

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

October 3, 2005

The Board of Supervisors met in regular session on October 3, 2005, in Prescott, Arizona, at 9:00 a.m.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, Member. Absent: Bev Staddon, Clerk (due to scheduled vacation).

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney; Carolyn Dicus, Administrative Aide.

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

CONSENT AGENDA Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve all items appearing on the Consent Agenda with the exception of C7 and C13. See items C7 and C13 for details. No comments from the public.

C – ADULT PROBATION

C1. Contract with Governor's Office of Highway Safety for purpose of attending the 2005 National Highway Traffic Safety Administration DWI Court Training Initiative October 19-22, 2005, at no cost to the County, and authorize Chief Adult Probation Officer Billie Grobe to sign the contract.

C – ASSESSOR

C2. Permission for Gary Smith, Jim Alred, Kathie Glenn, Doug Braley, Jenn McGovern and Rhonda Cancil to attend the annual Arizona Geological Information Conference held in Prescott October 26-28, 2005, at a cost of \$900 to be paid from the Assessor's Surcharge Fund.

C – BOARD OF SUPERVISORS

- C3. Minutes of meeting of September 19, 2005.
- C4. Appointment of precinct committeemen as recommended by the Yavapai County Democratic Party and also acknowledge removal of precinct committeemen, all as evidenced in Board Memorandum No. 2005-16.
- C5. Appoint Kathy Lopez to the District 1 Board of Adjustment and Appeals to fill the vacancy created by the resignation of Terry Nolan, with term to expire July 14, 2008.
- C6. Accept property transfer from Yavapai County Flood Control District to Yavapai County (property located at Fair Street, authorized for proposal of lease to Prescott Antique Auto Club).
- C7. Agreement with Yavapai County Recorder for the Recorder to be responsible for certain duties as they pertain to Elections and Records Management and approved compensation as outlined in A.R.S. §11-408, at a cost of \$6,000 to be paid from the Salaries Account. Ana Wayman-Trujillo, Yavapai County Recorder. Approved 2- to-1, with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no". No comments from the public.

Dave Hunt briefly explained that per the Attorney General's Opinion, departments fulfilling duties that are not in the base salary could be compensated and that this fit into that category. Supervisor Davis said that these duties had been accomplished over the years and there were a decreasing amount of duties and he did not agree there should be added compensation. Yavapai County Recorder Ana Wayman-Trujillo said since 1997, the County Recorder had taken care of elections and that liability for elections had increased. She said that bills in legislature had been introduced increasing the time the Recorder had to spend on elections. Ms. Wayman-Trujillo said she felt they were doing a good job and that they provide services that other counties do not. She said most counties recorders do not do the elections process. Supervisor Thurman said the County Recorder does do more than what she was elected to do and being salaried, she should be compensated.

C8. Approve vouchers.

C – COMMUNITY HEALTH SERVICES

- C9. Permission to pay designated public health professional staff their budgeted salary amount if they are asked to assist with Hurricane Katrina disaster response efforts, pending FEMA reimbursement.
- C10. Bid for medical clinic "Practice Management System" software. Bids opened August 23, 2005, with bids received from:

Mars Medical Systems, \$106,739; NextGen Healthcare Information Systems, Inc., \$246,222; and GE Centricity, \$137,039.66. Recommend awarding bid to NextGen Healthcare Information Systems, Inc., in the amount of \$246,222 to be paid from Primary Care Fees.

C – DEVELOPMENT SERVICES

- C11. Zoning map change from RCU-2A to R1L-36A, Rancho Diamante, 300-21-011W, northwest of Prescott, Christy Varela agent for the Yavapai County Planning & Zoning Commission, #H5147. Consideration of a Zoning Map Change from RCU-2A (Residential; Rural; 2-acre minimum parcel) zoning district to R1L-36A (Residential; Single Family Limited; 36-acre minimum parcel) zoning district for parcels 27-29, 35, 40, 54-61, 75 and 76. Located off Calle Diamante Road in the Rancho Diamante Unsubdivided Land Filing approximately 14.8 miles northwest of the City of Prescott. S33/39 T15½N R4W. On July 20, 2005, the Planning and Zoning Commission initiated a hearing of the Rezoning for parcels 27-29, 35, 40, 54-61, 75 and 76 in the unsubdivided land filing known as Rancho Diamante, HA# H5147. The Planning and Zoning Commission recommended approval of the Zoning Map Change.
- C12. Use permit to allow the operation of a one-man saw mill in a C3 zoning district, Yacos Mill, 201-16-018F, Congress area, Mike Yacos, #H5149. Consideration of a Use Permit in order to allow the operation of a one man saw mill on an approximate one (1) acre parcel in a C3 (Commercial and Minor Industrial) zoning district. Located along the west side of Hwy 89 approximately 1,300 feet South of the Hwy 71 and Hwy 89 intersection in the Community of Congress. S35 T10N R6W G&SRB&M. The Planning and Zoning Commission recommended approval of the Use Permit, with the following Stipulations: 1). Use Permit to be approved on a 5 year non-transferable basis and in conformance with the letter of intent and site plan dated 8-29-05; 2). Conformance with all applicable County, State and Federal codes, regulations and/or ordinances shall apply.
- C13. Zoning map change from RCU-2A to C2, Kuhse Modular Office, 500-04-371, Cordes Lakes area, Craig Kuhse, #H5148. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. Elise Link, Planning Manager participated in discussion of this item. No comments from the public. Consideration of a Zoning Map Change to C2 (Commercial; General Sales and Services) in order to allow the installation of an approximate 1,200 sq. ft. commercial modular office in a RCU-2A (Residential; Rural, 2 acre minimum parcel) zoning district on a 14,700 sq. ft. portion of a parcel totaling approximately 9.5 acres, which is bisected by Stagecoach Trail. Located along the east side of Stagecoach Trail approximately 400 feet South of the Cordes Rd. and Stagecoach Trail intersection and north of the community of Cordes Lakes. S23 T11N R2E G&SRB&M. The Planning and Zoning Commission recommended approval of the Zoning Map Change, with the following Stipulations: 1). Zoning Map Change to C2 (Commercial; General Sales and Services), development shall be in general conformance to the letter of intent and site plan dated August 31, 2005; 2). Conformance with all applicable County, State and Federal codes, regulations and/or ordinances shall apply; 3). Waiver of 25-foot rear setback requirement; 4). Waiver of solid screening requirement.

