

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
DECEMBER 20, 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. Pastor Kurt J. Eikenbery, Faith Baptist Church, gave the Invocation after which he led the Pledge of Allegiance. The following Council members were present for roll call:

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

Absent: Harold Wise Vice-Mayor

5. *ANNOUNCEMENTS & PRESENTATIONS*

- Mayor Skoog announced that Community Development Director, Richard Parker, was going to be celebrating his 50th birthday on December 24. Happy Birthday was sung in unison by Council.

- Council member Nye and Council member Baker reminded everyone that there will be a New Year's Eve Party and 30th Anniversary Party on January 31. Festivities will begin at 3:00 pm at the ED Center. This will include events for the kids at Freedom Station. There will be bonfires and fireworks (at 6:30 and midnight). There will also be a Sundogs hockey game after which people have the opportunity to skate with the Sundogs. Soroptomist International has designed a ball that will rise and set off the midnight fireworks display. And all the events are free.

a. *Library Board of Trustees Annual Report*

Library Director, Stuart Mattson, thanked everyone for the Swedish horse he was able to buy with the gift certificate he received for his 20th anniversary of being Library Director.

He introduced Joanne Storer, President of the Trustees, Tracy Foundas who is on both the Foundation Board and the Trustee Board, Elaine Brady who is on the Trustee Board, Irene Reed and Susan Lapis, Assistant Library Director. Joanne Storer briefly went through the annual report.

Council member Schumacher thanked for the very comprehensive and well done report. It is a tribute to the Board of Trustees, library and Stuart Mattson, Library Director.

b. Narcotics Enforcement Team Update

Chief Schatz reported that last May was the start the Narcotics Enforcement Team concept in Prescott Valley. Part One crime was up 17%. A two-person team was formed under the direction of a single detective who had a great deal of narcotics experience. With all of their significant arrests in July there was a downward trend of Part One crime to a 1% increase. By October we were in the minus column. At the end of November, Part One crime (specifically in the area of Aggravated Assault, Burglaries and Thefts) are down by 6%. If the trend continues, we will be down by 10% in Part One Crimes by the end of the calendar year. Community policing concepts, citizens and Neighborhood Watch and Blockwatch, along with the two-person narcotics team, have all contributed. Chief Schatz then listed the following: 108 arrests in the five-month time period for various narcotics offenses, resulting in 224 counts of criminal activity being charged through the County Attorney's office; 12 search warrants have been served; seized 63.8 grams of methamphetamine; seized 5.8 pounds of marijuana; seized 29 grams of cocaine, worth over \$23,000 street value. \$4000.00 of stolen property has been recovered along with a stolen vehicle, numerous pills, 3.2 grams of psychedelic mushrooms and also marijuana growing plants. These arrests and seizures are just the strategies that we have used so far. Breaking up crime networks is the judge of success..

The other stated goal of the Town is the safe movement and flow of traffic. Traffic collisions have been reduced by over 25%; injury accidents by 36%; and, we have had 200 less accidents in the Town of Prescott Valley in 2007 than in 2006. A great deal has been accomplished this year and we are looking forward that this trend will continue in 2008.

Council member Edwards stated that the citizens have to keep contributing to law enforcement and get the word out that criminals are not welcome in Prescott Valley. It takes everyone working together.

Council member Nye wanted to thank the police department for meeting more than one of the goals that the Council set. One of the most important ones to her was that not only was the line on crime held as the Town grew but it went down. So the citizens' fears of crime rising with growth was not realized due to the diligent and hard work of all the Prescott Valley officers.

6. CERTIFICATES

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

Town Clerk, Diane Russell, read comments about Lyn. It was pointed out that Lyn is the second longest tenured employee for the Town of Prescott Valley. Community Development Director, Richard Parker, added more positive comments. And Mayor Skoog recalled that Lyn

was Town Clerk when he was sworn in as Mayor 25 years ago and Mayor presented a plaque and a \$600.00 gift card from the Gateway Mall to Lyn.

