

Councilman Lamerson said that it was not essential to put the restroom in since there were portables at the trailhead. He thought the money may be needed for something else.

Councilman Arnold asked what they currently spent on the portable bathrooms. Mr. Baynes said that it was around \$200 per month. Councilman Arnold said that he saw in the paper that there was another \$30,000 for permits and meter fees. He asked if that was included. Mr. Baynes said they paid impact fees like everyone else. They were building, sewer and water fees. He said the estimate was closer to \$20,000 on top of the \$85,681.00.

Councilman Arnold asked if they had looked at a prefab building. Mr. Baynes said they did not look at one for that project, but they did one at Goldwater Lake which was half the size and about \$40,000 to put in, with no utility hookups.

Mayor Kuykendall asked how much money they brought in from the kiosks on an annual basis. Mr. Baynes said that they made \$125,000 on all four kiosks.

Councilman Carlow asked what other uses they had for the impact fees in the next year. Mr. Baynes said the Kuebler Park project was discussed. Councilman Lamerson said that park impact fees were meant for projects like that one, but other projects might come forward that were more essential.

Councilman Blair asked how they planned on maintaining the restroom with the current shortage of staff and where the money was going to come from. Mr. Baynes said they already visited the parking lot regularly to empty the trash cans. He said there would not be a lot of time going into the cleaning of the bathrooms as there was a water hook up for a hose in the middle of the bathrooms. Councilman Blair asked if the parking fee from the kiosks was going into the General Fund.

Mr. Woodfill was that Council direction was for monies collected at that trailhead would be separately tracked for use on that trail for trail improvements or trail changes. He said the other kiosks went into the General Fund. He said that they generated fewer fees than the other kiosks and collected nearly \$15,000 the prior year. Councilman Blair said that they would have enough money from the kiosk to take care of the maintenance fees for the restroom. Mr. Woodfill agreed.

Councilman Hanna asked why they went over the architect's estimate at \$77,000. He said they could get 35 years of porta johns at \$200 a month

for the money they wanted to spend on that project. He asked Mr. Baynes if he thought it would be money well spent. Mr. Baynes noted that many of the visitors at the Peavine bought annual passes. He noted that hotels sent visitors to that trail because it was scenic and there was not much of a grade. He felt that first impressions were important.

Councilman Hanna asked if he thought visitors would not go to the trail if there were just porta johns. Mr. Baynes said that Prescott was recognized throughout the State as a great place to visit. He noted that the trail had a ten percent increase in visitors the prior year. He said the trailhead should have more curb appeal.

Councilman Arnold said that he had been on the fence on that item. He said that his inclination was to move forward on the bid, but needed clarification on why they should spend an additional \$5,000 for a metal roof. Mr. Baynes said they wanted that facility to match up with the other park facilities and the roof would take the wind and snow better than other roof alternatives. He said it would be the Council's decision.

Councilman Kuknyo said that porta johns were not as sanitary as permanent restrooms. He noted that vandals would not tip them over and the lighting would be better. He said it was a good project and that was what the money was designated for and a lot of people would use it.

Councilman Lamerson said that he had heard from the Police Department that there had been problems in the public restrooms in Granite Creek Park. He asked if they would be creating a circumstance that they currently did not have.

Mayor Kuykendall said that he noticed many middle aged and older women who accommodated the Humane Society by walking dogs. He said the usage would be greater than just the trail.

COUNCILMAN BLAIR MOVED TO APPROVE CONSTRUCTION CONTRACT WITH VENTURELLI BUILDING AND DESIGN FOR THE SUNDOG TRAILHEAD RESTROOM PROJECT IN THE TOTAL AMOUNT OF \$85,681,00, CONSISTING OF BID BASE AS WELL AS ALTERNATE #1; SECONDED BY COUNCILMAN KUKNYO; PASSED 6-1 WITH COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.

- B. Adoption of Resolution No. 4123-1233 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3691 which adopted certain golf rates for the Antelope Hills Golf Course and authorizing the City Manager to adjust golf course rates in accordance with Resolution No. 2686 adopted April 12, 1994.

City Manager McConnell said the item was not about setting the rates. He noted that it was about the procedure for adjusting the rates, should there be an adjustment. The item was a resolution which would rescind a 2005 resolution which the Council used to establish or modify rates. He noted there was a previous resolution still on the books, No. 2686, which provided that rates and fees of the City was delegated to the City Manager.

He said the City Manager had the authority to set rates and fees in the absence of either the City Code establishing rates and fees or a resolution of the Council which set rates and fees. He said the effect of the current action would be to rescind the resolution from 2005, which set rates and return to the 1994 resolution which delegated the authorization to the City Manager. He said there were no rates set in the City Code. He asked if the Council wanted to establish another resolution providing for specific rates or did they want to rely on the City Manager to set the rates.

Councilman Arnold wanted to clarify Resolution 2686 from 1994, which enabled the City Manager to make the decision, but it could be overridden by the Council if the Council chose to do that. Mr. McConnell said he was correct. Councilman Arnold said it was an issue that came up too often and they needed to entrust it to the City Manager.

Councilman Kuknyo asked if there was a business plan for the golf course. He said they would then have the information needed to establish rates.

Mr. McConnell said that he had never seen a business plan for the golf course. He noted that the Golf Course Manager identified some financial challenges. His recommendation was to adjust the rates. He noted that the business plan would have a longer time frame. He said they would also like to identify the economic impact of the Golf Course.

He noted that they had been discussing engaging a business like Northern Arizona University, which had a Recreation Management Program, or something similar, in their business school. They may be able to help identify the economic impact of the golf course from out of town business. He noted that it would extend way beyond having a questionnaire at the register. He said, in the short term, they should move ahead with the rate adjustments the manager laid out, with the understanding that they needed a business plan.

Councilman Kuknyo said they should also include a Public Private Partnership. Mr. McConnell agreed. He said the golf course was located within a context. He noted the greatest opportunity at the airport was to

connect the golf course to something larger. It would create a larger business plan for the airport and not looking at it narrowly as a Golf Course, but one of the assets in a complex. He said the question would be what they could do to enhance the economic viability and development and production from the airport on the larger scale.

Councilman Lamerson said that he thought it was a subsidized, nonessential service. He said they were talking about a management issue, not a political issue. He said that because it had become a political issue, it had become a different type of problem for the community. He said they wanted a piece of infrastructure that runs smoothly and generates revenue that was necessary for it to run. He said that if repealing a resolution would allow him to do his job, he supported it.

Councilman Arnold agreed that they needed to look at the long term approach to the golf course. He agreed with Councilman Lamerson and said they should move on.

Daniel Mattson, Prescott, said they should vote yes and let Mr. McConnell do his job.

