

**TOWN OF PRESCOTT VALLEY
WORK STUDY COUNCIL MEETING
MINUTES
November 12, 2015**

Library Auditorium/Council Chambers
7401 E. Civic Circle
Prescott Valley, Arizona 86314

1. Call to Order

Mayor Skoog called the meeting to order at 5:30 p.m.

2. Roll Call

Present: Mayor Skoog, Vice Mayor Anderson, Council Member Grossman, Council Member Marshall, Council Member Nye, and Council Member Whiting.

Absent: Council Member Mallory.

3. Presentation: CYFD & Chino Valley Fire Chief Scott Freitag

Chief Scott Freitag showed the updated projections of the Central Yavapai Fire District (CYFD) Fire Authority Net Assessed Value based on current trends and overall budget from 2010 through 2020 showing an \$18M budget now, as opposed to what was projected in the prior report of \$20M. The previous tax levy shown in 2013 amounted to \$19.8M, which is now being forecasted in 2020 at \$16.39M. The community spoke and elected a board to take the reins to steer in a different direction. There has been a lot of change to the fire district and a big change in direction. The primary tax will max at \$2.69 in 2020 before it begins to decrease. This includes PSPRS taking a big bite out of their budget right now as well as Prop 117. However, they are still on a decent path to control spending. He commented that working together has "re-righted the ship and put us on a path for better sustainability".

4. Discussion regarding the proposed property maintenance amendments to Chapter 9 - HEALTH AND SANITATION of the Town Code

Town Attorney Ivan Legler said the legal department has had on its 'to do list' a revision of the property maintenance code in relation to how we deal with ditches. For a long time the town has had language in our code that requires adjacent property owners to keep the weeds down in the dirt areas between the road and private property. The large mower cuts weeds a couple of times a year but it cannot reach all those smaller areas or ditches. The town has relied on adjacent property owners to share the responsibility to keep the weeds down. The town has not had been able to find the revenue source to put in sidewalks all over town. Instead, sidewalks have placed through outside funding such as CDBG grants to put sidewalks and pathways in where we could. The town has also looked to the developers to put sidewalks in new subdivisions on at least one

side of the street. There is not much prospect that a bunch of sidewalks will be built in Unit 19 and 20 where he and the Town Manager live as it would cost millions of dollars through an improvement district process that would be very difficult to administer. The new subdivisions have sidewalks and there are large sidewalks like that currently being built on Windsong. When we get the occasional snow the question has been raised, whose responsibility is it to shovel that snow and make sure that there is no ice on it so that people can traverse it safely. Residents call town hall wanting staff on site to shovel the sidewalks. Similar to the weeds, the town does not have the manpower to do that. This amendment will clarify that adjacent property owners are to share that responsibility. They would need to shovel it and make sure it is free of ice. The legislature doesn't want the town to use a standard abatement process with the option of putting a lien on a property to make sure weeds get taken care of by the owner of the property. Now, with a unit of four or less tenants we can only require the tenant to clean the property. The town can no longer put a lien on the property for abatement purposes. We can only put a lien on a property that the tenant may have somewhere else in the state. This action has made it more difficult for the town to do those enforcements.

Article 9-04 amendments are comprehensive to meet the needs of the legislation, take care of some inconsistencies in relation to some other definitions and also clarify this obligation of adjacent property owners to keep sidewalks free of weeds and snow and ice etc. The other issue is the most controversial of the proposals. Most of the sidewalks are built with grant money and the town does not have the money to fix or replace them. Most communities that have sidewalks require the adjacent property owner to not only maintain them to keep them free of debris, but once they crack etc. then they require that the property owner replace that section of sidewalk that is in front of their property. The City of Flagstaff does that. Flagstaff litigated that and the authority is found to be there to require that. He has asked staff where they would find the money in the future to replace sidewalks that are all over in the new areas and the areas that the town has used grant funds to build sidewalks. At the moment they don't have an answer as to how they would do that. Therefore, this proposal also requires, as an option, that the town could require the adjacent property owners to replace that sidewalk if it became broken.

