

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
JANUARY 24, 2008**

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. Pastor Don Tjiema, Mountain Valley Church of God, 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 & PRESENTATIONS*
 - a. *Punt, Pass and Kick Runner up*

Parks and Recreation Director, Brian Witty, reintroduced Derek Knotek. Derek finished as the National runner-up champion in the 2007 NFL Pepsi Punt, Pass and Kick in his age group. Derek's father, Jeff, gave an overview of the event and then thanked everyone in Prescott Valley for their support.

6. *CERTIFICATES*
 - a. *Certificate of appreciation to Linda Stickley for 5 years of service*

Mayor Skoog presented the certificate of employee appreciation and a pin to Linda Stickley for 5 years of service.

7. *COMMENTS/COMMUNICATIONS*

No comments were forthcoming.

8. *CONSENT AGENDA*
 - a. *Approval of Minutes – January 10, 2008 (Regular & Executive Session)*

- b. *Liquor License – Approving a new Series 12 (Restaurant) Liquor License Application from The Pizza Place located at 6450 N. Viewpoint Drive, Suite A; Robert N. Hamill applicant*
- c. *Approving the revised Intergovernmental Agreement between the Town and the Arizona Department of Revenue for Town excise tax collection*
- d. *Adopting the Comprehensive Annual Financial Report for the Town for FY 2006-2007*
- e. *Approving Departmental Monthly Statistical Reports:*
 - Community Development*
 - Library*
 - Parks and Recreation*
 - Police Department*
 - Public Works*
 - Town Clerk*
- f. *Approving the Management Services Monthly Financial Report*
- g. *Council Investment Report*
- h. *Approving Accounts Payable for January 4 – 17, 2008*

Council member Nye made the MOTION, seconded by Council member Edwards to accept the consent agenda as read, by electronic vote. MOTION carried with 7 ayes and 0 nays.

9. NEW BUSINESS

a. Public Hearing

Open Public Hearing

Minor General Plan Amendment changing the designation of approximately 17 acres located on the west side of Glassford Hill Road, along the north and south sides of Long Look Road, from “Low Density Residential” to “Community Commercial”, and changing the designation of approximately 6 adjacent acres from “Public/Quasi-Public” to “Community Commercial” (GPA07-006)

Close Public Hearing

Mayor Skoog declared the public hearing open.

Council member Baker stated that she has to abstain from this item (9a) and the next item (9b) due to a possible conflict of interest.

Community Development Director, Richard Parker, stated that Fain Land and Cattle Company has requested a Minor Amendment to the *General Plan 2020* changing the designation of approximately seventeen (17) acres in Section 10, R1W, T14N from “Low Density Residential” to “Community Commercial”, and changing the designation of approximately six (6) acres nearby from “Public/Quasi-Public” to “Community Commercial” (generally located on the west side of Glassford Hill Road, along the north and south sides of Long Look Road).

A majority of the subject property (north of Long Look Drive) was only recently annexed. It was not part of the adjacent Granville Planned Area Development and was excluded from the Granville project with the intention that it would provide future commercial services. The property was

designated as Low Density Residential and Public/Quasi-Public due to the fact that it was adjacent to a school and residential development. However, the property is located along the Glassford Hill corridor and as the downtown has developed it is a logical extension of higher-intensity commercial uses planned in the Town Center.

A parallel re-zoning request will be considered at a subsequent meeting if this General Plan Amendment is approved. The rezoning process will afford the opportunity to consider specific zoning districts and look at the specific development details and possible impacts. Design standards and stipulations to mitigate any impacts resulting from development can be considered at the rezoning stage.

Mike Withey, representing Fain Signature Group, spoke about the project.

Council member Schumacher wanted to know why one parcel would be Low Density Residential and Public/Quasi-Public. Mr. Withey responded that it was actually all being changed to Community Commercial.

