

PRESCOTT CITY COUNCIL  
REGULAR SESSION  
TUESDAY, SEPTEMBER 22, 2009  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, SEPTEMBER 22, 2009 in the COUNCIL CHAMBERS located at CITY HALL 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

In Mayor Wilson's absence, Mayor Pro Tem Bell called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** None

◆ **PLEDGE OF ALLEGIANCE:** Mayor Wilson

Mayor Pro Tem Bell led the Council and audience in the pledge of Allegiance

◆ **ROLL CALL:**

PRESENT:

ABSENT:

Mayor Wilson\*  
Mayor Pro Tem Bell  
Councilman Lamerson  
Councilwoman Lopas  
Councilman Luzius  
Councilman Roecker  
Councilwoman Suttles

None

\*Participated for voting portion of meeting via telephone

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager Steve Norwood announced that the Mayor was now home recovering from a fractured hip, and will be checking in through email.

He also reported that Willow Lake road was closed down between Mountain Lake Drive and Prescott Lakes Parkway. There was a car accident that hit a pole and the road will be blocked until about 6:00 P.M.

## I. PROCLAMATIONS

- A. September 22, 2009 as *Smoki Museum Day*

Councilwoman Suttles read the proclamation and presented it to representatives of the Smoki Museum.

- B. October 2-4, 2009 as *Prescott Pow-Wow Days*

Councilwoman Lopas read the proclamation.

## II. PUBLIC COMMENTS

- A. Bill Thompson of Embry-Riddle Aeronautical University re *Octoberwest 2009*.

Mr. Thompson said that he was there on behalf of the new Executive Vice President Dr. Frank Ayers who wanted him to welcome everyone to their new Octoberwest Homecoming Celebration. Embry Riddle has been in Prescott for over 30 years, and this is the first time they have invited the community to partake in their Octoberwest. In addition to the celebration on Saturday, where there will be a car show, games, food, and bands for the entire community. They will also have, on Tuesday night, Moon II with the Prescott Fine Arts. He said they are celebrating over 30 years in Prescott and man's first steps on the moon. On behalf of Embry Riddle, he welcomed the community to the event.

In addition, he said the Women's Volleyball Team realized that they would like to invite the Mayor to partake in the alumni volleyball game, and he then presented a t-shirt for Mayor Wilson.

- C. Paul Katan re Write-In Candidate Process.

Mr. Katan, 844 Flora Street, noted that he was there to present to the City Council and public concerning his eligibility and disposition regarding a run in the City's General election as an official write-in candidate. He was 25 votes short in the Primary Election of running in the General Election. After the Primary, he evaluated the race and looked forward to continuing his service to the citizens of Prescott on City committees, under a new Mayor and Council.

On September 15, after the Council meeting, Councilman Bell announced that he would withdraw from the General Election. After that Mr. Katan was asked if he would then be moved up and put on the ballot. Remembering that the ballot calls for twice the number of candidates for the available seats in the General Election, he consulted with City Clerk

Ms. Burke who said that he was now eligible to be a write in candidate. He asked about Charter's call for twice the number of candidates for the available seats and she referred him to state statute. She also stated that this was the position of the City's legal department. Twice before in this 2009 Prescott election, the Council has been faced with challenges to discrepancies between the City Charter and State election laws.

In reading the State Statutes, he found another. The Statute is specific to partisan elections. That said it is his and his legal counsel's opinion that he should be place on the ballot. With no disrespect for Councilman Bell, his announcement came the day before the ballots went to the printer, making a legal challenge a logistical nightmare. Being faced with a City Charter that calls for six candidates for three available seats, the option to bring a disruptive legal challenge to get on the ballot and the option to be an official write-in candidate, he felt that he was in a pickle.

He said that when he referred to the City Charter, he saw that it is his civic duty to be a candidate for the citizens of Prescott in this General Election. Given the choices of how to proceed, he has chosen to register and run in the 2009 General Election. This is an impossible race to win as a write-in candidate, but he feels that it is the most productive, responsible thing to do for the citizens of Prescott.

