

PRESCOTT CITY COUNCIL WORKSHOP
TUESDAY, MARCH 23, 2010
PRESCOTT, ARIZONA

MINUTES of the Prescott City Council Workshop held on March 23, 2010 in the City Hall Council Chambers, 201 South Cortez, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 6:00 p.m.

◆ **ROLL CALL:**

PRESENT:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson
Councilwoman Linn
Councilwoman Lopas
Councilwoman Suttles

ABSENT:

None

1. Discussion of design alternatives for the proposed Granite Dells Estates Road 39 crossing of the Peavine Trail.

Mark Nietupski noted that it was a continuance of a public workshop where they discussed the grade separated alternatives and at-grade options for the crossing of the Peavine Trail by Granite Dells Estate Roadway 39. Five alternatives were evaluated by Lyon Engineering which included four grade-separated and one at-grade crossing. Road 39 was an entitlement of Granite Dells Estates under the development agreement for their property that they were developing. The recommendation made by Lyon was for an at-grade crossing. Anything above that would be an enhanced crossing based on National standards.

If a decision was made to provide a higher level of service, they would have to decide how that would be financed and/or funded. In the very near future, he would need Council direction on the issue so that the final design for the commercial plat could proceed and then final plat approval could be obtained by Granite Dells Estates Properties.

Councilman Blair said that he understood that there was a 30' easement in the development agreement on the Cavan property. He asked if the easement could have a road put on it.

Mr. Nietupski said that 30' was not adequate for a local commercial street. Road 39 was 70'; that would be the right of way requirement to build a street that would have curb, gutter and sidewalk. .

Councilman Blair asked if they needed sidewalks.

Mr. Nietupski said that if it were eliminated, due to the proximity of the Peavine Trail, the potential would be that the right of way could be reduced to accommodate a roadway along the easterly side; however, 30' would not be adequate to build a roadway.

Councilman Blair said that the people were going to have to get out of their properties in some way. If there was a 30' easement on both sides with an emergency access gate, they would have taken one at-grade crossing out of the works.

Mr. Nietupski said that it could be looked at. Other property owners would have to agree to it. They may want to be compensated if more right of way was required. There were no development plans for the properties to the west of the trail. Those properties were rezoned recently. The timing for the development of a roadway that would accommodate the secondary loop to the west of the trail would be in question.

Councilman Blair asked if there were three at-grade crossings. Mr. Nietupski noted that the one that was furthest south at the new Granite Dells Parkway was contemplated to be grade separated because of the natural terrain. There was an existing trestle where the trail went over the Old Highway 89A. When that roadway was extended, they could reinstall it as grade-separated.

Councilman Blair asked where the parking lot was. Mr. Nietupski said that it was north of Centrepointe East Drive.

Councilman Hanna asked if they would need to install a fence if they put roads next to the Peavine Trail. Mr. Nietupski answered that if two parallel roads were constructed on either side of the trail, he thought that some kind of separation would be appropriate.

Councilman Hanna asked if that would be an added cost. Mr. Nietupski said that when you talk about adding two parallel routes, there was an added cost for someone.

Councilman Blair asked who was responsible to finish the cul-de-sac at Centrepointe East to the Peavine. Mr. Nietupski said that it was the Granite Dells Estates property.

Bruce McKeeman, 2359 Desert Willow Drive, Prescott noted that from the last meeting, there was a conversation between Councilman Blair and Director Horton about the funding of the crossings. The Trail Advocate Group thought that it should be paid for out of road money, since the impact and adverse effect was based on road development.

If the Centrepointe East Road was extended through Old 89A, that would provide the access and dual in and out that the fire department required and Road 39 would not have to cross the Peavine Trail, eliminating one potential at-grade crossing. The impact was a question of public safety; the funding was an issue of a road impact on the trail. When the Centrepointe East intersection was discussed last year, the Phase II aspect of that as stated by Mr. McConnell, was that a grade separated crossing would be installed due to the size of that intersection that was anticipated, as well as the level of traffic that was anticipated. They support grade-separated crossings, paid for with road money.

Councilman Hanna asked if he said that last May they mentioned an at-grade crossing. Mr. McKeeman noted that last May when there was a workshop for the Centerpointe East intersection. The concept was that under Phase I they would put in an at-grade, but at Phase II, because of the number of lanes and the amount of traffic anticipated, a grade-separated crossing would be installed.

