

PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, MAY 24, 2011  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on MAY 24, 2011 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 3:01 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Heights Church

Pastor Steve of the Heights Church gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Mayor Kuykendall

Mayor Kuykendall led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

Present:

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

Absent:

\*Councilwoman Lopas

\* Excused

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. **PRESENTATIONS**

A. Presentation by Arizona State District 1 Delegation.

Mr. Brehm introduced Representative Fann and Senator Steve Pierce who were invited as a "Thank you for your Service" presentation. He noted that the last four years had been difficult due to the budget. He said that this legislative session had over \$1 billion to cut. He also noted that

the District 1 delegation had been responsive to his requests for information.

Representative Fann noted that it was a tough year and they had to make tough decisions to pass the budget. She said they were able to negotiate a \$150 million cut on the County level to a \$75 million cut. She noted that there were elected officials who did not like cities, towns and counties. She said that there were many bills dropped in the hopper trying to strip away much of the local decision making. She said that it was important that local communities had control over their local areas.

She said that she became known as the bill killer. She noted that impact fees were ugly with the homeowners associations. She said that she looked forward to serving again the following year.

Senator Steve Pierce said that the Legislature got a lot of good things accomplished. He said that he had a bill that put a cap on revenue sharing, which had an intention behind it. He said that it made people sit down and start talking about it. He noted that everyone said not to touch their revenue sharing. It was going to change and they should work toward more leniencies for the City to do what they want to do. He believed that will be happening in the next session.

He said that Carol Springer had her water harvesting bill that would have helped the area. He said that there was a person in the House that did not like it. He noted that it was a good bill that would help the area a lot and they needed to find a new source of water. He said that it would be brought up again and discussed. He said that people agreed to the concept but did not know how it would be done.

He said that all cities should be prepared for a change in revenue sharing and to come up with new ways of revenue. He said that there should be new ways of raising revenue for the state that were not taxes. He said that Senator Tobin brought up Racinos, which would be gambling in the existing race tracks. He said there was a study that showed that it could raise \$400 million in the first year for the state. He noted that it could be a good thing if it was done right. He said that they could not allow the Yavapai race track to shut down and that it was too critical to income to the area.

He said that as the Whip he had to get the 16 votes for everything. He said there were 21 members in his caucus and they were a wide variety of people. He said that the Governor's Commerce Authority was a good thing but would not kick in until 2014. He said that their doors were always open.

He noted that Representative Tobin would be very beneficial to the area as Speaker of the House, and he could open a lot of doors.

Councilwoman Suttles asked what type of discussion he hoped to get concerning revenue sharing. She asked where Prescott could go to try to work some of that out.

Senator Pierce said that revenue sharing was started to keep all of the cities from having income taxes. He said that he thought it needed to change; he did not think that the money should go to the State. He said that people down there saw it as a pot of money and they were going to take it. He said that he had started talking to the League.

Councilwoman Suttles said that it was not taking care of business as usual anymore. Senator Pierce said that they had to look at new things.

Councilman Blair said that he appreciated being told that the City of Prescott had to take care of their own, based on what was going on at the State level. He said that the Model City Tax Code from the State precluded them from doing what needed to be done to take care of their own. He asked if there was a move at the State level to take care of the Model City Tax Code.

Representative Fann said that they were having some conversations with the League of Cities and Towns. She said that it was something that the cities/states/towns needed to do together and it needed to come from the League. Councilman Blair asked how Prescott could help her. Representative Fann said that it would have to be a uniform statement from the League.

She also explained that the Highway User Revenue Funds (HURF) funds were a flat tax of about .18 cents per gallon. She noted that most people thought of it as a sales tax. She said that if gas prices were higher, citizens thought they would get more money in. She said it was a flat amount on every gallon. She said that they lost revenues when prices went up because people bought less.

Councilman Lamerson noted that he asked Representative Tobin what the rollover had to do with the budget. Councilman Lamerson talked about leveraging public property differently than they had been. He noted the turnoffs on I-17 and said that there was public property that could have been leased out to the private sector. He said that Representative Tobin talked about how the government worked against the government.