7. COMMENTS/COMMUNICATIONS

No comments or communications were forthcoming.

8. CONSENT AGENDA

- a. *Approval of Minutes – November 29 & December 6, 2007*
- b. *Liquor Licenses & Permits*
 - Approving an new Series 10 (Beer & Wine Store) Liquor License for Carniceria Latina, 8163 E. Spouse Dr., Kazi Hamid applicant*
- c. *Authorizing the Mayor to sign Resolution No. 1551 supporting the Emergency Repair and Housing Rehabilitation Grants*
- d. *Accepting a pedestrian and public utility easement located across the Castle Golf property at Great Western Drive from the Castle Golf Family Fun Park Limited Partnership for additional public infrastructure east of Crossroads Development*
- e. *Accepting a public utility easement and temporary construction easement in Unit 4, Lots 1304/1369 for the Robert Road Improvements Phase B, Spouse to Tranquil (CIP#412.2)*
- f. *Accepting a public utility, drainage and pedestrian easement in Unit 3, Lot 972 for the Robert Rd. Improvements Phase A, Loos to Spouse (CIP#412.1)*
- g. *Accepting a conveyance of a public utility easement for North Central University (Roadrunner Development Group, LLC) for onsite and offsite utility extensions*
- h. *Approving a Final Reversionary Plat combining Lots 1397 and 1398, Unit 20 (4140 N. Papago Lane) into one large lot as requested by Damian and Jennifer Geiss*
- i. *Approving Departmental Monthly Statistical Reports:*
 - Community Development*
 - Library*
 - Parks and Recreation*
 - Police Department*
 - Public Works*
 - Town Clerk*
- j. *Approving the Management Services Monthly Financial Report - November*
- k. *Council Investment Report - November*
- l. *Approving Accounts Payable for November 30 through December 13, 2007*

Council member Flannery asked that Item 8i for the Police Department be pulled for discussion. He recalled that when photo radar was discussed, one of the issues that was brought up was that there would be a monthly report on how photo radar was operating. So far, these statistics have not been included in this monthly report. He would like to see these statistics included in future monthly reports. He is bringing this up because right now photo radar seems to be having a huge impact on other areas so he would like to see the numbers on it.

Council member Schumacher agrees with this request and she noticed that there was a footnote that these figures were not included and she would like it included as well.

Town Manager, Larry Tarkowski, asked if council would like to see these figures broken out by location versus a total. Chief Schatz agreed that he can provide this information monthly.

Council member Nye made the MOTION, seconded by Council member Flannery, to approve all items on the Consent Agenda as stated (with additional requested information requested by Council member Flannery), by electronic vote. MOTION carried with 6 ayes and 0 nays.

9. UNFINISHED BUSINESS

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

Council member Baker abstained from this item due to a possible conflict of interest.

The council had no further comments as this was the second reading of this ordinance. The Town Clerk, Diane Russell, read Ordinance No. 704 by title only. Mayor Skoog asked “Shall the Ordinance pass?” Ordinance No. 704 passed with 5 ayes, 0 nays and 1 abstain (Baker).

- b. *Consideration of approving the second reading, by title only, and passage 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)*

The council had no further comments as this was the second reading of this ordinance. The Town Clerk, Diane Russell, read Ordinance No. 705 by title only. Mayor Skoog asked “Shall the Ordinance pass?” Ordinance No. 705 passed with 6 ayes and 0 nays.

10. NEW BUSINESS

- a. *Consideration of appointing Ernie Ortega to the Board of Appeals to fill an existing term expiring on September 5, 2009*

Council member Flannery reported that one vacancy on the Board of Appeals became open when Johnny Kolacek submitted his resignation in November 2007. Mr. Kolacek was first appointed to this Board in January 1998 and has served on this Board for a total of 9 years.

Ernie Ortega submitted an application. Council member Flannery, Council member Schumacher and Council member Nye are recommending the appointment of Ernie Ortega to fill the existing term with a renewal date of September 5, 2009.

