

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
December 17, 2009**

*Magistrate Court/Council Chambers
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, AZ 86314
5:30 p.m.*

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 Kirk Anderson, Emmanuel Lutheran Church, gave the Invocation after which the Pledge of Allegiance was said in unison. The following Council members were present for roll call.

<i>Harvey Skoog</i>	<i>Mayor</i>
<i>Lora Lee Nye</i>	<i>Vice Mayor</i>
<i>Richard Anderson</i>	<i>Council member</i>
<i>Mike Flannery</i>	<i>Council member</i>
<i>Patty Lasker</i>	<i>Council member</i>
<i>Fran Schumacher</i>	<i>Council member</i>
<i>Harold Wise</i>	<i>Council member</i>

5. *ANNOUNCEMENTS & PRESENTATIONS*
 - a. *Yavapai Soccer League, Mary Sterling*
 - b. *Library Foundation Report*

a. Mary Sterling, President of the Yavapai Soccer League, updated Council regarding the league's 2009 Season and expressed her appreciation and thanks to Council for their support of the sport. She introduced a few of the Board members and players in attendance. She said the league had seven hundred and seventy-five registrants playing in the recreational league beginning at age 3 up to age 18. They also have 86 members who play in the select (competitive) area. In addition, they hosted 96 teams from throughout the states of Arizona, New Mexico and California at a tournament held in Prescott Valley in April, 2009. They will be hosting the tournament again in 2010. As a token of their appreciation the team presented each council member with a signed soccer ball.

Council members expressed their appreciation for what the league does for the youth in the community and the region as well as the financial infusion it provides the town.

b. The Library Foundation Report has been tabled until a future meeting.

6. MAYOR'S RECOGNITION AWARD

a. Dr. Henry Schmitt

Mayor Skoog called Dr. Schmitt forward along with his guests. Town Clerk Diane Russell read the Recognition Award for Dr. Schmitt which was then presented by Mayor Skoog to Dr. Schmitt. Dr. Schmitt will be retiring at the end of this school year, but will continue residing in Prescott Valley. Introduced were his wife Linda, Cynthia Wyndham HUSD CFO, Mike DeRoyce Principal of Liberty Traditional School, Dan Streeter of Bradshaw Mountain High School, Dean Slagga and her assistant superintendent Maryella Bean and Board member Gary Marks.

Council members expressed appreciation for Dr. Schmitt's leadership, the cooperation experienced between the Town and HUSD, his hard work, and for the success, growth and progress he has made.

7. COMMENTS/COMMUNICATIONS

NO comments were forthcoming.

8. CONSENT AGENDA.

- a. *Approval of Minutes – December 3, 2009*
- b. *Liquor Licenses & Permits*
 - (1) *Approving a new Series 10 (Beer & Wine Store) Liquor License for Walgreens Arizona Drug Co. located at 2880 North Centre Court; Randy Allen Guse, applicant*
 - (2) *Approving a new Series 6 Liquor License for Barefoot Bob's Billiards, LLC located at 8367 E. Pecos Dr., Suites 2 & 3; Cheryl Ann Soto, applicant*
- c. *Authorizing the Mayor to sign **Resolution No. 1676** accepting a 2010 Governors Office of Highway Safety grant award (contract #2010-410-007) in the amount of \$4,500 funding the purchase of four (4) portable breath testers*
- d. *Authorizing the Mayor to sign **Resolution No. 1677** accepting a 2010 Governors Office of Highway Safety grant award (contract #2010-410-008) in the amount of \$16,860.70 funding overtime personnel services related to DUI related enforcement*
- e. *Authorizing the Mayor to sign **Resolution No. 1678** accepting a 2010 Governors Office of Highway Safety grant award (contract #2010-410-009) in the amount of \$3,080 funding training expenses at the IACP Drug Recognition Expert (DRE) Training Conference on drugs, alcohol and impaired driving*
- f. *Authorizing the Mayor to sign **Resolution No. 1679** accepting a 2010 Governors Office of Highway Safety grant award (contract #2010-HFR-002) in the amount of \$2,500 funding overtime personnel services in conducting underage drinking prevention and enforcement activities*
- g. *Authorizing the Mayor to sign **Resolution No. 1680** accepting a 2010 Governors Office of Highway Safety grant award (contract #2010-HFR-003) in the amount of \$3,250 funding the purchase of five (5) Portable Breath Testers for the purpose of conducting DUI related enforcement activities*
- h. *Accepting an Arizona Criminal Justice Commissions (ACJC) Oversight Council on Driving or Operating Under the Influence Abatement (contract #DUI-10-002) in*

