

**TOWN OF PRESCOTT VALLEY  
REGULAR COUNCIL MEETING  
MINUTES  
November 8, 2007**

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
Lora Lee Nye	Council member
Mike Flannery	Council member
Mary Baker	Council member

5. *ANNOUNCEMENTS & PRESENTATIONS*
  - a. *Chamber of Commerce introduction of new business members*

Chamber of Commerce Director, Marnie Uhl, introduced Heather Riggs who works for Re/Max Promise Land Realty. Heather is located at the Yavapai Hills office. The office number is 778-1000.

Dale Alstead, broker and owner of Assist 2 Sell Buyers and Sellers, 3071 Robert Road, was also introduced. Their website is prescotthomes4you.com. Their office number is 772-9878.

Marnie went on to report that on November 19 there will be a Flying High Turkey Drive at Safeway parking lot from 12 until 4. They will try to obtain 1500 turkeys to assist the Yavapai Food Bank in their holiday baskets. November 30 starts the Holiday Festival of Lights starting at 5:45 at the Civic Center.

Council member Schumacher announced that the James Taylor was outstanding. The Boys and Girls Club had a gala and fundraiser at the same time and it was a great success.

Vice-Mayor Wise stated that CASA Senior Center is having a holiday craft and bake sale on November 19 through November 21 from 10 until 2 each day. It will be to commemorate their new gift shop. They want to thank NorthCentral University for the donation of desks.

Council member Edwards thanked everyone who turned out for the opening of the Bike and Skate Park that opened this week. There was a huge crowd and there were great exhibitions by the cyclists and skateboarders. He believes this facility will be a great asset to our community.

#### 6. *PROCLAMATION*

There were no proclamations.

#### 7. *CERTIFICATES*

- a. *Certificate of appreciation to Lyn Newton for 25 years of service*

Lynn Newton was unable to be in attendance to receive her certificate. The presentation will be rescheduled for November 29.

#### 8. *COMMENTS/COMMUNICATIONS*

Town Clerk, Diane Russell, reported that Southwest Risk, the Town's insurance pool, has presented the Town of Prescott Valley with a second dividend. This now brings the total of dividends this year to \$61,349.84 because of our excellent loss ratio across the State of Arizona.

#### 9. *CONSENT AGENDA*

- a. *Approval of Minutes – October 25, 2007*
- b. *Approving an agreement with Burgess & Niple, Inc. in conjunction with the Upper Verde River Watershed Protection Coalition for consulting and other services in the amount of \$55,000 annually for three years*
- c. *Authorizing the Mayor to sign Resolution No. 1540 approving grant funding through the Governor's Office of Highway Safety for the FY07/08 Highway Safety Plan Selective Traffic Enforcement Program*
- d. *Approving a two-year Employment Contract with Smith Horton for Administrative Hearing Officer services*
- e. *Approving a two-year Employment Contract with John Edman for Administrative Hearing Officer services*
- f. *Approving an Intergovernmental Agreement with Humboldt Unified School District to continue the School Resource Officer and D.A.R.E. Officer programs for FY 07/08*
- g. *Approving the award of an Annual Cable Contract to Comlink Southwest, LLC for I.T. cabling services*
- h. *Accepting a temporary construction easement for Robert Road Improvements Phase A, Loos to Spouse, (CIP#412.1)*
- i. *Accepting temporary construction easements for Robert Road Improvements Phase B, Spouse to Tranquil (CIP#412.2)*
- j. *Approving Accounts Payable for October 19 thru November 1, 2007*

Town Clerk, Diane Russell, reported that it had been pointed out that a name on page one of the minutes for October 25, 2007 (Item 9a) was incorrectly noted as Shipley. The name has been changed to Shipp.

Council member Nye asked about Item 9f. She was surprised to read that the department of education reduced the funding for the School Resource and D.A.R.E. officers from 12 months to 11 months. Chief Schatz responded that legislation was introduced at the State level and both bills went down to defeat. As salaries escalated the State schools program could not pay all of the salaries. The way to overcome this was to pay only 11 months.