He trusts that the City will do its lawful duty to make his official candidacy known to all Prescott voters in the mail-in election. He thanked the Council for their attention and consideration.

Mr. Kidd said that it is a fair summary of what has happened. He read Article IX Section VII of the City Charter. They have researched that issue to see if there was any case law, and there was not. They also looked at the League Manual and agreed with it. They talked to League counsel and they all agreed on that issue.

Mr. Katan has the right to qualify and he did so in a timely manner. He is able to run as a write-in candidate.

Councilwoman Suttles noted that during the primary there were 56 or 59 write-in votes.

Ms. Burke replied that there were no official write-in candidates so she did not know exactly how many votes there were, since they were not counted.

Councilwoman Suttles wanted to clarify that a citizen had to petition to become a write-in candidate before votes would count for that person.

Ms. Burke clarified that Mr. Katan had filed the proper documentation. She also said that voters would have to color in the oval on the ballot and have the first and last name of the candidate, or any last name that can be considered to look like Katan would be counted.

Councilwoman Suttles asked if anyone could become a write-in candidate. Ms. Burke answered in the affirmative.

Councilwoman Lopas said that since this is the third time they have had an issue with the Charter, she asked the City Manager what the status was of putting a committee together to deal with the issues.

Mr. Norwood said that they had not done anything else towards that. If she want to proceed, he recommended that they get a committee and look at everything. There may be some law changes, technical or process issues.

Councilwoman Lopas asked if the Council wanted to place the item on an agenda. She felt that there were too many issues in one year.

Councilman Roecker said that he would think about it.

Councilwoman Suttles said that she would like that placed on agenda, with the signatures for the initiative of 15 or 25%, the write-in needs to be cleared up before the next time.

Councilman Luzius said that he was in agreement with that. He also commented that he heard from Ms. Burke that anyone could become a write-in candidate, but he thought there would be a stipulation that it would be up to six candidates for three seats.

Ms. Burke answered that they could have as many write-ins as they wanted.

Mr. Kidd said that there was a qualification process and the campaign finance laws also apply, so there would be financial disclosures.

Mr. Katan clarified a couple of points. As a candidate in the Primary Election or any candidate that was eliminated, they would be disqualified from running as a write-in candidate. But the League allows, in the case of death or withdrawal, a candidate from the Primary Election, to run as an official write-in candidate.

His legal counsel had a difference of opinion from the City's legal counsel which they did not want to force at this point. There is no precedence in the state. This is an issue to be addressed.

### III. PRESENTATIONS

#### A. Introduction of new businesses.

Susan Cohen, Chamber of Commerce, 117 West Goodwin, said that she had three businesses to introduce.

- ▶ Bill & Kay's Tastebuds Pizza, Montezuma Street, 928.778.3340
- ▶ 'Tis Gallery, Deborah Thurston
- ▶ Vicky Borny, Donna's Dog Grooming Salon off of Black Drive across the street from Wal-Mart, 928.776-1720, theprescottvillagegroomer.com

#### B. Presentation on Demerse Street Reconstruction Project Update

Mr. Nietupski showed a summary of the project with some of the key dates of the Demerse Street Reconstruction Project. The project was started in late May; the original completion date was October 12, 2009. Spire is the contractor with a contract amount of \$2.5 million. They are substantially behind schedule; less than half of the work is completed.

Councilman Lamerson said that since there were 19 different incidents where they have struck utilities, he wondered if there were records that show where some of these utilities have been put in.

Mr. Nietupski said that they do have records; some are not very accurate. The reality of this street is that it was constructed in early 1950's as part of the Prescott Heights Subdivision. The design engineering did some pot holing. The utility companies and Qwest also pot holed prior to the design being completed. The gas company went out and relocated some of their facilities that they felt were in conflict. He said that it is a difficult project and they are working to resolve the problems as quickly as possible.