Councilman Lamerson said that the City made City property available to lease out to the private sector to generate revenue to the City as sales tax

and rental. He said that the City was also redeveloping an old piece of property at the golf course so they could lease it to the private sector businesses rather than raising taxes. He said that with over 80 percent of the land in Arizona being controlled by some type of government; there may be opportunities to look at the assets and turn it back to the private sector to help with the tough times.

Representative Fann said that there was a law concerning the rest areas that specifically said as a State they were not allowed to do public private partnerships on public rights of way where there were federal dollars involved. They do have people back in Washington D.C. to get some permission. She said that they were also doing the same thing with the state parks. She was hoping for an answer on that quickly and hoped that the right of ways on the highways would follow suit.

Senator Pierce said that Councilman Lamerson came up with a practical, common sense idea. He said that it would not go anywhere in Phoenix because they did not think that way. He said that when he first went down there he had people ready to go in and make the grounds look better for free. He said that they had to meet with the Legislative Council and it turned out that they had to meet with the Department of Administration. He said that they could not get the project done.

Councilman Lamerson said that there were people in the municipalities who were willing to help.

Councilman Hanna said that the best part of them being down there was not only were they looking out for Yavapai County, but it was a privilege to call them friends. He said that when the founding Fathers built the country, they built the government to be run locally and then work its way up. He was tickled that they had that attitude.

Councilwoman Linn said that she could not agree more. She said that they did not have common sense. She said that she was doing a clean up project on Highway 89. There were six miles between Chino Valley and Prescott. The State would not give them approval. She said that she finally hassled them enough that Arizona Department of Transportation (ADOT) gave her the guidelines and said that they would not take any responsibility.

Representative Fann said that she thought that 11 years of municipal work would have been helpful. She said that State government came at them fast and hard and was totally different than municipal government. She said that they were presented with something at 10 a.m. and expected to vote on it at 1:30 p.m. She said that they had good

relationships with the local communities and complimented Mr. Brehm for doing a good job.

Mayor Kuykendall mentioned the reorganization of the Commerce Department and asked what the thinking was regarding a possible model for a tourism commission.

Senator Pierce said that Representative Tobin was pushing tourism. Senator Pierce said that it was very important in Arizona. He noted that there were some senators that were against that Department and thought that chambers should do that themselves. He said that it needed to be funded better. He said that the Film Commission was also good for this area and it should be looked at again, but the State was broke.

Mayor Kuykendall said that there were a lot of communities that only existed because of the shared revenue. He noted that the pool got smaller and more communities were incorporated. He asked what the future looked like for communities who wanted to incorporate.

Representative Fann said that it would have to be something that the League would weight in on. As far as the State was concerned, they needed to look at the shared revenues and make sure that they were not being wasted. She said that just because someone wanted to incorporate, she asked if they really had a purpose to do that. She said that Tucsyan was the latest city and Dewey-Humboldt came in before that. She said that they should find better ways to generate revenue.

She said that as the Mayor of Chino Valley and as a Prescott Councilmember, all of the resolution committees there were little municipalities where they only had a population of 300-400 people. She said that the rest of the municipalities fought that because the rules said that they had to have at least 1500 people to participate. She said that somehow the League decided to change their stance on that and went to the legislature. She noted that there were 8-9 municipalities that were getting bumped up to that 1500. She said that there were no municipalities that did not qualify. They were now sharing in the shared revenues.

Mayor Kuykendall said that the tribes had exclusivity to gaming and asked how the State would work through that. Senator Pierce said that Tohono O'odom bought land inside the City that was going to help, but it would be a big problem. He said that when the State was as broke as it was, he did not know why they allowed all of the gambling to be monopolized by the tribes. He noted that it would be a hard battle. He said it was a way to gain additional revenue that would be huge. He noted that cigarettes were

taxed at \$2.00 per pack and that Medical Marijuana should be taxed the same. He noted that the roads were in shambles.

He noted that Bill Feldmeier was the representative for the area on the ADOT board. He said that ADOT decided to spend \$15 million to fix up Interstate-15 across the corner of the State. He noted that Arizona was going to put in \$15 million. Mr. Feldmeier said that it should be an intergovernmental agreement (IGA) between Nevada, Utah and Arizona because the road was more beneficial to them than it was to Arizona. Mr. Feldmeier said that he would like to see that money brought down to Prescott to finish Fain Road. Senator Pierce said that he thought that Mr. Feldmeier was right and it would be good for the area.