Council member Schumacher stated that it is a shame that our children's safety is discounted.

Council member Edwards asked if they factor in all the days off each school year. Chief Schatz responded that those days are factored in.

Vice-Mayor Wise made the MOTION, seconded by Council member Flannery, to approve all items on the Consent Agenda as stated, by electronic vote. MOTION carried with 7 ayes and 0 nays.

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

*a. Consideration of appointing Lesli Wayman to the Planning and Zoning Commission to a full term expiring on October 31, 2010*

Council member Flannery stated that on October 31, 2007, three terms came up for renewal. Two of the current Planning and Zoning Commission members, Brian Howell and Scott Richards were re-appointed on October 25<sup>th</sup>. Ray Kuykendall resigned due to illness and the vacancy was advertised. Two persons submitted applications and were interviewed. Council Members Flannery, Schumacher and Nye are recommending the appointment of Lesli Wayman to the Planning and Zoning Commission for a full term with a renewal date of October 31, 2010.

Council member Flannery made the MOTION, seconded by Vice-Mayor Wise to appoint Lesli Wayman to the Planning and Zoning Commission to a full term with a renewal date of October 31, 2010, by electronic vote. MOTION carried with 7 ayes and 0 nays.

*b. Public Hearing*

*Open Public Hearing*

*Proposed annexation of approximately 16.78 acres lying in T.14.N., R.1W., Section 10, generally located at the northwest intersection of Glassford Hill Road and Long Look Drive in the Granville Development (ANX07-004)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open. Planner, Joe Scott, reported that an area of approximately 16.78 acres involved in the Granville development has not previously been annexed into the Town. Under Arizona statutes, a public hearing must be held to take comment on the proposed annexation lying in Section 10, Township 14 North, Range 1 West, of the Gila & Salt River Meridian, generally located at the northwest intersection of Glassford

Hill Road and Long Look Drive. The zoning designation of the subject property is currently RCU-70 under Yavapai County jurisdiction. Should the property be annexed, similar zoning would be adopted by the Town of Prescott Valley. This annexation involves one of two remaining unincorporated parcels in the Town Center. An approximately fifteen (15) acre parcel on the east side of Glassford Hill Road will be the subject of a subsequent annexation in the near future.

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

Mayor Skoog noted that Prescott Council member Bob Bell is in attendance for tonight's council meeting.

*c. Public Hearing*

*Open Public Hearing*

*Zoning Map Change on Tract 55, Unit 11 of the Pronghorn Ranch Subdivision changing the zoning from RIL-10 PAD to PL-PAD on approximately 24 acres located on the north side of Park View Drive (ZMC07-011)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open. Planner, Joe Scott, reported that council is being asked to consider a proposed Zoning Map Change from RIL-10 PAD (Residential; Single-Family Limited – Planned Area Development) to PL-PAD (Public Lands – Planned Area Development) on Tract 55, Unit 11, of the Pronghorn Ranch Subdivision, comprising approximately twenty-four (24) acres, located on the north side of Park View Drive, approximately twelve hundred (1,200) feet east of Antelope Meadows Drive.

The Town has previously, without exception, zoned properties that are utilized for public purposes as PL (Public Lands). Given this, in June 2007, the Planning and Zoning Commission moved to initiate a public hearing to consider a Zoning Map Change from RIL-PAD (Residential; Single-Family Limited – Planned Area Development) to PL-PAD (Public Lands – Planned Area Development) to accommodate the development of a middle school facility on an approximately twenty four (24) acre parcel in the Pronghorn Ranch Subdivision. This action is consistent with previous policy to zone properties that are used exclusively for public uses to the PL Use District.