They met with Spires last week and are meeting with them again this week. The water line is complete. They need to get moving ahead with the curb, gutter and sidewalk.

Councilman Lamerson said that he appreciated the update. He said that they sit up there and none of them can see under ground. It goes back to when they make projections on costs, when they set aside monies. He asked if they should take into account that they can get this far behind.

Mr. Nietupski said that when they do a project they try to provide a contingency on a project to make provisions. In times that is adequate; at times it is not.

Councilman Roecker said that they keep seeing the same thing over and over; they have records, but they are not good. He wondered whose responsibility it was when a gas line or power line was not dug deep enough.

Mr. Nietupski answered that the relocation of the utilities within the right of way is on that third party utility. For instance, the gas company is paying to relocate their lines. The situation with Qwest would be the same, based on a recent court ruling. In this case, this Qwest incident was in conflict, but was struck and damaged. He does not know how it will be worked out between the contractor and the utility company. As far as the City's lines, they had a provision in the contract to address them as they occurred.

Councilwoman Suttles asked how many contractors bid on the job. Mr. Nietupski thought it was between seven and eight. Councilwoman Suttles asked if the bidders gave the lowest bid and just hoped that nothing bad would happen.

Mr. Nietupski said that the people in this industry should understand what they are faced with in every day business. Utility conflicts are inherent with municipal infrastructure; rock is inherent in Prescott. If they are a responsible bidder they have to consider those types of incidences.

Councilwoman Suttles replied that they should have and the bid should have reflected that. What frustrates her is that they are working on a lot of old roads. She does not understand why the contractors do not know about the issues that are going to come up.

This was to be finished in October and they are not half way. Mr. Nietupski noted that they have asked for a revised schedule. There is a good possibility it will go well into November, depending on weather and possible additional conflicts. He said that 60% of the storm drain remains to be installed. It is going to be a lot longer before it is completed.

Councilwoman Suttles asked how much over the bid it would be that the City would be responsible for. Mr. Nietupski said that he was not prepared to answer that. The department has not concluded that any additional monies are due at this point.

Councilwoman Suttles said that she was sure that there are going to be projects on this road that will come back to them. She appreciated the update. Her concern is that Demerse gets finished.

Councilman Luzius asked if there was a penalty clause in the contract. Mr. Nietupski answered that there was a provision which is called liquidated damages, in the event that the work is not finished in a timely manner. There is also a provision that states if there are utility conflicts beyond the contractor's control, he is provided additional time. If he is due time, they have to decide which of those conflicts/strikes are conflicts they may be due time for and which ones are not. Once they get a reading on that he could give a better answer.

Councilman Luzius asked who makes that decision. Mr. Nietupski said that it was the job of Public Works.

### **III. CONSENT AGENDA**

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

**COUNCILMAN ROECKER MOVED TO APPROVE CONSENT ITEMS IV-A THROUGH IV-F; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY**

- A. Approve a three-year Final Plat extension for the Great Escape Condominiums, a Commercial Planned Area Development, comprising 45 warehouse units on approximately two acres located at 2211 and 2213 Cirrus Drive, Prescott Regional Airpark and Commerce Center. (PP08-003, Applicant: KCRL, Inc., Keith Diehl)
- B. Adopt Resolution No. 3990-1020 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the application and acceptance of a grant for Local Transportation Assistance Funds (LTAF II) to assist in the continued funding of the transit voucher system program. (Total \$75,077.08 – City's share \$15,015.42)
- C. Approve purchase of five Panasonic Toughbook Mobile Data computers, along with a three-year protection plan for each device, for a total amount of \$22,083.43 from Insight Public Sector.
- D. Approve a five-year Agreement with CableONE for public service announcements in the amount of \$1 per year.
- E. Adopt Ordinance No. 4718-1015 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving loan funds from the Water Infrastructure Finance Authority of Arizona (WIFA) for the Wastewater Treatment Plants Plan and Design Project, through the Clean

Water Program #710073-10, authorizing the Mayor and staff to sign any and all WIFA funding documents pertinent to said project and declaring an emergency.

