

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
April 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 Wade Mansfield, Glassford Hill Church gave the Invocation after which a special Mayor's Recognition appreciation certificate was read and presented to Pastor Mansfield. 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 |
| Bob Edwards | Council member |
| Mike Flannery | Council member |
| Mary Baker | Council member |
| Lora Lee | Council member |
| Fran Schumacher | Council member |

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

There were no introductions of new businesses by the Chamber of Commerce.

- b. *Oath of Office – Police Chief*

Magistrate Judge Carson administered the Oath of Office to new Police Chief, Jim Maxson. Mayor Skoog introduced Mrs. Maxson and Chief Maxson to the Town of Prescott Valley.

6. *RECESS*

Mayor Skoog recessed the meeting at 5:37 p.m. for refreshments in honor of Chief Maxson.

7. *RECONVENE*

Mayor Skoog reconvened the meeting at 5:49 p.m.

8. *PROCLAMATION*

a. *Child Abuse Prevention Month*

Town Clerk, Diane Russell, read the Child Abuse Prevention Month proclamation and Mayor Skoog presented the proclamation to Rebecca Ruffner.

b. *Substance Abuse Awareness Month*

Town Clerk, Diane Russell, read the Substance Abuse Awareness Month proclamation and Mayor Skoog presented the proclamation to Council member Lora Lee Nye, who is very heavily involved with MATForce. Also in attendance was Dana Owens, Prosecutor for the Yavapai County Attorney's Office. Council member Nye expressed thanks to the Humboldt Unified School District and other school districts for participating in the campaign to prevent drug abuse, particularly methamphetamine. On April 15, 2008, in the Council Chambers at the Civic Center, at 7:00 p.m. Prescott Valley will be joining the nation in viewing a film entitled Crystal Darkness. There will be a town hall meeting afterwards with incredible speakers.

c. *National Doctor's Day, March 30, 2008*

Town Clerk, Diane Russell, read the National Doctor's Day proclamation and Mayor Skoog presented the proclamation to John Amos, CEO of the Yavapai Regional Medical Center, East Campus. Mr. Amos reported that there are now 127 physicians on staff, 25 specialties represented and over 320 full-time employees at the medical center. There are expansion plans for a women's health pavilion and family birthing center that are in design and development stages at this time.

d. *National Library Week, April 13-19, 2008*

Town Clerk, Diane Russell, read the National Library Week proclamation and Mayor Skoog presented the proclamation to Stuart Mattson and other employees of the library. He reported that in one year the new library facility should be near completion.

9. *MAYOR RECOGNITION AWARD*

a. *Silver Apple Award, Elizabeth Williams*

Jo Anne Bindell, principal of Mountain View Elementary school, presented Elizabeth Williams, who received the Channel 3 Silver Apple Award in March. The Mayor Recognition Award was read and then presented to Elizabeth Williams.

b. *Yavapai County Cross Grades Teacher of the Year 2007, JoAnn Hayden*

Jo Anne Bindell, principal of Mountain View Elementary school, also presented JoAnn Hayden, who received the Yavapai County Cross Grades Teacher of the Year 2007. The Mayor Recognition Award was read and then presented to JoAnn Hayden.

c. *Prescott Valley Barbershop 20th Anniversary*

Debby Waugh, Prescott Valley Barbershop, was not able to receive the award due to a sudden illness. This presentation will be deferred to a later date.

10. COMMENTS/COMMUNICATIONS

No comments or communications were forthcoming.

11. CONSENT AGENDA

- a. Approval of Minutes – March 27, 2008*
- b. Authorizing the Mayor to sign Resolution No. 1576 approving right-of-way abandonments related to Robert's Market renovation*
- c. Approving an Intergovernmental Agreement between the Town of Prescott Valley and the Sedona Fire District to purchase equipment and use and maintain telecommunications infrastructure in order to promote interoperability between first responder agencies*
- d. Approving placement of 4-way stop signs at the intersection of Pav Way and Centre Court in accordance with the Manual on Uniform Traffic Control Devices*
- e. Approving Accounts Payable for March 21 through April 3, 2008*

Vice-Mayor Wise made the MOTION, seconded by Council member Nye to approve the Consent Agenda as read, by electronic vote. MOTION carried with 7 ayes and 0 nays.

