

PRESCOTT CITY COUNCIL  
WORKSHOP  
TUESDAY, JANUARY 11, 2011  
PRESCOTT, ARIZONA

MINUTES OF THE WORKSHOP OF THE PRESCOTT CITY COUNCIL held on JANUARY 11, 2010 IN THE COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the Workshop to order at 2:00 p.m.

◆ **ROLL CALL:**

Present:

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

Absent:

None

1. Discussion of Downer Trail.

Mr. Nietupski noted that this had been a long-standing issue in the community, dating back to 1981. The Downer Trail Project and East/West Connector had been ongoing issues. They had been the subject of numerous development agreements and neighborhood plans, and ultimately construction which occurred in 2008. In August of 2008 there was a request made that the gate be removed to promote neighborhood circulation.

There was considerable discussion in the design, potential traffic volumes that could occur and all of the possible impacts to Downer Trail and Oregon Avenue. At that time the request was denied to open the gate. He discussed the minutes from that meeting. Since that time there had been no programming or changes to the infrastructure on either Downer Trail or Oregon Avenue.

Mr. Devereaux, Prescott, said that he was the developer of a portion of the Heritage and inherited the six-party agreement, which was one of the agreements that affected him. The Westridge Preserve was in front of Council several times to try and be gated and was always identified as the best choice to be the East/West Connector by Willdan & Associates in the 1980's.

When things moved along in Forest Trails and the Heritage, it became necessary to implement the six-party agreement. They had a clearer idea of what was going to occur in the preserve. With the help of Mark Nietupski, John Moffitt, Paul Roberts, the attorney for the other development, and Tom Guice, they all sat down and tried to make a better way out of there than Downer Trail.

One of the parties of the six-party agreement was the City of Prescott. After a lot of meetings, talk and input from Fire, Police, Public Safety, and Road departments, they came up with a plan to make Westridge Preserve and a piece called the Gap, which no one owned or was responsible to develop, the new East/West connector. Some of the Council was there. It all made sense. It was a project that went on for months and held up design of finishing and starting three of the sub divisions. Right of Way was provided by developers to make it work. Some determinations were made in the South Downer to make sure they were doing the right thing. They found numerous problems with drainage and Right of Way width. He said the whole thing was laid out with a drunk and a bulldozer.

At that time, they determined to make the intersection of Downer Trail and Sierr Peaks viable for no stop signs. It needed to be designed as such. At that time the opening of the gate at Downer Trail was history. It was not designed to be opened until huge improvements were made to both Downer Trail and Oregon Street.

Through cooperation in the community they found a better solution. Concessions were made where Westridge hit Gail Gardner. It had a turn lane and was wired for a light, if needed. A lot of work, time and effort went into that and none of it had anything to with sending traffic through Downer Trail. It also bought the City the time to design, build and rebuild the infrastructure on it. The pavement would not stand up as a connector anyway as it is just a cut above a dust pallet.

Nothing had changed except that someone had a house for sale that he could not sell and a realtor that told him that if he could come in another way, the house might sell. He said that it would be irresponsible to open it up. He asked what kind of legal ramifications it would have when the first person was hurt on that street. There was a 12% grade leading into a boulder pile with a hairpin turn at the bottom. There was an entrance way where the gate was that would be a Dukes of Hazard scene at 35 miles per hour. It did not make any sense to him that they were even there.

Councilman Blair said that he was the only one sitting there in 1998; the six-party agreement evolved into an agreement that was something between Mr. Devereaux and the City of Prescott to complete what had been a thorn in the City's side forever. He asked Mr. Devereaux if that would be a correct statement. Mr. Devereaux said that the reconfiguration of the six-party agreement fit that description.

Councilman Blair said that the gate at Downer Trail would be a crash gate; Westridge would go through at the cost to the City and Mr. Devereaux. Mr. Devereaux said that the City kept Downer Trail and the developers took over everything else. Councilman Blair said all the infrastructure that went out by Lamb Chevrolet onto Gail Gardner was all conduited, lit for traffic signals; the throat of the intersection was designed for traffic and it was the safest way in and out.