- F. Approve minutes of the Prescott City Council Public Workshop of September 8, 2009; the Regular Voting Meeting of September 8, 2009; and the Study Session of September 15, 2009.

## **V. REGULAR AGENDA**

- A. Public Hearing and adoption of Ordinance No. 4717-1014 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the Zoning Map pertaining to that certain property located at the northwest corner of Whipple Street and Merritt Street from “Multi-family Medium (MF-M)” zoning to “Neighborhood Oriented Business (NOB)” zoning. (RZ09-002; Owner: Bill Resnick, Resnick Family Partnership; Agent: Tom Terry, Architect)

Mr. Guice turned the presentation over to Mr. Nietupski for questions.

Mr. Nietupski noted that they provided an update in the packet to clarify the position of Public Works. The access off of Whipple consists of seven parcels; of those five currently have curb cuts for driveway approaches that were constructed when Whipple Street was improved in 1990. Those points were installed with the understanding that roadway would be improved and because of the nature of the street being more of a commercial corridor, rezones would be apparent and the City would deal with those.

A number of accesses were available to the site. The fact is that when the analysis was done of the site plan, it met recognized national standards. He said that in the analysis, the southern driveway was identified on the basis of the analysis, that it was concluded that it did not meet standards for site distances. The wall and vegetation would need to be removed to provide visibility.

One of the elements is that it would be configured, more of an intersection type, where there would not be a ramp. It would be just like driving or making a turn on an adjacent street, which would make it more efficient. It is a viable option that meets the requirements of ASHTO. Public Works endorsed it as a viable option on August 13, 2009. The Commission was unable to agree and voted against it.

He said that Public Works wanted to make sure that it was clearly understood that, from a technical standpoint, that entry feature could be accommodated with this project. It was asked with regard to Dr. Moore's

property to the north, how it would be affected. If that parcel north was developed it would have the availability of access on the alley because it abuts the right of way. It also has an ingress/egress point on Whipple Street. This is not something that the City did not contemplate with respect to the future.

Councilman Roecker said that when they look at what they did with Whipple and Montezuma, there are dozens of curb cuts. Lots of places have ingress and egress. He thinks that everyone just looks at the area as a way to get from point A to point B. The overall picture was designed to create low-impact businesses along that route. Similar to this, he asked Mr. Scamardo to come up and discuss what Planning & Zoning talked about when they were talking about this.

Len Scamardo, 314 Double D, and member of the Planning and Zoning Commission, said that when the project came up before them, they had no objections to the rezoning. It was in the General Plan that this be rezoned for office, low-impact, higher use. The vote on the zoning was 6-0. On the site plan there was discussion about curb and radius. Some members felt and question was asked of the developer if they could live without the curb cut, his architectural engineer responded yes. That motion failed 4-2. When it was re-presented with access off of alley, it got a unanimous vote.

Councilman Roecker said that it clarified what was going on.

Mr. Scarmado said that when the members walked the site and looked at the curb without realizing that part of the wall would come down, it gave the Commission the feeling that it was a dangerous position to have a right in and right out so near the intersection. The developer was asked if he could live without that access and they said yes.

Councilman Roecker asked if the right in/right out would be a problem if the shrub and wall were gone and everyone was going the posted speed. Mr. Nietupski said that they can certainly understand the Commission's perspective on the issue and their concern; however, they do believe it is a viable solution for ingress and egress and it could be accommodated without being unreasonable.

Certainly someone can speed around there and they could have a collision but that can happen anywhere.

Councilman Roecker asked what happens when Dr. Moore's property gets developed. Mr. Nietupski said that by the nature of the alley abutting his parcel, he would have access off of the alley and also a right to access off of Whipple Street.

Councilwoman Suttles noted that she has been up to the project a few times and went down the alley. She found it hard to navigate and could not imagine having a business in there. This has to be a supermajority. She would really like to either have it pulled, tabled, sent back to the Commission, or looked at again where they can come off of Merritt. She does not want to lose the project but she does not think that the alley is the answer.