Council member Flannery made the MOTION, seconded by Council member Nye, to appoint Ernie Ortega to the Board of Appeals to fill the existing term with a renewal date of September 5, 2009, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- b. Consideration of authorizing the reading of Ordinance No. 706, by title only, and passage as an emergency measure, annexing approximately 17 acres in located northwest of the intersection of Glassford Hill Road and Long Look Drive in T.14N., R.1W., Section 10 G. & S.R.M. (ANX07-004)*

Planner, Joe Scott, stated that this proposed annexation (ANX07-004) comprises approximately seventeen (16.78) acres lying in Section 10, Township 14 North, Range 1 West, G.&S.R.M. and located at the northwest intersection of Glassford Hill Road and Long Look Drive. This annexation will incorporate another portion of the Town Center into the Prescott Valley Town Limits and allow for future rezoning and development of the property.

A blank petition for annexation ANX07-004 was filed with the Yavapai County Recorder's Office on October 11, 2007, starting the necessary thirty (30) day waiting period prescribed in ARS §9-471. A public hearing was held on November 8, 2007, after statutory notice and public comment was received. Said notice included advertisement in the *Daily Courier*, postings in at least three (3) locations, a site posting, and mailings to listed property owners and to the Yavapai County Board of Supervisors.

Once the thirty (30) day waiting period elapsed, signed annexation petitions were obtained from the owners of property that would be subject to taxation by the Town and representing more than one-half (1/2) of the owners of the real and personal property in the annexation territory, and one-half (1/2) or more in value of the real and personal property in the annexation territory. Those signed petitions were filed with the Yavapai County Recorder's Office on December 7, 2007. This ordinance is now prepared for Council action in accordance with ARS §9-471.

Council member Flannery made the MOTION, seconded by Council member Baker, to read Ordinance No. 706 once by title only as an emergency measure, then place the same on final passage, by electronic vote. MOTION carried with 6 ayes and 0 nays.

Town Clerk, Diane Russell, read Ordinance No. 706 by title only as an emergency measure. Mayor Skoog asked "Shall the Ordinance pass?" Ordinance No. 706 passed with 6 ayes and 0 nays.

- c. Consideration of authorizing the Mayor to sign Resolution No. 1550 approving a Development Agreement with Southside Community Facilities District No. 1, Lynx Creek Villages, LLC, and Chino Dental, LLC, for construction of certain improvements in conjunction with the improvements to be constructed by SCFD No. 1*

Council member Baker stated she would have to abstain from this item due to a possible conflict of interest.

Community Development Director, Richard Parker, stated that on November 8, 2007, the SCFD No. 1 Board held a public hearing on a draft Feasibility Report related to proposed improvements within the SCFD No. 1 area and adopted its Resolution No. 3 approving the Report and ordering construction of the improvements in the improvement area.

Discussions with property owners in SCFD No. 1 have included the possibility of up-sizing the water and wastewater facilities to (a) potentially accommodate future annexations by the Town of Prescott Valley of portions of Prescott Country Club, and (b) serve adjacent commercial

properties at the Villages at Lynx Creek and south of the District property. Based on the IGA between the Town and SCFD No. 1, the Town has agreed to cover the costs for this upsizing and extension of facilities with the intention of entering into development agreements with the commercial property owners for reimbursement and ultimately charging buy-in fees to any County district that is formed as a pre-requisite of annexation by portions of the Prescott Country Club.

Town staff has now completed negotiations with the owners of the commercial property at the Villages at Lynx Creek and prepared a Development Agreement by which SCFD No. 1 agrees to arrange for construction of various improvements on and for the benefit of the commercial property, the Town agrees to ensure payment towards those improvements (separate from any assessments of SCFD No. 1 owners), and the owners of the commercial property agree to reimburse the Town for such costs by a time certain.

Council member Schumacher brought up that Resolution 1550 has a date of November 30 and it needs to be changed to December 20, 2007.