COUNCILMAN CARLOW MOVED TO ADOPT RESOLUTION NO. 4123-1233; SECONDED BY COUNCILMAN ARNOLD; PASSED UNANIMOUSLY.

C. Discussion/possible action on Downer Trail gate.

Mayor Kuykendall said the item was on the agenda because the Council had a policy to let any Prescott citizen who wanted to bring an item before Council for discussion, through the City Clerk's office, do so. He noted that Mr. Musgrove sent in a written request to discuss the topic. He said Mr. Nietupski would give a summary of the item and then the Council could ask questions of him. Following that, Mr. Musgrove could have ten minutes maximum to talk about opening the gate. He said that Mr. Don Moon made a request to speak in opposition. Mr. Tom Devereaux would also talk on the topic. Public comment would follow at five minutes each person.

Mr. Nietupski said it had been a long standing project. He noted that the history of the project was outlined in the packet. The installation dated back to December of 1981, Ordinance No. 1559. He said the gate originally was on the west side of Downer Trail at Sierry Peaks. It consisted of a set of bollards and a cable.

He said that between March of 1993 and September of 1995, five different development agreements were crafted with the City and various

property owners in the area to provide for the development of various properties. That included the associated east/west connector, which involved Sierry Peaks, Downer Trail, and Westridge over to Gail Gardner Way.

He said that in 1999 and 2000 a couple of neighborhood's specific area plans were conducted and adopted resolutions to incorporated those as planning documents for the City's benefit, going forward. Both of the documents addressed the construction of the improvements to Downer Trail, Oregon Avenue to Sierry Peaks, Downer Trail from Sierry Peaks to the east/west connector and the east/west connector to Gail Gardner Way. The plans recommended that the emergency crash gate, which was how it was designated, did not come down until the east/west connector was completed and the full circulation plan was implemented.

He said that in 2006 a six-party agreement was established which rescinded and cancelled the previous development agreements and made provisions for the construction for the east/west connector Downer Trail, and then relocation of the gate across Downer Trail. In June of 2007, the east/west connector was completed from Downer Trail to Gail Gardner Way. In May of 2008 the improvements to Downer Trail between Oregon Avenue and Sierry Peaks was completed by the City.

He said, going back to the six -party agreement, the City had the obligation to complete the segment shown on Downer Trail and the development community, Mr. Devereaux in particular, and associated property owners, made for construction of the improvements under the agreement. The final design was preconfiguration for Downer Trail, south of Sierry Peaks and was generated with public involvement. There was an open house meeting that residents attended. Through that process, there was an expressed opinion that the character of the rural neighborhoods south of Sierry Peaks be maintained. Taking that input into consideration, the street was designed and constructed to 22 feet in width. This was in conformance with American Association of State Highway and Transportation Officials Standards for rural street section. He said the Fire Marshall approved the design and it was constructed. He noted that no sidewalks were included in the design.

In July and August of 2008, Workshops were conducted to discuss opening the gate. No action was taken at the first Workshop and then the Council voted to keep the gate closed until the discussion pertaining to the design standard for Downer Trail South of the gate. He said it was designed to a different standard than the design of Downer Trail north of Sierry Peaks Drive. He said the design was an adopted National standard for rural streets.

He noted that in January 2011 another request was made to open the gate. After discussion, Council voted to keep it closed.

As far as the engineering analysis for the area, Mr. Mattingly was there to discuss that issue. He said when it came to the traffic of the streets, it came down to a discretionary policy issue for Council's consideration and determination.

Mr. Mattingly showed a PowerPoint presentation which addressed:

- **ENGINEERING ANALYSIS SUMMARY**

He noted that several engineering analyses had been completed, including a 1994 and 1998 BRW traffic study and a Public Works study done in June of 2008. The 1994 BRW's study purpose was to assist the City in developing a series of recommendations related to future circulation in the area. He said it was followed by a study in 1998, also by BRW, with the purpose of validating and/or modifying the results from the 1994 study, based on reduced land use and trip generation intensities that happened between those years. In 2008 a traffic study was conducted by the Public Works department to evaluate existing volumes on Sierry Peaks, Downer Trail and Oregon Avenue for the purpose of determining the potential impact of removing the gate.

He noted that each of the studies had been referenced and discussed at length, in several Council meetings and Council Workshops, with the discussion focused on roadway geometrics and impacts on traffic volumes. He noted that the traffic volume projections raised concern as differing opinions about their validity had been raised. Specifically, the focus of the objection was that the numbers were overly high due to the study assumptions. He said that staff recognized that the assumptions that led to these traffic volumes were based on professional opinions and experience and others may have used something different, based on their opinion and experience.

He said that apart from the magnitude of the increase, it was a certainty that volumes would increase some level on Downer Trail, which had been expressed, and they would increase on Oregon Avenue if the gate was opened. The volumes that could be expected on both roadways would fall within the normal range for roadway classifications. He said that it was staff's position that additional study would provide limited cost benefit because every study would result in increased traffic volumes on the roadway then and into the future, as build out continued in the area.

- **SAFETY ANALYSIS**

He said the Downer Trail design maintained the rural atmosphere already in place by forgoing curb and gutter and sidewalks, in contrast, to many of the subdivisions that were built north and to the west. He said that continued the interaction between pedestrian and vehicular traffic that already existed on Downer Trail prior to the improvement project, where pedestrians walked on the shoulder or roadway pavement, a condition which was undesirable. He said that the type of roadway requiring the comingling of those uses was not uncommon in Prescott and was not patently unsafe. He included examples of Eastwood Drive, Geneva Drive, Cyclorama Drive, Horizon Hills Drive and Prescott Heights East.

- POLICE/FIRE DEPARTMENTS

He said these departments indicated that response to the area would be enhanced by removal of the gate. They also affirmed that they could open the gate in the event of an emergency; each department had a key.

Councilman Blair noted that the original agreement for the gate to come down was rescinded and that the gate was moved and put back up. He asked if there was a talk of the gate coming back down, when they put it back up. He said at some point the City had a responsibility to improve a portion of Westridge and there was some type of trade off between the six-party agreement that stated that the City would take the Downer Trail portion with Tom Devereaux and the others taking the Westridge portion to get it completed sooner.

He asked when the gate was moved and when it showed up in any of the dialogue that it would ever come down. He said that the gate would remain closed, based upon full access of an east/west connector, in all of the plans he was ever involved with. He asked if that was actually written anywhere.

Mr. Nietupski said the gate was installed by ordinance in that first location, which was a set of bollards with a cable. Councilman Blair said that road never went anywhere to the east and was already stubbed out for extremely rough infrastructure to the west that not even emergency access could have taken place with a fire truck. He asked if he was correct.