Joyce Mackin, 1235 West Merrill Drive, Prescott, associated with the Yavapai Trails Association and Trail Advocates, thanked the Mayor and Council for providing the workshops. They had been presented with all of the reasons that the Peavine was an economic benefit to Prescott and should be treated as a special trail with separated-grade crossings. Since Centerpointe East had been brought up, she had concerns that Centerpointe East had marched along and now was near completion.

They were assured by Mr. McConnell that each crossing would be dealt with individually with public input for the Centerpointe East crossing. She urged them to form a policy for separated-grade crossings for the Peavine Trail. They could make it a landmark trail and an example to other cities. It could be a free flowing, safe, interconnecting trail that was uninterrupted by traffic. She thought that trails were a major part of bringing tourists to any city. They should act to protect the Peavine with separated-grade crossings now and in the future.

Nigel Reynolds, 795 Sunrise Boulevard, Yavapai Hills, with the Yavapai Trails Association, said that he wanted to expand on some of the points raised at the last workshop. He handed out a summary and covered:

COST- a grant would be preferable.

SAFETY- if they do not get a grant, then safety becomes paramount. An overhead pass is safer than an at-grade crossing. He supported no at-grade crossings.

THREE PRECEDENTS - If the City agreed to pay for Fann's crossing of the Peavine, it would set a bad precedent. Future developers should pay for overpasses/underpasses. If the City built at-grade crossings, all future developers would demand the same and there would be a loss of tourism dollars with no increased value of adjacent land. If the City constructed overpasses at Road 39 and Centerpointe East, all future developers would have to follow suit. The value of the land by the Peavine would increase as well as the attraction of tourism.

INVESTMENT – The City was spending nearly \$20 million on the Side Road Interchange. There were no buildings there now, so it was an investment. Likewise, the City should invest \$½ million in trail overpasses, considering there were no grants. He suggested that the overpasses be built first and avoid paying for the interim grade crossings.

TRAFFIC - He felt that the Lyon study may have been flawed because it did not include Centerpointe East Drive.

Mayor Kuykendall noted that they had been having meetings with the Cedar family who owned the Storm Ranch. He asked if the family should pay for the overpass when those 400 acres were developed. The railroad went through the property long before it was the Peavine Trail.

Mr. Reynolds said that the terrain there was where the Peavine was at a high grade. Putting an underpass north or south of the current crossing was contemplated when the development of the Storm Ranch was talked about in 2004. The developer was told that he could have a crossing but it could not be at-grade. He thought that the same rule should be applied when Storm Ranch was developed. The terrain there was more conducive to putting the road under the trail in a similar manner to the Old Highway 89 Bridge.

Mayor Kuykendall asked him what his thought was about the funding for that. Mr. Reynolds said that any crossing should be paid for by the developers in the future. No at-grade crossing should be allowed.

Mayor Kuykendall asked if the Cedar family should pay for it even though they were there before the Peavine Trail was. Mr. Reynolds said that when the Cedar family was using that crossing as a railroad, there was very little traffic. He thought that the developer, whether it was the Cedar family or not, should pay for the crossing because it was now a trail and not a railroad.

Mayor Kuykendall said that he had been led to believe that their rights might precede those of anyone else.

Councilman Hanna said that he was for a separated crossing for the Peavine, and felt that it would be beneficial to everyone involved. He did not believe that they gave Lyon the credit they deserved. They did an exceptional job with an unbiased opinion. Councilman Hanna felt that children's safety was the responsibility of their guardians. He did not think that the Council should be responsible. Parents should take care of their own children. He did not believe that the crossings should be paid by roads or by the developer. Mr. Fann purchased the property and this came up after he purchased it. He had received 10-12 phone calls to ask for no elevated crossings, because it will ruin the atmosphere of the trail. He believed in overpasses for the trail. If it boiled down to who pays, he does not believe that the citizens should pay since 80% of the citizens will not use it.

Mr. Reynolds noted that regarding the safety of crossings at-grade and the Lyon's report; before the Lyon report was finalized, the public was given the chance to give input. The Trails Advocacy group did give input. Mr. Hayland said that the method and tables used by Lyon had flaws.

Councilman Hanna felt that what he saw from Lyon was valid. The decision that Council had to make was who was going to pay for it. If it was safe at an at-grade crossing, then they would have to look at that. He would like to have separation but he did not believe that the taxpayers should have to pay for it.

