

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
JANUARY 10, 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*
 - *Punt, Pass and Kick State Champion*

Parks and Recreation Director, Brian Witty, introduced Roy Jenkins, Recreation Supervisor. Roy Jenkins was in charge of establishing this program and has done so for a couple of years. Roy introduced Derek Knotek. Derek was not only the regional champion in his age group here in Prescott Valley for the State 2007 NFL Pepsi Punt, Pass and Kick Championship, and the State champion, but he is one of four finalists (out of millions of participants) across the United States competing in Indianapolis. Derek will also attend a Chargers and Colts game the day after the competition.

Town Clerk, Diane Russell, read the Mayor's Recognition Award for Derek Knotek and Mayor Skoog presented the plaque.

6. *PROCLAMATION*
 - *Youth Chamber of Commerce Week*

Town Clerk, Diane Russell, read the Youth Chamber of Commerce Week proclamation and Mayor Skoog presented the proclamation to Joey Bowman, President and National Award

Winner of the Youth Chamber of Commerce. Joey thanked the Mayor and Council on behalf of the Youth Chamber of Commerce.

Mayor Skoog, Council member Nye, Council member Edwards and Council member Schumacher commended the special young people who are doing something positive and that are going to be great citizens when they grow up.

7. COMMENTS/COMMUNICATIONS

Council member Nye thanked the Town and citizens for coming out to make the New Year's Eve event so special. A great time was had by all and the citizens would like this to be an annual event. Congratulations to everyone who worked so hard on the festivities.

8. CONSENT AGENDA.

- a. *Approval of Executive Sessions Minutes – December 6 & 20, 2007*
- b. *Approval of Council Meeting Minutes – December 13 & 20, 2007*
- c. *Approving the routine destruction of records per the state-approved retention schedule and A.R.S §41-1345*
- d. *Approving the expenditure of \$400,000 for furniture for the Police Department Expansion Project*
- e. *Accepting a temporary construction easement for the Robert Road Phase B, Spouse to Tranquil project (CIP#412.B) in Tract B, Unit 4*
- f. *Authorizing the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1555 extinguishing and abandoning portions of the Loos Drive right-of-way easement no longer needed for public purposes per ARS §28-7214*
- g. *Accepting title to portions of real property for purposes of extending Windsong Drive as set forth in a Special Warranty Deed from Valley View/Prescott Valley LP, and in a Gift Deed from Fain Family Limited Partnership*
- h. *Approving Accounts Payable for December 14, 2007 thru January 3, 2008*

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

9. NEW BUSINESS

- a. *Consideration of re-appointing Linda Shimmin and Vincent Lombardi to the Board of Adjustment for terms expiring January 31, 2011*

Council member Flannery reported that on January 31, 2008, two terms will come up for renewal on the Board of Adjustment. The two current Board of Adjustment members expressed their interest in continuing to serve on this Board. Linda Shimmin and Vincent Lombardi wish to be considered for re-appointment to the Board of Adjustment. Linda Shimmin was appointed on July 27, 2006 to fill an existing term and this re-appointment will be for her first full term. Vincent Lombardi was appointed on April 22, 2004 to fill an existing term, was re-appointed on February 10, 2005 to his first full term and this re-appointment will be for his second full term. Council Members Flannery, Schumacher and Nye are recommending the re-appointments of Linda Shimmin and Vincent Lombardi to the Board of Adjustment for terms with a renewal date of January 31, 2011.

Council member Flannery made the MOTION, seconded by Council member Nye, to re-appoint Linda Shimmin and Vincent Lombardi to the Board of Adjustment to terms with a renewal date of January 31, 2011, by electronic vote. MOTION carried with 7 ayes and 0 nays.

b. Public Hearing

Open Public Hearing

Proposed Annexation of one acre located in T.13N., R.1E., Section 3 located west of State Route 69 and north of Kachina in the Dewey area as requested by Mr. Siavelis (ANX07-006)

Close Public Hearing

Mayor Skoog declared the public hearing open.

Planner, Joe Scott, stated 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 as to not create a County island. A second infill annexation of the State Route 69 corridor included the annexation of some of the two hundred (200) foot strip.

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. One property owner (Siavelis), the subject of this annexation, was not included in the prior infill annexation and wants to also be in Prescott Valley.