Mr. Nietupski said the gate was installed as a result of the plat that was approved for the subdivision; he said that he thought it was Westridge. He noted that it prohibited vehicular traffic from turning south on Downer Trail. He said at no time was there a rescission, to his understanding and recollection of the record to take the gate down. He said the gate's relocation was a provision of the six-party agreement which rescinded the

five prior development agreements that were in place prior to the construction and completion of the east/west connector.

He noted that when that improvement project from the north of the intersection of Sierry Peaks over to Westridge and Gail Gardner Way was completed, as a part of that project, that gate was relocated. He said it was a term of the six-party agreement. He said it would stay closed until such time as the Council determined it necessary or advisable to open it.

Councilman Blair asked if it was written somewhere in the contract. Mr. Nietupski said yes, it was in the six-party development agreement.

Councilman Arnold asked if either the Police or Fire Chiefs could describe what the difference in response time would be between having a gate and not having a gate.

Chief Kabbel said that as far as the Police Department was concerned, if they were at one side of the gate or the other and they had to get across in an emergency response, they would have to stop and open the gate and proceed through. To be in that location when an emergency response came out had been unlikely because it was more of a neighborhood related area. He said the Police Department remained neutral and they had a key to the lock. He said officers knew how to get around in the neighborhoods, so it was not an issue. As far as response time, he noted that if they happened to be there and got a call on the other side of the gate, it would be enough time to open up the gate with a key.

Councilman Arnold asked if they had to use a key to open a gate in any other developments in the City. Chief Kabbel said yes, but not in that manner. He said there was one behind Park Plaza, although the gate was currently open. He said there were places where they would have to stop and push some buttons to gain access into a community. Councilman Arnold asked if there had been any calls in the vicinity of the gate in the last ten years. Chief Kabbel said that he was not aware of any.

Councilman Arnold said that when he looked at residential and minor collector streets in Prescott, he thought of Morris Road, which seemed to share many of the characteristics that Downer Trail, south of the gate, would have. He said that when he looked at minor collectors, he looked at streets like Coronado Avenue, Green Lane, Bradshaw Drive, where there were significant improvements beyond a paved surface. He asked how the decision was made to pave the street to an American Association of State Highway and Transportation Officials (AASHTO) standard and asked if it met the standards of the day.

Mr. Nietupski said that standards changed over time. He said that the AASHTO standard used for Downer Trail was not the new standard and was not the current standard at the time. He said the reason was that when they adopted a current standard, those current standards were typically applicable to new subdivision developments that came through the platting process. Going forward, they learned things about how street configuration networks should be constructed and how they should function. He said those adopted standards reflected those items.

He said that when a standard was adopted for a new street that did not mean it would be applicable in a reconstruction of an existing street. He said that they would have to look at the conditions that were involved in a particular roadway to understand if it would be feasible and practical to implement. He said they would make engineering decisions based on available standard and come up with a design solution to implement a project that would meet the needs.

Councilman Arnold asked how much it would cost to remove the concrete lip on Sierry Peaks and bring the road into standards for the connection of the intersection, if they were to permanently open the gate full time. Mr. Nietupski said there was an existing intersection configuration, which included a concrete driveway approach. He said that it was constructed to emphasize the east/west flow on Sierry Peaks up to Downer Trail to the north. He said that would have to be removed to open the roadway to have a safe intersection. He said to do that with in-house staff it would require taking that out, modifying construction and drainage improvements, new concrete, curb and gutters, grading and asphalt paving. They estimated that to be within \$25,000.00 and \$35,000.00.

Councilman Arnold noted that the money was not currently budgeted. Mr. Nietupski said he was correct.

Councilman Hanna asked what the Sierry Peaks area was built out to. He asked if they counted Mystic Canyon and how much more traffic would be added to the Sierry Peaks area. Mr. Nietupski said he did not know. He said there were between 800 and 900 lots total. He did not know what percentage had been constructed. Mr. Devereaux said it was about 65 percent.

Councilman Carlow asked what had changed since the last time the topic was brought up. Mr. Nietupski said there had been no changes with respect to the roadway improvements. Councilman Carlow asked if Lifeline had a key to the gate. Mr. Nietupski said they were mailed keys to the gate. He said they had about 25 different vehicles they used for emergency response and he did not know if every vehicle had a key.

Councilman Blair asked if he included a three-way stop in the cost of the gate coming down. Mr. Nietupski said the traffic control would be included in that. He said they would have to evaluate how the intersection would operate.

Councilman Kuknyo asked what the speed limits were in that area. Mr. Nietupski said they were posted at 25 miles per hour. Councilman Kuknyo asked if 25 miles per hour was too fast for the curve near the gate. Mr. Nietupski said the curve had signs with advisory speed limits posted.

Councilman Hanna said that it appeared that there was a sight distance problem going south on Downer Trail. Mr. Mattingly said that they had indicated that it was narrow and steep. He agreed that there were some sight distance challenges. Councilman asked if 210 feet was the acceptable sight distance. Mr. Mattingly said it was about 200 feet for stopping site distance.

Councilman Lamerson asked what the traffic volume was with the 65 percent build out. Mr. Mattingly said that the 2008 studies they had, which were the most recent for the Westridge and Sierry Peaks area, were in the 1500 range. Councilman Lamerson asked what the volume at build out was projected to be. Mr. Mattingly said that it varied, depending on the roadway design, but some projections were 4,000 to 5,000 on Westridge. Councilman Lamerson asked if they were at 65 percent build out, how they would quadruple the volume at full build out. Mr. Mattingly said that it did not seem to jive.

Councilman Blair asked if the Risk Management Department would have to weigh in as to the risks the Council would be taking by putting traffic on roads that were constructed years ago. Mr. Kidd said if the Council considered opening the gate, they would want to have complete engineering standards. He said that it would be appropriate to have risk or engineering analysis, because they would be assuming additional traffic and roadway. He said that the other issue was to know which standards applied.

Councilman Kuknyo asked how many cars would take the diversion if the gate were opened. Mr. Mattingly said that the primary goal of that study was to determine the turn movements going on at Westridge at Gail Gardner. Then there had to be assumptions made as to what percentage of those turning right would divert to Downer Trail if the gate were removed. He said the Engineering Department determined that it would be 38 vehicles in the peak morning hour and 30 in the evening peak hour. He said that overall it would be 200-250 trips added with the

gate open. He said it was based on the assumption that they made and information from the study.

Councilman Kuknyo asked if the road could handle those volumes. Mr. Mattingly said yes. He noted that the road could accommodate thousands of cars a day. He said, in theory, a two-lane road could accommodate that.

Councilman Arnold asked if he was taking into consideration the sharp turn that was north of Farview. Mr. Mattingly said the prediction of what the roadway could accommodate was lacking hills, curves and sight distance. He said that he was making a general statement for the capacity of two land roadways. He noted that the impacts of adding the cars to that road were slightly different. He said the volume of 60 cars in one hour was a low volume.