Mayor Kuykendall said that the Council had planned to talk about Fain Road later in the day and Mr. Feldmeier had been very helpful.

B. Presentation of Historic Preservation Stewardship Awards.

Elisabeth Ruffner introduced the members of the Prescott Preservation Commission. She said that they got together every third Friday morning. She said they had two Restoration Awards going to one property owner that would be received by Fred Linquist. She said that the property owner at 120 West Gurley and 113 North Cortez allowed the ski slope awnings to be removed.

Mr. Lindquist said that Annette and Bill Williams cooperated with the downtown people to remove the awnings. He said that with the help of Bill Otwell and the Haley Brothers they got the job done.

Ms. Ruffner also presented an award to 302 North Alarcon, Miss Kitty's cat adoption center.

Stewardship Awards went to:

142 North Summit, owner Rick and Betty Ryan

127 North Marina Street to Chester and Barbara McLaughlin

611 Country Club Drive to Martin and Linda Douglas

Ms. Ruffner commended the Preservation staff and said that they worked well with property owners.

Mayor Kuykendall noted that they all did a great job.

## II. CONSENT AGENDA

**CONSENT ITEMS A - B LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.**

**COUNCILWOMAN LINN MOVED TO APPROVE CONSENT AGENDA ITEMS II-A AND II-B; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

- A. Approval of Final Plat of Mortimer Plaza, a subdivision of an approximate 2.54 acre parcel located at 3150 Willow Creek Road into two lots; Applicant: Jeff Kost, Glenwood Development; Owner: Gary Mortimer, APN 106-20-421, File FP11-001.
- B. Approval of the minutes of the Prescott City Council Workshop of May 3, 2011; and the Regular Meeting of May 10, 2011.

## III. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from Adam Swartwout, applicant for Skyview Builders LLC for a Series 06, *All Spiritous Liquor Bar*, license for Gurley Street Sports Pub located at 801 East Gurley Street.

Ms. Burke reviewed the application, noting that the property had been posted as required, and no public comments had been received.

Councilwoman Suttles said that she had known his parents for years.

**COUNCILWOMAN SUTTLES MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

**COUNCILWOMAN SUTTLES MOVED TO APPROVE A LIQUOR LICENSE APPLICATION FOR ADAM SWARTWOUT, APPLICANT FOR SKYVIEW BUILDERS LLC FOR A SERIES 06, ALL SPIRITOUS LIQUOR BAR, LICENSE FOR GURLEY STREET SPORTS PUB LOCATED AT 801 EAST GURLEY STREET; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- B. Award of agreement with Roberts Tire Sales, Inc., in an amount not to exceed \$55,000.00, for 315/80R22.5 and 11R22.5 recapped tires.

Mr. McDowell said that they were very happy with the service they got from Roberts Tires.

Councilman Lamerson asked about the longevity and cost savings of recapped tires.

Mr. McDowell said that a new tire was \$300 and they did run new tires on the front of their vehicles as that was an ADOT mandate. He said that a tire could be retread three times.

**COUNCILMAN LAMERSON MOVED TO AWARD AN AGREEMENT WITH ROBERTS TIRE SALES, INC., IN AN AMOUNT NOT TO EXCEED \$55,000.00, FOR 315/80R22.5 AND 11R22.5 RECAPPED TIRES; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

- C. Adoption of Resolution No. 4078-1148 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with Yavapai College to share public facilities and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Baynes noted that this would be an improvement on the 2007 agreement. He said that the changes would be that it relieved the City of maintenance of the Roughrider baseball complex unless they scheduled it for an event. It would relieve the City of field preparation for softball practices for Yavapai College practices. He said that Yavapai College would assume that responsibility using the City's equipment. It would allow the City more use of the gym for volleyball and basketball for league play and for tournaments.

Councilwoman Suttles asked how often the IGA came forward. Mr. Baynes said that there was an amendment in 2007 and that they were typically five year agreements. Councilwoman Suttles said that they had done better with this one than in the past. Mr. Baynes said that it was more detailed.

Councilman Hanna asked if there was a conflict of interest between a college and City tournament, who would take priority. Mr. Baynes said that the City would and that the City would give the college plenty of notice.