Staff conducted an area meeting on September 5, 2007 and received comments from approximately fifteen (15) land owners related to the proposal. No opposition to the proposal was expressed. Further, property owners within proximity of three hundred (300) feet were again noticed of the Commission's public hearing.

The Planning and Zoning Commission reviewed this item during regular session on October 8, 2007 and voted to approve ZMC07-011 and forward to Town Council. Staff suggests that the proposed zoning is in conformance with the *General Plan 2020* and is appropriate with the limitations set forth as conditions of approval in the Ordinance. Council is now being asked to approve same.

Vice-Mayor Wise asked about the notification of property owners. Do we usually do the 300' or the 1000'? Scott responded that for the neighborhood hearings it is 1000' and the public

hearings are 300'. Council member Schumacher asked why it is not the same for both the public hearing and neighborhood meetings. The State only requires 300' but the Town has taken it further to include 1000'.

Council member Edwards asked about the road improvements in the Antelope Meadows area. Would they be taken care of at the same time as the building of the school? Planner, Joe Scott, could not answer that question now because of low enrollment and if funds are available. Negotiations will be held with the AZ State Land Dept and the Brown Family Communities to extend the Antelope Meadows Drive south and connect to Coyote Springs Road to provide a secondary access. This portion will proceed before the school is developed.

Council member Baker asked about the access and the complaints on this road. What will the population of students be in this particular school? The response was that this will be a middle school that will house 687 students. That, however, is subject to change.

Council member Flannery asked if the school facilities will build the infrastructure. The answer was no.

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

- d. Consideration of authorizing the first reading of Ordinance No. 701, by title only, approving a zoning map change on Tract 55, Unit 11 of the Pronghorn Ranch Subdivision from RIL-10 PAD to PL-PAD on approximately 24 acres located on the north side of Park View Drive (ZMC07-011)*

There were no further comments.

Council member Nye made the MOTION, seconded by Council member Edwards, to read Ordinance No. 701 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 701 by title only.

- e. Public Hearing*

*Open Public Hearing*

*Zoning Map Change on approximately 68 acres on the north and south sides of State Route 69 at the intersection of Sundog Ranch Road to add PAD overlay zoning to existing CS, PM and M1 zoning, YK Commercial Realty, LLC (ZMC07-012)*

*Close Public Hearing*

Mayor Skoog declared the public hearing open. Planner, Joe Scott reported that this is a Public Hearing to take comment on a request by YK Commercial Realty, L.L.C., for a Zoning Map Change to add the PAD (Planned Area Development) overlay zoning to existing C2 (Commercial; General Sales and Services), PM (Performance Manufacturing) and M1 (Industrial; General Limited) zoning districts on approximately sixty-eight (68) acres located on the north and south sides of State Route 69, at the intersection with Sundog Ranch Road.

All of the subject property was annexed into the Town as a result of the passage of Ordinance 244 in 1990 (ANX 90-D). The adopted zoning at that time was RCU-70 being the most similar zoning district to the Yavapai County Zoning of RCU-2A that existed at time of annexation. The present zoning of C2, PM and M1 was established with the passage of Ordinance No. 265 October 11, 1991.

Development is occurring on the site presently, as allowed by right in the existing commercial zoning districts. The requested purpose of adding the PAD (Planned Area Development) overlay district to the existing underlying commercial zoning is to allow for an orderly planning and review procedure providing flexibility in standards that will result in high quality urban design and produce an environment of stable character in harmony with the surrounding areas and developments. A Preliminary Development Plan for the PAD project site indicates full potential development of up to approximately seven-hundred thousand (700,000) square feet of retail and commercial building space on approximately sixty-eight (68) acres located on the north and south sides of State Route 69, at the intersection with Sundog Ranch Road. Upon approval of this rezoning request, future development will be directed under the provisions of base zoning, the Planned Area Development (PAD) overlay and the Preliminary Development Plan.

