

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

Prescott, Arizona

April 20, 1998

The Board of Supervisors met in regular session on April 20, 1998.

Present: Bill Feldmeier, Chairman; Chip Davis, Vice Chairman; Gheral Brownlow, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator; Randy Schurr, Deputy County Attorney.

- ITEM NO. 1. Travel to Yavapai County Administrative Services Verde Valley Complex, Cottonwood, Arizona. **Chairman Feldmeier and Supervisor Brownlow traveled in separate vehicles.**
- ITEM NO. 2. Convene in Hearing Room, Yavapai County Administrative Services Verde Valley Complex, Cottonwood, Arizona.
1. Approve minutes of meeting of April 6, 1998, and of special meeting of April 13, 1998. **The minutes of April 6 and April 13 were unanimously approved as written. Motion by Supervisor Brownlow, second by Supervisor Davis.**
 2. Consider appeal of Jerry Roberts, Paulden Volunteer Fire Department, of action taken by Chino Valley Fire District on April 2, 1998, to authorize circulation of petitions for annexation. **Participating in discussion were Paulden Volunteer Fire Department president Jerry Roberts and Paulden residents Robert Rasgorshek and Herb Sperling. Mr. Schurr explained that Mr. Roberts had appealed action taken by the Chino Valley Fire District to authorize circulation of petitions for annexation and that one of the issues had to do with a piece of Highway 89 that CVFD was seeking to annex. He said that the issue of strip annexations had been addressed by the state legislature with regard to cities and towns, but that the ability of fire districts to strip annex had not been addressed. Mr. Schurr said he had seen no information to refute the fire district's determination that the public welfare and necessity would be served by allowing circulation of petitions for annexation. In response to questions from Supervisor Brownlow, Mr. Schurr said that the Board had already authorized circulation of petitions for the formation of the Paulden Fire District and that CVFD's proposed annexation overlaps portions of the proposed Paulden district. He said that he did not know which group would come in first with signed petitions, but that if CVFD was successful in its annexation and the Paulden group also obtained the required signatures, the Board would be advised to establish the Paulden Fire District and the entire matter would probably end up being resolved in superior court. Mr. Roberts said his group had proposed the subject parcels for inclusion in the Paulden Fire District because they did not think there would be a problem, and that his group had filed its impact statement for formation of a new district before CVFD filed its impact statement for annexation. Mr. Roberts said if the Board voted to uphold the action taken by the CVFD board to authorize circulation of petitions, his group would take it to the next step. Supervisor Brownlow moved to uphold Mr. Roberts' appeal, saying it was true that CVFD had filed its impact statement after Paulden did and that he believed there was an attempt being made to jeopardize Paulden's CDBG funding for a new fire station and community center. Supervisor Davis seconded the motion, saying he believed the situation had moved to the point where it needs to go to court. Mr. Schurr said he wanted to clarify his understanding of Supervisor Brownlow's motion, saying that if the Board voted to uphold Mr. Roberts' appeal it would be denying CVFD**

the right to circulate petitions for annexation because it believed CVFD's action to authorize circulation was merely subterfuge to thwart the establishment of the Paulden Fire District and would not serve the public welfare and necessity. He said that the Board would, in effect, be ruling that the CVFD board had made the wrong decision in allowing circulation of petitions. In response to a question from Supervisor Brownlow, Mr. Schurr said that Paulden was currently passing petitions and that if the Paulden group came in first with its petitions, then CVFD's annexation effort would be in doubt. Chairman Feldmeier said he was very uncomfortable with the idea of approving Supervisor Brownlow's motion unless the Board also said that Paulden has done the same thing that CVFD has done. He said if the motion passed, it would mean that the Board was saying that another elected board had made an inappropriate decision. Supervisor Brownlow said that in light of what Mr. Schurr had said, he would withdraw his motion. Mr. Sperling said he had been president of the Paulden Volunteer Fire Department for three years and that CVFD was proposing annexation of parcels that had been left out of the proposed boundaries for the Paulden Fire Department and that this was the reason why CVFD had submitted its impact statement for annexation after Paulden had submitted its impact statement for formation. Mr. Rasgorshek said he believed it was hard to say whether CVFD's action was an attempt to thwart Paulden's plans or whether it was really to serve the public, but that CVFD could respond to anything along the highway and did not need to strip annex it. He said that at CVFD's hearing on its impact statement, CVFD Fire Chief Ray Skipper had said there was no benefit to the strip annexation. Supervisor Davis moved to deny Mr. Roberts' appeal. Supervisor Brownlow seconded the motion, which carried by unanimous vote.