Council member Nye was happy with the clarification. The factual information was not available at the time the designation was made. It is important that our citizens always consider that there's a strong reason when there is an adjustment made to the General Plan. There was a person who sent an email saying that they felt this project should not be approved. Council member Nye said the communication was read and that she did not agree with their viewpoint after reading it several times.

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

- b. Consideration of authorizing the Mayor to sign Resolution No. 1557 adopting a Minor General Plan Amendment (GPA07-006)*

There were no further comments or discussion.

Vice-Mayor Wise made the MOTION, seconded by Council member Schumacher to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1557 adopting a Minor Amendment to the Prescott Valley *General Plan 2020* (GPA07-006), by electronic vote. MOTION carried with 6 ayes, 0 nays and 1 abstain (Council member Baker)

- c. Consideration of authorizing the Mayor to sign Resolution No. 1559 approving an exchange of a portion of State Route 69 Frontage Road (west of Yavapai Road) for private property east of Windsong Drive needed to widen Windsong Drive (south of Florentine Road)*

Community Development Director, Richard Parker, reported that on October 18, 2007, and January 17, 2008, staff discussed with the Town Council in work/study session, a proposal to exchange property with Paul Browning in order to widen Windsong Drive (south of Florentine Road). Council indicated an interest in pursuing the concept.

A recent traffic analysis for portions of Section 14 and the Downtown area has set forth base line modeling criteria to evaluate the impacts of future growth in Downtown and established minimum right-of-way widths and roadway templates. The roadways analyzed were

Windsong Drive, Lake Valley Road, and Glassford Hill Road. Lake Valley Road and Glassford Hill Road are classified as arterials and have rights-of-way ranging from one hundred (100) feet to one hundred fifty (150) feet in width. Windsong Drive is classified as a collector and has rights-of-way ranging in width from fifty (50) feet to eighty (80) feet. The proposed roadway section for Windsong Drive (including travel lanes, curb gutter, and sidewalk) will fit into an eighty (80) foot right-of-way. However, the Town presently does not have sufficient right-of-way for the portion of Windsong Drive between Florentine Road and Highway 69. The proposed land exchange would enable the Town to acquire needed additional right-of-way.

The proposal from Bourgois has two phases. Phase 1 is a straightforward land exchange of Areas A and B (Browning) for Area C (Town) pursuant to ARS §28-7203. The Town would continue to allow Browning to use a portion of Area A until the Town widened Windsong Drive. Phase 2 requires a development agreement between the Town and Browning whereby the Town agrees to pave and stripe the roadway, build new curb, gutters, curb returns, ramps, and provide drainage (including structures to accommodate drainage from the Browning property so that the current on-site drainage basin could be abandoned). Browning would rebuild certain improvements lost with the property exchange. There may also be a need to grant variances for a landscape strip along Windsong narrower than the required 10 feet and, perhaps, to allow signs to be placed closer than 6 feet from the new property line. This action only relates to Phase 1.

Council member Flannery pointed out that this area has had congestion problems for some time because of the growth there. He wants to commend the Town and Mr. Browning for working together and for seeking a solution to this problem. Mr. Browning is doing this using his own funds and he should be commended for this.

Council member Schumacher also wanted to extend thanks to Mr. Browning for all his patience, flexibility and willingness to work out problems on his property.

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. 1559 approving the property exchange for new public right-of-way per ARS §28-7203, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- d. Consideration of authorizing the Mayor to sign Resolution No. 1556, declaring the document entitled "Sexually-Oriented Business Standards" attached thereto to be a public record, AND Consideration of approving Ordinance No. 708, an emergency measure, adopting by reference the public record "Sexually-Oriented Business Standards"*

Town Attorney, Ivan Legler, stated that Paralegal, Cindy Corcoran made a presentation, and the matter was discussed by the Council, at its work study session held on January 17, 2008. On March 13, 2003, the Town Council adopted Ordinance No. 552 as an emergency measure to update the zoning and licensing restrictions applicable to sexually-oriented businesses. Those provisions had not previously been revised since 1995.