He remembered that Oregon Avenue, as well as Downer Trail, were considered public safety issues because they were not designed to carry that type of traffic, nor did the City ever have the money or time to redesign a historic neighborhood by putting in a 28 foot road.

Mr. Nietupski said that there were issues identified with cross sections of the existing streets; Downer Trail south of the gate and Oregon Avenue. Oregon Avenue was an historic neighborhood. There were many homes along that stretch of roadway that were adjacent to the right of way; they had no setback. Nothing was ever programmed to address improvements to Oregon, nor to improve Downer Trail beyond what it was. It was basically a paving overlay to an accepted rural standard.

Councilman Blair said that no one ever alluded to that road being a full blown City access road. It had always been a crash gate for emergency vehicles.

Mr. Nietupski said that when they did the six-party agreement, the agreement clearly recited that the gate that was formerly at Sierry Peak would be relocated to gate Downer Trail and that was done.

Councilman Blair and Councilwoman Lopas looked at that gate and to make that an entrance off of Westridge would probably be \$50,000 just to redesign the entrance to Downer Trail. Mr. Nietupski said that there would be expenditures there and they would not recommend it to be opened to traffic in that configuration. Drainage improvements would be necessary and the concrete work would have to be removed.

Councilman Lamerson asked if it had been brought up to City standards. Mr. Nietupski said no.

Councilwoman Suttles said that she believed that the reason why this had come back to Council was that there was some new Council people who had questions. Mr. Nietupski said that the issue resurfaced with the new Council a year ago.

Councilwoman Suttles said that they each had a turn with Mr. Anderson and Mr. Maddox about that situation. With a 7/0 vote, she was part of that. She did

not know why this was brought back. She asked if this would settle the Downer Trail issue when it came back to a vote. Mr. Nietupski said that he did not know what the future held.

Councilman Lamerson said that he was with Councilwoman Suttles on the last vote. When they had their meeting a few weeks ago, they had someone on the agenda to do a presentation to Council. Someone else took over the presentation and he was told that it was inappropriate for him to continue. If he wanted to come back to Council and do a presentation on his own, he would have to be placed on another agenda. Simply because someone came before Council did not mean they had to respond to it. He never anticipated that it would come back to Council for a vote. He thought that someone wanted to talk to the Council.

Mr. Kidd said that it was placed on an agenda by one particular person to make a public comment. Another individual came and began to make comments. It was not on the agenda broadly enough to let the other speaker talk.

Councilman Lamerson said that if it was on the agenda, it was out of courtesy to Mr. Anderson to let him speak to Council. He did not know that it was coming back in that capacity.

Councilman Blair asked how they could keep the issue from coming back to Council. Mr. Kidd said that there was no real good way to do that. He could not bind a future Council. They could give direction to the City Manager and staff and indicate the Counsel's intention not to consider the item until a certain point in time. City Manager worked for the Council and administratively, the staff was bound to follow the directions for the City Manager. Another Council could place the item on the agenda in a normal process, unless they abandoned a portion of the roadway and the City did not own it. The City could come back and acquire it in the future.

Councilman Blair said that they could structure it so the issue would not come back as a resolution to the City Council or future City Councils, until the City road requirements and utility had been met. That meant that Oregon would be improved with its public safety issues and Downer Trail was improved. Those issues had not changed. It was a huge waste of time and uncertainty to those that want it closed. He had letters that were 15:1 to keep the gate closed.

Mayor Kuykendall said that the issue had been going on since Forest Trails and they were trying to find a second way out. Taking the Willdan Study of 1978 and following it through, it still talked about secondary access. Looking at the action taken by the Council in 2008, they followed it through, except they then had another way to get in and out. The Downer Trail gate became the third alternative.

Mr. Nietupski said that in some of the circulation plans discussed there was the concept of connecting Downer North to Iron Springs, which could still occur in the future. There was access throughout the neighborhood.

Ed Burdick, Prescott, asked if public money was used to construct the gate, make the improvements or maintain it. He said that if public money was used for all three, then it should be available to the public.