Councilwoman Linn said that she was happy with sharing the responsibility and getting more income.

Councilman Lamerson said that Mr. Baynes did a good job and that working with other governmental agencies made a lot of sense as that it showed financial responsibility.

Councilman Blair said that in looking at the contract he assumed that it did not require a specific date to have things reviewed. He said that it did not specify when the contract should be reviewed.

Mr. Kidd said that Section 8 said that the College had to provide a 90-day notice prior to renewal, but it should be done prior to the expiration of the agreement. Councilman Blair said that it should be done on or before January 1 of each year so that it was before the budget session.

**COUNCILWOMAN LINN MOVED TO ADOPT RESOLUTION NO. 4078-1148; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- D. Approval of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services, requesting funds for the hiring of three entry-level police officer positions through the FY2011 COPS Hiring Program.

Chief Kabbel said that the police department requested approval to apply for the grant funding. He said that they had been unsuccessful in applying for the grant two other times. He said that if awarded, it would cover 100 percent of entry level salary and fringe benefits over a 3-year period for \$677,304 as the total award. He said that upon completion of the grant, the City would be required to continue funding the three positions for an additional 12 months.

Councilman Hanna asked why the City was turned down before. Chief Kabbel said that there was only a certain amount of money. He said that they looked at needs and crime rates.

Councilman Hanna asked if it would help the City out this year by being down eight to nine officers. Chief Kabbel said yes.

Councilman Lamerson asked if there were any statistics on the retention rates of their officers. Chief Kabbel said that he did not have accurate figures but that in the 21 years he had been there he did not have many people leaving. He said that when they did leave, it was usually through injury or attrition.

Mayor Kuykendall said that he noticed that the fourth year officers had the same compensation as the first three years. Chief Kabbel said that it usually took officers about three years to get grounded before they moved into special areas.

Britt Reid asked if it cost money to file the application. Chief Kabbel said no.

**COUNCILMAN HANNA MOVED TO APPROVE A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, REQUESTING FUNDS FOR THE HIRING OF THREE ENTRY-LEVEL POLICE OFFICER POSITIONS THROUGH THE FY2011 COPS HIRING PROGRAM; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- E. Adoption of Resolution No. 4076-1146 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the installation of a stop sign on Copper Basin Road at Highland Drive intersection and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Nietupski gave the background on the item. He noted that from an engineering perspective, neither location met any of the warrants that would lead to a recommendation for the installation of stop control of with intersection.

He said that looking at the intersection of West Pine Knoll and Highland with Copper Basin, the configuration was offset, meaning that the side streets were not perpendicular to the intersection. He said that the terrain was a downhill slope. He noted that some argument could be made for a justification for a stop sign if the Council determined that safety would be enhanced.

He said that the physical conditions at Hassayampa Lane were good from a visibility perspective and it would not appear that a stop control would be necessary or desirable.

Councilman Lamerson said that there was now a big pole that obstructed the vision from Highland moving on to Copper Basin. He said that it seemed similar to something they did on Bradshaw, because of trees impeding the ability of people to see traffic coming at the speeds. They installed four-way stop signs and the residents said that they seemed to be working.

He asked if they had any input in the Hassayampa area from the Police Department regarding the underground springs that ran in that area two to three times a year that froze. Chief Kabbel said that to put a stop sign there to create a slow down situation may create a health and safety issue.

Mr. Nietupski said that the correlation between limited sight distances at Bradshaw was correct. He said that the issue of the gradient of Copper

Basin and Hassayampa was also true. He noted that in icy conditions someone stopping would have a difficult time regaining traction and advancing upward.

Dennis Stringer, Prescott, said that he was familiar with the street. He said that he had been on the Traffic Coordinating Committee for the past 12 years and was a retired traffic engineer.

He noted that it was like adjusting a Swiss watch with a pipe wrench. He said that they were using the wrong tool and that they would see the accidents go up. He said that generally they would see some rear end collisions. He noted that when he worked in Phoenix he looked at other cities on how to approach these issues. He said their first reaction was to put up stop signs and the national studies indicated that a block away they would see the speeds increase. He said that Portland and Seattle found mini roundabouts worked well.