As part of its maintenance of the Town Code, Legal Department staff regularly surveys the regulations of other Arizona communities relating to sexually-oriented businesses (e.g. City of

Prescott, City of Tempe, City of Scottsdale, City of Avondale, Cave Creek, City of Phoenix, and Yavapai County) in order to ensure that the Town remains within the mainstream of such regulation. These proposed revisions reflect changes necessary in order to keep the Town Code within that mainstream.

Council member Nye said that it is an important step to keep current and assure that these types of businesses do not intrude on neighborhoods as she has seen in Phoenix.

Council member Edwards said that it is important that we keep up with the verbiage so that individuals can not get a foothold in the community. Ordinances are changed to keep up with the factions so that we do not run into problems down the road.

Council member Flannery added that he is curious about the reference to racketeering. How does this fit in? Town Attorney, Ivan Legler, responded that this gives police a few more options. This is the type of language that is used in other Codes. Racketeering encompasses a wide range of conduct. Other communities, from their experience, have looked at this and said this needs to be added as another basis for not giving someone a license to go forward and can be used in the regulation of these businesses.

Vice-Mayor Wise made the MOTION, seconded by Council member Nye to read Resolution No. 1556 declaring the document entitled “Sexually-Oriented Business Standards” attached thereto to be a public record for purposes of ARS §9-802, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Vice-Mayor Wise made the MOTION, seconded by Council member Nye to read Ordinance No. 708 once by title only as an emergency measure, adopting by reference the public record “Sexually-Oriented Business Standards”, and placing the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

The Town Clerk read Ordinance No. 708 by title only as an emergency measure. The Mayor then asked “Shall the Ordinance Pass?” Ordinance passed with 7 ayes and 0 nays.

- e. Consideration of authorizing the Mayor to sign Resolution No. 1558, declaring the document entitled “Business License Revisions” attached thereto to be a public record, AND Consideration of approving the first reading of Ordinance No. 709 by title only which adopts by reference the public record “Business License Revisions”*

Town Clerk, Diane Russell, said this item was covered in great detail at the work study on January 17, 2008. She pointed out that there have been legislative changes that require change to the Town Code. There have been additional definitions, exemptions and grammatical changes made to the Code.

Mayor Skoog brought forward that on 8-02-010.A there is reference to “engaged in on a regular basis by town persons. He was wondering why the term “companies” was dropped from this section? Town Attorney, Ivan Legler, answered that they were including companies in the term persons and making this consistent throughout.

It was also pointed out that in 8-02-050.F there is a line that was stricken that should be retained in the code. “Once the Town issues a business license, there shall be no refunds or adjustments.” The only exception to this is when a license is denied.

Council member Schumacher wanted clarification in the section about real property and real property rentals versus commercial residential. She was confused by the wording. Town Attorney, Ivan Legler, answered that if she is referring to what the legislature told us we had to change, originally you had to have a business license for the business of renting property to a residence or a commercial entity. For whatever reason, a couple of years ago, the legislature said they do not want a license requirement for a person who rents to a resident (a residential rental). It is retained on the commercial side. Town Manager, Larry Tarkowski, pointed out that there have been approximately 400 business licenses that have been lost due to this legislation.

Council member Baker made the MOTION, seconded by Council member Nye to read Resolution No. 1558 declaring the document entitled “Business License Revisions” attached thereto to be a public record for purposes of ARS §9-802, with the inclusion of the first line that was stricken in section 8-02-050.F, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Vice-Mayor Wise made the MOTION, seconded by Council member Nye to read Ordinance No. 709 on two separate occasions by title only, adopting by reference the public record “Business License Revisions”, and placing the same on final passage, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk read Ordinance 709 by title only for the first reading.

f. Consideration of authorizing the Mayor to sign the Quit Claim Deed conveying a portion of Town roadway to Castle Golf Family Fun Park, LTD Partnership