the amount of \$9,882 funding overtime personnel services for enforcement efforts and public awareness programs

- i. Accepting the Crownpointe Drive Public Utility Easement from grantor Crossroads Terrace Business Park (Market Street Partners II, LLC) for maintenance and operations of the utility lines installed as a part of the development*
- j. Accepting a Public Utility Easement across Puerta Vallarta Restaurant property as a part of the Southside CFD development*
- k. Accepting a Water and Multi-Use Path Easement for the Glassford Hill Apartments development site*
- l. Approving a Final Plat FP09-002 to develop the 3-unit Dana Condominium project proposed for 3929 Dana Court, Unit 11, Lot 3227 (APN 103-28-012)*
- m. Accepting the Comprehensive Annual Financial Report for Fiscal Year 2008-2009*
- n. Monthly Financial Report*
- o. Council Investment Report*
- p. Approving Accounts Payable for November 24 thru December 10, 2009*

Mr. Barry Gilchrest, Prescott Valley Walgreens Manager and Rick Iserman Manager of the Prescott Walgreens on Willow Creek came forward to introduce themselves.

Council member Flannery commended the PD for the 6 grants on the agenda totaling approximately \$40,000 which is especially needed in these tough economic times.

Vice Mayor Nye made the MOTION, seconded by Council member Schumacher, to approve all items on the consent agenda by roll call vote. MOTION carried UNANIMOUSLY.

9. UNFINISHED BUSINESS (FOR ACTION)

- a. Consideration of approving the second reading, by title only, and passage of Ordinance No. 739 approving Zoning Map Change ZMC09-004*

Town Clerk Diane Russell read Ordinance No. 739, by title only, for the second reading. Mayor Skoog asked, "Shall the Ordinance pass?" Ordinance No. 739 passed UNANIMOUSLY by roll call vote.

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

- a. Public Hearing*
 - Open Public Hearing*
 - Community Development Block Grant*
 - Close Public Hearing*

Mayor Skoog opened the meeting. Deputy Town Manager Ryan Judy stated that the Town would like to apply for CDBG funds through the State Department of Housing (DOH). The Town is on a four-year rotation to receive funds automatically from DOH. However, the State also offers an annual competitive cycle for State Special Projects which he would like to apply for. To be eligible a project must meet one of three criteria: 1) at least 51% of the persons who benefit from the project must be low to moderate income; 2) the project must aid in the prevention or elimination of slum or blight; or 3) the project must solve an urgent health hazard need. The most that the Town can apply for is \$300,000. Funds have been used in the past for water, road improvements,

parks, playgrounds, child care housing rehab assistance to businesses, pedestrian walkways, planning, and administration. Prescott Valley has used the funds for flood control, senior center construction, street improvements, parks, housing rehab, home builder assistance and removal of barriers (ADA). The first public hearing is tentatively scheduled for December 30, 2009 with a second to follow, to announce the project and get approval from Council to submit an application. Ryan would like to submit a project to construct a 10-foot wide multi-use path extending from the Boys and Girls Club to the Mountain View Elementary School. The engineer's estimate of the project is approximately \$270,000 to build the path.