Councilman Hanna asked what the cost to the City would be to have the engineering study done. Mr. Mattingly said that he heard that staff would look at the roadway to determine what had to be done if they added traffic.

Councilman Arnold asked what areas were undeveloped in the General Plan, which would feed on to those streets. Mr. Mattingly said the BRW studies done in 1994 and 1998 did not have a major component of cut through traffic. Both studies concluded that the roadways were so out of the way and circuitous that nobody would come in from Iron Springs Road and try to get to the south end of town using those roadways. He said that all of the development they were talking about would be contained in the current areas shown. He said that when they were talking about the 65 percent, he was taking that as they had 65 percent total development in the entire area A through L which was under multiple ownerships at that time.

Councilman Kuknyo asked if parking was allowed on the street. Mr. Mattingly said no.

Mr. Musgrove suggested that he hold his own remarks until the end so he could address questions brought up. He said that he would like to give Ms. Burke, City Clerk, some additional exhibits consisting of photographs of the misnomer crash gate that were there, taken the prior weekend during the snow storm. He said that the petitions contained 80 some signatures to date. He said that he would relinquish the podium if it was OK with the Mayor.

Mayor Kuykendall said that they believed there would be comments that might lead to a legal conclusion. He said that they had been inundated

both ways with facts and figures and exhibits. He said that if there was a legal conclusion that would come out of these discussions and that in all probability they would ask the City Attorney to take those comments and come back at another time.

Mr. Musgrove said that he did not understand what the Mayor said. Mayor Kuykendall said that it appeared that there were some legal opinions on what could and could not be done with the public streets. He said that if there was nothing that required a legal conclusion, they could move forward on that.

Mr. Musgrove asked if the Mayor was saying yes to him. Mayor Kuykendall said that if Mr. Moon and Mr. Musgrove were not ready to make a statement, they could move on to Mr. Devereaux.

Mr. Devereaux, Prescott, said that he was the glue that stuck that area together. He said the two bollards and the cable that were on Sierry Peaks were on a trail. He said that Downer Trail had never gone anywhere. He said that they had never been able to drive up Downer Trail and go anywhere. There were boulders in the middle of the road to keep the kids out of Downer pond. He said the road was there, but closed.

He noted that when Don Myers did Forest Trails they needed another exit because the Fire Department said so. He said they plowed a little trail through the brush at the end of Downer Trail and they put up the bollards and the cable. He said that was the way it was when they bought The Heritage. He said the Dalke property said they wanted to develop, so they had one of the development agreements. He noted that Forest Trails was in the development agreement. They inherited some of the development agreement from Ron Jones. He said that at that point he had not bought the Downer Trail subdivision or the Preserve. Had they lived by the development agreement that was in place, Sierry Peaks was going to come to Downer Trail and they were obligated to pave Downer Trail 20 feet wide down to Farview and that would have been the end of their responsibilities.

He said in the middle of all that, they purchased the Preserve which gave them the opportunity to complete the east/west connector, except the Downer 16 and "the gap". He said that nobody was on the hook for either one of those at that point. He said that John Moffitt, Tom Guice, Mark Nietupski and he came up with an alternative to doing anything to Downer Trail because it had utility problems. He said they were obligated to spend an amount of money on Downer Trail that would have been wasted unless it was done after all of the utilities were completed. He said that would have been incomplete because they were only obligated to put A/B and pave the existing road.

He said they went to the developer that owned Downer 16 and talked him into not waiting and assured him that it would not cost him anything and he would not have to participate in any of the abandoned agreements and that would take care of it. He said that Brian Tucker, who bought a piece of the Dalke property a long time ago, was invited if he wanted to pay his fair share. He could, in the future, take advantage of it by being able to develop his 15 acres. Otherwise, he would have been excluded from it. He said the Land West property was contacted several times and they did not choose to pay anyone's share. He said they were not cooperative.

He said that at the end of the day the Fire Department and Police Department were there and they felt that building an east/west connector, without stop signs and exit onto Gail Gardner, was the safest thing to do. He said that previous studies showed that Oregon was not feasible to widen and Downer Trail had right of way problems. He said that the comparisons made to Horizon Hills or Geneva was anything but valid. He said they had no potential to dump the kind of traffic that could be dumped on Downer Trail. He said that people would find this road to use from Iron Springs during peak traffic times. He said that he did not have a dog in the fight, although he did own a lot of lots along that road. He said that he owned several lots near Enchanted Canyon and along Sierry Peaks Drive. He said that he did not want to have to stop at a stop sign every time he came down to that intersection.

He said the intersection was designed to meet the intent of a minor connector. He said the roadway would be wider if it had been designated as a minor connector.

He said it was not that great of a short cut and stopping at the stop sign would be more of a problem than having the gate open. He said that it came up every year because someone had a house in the area that would not sell. He said that he did not know if the house would sell if the gate were opened or closed. He said that people were used to it and it worked. It was never intended to be opened, or they would not have treated it like a driveway. He noted that they spent \$6,000.00 to redesign the intersection and Downer Trail worked like a driveway.

He said that it was all done on purpose. It was not so they would change it someday, unless Downer Trail was going to get widened and dump onto Oregon, which would also need to be widened.

Councilman Hanna asked if it was in the original agreement that he build Sierry Peaks at Downer Trail the way it currently was. He noted that it made common sense not to be driven over. Mr. Deveraux said yes, it was

in the agreement that they would treat it like it was a driveway as opposed to a roadway that was not open yet.

Councilman Kuknyo asked if there were any community meetings with the people on Downer Trail to talk to them about having a access road, when first developed. Mr. Devereaux said not that he ever attended. He said that when people say that Downer Trail should be opened because the City paid for it, the City did pay for it, but it was a trade. He said he would have paid for it, but traded it to complete the east/west connector.

Councilman Lamerson asked him what that section cost him for permission to build the development. Mr. Devereaux said 600 feet of it that did not have anyone else's participation, cost \$237,000 in court, including engineering. He said they contributed another \$115,000 to the Downer 16 because there was some redesign of that road that had to take place and some additional blasting to soften the corners.

Councilman Lamerson asked him if it was common that he would have to do certain tradeoffs to benefit the City to develop his private property. Mr. Devereaux said yes. He said that developers built the City.

Councilman Arnold asked if he designed the part that he developed to ASHTO standards. Mr. Devereaux said they cost it to be designed to ASHTO standards. He said that when they built something brand new there was no reason not to. He said that it was built to ASHTO standards, but currently a minor connector would be 32 feet wide and it was only 28 feet. He said that there were a lot of trees and rocks that would have had to been blown up if they made it 8 feet wider.