He said that his recommendation was not to do a four-way stop and that the staff should look at other options.

Daniel Mattson, Prescott, said that he lived on Highland when he first moved to Prescott. He said that the traffic circle seemed expensive and they were annoying.

Councilman Blair asked if there were any comments about the stop signs at Robinson or Stetson. Chief Kabbel said that Copper Basin had people sliding off the road in the winter and it was different than the conditions at Robinson or Stetson. He said that he was concerned with putting stop signs in an area where people would have to stop on snow or ice. He said that he feared for more accidents and injuries. Councilman Blair said that he was asking because he did not think those stop signs were warranted.

Mr. Nietupski said there was a site visibility issue warranted. Mr. Mattingly said the resident did indicate that he would cut the tree down. He noted that it was more than that. His property was raised four to five feet higher. That would not have taken care of the problem.

Councilman Blair said that when he pulled up on Highland and wanted to make a right hand turn, there was an APS pole in his visibility and he had to pull his truck into the drive lane to see to the right, he said it was a safety issue. Mr. Mattingly agreed that there were some issues with the APS pole.

Councilman Hanna asked what the traffic count on Bradshaw was compared to Copper Basin. Mr. Mattingly said that Robinson Drive and Stetson said that it was less than half.

Linda Hunt, Prescott, provided some photos that had been taken that morning. She said that they showed how minimal the sight distance was. She said that she did have to pull into the lane of traffic to see what was coming. In terms of slipping/sliding, she thought that was a problem at Highland. She noted that she did not see a lot of people speeding. She noted that there were a lot of ways to let people know there was an upcoming stop sign.

Mr. Luzius, Prescott, noted that he travelled Copper Basin quite a bit and he said that they should install the stop sign.

Mr. Nietupski said that the configuration of the intersection gave the Council some ground to make a determination.

Councilwoman Suttles asked if it would be out of line that an engineering company would be visiting with a homeowner. Mr. Nietupski said that he did not know when that took place.

Councilwoman Suttles said that she was having confusion with the policy. She noted that the warrants had not been met. She said that, in reality, nothing had been met to cause the stop sign. Mr. Nietupski said that the study indicated that all minimum visibility requirements were met at all approaches of the intersection.

Councilwoman Suttles said that she had listened to people who did this for a living and said that she was hearing more emotional reasons as to why the sign should be there. Mr. Nietupski said that from a purely engineering perspective it did not meet the guidance requirements for a stop sign, nor did it at Park or Hassayampa.

Councilman Hanna asked if it was true that putting stop signs up at Highland would increase the City's liability as it stated in the engineering report.

Mr. Kidd said that he tried not to answer that in a vacuum. He said that it depended on how the accident happened and that liability was always determined on a case by case basis. He noted that there was a study that indicated that when stop signs were created that were not warranted it increased potentials for injuries. He said that liability wise they would have to come up with some reason contrary to what the experts were going to state.

Mr. Kidd said that in a lawsuit he would not be testifying, he would be calling Mr. Nietupski and his staff. If they were going up against a national standard there would be a heavier burden.

Councilman Hanna asked if it was true that no collision problems existed, as stated on the reports. Chief Kabbel said that he had not looked at the studies. Mr. Mattingly said that there were no accidents based on sight distance. He said that there was about one accident per year on Copper Basin that was speed related and single vehicle.

Councilman Hanna said that he found the statement interesting that said the installation of any unwarranted multi-way stop would negatively impact the overall level of service on Copper Basin Road by increasing the overall delay. He said that the next line indicated that both locations failed to meet any warrants. He said that he sympathized with those living in that area.

He said that he had received e-mails for and against the stop signs. He said that in the last week he had received six emails asking that the traffic not be slowed down or impeded. He said that in his mind he had to go with the studies and would vote no.

Councilman Lamerson said that he had a major concern about the telephone pole that was not there a few years ago. He asked Chief Kabbel if putting a stop sign at that intersection created the potential for ice and snow impact problems and rear end problems being discussed.

Chief Kabbel said that that telephone pole could cause some sight distance issues. He said that when looking at stop signs he was concerned that people were doing speeds reasonable for the conditions. He said that if it was a traffic calming measure the sign should not be used. He said that he could step up enforcement on that road. He noted that as far as putting up a stop sign, it had a big potential of causing accidents on a downhill grade.