12. NEW BUSINESS

- a. Consideration of approving the Restated & Amended Lease Agreement with Prevent Child Abuse Arizona for the former Town Hall-Library site*

Town Manager, Larry Tarkowski, reported that there has been an agreement with Prevent Child Abuse as it relates to the land and buildings at the old town hall site at Bob and Yavapai Roads. That agreement was entered into back in 1999 when the town hall was moved from that location to the current location on Civic Cr. Prevent Child Abuse has had a long-standing relationship with the town. The Council has been very supportive of the mission and the services that Prevent Child Abuse has provided to all of Yavapai County, in particular to Prescott Valley.

There are some very good expansion plans that will enhance their service delivery from that location, which includes some additional buildings. To cause that to happen, we needed to take a look at the lease agreement and renew it. There was a need to make some minor modifications to the agreement that will enhance the ability of Prevent Child Abuse to attract the investment dollars needed to proceed with putting up the additional buildings.

Rebecca Ruffner and Tina Vanderpool were available for questions. Ms Ruffner thanked Ms Vanderpool, Town Attorney, Ivan Legler and Mr. Huber for taking care of all the details.

Council member Schumacher asked why the length of the agreement is 50 years. Is this because of the financial commitment? The response was that it is necessary to show a long-term lease in order to show site control if it is necessary to borrow money over the Phase 1 and Phase 2 construction. It was also necessary for a long-term lease because the investor that is

planning to build the building for DES services there needed to negotiate a long-term lease with a governmental agency. It needs to be long enough to show that they would not be moving anytime soon.

Vice-Mayor Wise made the MOTION, seconded by Council member Baker, to approve the Restated & Amended Lease Agreement with Prevent Child Abuse Arizona for the former Town Hall-Library, site by electronic vote. MOTION carried with 7 ayes and 0 nays.

- b. Consideration of authorizing the Mayor to sign Resolution No. 1574 declaring the "2008 Amendments to the Tax Code of the Town of Prescott Valley" to be a public record, AND authorizing the first reading of Ordinance No. 714 by title only which adopts said public record by reference*

Finance Manager, Jim Clemens, stated that since October 12, 1978, the Town of Prescott Valley has administered its own Transaction Privilege/Use Tax Code as its primary source of independent revenue. In 1987, the Town (in conjunction with other Arizona municipalities) adopted a version of the Model City Tax Code which had been established by the League of Arizona Cities and Towns. The purpose of the Model Code is to standardize local codes as much as possible, while still giving municipalities certain standard options to choose from.

Over the years, a group of municipal representatives known as the Unified Audit Committee has worked with the League and with the Arizona Department of Revenue to try to standardize administration of local and state transaction privilege/use taxes. Oftentimes, proposed revisions have resulted from changes made to state taxes by the Legislature or negotiations with industry representatives. As changes to the Model City Tax Code have been approved by the Municipal Tax Code Commission, the League has then prepared proposed amendments for each individual municipality and asked that the amendments be adopted by a date certain. The most recent revisions adopted by the Town were in 2007 Amendments prepared by the League.

The League has now sent proposed 2008 Amendments for adoption by the Town. The attached Summary shows that the primary changes relate to: (1) changing the definition of "Out-of-State Sales" to remove the requirement that the sale must be made to a non-resident in order to qualify for the TPT exemption, (2) adding a new deduction for construction for the installation of Solar Energy Devices and an exemption from retail tax for the sale of Solar Energy Devices, and (3) exempting the "direct costs" of architectural and engineering fees when included in a construction contract. The League has asked that the 2008 Amendments be adopted so that they will be effective on and after July 1, 2008.