Section 13-19-060(M) of Article 13-19 (Planned Area Development) of the Town Code allows the Council to amend certain underlying zoning regulations that might otherwise be applicable to the proposed development. Such waivers may apply to: lot size, height restrictions, signage, landscaping, and yard and setback requirements in conjunction with subsequent Final Development Plans that would be approved by the Town Council for specific development phases. All Engineering done in conjunction with a Final Development Plan will be in conformance with all adopted Town policy and standards and reviewed during the Final Development Plan process.

In conjunction with this public hearing request for the PAD overlay zoning, the applicant contacted property owners by first class mail within a one thousand (1,000) foot radius in order to notify them of a Neighborhood Meeting conducted on August 22, 2007 in accordance with Town Code requirements. A Citizens Participation Report was submitted by the applicant's agent representing that fourteen (14) persons attended the meeting, were informed of the rezoning and had questions related to landscaping and screening; however, no objections to the project or specifically the requested PAD zoning were expressed. Property owners within proximity of three hundred (300) feet were again noticed of the Commission's public hearing.

The Planning and Zoning Commission reviewed this item during regular session on October 8, 2007 and voted to approve ZMC07-012 and forward to Town Council. Staff suggests that the proposed zoning is in conformance with the *General Plan 2020* and is appropriate with the limitations set forth as conditions of approval in the Ordinance. Council is now being asked to approve same.

Council member Schumacher again wanted clarification regarding the 300' versus 1000' notification. She wants to make sure that the neighbors are OK with what is happening. Town Manager, Larry Tarkowski, suggested that perhaps the HOA can be notified so that when they have their next meeting at the Victorian Estates that we would ask Kitchell to go down with their presentation and get more input.

Council member Edwards asked about blind spots and blind corners by having too much signage or trees. Planner, Joe Scott, suggested when the final development plans are reviewed he will ask Engineering and Public Works to review that and make specific recommendations to make sure there is adequate visibility.

Ben Harper said he would bring down the design package for council to look at.

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

- f. Consideration of authorizing the first reading of Ordinance No. 702, by title only, approving a zoning map change on approximately 68 acres on the north and south sides of State Route 69 at the intersection of Sundog Ranch Road to add PAD overlay zoning to existing CS, PM and M1 zoning, YK Commercial Realty, LLC (ZMC07-012)*

There were no further comments.

Vice-Mayor Wise made the MOTION, seconded by Council member Flannery, to read Ordinance No. 702 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 702 by title only.

- g. Consideration of authorizing the reading and passage of Ordinance No. 703, by title only, as an emergency measure, approving the Skate/Bike Park Amended Rules and Regulations*

Parks and Recreation Director, Brian Witty, reported the skate park within Mountain Valley Park opened on June 15, 2002. Based on a number of public hearings by the Parks and Recreation Commission, it was designed for skateboards and in-line skates only and the Commission approved rules and regulations for the park that included that restriction. Soon, however, it became apparent that the park rules needed to be formally adopted as part of the Town Code in order to be enforceable as misdemeanor violations. Therefore, the Council adopted Ordinance No. 528 on June 27, 2002 which created a new Section 10-02-045 that incorporated the skate park rules into the Town Code.

Almost immediately, it became a battle for Town officers to enforce the prohibition against BMX bikes using the new skate park. Over the ensuing years, this resulted in discussion about possibly creating a separate park for bikes. However, looking at the evolution of other parks in Arizona led staff to conclude that the better strategy would be to expand the park so that both BMX bikes and skates could operate in the same facility.

On April 14, 2007, the selected contractor for the facility expansion held a public meeting at the site and received input from approximately twenty (20) youth. That input was later incorporated into the design of the reconstructed facility. On June 21, 2007, the Town Council awarded a contract for the expansion, stating on the record that the Town has a limited amount of funds and could not build entirely separate facilities that would make all users happy. Therefore, the Town was going forward with a combined facility that might entail some additional risk but was within the funds available.