Mr. Scamardo said that they looked at two issues, the zoning and the site plan. The problem they had was on the issue of access off of Whipple Street. On that issue of right in and right out, there was a motion to approve both zoning and site plan and it failed. The developer was asked if they could use the alley. It is the City Council's call on whether they would like one access off of Whipple with right in, right out.

Councilwoman Suttles asked if they could do a right in only and not go out that way. Mr. Scmardo said that could be done through construction.

Mayor Pro Tem Bell asked if the exit would be out of the alley.

Councilwoman Suttles asked if there were other right-ins on Whipple Street. Mr. Scamardo said that this was not the first time that something like this came up. On Willow Creek Road where there are a number of properties where they are getting access off of an alley to service more than one property. They would have a minimum amount of curb cuts. The more they can eliminate the curb cuts off an arterial street, the better.

Councilwoman Suttles said that she understands, but they still have property that is facing that. She has an issue with the alley which has an apartment building and homes at the other end. There has to be another way to get in and out of that property.

Councilman Luzius commented that he would support Councilwoman Suttles' suggestion to table the discussion. He would also like to see Ian Mattingly weigh in on this on a traffic study. He has not been shown where the two cuts would be.

Mr. Nietupski said that he would get him a better image. It is possible that Dr. Moore might potentially have a joint access that might be beneficial for both properties. It is something that could be looked at and discussed.

Councilman Lamerson said that having gone up there two or three times with Councilwoman Suttles, he appreciated the fact that land is zoned and does have the ability to be used without rezoning in a certain way. He questions that as well as the ability to use it for commercial, too. In looking at the way it is configured, the man has a right to develop his property.

The question is what is safe. He agrees with Councilwoman Suttles and Councilman Luzius to table this and look at it better to see if something could not be discussed rather than jumping into something that they may be sorry for later.

Councilman Roecker commented that he would also tend to agree to table it IF Dr. Moore's property would be in the discussion to fix a problem that might occur whenever he decides to develop. But, if the developer is willing to proceed with the right in/ right out, or the right in only concept, then they could proceed. Without knowing that, he would agree to table and send it back to Planning & Zoning.

Mayor Wilson added that he was in favor of tabling the issue, given the discussion.

Bill Resnick, 1316 Windfill Circle, noted that this project had brought up a lot of discussion and there are questions that people have that have not been answered. They are willing to be part of any discussion. They feel that they have presented a good project, which is good for the City, which has taken the neighbors into consideration. However, if there is a discussion and concern they are willing to be a part of this. He is happy to be involved and is okay with holding off for now, until they can work out a solution.

Mayor Pro Tem Bell asked how much time he might need. Mr. Resnick said that he did not know what else they wanted to discuss.

Councilwoman Lopas asked if they were asking for this to go to TCC.

Councilwoman Suttles asked if it would be possible to send it back to Planning & Zoning. Mr. Guice answered that they could do that.

Councilwoman Suttles asked if there was another option or choice. Mr. Guice said that from the discussion, he heard that they wish to look at a right in or right in or right out only, extending the alley and combined access with parcel to the north. As he recalls, it was still a split vote with the site plan. He is not sure they will get anything different from the commission.

Mr. Norwood thought that if Planning & Zoning was that strong on their vote and the questions are more technical; they may get more decisiveness to let TCC look at it from an engineering/traffic standpoint. They could also have discussions with Dr. Moore to see if there is a possibility of combined access. He recommends that it gets sent back to TCC rather than Planning & Zoning.

Councilman Lamerson said that they need clarification on two counts, zoning and the site plan. Mr. Norwood said that he did not know if they could get that done in 30 days.

Councilman Luzius noted that while they are going to TCC, he would like them to look at the alley to see if it would be too congested. The layout shows around 44 parking spots without the cuts on Montezuma. If that is a doctor's office, they could multiply that by four times per hour, and that would be over 1000 cars up and down the alley a day.