Following past practice, staff recommends that the Town Council first adopt Resolution No. 1574, which declares the "2008 Amendments to the Tax Code of the Town of Prescott Valley" to be a public document which may be adopted by reference by Ordinance No. 714 (so that the significant cost of publishing all of the Code changes may be avoided. Copies would be available for public review in the Office of the Town Clerk). The League requests that the 2008 Amendments be effective on and after July 1, 2008, and Ordinance No. 714 complies with that request.

Council member Schumacher made the MOTION, seconded by Council member Nye to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1574 declaring

the "2008 Amendments to the Tax Code of the Town of Prescott Valley" to be a public record under ARS §9-802, by electronic vote. MOTION carried with 7 ayes and 0 nays.

Council member Schumacher made the MOTION, seconded by Council member Baker to read Ordinance No. 714 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 714 by title only for the first reading.

- c. *Consideration of authorizing the Mayor to sign Resolution No. 1575 approving a Final Development Plan for a Comprehensive Sign Package for the Prescott Valley Crossroads project (FDP 08-006)*

Community Development Director, Richard Parker reported that there is a very comprehensive report and Power Point presentation in the council packet. This is a request by Kitchell Development Company and JRC Design for approval of the Comprehensive Sign Package for the Prescott Valley Crossroads commercial development located northwest and southeast of State Route 69, west of StoneRidge Drive and east of Victorian Estates. This area was rezoned on November 29, 2007 with adoption of Ordinance 702 approving ZMC 07-012, resulting in a PAD overlay on the existing C2 (Commercial; General Sales and Service), PM (Performance Manufacturing), and M1 (Industrial; General Limited).

The PAD overlay is intended, among other things, to permit flexibility in design so that developments produce maximum choice in types of commercial and facilities. In the course of approving Final Development Plans, the Council may make reasonable requirements with regard to sign regulation and may allow certain variations of pre-existing zoning regulations where unusual conditions exist in relation to such things as site shape and where the general welfare of the neighborhood is promoted. As large, unified commercial projects have come into Prescott Valley, the Council has previously concluded that the FDP process may be used to approve comprehensive sign packages for specific commercial projects that vary from the standards that would otherwise apply in Town Code §13-23-040.

This Comprehensive Sign Package (CSP) for the Crossroads development includes site identification, interior direction, and wall-mounted signage for the entire project. While regulatory signage (stop, yield, turn, etc.) is addressed in the CSP, it has not been included in the total area count as final determinations for type and location have yet to be determined.

The CSP has been evaluated by both planning and zoning staff. In reviewing the package, the gross area, height, and type of sign have been compared to the Comprehensive Sign Package approved for the Town Center by Town Council on September 14, 2006. In addition, the CSP for the Crossroads development has been compared to the gross area and type of signage that would be allowed had this area developed as individual parcels fronting on State Route 69 and Sundog Ranch Road. As submitted, this CSP is smaller in number and area than the signage approved for the Town Center. It also represents fewer signs and less signage area than if the land area involved were developed on a per-parcel basis.

With regard to wall signage, the only variation from §13-23-040 is for signage on two (2) sides of a free-standing building. Given the limited sight distance relative to traffic speed and distance on State Route 69, the additional request for additional signage is not unreasonable. The CSP

stipulates that any additional variation from the wall signage standards would require approval of both the landlord and the Prescott Valley Board of Adjustment.

Council member Schumacher asked if the signage on the building is lit. The response was that the signage will be backlit, which will meet the dark sky standards. The monument signage will all be backlit as well so it will be legible at night and will also meet dark sky conformity standards.

Council member Baker made the MOTION, seconded by Council member Nye to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1575 approving FDP 08-006 as stipulated, by electronic vote. MOTION carried with 7 ayes and 0 nays.