Mayor Kuykendall said that none of the Council had a dog in the hunt. He read from a staff report and said that "construction of the east/west connector from Downer Trail at Sierry Peaks Drive to Gail Gardner Way was completed with a roadway opened in April of 2008. Construction of improvements of Downer Trail, between Oregon Avenue and Sierry Peaks Drive was completed May 22, 2008. The final street design configuration was generated with public involvement through an open house meeting held with area residents in February of 2007. The residents preferred a more rural character be maintained in the project area in contrast to the new subdivisions nearby.

Reflecting that public input, the project was developed to avoid impacting existing trees along the roadway. The pavement was constructed 22 feet in width, meeting AASHTO Standards for rural streets and was reviewed and approved by the Fire Marshal, and curb and gutter was installed only at the intersection of Farview Lane and Downer Trail. No sidewalks were constructed and the gate, formerly on Sierry Peaks Drive, immediately

west of Downer Trail, I was relocated on Downer Trail, south of Sierry Peaks Drive. The street design on Downer Trail, with its accompanying width, serpentine alignment and elevation changes, provides inherent traffic calming, promoting lower roadway speeds". He asked Mr. Devereaux if those were true statements.

Mr. Devereaux said that was after his time. He said that he assumed that was the neighborhood meeting that was before the City let their contract improve their infrastructure under the street and then come in and do the street. Mr. Nietupski that was correct. That public meeting was a part of the design process for Downer Trail, south of Sierry Peaks, down to Oregon Avenue.

Mayor Kuykendall asked if the City made a commitment or assumption that the gate would always be locked during that time. He asked if there was a discussion in a public meeting that something could happen in the future that might change that.

Mr. Nietupski said that he could not remember specifically, the discussion in the public meeting, as it related to the gate. He said that they were aware that the gate was required by the ordinance and that it was to be in place through the construction of the east/west connector and The Gap above Sierry Peaks. He said that all of those things would have been communicated. He said there was no mention of plans for the removal of the gate associated with the improvement of Downer Trail south of the gate.

Councilman Lamerson asked if the underground infrastructure that needed to be maintained necessitated disturbing the roadway that was in place to get to the underground infrastructure.

Mr. Nietupski said the road that was in place prior to the improvements was an unimproved facility, aggregate base course, of graded roadway. He said it had utilities beneath its surface. He said during the construction of the improvements for Downer Trail, south of the gate, the sewer main was completely reconstructed, new services were established to the property owners, new water main was constructed and new water services were installed for the benefit of those adjacent property owners. Some limited drainage improvements were included and the pavement was placed.

Councilman Lamerson said the infrastructure that was necessary under the existing old roadway was as much an impetus to tear up the road and redo it as was redoing it after it was tore up to a different level than what it was done prior. Mr. Nietupski said Mr. Devereaux was correct when he talked about a prior development agreement, before the six-party

agreement, wherein the obligation under that agreement for improving Downer Trail south of Sierry Peaks to Farview Lane only made provision for paving. It said it had no provision for those utilities. He said it was a needed infrastructure improvement that fell back to the City because it was an existing facility. Councilman Lamerson said they could have paved it and then had to tear it up anyway to redo the water and the sewer. Mr. Nietupski said that was a possibility.

Councilman Hanna asked why the item kept coming back if there was an ordinance in place to keep the gate there. Mr. Kidd said the original ordinance went back to 1981 and left it discretionary. He said there were development agreements that were originally done. He said there was a si- party agreement that repealed all of those agreements. Councilman Hanna asked if the ordinance changed. Mr. Kidd said the ordinance was still Council's discretion when and if they decided to do that.

He noted that in the minutes of April 11, 2006, there was a presentation and conditions about the crash gate that said in the future the Council would, per the minutes, "determine in the future whether the crash gate is to be relocated on Downer Trail south of Sierry Peaks should be removed. While in place, the gate can be opened by City emergency services". He said that was the history in 2006 and the ordinance was still in place.

Mr. Devereaux said the neighborhood meeting that he was not at, involved the construction of Downer Trail. He thought the meeting was about determining what the people on Downer would accept as a minimum because of the difficulty of making a full blown improvement 28 foot street. He said there was a choice made by City and the neighborhood to do something less as opposed to bringing it up to a spec. He said had someone wanted to develop it, they would have had them develop it to the same standards that they built Ridgewood

He said that since that was existing and rather than put a band aid on a gunshot wound, all of the utilities were going to be brought up to speed and the people were allowed to give their opinion on what they would like to see in the neighborhood and that was what they chose. He said the City was fine with that because of the difficulty of doing anything different. He asked what they would do to Oregon if they took the gate down.

Chris Dunn, Downer Trail, said that he had seen cars that were confused because of the gate. He said that over a year ago Lifeline ambulance had a problem with the gate. He said that he called the Police Department to open the gate, which referred him to Public Works. He told them how the gate was considered a flood gate and had been opened for the snow.

Carol Russell, Prescott, said that Mr. Musgrove represented the only person in the neighborhood, south of the gate, who wanted the gate opened. She had a petition with 172 signatures requesting that the gate remain closed. She said 131 of the signers were people in the neighborhood. She noted that the remaining 41 were people who walked or biked in the neighborhood. She noted that everyone was concerned with the introduction of more traffic on Downer Trail and Oregon.

The petition submitted by Mr. Musgrove on March 6 had 80 signatures dated 2010. She noted that 51 of the signers were from the Forest Trails area, and the remaining 29 were from areas like Williamson Valley, Prescott Valley and Glendale. Mr. Musgrove stated on March 6 and then again in the Courier that no engineering data or traffic study existed. She was glad that Mr. Mattingly showed that claim to be inaccurate.

She noted that there was the West Prescott Street Location Study by Wildon Associates which concluded Downer Trail and Oregon Avenue were the worst choices for a second access from Forest Trails. She said that was done before the east/west connector was built.

She said the West Prescott Circulation Traffic Analysis by BRW gave them hard data on traffic volumes if the gate were opened. She said at that time 3200 cars per day on Oregon Avenue and 1800 cars a day on Downer Trail, once there was full build out of the platted subdivisions north of the gate occurred. She noted that some of the numbers may have been based on assumptions that had changed. She said it was only a matter of time before the traffic exceeded the capacity of those two roads.

She noted that there was engineering available for south Downer Trail Pavement Project from 2007, which satisfied the City's contractual requirements of the six-party agreement for road development in west Prescott. She said there was also engineering data on the east/west connector, which showed that Westridge, which provided the needed second exit from Forest Trails, was constructed as befitting a connector road, 28 feet wide with reasonable slopes and curves, excellent drainage, a pedestrian sidewalk and an accommodation for a light at Gail Gardner Way.