Councilman Hanna asked what the law was now concerning where someone had to stop at a stop sign. Chief Kabbel said that they would have to stop at the stop line. Once they did, then they could proceed forward at any point to make sure the sight distance was proper before they could move out.

Councilman Blair said that he had an issue with the sight distance problem with the pole. He said that he supported ultimate safety. Since they put up that pole, he would support putting in a sign.

Bob Hunt, Prescott, said that this was not desired for traffic calming. He said that those were addressed at 25 miles per hour. He noted that this was about traffic control and preventing accidents. He noted that there had already been accidents at that intersection. He noted that three lanes

trying to share a center turning lane was another problem and it was especially bad at night.

Councilwoman Linn noted that if a comment was not in writing, it made it difficult for her to make a decision on past Council agreements.

Councilman Lamerson said that he thought the decision to put stop signs up would be brought back at a later date, which he thought they were doing then. He said that the new big pole did impede vision. He said that the road from Woody's to the big curve was fairly flat, but it did have a lot of trees and ice.

He said that he supported the stop sign at Highland because of the pole installation and the lack of visibility.

Jim Lawrence, Prescott, noted that they did not have statistics on near misses. He noted that the four-way stop on Marina had made a very real difference in the number of near misses with the lack of visibility coming down the hill.

Britt Reid, Prescott, asked why the City did not ask Arizona Public Service (APS) to rectify the problem. Chief Kabbel said that they could do that.

Mayor Kuykendall said that he rarely drove the road and Councilman Lamerson drove it a few times per day. He said that he would abide by what Councilman Lamerson thought was best.

**COUNCILWOMAN LINN MOVED TO ADOPT RESOLUTION NO. 4076-1146; SECONDED BY COUNCILMAN BLAIR; MOTION PASSED 4-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN HANNA CASTING THE DISSENTING VOTES.**

- F. Adoption of Ordinance No. 4789-1140 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a sewer easement from First American Title Insurance Company, Trustee for Carrington Homes, Inc., to provide sewer service to the Prescott Highlands Subdivision.

Mr. Nietupski said that the item was for the construction of a sewer main for the development of 12 lots in that subdivision. He noted that Sterling Ridge was the parcel adjacent to that. He said that it was preliminarily platted but never recorded due to the economy. He said that it would exist in the future when the Sterling Ridge would become final platted and that the plans for approval had been approved by the Arizona Department of Environmental Quality (ADEQ) and the City.

**COUNCILMAN BLAIR MOVED TO ADOPT ORDINANCE NO. 4789-1140; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- G. Award of bid and contract to AJP Electric, Inc., for electrical work to install a new emergency/back-up generator at the Sundog Wastewater Treatment Plant in the amount of \$174,889.00.

Mr. Nietupski said that the generator was a requirement to operate a Wastewater Treatment Plant by Arizona Department of Environmental Quality (ADEQ). He noted that the Council approved the purchase of the generator in 2010. He said that the existing generator had been there for 32 years. He noted that the work would be completed in July if awarded.

Councilman Blair asked how many times the backup generator had been activated in the past 32 years. Mr. Nietupski said that he could not answer that. He said that there had been so many changes in personnel it would be difficult to go back and recount how many times the plant had been without power.

Councilman Blair said that he was asking because \$175,000 was a lot of money to replace a generator of that size. He asked if they would take the old generator out of service and sell it at auction. He asked what the level of comfort was to keep a piece of equipment for 32 years and just replace it then.

Mr. Nietupski said that it was the service demand. He noted that the generator they had now would not run the entire facility based on the growth that had occurred. He said that they had to have a back up generator by state regulation. He noted that long term power outages were infrequent but when they did happen they had to be ready.

Councilman Blair asked if they would take the generator on site and send it to auction. Mr. Nietupski said that it would be disposed of in accordance with their current practices. He said that it would be auctioned off, if it was unneeded. He noted that in the event that a centralized plant was contemplated at the airport, the potential was that the unit could be relocated to the airport facility.

Councilman Blair asked if the proceeds would go back into the Wastewater Fund for future consideration if it was sold. Mr. Nietupski said yes.