Mayor Skoog said he is not comfortable with that provision in 9-04-020 (b)(5) of the proposed amendments. It doesn't sound right.

Council member Nye said she wants to discuss deep ditches. She is thrilled with the flood control improvements that were done on Tonopah, but she ended up with a much deeper ditch following that. She can no longer get down in the ditch. Weed eaters and sprayers didn't work down there. Many citizens could not afford to hire someone to take care of that for them. She has a lot of concern about that. Some of the ditches are up to people's shoulders which is not the fault of the resident. She understands there is a benefit, but she is concerned about the percentage of citizens that this will be a cash burden on. Legler said it is already a requirement. Nye responded that she knows it is, but now the town is going to perpetuate it. Legler said there is no option for the town to take care of those unless we have more staff. He suggested that Public Works staff could be notified that the ditch is deep and can't be reached. The challenge is they can't reach it either. It would be a matter of having to send individuals out to cut the weeds. Nye said we have a good work crew, but this would be a burden for them as well given the number of elderly in town who cannot get down in those ditches.

Council member Marshall said his concern was the homeowner would have to fix the sidewalk. Windsong has a sidewalk going in funded through CDBG funds; this is an area that folks can't afford very much. So how are they going to be able to fix their stuff? Legler responded that this would be an option; it wouldn't necessarily have to be used, but it would be an option available to the town in the future.

Council member Grossman questioned what would happen if a sidewalk gets totally eroded and damaged and the homeowner decides to remove the sidewalk. Legler responded that would not be an option. Grossman questioned what happens if the sidewalk damage is due to flood control and water washing out under the sidewalk. Legler stated the property owner would be negotiating with the town over that issue.

Town Manager Tarkowski said that likelihood of having a sidewalk eroded is pretty remote because the areas with sidewalks have curb and gutter. The storm flow is collected in the curb and gutter on the street with the sidewalk being on the backside of that. Tarkowski clarified that we are talking about sidewalks, not pathways even though they may adjoin private property. Council member Grossman said he has seen it happen, although not necessarily here. He is just curious as to what the responsibility would be; would the town force the homeowner to replace the sidewalk.

Legler stated that the town is trying to give itself options to be able to maintain these sidewalks. The town has had to use whatever resources it had over the years to develop sidewalks and to put in the improvements that the town needed and we simply don't have a map for replacing those. Legler continued that this is kind of an omnibus revision of that whole 9-04 to give the town all the tools and options that the town needs for lots of things. For taking care of nuisances, occasional snowfall and dealing with what will eventually be a question – how will the town deal with those sidewalks. It isn't that the option would necessarily be used, but that it would be there as an option. Legler stated that this is not creating something new; it exists in other communities and is fairly standard.

Vice Mayor Anderson said he can appreciate that this is something that currently exists which he did not know. He wasn't aware of the fact that it did exist. He can agree with Council member Nye that there are a lot of people who physically cannot maintain the culverts that they have. He understands that the town does not have the money to take care of this, but there needs to be some kind of process that the town can use. He doesn't know what that is to suggest. He also realizes that in the past we have told people that if they want curb, gutter and sidewalk they would have to agree to tax themselves to pay for that curb, gutter and sidewalk. Now we are telling them if it fails in the future after the town puts it in they may have to replace it for however long they live in that house. He has a problem with that. People may have moved to this area when they were much younger and didn't need to walk down paved sidewalks in the town. As they have gotten older that need has arisen but unless people want to tax themselves to build a sidewalk maybe a planned community is where they ought to be. But now we are saying if you move to that planned community you might have to pay for those sidewalks again. And by the way, we understand you are moving to a planned community because you cannot physically make it down the street without the sidewalk, but you have to get out and shovel snow off that

sidewalk in your new community. He sees a lot of problems with this. He understands we are giving the town some tools, but he doesn't know that he is ready to deal with this the way it is written. Legler asked how could the town deal with it with the manpower that the town has? Anderson said we would have to find time to figure that out. Passing a new resolution isn't going to solve the problem. We are going to have to find another alternative, find the best solution for everyone whether it is churches that want to step out and help the people; he doesn't know. He is a big proponent in neighbors helping their neighbors. Maybe that is something we need to look at. We have neighborhood watch, maybe we need neighborhood helpers. He would be willing to join with any group we can establish to try to do that. He has no problem with trying to find the best solution for everyone, but is not certain that this is it.