Community Development Director, Richard Parker, stated that this action is for the completion of the intended action to convey public right-of-way and also retain, in place of that public right-of-way, easements necessary to provide for sanitary sewer, pedestrian access and drainage easement. This is all stemming from an agreement reached between Castle Golf, the Town of Prescott Valley and the Crossroads Development that is necessary to accommodate public utilities and pedestrian access to these developments. At the end of November, the Council directed that we proceed forward with the necessary public notice process of the intent to convey this 10'. The Town has gone through the public notice process and has received no expressions of interest for this 10'. Therefore, the Council is free to convey it as is intended by this action.

Council member Schumacher made the MOTION, seconded by Council member Baker to authorize the Mayor (or, in his absence, the Vice Mayor) to sign a Quit Claim Deed conveying a portion of Town roadway to Castle Golf Family Fun Park LTD Partnership, by electronic vote. MOTION carried with 7 ayes and 0 nays.

g. Consideration of approving Change Order No. 9 to the construction contract with Asphalt Paving and Supply, Inc. in an amount not to exceed \$126,887.00 (CIP#412A)

Public Works Director, Norm Davis, reported that this action is to bring current many changes in work conditions that have been experienced in the Robert Road currently under construction. There have been unforeseen conditions for some of the utility work and landscape restoration and settlement with the business owners for this work. There has also been some rewiring required for the Robert and Spouse traffic signal that was unforeseen. These were all discussed in detail at the January 17, 2008 work study session.

The utility work is complete now and from this point forward we will start seeing many of the improvements of continuing on the Spouse Road alignment. He anticipates that in the next six weeks they will be able to start the curb and gutter and paving. Weather allowing, he is looking for a completion date of April 1.

Council member Nye says that she understands that it is not humanly possible to not have change orders to projects, however, is this the end of change orders for this project? Public Works Director, Norm Davis, responded that rehabilitation for underground utility work is unforeseen. He is confident that there will not be any more change orders.

Council member Baker made the MOTION, seconded by Council member Nye to approve Change Order No. 9 to the construction contract with Asphalt Paving & Supply, Inc., in an amount up to \$126,887.00 for this project, by electronic vote. MOTION carried with 7 ayes and 0 nays.

h. Consideration of authorizing the Mayor to sign Resolution No. 1560 in support of the Arizona Department of Emergency Management Grant Application for FEMA Pre-disaster Mitigation Program funds.

Public Works Director, Norm Davis, reported that the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Program provides funds for hazard mitigation planning and the implementation of mitigation projects before a disaster event. Project funding is very competitive and awarded on an annual basis with FEMA requirements for project funding applications to be submitted through the AZ Dept. of Emergency Mgmt. Project funding requires hard dollar matches of 25% by sponsoring governmental agencies for project costs.

The previous Resolution number 1554 was approved January 10th, 2008 for Tani & Windsong Drainage projects. This resolution amends number 1554 to address the Robert Road Box Culvert Drainage project.

The Town has a project for the Robert Road Box Culvert Drainage Improvements. The Public Works Department is submitting an application for consideration in 2008 and is utilizing the engineering consulting firm of PBS&J to assist in the application process due to their expertise in the FEMA grant application process. Their fee will only be reimbursed upon successful project funding awards. Project applications have best success when the sponsoring governmental agency has their elected officials approve a Resolution to support submitted projects.

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. 1560 in support of the Arizona Department of Emergency Management Grant Application for Federal Funds through

FEMA's Pre-Disaster Mitigation Program, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

- Ben Harper, distributed to Council an editorial from the AZ Republic regarding the drilling of wells in the Verde River area.

11. ADJOURNMENT

Council member Nye made the MOTION, seconded by Vice-Mayor Wise to adjourn the meeting. Mayor Skoog adjourned the meeting at 6:34 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, 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, January 24, 2008.

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

Dated this February 6, 2008

Candice McElhaney, Deputy Town Clerk