It seemed clear from the studies that the City had no intention of making Downer Trail and Oregon Avenue a connector road. The six-party agreement created the east/west connector, providing safe egress for the residents north of the gate. She said the agreement called for the gate, formerly at Sierry Peaks to be relocated to Downer Trail. She noted that Mr. Musgrove stated that the gate had never been opened so that current

traffic levels could be counted. She said that it was because current traffic volumes were no indication of future traffic volumes.

She said the traffic volumes determined by the BRW Study were based on full build out of the 880 platted lots north of the gate. Due to the economic downturn a large number of lots remained undeveloped. She noted that as for Mr. Musgrove's concern that 3,5,7 or 10 extra minutes were required to travel to the hospital, she said it was addressed at the last go around 14 months ago when it was established that every police car, fire truck and hopefully every ambulance had a key to the emergency gate.

She said there was one engineering study that Mr. Musgrove might agree would be very interesting to add to the discussion. It was the cost of improving south Downer Trail and Oregon Avenue once the traffic increased to a collector status. She asked how many millions of tax dollars it would cost to make that road into a connector. She asked how many historic homes on Oregon with no setbacks would need to be condemned. She asked how much it would cost for a bridge to replace the low water crossing at the creek. She asked how much it would cost to remove boulders the size of house, erase a roller coaster slope and still provide access to preexisting driveways. She asked how much money it would take to repair damage issues where seasonal springs bubbled up in man holes covering the road with ice.

She said that if Mr. Musgrove thought the gate should be opened for the convenience of some, she said they should be aware of the full impact of the decision on City coffers before they proceeded.

Tana Karen Aikins, Prescott, said she was reading what her neighbor wrote because the neighbor could not be there. She read, "My name is J Diane Anderson and I live at 1412 Oregon. I just bought this home in June 2010 and these are the reasons for speaking out against the gate opening. This would increase the volume of traffic. This is Hank, 4.5 years old and Phoebe, 2.5 years old. These children ride on Oregon and walk on Oregon. They are learning to ride their bikes and they go up the street to visit Flynn Park regularly. I vehemently oppose the opening of this gate."

Ms. Aikins said that she was against the Downer Trail gate opening. She bought her home on Oregon two and a half years ago and since then walked her dogs daily on Oregon Avenue. She said that she witnessed three accidents within that time. The first was two cyclists pushed into a fence by a truck, the second was a couple and their dog diving into a hedge to avoid a speeding car and the third was two young children on

bikes crash into a parked car due to a swerving car avoiding an oncoming big truck.

She noted that the prior year, a friend broke his collar bone and cracked three ribs trying to avoid a loose dog in an uncommon car on Oregon. Neighbors had witnessed other accidents, including one in which a little girl, on her bike, was hit by a speeding car on Oregon. She suffered severe head and other injuries. She said the road was dangerous enough and more traffic would equal more accidents. She said that she really loved her neighborhood and they moved to Prescott to live on Oregon Street eight years ago. She said they were a close, cohesive community of folks and everyday babies were carried and pushed along Oregon while kids and adults biked and walked along Oregon and Downer Trail.

She noted that Oregon was really narrow, only 18.5 feet to 20 feet at points. She said there were sunken sewer drains, no sidewalks and residents parked on the right-of-way because there was little or no on-site parking. She noted that Downer Trail was between 20 feet to 25 feet and was steep and windy with no sidewalks or right-of-way. She said it did have drop offs, ditches, boulders, trees and gas meters right beside the pavement. She said there was not sufficient room for two large vehicles to pass in places. She asked the Council to walk and drive on Oregon and Downer Trail.

She said that Mr. Musgrove said there was no north/south connector trail on the west side, but Gail Gardner was the north/south connector.

She said that she could understand that Mr. Musgrove's client, Mr. Anderson, just wanted to sell his house, but she was more concerned with the safety of the people who lived in the neighborhood and wanted to continue to live there. She asked if the Council wanted to swap the safety of the residents of Downer Trail and Oregon with a few minutes convenience for some to drive downtown. She said that safety must take precedence over one house sale and one minute driving convenience. She asked the Council to keep the gates closed.

Mr. Arthur Anderson, Prescott, said that it had been an interesting afternoon to try to rewrite history. He noted that in 1999 the City initiated a Westside Neighborhood Plan. He said they included the Sierry Peaks area, Downer Trail area, Oregon and a few others. He said that he had talked to the Council individually and they had extended conversations.

He said that he read the preparation written by Mr. Nietupski had for that meeting. He said that it made clear that the streets could handle the volume.

He noted that in 1999 when the study was established there was pressure to get a study because a single way out for the future development was for all the traffic to come down Downer Trail and come out on Oregon. He said there was a lot of interest to the south to get some protection and there was a massive effort to organize the neighborhood. He said the Westside Neighborhood Plan was put together which said that there would be two roads, one to the north and one to the south and that a gate would remain there until the completion of the roads.

The Westside neighborhood provided protection, through the plan, to the people of the south for a decade. It provided political cover for the City to go ahead and do the thing with the connector that the City wanted to do.

He noted that at the same time, there was a second plan which was not discussed that day, but was in Mr. Nietupski's record. He said that plan was called the Gail Gardner Neighborhood Plan. That plan provided acceptance at Gail Gardner for the traffic from the connector, Westridge. It also said that they expected fair treatment in the distribution of traffic. He said that fair treatment did not mean that they put up a gate and dump all the traffic on to Gail Gardner.

He said there was a gate in the road that was opened before the gate was moved from Sierry Peaks over to Downer. He said they used to be able to go to 700 Downer Trail (which was a dirt road). He said the gate was put in the middle of the fire road.

He noted that the City assumed responsibility for Downer Trail. He said they had a neighborhood meeting, "so they say", and he was one of the neighbors involved in it because his house was directly south of the gate. He said that the neighborhood did not include the Westside neighborhood. He said it was a selected group of neighbors and a selected presentation. The presentation did not include the design of a permanent gate and the installation of a permanent gate or the design of a road for termination.

He said that he was not at the meeting because he was out of town. He said that he remembered writing a letter to the engineer who invited them all and said that he agreed with the 22' road, because it was better than nothing, but he did not agree to a gate in the middle of the road. He said that he was quite certain that the gate was not discussed with the people along Downer Trail as a permanent gate, nor was it discussed in the Westside Neighborhood Plan.

He noted that a closed gate prevented circulation, effectively terminating the Westside Neighborhood. He said that it diverted traffic to Gail Gardner, it introduced delay, increased travel times and distances

and destroyed faith in the neighborhood planning process. He said that they could rewrite history, but they would destroy the planning process when they did it. He said that it increased safety hazards.