- d. Consideration of adopting Resolution No. 1577 authorizing the Mayor to sign the escrow and other documents needed to accept a Deed In-Lieu-of-Foreclosure and Easement from Liberty Automotive, Inc. for the obligation under the July 8, 1999 Development Agreement with Glassford Partners, LLC*

Town Manager, Larry Tarkowski, stated that on June 10, 1999, the Town Council adopted Ordinance No. 465 rezoning 81.73 acres of real property located at the top of Glassford Hill from RCU-70 to C2-PAD zoning. Among other things, the Ordinance prohibited future construction or hillside disturbance above the 5,465 ft line. On July 8, 1999, the Council adopted Resolution No. 900 approving a Development Agreement with Glassford Partners, LLC. The Agreement provided (among other things) that the Town would (a) design and construct certain needed improvements, and (b) pay applicable connection charges and fees for water and wastewater service for the initial development phase. It also provided that the Town's payments for design and construction of improvements were subject to reimbursement by Glassford Partners. If gross income for Town Transaction Privilege Tax purposes didn't total \$3,673,740.00 within 5 years after the first business opened (or after September 1, 2006, whichever came first), Glassford Partners would reimburse 50% of the insufficiency to the Town. The reimbursement was secured by a Promissory Note and a Deed of Trust.

On March 9, 2000, the Council awarded a contract to construct the water and wastewater facilities, roadways, drainage facilities, and a 2,000,000 gallon water tank for a cost of \$1,687,999.60. On March 13, 2000, Glassford Partners signed a Note for \$1,806,840.60 (representing the \$1,687,999.60 bid award plus \$118,841.00 for engineering costs). At the end of construction, actual costs were \$1,756,423.61 plus \$190,645.00 for engineering (total \$1,947,068.61).

In early 2001, Glassford Partners proposed selling a portion of the property for an apartment complex, conveying 8.5 acres to the Town for open space (subsequently increased to 26.21 acres), and providing some different property as collateral for the Note. The Town agreed and took steps to rezone the property for the apartment complex. On May 31, 2001, the Council adopted Resolution No. 1015 approving an amendment to the Development Agreement to put the plan in place. This included an agreement to apply any rental surcharges from the apartment complex towards the \$3,673,740.00 income requirement. Based on this plan, the Council approved on November 15, 2001, a Final Development Plan for an auto dealership on the property. At the same time, an arrangement was made for the owners of the new dealership to put their names on the deed of trust that would secure the Promissory Note from Glassford Partners, and for said deed of trust to apply to 6.51 acres located above the dealership, to the west.

Unfortunately, as September 1, 2006 approached, it became apparent that the transaction privilege tax revenue from the property would not reach the required threshold. It was eventually determined that \$665,763.71 in TPT taxes were collected during the period, plus \$97,328.08 in rental surcharges (total \$763,091.79). This left a shortfall of \$2,910,648.71 and a potential repayment of \$1,455,324.11. This led to discussions about whether the Town would foreclose on the property to which the deed of trust applied, or whether a deed-in-lieu-of-foreclosure could be negotiated.

In February 2007, the law firm of Favour, Moore and Wilhelmsen was engaged to negotiate a Deed-in-Lieu of foreclosure with the auto dealership and the bank holding the mortgage on the property. A number of property description issues had to be resolved, along with a proposal from the Town that a small access easement be granted across the remaining dealership property in order to make the area being deeded to the Town more useable. The negotiations are now complete, and escrow is ready to close on the transaction.

Council member Flannery asked if the appraisal being used on the property is the original one or has it been reappraised. The response was it is the original appraisal.

Council member Nye asked what the allowable amount of time will be for performance. What is the timeframe? The response was the timeframe expired in 2006. There is no new clock.

Mayor Skoog asked about the impact on the Kia dealership. The response was that this is undeveloped land and the town is encouraging the commercial development in that area. It is pointed out that on the east side of Marketplace Drive there is a hotel and office buildings intended to go up on this property. We are confident that this was a good investment and will generate dollars well in excess, over time, of the investment that was made in the infrastructure. Per the original agreement, if those dollars were not generated by 2006, then the difference was to be made up either through cash or dedication of land. So the land is what we are looking at now.