**COUNCILMAN HANNA MOVED TO AWARD THE BID AND CONTRACT TO AJP ELECTRIC, INC., FOR ELECTRICAL WORK TO INSTALL A NEW EMERGENCY/BACK-UP GENERATOR AT THE**

**SUNDOG WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$174,889.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- H. Approval to perform night work along segments of Iron Springs Road, Willow Creek Road, Granite Street, and Goodwin Street associated with the FY 2012 Pavement Rehabilitation Project.

Mr. Nietupski said that they were requesting approval for night work. He said that it was a mill and overlay project. He noted that the night work would require about 15-20 nights in the various locations.

He said that the Asphalt-Rubber/Asphalt-Concrete Friction Courses (AR-ACFC) on the last layer had to be done during the day for temperature issues. He said that the project was similar to the Montezuma Street Rehabilitation project they had done a year ago. He said that the project should be completed in September.

Councilwoman Linn noted that school started at the beginning of August and asked if there were any homes near that area. Mr. Nietupski said that the highest level of impact would be in the Goodwin Street area, outside of City Hall.

**COUNCILWOMAN SUTTLES MOVED TO APPROVE NIGHT WORK ALONG SEGMENTS OF IRON SPRINGS ROAD, WILLOW CREEK ROAD, GRANITE STREET, AND GOODWIN STREET ASSOCIATED WITH THE FY 2012 PAVEMENT REHABILITATION PROJECT; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- I. Adoption of Resolution No. 4079-1149 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with the State of Arizona, through its Department of Transportation (ADOT), and providing funding in FY12 for the SR89 widening and related street network and intersection configuration project assessment.

Mr. Mattingly said that the item would authorize an Intergovernmental Agreement (IGA) with the State for a \$50,000 contribution by the City of Prescott to participate in their widening project. The City participation would provide for an expansion of intersection analyses and planning of proposed roadway conceptual alignments in the airport area in relation to the ADOT State Route 89 design. The roadways to be analyzed would include Ruger Road, Perkins Extension and Ruger/Willow Creek Road connection.

He said that the following existing and proposed intersection location would also be addressed: Realigned Ruger Road @ State Route 89, existing Ruger Road @ State Route 89, MacCurdy Drive @ State Route 89 and Perkins Drive @ State Route 89.

Councilwoman Suttles asked if he was looking at doing roundabouts with the four choices. Mr. Mattingly said that there had been discussions about the intersection at the realigned Ruger Road/Willow Creek would possibly be a roundabout.

Councilwoman Suttles asked if the property was available for the roundabouts. Mr. Mattingly said that the location at the realigned Ruger Road was on the State plan. He noted that the intent on Perkins was to stay off the golf course.

Councilwoman Suttles asked if they would be looking at a different entrance into the airport. Mr. Mattingly said yes. He said that the Airport Manager completed the Airport Master Plan and the intent was to relocate the main entrance off of the main Ruger Road and come in from the north part of the airport.

Councilman Hanna asked how far north of “E” the Deep Well Ranch headquarters was. Mr. Mattingly said that he thought that it was somewhere north of “F” and south of “E.”

Mr. Mattingly noted that the plan was totally conceptual and the points had not been set except for Perkins, McCurdy and Ruger. He noted that the “E” Point and “F” were slightly sighted but they could move. He said that the top priority would be better ranch access for the Ron James properties so that he would not have to cross the highway.

Councilman Hanna asked if there would still be an entrance on to State Route 89, because there was a fire station that needed access. Mr. Mattingly said that ADOT would like to see some of the movements removed, but access would be maintained.

Mayor Kuykendall asked what the construction time frame would be. Acting City Manager McConnell said that he thought there were some ADOT representatives in the audience but said that they had funded construction for \$25 million dollars for Fiscal Years 2013 and 2014.

Councilman Blair asked if the three points were all intended to be roundabouts. Mr. Mattingly restated that ADOT had talked about Perkins and the realigned Ruger Road. Councilman Blair asked if the study would come back. Mr. Mattingly said yes.

Councilwoman Linn asked why they were paying for an assessment. Mr. Mattingly said that they were paying for the roadway alignments, rights-of-way, configurations on Ruger Road. He said that the City was interested in relocating Ruger Road to a new point, which was off their system. He said that they would contribute and pay for the intersection information.