Edna Mognamure said that she lived in Forest Trails for 18-19 years and lived in Prescott for 24 years. After all those things she had heard, she felt pushed into a corner. When she wanted to go to the library she had to go in the opposite direction for 15 minutes. That was a great inconvenience.

She thought that another situation they had was that they had an assisted living home in Pepper Tree and all of the traffic was not shared with both neighborhoods. It all went through Gail Gardner. That was unfair to the nursing home and the people who lived there. She had hiked all over Prescott when she was younger, and despite everything said about how horrible Downer Trail was, half of the streets in Prescott looked just like it. She could not believe that safety could not be handled on Downer Trail and Oregon. Oregon's traffic should be slowed down right now. There should be signs and speed bumps and kids should not be playing in the streets. She walked her children to the park when they were little. They all had to share. She would probably have more traffic if they opened the gate, but it was probably fair. She could not see the great problem the Council would have for opening it for a few seasons, to measure what did happen. She thought that what had been said was an exaggeration.

When BRW was hired, she understood that the gate was going to be taken down. Something happened that was not fair to a lot of people.

Chris Dunn, Dower Trail, would like a redefinition of the gate to emergency gate instead of crash gate. It would come in handy for the gate to be opened during storm related damage. He called City Hall when there was a flash flood there about a year ago, and an officer came out. The water was about a foot or two above the bridge on Miller Creek. They opened the gate. He was asking for the gates to be opened during storms. He thought that some of the other residents on the top would like to see it opened as well when there was a storm.

Mayor Kuykendall asked if the chain was where the present gate was. Mr. Nietupski said that it was not, the chain was across Sierry Peaks.

Donald Greer, Timber Cove, said that he was okay one way or the other. He was concerned about having one way in and one way out. He recently saw a fire near Oregon which grew quickly. He felt that there was one way in and out on Sierry Peaks. Considering the potential traffic problems on Downer Trail, they might want to make it a one way.

Councilman Blair thought that they might consider an emergency lock box at the site to be accessed by the Fire and Police Departments and by an ambulance. They could then open the gate during an emergency. Mr. Nietupski said that they could address that.

Sid Mognomure said that he lived in Forest Trails. To his knowledge, this was the only gate in City of Prescott that blocked the continuity of a public street. He suggested that the Council consider that if they kept it in there, they were setting precedence for any neighborhood with streets less than 28 feet wide, to request a gate.

Lucy McMillan, Meander, spoke as a home owner and a civil engineer. She noted that the City had half of the traffic South of Downer that they had back then, without the gate being opened. When the City hired a consultant they recommended opening the gate. They were not going to have the traffic that they were looking at. Those studies were based on the Fry's being at the end of Downer Trail. The Fry's was at the end of Westridge. Things had changed drastically.

Also, the development had been curtailed. Everything being said was pure speculation. She said that the City would never allow a developer to come in there and use a study that was older than two years. The City was now extrapolating from something that was over 12 years old. She said that they should open the gate and get real data. She would leave the curb in place. It served as traffic calming. She urged them to read the details of their own study.

Councilwoman Linn asked her why they should use the study when she had already complained that it was 12 years old.

Ms. McMillan said that the City should use their traffic calming policy. Open the gate, if there was a problem then follow the traffic calming policy and if that did not work, then bring all of the parties in again and follow the traffic calming policy.

Councilwoman Linn asked if she had ever been in a six-party agreement. Ms. McMillan said yes.

Mayor Kuykendall asked for the people to come up who wanted to keep the gate closed.

Michael Wacker, Lindberg Drive, said that in response to the lady who wanted to open the gate to see how many people would use it, he thought that it did not make any sense. It would take months to years to get the word out that it was open. He lived on the corner of Lindberg and Oregon and was a member of the racquet Club. That would be a short cut for him. He would start driving through

that neighborhood. He did not see where a six month study was going to give them any numbers that they could go by.