Council member Whiting said that he just wanted to confirm that this will not change anything already in place. His impression is that the culverts [weeds] would be cut by the town except where they can't cut. Legler confirmed that. Do we replace sidewalks now as they buckle or crack? Legler responded that we have not had that happen yet. Whiting said in Stoneridge he does not believe the developer is replacing sidewalks. He thought it was the town. Legler said he doesn't think we have had that happen yet. The Castle Canyon/Mesa area citizens were obliged to take care of county islands although he doesn't think it is a requirement. In Stoneridge the residents have a commitment to remove snow off the sidewalk in front of their homes. He does that every year and agrees with the sentiments of the council - that it is going to be his vision to see the council ask the citizens to be responsible for replacing [the sidewalks]. He suggested that we get some options to look at and consider how to deal with this. Flagstaff is touted as a community that does that, but he doesn't know how rare we are in terms of having culverts versus other means to move water. He would be more comfortable seeing some options and brainstorming about what tools we need to utilize and how we could ask the citizens to join us in doing this.

Town Manager Tarkowski said to put this into perspective, the town right of way between the edge of the pavement and the property line was an issue 25 years ago, but not so much today. Because of the master planned communities it is not an issue as it relates to weeds and debris in the ditch. Over time the Public Works department has developed a brochure letting people know that they can put down landscaping in the ditches and make the area weed free. That has happened for the most part all over Prescott Valley - those not in one of the master planned communities. Annual weed complaints are minimal. People have landscaped in the right of way at the encouragement of the town. Public Works equipment can maintain the ditch at the edge of the road and can reach into the ditch to a very small degree but it will not do the back side/the property side of the ditch. For those that do not have the ditch landscaped, they will typically weedwack them or use weed killer to maintain the ditches ability to carry water.

Council member Nye stated that she landscaped her ditch twice and spent a lot of money to do so. Now she has flood control there so knows that if she had the money she could do it for the third time and it wouldn't be a problem. But we need to find a middle ground for the small percentage of people who are going to be, and are, adversely affected. This is difficult, but the town has not come up with enough solutions. We only have one - you are responsible no matter what, with no recourse.

Mayor Skoog said it sounds as if council is comfortable with everything but those two sections (b) (2) and (b) (5) of 9-04.

Legler responded to Council member Nye that it is not her responsibility; it is that she shares the responsibility because the town cannot remove that responsibility. But the town does not have the resources to not share that [responsibility] with folks. That is something that the town has done for years and it has worked as a process.

Council member Nye said it was very annoying to her to lose all that landscaping and she knew she had no recourse. She did what was asked of her and it was all washed downhill. That is still going to happen in neighborhoods where the town hasn't gotten to flood control yet. She doesn't want to tell a citizen to landscape that and then have happen to them what has happened to her. It isn't right.

Mayor Skoog said this is not ready for a vote.

Council member Grossman said it is difficult to put people in that kind of position where it is forced upon them to have to be responsible and repair something that they may not be able to afford; it is that simple. Plus what if someone repairs a sidewalk to the best of their ability but it is still a trip and fall hazard because it is not as smooth, not as straight. He knows what it takes to do repairs on concrete and what it takes to put down concrete sidewalk. He has repaired sidewalks in New York and it never looks the same as when it was originally poured. It could become a slip and trip hazard. They fixed it but it might not be to the town's quality requirements.

Council member Whiting said we all have a commitment to keep our properties clean and nice looking. We need some options as this is not ready for a decision.