3. Consider request from Cooperative Extension Service for permission to move Cottonwood Cooperative Extension office from Village Drive to 6th Street. **Following brief discussion, Supervisor Davis moved to hold this item in abeyance until the May 4, 1998, Board meeting, saying there were some other possibilities being considered and that he would like an opportunity to talk with Mr. Holst. Supervisor Brownlow seconded the motion, which carried by unanimous vote.**
4. Consider approval of items appearing on the Consent Agenda and on the Consent Agenda for Special Districts. **All items were approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Brownlow.**

- ITEM NO. 3. Convene in executive session pursuant to A.R.S. §38-431.03(A)(7) to discuss right-of-way negotiations for Pioneer Parkway and the Airport Connector. **Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis.**
- ITEM NO. 4. Approve Angie Bowen, Juvenile Probation, as Employee of the Month for March 1998. **Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow. Chief Juvenile Probation Officer Gordon Glau was also present.**
- ITEM NO. 5. Deputy Clerk of Superior Court Brenda Parson. Presentation by HERO/STRIVE Program, Camp Verde High School. **Laura Gordon of Camp Verde High School introduced her fellow students and explained to the Board that the HERO/STRIVE Program provides opportunities for students to gain work experience in areas of career interest.**
- ITEM NO. 6. Public Works Director Richard Straub.
1. Hearing: Consider approval of water and sewer franchise agreement, Seven Canyons.

After Mr. Straub explained that the County issues franchise agreements only for the purpose of allowing utilities to use the public right-of-way for installation and maintenance of utility lines, and that the County does not regulate service or fees for utilities, the Board approved the franchise agreement by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow. No comments from the public.

2. Consider approval of Change Order #1 with Jesoco, Inc. for deletion of sewer portion and additional costs incurred, "Verde Valley School Road Reconstruction, Phase 1, Village of Oak Creek, Arizona" Project #963121. -\$96,458.20. (Half-cent sales tax project). Mr. Straub said that part of the original contract had called for upgrading a sewer line in the road and that after the contractor had begun work there was a decision to delete the sewer line. He said the change order included payment to the contractor of approximately \$35,000 for work already done on the sewer line. In response to a question from Supervisor Davis, Mr. Straub said the Big Park Domestic Wastewater Improvement District had not yet been provided with detailed figures on the amount for which the District would be liable. Supervisor Davis moved to approve the change order, noting that it was an almost \$100,000 reduction in the contract, and requesting that the information be reviewed in detail with the District. Supervisor Brownlow seconded the motion. BPDWID Chairman Ruth Kane said the District would meet with County representatives to determine how much the District should reimburse the County. The motion carried by unanimous vote.
3. Consider approval of Change Order #2 to Authorization of Services #963121 with Dibble & Associates, for "Design and Reconstruction of Portions of Verde Valley School Road and Bell Rock Boulevard", +\$25,000 (Half-cent sales tax project). Mr. Straub said that off-site drainage improvements would be required for this road project and that the additional design work would actually be paid for by the Flood Control District. Upon a motion by Supervisor Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve the change order. No comments from the public.
4. County Administrator Jim Holst. Discussion and possible action regarding Sedona Alternate Route and NEPA. Mr. Holst reviewed what the County had done in the past with regard to this issue, saying that \$50,000 had been spent on a needs analysis; \$26,000 for additional information on an alternate route; \$96,000 for a hydraulic study; and that \$165,000 had been given to the Forest Service, of which \$14,800 had been spent. He said that the Arizona Department of Transportation was in the process of widening Highway 179. Mr. Holst said that the money still being held by the Forest Service could be returned to the County if the Board wished to have that happen. Chairman Feldmeier said he did not wish to have a debate on this issue, but rather to focus on what direction the County should go in based on the discussions from the March 16, 1998, meeting regarding this issue. He said the Board could ask the Forest Service for the balance of the \$165,000 and then walk away from the issue, or it could ask the Forest Service for clarification on whether or not it was really necessary to go through the NEPA process for a low water crossing or a bridge and what the difference was between the two. He said if it was necessary to go through the NEPA process for a low water crossing, why not do it for a bridge, saying he did not believe a low water crossing would solve the problem. In response to a question from Supervisor Brownlow, Mr. Straub said that the last estimate on what it would cost to build a bridge at Red Rock Crossing was about a year and a half old, but that the estimate was \$3 million for the bridge and approaches. He said the estimate for a low water crossing was between \$500,000 and \$1 million, including approaches. Supervisor Davis said this issue had been controversial for a long time and that it was a win-lose situation and he did not like it. He said he wanted to find a win-win situation and had hoped it would be possible to build an