Councilwoman Suttles noted that they had heard in the last workshop that a number of the groups were not happy with the Lyon report. She asked who paid for it. Mr. Nietupski said that the City of Prescott did. Councilwoman Suttles asked how much it was. Mr. Nietupski said that it was less than \$20,000.

Councilwoman Suttles asked if the trails group would pay for their own study.

Mr. Reynolds said that he did not think so as there were many professional people in the group. He liked the Lyon report when he saw the draft, but was disappointed when he saw the final because there was not one point from the public. It would have made sense for them to address the public's issues and explain why Lyon was right and the public was wrong.

The one thing that they did not include was the issue of grants. If they could get them, it would make a huge difference in how the issue would resolve. That information should have been included in the report. The Lyon report could have been improved after they heard the input from the public.

Councilwoman Suttles asked if Lyon would go out to the different organizations to ask for input.

Mr. Nietupski said that they had two meetings with interested parties. A change was made in the matrix based in discussing the level of safety that was assigned to the at-grade and grade-separated crossings. He said that grade-separated would provide a safer crossing, but an at-grade crossing is perfectly safe if it is installed according to the standards that are in place for that kind of an installation.

Councilwoman Suttles said that it was going to come down to dollars. She thought that they were looking at 5-10 years before some of it built out. They were at the beginning. It may be the practice child for the next development. It was a wake up call that they should be a little more involved. If that group could come with the grant money, they were head and shoulders in front of the City. The money was not there in the roads budget. They cannot take care of what they had.

Mr. Reynolds said that Lyon did make two minor changes, but said good luck reading the appendix. It was nothing like the last presentation. The City received a disservice that there was not a clearer inclusion in some of the opinions.

Gary Blackhawk, Paulden, interested in the Peavine Trail, said that he had no connection to Lyon Engineering. They did what they were asked to do. The City should think about the residents and their money. There was hope and a prayer that the trail would be extended to the Paulden Post Office where the tracks end. There should be some guidelines for proposed crossings. He spent 15 years with Department of Transportation in Virginia.

Mike Fann, 450 Whetstine, said that he had no strong opinions one way or the other. He did take a little exception to Mr. Reynold's comment about the safety. There were two sides to the argument. There were safety issues both ways and Lyon did a commendable job.

Councilman Lamerson asked if the majority of the property was under his ownership. Mr. Fann said that mostly to the east of the Peavine Trail and about 16 ½ acres west of the Peavine Trail. Councilman Lamerson asked if he felt legally compelled to share his property. Mr. Fann said that he did not understand the question. Councilman Lamerson said that Mr. Fann was being gracious letting people walk all over his property.

Mr. Fann said that he was also a trail advocate. The people have a very strong passion which is why he wanted to get together on the grading issue. He thought that they would be successful. He did not believe that tax payer dollars should be used to build a grade-separated crossing. The traffic does not warrant it.

Councilman Lamerson said that he appreciated his participation and appreciated that he allowed his property to be enjoyed by a lot of people.

Mr. Fann said that they were going to try to add two miles of public trails to tie the Peavine into the Iron King to add a circle trail in there.

Councilman Blair asked about Road 39 to see who owned the area. Mr. Fann said that he had an agreement with Mr. Cavan that Mr. Fann would build the road and Mr. Cavan would donate the land and they would dedicate it to the City of Prescott.

Councilwoman Suttles said that she hoped that he stayed in the process and had heard good things about him from the trails group.

Mayor Kuykendall said that he received letters from horse owners who use the trail. They were petitioning the Forest Service so that bikes would not use the same trail. He asked if anyone else had heard about that.

Joyce Mackin said that she was familiar with it but she did not support the issue even though she was a member of the Prescott Saddle Club and the Yavapai Trail Association that represents hiker, bikers and riders. The resolution would require bikes to use motorized trails rather than non-motorized trails.

Mayor Kuykendall said that the way he read it, the Forest Service would ask that bikes and horses not be compatible on the Peavine.

Ms. Mackin said that she did not think that it would involve the Peavine Trail. She did not think that it would involve the City and did not know why the Mayor got a copy of the letter. She had a different view of the situation and thought that hikers could object to horses. They were trying to take mules out of the Grand Canyon because hikers did not like to step in the manure. There were millions of trail users and they cannot all be separated out for each use. It would narrow down how many trails were available to everyone. She believed that motorized and non-motorized should be separated.

Mayor Kuykendall asked if horses, bikes and walkers would be on the Peavine. Ms. Mackin said that she would advocate that.