Council member Marshall asked if the court could use community service instead of fines to do some of this stuff. That might be an option. Legler responded that the prosecutor can recommend it.

Mayor Skoog asked for another chance to study this issue.

5. Discussion regarding the Lakeshore Dr. Widening Project - CIP# S365

Public Works Director Norm Davis said increased traffic has been observed along this section of road. This project consists of adding an additional lane matching the existing road width between Glassford Rd. and Lake Valley Rd. along with a decorative entry corner to the town facilities. The existing medians with the trees will remain in place but the existing driving lane will be milled up and replaced with six inches of asphalt. Decorative block pavers, a seating area and a government sign with the town logo will be incorporated on the northeast corner of the intersection of Civic Circle and Lakeshore on town owned property and are included in the project specs. Artwork will be located in the center of this area by the Arts and Culture Commission. Earth Resources Corporation was the low bidder out of seven bidders. Start date on the project is December 1 to be completed by March 1, 2016. The Arts and Culture Commission

will select a piece of art to be placed in the circle of the pavers after construction is completed. The artwork will not interfere with the sight line of motorists on the curve. Council member Nye said it has taken a long time for the town to get the signage. She sees that as a good thing as the council was sensitive to the important needs of the community. She finds it interesting that the town required signage other places, or encouraged it is a more appropriate word. She is glad we are doing appropriate signage because people drive by all the time and don't realize what the complex is. Town Manager Tarkowski said in 1999 when they put up the Civic Center, they put up concrete signs because the Civic Center predates the Entertainment District which was developed in 2001 or 2002 when Fain Signature Group came up with this design theme with arches. Council member Nye said that is where she was going and was going to say it was a good thing that they didn't do that because our signage would not be appropriate to everything around it. Sometimes when you don't have the funds to do something there is an unintended blessing. There will not be any traffic control changes. Davis said the sign will be facing traffic if you are heading east on Lakeshore Dr. This is \$50,000 worth of improvement in this area with the exception of the art work. The existing light at the corner will remain and additional lighting may be added in the future as necessary.

6. Discussion regarding the Treatment Plant Storage Building CIP#W372

Utilities Director Neil Wadsworth commented that they put this back out to bid to reduce the costs from the original concept. Bids are expected on November 23. They have a \$200,000 budget on this but expect that it will come in over that. The department has money from another fund to make up the difference.

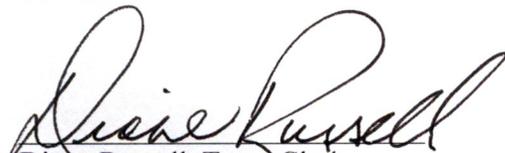
Vice Mayor Anderson expressed his appreciation for staff taking a second look at the project in order to save money given the initial round of bids.

Town Manager Tarkowski announced that the future meetings will be on Cableone Channel 56 for Cableone customers. If not a Cableone customer, viewers may stream it through their computer. Tonight is the last night that the meetings can be viewed on Channel 9.

7. Adjournment

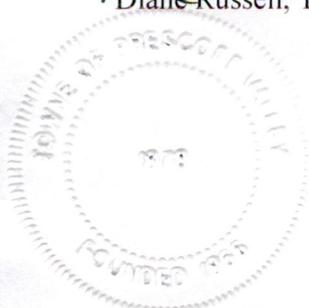
Mayor Skoog adjourned the meeting at 6:19 p.m.

ATTEST:


Diane Russell, Town Clerk

APPROVED:


Harvey Skoog, Mayor



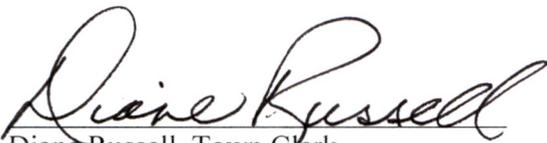
STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss:
TOWN OF PRESCOTT VALLEY)

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, November 12, 2015.

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

Dated this November 17, 2015


Diane Russell, Town Clerk