Council member Schumacher made the MOTION, seconded by Council member Edwards, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1550 approving a Development Agreement with SCFD No. 1, Lynx Creek Villages, LLC, and Chino Dental, LLC for construction of certain improvements in conjunction with the improvements to be constructed by SCFD No. 1, by electronic vote. MOTION carried with 5 ayes, 0 nays and 1 abstain (Baker).

- d. Consideration of awarding a construction contract to DBA Construction, Inc., in an amount not to exceed \$317,585.00 AND approving an Agreement with Lyon Engineering for construction period services for an amount not to exceed \$12,350.00 AND approving a budget transfer as detailed in the Fiscal Analysis for the Glassford Hill Interceptor Channel Phase II (Prescott East Highway Ext. Box Culvert) (CIP#E100.1)*

Public Works Director, Norm Davis reported that the Glassford Hill Interceptor Channel Project (also known as the Prescott East Highway Extension Box Culvert) has been a multi-year partnership between the Yavapai County Flood Control District (YCFCD) and the Town for a storm water management project at the base of Glassford Hill to protect existing homes in the Castle Canyon Mesa area. This partnership involves the Town as the lead for project management with significant project funding provided by YCFCD. Project design began in September 2004 with the construction portion of the project being split into two phases due to funding availability over several budget years. Phase I of the project cost \$1.2 million and was completed in June 2006.

Funding has been made available in Fiscal Year 2007/08 Flood Control District budget to complete Phase II of the Glassford Hill Interceptor Channel Project. An Intergovernmental Agreement (IGA) with YCFCD in the amount of \$316,176.00 (similar to the IGA approved by Town Council for Phase I in September 2005) was approved by Council on September 13, 2007 for construction funding for the project.

To award to the lowest responsive bidder and for the Agreement for professional services for the construction period, a budget transfer is requested to cover the balance, as specified in the

Fiscal Analysis. The Drainage Safety & Remediation program is recommended as the source for the budget transfer, as it is designated for use on drainage projects, and it is requested yearly as an ongoing small drainage capital program.

Council member Nye made the MOTION, seconded by Council member Flannery, to approve award of a construction contract to the lowest responsive bidder, DBA Construction, Inc., in an amount up to \$317,585.00 for this project, AND approve an Agreement with Lyon Engineering for construction period services for an amount of \$12,350.00, AND approve the budget transfer as detailed in the Fiscal Analysis, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- e. Consideration of rejecting all bids for the 5th Street Lift Station Retaining Wall OR approving the award of a construction contract in the amount of \$49,985.50 AND approving a budget transfer to fund the project (CIP#26.3ww)*

Utilities Director, Neil Wadsworth, reported that the Approved Budget for the Fiscal Year 2007/08 included funding for the 5th Street Lift Station Retaining Wall project (CIP #26.3ww). The Lift Station is located on the southeast corner of 6th and 5th Street and north of the Fain Park entrance. The project includes construction of a retaining wall, replenishment of lost soil, grouting and diversionary runoff measures to control storm water. The Project Engineer, Dava & Associates, Inc., (Dava) prepared design plans and specifications for this project.

On November 29, 2007, five (5) construction bids were received and opened as noted in Table 1 below. (Please note a discrepancy in two (2) of the submitted bids as noted by Dava and highlighted in Table 1.)

The lowest bid received exceeds the budgeted amount. It is therefore recommended that all bids be rejected and that Town staff review this project for potentially reducing the project scope, and/or delaying the project until full funding is available.

Council member Schumacher made the MOTION, seconded by Council member Baker, to reject all bids for the 5th Street Lift Station Retaining Wall, by electronic vote. MOTION carried with 6 ayes and 0 nays.