alternate route without putting a bridge at Red Rock Crossing. He said that the traffic congestion was at the "Y" in Sedona and that the road leading to that intersection was a state highway. Supervisor Davis said this was a regional issue and that the majority of the problems on Highway 179 were actually in Coconino County and the City of Sedona, and that the portion of Highway 179 that is located in Yavapai County does not have a problem. He said he believed the County could be partners with the City of Sedona and Coconino County, but that it was not just a Yavapai County problem. Supervisor Davis said he was concerned about moving traffic from the highway to Verde Valley School Road and that in order to do so it would be necessary to improve the entire road. He reiterated that it was a regional problem and that he was concerned about shifting the traffic problems from Coconino County onto Yavapai County residents, and said that Yavapai County should not be the only entity paying the cost for a solution. He said he believed the NEPA process could be scaled down, but that part of that process was to look at alternates. He asked those present in the audience on this day how much pressure they had put on Coconino County or the City of Sedona to help pay for this issue. He asked why ADOT was not involved in it. He said he wanted to ask everyone present to help the Board lobby for a solution, and that he believed the Board should continue to work toward a regional solution. Supervisor Davis said the Board had committed \$165,000 to the Forest Service and he believed it should stick with that commitment but that the County should not pay any more money to the Forest Service. He said he did not see how the Board could support a short term solution of putting a bridge in at Red Rock Crossing because it would take all the other jurisdictions off the hook and leave the County with all of the liability. He said he would continue to try to obtain help from other jurisdictions, but that he could not, and would not, support simply putting a bridge at Red Rock Crossing as a solution to traffic problems in the area. In response to a question from Supervisor Brownlow regarding the possibility of a low water crossing, Supervisor Davis said that ADOT was considering a four to five year improvement program for Highway 179 and if the County put in a low water crossing everyone would use Verde Valley School Road as an alternate while highway work is being done. Chairman Feldmeier said he did not live in the Sedona area and the impact of new construction and the like would not affect him, but that he did not believe it was wise to walk away from the problem and blame Coconino County and ADOT. He said he knew from more than nine years of experience working with the ADOT Transportation Board that it would not commit funds to anything unless there is consensus. He stated that he was very frustrated with the situation, but that walking away from it was not a solution. He pointed out that he had received from the Sedona City Council materials about that entity's plans for managing growth and that one of the major components of growth management that the council had identified was support for construction of a bridge at Red Rock Crossing to provide an alternate route. Chairman Feldmeier said he believed the Board needed to move forward, and that he was not comfortable with the idea of a low water crossing because the Board would end up talking about a bridge again at some point in the future. In response to a question from Supervisor Brownlow, Mr. Holst said that the idea of a bridge at Red Rock Crossing had come to the fore because the Forest Service had told the County it could not just look at a low water crossing because doing so would not take into consideration growth in the area. Supervisor Brownlow noted that Sedona District Ranger Ken Anderson was the person who had told the Board it had to go through the NEPA process, and he asked why the Board was simply taking Mr. Anderson's word for that. Chairman Feldmeier said that was a good question that needs an answer. He said that a letter asking that question had been sent to Congressman

Bob Stump's office by the CFAR group and that he believed the Board would hear something from Congressman Stump. Supervisor Brownlow said he did not believe the Board should make a decision until it has the answer to that question, and that it should have had that answer years ago. Supervisor Davis said he believed the Board needed to consider who would benefit, and that the Board should continue with the NEPA process while continuing to lobby for help from other jurisdictions. He said if the people present on this day spent as much time trying to help as they spent trying to sabotage the Board's efforts, an alternate route would probably be under construction. Supervisor Brownlow asked Mr. Holst what the Board was after on this day. Mr. Holst responded that he did not have a clear indication at this point. Supervisor Brownlow referred to a letter from CFAR President Joe Sansing, saying he did not like Mr. Sansing's refusal to recognize Supervisor Davis and that if CFAR wanted to take Supervisor Davis out of the process they could take him out as well. He said that if CFAR wanted to recall him it should go ahead and do it, and that Mrs. Brownlow would probably be happy to carry recall petitions for them. Supervisor Brownlow said Mr. Sansing's letter had also stated that he hoped "we" would go ahead with Red Rock Crossing, and he asked if that meant that CFAR was willing to contribute some money for the project. He said he believed it was time for the Board to stop dealing with Ken Anderson and start talking to the Regional Forester's Office in Albuquerque, adding that if the County did not have to pay for the NEPA process it should not pay. Chairman Feldmeier acknowledged Supervisor Davis' concerns about other entities participating in funding, and asked if it would be possible to continue that effort through correspondence and conversation with those entities while asking the Forest Service about whether the NEPA process was truly necessary and allowing Congressman Stump to handle that for the Board. Supervisor Davis said he would like to keep moving forward, and that he believed the County Attorney's Office had advised the Board that it was necessary to go through the NEPA process. Mr. Schurr said it was the responsibility of the Forest Service to determine whether or not NEPA was necessary, and that it was the Forest Service, not the County, that must comply with NEPA. He said that at one point the Board had obtained a legal opinion from a law firm in Wyoming that specializes in this type of issue, and that the firm had indicated it did not know whether NEPA would apply in this case. He said if the County is considering a new route where no easement currently exists, it would result in a major disruption to the environment and that by proposing a bridge at Red Rock Crossing, the Board would be creating an alternate route with Verde Valley School Road. Mr. Schurr said the Forest Service has the right to approve a bridge design, but that it may not have the authority to approve a low water crossing. He said that whether the Board was considering a bridge or a low water crossing, there would be some degree of federal decision involved. He said that with a low water crossing, the Board could argue that it is necessary for local transportation and emergency needs and is not intended as an alternate route and that this should reduce the scope of the NEPA process. Supervisor Brownlow said he still believed that the County should get its money back from the Forest Service with the stipulation that if agreement is reached about a solution the County would participate, but that the County should get its money back now because it is needed for other things. Chairman Feldmeier said that a great deal of staff time had been spent on this issue and that it was burning holes in the County's wallet. He said the Board needed to give staff clear directions on where to go from this point. Supervisor Davis agreed that there were many other projects that could be moving forward, but said that he would like to make application to the Forest Service for an alternate route and continue working with ADOT and others for a solution. Chairman Feldmeier replied that he liked Supervisor Davis' intent