Public Comment: Kimberly Elias, *Hanna' House*

Ms. Elias came forward as a member of the Board of Directors for *Hanna's Home*, a non-profit organization home for young women age 15-19 experiencing unplanned pregnancy. Among the statistics presented, she stated that the State of Arizona has a teenage birth rate which is 6th highest in the nation. In Yavapai County, there were 301 teen pregnancies in 2000 costing the County \$6.4 million. The need for a home was established to provide a Christian-style maternity home to meet the girl's physical, social, educational, emotional and spiritual needs and to ensure the healthy delivery of their babies. *Hanna's Home* was incorporated in 2008 as a 501(3)(c) non-profit facility. A home was purchased in February of 2009 with a Letter of Intent to begin the state licensing process. Today it is a fully licensed maternity group-home for girls under age 18 and in crisis. *Hanna's Home* is in need of start-up funds to hire a program director to develop resources, evaluate and measure outcomes of the program and hire and train new staff and volunteers, and also manage operations of the home etc. The Board of Directors estimated that the base salary of such a director is approximately \$45,000 annually. *Hanna's Home* would like to request \$40,000 CDBG grant funds to secure a qualified director and a fully functioning operation. They will offer a transition program for the mother and her baby when they are ready to leave the home. This is the only maternity home in northern Arizona and they will be accepting girls throughout Arizona. Kimberly distributed brochures to the Council after her presentation.

Mayor Skoog declared the public hearing closed.

- b. Consideration of approving a Professional Services Agreement with Lyon Engineering for design services for the Western Blvd. Storm Water Management Project in an amount not to exceed \$194,980.00 (CIP#E328)*

Community Development Director Richard Parker explained that Ray Smith, Engineering Manager, appeared before Council last week stressing the importance of this storm water project. The briefing provides a figure of \$550,000 total for the project; approximately \$355,000 would remain for the actual improvements should Council approval the professional services agreement in the amount of \$194,980.00. These monies come from flood control district taxes which totaled \$650,000 to the Town this year. Mission Lane was significantly improved a few years ago through this same process. The additional remaining \$100,000 will be used to buy flood plain or flood prone lots into the future.

Council member Anderson made the MOTION, seconded by Council member Wise, to approve a Professional Services Agreement with Lyon Engineering for design services for the Western Blvd. Storm Water Management Project, CIP # E328, in a total amount of \$194,980.00, by roll call vote. MOTION carried UNANIMOUSLY.

- c. *Consideration of authorizing the Mayor to sign **Resolution No. 1681** approving a Final Development Plan to allow the development of Dewey Pump in the Antelope Meadows Commercial Center at SR169 and Cold Water Lane (FDP09-006)*

Community Development Director Richard Parker stated that this project proposes a 3,000 square foot building on a one-acre site which is currently under construction. This is an overlay district, Planned Area Development, the property being zoned M-1. The use of the facility to house a pump, drilling and service business is a matter of right subject to a final development plan approval. Plat and site plan illustrations were shown. Screening is provided around the entire area, landscaping is included as required by town code and a storage area is in the back which will be fenced. Parker confirmed that the surrounding properties are also industrial uses. Dewey Pump is a pump and individual well service company. Antelope Meadows has been very successful in the development of industrial uses.

Council member Flannery, made the MOTION, seconded by Council member Schumacher, to authorize the Mayor or in his absence the Vice Mayor, to sign Resolution No. 1681 approving FDP09-006 and to sign any agreement under Prop 207, by roll call vote. MOTION carried UNANIMOUSLY.

- d. *Consideration of authorizing the Mayor to sign **Resolution No. 1682** authorizing the submission of an application(s) for State Housing Funds*

Community Development Director Richard Parker stated approval of this resolution would allow staff to proceed with application for additional funds for the successful housing rehabilitation program. The last grant was for \$275,000 of which 10 percent was allocated for administration of the program which the town has taken over from NACOG. Five houses have been successfully rehabbed and two mobile home units relocated to date. They have approximately \$100,000 left to spend. Parker stated that the person who receives benefit of the money is the one who actually contracts with the contractor for the work; the town just assists with the process and provides inspections. Staff would like to apply for the maximum amount available to them which is \$300,000 to continue the program. Staff has a waiting list for rehab services.