Councilwoman Suttles said that it seemed that ADOT was using more and more roundabouts. Mr. Mattingly said that the intent of looking at the roundabouts was that it was a state highway system that needed to move a lot of traffic. He said that they did not think that a signal would handle that amount of traffic.

Daniel Mattson, Prescott, asked if they really needed to realign the roads. He also said that he hated roundabouts.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4079-1149; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

- J. Award of bid and contract for the FY 2011 Pavement Reconstruction Project to Asphalt Paving & Supply, Inc., in the amount of \$194,934.50.

Mr. Nietupski said that the item was part of the annual maintenance projects. He said that they were possible because of bids and contracts received last summer that were under their budgeted amounts and they had some excess monies. He said that they would begin in June and would be completed in July. He noted that it was funded from the One Cent sales tax for streets and open space.

**COUNCILMAN BLAIR MOVED TO AWARD THE BID AND CONTRACT FOR THE FY 2011 PAVEMENT RECONSTRUCTION PROJECT TO ASPHALT PAVING & SUPPLY, INC., IN THE AMOUNT OF \$194,934.50; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- K.\* Recess into Executive Session.

**COUNCILWOMAN LINN MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

The Prescott City Council recessed into Executive Session at 5:18 p.m.

**IV.\* EXECUTIVE SESSION**

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §§38-431.03(A)(3) and (4).**
- 1. SR89 Agreements with Arizona Department of Transportation and Yavapai County.**

**V.\* POST EXECUTIVE SESSION**

The Prescott City Council reconvened into Open Session at 6:04 p.m.

- KA.** Adoption of Resolution No. 4080-1150 approving an Intergovernmental Agreement with the Arizona Department of Transportation, and Resolution No. 4081-1151 approving an Intergovernmental Agreement with Yavapai County, pertaining to transfer of ownership and maintenance responsibility for two segments of State Route 89.

Acting City Manager said that ADOT recently approved an IGA providing for ownership from County to ADOT and improvement of Fain Road from State Route(SR) 69 to the State Route 89A spur. He said that in conjunction with that transaction, the State desired to transfer two segments of SR89 as consideration for the State, assuming ownership of Fain Road.

He said that since the City of Prescott, in past years, did a strip annexation of SR89 extending to the airport, ADOT had determined that in the event of transfer of ownership, it would come to the City of Prescott. He noted that with respect to those, Segment One was located within the Yavapai Prescott Indian Tribe Reservation (YPIT), upon transfer from ADOT to the City of Prescott, segment one would be transferred to Yavapai County and be maintained by the County. He said that the City had no interest in Segment One on the YPIT reservation.

He noted that the City did have major transmission pipelines within Segment Two, north of Willow Lake Road roundabout extending north to SR89A. He said that the major utility transmission pipelines existing were the airport waste water trunk main and 2) 18" effluent lines from Sundog. He said that it was entirely possible that in the future the City would desire to install a third facility.

He said that the City had a design project which would be commencing shortly for a roundabout at the Side Road and the connector near the Phippen Museum. He noted that the conclusion was that the City of Prescott had an interest in Segment Two. He said that the draft IGA with Yavapai County provided for the maintenance of Segment Two for not less than five years and Yavapai County maintenance would extend until the City did an annexation.

He noted that the City would not incur additional expenses in terms of the budget; however, they would assume maintenance of Segment Two if they did an annexation in the future.

1. Adoption of Resolution No. 4080-1150 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with the Arizona Department of Transportation to transfer ownership of two segments of State Route 89 to the City of Prescott and for the significant expenditure anticipated for improvement of Fain Road and enhancement of the CYMPO Regional System and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

**COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4080-1150; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

2. Adoption of Resolution No. 4081-1151 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with Yavapai County pertaining to transfer of ownership and maintenance responsibility for two segments of State Route 89 and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

**COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4081-1151; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

**IVVI. ADJOURNMENT**

There being no further business to be discussed, the Regular Voting Meeting of May 24, 2011, adjourned at 6:10 p.m.

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MARLIN D. KUYKENDALL, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 24th day of May, 2011. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

AFFIX  
CITY SEAL

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ELIZABETH A. BURKE, City Clerk