but was not comfortable with the direction and that a clear cut decision needed to be made. Mr. Schurr said that the County had submitted a bridge design and asked the Forest Service to approve it, and that it had also asked the Forest Service to look at the E-1 route. He said if the Board wanted to make the E-1 route a viable possibility, it would need to spend about \$100,000 for engineering. He said another possibility was to withdraw the bridge and submit a design for a low water crossing, but that the Board would have to be specific about what it wants the Forest Service to consider. Chairman Feldmeier said he was not willing to spend another \$100,000 for preliminary engineering on the E-1 route. Supervisor Brownlow said he did not know where the County could find the money for that. He asked how much the estimated cost was for the E-1 route. Mr. Straub responded that the estimate was somewhere between \$18 and \$20 million. Supervisor Davis rejoined that the Board was looking at spending millions to improve Verde Valley School Road if it became the alternate route. Chairman Feldmeier said that was true, but that the Board was in a situation where it needs to tell the Forest Service to move forward with the bridge or to pull that and go with a low water crossing. Supervisor Brownlow said the other option was to walk away. Mr. Schurr said the Board could do that and cancel the Memorandum of Understanding with the Forest Service and ask for the County's money to be returned. Supervisor Davis said he believed the Board needed to identify the issue as a regional problem which needs regional funding, saying that if the other jurisdictions involved would help in finding a solution the County would join in to share costs. Chairman Feldmeier said the Board could also inform those jurisdictions that it intends to move forward with a bridge or a low water crossing at Red Rock Crossing, or with the E-1 route, but that the County will not go out to bid until it has a financial commitment from those jurisdictions. Supervisor Brownlow said he did not believe the other jurisdictions would take the County seriously until it retrieves the balance of its \$165,000 from the Forest Service. Supervisor Davis suggesting leaving the money with the Forest Service and setting a time limit on obtaining commitment from the other jurisdictions. Chairman Feldmeier reiterated his belief that the Board needed to make a decision on this day regarding which of the three possible projects it intends to do. Supervisor Davis said he preferred the E-1 route because it would provide limited access and not go through existing neighborhoods. Supervisor Brownlow expressed concern about the estimated cost of that route. Chairman Feldmeier said he did not think any one of the three projects would result in a long-term traffic solution for the Sedona area and that because of that the Board should consider the least expensive solution at this time. Supervisor Davis said he was not going to put more traffic on Verde Valley School Road. Supervisor Brownlow said if he had to vote on this day, he could not vote for a route that would cost the County \$18 million. Supervisor Davis said that meant Supervisor Brownlow was voting "no" and that if the County put a bridge at Red Rock Crossing and put traffic onto a dirt road, there would be all kinds of problems. Chairman Feldmeier said he was asking for a decision on which project the Board wanted to do so it could ask other jurisdictions to participate. Supervisor Brownlow moved to request the County's money back from the Forest Service and let the local entities decide what they want to do. He said he knew this would put Supervisor Davis on the spot, but that this was a situation in which Supervisor Davis could not win and that he might as well retreat and let the local entities resolve it. Supervisor Brownlow said he believed the money the County would retrieve from the Forest Service should stay in the area for other road improvements, but to let the local entities resolve the issue of an alternate route. Supervisor Davis seconded the motion. Chairman Feldmeier restated Supervisor Brownlow's motion, saying it would result in the County asking for the balance of its \$165,000 back from the

Forest Service and pulling out of the process. He said that a part of him agreed with that idea, but another part of him felt that passing the blame onto another public entity was not the way to go. Supervisor Davis said he had not blamed anyone. He said the County was willing to provide a solution, but the community was split 50-50 on the issue. He said if Coconino County, the City of Sedona, and ADOT want solutions, the County could help. Chairman Feldmeier called for the vote. Supervisors Davis and Brownlow voted "Yes." Chairman Feldmeier voted "No." The motion carried by a 2-to-1 vote.

ITEM NO. 7.

Planning & Building Director Mike Rozycki. Planning and zoning. **Mr. Rozycki introduced to the Board his new Assistant Director, Enalo Lockard, and also noted that Planning & Zoning Commission member Howard Hawk was present on this day to represent the Commission.**