Council member Baker asked if the 6.51 acres that has a value of \$1.3 million of what they owed and we are forgiving. The response was yes. Where is this particular property located? Town Manager, Larry Tarkowski, responded that the easement starts at Marketplace, in between the Kia dealership and the apartments. There is a strip of land that goes up and widens out and goes behind the Kia dealership all the way to the southern property line and is touched by the access road up to the water tanks on the side of the hill.

Town Attorney, Ivan Legler, added that the first property that was being used for security was located further up and that property ended up being deeded to the town as open space. When they moved down, they indicated that they would take half of the property that was going to be used for the car dealership. What eventually happened was that we put a Deed of Trust on what ended up being 6.51 acres next to the Kia dealership. There was no choice of other properties. But this was the property that the Deed of Trust settled on with an idea that they were going to then be using some of the other properties for future commercial development. We had a choice. We could have foreclosed on this property. Rather than do that the owners sat down with the town and reached the agreement.

Council member Baker went on to ask if the use of this property in the future will be for the town to sell. Town Manager, Larry Tarkowski, added that there will be several options presented in the future for the property and roadways.

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. 1577 authorizing the Mayor to sign the escrow and other documents needed to accept the Deed In Lieu of Foreclosure and Easement from Liberty Automotive, Inc., by electronic vote. MOTION carried with 7 ayes and 0 nays.

e. Consideration of approving a Final Plat (FP 08-002) to develop the Villaverde Condominium in Unit 14, Lots 4029 & 4030, 3116 Bob Court & 3142 Yavapai Drive

Community Development Director, Richard Parker, reported that the Town Council is being asked to consider a Final Plat (FP08-002) request in order to create three (3) unit condominiums on two (2) lots for a combined total of six (6) condominium units. The project is located at 3116 Bob Court & 3142 Yavapai Drive, Prescott Valley Unit 14, Lots 4029 and 4030, APN #103-31-061 and #103-31-062, with a zoning designation of R2-4 (Residential; Multiple Dwelling Units).

Section 14-03-060 of the Town Code covers condominium development and requires a Preliminary Plat and a Final Plat. The Planning and Zoning Commission considered and approved Preliminary Plat (PP08-001) at its March 10, 2008 meeting. Final Plats are then approved by the Town Council and recorded after construction has been completed and final inspection made. The multiple family units are existing and were built to Town Code standards. The Final Condominium Subdivision Plat shall be certified by a registered architect or engineer that the plat accurately depicts the development as constructed, and shall be recorded prior to the sale of the first unit. The condominium is not a division of the real property; rather, an individual owns only a portion of the rights to the property, being the interior space of an individual unit and shares the remainder as common area with the other owner(s). Enforcement and regulation of the common areas is accomplished through the establishment of a master declaration recorded in conjunction with an approved Plat.

This project is consistent with the goals of the *General Plan 2020* and Housing Element for providing a mix of housing types and ownership. In addition, the proposed condominium project is supported by the Work Force Housing Strategy adopted to augment the Housing Element within the *General Plan 2020*. The current Final Plat of the condominium units meets applicable Town codes for a duplex development, each on a separate lot. Parking is provided at two (2) spaces per unit. The project utilizes Town sewer and is provided Town water as the property is already in the approved water service area allocated by the Arizona Department of Water Resources and is not a Subdivision under Town or State definitions.

Vice-Mayor Wise made the MOTION, seconded by Council member Flannery, to approve a Final Plat (FP08-002) to develop the "Villaverde Condominium", by electronic vote. MOTION carried with 7 ayes and 0 nays.

f. Consideration of approving an Agreement with Larson & Associates to provide services related to statewide water conservation requirements in an amount not-to-exceed \$19,320.

Water Resources Manager, John Munderloh, stated that the Approved Budget for Fiscal Year 2007/2008 includes funding for water conservation projects. The original intent of the approved budget was to purchase water conservation kits for new homeowners and develop a water conservation project for Town parks. However, a new State law defined by Senate Bill 1557 (SB 1557) changes the Town's mandated water conservation requirements. SB 1557 states that the Town shall develop a water provider profile, implement a public education program, a metering program and adopt five (5) additional water conservation measures from a list prepared by the Arizona Department of Water Resources. The provider profile must be submitted by July 1, 2009 and the conservation programs must be in place by January 1, 2010.