- f. Consideration of approving a corrective action to Change Order No. 5 with Fann Contracting, Inc. for additional services for the Wastewater Treatment Plant project (CIP#E21ww) in an amount not to exceed \$160,521.95 and adding 28 days to the contract time*

Utilities Director, Neil Wadsworth reported that he had to apologize for the confusion with the motion that was made on November 29 for this council item. This change order was previously discussed by council on November 29th and was approved in concept; however the Request for Council Action Form contained some numerical errors, causing an incorrect motion to be made and approved. The correct information and motion is that this proposed Change Order #5 addresses the last of the major changes needed prior to closing out this project. The highest cost items in this change order are associated with modifying piping within the anoxic basins to prevent spills from occurring during a power outage event, piping modifications to provide for better mixing in one of the flow splitter boxes, laboratory costs associated with filter performance testing, and miscellaneous coordination and communication improvements. The cost of this change order is \$160,521.95 and adds 28 days to the contract completion date.

Council member Baker made the corrective MOTION, seconded by Council member Nye, to approve Change Order Number 5 with Fann Contracting, Inc. for additional services for the Wastewater Treatment Plant project, CIP # E21ww, in the total amount of up to \$160,521.95, and add 28 days to the contract time, by electronic vote. MOTION carried with 6 ayes and 0 nays.

g. Consideration of authorizing the Mayor to sign Resolution No. 1552 urging the United States Postal Service to expand their presence to Prescott Valley.

Town Manager, Larry Tarkowski, reported that for some time, Town staff has been speaking with various local, state, and federal officials about the need for a new post office in Prescott Valley. Compared to our neighbors, statistics show that our population is drastically underserved in this market. Long lines often form at the current post office location and parking is at a premium. Frequently, the Town receives correspondence from its residents about the need for a new post office.

It is hoped that this resolution will telegraph this need for an increased service level of postal services in Prescott Valley to the federal officials responsible for such decisions.

Council member Schumacher hopes that this is strong enough to get something to happen because it is ridiculous that we can not get proper service here.

Council member Edwards said that several years ago there would be sorting machines on 2nd Street so that the mail would not have to go down to Phoenix and come back here. Lo and behold they made the facility too small. That facility is not being used to its capability today. Why are there new post offices in Prescott and Dewey-Humboldt where Prescott Valley has been growing at a rapid rate? He is upset with the parking situation.

Council member Nye added that the citizens of this Town are not being served properly with the post office.

Council member Flannery agrees and feels it is a management issue. He is happy with the effort that has been made with this resolution and also thinks it would be a good idea for citizens performing a writing campaign.

Council member Baker is happy a resolution has been drawn up. Everyone should have the opportunity to stand in line for twenty minutes.

Mayor Skoog also made the comment that the fourth WHEREAS is alright but he would like to see a secondary location added. Number 2 on the second page should also reflect a second facility.

Council member Edwards said if we are going to add a second facility it could perhaps be for post office boxes only.

Town Manager, Larry Tarkowski, suggested that another WHEREAS be added for the exploration of a second site as a satellite office, either constructed or rental.

Council member Baker made the MOTION, seconded by Council member Edwards, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1552 with the adding of a WHEREAS of a second site to be explored, urging the Postal Service to expand their presence in Prescott Valley, by electronic vote. MOTION carried with 6 ayes and 0 nays.

11. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

12. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03(A)(3) 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:

- a. Development Agreement*
- b. Municipal Water Utility IGA*

Council member Schumacher made the MOTION, seconded by Council member Nye, to Convene to Executive Session (PER A.R.S. 38-431.03(A)(3) in order to discuss or consult with the attorneys or other designated representatives of the public body, by electronic vote. MOTION carried with 6 ayes and 0 nays.

13. Recessed to Executive Session at 7:02 pm

14. Reconvened into Regular Session at 8:12 pm

15. ACTION - No action was taken

16. ADJOURNMENT

Council member Nye made the MOTION and Council member Baker seconded to adjourn the meeting. MOTION carried with 6 ayes and 0 nays.

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, December 20, 2007.

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

Dated this 4th day of January 2008

Candice McElhaney, Deputy Town Clerk