Councilwoman Suttles asked if there was anyway possible with this development to put it on the fast lane.

Mr. Mattingly said that they were amenable to special meetings. He will see if he can get it on the October one.

Mr. Kidd said that it was a good idea to put a date on it so they do not have to renote the public hearing since it is a public hearing and zoning matter.

**COUNCILMAN LUZIUS MADE A MOTION TO TABLE THE DECISION ON ORDINANCE NO. 4714-1014 AND SEND IT BACK TO TCC UNTIL TUESDAY, NOVEMBER 10, 2009; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- B. Approval of payment to Prescott Chamber of Commerce to be used for the Annual Courthouse Lighting event on December 5, 2009.

Mr. Norwood noted that at last Tuesday's meeting, it was the desire of Council to restore the Chamber back to the original amount, which has changed because of bed tax collections. When they went into the budget process, it was at \$34,000, but as they got through the summer, they had to adjust everybody across the board. It was at \$31,000 and got lowered to \$23,000. The question was if they could get back to \$31,000.

They have removed some monies from the contingency fund that was set up in bed tax. They also noticed \$6500 from Prescott Creeks that was double budgeted in the General Fund because it was restored at the last minute.

There was a \$5,000 reduction to Prescott Area Arts and Humanities. He spoke with Deb Thurston and she was very understanding and appreciative to get some funds. They have made up the difference. There is still a little left in the contingency fund and he would not recommend doing anything else in the way of bed tax. He was confident to recommend the \$31,536 to the Chamber with slight reductions in the other two areas.

Councilwoman Suttles said that she was asked about the bed tax money, if it was from 2008 that is being spent now, or were they collecting and distributing for what they are spending in 2009.

Mr. Norwood answered that there was always a year lag time. What they collect this year will be used for the future. Councilwoman Suttles clarified that what they were looking at now, was last year's bed tax collection.

Mr. Norwood said that the groups needed to realize that next year may be the same situation, if not worse. They are watching all of this monthly. There were a lot of expectations that people would be taking "staycations" and they would see their bed tax dollars do better but, it did not happen. This causes concerns for the fall months.

Councilwoman Suttles asked if notification would be sent out to all of them. Mr. Norwood answered in the affirmative.

Mayor Wilson said that he was in favor of what was being proposed

Tommy Meredith, 116 South Montezuma, said that he appreciated where they were headed. He was not representing anyone, just making his annual plea. The City Manager just took the crutches out from under him by talking about next year not being as good. He thanked them for the money they were going to allocate. He was looking at his file and noticing Cindy Barks' article of 2007 where Council grapples with holiday issues, another where questions arise over the City's part in Courthouse lighting. He noted that this was not a new problem.

He is active in raising money for the Courthouse lighting. It is there for two months of the year. They have a rodeo parade that comes here and spends three hours on the second largest parade in the State of Arizona. It lasts three hours and effects thousands but it is over in a day. The decorations go up the first Saturday in December and last two months. A lot of people see and benefit from these. He cannot think of any other event that has more affect. A lot of people think that the City of Prescott puts it on; they certainly do contribute to almost half of it.

He feels that the contribution that they are getting is irresponsible, pathetic, and unconscionable. Compared to other cities, they are the lowest on the totem pole for professional decorators. He was there to make a plea to get the message through to get together and work someway. Since Brownlow left, they were spoiled because he did it for nothing. No one in the City can step up to say that they need to do more on the lighting. It is always that they do not have the money. His position is that there is money there, it is just not budgeted. He would like to

allocate more money in the future; he would appreciate it if they started now.

Mayor Pro Tem Bell said that it is the City's signature event.

Mr. Meredith said that they were going to be doing the Jersey Lilly fundraising. Mayor Pro Tem Bell said that he appreciated all the merchants helping out with this and they will be looking at this and try to provide as much funding as they possibly can.