He said that Mr. Nietupski noted that the Police and Fire Departments said the response time in the area would be enhanced by the removal of the gate; however their forces were currently able to open the gate in the case of an emergency. He said that was not a very professional response, because it did not include delay times. He said that in the best of cases; they would be driving at speed and would have to slow to a stop. He noted that they would have to get out of the vehicle and proceed to the gate, find the right key, find the right lock and open the gate. He said they would get back in the car and resume speed. He said it would take a minute. In worse cases it would take 10 to 15 minutes.

He said that members of the Council told him that fire trucks could just drive over the gate. He said that he was not so sure because the debris they would leave behind would be a problem for the smaller cars that followed. He said that in a foot or so of snow, the gate was an impenetrable barrier if they wanted to maintain response times.

He noted that when Mayor Kuykendall and Councilman Lamerson visited with him in 2010, they spent a lot of time looking at the road, the gate and various elements. He said they went around town and compared the road with other roads in town. He said it showed them how the other roads were managed with caution signs and he told him about the problems with Oregon Avenue. He said there were things that could be done immediately and nothing had been done to take care of the problems he identified to them and to the prior Council in 2008.

He noted that each time they reviewed the topic, people would come and tell them how sad it was that Oregon was in the state it was because nobody maintained Oregon.

He said that a year ago he spoke with the Council and they talked about the potential hazards for the City, generated by the fact that there had been negligence in the address of problems identified through Council meetings. He said there was a record that said certain things were wrong and had not been cleared.

He recommended that where they had dangerous drives, they sign them and warn the prudent driver ahead of time. He said they should directly address the right-of-way on Oregon. Oregon had a 60 foot right-of-way and there was no reason for pedestrians being shunted into the street. He said that at that moment, there was diagonal parking.

He said that Gail Gardner at Westridge had about 9600 cars a day, by City statistics. He noted that at Oregon, they had 6700 cars a day. He said the City diverted all of the traffic from that gate to Gail Gardner. He said they were not saving Downer Trail, they were burdening Gail Gardner. He said the Westside Neighborhood Plan and the engineering study which was quoted came out and assured them, when they agreed on the Westside Neighborhood Plan, which Councilman Lamerson was a part of, said that the study said that the roads could handle the traffic that was identified by the study.

He said his final recommendation was that if the Council decided to keep closed, they should call a Westside neighborhood meeting and a Gail Gardner meeting at a time and place conducive to maximum participation, not in the middle of the day. He said they should explain the necessity to terminate those neighborhood plans and thank the neighbors for protecting Oregon and south Downer Trail.

He said that there was a personal attack on him because he wanted to sell his house. He said that his house was no longer on the market. He said that he talked to engineers about the fact that he disliked the gate. He was told that he should get an easement from the neighbor and go around the gate.

Councilman Hanna asked Chief Kabbel if it was policy that the officers went through a Field Training Officer program so they knew about the different gates and streets in town. Chief Kabbel said yes. He also asked if dispatch would dispatch the officer closest to the area. Chief Kabbel said yes.

Councilman Lamerson apologized for the attacks on a citizen of Prescott. He said that he revisited the thought process with personal hemorrhaging and personal blood pressure issues that less than a minute would have made a difference with stroke issues. He noted that 3 -10 minutes would make a health difference. He said that it was his freedom of choice to pick and choose whether he wanted to drive over an inconvenient spot or go the long way. He said that convenience meant something to him.

Councilman Kuknyo asked how a crash gate worked and how they decided when to use a key or plow through it. Chief Martinez said there were three means of getting the gate open and the last resort would be to crash it. He said they had bolt cutters on every engine to cut the link, not the lock. He said the key was also on every engine. He also noted that when they got dispatched to a call, it was up to the Captains to know their area. He said that if they got a call on Sierry Peaks the closest engine was on Iron Springs and they would take the engine around Iron Springs and down Sierry Peaks Road.

Jim Tilley, Prescott, said that he lived on Downer Trail for 24 years. He noted that it was the third decade of discussing the gate with the City Council and they knew he wanted to keep the gate closed. He said he was involved in drafting the Westside Neighborhood and Specific Area Plan. He said, in looking back on how long ago that was, they needed to recognize that conditions in the field had changed since then. We had pieces of property that they thought might be open space. He said there were roadways that were not there at the time. He said they were trying to broker a second way out for the people in forest Trails. That was the primary emphasis. He said the rest was compromise to try to come up with something that would work for the entire neighborhood.

He was proud of the fact they did that. He said that if they were to get together with the people who were involved with the plan, he was sure that it would be different. He knew that Council received a letter from Mr. Don Moon, his neighbor, which was six pages in length. He said that he hoped they took the time to read it because there were some important issues he brought to light. When they got the word that the item was coming to Council again, they had a neighborhood meeting. They agreed they did not want to waste Council time. He noted that they decided to have a few people speak to represent the neighborhood. He then asked the people who came to support keeping the gate closed to stand.

He said there may have been some consideration for just opening the gate just to see what would happen. He said they were all concerned about that because once it was opened, it would be difficult to close. He said they were also concerned about the lots that had not been developed and the impact of the traffic. He urged them to get a professional study of what that would really mean and to get an accurate assessment of what the cost would be to make the changes. He asked them to resist the temptation to open the gate to see what would happen.

Mayor Kuykendall said the Council was very cognizant of the Open Meeting Law and they did not discuss issues amongst themselves.

Mr. Tilley said there was never any insinuation that the Council had made a decision prior to the meeting. He noted that Mr. Anderson referred to the neighborhood meeting before Downer Trail was improved. He said that he recalled, as an attendee, that everyone on the street received the same invitation. He said the City was open to all of the different alternatives and was receptive to the neighbors saying they would like to preserve the character of the neighborhood.

Lucy MacMillan, Prescott, said she was a retired Civil Engineer and a retired paralegal. She said she lived in Forest Trails, at the top of Sierry Peaks. She noted that she had not seen good engineering, analysis or judgment. She said that she had not seen accurate numbers, heard that there would be 1500 more cars and it was time the engineering staff dispelled the rumors.

She said there was a discussion that there was an open meeting with a discussion. She said the meeting really was not open. She said there was a written communication to the residents of Downer Trail, inviting them to a meeting. She noted that the rest of them were not invited to the meeting. She said it was in violation of the traffic calming policy. Putting a gate across Downer Trail was the most restrictive of all traffic calming measures.

She noted that walking and riding bikes on the street was a bad practice. She said the gate gave people a false sense of security and they should be walking along the shoulder and not in the middle of the street.

In June 2008 the daily vehicle traffic volume was measured and it was 350 – 400. She said that the studies predicted that in 2014, if the gate stayed there, it would be 745 on that street. She noted that if those streets were not improved to address 745 then someone had egg on their face. She said that was double what was currently there. She said that street should have been designed for a lot more than what was predicted, based on the BRW study.