Supervisor Davis said he wanted to make sure that he understood the nature of what the use was going to be for this change. Planning Manager Elise Link said a direct quote from the Letter of Intent stated either a low office use or a sales office. She said it would have to be like a real estate office.

C – ELECTIONS

- C14. Jurisdictional election contract to limit contractual jurisdictional election services to vote-by-mail only unless specifically required by state statute.

C – FLEET MANAGEMENT

- C15. Exchange a County-owned Prescott Area Narcotics Team (PANT) vehicle with a Sedona Police PANT vehicle and authorization for continued use of undercover plates.

C – FLOOD CONTROL DISTRICT (The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and following consideration of this Flood Control District item reconvened as the Board of Supervisors.) Reference: Flood Control District minutes.

- C16. Property transfers from the Yavapai County Flood Control District to Yavapai County (property located at Fair Street, authorized for proposal of lease to Prescott Antique Auto Club).

C – JAIL DISTRICT (The Board of Supervisors resolved into the Board of Directors of the Yavapai County Jail District and following consideration of Jail District items reconvened as the Board of Supervisors.) Reference Jail District minutes

- C17. Intergovernmental agreement with the Yavapai-Prescott Indian Tribe for Law Enforcement Services.
- C18. Authorization to extend temporary assignment of seven Field Training Officer positions with Detention Services for 180 days beginning October 9, 2005, and ending April 14, 2006.

C – PUBLIC WORKS

- C19. Change Order #1 (Final) with C&E Paving & Grading, LLC, for the Sedona Airport Runway 3/21 Widening & Overlay

Project in Yavapai County, AZ, Project #2413815, AIP No. 3-04-0033-14 in the decreased amount of \$18,953.31. No County funds involved.

- C20. Bids received for contract to Supply Aggregate Base Course in Yavapai County, AZ, Contract #2515866. Bids opened September 20, 2005, with bids received from the following vendors: Asphalt Paving & Supply, Inc., Charter Materials, LLC; Hanson Aggregates Arizona, Inc. (Clarkdale and Wickenburg); Rinker Materials (Camp Verde and Prescott); Weston Concrete & Materials, Inc.; and Yavapai-Apache Sand & Rock. Recommend awarding to all bidders at various unit prices bid. To be paid from HURF.
- C21. Indemnity agreement with Rudy Stadelman for use of his property for a community clean-up in Cornville on October 22, 2005.

A – BOARD OF EQUALIZATION (The Board of Supervisors resolved into the Yavapai County Board of Equalization and after considering BOE business reconvened as the Board of Supervisors.) Reference: Board of Equalization minutes.

- A1. Petition for Notice of Claim, David G. and Mary S. Garrett, parcel 106-16-001B, for tax years 2002, 2003, 2004 and current year 2005. Gary Heimbach, The Sage Tax Group for the petitioner and Appraiser Judy Brewer for the Assessor.

A – BOARD OF SUPERVISORS

- A2. Final approval of allocation of 2004-2005 Forest Projects Funds. Dave Hunt, Board Attorney. Approved by unanimous vote with the following projects and amounts: Yavapai County Sheriff's Office – Forest Patrol, \$76,725; Yavapai County Sheriff's Office – Verde Valley Mobile Command Post, \$31,000; Prescott Area Wildland/Urban Interface Commission – After School High School Forestry Club, \$15,370; Highlands Center for Natural History – Highlands Center Lynx Creek Site; Phase III, \$27,000; Groom Creek Fire District – Groom Creek Firewise Planning and Prevention Project, \$25,871; Dead Horse Ranch Trails Coalition – Zalesky road to Cornville Trail Easement, \$8,000 and Arizona Wildfire Academy – 2005 Prescott Wildfire Academy Session, \$10,000. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A3. Resolution Authorizing Additional Uses of the County General Excise Tax Levied Pursuant to Board of Supervisors. Jim Holst, County Administrator. Former County Supervisor Gheral Brownlow participated in discussion. Supervisor Thurman moved to approve the resolution. Chairman Springer seconded the motion, which carried by a 2-to-1 vote, with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no". Resolution No. 927.

Mr. Holst explained the change in the resolution for the use tax and said the resolution now in force was for construction of roads and for property tax reduction. He said this change would allow for the sales tax to be used for capital projects. Supervisor Davis suggested that the Board reconsider how to approach this matter. He said when the Regional Road Program was approved, 80% was to be used for regional roads and 20% for property tax reduction and it was passed under that commitment. Supervisor Davis said the Board had not had enough public input on this new resolution and the people paying the bill had not endorsed it. He said with the Board contemplating \$114 million dollars in improvements and bonding for \$100 million dollars, there should be public hearings. Supervisor Davis spoke regarding the parks funds through cable TV fees and said he would like to hear from the citizens, cities and towns regarding the proposed expenditures. Supervisor Thurman asked if the allocation percentage had been changed. Mr. Holst said the percentage had not been discussed but the budget had decided the original percentages. He said the percentages had gone to a 65% – 35% split during the September 11, 2003, terrorist attack on the World Trade Center in New York City but at the 2005-2006 budget process, the percentages were changed to a 50 – 50 split. Supervisor Thurman said the public does need to have input on this issue but the County was renting more and more buildings as it grew. Supervisor Davis said the Board needed to look at that issue and clarify funds used for property tax reduction and roads and said the old Board had changed the percentages during the and the new jail building and in order to prevent an increase in property tax the percentages had been changed. Supervisor Davis asked would property taxes go down if the sales tax revenues were reallocated. Mr. Holst said the County was not looking at raising property taxes with the new resolution and the property tax rate had already seen a reduction from \$2.14 down to \$1.70. Supervisor Thurman said that he knew 911 had hurt the economy but would Yavapai County's growth be slowing down and said that he wanted some teeth to be able to expand if necessary. Chairman Springer said the public had been made aware that there are critical space needs such as Juvenile Probation, the jail, and the courtrooms being jammed to the wall. She said it would be more cost effective to be in one location and accomplish it just one time using sales tax revenues instead of property tax revenue. Former County Supervisor Gheral Brownlow gave a brief explanation of how the Board had implemented the Regional Road Program and said that at the time most of the counties in the state were having difficulties but Yavapai County had been in good shape, but then the state had started passing costs down to the counties. He said they had held public hearings on the sales tax and it had been a joint effort by the previous Board to approve the sales tax with the 80% for roads and 20% for property tax reduction. He said they had also held meetings with all of the cities and towns and each entity had given the County projects which they wanted funded and that each project had been completed. He said the County had

never been in debt and noted that the County could move some of the court cases to the Verde as there was jail space in the Verde Jail Complex. Mr. Holst said the original plan for Pioneer Park had been for the fairgrounds and now contained both Arizona Department of Transportation and the Health Building. Chairman Springer said there was some debt out right now on the jail complex in the Verde Valley and the proposed debt for Highway 260. She said that they were not proposing a general debt bond and it would not go against property taxes. Mr. Brownlow said the Regional Road Program was supposed to be used only for roads and property tax reduction and projects were not getting completed. Supervisor Davis said he wanted to clarify the debt for the Highway 260 project as ADOT was going to pay 100 percent of the principal and the District 3 revenue would pay the interest. He said the Jail District passed, not as the Board of Supervisors, but as the Board of Directors of the Jail District and there had been multiple public hearings. Supervisor Davis said the debt incurred was with the full knowledge of the public and that the Federal government would have taken over the County jails if something had not been done.

- A4. Intergovernmental agreement with Maricopa County for transfer of \$50,000 to Yavapai County Workforce Investment Act (WIA) Program Services. NACOG Director Teri Drew participated in discussion. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

Mr. Holst said there had been a change in amounts the state provided and Maricopa County had been given more funds and had not needed the amount given. Ms. Drew said the \$50,000 did not come with any contingency of use and spoke of Yavapai County's job placement saying it was at 186% which was the top in the state.

A – FINANCE

- A5. Increase in mileage reimbursement rate from 37.5 cents per mile to 40.5 cents per mile when using a private vehicle on County business. Mike Danowski, Finance Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Danowski said that currently the Internal Revenue Service had allowed a rate up to 48.5 cents and that the Board could go up to that amount if they wished. Supervisor Thurman asked if this item could be revisited if the price of gas were to decrease. Mr. Danowski said yes and that employees needed to stay below the actual amount or it could become taxable income. Mr. Hunt said this item would have to be reconsidered at another time if the Board wanted to go to a higher amount.

- A6. Final accounting entries regarding budgets and transfers for fiscal year 2004-2005. Mike Danowski, Finance Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Danowski gave a brief overview saying this would be for the final budget and there would be no movement of money involved. He said it would be just to close out budgets. Chairman Springer publicly thanked Mr. Danowski for his years of service saying he would be greatly missed when he retired.

A – FLEET MANAGEMENT

- A7. Vehicle use policy. David Gartner, Fleet Management Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Gartner said he had received some input from various departments regarding take home vehicles and personal use vehicles. He said one of the departments had requested an addition to the policy regarding the use of a personal vehicle and drinking alcohol. Supervisor Davis asked if this would cover a person's vehicle totally or not cover at all. Mr. Gartner said he was not sure this issue needed to be reiterated since the state law already covers alcohol use. Chairman Springer thanked Mr. Gartner and said he had done a very good job.

A – FLOOD CONTROL DISTRICT (The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and following consideration of this Flood Control District item reconvened as the Board of Supervisors.) Reference: Flood Control District minutes.

- A8. Professional services contract with WRG Design, Inc. in the amount of \$80,650 for the Poquito Valley Floodplain Study. Ken Spedding, Development Services Director.

A – HUMAN RESOURCES

- A9. Reclassification requests as follows: (1) Board of Supervisors/General Services, four Administrative Aides, Range 60, to Administrative Assistant IIs, Range 61; (2) Clerk of Court, one Court Clerk, Range 58, to Court Clerk II, Range 59; (3)

Community Health Services, one Account Clerk II, Range 58, to Account Clerk III, Range 59, and one Account Clerk III, Range 59, to Program Coordinator, Range 61; (4) Finance Department, one Account Clerk II, Range 58, to Account Clerk III, Range 59; (5) one HR Specialist, Range 59, to Officer Supervisor, Range 60, and one Office Manager, Range 62, to HR Manager, Range 63; Mayer Justice Court, one Justice Court Clerk Supervisor, Range 60, to Justice Court Clerk Administrator, Range 61. Total cost of \$36,202 to be paid from General Fund Regular Wages and \$3,982 from contract with Town of Dewey-Humboldt (for Mayer Justice Court reclassification). Julie Ayers, Human Resources Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

- A10. Executive Summary regarding Yavapai Combined Trust activities for the fiscal year ending June 30, 2005, including Financial Statements and Independent Auditor's Report, and appoint Jim Holst to serve as a Trustee representing Yavapai County. Julie Ayers, Human Resources Director. Approved by unanimous vote, Motion by Supervisor Davis approving Allison Dixon instead of Mr. Holst as the trustee, second by Supervisor Thurman. No comments from the public.

Ms. Ayers gave a brief overview of the health benefits provided by the Yavapai Combined Trust. She said the fund balance was at \$3,397,445 but the target amount would be at \$4.5 million. Ms. Ayers said there had been an increase of 5.8% in medical claims and an increase of 17% for prescriptions. She said there had been a slight increase for dental and vision claims.

A – PUBLIC WORKS

- A11. Distribute Local Transportation Assistance Funds (LTAF II) and enter into agreements with approved qualified agencies in the total amount of \$180,835.01. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

H – DEVELOPMENT SERVICES Planning & Zoning Commission member Gene Kerkman was present to represent the Commission.

- H1. Use permit to allow an additional two residents for a maximum of ten residents and two employees in an assisted care home in an R1L-70 zoning district, Peaceful Valley Care Home, 102-11-001Q, Williamson Valley area, Michael and Kim Kenyon, #H5144. Consideration of a Use Permit in an R1L-70 (Residential; Single Family Limited; 70,000 sq. ft. minimum parcel) zoning district in order to allow a maximum of ten (10) residents and two (2) employees in an Assisted Care Home known as Peaceful Valley on 2.18 acres. Located at 6336 Pottery Place 4.5 miles north of the Williamson Valley Road/Iron Springs Road Intersection. S32 T15N R2W. The Planning and Zoning Commission recommended approval of Use Permit, with the following Stipulations: 1). Use Permit to be approved on a permanent transferable basis. Care facility shall be operated in accordance with all applicable codes and ordinances; 2). Use permit approval subject to applicant obtaining an Arizona Department of Health Services License for a 10 residence facility; 3). Driveway access on to Pottery Place only. No driveway access on to Kelly Drive or Williamson Valley road; 4). Applicant to dedicate a 25-ft. strip of land along Williamson Valley Road as public right-of-way; 5). Septic system to be upgraded, per County Environmental Services Department standards, to accommodate the two additional residents. Supervisor Thurman moved to approve the recommendation of the Planning & Zoning Commission. Annette Marie Clift; Fern D. Cole; Bonnie Barry; Roy E. Olson; Daniel Toy; Lolly Masterson, President of Quality Unlimited Adult Care/Home Owners Association; and Patricia Acosta with Williamson Valley Concerned Citizens were in favor of this application. Todd Shayer with Highliners Development; Jeffrey R. Adams with Musgrove Drutz & Kack; Vicky and Tom Sawyer; and John Scremin were in opposition to this application. Chairman Springer seconded the motion, which carried by a 2-to-1 vote, with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no". Ms. Link pointed out that because opposition to this application exceeded the 20% of property owners by both area and number, this application would require a unanimous vote by the Board in order to approve the application. This application was denied by the 2-to-1 vote.

Ms. Link located this property 4.5 miles north of the Williamson Valley/Iron Springs Road intersection saying this was a site built house and that the parcel was a metes and bounds parcel and not in a subdivision. She said the applicant had requested an additional two residents be permitted. Ms. Link said the existing eight residents were allowed pursuant to the County Zoning Ordinance and were state approved as an existing matter of right. She said she had received feedback from the Williamson Valley Concerned Citizens who were in favor of the application and had received approximately 40 letters in opposition from the Williamson Valley Residents for Responsible Growth. She said they had cited commercial endeavor, bylaws prohibiting this type of establishment and traffic as reasons for their protest. Ms. Link stated that because of the number of protests, the application would require a unanimous vote to be approved. Planning & Zoning Commissioner Gene Kerkman briefly spoke saying the applicant had an open house on September 22, 2005, and that not one person in opposition of this application had attended the event. He said these types of homes had previously been operating with no complaints with these types of service. Also this home had been operating for the last 4-6 months with no opposition. Mr. Adams said he was speaking on behalf of Mr. Scremin and Mr. Hemphill who had retained his services for this application. He spoke of

restrictive covenants that restrict commercial business in a residential area. Mr. Adams said this property had been proposed as a residential property but that the applicant had used it for a commercial purpose. Supervisor Davis said that he needed to realize that the Board's hands were tied for the eight individuals as it was state approved. Mr. Adams said that the matter would maybe be pursued in a civil action at a later date if the request for the two additional residents was approved. He said that one of his clients had received a threatening phone call from an attorney regarding disabled individuals. Ms. Acosta said her group fully supported the use and that the individuals should not be shuffled off and should have a decent place to live. She said the home was not going to go away and that the home was well maintained and quiet. Ms. Acosta said there was a concern about the applicant not informing people of what the home was going to be used for but that was not a requirement when building. Ms. Masterson said she had ten residents in her home and she does consulting with those individuals which are planning on opening homes. She said residential care homes have to be in residential areas and that they are not commercial businesses. Ms. Masterson said there are very few visitors that come to the homes and she said she had attended the open house given by the Kenyons so that the neighbors could come and view but that none of them had shown up. Mr. Shaver said he was going to build a home and had participated in the building of the joint road and said that Mr. Kenyon would not speak to him except through his realtor. Mr. Olsen said his mother was in residence at the Kenyon's home and he was pleased and impressed with the facility. He said they take excellent care of the residents. Ms. Barry said she had been in hospice care since 1997 and that this was a dream home for those eight elderly residents. She said there is a very high demand for these homes and not enough homes to accommodate them. Ms. Cole said she had an individual in one of the homes and they were good homes. Ms. Cliff said her husband had been in a care home and this was not a high profit business. She said they provide a service to the elderly and disabled and that it was a financial burden with just eight residents and ten residents would make it easier to make the payments. Ms. Cliff said the care homes are a lot less expensive than skilled nursing homes and make a viable place for those who need them. Mr. Kerkman said that the Board could see from the lengthy Planning & Zoning Commission minutes, there was confusion on what was before the Commission. He said the neighbors did not know the care home was there and that the Commissioners who had voted against the application did not have a problem with increasing the number of residents but about the notice and working with the neighbors. Chairman Springer asked if the Commission had discussed the dumpster. Mr. Kerkman replied that they had not discussed that issue. Mr. Scremin said it had been represented as a house, not a care center. He spoke of the garage being enclosed after the house had been completed and said he felt like he had been deceived and wanted it to stop. Mr. Kenyon spoke regarding the CC&R restrictions and said they had never been enacted. He said they said that no commercial enterprises or no elderly were allowed and that no homeowners association had ever been formed. Mr. Adams said that the CC&Rs had been with the purchase of the land and were recorded with that purchase. Chairman Springer asked if the CC&Rs prohibited old or sick individuals. Mr. Adams replied no but they do restrict business, trade, hospitals or care centers. He said that people have the right to place restrictions in planned communities. Supervisor Davis said he did not agree with allowing churches, schools and this type of use as allowed uses in any zoning district and in a residential area and that neighbors had a right to say what goes in their neighborhoods. He said he would not approve the two additional residents. Ms. Link reminded the Board that this application would take a unanimous vote by the Board for approval. Supervisor Thurman said his only other comment would be for the applicants to either screen or move the dumpster from the road.

H – PUBLIC WORKS

- H2. Resolution to extinguish a portion of excess right-of-way along Old Black Canyon Highway in the Black Canyon City area with the stipulation that the final configuration be approved by the County Engineer. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public. Resolution No. 1595.
- H3. Resolution to abandon a portion of Ta-Do-Hoya Trail adjacent to Lots 1 and 2, Squaw Valley Unit 2 and a portion of A-Whey-Det-Sa Road, adjacent to the west half of Lot 1, Squaw Valley Unit 2, Black Canyon City area. Phil Bourdon, Public Works Director. Participating in discussion in favor of this item were Black Canyon residents Frank Cucitro, Dale Wilson, Frank Dimitri and Alvis Bray. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. Resolution No. 1596.

Mr. Bourdon provided information regarding this abandonment. Supervisor Davis asked if the applicant would be paying full value for the property. Mr. Bourdon responded that he would be. Mr. Bray said he was in favor of this abandonment as Mr. Cucitro had cleaned up the property and that there were individuals camping out on the river. Mr. Dimitri said that the property had improved remarkably and he said he was worried about fire danger. Mr. Cucitro said he wanted to get the property cleaned up and he also had a concern for his property and his neighbor's property regarding fire hazards. He said that the fire department

could not get into this place and that he would be willing to fence off the whole property. Mr. Wilson said that most of the road was not plated right and on wrong property. He said 30 feet of the property belonged to another property and that the County had surveyed this property in 1974 and found the error. Mr. Hunt said the County could only transfer the right of title. Mr. Bourdon said the property could be surveyed and worked out with the new owners. He said that many surveys had been disputed in Black Canyon City. Mr. Cucitro said that none of the surveyors ever came out with the same figures. He said he would be willing to buy the property from individuals if they were willing to sell to him. Chairman Springer said there were two issues here – the abandonment and the issue of survey. Mr. Cucitro said he would be willing to pay for a survey. Chairman Springer asked Mr. Cucitro if he would be willing to work with Mr. Bourdon and County to jointly pick a surveyor or work with it. Mr. Cucitro said “yes”.

H4. Resolution to abandon the north 85 feet of Unnamed Alley, Block D, Willow Lake Subdivision. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public. Resolution No. 1597.

S – EMERGENCY MANAGEMENT

S1. Progress regarding the Disaster Mitigation Act of 2000 (DMA2K) Plan. Emergency Management Coordinator Nick Angiolillo, Development Services Director Ken Spedding, and Assessor's Office Administrative Aide Carolyn A. Ladner. Also participating in discussion was Rob Lyons, Consultant with J.E. Fuller.

Mr. Angiolillo spoke of the Homeland Security mandate which included risks, hazards and plans for emergencies such as floods, wildfires, hazardous material incidents, thunderstorms and transportation accidents. He said if they had not completed the plan in time, the federal funding would be taken away. Mr. Angiolillo said a grant had been applied for and received to help Yavapai County and incorporated communities develop the mitigation plans. He said a few of the communities had the plan approved and the County was near completion of the plan. He said they would need to bring it back to the Board for approval at a later date. Rob Lyons, Consultant with J.E. Fuller presented information on the mitigation plan saying there were three funding pots available when FEMA has approved the plan; the pre-disaster mitigation program; the state emergency fund and national flood insurance program. He said all incorporated areas have been included and also the Yavapai-Prescott Tribe. Mr. Lyons said they were bringing the public in on the information and he spoke of goals, objectives and addressing hazards before they happen. Chairman Springer asked if there were hazardous wastes identifiable in Yavapai County. Mr. Angiolillo said there are 120 users of hazardous material that either store or transport in the County. He said the upside is that there are two high class hazmat teams located in the County; one in the Prescott area and one in the Verde area. He said they receive at least one call a day for hazardous material. Mr. Angiolillo said that the amount of water is not going to be the problem but the quality of water in the area. Chairman Springer spoke of the influx of individuals from the recent hurricanes and said she would like that issue addressed. Mr. Angiolillo said there was a plan in place that was made for the Palo Verde Nuclear Plant where 400,000 people would come and be housed and fed and that the plan would be updated. He briefly covered the chain of command in case of a disaster and of the intergovernmental agreements with the different entities.

S – BOARD OF SUPERVISORS

S2. Review provisions and scheduling for the Architectural Request for Qualifications as it relates to the Yavapai County Campus at Pioneer Park. County Administrator Jim Holst.

Mr. Holst presented an update saying the request for qualifications had been advertised in several newspapers both in the state and out of state and that 40 requests for information had been received. He said there was an upcoming meeting for information and vans would be taking individuals out to the site for inspection. Mr. Holst said the deadline for applications was October 18, 2005, and that copies of the applications would be made and submitted to the Board members as received. He said they were looking at interviewing the top five respondents. Supervisor Davis said he felt the County was jumping ahead requesting an architect before the space needs project was completed. He said the Board should be looking at other options than Pioneer Park and he spoke of the needs, costs and capability to pay for the project and assets that could be liquidated. Supervisor Thurman said if the project was going to be done, then the ball needed to get rolling and an architect needed to be lined up. Supervisor Davis asked if site visits were being done then did not that indicate that location had already been chosen for the construction. Chairman Springer said the land located at Pioneer Park would be free and trying to locate 40 to 50 acres at any other location to build on would be very difficult at any price. Supervisor Thurman said he had visited the site behind the Old Bunker Sawmill and it was definitely unacceptable. Mr. Holst

said Durrant Architects were categorizing what departments are going to need for the next 10 to 20 years out and when they have the square foot estimates put together, then costs and priorities like Juvenile Detention Facility could be worked up. Mr. Hunt said all questions and answers would be noted and sent out to other firms. Chairman Springer asked if it was okay to go ahead and review the applicants and to pick the top five firms. Supervisor Thurman said it sounded good to him. Supervisor Davis said he would prefer to see the needs assessment first. Chairman Springer asked if this included Pioneer Parkway Complex and the Verde Valley. Mr. Holst said they could do both. Chairman Springer said the RFQ only covered the Pioneer Park Complex. Mr. Holst said it could be expanded to do the Verde Valley. He said the Durrant firm was under contract to do the Verde Valley building and the agreement had never been terminated. Chairman Springer said to go ahead with this one with the clear understanding that this is the Pioneer Park Project. Mr. Hunt said depending on the size of the individual projects, there are other methods of selection that are options for smaller projects but with this project, the County is dictated by legislature to use the process we are using which is going out with the requests for qualification for architectural services. Mr. Holst said the space needs project was being brought back this coming Wednesday that would put them in the neighborhood of what the space needs are. Supervisor Thurman said the Board would need to go over the departments' space needs and give directions on the needs then have the department heads come in for approval. Supervisor Davis said he wanted to make it clear that he did not agree with the provisions, deadline and location of Pioneer Park. He said he was not comfortable with this process and had concerns and would like them addressed. Mr. Holst said once an architect was selected, discussion would be on all kinds of issues and of next steps.

S3. Capital improvements financing. County Administrator Jim Holst.

Mr. Holst presented brief information regarding the financial firm the County was working with and saying this would be a 15-year program at \$109 million dollars estimate which would be capitalized with the first smaller payments and what the County would be dealing with was the \$12 million dollars that was already available as a fund balance in the current revenue. He said the chart amounts were just some guesses to show what it would look like on the table once the space needs were in, and they would start refining on what actually would develop as a program. Supervisor Davis asked what figures were used on the loan amount on percentage. Mr. Holst replied that five percent, but as part of the financing in the discussion of doing a revenue bond similar to the Jail District revenue bond, would be secured by sales tax, his calculation would be that it would require about 42.5 percent of the sales tax be dedicated to the capital improvements program to secure the revenue necessary to make the repayments of the issue. He said in the last years of the 15-year period, there were revenues that would come available for additional capital improvements. Mr. Holst said they had received new information as to how sales tax revenue payments were being made and on Wednesday they should be getting some space needs analysis which should start generating some estimated per square foot costs for some of these activities. Supervisor Thurman spoke of the half-cent sales tax and the growth of the County. Chairman Springer spoke of the excess properties, road work and Flood Control properties and said Public Works was currently doing an inventory of County-owned properties which would be either salable or marketable. She said the idea was to propose to do a public auction in the spring to sell some of the excess properties to help pay for this project. Chairman Springer said the Board was also compiling a list of existing County buildings and has some potential of exchanges or sales with other governmental entities. She said she thought we needed to collect an inventory of all of those properties and what would be anticipated of what would be the resolution with that particular building. Chairman Springer said her personal opinion was that, not having any hard numbers yet, she would say that once the list was together at end of the year, there would be a sizable amount of money from the sale of those properties and one thing she wanted to make clear was that buildings were not being added on but replaced and not adding on to the size of government. She said considering the size of the project, this seems like a very prudent, fiscal responsible way to do this without raising taxes and still shows being able to anticipate enough revenue to meet the County's needs.

**S4. ~~Future acquisition of right of way of Glassford Hill Extension and possible ways of funding.~~ Supervisor Thomas Thurman
WITHDRAWN.**

CLAIMS AGAINST YAVAPAI COUNTY

| <u>ACCOUNT</u> | <u>AMOUNT</u> | <u>ACCOUNT</u> | <u>AMOUNT</u> |
|----------------------|---------------|-----------------------|---------------|
| General Fund | 2,133,739.20 | Jail District | 304,466.15 |
| District 3 Park Fund | 816.66 | Treas Taxpayer Info F | 140.00 |

| | | | |
|-------------------------|------------|-------------------------|------------|
| WMD Planner | 838.16 | Improvement of Ed | 942.01 |
| Enhance Ed thru Tech | 3,324.97 | Reading Special. H&S | 1,988.77 |
| Adult Prob Fees – 40 | 1,065.23 | Dewey Humboldt Agree | 6,130.37 |
| St. Crime Suppress. | 180.19 | Public Health Reserve | 5,615.89 |
| Environmental Health | 9,215.57 | Medical Reserve Corps | 638.13 |
| Resep Radiation Exp. | 401.99 | Comm. Health Center | 39,562.24 |
| AMPPHI | 1,115.89 | Family Planning | 3,482.58 |
| MCH Programs | 25.92 | Breast Feed. Couns. | 2,134.85 |
| Health Promotion | 2,218.43 | Cost Allocation | 640.80 |
| Nutrition | 352.42 | TB Control | 36.12 |
| WIC Program | 12,520.15 | Title X Family Plann. | 1,431.37 |
| Jail Enhancement | 243.88 | Juvenile Delinq. Reduct | 13,186.30 |
| Juvenile IPS | 17,308.40 | Family Counseling | 100.00 |
| Juvenile Food Prog | 1,408.38 | Probation Serv | 3,909.82 |
| Adult IPS | 28,518.15 | Adult Probation Fees | 11,194.29 |
| Prob Enhance | 39,976.06 | Recorder's Surcharge | 5,479.10 |
| Indigent Def/Dg | 3,755.18 | Crim Just/Atty | 4,288.58 |
| Bad Check Prog | 2,276.26 | Juv Prob Svs | 1,793.54 |
| Commodity Fd | 897.74 | Hi Risk Chld HI | 6,342.87 |
| Clerk's Storage | 1,171.78 | HIV Counsel & Test | 1,387.66 |
| Atty Anti-Racket | 11,265.91 | PANT | 8,786.02 |
| Law Library | 6,232.68 | CASA | 3,994.64 |
| Case Processing | 5,755.89 | Prim. Care – V.V. | 1,743.76 |
| Victim Witness Prog | 9,578.92 | Council Court | 4,401.25 |
| Enhance Drug Court | 2,831.33 | Inmate Health Services | 2,700.88 |
| Drug Enforce. Fund | 1,201.20 | Probate Fund | 883.78 |
| Primary Care Services | 11,379.23 | PC Fees VV | 455.33 |
| Local ADR | 970.36 | Victims Rights Impl | 2,806.90 |
| JAIBG Juv Acct P-II | 1,652.57 | Yavapai Indian Agree | 1,328.85 |
| Dietetic Intern | 551.25 | Immuniz Service | 2,881.93 |
| Personal Care Svs | 3,573.39 | Idea-Preschool | 1,209.52 |
| Public Defender Train | 1,533.05 | Subs Abuse/DARE | 281.68 |
| Chem Abuse | 375.55 | Family Drug Court | 1,037.93 |
| Juv Det/PACE | 5,990.92 | Collab. Comp Rev Gr | 921.10 |
| Special Program | 15,068.35 | Sm Schools Ecia | 550.82 |
| Sm Schools Beha | 13,305.61 | Fill the Gap – Courts | 7,904.82 |
| Hurf Road Funds | 427,250.80 | Assessor Surcharge | 7,159.07 |
| Assessor App Dev | 9,374.12 | Health Fund | 59,127.21 |
| Jail Commissary | 5,685.74 | Landfill Administ. | 52,314.64 |
| Judge Pro Tem Div B | 10,037.11 | Tire Recycle | 12,281.83 |
| Safe School Pro | 7,572.39 | Adhs-Svs Coord | 853.95 |
| Local Incentive Awards | 893.03 | Fill the Gap – Attorney | 4,568.90 |
| Family Law Commiss. | 6,728.96 | Comm Punish Pro | 5,770.47 |
| Juven. Detent Ed Pro | 1,339.86 | Regnl Road Project | 318,303.94 |
| Library Auto Consor | 970.82 | Sterilization Services | 1,007.00 |
| Health Start | 2,291.55 | DUI Comm Gov Office | 600.00 |
| Interstate Compact Prog | 1,742.54 | Ryan White II | 4,349.22 |
| Prepared. Bioterror | 10,480.90 | Primary Care Fees | 24,123.34 |
| Perinatal Block | 2,365.78 | Well Woman Health | 3,124.31 |
| Tobacco Educ | 9,242.82 | Victim Assist. ACJC | 367.78 |
| School Reso. – Mayer | 667.47 | Direct Treatment Fund | 2,569.91 |
| Mental HealthRWJF | 1,812.90 | Mental Health Part. | 1,812.97 |
| Field Trainer | 2,147.75 | Attendant Care | 21,963.38 |
| Childrens Justice | 1,809.08 | Child Sup & Vis | 747.66 |
| Domestic Relations Ed | 637.61 | Self Service | 306.74 |
| VOCA | 8,241.12 | JTSF Treatment | 4,489.13 |
| Diversion Conseq. | 859.29 | ALTCS | 728,502.17 |

In addition, payroll was issued on September 30 for the pay period ending September 24; warrant numbers 2456023 through 2456358, in the amount of \$295,588.77. Jury certificates issued during this time; 6872620 through 6872845. Warrants

issued for October 3 Board day, 4250650 through 4251128; 4251129 through 4251520.

There being no further business to discuss, the meeting was adjourned.

ATTEST

_____Clerk _____Chairman