He said that there was a big property for sale on the corner of Westridge and Gail Gardner, the former Lamb property. He asked who was not to say they would not end up with a shopping center there again. As he was driving home there was a couple walking with a stroller in the middle of the road because there were no sidewalks and there was ice on both sides. Kids were on the street because there were no sidewalks and there was not room for sidewalks. Unless and until they had certain things in place to make it safer for more cars to drive up Oregon and Downer Trail, the gate should remain closed. It boiled down to safety. They had many houses very close to the road. They hardly had room to park their cars off street.

He asked Ms. McMillian if she was requesting that the gate be opened and then if there was a problem to solve it by traffic calming. Ms. McMillian said that her recommendation was to follow the traffic calming policy—the most restrictive was to gate it off.

Councilwoman Linn asked what the width of Oregon was. Mr. Nietupski said that it was 18 – 20 feet; the right of way was 50 feet wide. Councilwoman Linn noted that in the last presentation, a woman said that her bedroom window was 10 feet from the road. Mr. Nietupski noted that most of the homes were built close to the common boundary and the right of way was the property boundary. If they were to widen the road to City standards, they would increase the width from 8-10 feet of just the pavement section. They would then add the curb and gutter and sidewalk on one side. That would increase the footprint of the cross section about 36' of physical improvements.

Councilwoman Linn asked if there was anything stated about width of the street in the traffic calming policy. Mr. Mattingly said that it did not address that issue.

Carol Russell, Downer Trail, noted that nothing on the ground had changed since the Council voted unanimously. She was appalled that it had come before Council again. The safety issues were real.

She briefly reviewed the East/West connector located north of the gate with Downer Trail and Oregon Avenue south of the gate. The East/West connector North of the gate was 28 feet wide plus there was a curb and gutter with sidewalk on one side. On Downer Trail the pavement was about 20-23' wide. There was no curb, gutter or sidewalk and the grade was very steep. The road wound around sharp curves. The improvements to that road were very different than the design for the East/West connector. Downer Trail was not intended to be a connector.

The pavement on Oregon was 19' or less. There was no curb, gutter, or sidewalk. Many homes had no on site driveway and must use the right of way for parking. All of those factors made Oregon and Downer Trail a hazard.

At full build out of residential area north of the gate, traffic studies estimated that there would be 1800 vehicles on Downer Trail. That exceeded the acceptable volume. Her driveway was on the outside of a sharp curve. Visibility was 110 feet to the North. It was not a safe distance in which to enter the road.

The neighborhood of Oregon Avenue was included in the Mile High Park Historic District. In October of 2005 the Prescott Preservation Commission passed a motion recommending eliminating Oregon Avenue and Downer Trail from the connectors proposed at that time and installing the emergency gate in order to maintain the integrity of that historic district. Any level of additional traffic on Downer Trail would be a danger to public safety. Those two streets did not meet the standards for a connector. Reconstructing the streets to handle a level of traffic anticipated, if the emergency gate were removed, was cost prohibitive.

Tom Potter, Farview Lane, said that he had three small boys and he opposed opening the gate for safety reasons. He was concerned with having a lot of traffic in that neighborhood.

Councilman Hanna said that he did not understand why the issue kept coming back to Council. As long as the roads that were in question did not meet the standards set forth by prior vote, he did not know why it would come back to Council. He said that they needed to let it lie until something changed, and he did not see anything changing. He was sorry for the gentleman who was having trouble selling his house. He said that they should use some common sense and realize that nothing had changed. They should stop beating a dead horse.

Teala Cust, Farview Lane, said that Councilman Hanna just said everything that he wanted to say. He noted that the City was on a budget and snow removal was an issue. He noted that Sierry Peaks was much safer than Oregon Avenue and encouraged everyone to drive Oregon to see all of the ice.

Councilman Hanna said that he agreed with the guy about having a lock box for emergency vehicles. Mr. Nietupski said that they would follow up on that. Councilwoman Linn said that there was not a box when she went up there for a tour. She thought that it would be a good option.

2. Adjournment.

There being no further business to be discussed, the Prescott City Council Workshop of January 11, 2011, adjourned at 3:00 p.m.

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MARLIN D. KUYKENDALL, Mayor

ATTEST:

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ELIZABETH A. BURKE, City Clerk