The facility is now complete and has had its grand opening. It has been designed in accordance with current standards that provide features for skateboards, in-line skates, and BMX bikes. As a result, the Council discussed at its October 4, 2007 work/study session proposed amendments to the new Skate/Bike Park rules and regulations. It is now important to formally adopt those changes in Town Code §10-02-045. It is also proposed that the amendment occur as an emergency measure in order to coincide as closely as possible to the grand opening of the facility.

Council member Schumacher wanted to commend the bikers and skaters on how well they interact with one another and giving space to one another.

Council member Edwards wants to impress upon the bikers and skaters that this is their park and if they do not take care of it they will lose it. Brian Witty added that this is not a right but a privilege to have this park. It is necessary to maintain the integrity, abiding by rules and adhering to the trash ordinance and loud music. Council member Nye stated that the youth need to know that they hold the future of what goes on in the town for the youth.

Council member Flannery made the MOTION, seconded by Council member Schumacher to read Ordinance No. 703, once by title only as an emergency measure.

Town Clerk, Diane Russell, read Ordinance 703 once by title only as an emergency measure. Mayor Skoog then asked "Shall this ordinance pass?" Ordinance 703 passed with 7 ayes and 0 nays.

*h. Consideration of approving Change Order #2 with Micon Construction in an amount not to exceed \$28,127.18 AND approving a budget transfer as outlined in the fiscal analysis to provide additional work at the Mountain Valley Splash Pad (CIP#P184)*

Parks and Recreation Director, Brian Witty, reported that this project provides a wet-play area with various water jets, sprays, and buckets. It also includes concrete and pebbleflex surfacing, shade structures, artificial turf, an underground 2,000 gallon recirculation tank, and a masonry building to protect the pump and water treatment system.

This action is for consideration of Change Order #2 to the contract with Micon for this project. This will provide for an additional concrete pad to the new building that houses the equipment, as well as additional artificial turf to finish out the Splashpad area.

Vice-Mayor Wise asked about the long-term savings of artificial turf as compared to planting and maintaining grass. Town Manager, Larry Tarkowski, replied that there is a significant savings with artificial turf, both in water and manpower. There are a number of communities, especially in rural Arizona, that are moving to synthetic turf for soccer fields, football fields and baseball diamonds.

Council member Edwards asked if there were any warranties on the products. Parks and Recreation Director Brian Witty thinks there is either an eight or ten year warranty.

Vice-Mayor Wise made the MOTION, seconded by Council member Edwards, to approve Change Order #2 with Micon Construction in an amount of \$28,127.18, AND approve a

budget transfer as outlined in the Fiscal Analysis, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- i. Consideration of approving an amendment to the Town Engineer Agreement with Dava & Associates for design and construction period services for the Southside CFD No. 1 improvements*

Mary Baker will abstain from this item due to a possible conflict of interest.

Public Works Director, Norm Davis, reported at the October 11, 2007 Town Council meeting, an Intergovernmental Agreement was approved with the Southside Community Facilities District (SCFD) No. 1 for Town financing and operation of the District (including professional engineering design and construction period services), subject to certain reimbursement by the District and properties that will also be benefited by the improvements. Dava & Associates has now submitted proposals to the Town in the total amount of \$334,180.00 for those services.

The improvements being constructed by SCFD No. 1 have been designed to not only benefit the properties in the District but also certain adjacent properties. These include properties owned by Sam Knoy and properties owned by the Fain interests. These property owners have indicated a willingness to enter into direct agreements with the Town to make cash payments for their benefits from the improvements, instead of being part of the District or participating in the formal assessments. Those payments will include some of these engineering costs (\$30,780.00 for Knoy and \$15,150.00 for the Fains). The balance of \$288,250.00 will be reimbursed from assessment or bond proceeds from SCFD No. 1 as billings are received, per the IGA.