Council member Schumacher made the MOTION, seconded by Vice Mayor Nye, to authorize the Mayor to sign Resolution No. 1682 approving the submission of an application for State Housing Funds, by roll call vote. MOTION carried UNANIMOUSLY.

- e. *Consideration of authorizing the Mayor to sign **Resolution No. 1683** (and the Prop. 207 waiver) approving a Final Development Plan for the proposed Dollar General Retail Store (FDP09-007)*

Community Development Director Richard Parker noted that this will be the first construction in the Navajo Commons development at the corner of Florentine and Navajo. The necessary infrastructure is already in place for the development. This PAD requires a final development plan for the 9,000 square foot retail store. It meets or exceeds the town's design criteria including height restrictions. The common area will be used for underground retention and easements will have to be provided.

Council members are pleased that this area is finally developing. The pre-existing property base zoning of C-2 along with the flexible PAD and development agreement for the 26 acres does not require noticing the property owners outside the perimeters of the property for their input. The signage package is a requirement of the FDP and meets all town code requirements. Their landscaping exceeds the requirements by the Town and the development agreement.

Council member Lasker made the MOTION, seconded by Council member Wise, to authorize the Mayor to sign Resolution No. 1683 approving a FDP09-007 and sign the Prop 207 waiver, by roll call vote. MOTION carried UNANIMOUSLY.

- f. Consideration of authorizing the Mayor to sign **Resolution No. 1684** (and the Prop. 207 waiver) approving a Final Development Plan for the proposed Maverik Retail Store and Gas Station to be located in the Glassford Hill Marketplace, NE corner of Glassford Hill Rd. and Lakeshore Dr. (FDP09-008)*

Community Development Director Richard Parker noted that this is one of the better run convenience stores he has ever seen. Maverik has requested approval to build another store on the northeast corner of Glassford Hill Road and Lakeshore drive, similar to the one located near the Prescott Country Club area on SR69. Parker showed illustrations of the proposed site plan and façade. Maverik would like to have the store open as early as March 2010. Building plans have been submitted and near approval completion.

Jim Child, Director of Construction for Maverik, expressed appreciation to the professional and proactive town staff for the cooperation they have received. Mr. Child indicated that while this store will be just under 1,000 square feet smaller than the one near Prescott Country Club it will hardly be noticed due to the different configuration of this store. The access point to the store will be at the light at the intersection of Lakeshore and Glassford Hill Rd. Presentation through landscaping is an important feature of Maverik's design.

Council member Lasker made the MOTION, seconded by Council member Schumacher, to authorize the Mayor, or in his absence the Vice Mayor, to sign Resolution No. 1684 approving FDP09-008 and to sign any agreement under Prop 207, by roll call vote. MOTION, carried UNANIMOUSLY.

11. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

12. 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: Magistrate Judge - Annual Review

Council member Wise made the MOTION, seconded by Vice Mayor Nye, to convene into executive session, by roll call vote. MOTION carried UNANIMOUSLY.

13. [Recess into Executive Session]

Mayor Skoog recessed the regular session to reconvene into the executive session at 6:44 p.m.

14. [Reconvene into Regular Session]

Council reconvened into regular session at 7:24 p.m.

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

Vice Mayor Nye made the MOTION, seconded by Council member Schumacher, to award Judge Keith Carson an Exceeds Expectations, and note that they sincerely regret the inability to give him a merit increase for his exemplary performance and appreciate his understanding of the economic situation. MOTION carried UNANIMOUSLY.

16. ADJOURNMENT

Council member Schumacher made the MOTION, seconded by Council member Wise, to adjourn the meeting, by roll call vote. MOTION carried UNANIMOUSLY. Mayor Skoog adjourned the meeting at approximately 7:26 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, Diane Russell, 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 17, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of December, 2009.

Diane Russell, Town Clerk