided onto Lone Cactus; however, will be gated and locked. Due to the topography of the site, the developer is placing the units down in the valley, with rooftops being at approximately the same level as the road height of the adjacent Lone Cactus Drive, with the structures being placed approximately seventy-five to one hundred (75-100) feet away from Lone Cactus Drive mitigating concerns with development of the site. The Final Development Plan indicates the building location and heights, along with parking and access configuration.

The original condition of approval for Granville required a greenbelt and an eight (8) foot multi-use trail of decomposed granite. It was intended that any new development plan meet the intent of original conditions of Ordinance No. 428 regarding development adjacent to the Lone Cactus area. Conditions of approval for the rezoning required that a paved path be installed

along Lone Cactus and down to Santa Fe Loop Rd. The developer conducted a Neighborhood Meeting and the developer and neighbors reached an agreement on a six (6) foot paved path. During Council approval, Councilmember Flannery asked that approval include that the Parks and Recreation Commission review the proposed trail regarding a ten (10) foot width instead. At the Parks and Recreation meeting, Brian Witty, Parks and Recreation Director, referenced the *General Plan 2020* Guiding Principles, Goals and Policies related to trails in Chapter 5, Circulation Element, and in Chapter 7, Recreation and Open Space Element, and the Parks and Recreation Master Plan which recommend a multi-use path ten (10) feet in width. The trail location is shown on the Final Development Plan and final plans will be approved by the Engineering Department before issuance of building permits.

Council member Flannery complimented the applicant for taking this to the Parks and Recreation department and seeking that clarification. He knows it was not exactly what the applicant wanted to hear from them. He does appreciate the fact that we are looking for standardized paths in the Town. He also wants to express appreciation to staff for referring that back to Parks and Recreation. He feels that it is important that when we do have Boards and Commissions that are making recommendations to Council, that we utilize that and send things back through them so that we do have standardized goals here in town.

Council member Nye made the MOTION, seconded by Council member Flannery, to authorize the Mayor (or in his absence, the Vice-Mayor) to sign Resolution No. 1546 adopting Final Development Plan 07-021, by electronic vote. MOTION carried with 7 ayes and 0 nays.

*h. Consideration of authorizing the Mayor to sign Resolution No. 1547 adopting a Final Development Plan for a 55,000 square foot industrial building on approximately 13 acres located at 9880 Superior Lane as requested by Superior Industries(FDP07-022)*

Planner, Joe Scott, stated that this request is for approval of a Final Development Plan for the development of an approximately fifty-five thousand (55,000) square foot industrial building for Superior Industries, on approximately thirteen (13) acres located at 9880 Superior Lane.

The subject property is zoned C3-PAD (Commercial; Minor Industrial – Planned Area Development), is approximately thirteen (13) acres in size, and is contained within the Big Sky Industrial Park (which was approved by Resolution No. 1380 on September 15, 2005).

Superior Industries designs and fabricates conveying equipment, telescoping conveyors, feed systems, portable screening quality idlers, pulleys and other conveyor components. The business will employ approximately eighteen to twenty (18-20) additional persons as part of this expansion.

The plant manager for Superior Industries gave information on what was going in the building. They have a total of 33 employed presently and hope to increase to about 60 to 70. Superior Industries makes aggregate handling equipment (gravel conveyors) for cement plants, quarries and mines.

All the council members congratulated Superior Industries on their success and expansion.

Vice-Mayor Wise made the MOTION, seconded by Council member Flannery, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1547 adopting Final Development Plan FDP07-022 involving Superior Industries, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- i. *Consideration of authorizing the Mayor to sign Resolution No. 1548 adopting a Final Development Plan for a fifty thousand (50,000) square foot office and warehouse facility on approximately eleven (11.68) acres located east of the Yavapai County Fairgrounds complex as requested by Nackard Companies (FDP07-023)*

Planner, Joe Scott, stated that upon the application of The Nackard Companies, a Final Development Plan for the Prescott Valley Pepsi Distribution Facility comprising a fifty thousand (50,000) square foot office and warehouse facility on approximately eleven (11.68) acres located east of the Yavapai County Fairgrounds complex. The subject property is part of the approximately one hundred ninety-seven (197) acres originally set aside for the Yavapai County Fairgrounds and Racetrack. The one hundred ninety-seven (197) acres comprising the entire fairgrounds site was changed to PL (Public Lands) with approval of Ordinance No. 514 on October 4, 2001 in order to accommodate the Yavapai County Fairgrounds and ancillary uses on the property. The Fairgrounds property, including the subject property, was all designated as Public/Quasi-Public on the *General Plan 2020* when adopted by Resolution No. 1066 and ratified by the voters March 12, 2002.

At the April 12, 2007 meeting, the Planning and Zoning Commission approved a request by Nackard Companies for a Minor Amendment to the *General Plan 2020* (GPA07-004) changing the land use designation of twelve (12) acres from Public/Quasi-Public to PAD 4-I. GPA07-004 was approved by Resolution 1518 at the July 12, 2007 Council meeting. The applicant desired to establish a business park setting for other private business uses on the subject twelve (12) acres, which required a change in underlying zoning district to C3 supported by the PAD 4-I designation. The Planning and Zoning Commission considered a rezoning request during regular session on August 13, 2007 and voted to approve ZMC07-009 and forward to Town Council. The Town Council approved Ordinance No. 696 on September 27, 2007.

The Final Development Plan identifies the initial location of a first phase development of a fifty thousand (50,000) square foot office and distribution building with parking and areas for future expansion. This Final Development Plan has been reviewed by the Town Zoning and Engineering Departments and conforms to the approved Preliminary Development Plan and other Town Code requirements. Final building and engineering plans will be reviewed at the time of building permit submittal. Landscaping and lighting will be installed per requirements of Town Code Articles 13-26 and 13-26a, respectively.

Peter Burguois and Mark Di Lucido, BMA Architects, made comments that the aesthetics of the site, landscaping and building colors reflect all of the comments that were made by council members and commission members.

Council member Flannery made the MOTION, seconded by Council member Edwards, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1548 adopting Final Development Plan 07-023, by electronic vote. MOTION carried with 7 ayes and 0 nays.

9. *COMMENTS FROM THE PUBLIC*

No comments were forthcoming

10. *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:*

- *Magistrate Judge annual review*
- *Town Attorney annual review*

Council member Schumacher made the MOTION, seconded by Council member Nye to convene into Executive Session at 6:46 p.m.

11. *[Recess into Executive Session]*

Council recessed into Executive Session at 6:56 p.m.

12. *[Reconvene into Regular Session]*

Council reconvened into Regular Session at 7:47

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

a. Council member Flannery made the Motion, seconded by Council member Schumacher, to give Magistrate Judge Carson a 5.5 percent performance merit increase. Motion carried unanimously.

b. Council member Flannery made the Motion, seconded by Council member Schumacher, to give Town Attorney Ivan Legler a 5.5 percent performance merit increase. Motion carried unanimously.

14. *ADJOURNMENT*

Council member Baker made the MOTION, seconded by Council member Edwards to adjourn the meeting. Mayor Skoog adjourned the meeting at 7:49 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, Candice McElhaney, Deputy 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 6, 2007.

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

Dated this December 13, 2007

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Candice McElhaney, Deputy Town Clerk