Mayor Kuykendall asked if anyone walked the Scottsdale trail. He understood that every crossing was at-grade and heavily used.

Councilwoman Linn said that she had the same impression about the resolution. Even if it did not impact the City trail system at that point, she was still concerned about the Peavine. She did not want to spend a lot of money and then have that group come forward and say that they did not want to have any of the hikers there. She thought that Ms. Mackin should give the Saddle Club some feedback.

Ms. Mackin said they may have gotten a little carried away. There was a safety issue and there had been some bad horse/bike accidents due to speed around corners. She noted that life was not totally safe. She did not believe that they could have separate trails to accommodate the entire group of trail users. She thought that the Peavine should remain available to non-motorized modes of transportation.

Mr. Blackhawk noted that there was an article in the Daily Courier about the Chiefs of the two National Forests discussing that very topic.

Mayor Kuykendall said that it would be great to set a policy for the entire Peavine, but a lot of it was not in the City of Prescott.

Mr. Reynolds said that the issue with bikes and horses on the Peavine was not the same as in the forest. The visibility was not as good in the forest and it was not easy to see oncoming traffic. The Peavine was a gem of a trail. Comparing the two was apples and oranges.

Jim Lawrence, 325 High Chaparral Loop, said that he agreed with the concept about the anticipated volume, it could be safer than some of the volumes that were going through. There was a concern about the source of the volume. There was a concern about a road that was to have two lanes going across, any improvement to that road would happen when traffic required it. The decision was also made where it crossed through Open Space Land; the grading would have to be done at that time for a full five lanes to handle the future requirements. There was a discrepancy about what kind of traffic would go through the roads. Future tourists may not use the Peavine because the crossing was not safe. Prescott would pay for lack of tourists. More trails equaled more likelihood that tourists would stay overnight.

Kathy Shultz, 7140 Spur Road, Prescott, equestrian and biker, said that she was a member of horse and trail groups and spent time, when she was not working, doing volunteer work. The City of Prescott, especially the Parks and Recreation Department, had a lot of volunteers on the trails, ballparks, and planting flower beds. The volunteer time was what they do not hear enough about. When they tear out something that the volunteers had done, the volunteers worry. The Peavine had not been an urban road; it was more of a rural trail experience.

Lisa Barnes, Prescott Alternative Transportation and the Trail Advocacy Group, noted that they were changing things on an existing trail. They were proposing big changes on something that had an existing characteristic, ambiance and value asset to the community. There were a couple of issues raised about the crossing being an overpass. Grade-separated could also be a trail going under the road, which would not create a vertical impediment to the view. She asked about the comment made by Councilman Hanna regarding public money going to a trail that 80% of the public would not use. She asked if 80% of the public would

use the new road. Perhaps it will be a larger percentage than will use the trail. Councilman Hanna said that the public was not paying for the road.

Ms. Barnes asked if absolutely no City money would go towards an upgrade. Councilman Hanna said no, not for the road, the developer was paying for the road and then turning it over to the City once it was made.

Ms. Barnes referred to the matrix and asked what the cost was that was added in. When the at-grade crossing was rated number one, it was the lowest cost which played into why it was rated number one.

Mr. Nietupski noted that in the matrix, the at-grade crossing was an enhanced at-grade crossing. The base standard for an at-grade crossing, which would be an Americans with Disabilities Act (ADA) accessible approach with proper signage and a crosswalk, would be the minimum standard required. To go with the enhanced at-grade crossing, which was identified in the matrix, which included additional signing, lighting, medians – those enhancements would be above and beyond the base standard, which was where the \$50,000 came from.

Councilwoman Linn said that the road was not paid for by the City, it would be paid for by the developer. The City was not required to do anything. But the City would do \$50,000 extra, even though they were not required to.

Ms. Barnes said that there were several people in the trail groups that had experience in writing the Transportation Enhancement Grants, who would assist in writing grants. She also asked if she heard that the City had approved user fees for the Peavine.

Councilwoman Lopas noted that they were the existing parking fees. The Council approved buying kiosks because the honor system at the lakes was not working. Ms. Barnes said she wanted to clarify that it was not a trail use fee.

Mayor Kuykendall asked her if she would be opposed to a fee to maintain and keep the trail up. Ms. Barnes asked how they would enforce it. Mayor Kuykendall said that there was maintenance required. Ms. Barnes said that they were not charging tolls to maintain the streets. Mayor Kuykendall said that the City was getting gasoline tax and other revenues to help with that situation. Ms. Barnes said that the vast majority of trail users also drive cars.