Due to size and shape requirements of state law, there are two (2) portions of Siavelis property that must first be annexed. There was a public hearing on ANX07-005 at the December 6, 2007 Council Meeting and that Ordinance is scheduled to be approved at this meeting. ANX07-006 is expected to then be approved at the January 24, 2008 meeting. Once these annexations are complete, the de-annexation process can begin as agreed to between the two (2) Towns.

A public hearing must be held to take comment on the proposed annexation of this one (1) acre parcel located in Section 3, Township 13 North, Range 1 East, generally 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 December 14, 2007, starting the necessary thirty (30) day waiting period. Should the Council decide to move forward with annexation after the required public hearing (in accordance with ARS §9-471(A)(3)), an ordinance annexing the property shall be prepared for Council consideration after all other required documents have been collected.

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

c. Consideration of authorizing the reading of Ordinance No. 707 as an emergency measure, approving the annexation of approximately two acres located in T.13N.,

R.1.E., Section 3 located west of State Route 69 and north of Kachina in the Dewey area as requested by Mr. Siavelis (ANX07-005)

A public hearing was held on December 6, 2007, after statutory notice and public comment was received. No further comments were made at this time.

Council member Baker made the MOTION, seconded by Council member Nye to read Ordinance No. 707 once by title only as an emergency measure, then place the same on final passage by electronic vote. MOTION carried with 7 ayes and 0 nays.

Town Clerk, Diane Russell, read Ordinance No. 707 by title only as an emergency measure. Mayor Skoog asked "Shall the Ordinance pass?" Ordinance No. 707 passed with 7 ayes and 0 nays.

d. Consideration of authorizing the Mayor to sign Resolution No. 1553 adopting and approving a Final Development Plan for a Comprehensive Sign Package for the Pronghorn Ranch (FDP07-020)

Planner, Joe Scott, stated that this request is for approval of a Final Development Plan comprising a Comprehensive Sign Package for the Pronghorn Ranch Subdivision. The Planning and Zoning Commission considered the Pronghorn Ranch re-zoning request accompanied by a Preliminary Development Plan at its regular meetings on May 11, 2000 and May 25, 2000, with the Town Council considering the proposed re-zoning and voting to approve same by passage of Ordinance No. 486.

The Pronghorn Ranch Subdivision was approved to permit the development of approximately one thousand, one hundred and two (1,102) single-family and two hundred fifty-six (256) multiple-family residential units, as well as approximately five (5.2) acres of commercial property, on a total of six hundred forty (640) acres. The subject property is located approximately one-quarter (1/4) mile north of Highway 89A, comprising the east half of Sections 23 and 26, Township 15 North, Range 1West, being immediately adjacent to the eastern boundary of the project known as "The Viewpoint".

The Sign Package will be comprised of a site plan indicating the location of entry, monument, and directional and building signage, along with ten (10) detail sheets. All signage will be subject to issuance of permits and will be in conformance with all Town building codes and "dark sky" lighting codes.

Vice-Mayor Wise made the MOTION, seconded by Council member Nye, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1553 adopting and approving a Final Development Plan related to a Sign Package for Pronghorn Ranch, by electronic vote. MOTION carried with 7 ayes and 0 nays.

e. Consideration of authorizing the Mayor to sign the DUI Abatement Grant Contract #DUI-08B-279 accepting \$15,000 from the Arizona Criminal Justice Commission

Chief Schatz reported that the Arizona Criminal Justice Commission (ACJC) Oversight Council on Driving or Operating Under the Influence Abatement (the Council) was established as part of the State of Arizona's continuing efforts to address the serious problem of motorists

driving under the influence of alcohol or drugs. The DUI Abatement Fund, which is administered by the Council, is derived from fines levied against persons convicted under ARS §28-1382 Driving Under the Influence of Intoxicating Liquor or Drugs and/or ARS §28-1383 Aggravated Driving Under the Influence of Intoxicating Liquor of Drugs. The Council is authorized to evaluate programs used to educate, prevent or deter DUI and to award grants in furtherance of this objective and support preventative measures. The DUI Abatement Grant Program is designed to provide funds from the DUI Abatement Fund to political subdivisions and tribal governments that apply for monies for enforcement purposes and other services related to preventing and abating DUI occurrences.

On December 6, 2007, the Council voted to award the Prescott Valley Police Department (PVPD) \$15,000 in funds under the DUI Abatement Grant Program. PVPD will utilize these grant funds to provide proactive off-duty enforcement efforts such as DUI saturation patrols and sobriety checkpoints.