Council member Nye made the MOTION, seconded by Council member Flannery, to approve the Amendment to the Town Engineer Agreement with Dava & Associates for design and construction period services for the SCFD No. 1 improvements, by electronic vote. MOTION carried with 6 ayes, 0 nays and 1 abstain (Baker).

- j. Consideration of accepting the Focus on Success strategic economic development plan*

Economic Development Manager, Greg Fister, reported that earlier this year, Arizona Public Service contracted with ESI Corp. to develop a five-year Strategic Economic Development Plan for Prescott Valley. The program, called Focus on Success, is similar to the Focus Future efforts accomplished in the past. The consultant met several times with a technical advisory committee and held two public hearings. The result is a 90-page plan that provides a blueprint for economic development over the next five years. In addition a short-term plan focusing on the next two to three years also was created.

In addition to the Strategic Plan, the Prescott Valley Economic Development Foundation and the Town took the next step and commissioned a marketing plan from ESI. That plan is not yet complete and will be funded by a state Department of Commerce grant, PVEDF, and the Town.

Sally O'Dette, APS, stated that Prescott Valley was chosen because of its success and well-coordination. Gary Marks, Prescott Valley Economic Development Foundation, made a presentation of the 5-year strategic economic development plan for the Town.

Council member Schumacher asked about the marketing plan. Is it finished? Marks responded that the marketing plan is finished and it is a part of the Focus on Success plan.

Council member Nye asked about diversified housing. When that was being put together, did landowners and developers participate in that? Marks responded there were some developers and landowners in attendance that discussed the potential use and application of State land and what piece of that (not all) that may offer as opportunity.

Council member Flannery stated he likes the plan except for one thing. He likes all the target areas they are looking at except for one. He does not understand the warehouse aspect of it. To him there is not a lot of benefit to warehousing. There are lots of negatives including beating up highways, air pollution, etc. Marks responded that this was an identified target simply by looking at existing clusters and when you look right now in Prescott Valley and take the classification of business that falls under warehousing distribution, we have an excess of 1.4 million square feet of it in Prescott Valley. This is the third highest paying category of business in Yavapai County and makes up 11% of our work force.

Council member Baker, Executive Chamber of Commerce Director, Marnie Uhl, Gary Marks, PVEDF and Greg Fister, Economic Development Manager all expressed their satisfaction with the technical advisory committee and appreciated being able to share ideas.

Council member Flannery asked for more clarification on whether or not when this plan is voted on would it include the marketing plan as well. PVEDF responded that it would not be included.

Council member Baker made the MOTION, seconded by Council member Schumacher, to accept the "Focus on Success" Strategic Economic Development Plan for Prescott Valley, by electronic vote. MOTION carried with 7 ayes and 0 nays.

#### *11. COMMENTS FROM THE PUBLIC*

- Chuck Skowronek – is back before council regarding signage being prohibited in the Town rights-of-way along the roads. He brought up the difficulty of enforcement of the new ordinance. He saw Town workers removing yard sale signs but these same workers left restaurant and real estate signs intact. If signs area going to be removed at all then all signs must be removed from the sides of all streets in Prescott Valley. There can not be discrimination by singling out the yard sale signs only.

Town Manager, Larry Tarkowski, said he would get with the Community Development Director regarding the picking up of all signs. There will be no discrimination and he will find out why garage sale signs only were picked up.

Council member Flannery added that he appreciated Mr. Skowronek's rational argument regarding this issue.

- Ben Harper – said that the traffic out on Hwy 69 has doubled or tripled and there must be a solution to alleviate the heavy traffic volume. He also pointed out the importance of good education.

*12. ADJOURNMENT*

Council member Schumacher made the MOTION, seconded by Council member Nye, to adjourn the meeting. MOTION carried with 7 ayes and 0 nays. Mayor Skoog adjourned the meeting at 7:21 pm.

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, November 8, 2007.

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

Dated this 15<sup>th</sup> day of November, 2007

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Candice McElhaney, Deputy Town Clerk