The work proposed by Larson & Associates will be to conduct an irrigation water use audit of Town Parks and provide recommendations for water saving improvements. The second phase of the work concentrates on meeting the specifications of SB 1557 - specifically to develop a water provider profile and a water conservation program that meets the requirements of the law and is effective at conserving water in Prescott Valley.

The Request for Council Action Form reflects a discrepancy in the contract amount. The amount should be \$19,920, not \$19,320 as reflected in the action form.

Council member Flannery said that looking through the laundry list of compliance for SB 1557, is there any way that the survey could be used for this list. The response is that it could be used but the survey is only good for one year. Council member Flannery went on to say that as a participating entity we need to have some kind of feedback from that because he thinks it has gotten lost somewhere along the line. The response was that we have recently compiled the entire survey. It has taken some time to input all of those surveys from the paper copy to an electronic report. We can certainly bring in a presentation about the results of the survey at some point. It was agreed that this would be beneficial.

Council member Edwards asked if the survey indicates how we stack up against other communities in what we are doing locally or is it a tri-city venture. The response was that the survey was an AMA wide survey and we can query the results by zip code and compare the results with other zip codes in the area.

Council member Flannery made the MOTION, seconded by Council member Edwards, to approve this Agreement with Larson & Associates to provide water conservation program services to help improve the efficient use of water in Prescott Valley and meet the requirements of Senate Bill 1557 in a total amount not to exceed \$19,920, by electronic vote. MOTION carried with 7 ayes and 0 nays.

g. Consideration of approving a revised Lease/Management Agreement with Cycle Speedway USA, Inc. to operate a cycle speedway at Mountain Valley Park

Parks and Recreation Director, Brian Witty, reported that on September 11, 2003, the Town Council gave preliminary approval for Town staff to work with David Cooke to pursue development of a cycle speedway facility at Mountain Valley Park. On February 19, 2004, Mr. Cooke provided articles of incorporation and evidence of insurance for Cycle Speedway USA, Inc. And, on March 11, 2004, the Town Council approved a Lease/Management Agreement with Cycle Speedway USA, Inc. This agreement included a provision that was intended to bring the facility within the Arizona Recreational Use Statute (no charge to the general public

during public use) as recommended by the Town's insurer, Southwest Risk Services, in correspondence dated February 17, 2004.

It was noted at the time that the Action Plan of the Parks and Recreation Master Plan encourages the Department to use innovative ideas to successfully meet budgetary, staffing and facility limitations, to partner with the private sector in providing services and facilities, and to continually evaluate its effectiveness. It was also noted that Section 7.2.3 of the Recreation and Open Space Element of the General Plan 20/20 discusses lack of on-street bike lanes and a significant network of developed trails and pathways, and Goal 0S-B5.1 encourages establishing public/private partnerships to provide for the investment in and development of "special purpose" facilities. The Lease with Cycle Speedway, Inc. was looked upon as such a "special purpose" facility that would cater to a special function and activity outside the typical service level of municipal parks and recreation agencies. The Town spent approximately \$4,000.00 creating the facility according to certain specifications. Then, with considerable fanfare, the Lease was approved with hopes that tournaments and other activities, including events with teams from overseas, would soon be held in the new facility.

A tournament was held in 2004 and some activity occurred in the facility that summer. However, the effort was not sustained and the facility has been in a state of disuse for several years. Now, Mr. Cooke indicates that he has been able to again obtain insurance for a period of 6 months during which he hopes to operate and maintain the facility. On March 18, 2008, the Parks and Recreation Commission considered this new proposal and recommended that the Town approve a renewed Lease, with certain changes. Then, on March 20, 2008, the Town Council also discussed the proposal and a majority agreed to consider a Lease renewal at an upcoming regular meeting, with some revisions. The revised Lease is now presented for Council consideration. The items of change are a Notice of Schedule to the Parks and Recreation department for Cycle Speedway to maintain the site to Park's recommendations and to provide monthly written reports to the Parks and Recreation department that will be disclosed during their period of operation. It is also recommended that after this year of review, consideration for review of another year of 2009 will also require a full year of insurance as per the agreement.