Council member Flannery asked if this is for checkpoint and the response was yes it was for both saturation patrol and checkpoint.

Council member Schumacher made the MOTION, seconded by Council member Edwards, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign the DUI Abatement Grant Contract # DUI-08B-279 accepting the grant award, by electronic vote. MOTION carried with 7 ayes and 0 nays.

f. Consideration of authorizing the Mayor to sign the Governor's Office of Highway Safety Alcohol Traffic Safety and Drunk Driving Prevention Incentive contract #2007-410-016 and accepting a grant award in the amount of \$60,000

Chief Schatz stated that the Governor's Office of Highway Safety (GOHS) and the State of Arizona support a strong enforcement and earned media program for reducing alcohol-related fatal crashes. This program is consistent with the national "Drunk Driving. Over the Limit. Under Arrest." model, which has three primary components: 1) enforcement; 2) public awareness; and 3) evaluation. In addition, Arizona's program also includes two parallel enforcement activities: 1) year-long sustained enforcement efforts; and 2) periodic enhanced-enforcement mobilizations for holidays and special events. The core of Arizona's enforcement plan involves an extensive network of ten (10) multi-agency DUI Task Forces which conduct saturation patrols and sobriety checkpoints on an ongoing basis.

The Prescott Valley Police Department (PVPD) is a partner of the Tri-City DUI Task Force (Yavapai County). As a participating agency, we have been awarded grant funds in the amount of \$60,000 from GOHS as part of the 410- Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant. The Federal 410 funds will support personnel services and employee related expenses to conduct DUI Task Force Enforcement Programs each month through the end of September 2008 throughout the Prescott Valley area. This project is part of collaborative enforcement efforts with neighboring agencies and will be targeted at identifying and taking enforcement action on impaired drivers to reduce injuries and fatalities throughout Yavapai County by five percent (5%).

Council member Schumacher asked if we have to match this grant. The response was no.

Council member Nye made the MOTION, seconded by Council member Flannery, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Highway Safety Contract # 2007-410-016 accepting the grant award, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- g. Consideration of authorizing the Mayor to sign Resolution No. 1554 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 Town has project designs complete for two qualifying projects to include the Windsong Drainage Improvements and the Tani Crossing Drainage Improvements. The Public Works Department is submitting two applications 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 Baker asked what the amount of the grant is. The response is that the Town would be submitting for \$600,000.00. Council member Baker additionally asked if we match that with 25%. The response was affirmative. The amount would be roughly \$160,000.00.

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. 1554 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.

- h. Consideration of approving a Change Order to the construction contract with Asphalt Paving & Supply, Inc. in an amount up to \$38,056.00 for the Robert Rd. Improvement, Loos Dr. to Spouse Dr. (CIP#412A)*

It has been requested that this item be tabled until the work study on January 17, 2008

Vice-Mayor Wise made the MOTION, seconded by Council member Nye, to table 9h until the January 17, 2008 work study, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

- Scott Helfinstine – representing the Prescott Valley Economic Development Foundation, wants to thank Mayor and Council's support of their organization. The

PVEDF is working hard to bring quality jobs to Prescott Valley and appreciates the Town's assistance in this endeavor.

Vice-Mayor Wise made the MOTION, seconded by Council member Nye, to recess into the Community Facilities District meeting, by electronic vote. MOTION carried with 7 ayes and 0 nays. Meeting recessed at 6:10 p.m.

11. MOTION TO CONVENE INTO EXECUTIVE SESSION

Council member Nye made the MOTION, seconded by Council member Schumacher, to convene into Executive Session to discuss the Town Manager's review, by electronic vote. MOTION carried with 7 ayes and 0 nays.

12. [Recess into Executive Session]

Council recessed into Executive Session at 6:22 p.m.

13. [Reconvene into Regular Session]

Council reconvened into Regular Session at 6:52 p.m.

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

Council member Schumacher made the MOTION, seconded by Council member Nye, to give Town Manager, Larry Tarkowski, a 6.5 percent performance merit increase, by roll call vote. MOTION carried with 7 ayes and 0 nays.

15. ADJOURNMENT

Council member Baker made the MOTION, seconded by Council member Edwards to adjourn the meeting. Mayor Skoog adjourned the meeting at 6:56 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 10, 2008.

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

Dated this January 17, 2008

Candice McElhaney, Deputy Town Clerk