1. Special use permit for 100,000 gallon water storage tank, 5,000 gallon pressure tank and pump house with six-foot security fencing in R1L-18 zoning district, 406-46-489, Lot 695, Verde Village Unit 2, Cottonwood area, Don Ross agent for Cordes Lakes Water Company, #6699. **Consideration of a Special Use Permit in order to allow the installation of a one hundred thousand (100,000) gallon water storage tank, a five thousand (5,000) gallon pressure tank and pump house with six foot (6') security fencing on an approximately 18,000 square foot parcel in an R1L-18 (Single Family; Residential limited to 18,000 square foot minimum lot size) zoning district. Located on Lot 695 on the north side of Cactus Drive in the Verde Village Unit 2 Subdivision. The Planning & Zoning Commission recommended approval of the Special Use Permit with the following stipulations: 1) Use Permit approval on a permanent transferable basis subject to written notification of staff prior to transfer; 2) Site development to be in conformance with sit plan dated 3/28/98. Perimeter fencing shall be provided as depicted on site plan; 3) Visual screening to consist of 15 gallon pine trees, planted 10 ft. on center, to be located outside perimeter fencing, in a formation as depicted on the applicant's vegetative screening plan. Vegetative screening shall be maintained in a live state by the applicant; 4) All tanks and equipment to be painted a non-reflective earthtone color and no signage or company identification to be placed on the water tank; 5) Water tank hydrant fixture, for fire suppression equipment purposes, shall be provided by the applicant, per Verde Rural Fire District recommendations. No further sale or distribution of water from the site; 6) Pyracantha or similar planting shall be provided outside perimeter fencing. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis. No comments from the public. In accordance with a request from Mr. Rozycki, the Board acknowledged that the stipulation regarding screening would be clarified to provide that pine trees will be planted inside the fencing and pyracantha will be planted outside the fencing.**

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. Special use permit for 1,000,000 gallon water storage tank and 2,000,000 gallon water storage tank, with 18-foot high controlling antenna in M1-10A zoning district, 407-09-011E, west side of Highway 260 approximately seven miles north of Camp Verde and four miles south of Cottonwood, Michael Mongini agent for James Bullard, #6701. **Consideration of a Special Use Permit in order to allow the installation of a one million (1,000,000) gallon water storage tank plus a two million (2,000,000) gallon water storage tank, together with an eighteen foot (18') high controlling antenna attached to the water tank, for a total height of fifty feet (50') AGL (above grade**

level) on a two acre parcel in an M1-10A (Industrial General limited to ten (10) acre minimum lot size) zoning district. Located approximately three-fourths (3/4) of a mile west of Mile Marker 212 on the west side of Highway 260, approximately seven (7) miles north of the community of Camp Verde and four (4) miles south of the community of Cottonwood. The Planning & Zoning Commission recommended approval of the Special Use Permit with the following stipulations: 1) Approval on a permanent transferable basis subject to written notification of staff prior to transfer; 2) Site development to be in conformance with site plan dated 3/23/98. 3) Review and staff approval of a security fencing and visual screening plan, along with an emergency water containment/diversion plan, prior to issuance of a zoning clearance to allow development of the facility. Any vegetative screening shall be maintained in a live state; 4) All tanks and equipment to be painted a non-reflective earthtone color; 5) Antenna tower should be placed such that the entire reclining length of the tower will fall within the boundaries of the subject property in the event that the tower collapses; 6) The site shall not serve as a water company office site or equipment/vehicle storage site; 7) No signage allowed on site other than what is required by ADEQ. Approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Brownlow.

2. Ordinance Amendment, Administrative Extension of Time for Special and Use Permits, Planning & Zoning Commission, #6715. *(The Planning & Zoning Commission deferred action on this item until its April 22, 1998, meeting. No action required by Board of Supervisors.)*
3. Zoning map change from RCU-2A to PAD, Red Rocks, 407-23-003, Cornville area, James L. Sullivan, SEC, Inc. agent for Castlewood Development, L.L.C., #6709. *(At the request of applicant, this item was postponed and not considered by the Planning & Zoning Commission. It is tentatively scheduled for hearing with the Commission on May 6, 1998. No action required by Board of Supervisors.)*

ITEM NO. 8. Environmental Services Director Alex Price. Consider partial privatization of alternate system reviews. **Mr. Price told the Board that effective April 22, 1998, a three-quarters time employee would be leaving his department and that he was looking at privatizing that employee's responsibilities. He said this would involve his department continuing to take in permits, but sending them outside for engineering reviews. He said his department would still maintain control of approvals to operate and final site inspections, and that he believed this would result in a lower fee to the public, possibly saving individuals \$20 to \$30 per project. There was brief discussion about setting the privatization up in such a way that engineers are paid on a flat fee basis instead of an hourly basis, after which Supervisor Brownlow moved to approve Mr. Price's request. Supervisor Davis seconded the motion, which carried by unanimous vote.**

ITEM NO. 9. Hearing: Needs assessment and benefit plan for proposed implementation of impact fees in the unincorporated areas of Yavapai County; and consider setting hearing for final adoption of impact fee ordinance on May 18, 1998, at 10:00 a.m. **Participating in discussion were Planning & Building Director Mike Rozycki and Verde Valley residents Lee Marthow, Ruth Kane, Earl Robbins, Rob Windham, Bob Koch, Frances Morgan, Ray Lyes, and Jim Cody. Mr. Holst gave an explanation of what staff had done in developing the impact fee proposal being considered by the Board, and provided a map showing the proposed benefit areas. Mr. Rozycki summarized the proposed ordinance, saying that it would apply only to new development in the unincorporated areas of the County and that there were provisions included for sub-benefit areas which would require the same process of public hearings and Board action required to implement the ordinance. In**