Mr. Edelbrock noted that last year they said they would come back with more.

**COUNCILMAN LUZIUS MOVED TO APPROVE PAYMENT TO PRESCOTT CHAMBER OF COMMERCE TO BE USED FOR THE ANNUAL COURTHOUSE LIGHTING EVENT ON DECEMBER 5, 2009, IN THE AMOUNT OF \$31,536.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY .**

- D. Public Hearing and consideration of liquor license application submitted by applicant Jennifer Sarmiento for a Series 6, *All Spirituous Liquor Bar*, license for The Drunken Lass Irish Pub located at 218 West Gurley Street.

Ms. Burke said that this was an application for the Drunken Lass Irish Pub located at 218 West Gurley Street. She said that the property had been posted and the City had received no public input. The pub manager introduced himself for any questions that may be raised.

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

**COUNCILWOMAN SUTTLES MOVED TO APPROVE A LIQUOR LICENSE APPLICATION SUBMITTED BY JENNIFER SARMIENTO, FOR A SERIES 6, ALL SPIRITUOUS LIQUOR BAR, LICENSE FOR THE DRUNKEN LASS IRISH PUB LOCATED AT 218 WEST GURLEY STREET; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- E. Public Hearing and consideration of liquor license application submitted by applicant Kim Kwiatkowski for a Series 9, *Liquor Store*, license for Circle K Store 1995 located at 3101 Willow Creek Road.

Ms. Burke said that this was an application for Circle K Store 1995. She said that the property had been posted and the City had received no public input. Tom Tripp, the marketing manager for the Circle K Stores of Northern Arizona, introduced himself.

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

**COUNCILMAN LUZIUS MOVED TO APPROVE A LIQUOR LICENSE APPLICATION SUBMITTED BY APPLICANT KIM KWIATKOWSKI FOR A SERIES 9, LIQUOR STORE, LICENSE FOR CIRCLE K STORE 1995 LOCATED AT 3101 WILLOW CREEK ROAD; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY**

- F. Public Hearing and consideration of liquor license application submitted by applicant Kim Kwiatkowski for a Series 10, *Beer & Wine Store*, license for Circle K Store 1576 located at 1245 East Gurley Street.

Ms. Burke said that this was an application for Circle K Store 11576. She said that the property had been posted and the City had received no public input.

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

**COUNCILMAN LUZIUS MOVED TO APPROVE A LIQUOR LICENSE APPLICATION SUBMITTED BY APPLICANT KIM KWIATKOWSKI FOR A SERIES 10, BEER & WINE STORE, LICENSE FOR CIRCLE K STORE 1576 LOCATED AT 1245 EAST GURLEY STREET; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

- G. Public Hearing and consideration of liquor license application submitted by applicant Elizabeth Ann Wilson for a new Series 10, *Beer & Wine Store*, license for Gas Plus located at 421 East Sheldon Street.

Ms. Burke said that this was an application for Gas Plus located at 421 East Sheldon Street. She said that the property had been posted and the City had received no public input.

Elizabeth Wilson, the store owner, introduced herself and said that she has owned Gas Plus for many years, but she did not run it. Now she was going to run it herself. She is in the process of doing everything from the ground up.

Councilman Luzius said that he was pleased to see the store opening again and wished her the best of luck.

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

**COUNCILMAN LAMERSON MOVED TO APPROVE A LIQUOR LICENSE APPLICATION SUBMITTED BY APPLICANT ELIZABETH ANN WILSON FOR A NEW SERIES 10, BEER & WINE STORE, LICENSE FOR GAS PLUS LOCATED AT 421 EAST SHELDON STREET; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

**VI. ADJOURNMENT**

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on September 22, 2009, adjourned at 4:28 p.m.

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JACK D. WILSON, 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 22<sup>nd</sup> day of September, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated the \_\_\_\_ day of \_\_\_\_\_, 2009.

AFFIX  
CITY SEAL

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ELIZABETH A. BURKE, City Clerk