Mayor Kuykendall asked her if she thought there should be a fee for trail use and she said absolutely not.

Councilman Lamerson said that he thought there was a proposal to purchase four kiosks. One was for the parking at the Peavine Trail. Mr. Nietupski said that he was correct.

Councilman Hanna said more power to people who can write grants. He said that they could use the help. If they were able to get grants and the separation, it would be great.

Tom Slaback, 715 East Goodwin Street, felt that there was a big problem with Lyon Engineering. There was no notification of meetings. He was the father of the Peavine Trail. In 1984 he started the project to see that the City would acquire the land. He was never notified of the very first meeting and was not there. He later found out that there was a very poor turnout. He did make the second meeting where they showed the plan with the comments from the first meeting as an appendix. The Scottsdale ride to McCormick railroad is hell to get to those places on their system because he was in City commuting. The Peavine Trail was the greatest recreational trail in the State because it was uninterrupted. Regarding horses and bikes, he saw horses and people observing the etiquette which gave the right of way to the horse. All of the problems were from the gonzo bikers who were not observing the etiquette. He asked the Council to wait to find out if grants were available before they made their decision.

Mayor Kuykendall asked if he knew anything about not qualifying for a grant if they did at-grade crossings. Mr. Slaback said that he was not good with grants and did not know. He thought that it may have been a National Parks Service Grant that got them started.

Ms. Barnes said that it would depend on the grant. Mr. Slaback thanked Mike Fann for his generous offer to do excavation to have a good separated-grade crossing.

Mr. Reynolds said that he was the one who mentioned the Federal Highways Administration grant situation. The Yavapai Trails Association had contacted the top person to find out whether or not the earlier grants or future grants might have been impacted if there were at-grade crossings on the Peavine. The language in the past grants was not clear. There was an implication that the trail grants were for pedestrians and non-motorized traffic. They had not been able to ascertain if the grants would be affected by an at-grade crossing. He wondered if the City staff had more success in clarifying that issue.

Joyce Mackin asked how the City was paying for the Side Road and Centerpointe East. Mayor Kuykendall said that the developer was paying for the roads. Ms. Mackin asked if the developer was paying for both of those roads. It was her understanding that it was a City project.

Mr. Norwood said that it was a City project and the City was paying for it along with ADOT and the County. The City was also paying for oversizing on some roads but the vast majority of roads in the development were privately funded.

Ms. Mackin asked if they got a safety report from Lyons for Road 39 but not for Centerpointe East and there is an at-grade crossing at Centerpointe East. If Centerpointe East was going to carry more traffic than Road 39, she asked why an at-grade crossing was acceptable for that road.

Mayor Kuykendall said that it was a good question. He was not there last May when that was referred to. He had questioned that at each meeting and felt that they were looking at the wrong horse. He felt that the northern road was more important than Road 39, but it seemed that all of the concentration had been on Road 39.

Ms. Mackin said that the reason was because the trail groups were requested to deal with the crossings one at a time and Road 39 would be first and they were told that there would be time for public input for the Centerpointe East crossing. She did not understand why there had been no public input with an at-grade crossing that was close to being completed. There had been no public input and it would carry a great volume of traffic. If that was Phase I, she asked if they were just doubling the cost if they were going to put in a separated crossing when the traffic increases.

Mr. Nietupski said that the Centerpointe East at-grade design was that way for a couple of reasons. The interchange required the closure of the existing intersection at Side Road with SR 89A. At some point there would be no opportunity to ingress/egress at that existing intersection. They had to maintain the ability to ingress/egress. The roadway needed to be constructed in a timely manner. The opportunity would remain for the City at some point in the future to install grade-separated if that was the determination that was made. It was reasonable and plausible to phase that in the situation.

An overpass would be the alternative that would be most feasible at that location. An underpass was not feasible, based on the analysis that Lyon did in similar terrain at the intersection of Road 39. The opportunity was still there for the City to make decisions at either of the locations if grade-separation was the desired course of action. They were phasing the at-grade at Centerpointe East in order to maintain access for those people who were in the subdivision so that they had ingress/egress as the project moved forward. At that time the trail did not extend to the north past the aggregate facility near Hansen.

2. Adjournment.

There being no further discussion, the Workshop of the Prescott City Council held on March 23, 2010, adjourned at 7:31 p.m.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk