

**OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA**

Prescott, Arizona

January 20, 1998

The Board of Supervisors met in regular session on
Present: Bill Feldmeier, Chairman; Chip Davis, Vice Chairman; Gheral Brownlow, Member; Bev Staddon, Clerk.

Also present: Dave Hunt, Board Attorney/Assistant County Administrator (late).

- ITEM NO. 1. Leave Prescott and travel to Yavapai County Administrative Services Verde Valley Complex, Cottonwood, Arizona.
- ITEM NO. 2. Convene in Hearing Room, Yavapai County Administrative Services Verde Valley Complex, Cottonwood, Arizona. Resolve into Board of Directors of Seligman Sanitary District.
Reference: Special District minutes.
1. Approve minutes of meeting of January 5, 1998.
 2. Conduct hearing on impact statement from Jay Shekar requesting parcel 301-26-105 be removed from the sanitary district and if appropriate, authorize circulation of petitions.
 3. Receive signed petition from Jay Shekar and set hearing for petition for February 2, 1998, at 8:30 a.m.
- ITEM NO. 3. Resolve into Board of Supervisors.
1. Approve minutes of meeting of January 5, 1998. **Approved as corrected, by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis.**
 2. Consider approval of \$10,000 contribution to Red Rock Pathways for trail development. **Approved by unanimous vote after Supervisor Davis explained that this organization had an opportunity to build a trail over a utility easement between Highways 89A and 179, that the Forest Service and the City of Sedona were cooperating with this effort within their jurisdictions, and that money was available in the Parks budget for this contribution. Motion by Supervisor Davis, second by Supervisor Brownlow. No comments from the public.**
 3. Consider proposed lease with City of Cottonwood for County property located on Sixth Street in Cottonwood (old Road Yard.) **Participating in discussion were Cottonwood residents Tom Griffith, who was interested in the property for industrial purposes and who questioned the ability of the City of Cottonwood to pay for the clean-up necessary to use the building for public purposes; and Jim Nast, chairman of the Town of Clarkdale's Parks and Recreation Commission, who said he believed the proposed use of the building as a recreational facility was the best possible use. After Mr. Griffith expressed concerns about the extent of clean-up necessary to use the building for public purposes and his belief that it was suitable for industrial purposes, Supervisor Davis said he was sorry if the County had sent Mr. Griffith on a goose-chase about possible acquisition of the building and then made it unavailable to him. He said that because it was not known at this time whether the County would need the building for future expansion of County services, it seemed best to pursue a lease with the City of Cottonwood. Mr. Griffith said he understood and had no problem. Supervisor Davis moved to approve the lease agreement. Supervisor Brownlow seconded the motion, which carried by unanimous vote. Chairman Feldmeier noted that Mr. Griffith had raised some questions about potential liability, saying he wanted to be sure that paragraph 5 of the agreement was reviewed by Mr. Hunt to ensure that such issues have been addressed. (Clerk's note: Mr. Hunt later**

indicated that he had spent considerable time addressing liability issues in the agreement and that he was comfortable with the agreement.)

4. Consider approval of items appearing on the Consent Agenda and on the Consent Agenda for Special Districts. **With the exception of Item 8., all items were approved by unanimous vote, with no comment from the public. Motion by Supervisor Brownlow, second by Supervisor Davis.**

ITEM NO. 4. Resolve into Yavapai County Board of Equalization. Consider petition for proposed correction for parcel 406-08-022D, Cottonwood Quality Inn/InnWest Hospitality, agent Pamela Beaton & Associates, Inc. **Reference: Board of Equalization minutes.**

ITEM NO. 5. Resolve into Board of Supervisors. Public Works Director Richard Straub.

1. Hearing: Consider approval of water franchise agreement with Camp Verde Water System. **Approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Brownlow.**
2. Consider approval of Orme Road Project. Half-cent sales tax project. **Mr. Straub explained that the Arizona Department of Transportation had requested the County's assistance in helping to identify a potential new expressway from I-17 which would ultimately connect with the new Fain Road, and that as a result he was requesting approval for a planning project only, saying he would return to the Board at a later date to discuss right-of-way acquisition. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis. No comments from the public.**
3. Consider approval of Change Order #1 to Paving of Cornville Road, Cornville, Az, Yavapai County Project #961871 with M.R. Tanner Development & Construction Inc., for additional 1600 feet; (+\$48,805). Half-cent sales tax project. **Following brief discussion regarding the condition of the asphalt that has already been laid, during which Mr. Straub stated that the contractor had been contacted about the County's dissatisfaction with work on this project, Supervisor Davis moved to approve the change order with the understanding that the additional payment will be held in retention with other retention monies until issues regarding the condition of the paving are resolved. No comments from the public.**
4. Request approval for transfer of Regional Road Project funds in the amount of \$38,828 from Page Springs Road to Oasis Road, which will increase total for project from \$125,000 to \$163,828. **Approved by unanimous vote, upon a motion by Supervisor Brownlow, seconded by Supervisor Davis. No comments from the public.**
5. Update of Master Construction List. **Mr. Straub presented an update on the various road projects, indicating which projects are in the study, design and construction phases. Flood Control District Director Ken Spedding participated in discussion.**

ITEM NO. 6. Planning & Building Director Mike Rozycki. Planning and zoning. **Planning & Zoning Commission member Carol Blaich was present to represent the Commission.**

1. Special use permit for operation of a home office for conducting office related aspects of a construction business, 407-12-009B, Cornville area, James Cody, #6661. **Consideration of a Special Use Permit to allow the operation of a home office to conduct office related aspects of a construction business and including one (1) employee, to be operated from an exiting, detached garage on an eight (8) acre parcel in a R1L-70 (Single Family; Residential) zoning district. Located on the east side of Fuller Lane, approximately 1,000 feet north of the Fuller Lane/Cornville Road intersection in the community of Cornville. The Planning & Zoning Commission recommended approval of the Special Use permit including the following staff stipulations: 1)**

Special Use Permit to be granted for a term of one (1) year on a non-transferable basis; 2) The office on the subject property shall be limited to one (1) office employee in addition to the Cody family; 3) Parking shall be provided per Yavapai County parking standards to be reviewed and approved by the County Zoning Division; 4) The business shall serve as an office only. Clients and subcontractors shall meet the applicant at a location other than the subject property. No meetings of any type shall be held at the home office; 5) No construction equipment or materials shall be parked or stored on the subject property; 6) Hours of operation to be 8:00 a.m. to 5:00 p.m., Monday through Friday; 7) Parcel shall remain as eight (8) acres while the use permit is in effect. Participating in discussion were Cornville residents Bob and Elizabeth Cook; applicant Jim Cody; and Cornville Community Association president Julie Currence. Ms. Cook read to the Board a letter outlining her concerns, including her belief that the Cornville Community Association could not speak on behalf of all Cornville residents, and her belief that Mr. Cody is operating on a larger scale that what could reasonably be considered a "home office." She said the Codys were also aware of the zoning before moving into the area, and that three property owners on Fuller Lane, Mr. Beeuwkes, Mr. DeMent and the Windhams were all opposed to any change in the zoning. Mr. Cook said Mr. Cody was not supposed to have a business on his property and that there were statutes that needed to be changed in order to allow him to have one there. Mr. Cody said he was operating the clerical portion of his business from his property, but that equipment, trailers and the like are located elsewhere. He told the Board that the County and the Cornville Community Association were looking into defining "home business" and that he would like to be allowed to continue operating his business from his home until some new policies were in place. He said that if his operation did not fall within the parameters of the new policies, he would be willing to move his business. Mr. Cody said he believed the reason the Planning & Zoning Commission had recommended approval of his special use permit for one year was to give time for new policies to be established. In response to a comment from Ms. Cook, Mr. Cody said that Mr. DeMent lives in Colorado, that he believed Mr. Beeuwkes lives in Massachusetts, and that the Windhams lived somewhere in Cornville but not on Fuller Lane. Mr. Cody said that sometimes subcontractors show up at his home uninvited, and that he has done everything possible to discourage such activity. Ms. Currence said that some of Ms. Cook's statements about the Cornville Community Association were misleading and that the Association's officers were elected by a public vote. She said the Association advertises its meetings on the radio but cannot force people to attend them. She said she understood that defining home businesses and developing a policy regarding them was a priority for the County, and that this was also a priority for the Association. In response to a question from Supervisor Davis, Mr. Rozycki said that a home business is permissible if it is conducted completely within the dwelling and involves residents. He said that it is an allowed use in an R1 zoning district, which is less restrictive than RIL zoning, and that the difference in Mr. Cody's case is the fact that he has an employee who is not a member of his family. Mr. Rozycki also said that RIL zoning is the most restrictive and that if something is not specifically identified as being allowed, then it is considered to be prohibited. Supervisor Davis told Mr. Cook that the process Mr. Cody was using through applying for a special use permit was the proper process to allow for variances from zoning. He stressed that this was not an easy decision, saying his basic thought was that if someone wanted to do something that varied from designated zoning, he should have the support of the neighbors in the area. He said it was important for him to know that the neighborhood agreed with what Mr.

Cody wanted to do, but what made this situation difficult was that Mr. Cody had been operating a business from his home for some time and it had not seemed to cause any problems. He asked Mr. Rozycki if a policy regarding home businesses could be ready for approval and implementation within a year. Mr. Rozycki said it could, and that he believed something could be ready for review in 60 to 90 days. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission, adding a stipulation that Mr. Cody not have any business signs on his property. Mr. Cody said that was fine with him. Supervisor Brownlow seconded the motion, which carried by unanimous vote.

Consent agenda for planning and zoning items, for which there were no protests at the Planning & Zoning Commission hearing, and which provides for acknowledgement of deferred or withdrawn items which have been advertised for hearing on this date.

1. Amendment to Yavapai County Zoning Ordinance, Protective Screening and Outside Storage, Planning & Zoning Commission, #6677. **Consideration of a proposed Ordinance Amendment to the Yavapai County Planning and Zoning Ordinance pursuant to Sections 108.B and 108H.1.L (General District Provisions; Protective Screening and Outside Storage) relating to specific performance standards for protective screening including type of materials, height and methods of construction that will be applicable in all zoning districts. The Planning & Zoning Commission recommended the approval of the Protective Screening and Outside Storage Ordinance Amendment. Approved by unanimous vote, with no comments from the public. Motion by Supervisor Brownlow, second by Supervisor Davis.**

ITEM NO. 7.

Fleet Management Director Dave Burnside:

1. Award or reject bids received for annual contract for Supply & Delivery of Nuts, Bolts & Fasteners. Recommend awarding bid to Bowman Dist. for Nuts and Bolts and Copperstate Bolt for Cutting Edge Fasteners. **Bids were opened on January 6, 1998, with the following results: Bowman Dist., Munds Park, Nuts and Bolts (N&B), \$8,376.07, and Cutting Edge Fasteners (CEF), \$3,286.26; Copperstate Bolt, Phoenix, N&B \$13,411.81, and CEF \$3,125.77; Empire Machinery, Phoenix, N&B no bid, CEF \$3,435.30; R.E. Supply, Cottonwood, N&B \$9,700.45, and CEF \$3,132.29. Supervisor Brownlow moved to approving awarding the bids as recommended by Mr. Burnside. Supervisor Davis seconded the motion. Robin Eddingfield of R.E. Supply participated in discussion, saying she believed the bid for Cutting Edge Fasteners should go to her company because it is based in Yavapai County. Brief discussion ensued, during which Mr. Hunt said there was no specific provision in the law to allow for awarding a contract to a higher bidder simply based on location, that bidders had responded to what was in the bid specifications, and that awarding the bid to R.E. Supply only because it is located in Yavapai County could precipitate a lawsuit from the low bidder. Chairman Feldmeier expressed concerns about having closed bids and then reopening the process to consider where a business is located. Supervisor Brownlow withdrew his motion, making a new motion to award the contract for Nuts and Bolts to Bowman Dist. Supervisor Davis seconded the motion, which carried by unanimous vote. Supervisor Davis asked Mr. Burnside if there was any definable difference between R.E. Supply and Copperstate Bolt with regard to Cutting Edge Fasteners. Mr. Burnside responded that he had used a number of suppliers and could find no differences between them. Saying the difference in the bids between Copperstate Bolt and R.E. Supply were negligible, Supervisor Brownlow moved to award the bid for Cutting Edge Fasteners to R.E. Supply. His motion died for lack of a second, with both Chairman Feldmeier and Supervisor Davis saying they could not support his motion in light of Mr. Hunt's comments.**

Supervisor Davis moved to award the bid for Cutting Edge Fasteners to the low bidder, Copperstate Bolt. Supervisor Brownlow seconded the motion, which carried by unanimous vote. Supervisor Davis said he would like to see the County pursue legislation to allow for bids to be awarded to in-County companies provided the bids fall within a reasonable range.

2. Award or reject bids received for a remote fueling site at Whipple Street location. Bids were opened January 6, 1998, with the following results: Verde Company, Cottonwood, \$141,658; Tyree, Phoenix, \$144,658; Triad, Phoenix, \$169,000. Lisa O'Neil, Chief Operating Officer for Verde Company participated in discussion. Mr. Burnside said that having these above-ground fueling tanks would allow the County to discontinue use of the underground tanks on Whipple Street. He said another option would be to put new liners in the existing underground tanks which would add to their life expectancy and which would cost approximately \$30,000, but that given the possibility of the Facilities/Parks Department ultimately moving to the old Fleet Management building, it might be inconvenient to have people fueling vehicles there. He said that if the Board chose this option, it would have to be completed by December of 1998 in order to comply with federal and ADEQ regulations. He noted that a remote fueling site would be movable. Mr. Burnside said yet another option would be to use credit cards which would allow employees to purchase gas in the Prescott area. He said the County is currently able to purchase bulk gas at 24 to 25 cents per gallon less than commercial gas stations charge. Supervisor Davis said he believed upgrading the existing tanks would pay for itself within a year. Chairman Feldmeier said he was not comfortable in making a large investment in an area that the County was not sure it would even stay in. Ms. O'Neil encouraged the Board to move forward with a remote site, saying that relining old tanks was a dangerous proposition and that above-ground tanks would save the County a penny per gallon tax and would also save on insurance and other fees. She said the bid amounts would not go any lower by waiting. Following brief discussion, during which Supervisor Davis asked Mr. Burnside to provide the Board with an analysis of costs for the different options he had mentioned, and during which it was clarified that the bids were good for 60 days, Supervisor Brownlow moved to hold this item in abeyance. Supervisor Davis seconded the motion, which carried by unanimous vote.
3. Award or reject bids received for contract for upgrade of three underground storage tanks on Commerce Drive. Recommend awarding bid to Verde Companies of Cottonwood. Bids were opened on January 6, 1998, with bids having been received as follows: Verde Companies, Cottonwood, \$30,336.61; Triad Technology Corp., Phoenix, \$69,000; The Tyree Organization, Mesa, \$70,282. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, and with no comments from the public, the Board voted unanimously to award the bid to the low bidder, Verde Companies.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Unless otherwise noted, all items were approved by unanimous vote, with no comments from the public. Motion by Supervisor Brownlow, second by Supervisor Davis.

1. Requests from Health Department:
 - a. Permission for Marcia Jacobson to attend Annual Rural Health Network Development Grantees Meeting, February 19-20, 1998, Washington, D.C., with all expenses to be paid from Network Development Grant.
 - b. Approve amendment to contract with Southwest Health Professions Education Center extending services through June 30, 1998.
2. Consider approval of name change for Yavapai County Private Industry Council to Yavapai County Workforce Development Council.
3. Request from Finance for approval to pay \$5,000 from Contingency to Town of Prescott Valley for Wireless

Communication Facilities consultant intergovernmental agreement approved August 18, 1997.

4. Request from Environmental Services to change Environmental Health Assistant position (Range 23) to Environmental Health Specialist I position (Range 26). Held in abeyance December 22, 1997.
5. Request from Sheriff for permission to send David Burwell to attend the Triad Conference in Las Vegas, Nevada, February 22-24, 1998, at estimated cost of \$300 to be paid from Sheriff's Office training funds. Also requesting permission to take County vehicle out of state.
6. Requests from Public Works Department:
 - a. Consider approval of Change Order #1 to Operated Equipment contract with W & W Excavating, 115 HP Backhoe at \$80 per hour & \$3,200 per week; 115 HP Backhoe with 2000 lb Hydraulic Breaker @ \$115 per hour & \$4,600 per week.
 - b. Request to transfer the following to cover arbitration costs for Spring Lane: From Crown King Road account to Spring Lane account, \$1,120. Half-cent sales tax project.
 - c. Award or reject bids received for Pneumatically Placed Concrete (Shotcrete), bids opened December 30, 1997. Recommend reject all bids.
 - d. Approve Amendment No. 3 to the Cordes Lakes/Spring Valley Airport Development Agreement to ADOT Aeronautics Grant No. 564 increasing grant amount by \$2,250. Revised grant total - \$77,250. No County funds involved.
 - e. Consider approval of Change Order #1 to Authorization of Services #961405 for Cordes Lakes Airport Phase III, Master Plan/Environmental Assessment with Coffman Associates, +\$2,250.
 - f. Consider approval of extension of annual contract for Hauling & Recycling/Disposal of Off Road and/or Semi Truck Tires for Yavapai County, Contract #963359 with K & B Tire Company, Inc., at unit prices bid.
 - g. Consider approval of extension of annual contract for Supply and/or Supply and Delivery of Sand Seal in Yavapai County with Mesa Materials, at the unit prices bid.
 - h. Approve transfer of funds for salaries for Camp Verde Transfer Station. \$500 from Landfill Closure account to Temporary Salaries Account - \$462; FICA/Medicare Ins. - \$22 and Az Retirement - \$16.
7. Request from Facilities/Parks Department to request approval to award the bid for maintenance of the elevators at the Courthouse, Gurley and Fair Street buildings to Arizona Elevator at an annual cost of \$7,692.
8. Request from County Attorney for approval of 1.5% salary increase for Chief Deputy, Jim Landis. **Mr. Landis participated in discussion, saying he was representing County Attorney Chick Hastings, who could not be present on this day due to a sports injury. During brief discussion regarding this request, it was determined that discussions regarding why Mr. Landis had not received a raise had taken place in executive session and, therefore, could not be discussed in open session on this day. Mr. Landis said he had worked for the County for 20 years, and that his position was one of the lowest paid Chief Deputy positions in the state. Supervisor Davis said he appreciated the fact that someone of Mr. Landis' caliber had stayed with the County for 20 years. Upon a motion by Supervisor Brownlow, seconded by Supervisor Davis, the Board voted unanimously to hold this item in abeyance.**
9. Request from Board of Supervisors to consider approval of Change Order No. 1 for the Courthouse Remodeling Project modifications resulting in credit of \$13,831.95.
10. Approve reorganization of Emergency Management Department and place it under the direction of the Public Works Department.
11. Appoint Medical Assistance Director Mona Berkowitz to represent the County on the Yavapai Combined Trust Board, replacing Personnel Director.
12. Approve new resolution amending policy regarding development of Board of Supervisors' agendas.
13. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL AND FREE LIBRARY DISTRICTS AND COUNTY IMPROVEMENT DISTRICTS: Reference: Special District minutes.

1. Resolve into the Boards of Directors of the Yavapai County Flood Control and Free Library Districts, and other County improvement districts as follows, for the purpose of approving vouchers: Granite Gardens Sanitary

- District, Prescott East Sanitary District, High Valley Ranch Improvement District, Seligman Sanitary District.
2. Resolve into the Board of Directors of the Yavapai County Flood Control: Consider approval of Change Order #1 for EEC/MKE, Civil Engineering & Environmental Services, in the amount of \$2,983.55.
 3. Resolve into the Board of Directors of the Library District to consider approval to accept and expend Library Services Construction Act appropriations.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	988,005.93	Family Planning	5597.60
Fam Plng Fees	271.64	Home Health Ser	7,871.20
Health Promotio	2,082.83	Nutrition	1,142.20
T.B. Control	1,463.83	W.I.C. Program	9,753.38
Jail Enhance	3,108.77	Diversion Intak	5,113.07
Juvenile IPS	6,952.58	Family Council	959.35
Juv Food Prog.	377.13	Probation Ser	2,502.81
Adult IPS	20,943.09	Adult Prob Fee	9,929.28
Prob Enhance	16,818.10	Stor/Ret Conv	32,629.18
Crim Just/Atty	3,921.06	Bad Check Prog	2,479.03
Juv Prob Svs	855.82	Commodity Fd	569.56
Azeip Case Mgmt	1,362.56	Sex Trans Disea	80.00
Hi Risk Chld Hl	785.77	Clerk's Storage	565.23
HIV Prevention	1,107.91	Atty Anti-Rack	300.59
P.A.N.T.	2,75.73	Law Library	2,315.55
C.A.S.A.	2,651.03	Case Process.	6,404.58
Childrens Justi	97.71	Teen Prenatal E	599.92
Azeip Coordin	331.53	Vict Witns Prog	6,461.73
Court Enhanceme	5.00	Concil Court	4,164.13
Yct Wellness Pr	136.15	Drug Enf Fndg	1,441.80
Vital Statistic	1,115.08	COPS Universal	2,819.93
Yav Indian Agre	1,560.96	Hassayampa/LTC	4,619.42
Immuniz Service	901.17	Subs Abuse/DARE	271.09
Chem Abuse	105.47	Juv Det/Pace	102.64
Special Program	6,958.73	Sm Schools ECIA	910.48
Sm Schools BEHA	4,776.16	Public Works	170,402.58
Health Fund	32,891.28	Jail Commissary	4,220.65
Environ Svcs Di	10,311.61	W Yav Sol Waste	24,964.97
V V Solid Waste	849.76	Develop Clinic	981.15
Tire Recycle	562.44	Haz Mat Plng Gr	75.71
N C H I P	34.06	Safe School Pro	3,054.50
Adhs-Svc Coord	409.34	Famly Law Comm	2,900.40
Comm Punish Pro	1,792.73	Pace Chapter 1	4,252.60
Regnl Road Proj	43,781.07	Library Automat	2,856.21
Health Start	2,417.24	Gov Hiwy Safety	1,523.82
Intst Comp Prog	1,881.65	Ryan White II	507.12
St Grnt in Aid	9,899.83	COPS More	1,253.71
Perinatal Block	924.97	Tobacco Educ	10,687.32
COPS Fast	2,794.80	Equal Ad Det Ed	61.57
Cont Libr Auto	228.55	ALTCS	925,641.07
D.T.E.F.	5,740.18	Attendant Care	9,410.21

HIV/Ct	383.77	Netwrk Develop	4,513.25
Children's Issu	1,853.68	Child Sup & Vis	808.64
Case Flow	1,664.36	Court Automat	9,557.33
Domestic Violen	1,508.16	JTSF Treatment	1,295.06
Divrsn Consequ	418.35	Capital Proj	99,681.38
Selig Arpt Acq	2,500.00		

In addition, payroll was issued on January 16 for the pay period ending January 10; warrant numbers 25352309 through 25352312 and 25352314 through 25352829, in the amount of \$320,828.20. Jury Certificates were also issued, warrant numbers 833026 through 833216. Warrants issued for January 20 Board day; 76738 through 76745; 76753 through 77115; 77120 through 77128; 77137 through 77475. An itemized list of the above-numbered claims is filed in the official record of the Yavapai County Board of Supervisors.

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

ATTEST:

Clerk

Chairman