response to a question from Supervisor Brownlow, Mr. Rozycki said the proposed impact fee had been devised on the idea of impact to roads, and was not in any way related to tax assessment of property. Mr. Holst said that the impact fee would be used in conjunction with the half-cent sales tax revenue that is currently being used for regional road construction. Supervisor Brownlow said he thought the impact fee should be the same for both benefit areas, saying it costs more per mile to maintain roads in the Verde than it does in the western part of the County. Mr. Holst said that one of the reasons for making the fee a percentage of project costs is that it would provide a direct relation to projects. During brief discussion regarding the amount of the proposed fee for each area, Mr. Schurr said the Board must consider the fact that people who reside in cities and towns will also be using the regional roads but will not be paying an impact fee. He said those people would, however, be paying County sales tax and that the Board could look at that in determining what percentage fees should be. Mr. Holst said the County would also be pursuing participation from cities and towns for road projects, and that Jacks Canyon Road, Verde Valley School Road, and a Sedona Alternate Route were not included in the overall costs for projects in the Verde Valley. Mr. Marthow said he believed the Board had already made its decision to implement impact fees and that most of the people who would be affected by the fees were not present on this day. He questioned how the County sales tax had been "sold" to the public, and said the Board should schedule a hearing when people who will be affected by the fees can attend. Chairman Feldmeier said the Board had no problem having another hearing, noting that the County is the fastest growing non-metropolitan county in the country and the Board is merely seeking ways to provide infrastructure for that growth. In response to a comment from Mr. Marthow, Chairman Feldmeier said that if there was no new growth coming into the County, everything could stay as it is now and there would be no need for fees. Ruth Kane said she believed the Board needed to have hearings that would be convenient for everyone, and she said that if one added together projected costs for improvements to Cornville Road and Beaverhead Flat Road, the total amount would be approximately what it would have cost to solve a problem the Board had dealt with earlier on this day. Mr. Robbins suggested raising the sales tax instead of implementing impact fees, saying in that way everyone would pay. Mr. Windham said the fee the Board was considering was close to what he had paid for lots in Lower Oak Creek Estates, and that he would have to pass those costs onto the people who rent dwellings from him. He referred to the impact that tourists have on roads, saying that now he would be required to pay impact fees in addition to sales tax. He said he would like to see tourists pay for new roads, and that if the people couldn't even get a bridge over Red Rock Crossing what assurance was there that any of the projects identified for construction using the fees would ever become reality. He said the County had not spent any money in the Verde Valley. Chairman Feldmeier noted that the County had just spent \$1.5 million on Cornville Road, and said that if the area ended up with gridlock due to a lack of infrastructure, it would discourage people from coming here. Mr. Windham suggested adding another half-cent to the sales tax. Mr. Holst said he wanted to ask the Board what amount it was considering for an impact fee, saying he believed if the Board could reach agreement on a maximum amount it would be helpful. Chairman Feldmeier said that what had been discussed at the April 16, 1998, hearing was not exceeding the 50% figure, and that he felt comfortable at this point saying that if the Board decided to implement an impact fee, it would not exceed the 50% figure. Mr. Koch encouraged the Board to find another way instead of impact fees. Ms. Morgan said she owned lots in Verde Village and Lower Oak Creek Estates, that she was not a newcomer, and that she should not have to pay impact fees when she builds on her lots. She said that only the opening of new lands should be subject to an impact fee, not those that have already been subdivided. Mr. Lyes said he had just moved to the area from

Michigan and planned to build a home in Camp Verde, but if he had known there would be an impact fee he would not have moved to Yavapai County. He said he agreed that tourists should be made to pay for road improvements. Mr. Cody suggested the Board raise the sales tax instead of having an impact fee, saying that an impact fee would just hurt the small builders. He said he believed that by increasing the sales tax, more would be collected from the large developments that have a greater impact than the smaller builders. In response to a question from Supervisor Brownlow, Mr. Hunt said the reason the fee was being proposed per dwelling unit was that there is no relationship between the size of a dwelling unit and the impact it has on roads. Mr. Holst provided the Board with information showing the possibilities for a 20-year program and a 15-year program. He said the Board could also consider not transferring \$1 million of the sales tax revenue into the HURF fund and not allocating sales tax revenue for a property tax reduction. There was brief discussion about increasing the sales tax, during which Mr. Holst said raising it would require voter approval. Supervisor Davis said Yavapai County was the fastest-growing non-metropolitan county in the nation and also has one of the lowest property taxes. He said he was concerned about increasing the sales tax because of what it would do to business, and that the Board was only trying to minimize the negative impacts to County residents while maximizing its ability to keep up with needs. He said he would like to hear solutions from the public, but that the Board would have to consider whether any of those solutions could be implemented from a legal standpoint. He said there were other entities in the state and County that have impact fees. Mr. Rozycki said the City of Prescott has an impact fee of \$1,700 plus buy-in fees for water and sewer, with the total amount being \$4,000 to \$5,000 depending upon the number of plumbing fixtures in the house. Supervisor Davis pointed out that HURF monies are only used for maintenance, and told those present that none of the Board members had decided anything yet and did not want to put a burden on anyone. Chairman Feldmeier said that because of the need for additional public hearings, the proposed fee, if approved, would probably not go into effect until September.

ITEM NO. 10. County Administrator Jim Holst. Update on 1998-99 budget issues. Mr. Holst told the Board that requested program changes total \$3.5 million and include requests for 61 new positions. He said that the proposed property levy of \$17,883,500 would result in a 5 cent decrease in the County's primary tax rate from \$1.80 to \$1.75, and that \$750,000 was available for salary increases. Mr. Holst said the total proposed budget is approximately \$106,731,615 and that approximately \$726,000 appears to be available for funding program changes.

ITEM NO. 11. Study session for discussion only of 1998-99 proposed departmental budgets:

1. Planning & Building Department. Planning & Building Director Mike Rozycki presented his budget requests, noting that the County had experienced strong growth and he did not see that changing much for the next budget year. He said he had tried to fill vacant positions and to reorganize and improve customer service. He said he had asked for some additional positions because he had been unable to meet time frames and provide services with current staffing levels. Mr. Rozycki told the Board that although it was hard to say exactly what effect a declaration of water mining in the Prescott AMA might have, he was anticipating a rush on permits. He said a number of large projects were also planned for the Verde Valley, and that his department had spent more time in the last year notifying the public of proposed changes and the like. Chairman Feldmeier said the Board needs to recognize that when it makes changes it puts more pressure on departments. There was brief discussion about whether it might be possible to subcontract for some services currently being performed in-house, and discussion regarding the need to replace

personal computers in preparation for the year 2000. There was also brief discussion about possible adoption of the 1997 edition of the Uniform Building Code during the next budget year; about the possibility of locating a zoning inspector in the Black Canyon City area; and about addressing efforts.

2. Resolve into Board of Directors of Yavapai County Flood Control District to consider proposed 1998-99 District budget. **Reference: Special District minutes.**
3. Resolve into Board of Supervisors. Engineering/Roads/Solid Waste/Emergency Services. **Public Works Director Richard Straub and Contracts Administrator Juanita Barnett participated in discussion. Mr. Straub said it appeared that there would be about \$20 million worth of projects in the next year's budget. He told the Board he was trying to put together a new and unique kind of management team with a "can do" attitude, and that more work would be done in-house including right-of-way acquisitions and survey work. He said that ADOT continues to look at the County as the lead agency for road projects and that ADOT had expressed interest in having the County handle its safety improvement projects on state highways because that agency is unable to get the work done in a timely manner. Mr. Straub said that 1998-99 would see the start-up of the biggest road program the County has ever undertaken and would include work on Pioneer Park, Willow Creek Road and the Airport Connector. He said the County also has about \$200,000 worth of bridge deficiencies to deal with and that this must be done immediately. He said he was going to be more aggressive with regard to contracted equipment and that he would be developing a program for the use of the millings the County will receive, which included the possibility of converting a screening plant to allow millings to be put down with oil. He said the County would receive about 200,000 tons of millings and that this would allow for surfacing about 70 miles of roads. He said maintenance would be stressed more than in the past. Ms. Barnett said the cooperative program was going very well. There was brief discussion regarding Emergency Services needs for the next budget year.**

CONSENT AGENDA FOR BOARD OF SUPERVISORS: All items were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Brownlow. No comments from the public.

1. Liquor license for which there are no protests and which is approved by the Sheriff: Series 6 Person Transfer, Samoth Sedona Hotel, L.L.C., Village of Oak Creek area, Paul Poer.
2. Appoint Bill Cowan to replace Lynn Ridell as a member of the Yavapai County Trails Planning Committee for District 3, Rimrock area.
3. Note removal of the following individuals as precinct committeemen due to relocations, as advised by Republican Committee of Yavapai County: Alan Hohn, Copper Basin Precinct; Robert Sears and Phyllis Sears, Country Park Precinct; James H. Pennington, Taylor Hicks Precinct.
4. Request from Bagdad-Yarnell Justice Court for permission to transfer \$3,234 from Regular Salaries to Temporary/Overtime Salaries due to employee being on Family Medical Leave.
5. Request from County Attorney, Victim Witness Division, for approval of proclamation declaring the week of April 19-25, 1998, as Yavapai County Victim Rights Week.
6. Request from MIS Department for permission to transfer \$13,000 from HTE Training to Data Processing Equipment and \$11,500 from HTE Training to Software.
7. Request from Board of Supervisors for permission to purchase copy machine for Cottonwood Board office, at cost of \$1,074.99 to be paid from Contingency.
8. Requests from Public Works Department:
 - a. Consider accepting petition to establish Bumble Bee Road, Black Canyon City area, as County highway and set hearing for May 4, 1998, at 9:00 a.m.
 - b. Transfer \$600 from Temporary/Overtime Salaries in account 5020-06 (Bagdad), Fund 209, to account 5020-00, Fund 209 (Administration).

- c. Consider approval of extension of Authorization of Services #961250 with Rust Environment & Infrastructure, for "Mingus Avenue Extension." No additional fees required. (Half-cent sales tax project).
- d. Accept portion of Date Creek Drive, Castle Canyon Mesa, as a co-op project for placement of chip seal material.
- 9. Requests from Health Department:
 - a. Approve transfer of \$4,300 from Permanent Salaries to cover hourly nursing staff covering for vacancies and illness.
 - b. Approve amendments to University of Arizona Center on Aging contract.
- 10. Requests from General Services:
 - a. Permission to obtain title report and satisfy outstanding liens, Lot 56, Holiday Hills, Prescott area.
 - b. Transfer \$37,500 from Contingency to MIS-Software account for ORACLE Database software and transfer \$34,500 from Contingency to MIS-Software account for software licenses.
 - c. Approve Change Order #2 with GoForth Building Corporation for Courthouse Remodeling Project, +\$8,005.30.
 - d. Allocate \$200,000 for purposes of matching Juvenile Probation state grant for juvenile detention expansion.
- 11. Consideration and adoption of a resolution approving the issuance of \$20,000,000 aggregate principal amount of Industrial Development Revenue Bonds, 1998 Series (Citizens Utilities Company Project), of The Industrial Development Authority of the County of Yavapai.
- 12. Sponsor Norm Tessman, Senior Curator for Sharlot Hall Museum, as a volunteer in reapplying to Save Outdoor Sculpture for a grant for assessment of the condition of the Bucky O'Neill Statue located on the Courthouse Plaza.
- 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, Seligman Sanitary District.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,648,225.92	Family Planning	3,223.34
Fam Plng Fees	271.64	Home Health Ser	13,048.49
Health Promotio	2,585.34	Nutrition	2,273.34
T.B. Control	467.78	W.I.C. Program	11,504.70
Jail Enhance	6,382.18	Diversio Intak	7,187.94
Juvenile IPS	9,648.18	Famiily Councel	1,244.75
Juv Food Prog.	569.08	Court Oblig Pro	500.00
Probation Ser	3,562.25	Adult IPS	27,656.99
Adult Prob Fee	9,046.76	Prob. Enhance.	24,088.42
Stor/Ret Conv	17,359.48	Indigent Def/Dg	2,588.44
Crim Just/Atty	3,879.74	Bad Check Prog	4,429.23
Juv Prob Svs	1,169.34	Commodity Fd	636.60
Azeip Case Mgmt	1,644.54	Sex Trans Disea	591.35
Hi Risk Chld Hl	1,403.60	Clerk's Storage	950.18
HIV Prevention	1,262.52	Atty Anti-Rack	620.16
P.A.N.T.	3,376.42	Law Library	1,609.78

C.A.S.A.	3,298.20	Case Process.	3,204.57
Childrens Justi	97.75	Teen Prenatal E	586.38
Azeip Coordin	445.94	Vict Witns Prog	13,620.09
Court Enhanceme	5.00	Concil Court	1,911.24
YCT Wellness Pr	18,111.74	Drug Enf Fndg	1,254.37
Vital Statistic	690.77	COPS Universal	3,248.85
Recycl Educ Pro	12.25	Yav Indian Agre	1,690.10
Hassayampa/LTC	2,980.21	Dietetic Intern	3.36
Immuniz Service	1,801.56	Subs Abuse/DARE	355.41
Chem Abuse	164.10	Juv Det/PACE	4,323.20
Special Program	8,699.71	Sm Schools ECIA	1,007.90
Sm Schools BEHA	5,240.71	Public Works	227,042.98
Health Fund	58,897.84	Jail Commissary	4,192.68
Yav Cemetery As	50.99	Environ Svcs Di	13,862.65
W Yav Sol Waste	41,073.93	V V Solid Waste	6,204.34
Develop Clinic	717.90	Tire Recycle	7,992.21
Haz Mat Plng Gr	2,751.41	N C H I P	89.36
Safe School Pro	4,362.06	Adhs-Svc Coord	282.24
Famly Law Comm	2,345.67	Comm Punish Pro	1,973.22
Pace Chapter 1	44.67	Regnl Road Proj	32,639.17
Contrib S.O.	379.45	Health Start	3,473.23
Gov Hiwy Safety	1,792.10	Victim Comp	4,353.81
Intst Comp Prog	2,062.16	Ryan White II	573.89
COPS More	2,136.97	Perinatal Block	2,130.75
Tobacco Educ	6,852.49	COPS Fast	3,380.07
Equal Ad Det Ed	66.99	ALTCS	990,020.60
D. T. E. F.	8,363.91	Netwk Tch Updat	503.82
CJEF/Children	641.21	Resid Care Home	104.37
Perintl Subs Ab	118.40	Attendant Care	11,607.84
HIV/CT	559.31	Netwrk Develop	6,862.03
HIV Targeted	162.88	Child Sup & Vis	740.44
Case Flow	1,593.13	Court Automat	1,837.70
COPS Hiring	2,220.48	Domestic Violen	1,688.66
JTSF Treatment	2,622.25	Divrsn Consequ	735.45
Capital Proj	147,412.61	Sedona DSN&CONS	5,535.00
Sedona Muni Apr	6,270.00	Sedona Airport	14,895.00
Fair Assoc	15.66		

In addition, payroll was issued on April 10 for the pay period ending April 4; warrant numbers 25355482 through 25355489 and 25355491 through 25356014, in the amount of \$321,503.02. Jury Certificates were also issued, warrant numbers 834619 through 834697. Warrants issued for April 20 Board day; 81574 through 81583; 81591 through 82015; 82020 through 82026; 82034 through 82437. 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