Vice-Mayor Wise stated that it is important to the town that the facility remains good-looking and is maintained. With the lease and insurance held all year, it has fulfilled some of the concerns he has had.

Council member Flannery would like to hear from Mr. Cooke to make sure he understands and agrees to these requirements. David Cooke says that he does agree to all requirements.

Council member Nye asked if the Parks and Recreation department is helping to advertise this to increase participation? The response was that we have missed the spring/summer publications but will try to promote through other means as much as possible.

Council member Edwards says he agrees that the marketing of this project is very important and if we make every effort to get the information to everybody, this will help the project move along. He appreciates Mr. Cooke's efforts.

Council member Schumacher made the MOTION, seconded by Council member Baker to approve a revised Lease/Management Agreement with Cycle Speedway USA, Inc. to operate a

cycle speedway at Mountain Valley Park, by electronic vote. MOTION carried with 7 ayes and 0 nays.

13. COMMENTS FROM THE PUBLIC

Mike Hendricks – passed out an informational sheet from a local artists’ group (Mountain Artists Guild, Inc.) announcing that they have decided to open up a quad city studio tour for the participation of local artists. He encourages the communities to get behind this event by circulating the information.

Chuck Bordenave – wants to thank Tim’s Toyota for replacing the flag in front of the Tim’s Toyota Center. He is concerned about Tim’s Toyota Center and why financial records are not available. He also made comments about the automatic sprinklers in the parks and forgiving penalties and interests to contractors.

Council member Flannery asked that Town Manager, Larry Tarkowski, respond to the information Mr. Bordenave relayed. Town Manager, Larry Tarkowski, said that the Town of Prescott Valley money is not involved in Tim’s Toyota Center. This is a private enterprise and not a Town of Prescott Valley facility. We have infrastructure and road improvement involvement in the surrounding area. These infrastructure and road improvements benefit the Center as well as the Entertainment District. He will check with Public Works Director, Norm Davis on the situation with the road projects.

14. MOTION TO CONVENE INTO EXECUTIVE SESSION (PER A.R.S. 38-431.03(A)(1) in order to discuss or consult with the attorneys or other designated representatives of the public body regarding, or to otherwise discuss or consider, the following:

- *Town Clerk’s Annual Review*

Council member Schumacher made the MOTION, seconded by Council member Nye to convene into Executive Session, by electronic vote at 7:14 p.m. MOTION carried with 7 ayes and 0 nays.

15. RECESSED INTO EXECUTIVE SESSION AT 7:21 P.M.

16. RECONVENED INTO REGULAR SESSION AT 9:18 P.M.

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

Council member Baker made the MOTION, seconded by Council member Edwards, to award a 4.5 % performance increase based on Exceeds Expectations in the majority of areas with Achieves Expectations in a few. MOTION carried UNANIMOUSLY.

18. ADJOURNMENT

Council member Nye made the MOTION, seconded by Council member Flannery to adjourn the meeting, by electronic vote. MOTION carried with 7 ayes and 0 nays. Mayor Skoog adjourned the meeting at 9:22 p.m.

ATTEST:

APPROVED:

Diane Russell, Town Clerk

Harvey Skoog, Mayor

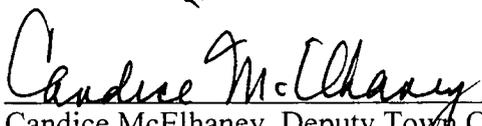
STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss:
TOWN OF PRESCOTT VALLEY)

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, April 10, 2008.

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

Dated this April 18, 2008



Candice McElhaney, Deputy Town Clerk