She said that when the BRW study was done, there was a Fry's down there. She said that now they took Westridge and Fair Street to get to the new Fry's. She said that when she went to the mall, she took Westridge to Fair Street to Miller Valley. She noted that the whole land use had changed and the BRW study did not make sense any more. She said it was based on the fact that there was something to go to besides Thumb Butte. She said that the amount of traffic that everyone thought would be there would not be there. She said that it made sense to open the gate and leave it there.

She said that in June of 2008 someone counted cars that made a right turn off of the east/west connector and someone made the assumption that 70 percent of those cars would be going down Downer Trail. She said that was the wildest assumption that she had ever heard. She said they were not going down Downer Trail; they were going to the grocery store or cutting across Miller Valley Road to go across town.

She said that she had two separate studies that bared no resemblance to the study they had seen before. She noted that 70 percent was ludicrous,

but it would have been only nine cars at 70 percent. She said that she pulled one of the reports in July of 2008, before the August meeting. She said that she questioned every single bit of it, because it made no sense.

She said the gated community was supposed to have 745 vehicles per day. She asked Council to open the gate to see what would happen. She noted there was a traffic calming policy that was put in place. In November of 2004 that was never followed. She told them to follow their policy, because they had one.

Councilman Arnold asked if they could take a two minute recess for him to get on the phone and participate in the Prescott Council meeting on his way to the Planning and Zoning Commission in Chino Valley. He said that he made every effort to change the meeting.

Councilman Arnold left Council Chambers at 5:26 p.m. Ms. Burke hooked him into a phone conference call.

Mr. Musgrove said that he believed that the studies that Mr. Nietupski and Mr. Mattingly addressed, especially the 2008 study, would justify the Council to pay attention to the privileged few who lived south of the gate on Downer Trail, Oregon Avenue and Idyllwild Drive, but for all of those who paid taxes.

He said the result of the 2008 study was the volumes that were referenced in the study resulted in “well within the normal ranges for the local residential and minor collector roadway classifications.” He said that as he read further in the study, he found that with the gate open and the full build out of the Devereaux Empire, there would be another 1500 vehicles per day on Oregon Avenue and Downer Trail if the gate were not in place. He asked Mr. Nietupski if he was correct in saying that those volumes in that range were within the normal limits for the minor collector classification. He said that Downer Trail and Oregon were classified as minor collector roadways.

Mayor Kuykendall said that they agreed that questions would come up to Council and they would try to move them around. Mr. Musgrove then asked the Council to look at the memo. He noted that Mr. Tilley made a correct statement when he said that things changed. Mr. Musgrove then went through changes in the City for the past 71 years.

He said that the Council had an obligation to all of the citizens of Prescott, particularly to the people who lived north of the gate on Downer Trail, Sierry Peaks west of Iron Springs Road and east of the City limit line by the Hick’s property. It said that it was not right that Idyllwild, Oregon and Downer enjoy the amenity of being a private enclave without paying. He

said that the City Council had done a disservice to the citizens of Prescott in buying on to the notion that they had seen expressed there that day by those who did not want Downer Trail opened.

He said that he did not understand it when the City Engineering Department said that the volumes with the gate down on Downer, Oregon and Idyllwild were within the normal limits and ranges for a local residential area.

He submitted that a detailed study be done with the gate being opened and it being conducted by an independent agency, if that was what the residents of Oregon and Downer Trail would like to do, so they could justify opening or not opening the gate on a permanent basis. He noted that Mr. Tilley did not think they could do another study that would be worth anything. He said it was not correct because things changed and it was time that they looked at another traffic study that was geared primarily to the circulation of traffic.

Councilman Hanna said that things had changed. He said that he met with the people on Downer Trail and then talked to people in Forest Trails. He said that no one he talked to wanted the gate opened. He said that they had to take into perspective what was safe for the area and what the wants were for the people in the area. They also had to consider what was safe, what were the wants of the people. He said that it was their duty as elected officials to find out the information that involved the people in the area.

He said that from what he had gathered, only a handful of people wanted the gate opened. He said that in his opinion, the gate needed to stay closed because that was what the people in that area wanted. He said that when he walked Downer Trail, the site distance bothered him and the width of the road bothered him as well as the entrance to Downer Trail. He said that a study would be great, but the City was in a tight budget situation and he did not see how an independent study would be prudent or practical to spend the tax payer's money on an area that might not even affect them. He said it was in the people best interest to keep the gate closed and that was what his job was to find out. He said that he would vote that way.

Mr. Musgrove said that he did not like the mess that was on Williamson Valley Road. He supported the Council doing that because of the necessity to do that. He asked Councilman Hanna if he recalled a social function at the Anderson home a few years ago. Councilman Hanna said yes. Mr. Musgrove asked if he recalled telling Mrs. Anderson, when she was complaining about the gate, that he would go out there and tear up

that gate. Councilman Hanna said that he did not remember that conversation.

Councilman Kuknyo said that he got a text from Councilman Arnold who said they lost him through the Dells. Ms. Burke got him hooked up by phone again.

Mayor Kuykendall said the ball was in the Council's court. He said that he had some questions for Mr. Kidd and suggested that within the next 48 hours they should get some advice on what they could do.

Councilman Lamerson said they had contracts and they should be honored. He said he found it concerning that they created different classes of people using their ability to close streets off based on one groups safety when they ignored other groups. He said that he agreed with Mr. Musgrove that there may have been ample evidence brought before them. He said they had studied the item for the last eight years. He said that if they did not trust their engineers to give them adequate information, they should get rid of the engineers and get somebody else. He said there seemed to be confusion with regard to the competency of the people that were paid by the City to tell them what was and what was not.

Mr. McConnell said the 3rd of April would be a Workshop date that did not preclude a Special Meeting

COUNCILMAN CARLOW MOVED TO TABLE THE ITEM UNTIL APRIL 3, 2012; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- D. Recess into Executive Session.

COUNCILMAN LAMERSON MOVED TO RECESS INTO EXECUTIVE SESSION AFTER A FIVE MINUTE BREAK; SECONDED BY COUNCILMAN KUKNYO; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 5:50 p.m.

II. EXECUTIVE SESSION

- A. 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, and discussion or consultation for

legal advice with the attorney or attorneys of the public body, pursuant to ARS §§38-431.03(A)(3) and (4), respectively.

1. Airport runway project

Councilman Arnold declared a conflict of interest.

- B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS §38-431.03(A)(3).

1. Employee Benefits

III. ADJOURNMENT

The Prescott City council reconvened into Open Session at 6:32 p.m. at which time the Special Meeting of March 20, 2012, was adjourned.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 20th day of March, 2012. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2012.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk